

In the Matter of:

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

ET-2021-0151, VOL. III

October 19, 2021



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BEFORE THE PUBLIC SERVICE COMMISSION

STATE OF MISSOURI

TRANSCRIPT OF PROCEEDINGS

EVIDENTIARY HEARING

October 19, 2021

HEARING VIA WEBEX

Volume 3

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 Silvey,
CHAIRMAN,
Scott T. Rupp,
Maida J. Coleman,
Jason R. Holsman,
Glen Kolkmeyer,
COMMISSIONERS.

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P R O C E E D I N G S

1
2 JUDGE GRAHAM: Today is October 19th, 2021. We
3 are set to resume the hearing that we adjourned on October
4 13th in the case of in the Matter of the Application of Evergy
5 Metro, Inc. d/b/a Evergy Missouri Metro for Approval of a
6 Transportation Electrification Portfolio. That file, of course,
7 was consolidated with ET-2021-0269. This file -- the lead file
8 is ET-2021-0151. We already took entries of appearance in the
9 case. I just want to take roll and see who we do have with us
10 at this point in time. I'll just go down my list.

11 Do we have someone -- I believe we do have
12 someone from the Office of Public Counsel?

13 MR. CLIZER: Yes, Your Honor. John Clizer for
14 Office of Public Counsel. Thank you.

15 JUDGE GRAHAM: Yes, and thank you for stating
16 your name. Let's be reminded, all of us, not just the
17 witnesses, but the attorneys as well, to state your name when
18 you begin to speak.

19 Do we have somebody from ChargePoint today?

20 MR. DUNBAR: Yes. Good morning, Judge Graham.
21 Scott Dunbar is here on behalf of ChargePoint.

22 JUDGE GRAHAM: Thank you, Mr. Dunbar. Do we
23 have someone for Evergy Missouri Metro and Evergy Missouri West?

24 MR. FISCHER: Yes, Judge. This is Jim Fischer
25 and I think also on the line is Roger Steiner and our team in

1 Kansas City.

2 JUDGE GRAHAM: Thank you very much.

3 MR. STEINER: Judge, this is Roger Steiner.
4 We're actually having -- some of our team is having trouble
5 signing on. Is there a password that we need? I am able to
6 sign on, but other people aren't.

7 JUDGE GRAHAM: Let me go and see how I did it,
8 which may or may not work for other people. I don't know why it
9 wouldn't. I am on by telephone because that is the least
10 problematic for me. The phone number that I use is
11 1-650-479-3207 and then there's a PIN or whatever you want to
12 call it. If you'll take this down it's longer. It's
13 24618010821. Then you hit the hash mark. It asks again for you
14 to enter a meeting number, if you will just hit the hash mark
15 again, you will come on.

16 Now, my IT department has been listening to me
17 talk and they have just sent me a message that -- I don't know
18 if it's apropos, I am assuming it is. Let me -- if you bear
19 with me, I will get over to it. It looks like I am told -- they
20 just sent me a number 0151.

21 MR. STEINER: So that might be the Meeting
22 Number, 0151?

23 JUDGE GRAHAM: Well, there's a meeting -- also
24 told in a different context -- and I just told you -- is that
25 Mr. Steiner talking?

1 MR. STEINER: It is.

2 JUDGE GRAHAM: Mr. Steiner, I told you I got on
3 through my telephone.

4 MR. STEINER: Yeah.

5 JUDGE GRAHAM: The Meeting Number -- let's start
6 again if we're going to use a different portal. The Meeting
7 Number is 24618010821. I'm going to read that again because I
8 fouled it up. 24618010821. Then after that, there is a
9 password, 0151.

10 MR. STEINER: All right. We will try that.

11 JUDGE GRAHAM: Okay. Well, let's proceed and if
12 we continue to have problems we will address them.

13 Now, we have not completed our roll with
14 attorneys. I know that Liberty was -- go ahead Mr. Steiner.

15 MR. STEINER: I'm sorry. I should have been
16 muted.

17 JUDGE GRAHAM: Okay. I don't know if anybody
18 here is here from Liberty. I know Diana Carter is their -- is
19 there anyone here from Liberty? Anyone here from Midwest Energy
20 Consumer Group?

21 MR. WOODSMALL: Good morning, Your Honor. David
22 Woodsmall for MECG.

23 JUDGE GRAHAM: Good morning, sir. All right.
24 Natural Resources Defense Council?

25 MS. RUBENSTEIN: Good morning, Your Honor.

1 Sarah Rubenstein from NRDC as well as Sierra Club.

2 JUDGE GRAHAM: Yes. I was thinking you might be
3 here for Sierra Club as well.

4 MS. RUBENSTEIN: Yes.

5 JUDGE GRAHAM: Renew Missouri?

6 MR. OPITZ: Good morning, Judge. Tim Opitz for
7 Renew Missouri.

8 JUDGE GRAHAM: Anyone here for Spire today?
9 Anyone here for Ameren today? Have I missed anyone?

10 MS. MERS: Judge, Nicole Mers is on for Staff.

11 JUDGE GRAHAM: I don't know why I have just
12 included Staff from this hearing. Let me --

13 COMMISSIONER HOLSMAN: Judge, this is
14 Commissioner Holsman as well.

15 JUDGE GRAHAM: Good morning, Commissioner.
16 Welcome. Before we resume, and I believe that Staff is up with
17 its next witness Claire Eubanks, but before we proceed with
18 testimony, are there any preliminary matters that we should
19 address although we are in the midst of a hearing, but we've
20 been through a long week. Anything I need to address or that
21 the Commission needs to address before we start out with the
22 witnesses? Okay.

23 I will tell you now and I will repeat at the end
24 of the hearing and I may very well issue an order because of the
25 exhibits and the way that they did come in last week and because

1 I was receiving exhibits by email from several of you after we
2 stopped the hearing last week. That I will be asking you to get
3 together and prepare a joint list of exhibits which you-all
4 agreed that were offered and accepted into evidence into the
5 record. I will repeat that request at the end of this hearing,
6 but I'm giving you a heads up now about it so that you can be
7 thinking about it with the issues that we've had because of
8 WebEx and so forth, I want to make sure we do housekeeping a
9 couple of things on there before we go away.

10 That was the only preliminary matter at this
11 point that I had down to address here. Is Staff prepared to go
12 forward at this time with their witnesses and, specifically, I
13 believe with Claire Eubanks?

14 MS. MERS: Yes. We are, Your Honor.

15 JUDGE GRAHAM: Okay. Well, why don't you
16 introduce Ms. Eubanks and after you do, I will have her state
17 and spell her name then I will administer the oath.

18 MS. MERS: Your Honor, the Staff calls Claire
19 Eubanks to the stand.

20 JUDGE GRAHAM: All right, Ms. Eubanks, can you
21 hear me?

22 THE WITNESS: I can. Can you hear me?

23 JUDGE GRAHAM: I can. If you will spell your
24 name, then we'll administer the oath.

25 THE WITNESS: Claire Eubanks, C-L-A-I-R-E,

1 E-U-B-A-N-K-S.

2 JUDGE GRAHAM: All right. Ms. Eubanks, if you
3 will raise your right hand, I will swear you in.

4 (Witness sworn.)

5 JUDGE GRAHAM: Counsel, you may proceed with
6 your questioning.

7 CLAIRE EUBANKS, having first been duly sworn, testified as
8 follows:

9 DIRECT EXAMINATION BY MS. MERS:

10 Q. Ms. Eubanks, where are you employed and in what
11 capacity?

12 A. I am employed with the Missouri Public Service
13 Commission as the manager of the Engineering and Analysis
14 Department.

15 Q. And are you the same Claire Eubanks that
16 prepared or caused to be prepared the portions of the Staff
17 rebuttal report marked as Exhibit 100 in public and confidential
18 forms?

19 A. Yes.

20 Q. Do you have anything you wish to correct in your
21 testimony?

22 A. I do. On Page 25, Line 9 there is a rule
23 reference that I would like to correct. It should read
24 20 CSR 4240-20.05(2)(C).

25 Q. And is that the only change that you wish to

1 make?

2 A. Yes.

3 Q. And with that change in mind, if I asked you
4 those questions today would your answers be the same?

5 A. Yes.

6 Q. And with the change, is the information in that
7 document true and correct to the best of your knowledge and
8 belief?

9 A. It is.

10 MS. MERS: Your Honor, Staff is going to hold
11 off on offering the Staff rebuttal report until all contributing
12 staff members have taken the stand, but we will go ahead and
13 tender Ms. Eubanks for cross at this point.

14 JUDGE GRAHAM: All right. Counsel, be reminded
15 I believe that you did the same thing with your last witness
16 with Sarah Lange.

17 MS. MERS: Yes.

18 JUDGE GRAHAM: With respect to your exhibit, you
19 did not offer it.

20 MS. MERS: Yeah.

21 JUDGE GRAHAM: I'm just pointing that out for
22 housekeeping purposes.

23 MS. MERS: Okay. Thank you, Judge.

24 JUDGE GRAHAM: Okay. I believe the order of
25 witnesses pursuant a filed agreement reached by counsel in this

1 case indicates that the Office of the Public Counsel will take
2 their cross-examination of Ms. Eubanks first. Is OPC ready to
3 proceed with cross?

4 MR. CLIZER: We are, Your Honor. Thank you.

5 JUDGE GRAHAM: Yeah. What you may proceed,
6 Mr. Clizer.

7 MR. CLIZER: John Clizer on behalf of the OPC.

8 CROSS-EXAMINATION BY MR. CLIZER:

9 Q. Good morning, Ms. Eubanks?

10 A. Good morning.

11 Q. Do you have a copy of Staff's rebuttal report in
12 front of you?

13 A. I do.

14 Q. Can you turn to Page 29 for me?

15 A. Yes, I am there.

16 Q. Could you just first verify for me that you are
17 the party responsible for the development of Table 7?

18 A. I am.

19 Q. And just for the record, is it correct to say
20 that Table 7 represents potential cost estimates for the
21 additional 72 charging stations that Evergy has not identified;
22 is that correct?

23 A. So they had not identified any locations of any
24 charging stations, save the streetlight project. But this table
25 presents the 72 stations they didn't identify any for.

1 Q. Okay. And it is the cost of building those
2 stations? I just want to make sure I understand what the table
3 is?

4 A. Yes, and also, you know, line extensions.

5 Q. So my question to you very simply is: Is it
6 accurate to say that this table, there's distribution costs
7 which may not be included in this table?

8 A. In Staff's estimate?

9 Q. Correct?

10 A. Yeah. So Staff used the information that Evergy
11 provided in their workpapers to develop this table to provide a
12 range for the Commission to see what those 72 stations could
13 possibly cost. So my understanding is there's some limited
14 facilities upgrades included in Evergy's estimates based on
15 their experience with the Clean Charge Network, but certainly
16 what they provided in workpapers was a range of costs. So to
17 the extent, you know -- there could be potential costs that are
18 not accounted for because the site locations are not known.
19 Does that help?

20 Q. That does help. Thank you very much. That was
21 my only question.

22 MR. CLIZER: Thank you, Your Honor.

23 JUDGE GRAHAM: Thank you. Let me get back to my
24 list here. I see that MECG is the next party up for
25 cross-examination.

1 MR. WOODSMALL: No questions. Thank you, Your
2 Honor.

3 JUDGE GRAHAM: Thank you, Mr. Woodsmall. Does
4 Sierra Club or NRDC have questions for the witness?

5 MS. RUBENSTEIN: No questions, Your Honor.
6 Thank you.

7 JUDGE GRAHAM: Renew Missouri, any questions?

8 MR. OPITZ: No questions. Thank you, Judge.

9 JUDGE GRAHAM: Thank you. Does ChargePoint have
10 any questions?

11 MR. DUNBAR: No questions. Thank you.

12 JUDGE GRAHAM: Thank you. I show that the
13 others -- let's go to Evergy. Does Evergy have questions for
14 this witness?

15 MR. FISCHER: No, thank you, Judge. This is Jim
16 Fischer.

17 JUDGE GRAHAM: Right. Mr. Fischer, I believe
18 you said you have no questions?

19 MR. FISCHER: That's correct. Thank you.

20 JUDGE GRAHAM: Thank you. Are there questions
21 from any of the commissioners? Okay. I have just a few.

22 QUESTIONS BY JUDGE GRAHAM:

23 Q. Ms. Eubanks, we need some help clearing up some
24 things about some terms here. Are you familiar with the term
25 NEMA 14-50? Do you know that phrase? N-E-M-A. The numbers are

1 14-50?

2 A. Yes. I am familiar with that term.

3 Q. All right. Thank you. MS. Eubanks, can you
4 confirm that NEMA, N-E-M-A, stands for the National Electrical
5 Manufacturers Association?

6 A. That is my recollection. Yes.

7 Q. Okay. And are you able to tell us what a NEMA
8 14-50 is?

9 A. So I --

10 Q. And what --

11 A. Go ahead.

12 Q. Are you able to -- I'm sorry. I didn't mean to
13 step on you there. Are you able to tell us what it is?

14 A. Yes. So it is referring to the type of outlet
15 that -- to the best of my recollection, that Evergy is proposing
16 for one of their rebates. And I guess a good way to think of it
17 is similar to an outlet that you would install for a dryer in
18 your home.

19 Q. Is there a difference in the way that it is
20 configured physically and the prongs or something like that
21 like? So we can envision?

22 A. Sure. You are familiar with a regular plug
23 where you will charge your cell phone and that has two prongs.
24 So where you plug in your dryer there's usually, you know, three
25 prongs.

1 Q. Okay. I'm familiar with that. Are you asking
2 the question now? I will answer them as long as I know the
3 answer. Were you going to differentiate a NEMA from what we
4 might think of as an ordinary, let's say dryer or air
5 conditioner plug?

6 A. So I think the distinction would be the -- not
7 just NEMA because is an organization. So it's the whole phrase
8 the NEMA. And I'm sorry, I think it's 50P; is that correct?

9 Q. 14-50, the number.

10 A. 50?

11 Q. NEMA 14-50.

12 A. 14-50. I apologize. So it is the whole phrase
13 would be what you want to clarify.

14 Q. Yes, please.

15 A. So I do not know the NEMA rating off the top of
16 my head for a regular outlet plug.

17 Q. Okay. Well, I think you helped here. Let me
18 say this and you tell me I'm wrong, if I've got this wrong. But
19 NEMA refers to your recollection to the National Electrical
20 Manufacturers Association on the one hand. And on the other
21 hand the term NEMA 14-50 actually refers to a design?

22 A. Yes, a specific type of plug.

23 Q. Type of -- design or -- this is a rating. But
24 this may be manufactured by a number of manufacturers. Is that
25 a fair statement? Have I got it right?

1 A. Yes, it would be an outlet manufactured by
2 multiple manufacturers.

3 Q. Okay. Thank you very much. I understand that
4 NEMA 14-50 outlets are used for electrical vehicle charging.
5 Can they be used for anything else, if you know?

6 A. It could be used for other -- you know, they're
7 very similar to your dryer plug that you would have in your
8 home.

9 Q. So other appliances could be hooked up to a NEMA
10 14-50 outlet; is that right?

11 A. That is my understanding, yes.

12 Q. Okay. Well, thank you for the clarification on
13 some terminology here.

14 A. Sure.

15 Q. Now turning a different direction. If the
16 Commission were to support a Residential Electrical Vehicle
17 Outlet Program, are you able to tell us why doesn't Staff
18 support ChargePoint's recommended modifications to the program
19 to require rebates be based on either the purchase of an
20 electrical vehicle charging unit or a NEMA outlet? Are you able
21 to address that question?

22 A. So Staff witness Sarah Lange is the witness who
23 supported Staff's report on the program designs. So that
24 question would be better answered by Ms. Lange.

25 Q. By Ms. Lange. All right. Any other witness

1 that we could direct that question to? She has testified.

2 A. Yes. Possibly Robin Kliethermes also.

3 Q. Thank you very much. Aside from anything
4 already mentioned, if that the Commission were to approve an
5 Electrical Vehicle Pilot Program, what do you think would be
6 useful data or metrics for the Commission and stakeholders to
7 get from the pilot and what terms or requirements for the pilot
8 would help get that information? Could you address that
9 question?

10 A. Yeah, briefly. So Staff has stipulated in other
11 cases such as Ameren's electrical vehicle portfolio ET-2018-0132
12 and that had a number of things that Staff was -- and parties in
13 that case were interested in learning from that program. So I
14 would suggest that as an example.

15 Q. Are you referring us to the Staff's report on
16 this?

17 A. No. I believe it was in the stipulation and
18 agreement.

19 Q. The stipulation and agreement. I'm sorry. I'm
20 having a moment here. What stipulation and agreement are you
21 referring to?

22 A. In Case Number ET-2018-0132.

23 Q. All right. That's what you would refer me to --
24 or refer the Commission to?

25 A. Yes.

1 Q. Okay. Now for the transportation network
2 proposal, does Staff have any recommendations on conditions or
3 requirements that should be added in order to ensure that Evergy
4 works with rideshare providers? Are you able to address that
5 question?

6 A. So Evergy's proposal in this case was to
7 dedicate some of the CCN, Clean Charge Network, stations for
8 rideshare programs. They have not identified any rideshare
9 programs -- or rideshare companies that they intend to work with
10 for those charging stations and they haven't really made it
11 clear as to, you know, are those charging stations only used by
12 rideshare companies and, you know, what the program structure
13 would be. So, I mean, it is difficult for Staff to make a
14 recommendation to the Commission because there's really nothing
15 there except that there would be four stations and they would be
16 for rideshare companies.

17 Q. All right. That's fair. Thank you. Now for
18 the highway corridor program, are there location requirements or
19 conditions that should be added to the pilot program in order to
20 avoid redundancies with sites elected by Electrify America or
21 DNR's VW settlement program. Are you able to address that
22 question?

23 A. So Evergy's proposal in this case has two pieces
24 that refer to highway corridors. One piece is the actual
25 highway program that would be utilized for third-party

1 installers, not owned by Evergy. And then, also they proposed
2 to use part of the Clean Charge Network cap towards highway
3 corridor stations. So, I think you were asking about the
4 program and not the clean network stations.

5 Q. Yeah. Right.

6 A. And Staff witnesses Sarah Lange and Robin
7 Kliethermes are more familiar with the program designs.

8 Q. Thank you very much.

9 JUDGE GRAHAM: All right. Thank you very much.
10 That is all the questions that I have. Let's go back now and
11 see whether on the basis of my questions whether there's any
12 further recross. Any recross here. Does OPC have any further
13 questions for this witness?

14 MR. CLIZER: Very briefly, Your Honor. Yes.
15 Again, Clizer for OPC.

16 JUDGE GRAHAM: Go ahead and proceed Mr. Clizer.

17 RECROSS EXAMINATION BY MR. CLIZER:

18 Q. That last question you were asked, Ms. Eubanks,
19 regarding the location or other parameters, you addressed it in
20 terms of the rebate program. Has Evergy identified any location
21 or parameters related to the CCN network expansion -- the CC
22 Network expansion?

23 A. Sure. They identified preliminary sites that
24 could possibly work for the highway corridor Clean Charge
25 Network locations. Several of those sites were potentially

1 outside of their service territory, but you know, there's not a
2 specific, you know, street crossing or piece of property
3 identified at this point in time. Does that answer your
4 question?

5 Q. I believe it does. Thank you. And is there
6 anything in place currently that would prevent redundancy from
7 federal funding related to the Clean Charge Network expansion?

8 A. I don't believe so. No.

9 MR. CLIZER: Thank you. No further questions.

10 JUDGE GRAHAM: Thank you, Mr. Clizer. Does
11 Sierra Club or NRDC have any follow-up recross?

12 MS. RUBENSTEIN: We do not. Thank you.

13 JUDGE GRAHAM: Does Renew Missouri have any
14 recross?

15 MR. OPITZ: No, thank you.

16 JUDGE GRAHAM: Do you have any recross?

17 MR. OPITZ: No thank you, Judge.

18 JUDGE GRAHAM: Thank you. I'm sorry I didn't
19 hear well. ChargePoint, any recross?

20 MR. DUNBAR: No questions. Thank you.

21 JUDGE GRAHAM: Does Evergy have any recross?

22 MR. FISCHER: This is Jim Fischer. No thank
23 you, Judge.

24 JUDGE GRAHAM: Okay. Staff is there any
25 redirect for this witness?

1 MS. MERS: No, Your Honor.

2 JUDGE GRAHAM: All right. Thank you very, very
3 much, Ms. Eubanks, for your testimony.

4 THE WITNESS: Thank you.

5 JUDGE GRAHAM: Is Staff ready to -- I show that
6 our next witness is Kimberly Bolin; is that correct?

7 MS. MERS: Yes, Your Honor.

8 JUDGE GRAHAM: Are you ready to proceed with
9 that witness?

10 MS. MERS: Staff is ready to proceed with
11 Ms. Bolin.

12 JUDGE GRAHAM: Why don't you introduce her and I
13 will have her spell her name and administer the oath.

14 MS. MERS: Your Honor, Staff would call Kimberly
15 Bolin to the stand.

16 JUDGE GRAHAM: Ms. Bolin, are you there?

17 THE WITNESS: Yes, I am. Can you hear me,
18 Judge?

19 JUDGE GRAHAM: Yes. Would you state your full
20 name and spell it for us and then I will administer the oath.

21 THE WITNESS: My name is Kimberly Bolin, Bolin
22 is spelled B-O-L-I-N.

23 JUDGE GRAHAM: Okay. Ms. Bolin, would you raise
24 your right hand and I will administer the oath.

25 (Witness sworn.)

1 JUDGE GRAHAM: Counsel, you may proceed.
2 Counsel?

3 MS. MERS: Sorry, Judge. I was having a little
4 difficulty there.

5 KIMBERLY BOLIN, having first been duly sworn testifies as
6 follows:

7 DIRECT EXAMINATION BY MS. MERS:

8 Q. Ms. Bolin, can you explain what capacity and
9 where you're employed at?

10 A. I'm employed with the Missouri Public Service
11 Commission and I am the manager of the Auditing Department.

12 Q. Are you the same Kimberly Bolin who prepared or
13 caused to be prepared portions of the Staff rebuttal report that
14 is marked as Exhibit 100 in confidential and public format?

15 A. Yes, I am.

16 Q. And do you have anything that you wish to
17 correct in that testimony?

18 A. No, I do not.

19 Q. And if I asked you those questions today, would
20 the answers be the same?

21 A. They would.

22 Q. Is the information in that testimony true and
23 correct to the best of your knowledge and belief?

24 A. Yes, it is.

25 MS. MERS: Your Honor, Staff would tender

1 Ms. Bolin for cross.

2 JUDGE GRAHAM: All right. Bear with me just a
3 minute. All right. I'm showing that the Office of Public
4 Counsel is listed as the first party to do cross-examination.
5 Is OPC ready to proceed?

6 MR. CLIZER: Yes, Your Honor.

7 JUDGE GRAHAM: Do you have questions?

8 MR. CLIZER: Yes, Your Honor.

9 JUDGE GRAHAM: You may proceed, Mr. Clizer.

10 MR. CLIZER: Mr. Clizer on behalf of the Office
11 of Public Counsel.

12 CROSS-EXAMINATION BY MR. CLIZER:

13 Q. Good morning, Ms. Bolin?

14 A. Good morning, Mr. Clizer.

15 Q. Am I correct in the understanding that your
16 contribution to the Staff report included the discussion of the
17 request for an accounting authority order also know as AAO?

18 A. Yes.

19 Q. Is my understanding correct that the Company is
20 requesting a five-year amortization to recover costs over the
21 course of this AAO as part of the application?

22 A. That is what Evergy is requesting, yes.

23 Q. And Staff is opposed to that five-year
24 amortization determination in this case. Correct?

25 A. That is correct. We believe it should be, you

1 know, decided later in an actual rate case.

2 Q. All right. I think I have just three simple
3 questions. First, do you agree with me that there's no direct
4 correlation between the length of a program and the amortization
5 period -- not necessarily correlation. Let me specify it that
6 way. Would you agree with me there's no necessary correlation
7 between a length of a program and the amortization period?

8 A. Yes, I would.

9 Q. Second, is the Commission failing to make a
10 determination as to the amortization period for the AAO in this
11 case going to prohibit, prevent, or otherwise hinder execution
12 of the program?

13 A. No, it will not.

14 Q. And finally, are you familiar with the Ameren
15 electrification Case ET-2018-0132?

16 A. I am familiar with it.

17 Q. In that case did Ameren also request a similar
18 accounting authority order?

19 A. I believe they did, yes.

20 Q. And did the Commission order an amortization
21 period in that electrification application case for that
22 accounting authority order?

23 A. No, they did not.

24 MR. CLIZER: Thank you. I have no further
25 questions, Your Honor.

1 JUDGE GRAHAM: Thank you. Does MECG have any
2 questions for Ms. Bolin?

3 MR. WOODSMALL: No questions, Your Honor.

4 JUDGE GRAHAM: I believe you said no questions?

5 MR. WOODSMALL: Correct. I have no questions.

6 JUDGE GRAHAM: All right. Well, does Sierra
7 Club or NRDC have any questions?

8 MS. RUBENSTEIN: No questions, Your Honor.

9 JUDGE GRAHAM: Does Renew Missouri have
10 questions?

11 MR. OPITZ: No questions, Your Honor.

12 JUDGE GRAHAM: ChargePoint, any questions?

13 MR. DUNBAR: No questions. Thank you.

14 JUDGE GRAHAM: Does Evergy have any questions?

15 MR. FISCHER: This is Jim Fischer. We have no
16 questions, Your Honor.

17 JUDGE GRAHAM: Are there any questions from the
18 commissioners?

19 COMMISSIONER HOLSMAN: No questions, Your Honor.

20 JUDGE GRAHAM: Okay. Thank you. Since we did
21 have some cross, I'm going to ask if there's redirect at this
22 point. Is there redirect from Staff for this witness?

23 MS. MERS: No, Your Honor.

24 JUDGE GRAHAM: All right. Thank you very much,
25 Ms. Bolin.

1 THE WITNESS: Thank you.

2 JUDGE GRAHAM: All right. Next I have J.
3 Luebbert. Is J. Luebbert -- what is J. Luebbert's first name,
4 staff counsel?

5 MS. MERS: I'm sorry, Judge. Could you repeat
6 that? You broke up a little bit.

7 JUDGE GRAHAM: Witness Luebbert, what is the
8 first name. Help me with that.

9 MS. MERS: It is the letter J.

10 JUDGE GRAHAM: Okay. Is witness ready to
11 proceed?

12 MS. MERS: Yes, Your Honor.

13 JUDGE GRAHAM: Why don't you introduce the
14 witness and then we will go from there.

15 MS. MERS: Your Honor, Staff would call J.
16 Luebbert to the stand.

17 JUDGE GRAHAM: All right. Would you spell your
18 full name and I will administer the oath.

19 THE WITNESS: J, Luebbert, L-U-E-B-B-E-R-T.

20 JUDGE GRAHAM: Mr. Luebbert, if you will raise
21 your right hand, I will administer the oath.

22 (Witness sworn.)

23 JUDGE GRAHAM: Counsel, you may proceed.

24 J. LUEBBERT, having first been duly sworn, testifies as
25 follows:

1 DIRECT EXAMINATION BY MS. MERS:

2 Q. Mr. Luebbert, where are you employed and in what
3 capacity?

4 A. I am an associate engineer for the Missouri
5 Public Service Commission staff.

6 Q. Are you the same J. Luebbert who prepared or
7 caused to be prepared portions of the Staff rebuttal report that
8 has been marked as Exhibit 100 in confidential and public
9 format?

10 A. Yes, I am.

11 Q. Is there anything that you wish to correct in
12 your testimony?

13 A. No, there's not.

14 Q. And if I asked you those questions today, would
15 your answers be the same?

16 A. They would.

17 Q. Is the information in that document true and
18 correct to the best of your knowledge and belief?

19 A. Yes, it is.

20 MS. MERS: Your Honor, Staff would tender
21 Mr. Luebbert for cross.

22 JUDGE GRAHAM: What exhibit were you referring
23 to?

24 MS. MERS: Exhibit 100, the Staff rebuttal
25 report.

1 JUDGE GRAHAM: Okay. Thank you very much.
2 Thank you. I show the Office of Public Counsel, again, as the
3 first party for cross-examination. Is OPC ready to go?

4 MR. CLIZER: Yes, Your Honor. Yes we have
5 questions.

6 JUDGE GRAHAM: Okay. Mr. Clizer, you may
7 proceed.

8 MR. CLIZER: John Clizer, Office of Public
9 Counsel.

10 CROSS-EXAMINATION BY MR. CLIZER:

11 Q. Good morning, Mr. Luebbert.

12 A. Good morning.

13 Q. Sir, do you have a copy of the testimony of
14 Everyg witness Timothy Nelson in front of you?

15 A. I can, if you will get be just a moment. What
16 page?

17 Q. I haven't said a page yet, but I was going to
18 ask questions about Page 4?

19 A. This is the surrebuttal?

20 Q. Yes?

21 A. Okay.

22 Q. Before I go any further, just to confirm, you
23 are the Staff witness primarily responsible for the portions of
24 Staff's report that concerned avoided costs. Correct?

25 A. Yes.

1 Q. All right. There's some discussion here
2 effectively regarding the MEEIA program, which I'm going to tell
3 you right off the bat, I've done my best to try and avoid MEEIA.
4 So this is confusing to me. But just at a high level I want to
5 confirm some of the things that Mr. Nelson says?

6 A. Okay.

7 Q. On Page 4 of Mr. Nelson's testimony at Line 7 he
8 states that Staff does not actually propose any avoided capacity
9 cost values in this case. Is that a correct statement?

10 A. Yes, it is.

11 Q. Turning to Page 5, at Lines 14 through 22 -- I
12 don't want you to read the entire thing into the record. Can
13 you confirm that the statement made by Mr. Nelson on Lines 14 to
14 22 are correct as well?

15 A. Give me just a moment to read.

16 Q. Absolutely. Take your time.

17 A. And so what was your question?

18 Q. Effectively, do you agree with this statement?

19 A. No, I don't. There are several things that I
20 don't agree with within that section of his testimony. The
21 first of which is that our position is unsubstantiated and
22 unsupported. Let's see. The first quote I believe that
23 Mr. Nelson takes from my testimony -- I guess, it is the second
24 one that says, Each megawatt reduced by DSM implementation does
25 not necessarily result in realized cost avoidance but

1 substantial increases in load are much more likely to cause
2 additional costs attributable to the incremental load. So I
3 think what needs to be understood here is that there is an
4 absolute difference between an avoided cost that might be --
5 that might occur through implementation of a demand-side program
6 and cost to serve new load. Within the context of a review of a
7 general rate case, the cost to serve a given rate class is
8 scrutinized and reviewed pretty heavily.

9 In this case there's absolutely potential for
10 incremental costs and the cost to serve the new rate classes
11 needs to have a full class cost of service study performed in
12 order to come up with reasonable allocations. Simply to apply
13 an avoided cost value that was ordered in a previous MEEIA case
14 really doesn't have much context with -- within the context of
15 the potential for load building.

16 A megawatt reduced by an energy efficiency
17 program is not the same as a megawatt of load added, especially
18 when you consider the potential for specific locations on a
19 system.

20 Q. Thank you. I'm not going to try -- I don't mean
21 to inappropriately paraphrase here, but is it therefore accurate
22 to state that Evergy is conflating MEEIA analysis and
23 electrification analysis inappropriately?

24 A. I would say so.

25 Q. And you would agree with me that there is a

1 potential for electrification program and energy efficiency
2 programs like MEEIA to have direct contradictory results?

3 A. Yeah, there is certainly a potential for it.

4 Q. Thank you.

5 MR. CLIZER: I have no further questions.

6 JUDGE GRAHAM: Thank you, Mr. Clizer. Does MECG
7 have any cross-examination?

8 MR. WOODSMALL: No questions, Your Honor.

9 JUDGE GRAHAM: Does Sierra Club or NRDC have
10 cross-examination?

11 MS. RUBENSTEIN: No questions, Your Honor.

12 Thank you.

13 JUDGE GRAHAM: Does Renew Missouri have cross?

14 MR. OPITZ: No thank you, Judge.

15 JUDGE GRAHAM: Does ChargePoint have cross?

16 MR. DUNBAR: No questions. Thank you.

17 JUDGE GRAHAM: Does Evergy have
18 cross-examination?

19 MR. FISCHER: This is Jim Fischer. We have no
20 questions for Mr. Luebbert.

21 JUDGE GRAHAM: All right. Are there questions
22 from the Commission? All right. Counsel, is there any redirect
23 for this witness in light of the questions that Mr. Clizer
24 asked?

25 MS. MERS: Very briefly.

1 JUDGE GRAHAM: Proceed.

2 MS. MERS: This is Nicole Mers with Staff.

3 REDIRECT EXAMINATION BY MS. MERS:

4 Q. Mr. Luebbert, counsel for OPC was asking you
5 some statements about Mr. Nelson's testimony. Do you recall?

6 A. I do.

7 Q. And do you recall the questions of the testimony
8 that referenced Staff's avoided costs as being unsubstantiated?

9 A. I do.

10 Q. How did Staff support its avoided cost analysis
11 in this case?

12 A. We didn't do an avoided cost analysis. Adding a
13 load to a system is not going to avoid capacity costs. It is
14 that simple.

15 Q. And for Staff's conclusions in the MEEIA Cycle 3
16 report, did we also provide an explanation there?

17 A. Yes. We certainly did. In Staff's analysis for
18 the MEEIA Cycle 3 application, my recommendation was based on
19 the fact that the modeling provided demonstrated that there
20 would not be avoided costs in that case until -- I believe the
21 date was 2032. I may be off by a year there. And really, it's
22 just not an apples to apples comparison when you're looking at
23 this case compared to that MEEIA application.

24 Q. Well, you predicted my last question. So I will
25 stop right there. Thank you.

1 JUDGE GRAHAM: All right. Thank you very much.
2 I believe our next witness is -- thank you very much,
3 Mr. Luebbert. I appreciate your testimony.

4 THE WITNESS: Thank you.

5 JUDGE GRAHAM: I believe our next witness from
6 Staff is Robin Kliethermes. Is Staff ready to proceed?

7 MS. MERS: Yes, Your Honor.

8 JUDGE GRAHAM: You may introduce her. I'll ask
9 her to spell her name and administer the oath and you can
10 proceed.

11 MS. MERS: Staff would call Ms. Robin
12 Kliethermes to the stand.

13 JUDGE GRAHAM: All right. Ms. Kliethermes,
14 would you state your full name and spell it, please?

15 THE WITNESS: Sure. Robin, R-O-B-I-N,
16 Kliethermes, K-L-I-E-T-H-E-R-M-E-S.

17 JUDGE GRAHAM: All right. Thank you. If you
18 will raise your right hand, I will administer the oath.

19 (Witness sworn.)

20 JUDGE GRAHAM: Counsel, you may proceed.

21 ROBIN KLIETHERMES, having been first duly sworn testifies as
22 follows:

23 DIRECT EXAMINATION BY MS. MERS:

24 Q. Ms. Kliethermes, where are you employed and in
25 what capacity?

1 A. I am employed at the Missouri Public Service
2 Commission as a manager of the Tariffs and Rate Design
3 Department.

4 Q. Are you the same Robin Kliethermes who prepared
5 or caused to be prepared portions of the Staff rebuttal report
6 marked as Exhibit 100 in confidential and public versions, as
7 well as the surrebuttal testimony of Robin Kliethermes, Exhibit
8 101 in its public format?

9 A. I am.

10 Q. And do you have anything that you wish to
11 correct in your testimony?

12 A. I do. On Page 3, on Line 7 it reads, Evergy
13 Missouri East, it should be Evergy Missouri Metro. On Line 17
14 of same Page Number 3, it reads, Evergy Missouri East, and it
15 needs to read Evergy Missouri Metro. And then --

16 Q. And that is -- I'm sorry to interrupt,
17 Ms. Kliethermes. Could you clarify, is that in the Staff
18 rebuttal report or in your surrebuttal testimony?

19 A. I'm sorry. That is the rebuttal report.

20 Q. Okay. Thank you. Go ahead.

21 A. And lastly, on Page 17 of the Staff rebuttal
22 report is going to be Line 17. Again, it reads, Evergy Missouri
23 East and it should read, Evergy Missouri Metro. And that is all
24 the corrections that I have.

25 Q. Thank you. With those corrections in mind, if I

1 asked you the same questions today, would your answers be the
2 same?

3 A. Yes.

4 Q. And is the information in that document with the
5 corrections, true and correct to the best of your knowledge and
6 belief?

7 A. Yes.

8 MS. MERS: Your Honor, at this time Staff would
9 offer Exhibits 100, the Staff rebuttal report in both
10 confidential and public versions, as well as 101, the
11 surrebuttal testimony of Ms. Robin Kliethermes.

12 (WHEREIN; Staff Exhibits 100P, 100C, and 101
13 were offered into evidence.)

14 JUDGE GRAHAM: All right. Say the exhibit
15 number again. I cut out there.

16 MS. MERS: No problem. Exhibit 100 is the Staff
17 rebuttal report and that is available in both a public and
18 confidential version, and Exhibit 101 is only available in a
19 public format and it is the surrebuttal testimony of Robin
20 Kliethermes.

21 JUDGE GRAHAM: All right. Any objection to
22 Exhibits 100 and 101? Are you asking me to at this point in
23 time make any orders with respect to the confidentiality
24 component of any of these exhibits? Are you just simply
25 offering them?

1 MS. MERS: Yes, I'm simply offering, but just
2 for the clarification. I know some people do confidential in a
3 separate exhibit numbers. So just for the clarity of the record
4 both formats will be 100.

5 JUDGE GRAHAM: As far as the record is
6 considered, you're talking about Exhibit 100. Am I correct?

7 MS. MERS: Yes, Your Honor.

8 JUDGE GRAHAM: Are there any objections to
9 Exhibit 100? Hearing none, the record will reflect that Exhibit
10 100 is admitted into evidence and into the record.

11 (WHEREIN; Staff Exhibit 100 was received into
12 evidence.)

13 JUDGE GRAHAM: Anything further?

14 MS. MERS: Staff would move for Exhibit 101
15 would also be entered into the record.

16 JUDGE GRAHAM: Okay. Any objections to Exhibit
17 101? Okay. The record will reflect Exhibit 101 has been
18 admitted into evidence.

19 (WHEREIN; Staff Exhibit 101 was received into
20 evidence.)

21 MS. MERS: At this point, Staff would --

22 JUDGE GRAHAM: Go ahead.

23 MS. MERS: I apologize. Go ahead, Your Honor.

24 JUDGE GRAHAM: I'm asking did you tender the
25 witness?

1 MS. MERS: Yes. Staff would tender the witness
2 for cross.

3 JUDGE GRAHAM: All right. Does the Office of
4 Public Counsel have questions for this witness?

5 MR. CLIZER: We do, Your Honor.

6 JUDGE GRAHAM: You may proceed.

7 MR. CLIZER: John Clizer on behalf of the Office
8 of Public Counsel.

9 CROSS-EXAMINATION BY MR. CLIZER:

10 Q. Good morning, Ms. Kliethermes.

11 A. Good morning.

12 Q. Is it correct for me to understand that you were
13 primarily responsible for drafting a portion of Staff's report
14 related to Evergy's new proposed rates for this case?

15 A. Yes.

16 Q. All right. That's my first line of questioning,
17 related to those rates. Evergy is proposing rates for the
18 charging of electric vehicle transportation and for businesses
19 to charge their electric fleets, is that a fair assessment of
20 the two new rate proposals?

21 A. Yes.

22 Q. Is it correct to say that existing electric
23 vehicles in Evergy's service territory are already capable of
24 being charged off of Evergy's existing rates?

25 A. Yes. So, yes. So customers who currently -- or

1 businesses who currently have charging facilities that they own
2 are currently being billed under tariff -- currently tariffed
3 rates for Evergy.

4 Q. So then it is correct to say these rates --
5 these proposed rates are not offering a new service?

6 A. No, unless you are defining the TOU option of it
7 as a new service, but otherwise customers who are -- who have
8 electric vehicle charging, but business customers are already
9 being served on tariffs. So these are not offering new electric
10 service.

11 Q. And are these rates being offered as part of a
12 pilot program?

13 A. They are not. So the rate tariff, the business
14 EV charging service tariff and the electric transit service
15 tariff are not part of the transportation electrification pilot
16 program. They are separate tariffs. They do not -- one thing
17 to clarify is that the transportation electrification pilot
18 tariff has a recommended start after a certain date. And the
19 business EV charging service tariff and the transit service
20 tariff, those tariffs are not identified as pilots and they do
21 not have a start after a certain period date within that tariff
22 sheet.

23 Q. Thank you, Ms. Kliethermes. I'm going to move
24 on to rate design. Is it correct that you are a good witness to
25 ask questions regarding the rate design?

1 A. That is correct.

2 Q. Evergy is proposing to use the large general
3 service sometimes referred to as LGS rate for electric vehicle
4 charging; is that correct?

5 A. That is correct.

6 Q. You would agree with me that it's not -- you
7 would agree with me it's not necessarily appropriate for an LGS
8 rate to be applied for all electrical vehicle charges. Correct?

9 A. That is correct. And Staff, as we said in our
10 report, that it's -- you know, there are different size
11 chargers, that is not reasonable to use one estimate and frankly
12 there is no data to say that that is a reasonable estimate
13 because there is no data to say what customers may or may not be
14 taking service on this tariff. And so it is very concerning
15 that that would be used to develop these rates.

16 Q. This might be a fairly obvious point, but just
17 to make sure that it is clear: You would agree with me that if
18 an estimate was used that wasn't representative of the actual
19 class taking service, you would have significant impact to the
20 revenue that could be generated from that rate?

21 A. Yes. Because there are so many unknowns and not
22 enough information provided in Evergy's application as it is
23 filed, there could be significant revenue impacts. There could
24 also be, as I stated earlier, customers -- business customers
25 with EV charging are currently served on a tariffed rate within

1 Evergy currently, they could switch over to this rate and now
2 create revenue problems or revenue differences from the revenues
3 and billing determinants that were established in Evergy's last
4 rate case.

5 Q. Thank you, Ms. Kliethermes. I am going to move
6 on to the commercial rebate program. The commercial rebate
7 program as proposed by Evergy includes incentives for rebates
8 for multiple different tracks. Would you agree with me on that?
9 And by tracks, I am referring to highway versus around town
10 versus multi-family etc.

11 A. Yes. That is correct.

12 Q. And the program as currently proposed does not
13 actually require the amount of money set forth for each of those
14 tracks to be used for that tract. Correct?

15 A. So there are not -- that is correct. There is
16 not a tariff provision that limits the amount of the budget to
17 be used in a commercial program to be used for those specific
18 areas. So currently as the tariff is filed, those budgets could
19 be moved around.

20 Q. And your opinion, would you conclude that that
21 would be a bad thing?

22 A. It would be -- it would be a concern because I
23 think it was mentioned earlier -- so one of the categories under
24 the commercial rebate program is the highway corridor and the
25 highway corridor emphasis is also in the Clean Charge Network

1 rollout. And so if, depending on where the funding is spent,
2 one area could get way more focus than another area and where
3 the cost-effectiveness comes from could change. Now, one of the
4 problems is that because Evergy's application did not include --
5 based on this program how many cars they're intending to -- I
6 guess, incent or create new electric vehicle charging, it's
7 difficult to see how the change in budget would impact any sort
8 of cost-effectiveness, but seemingly it would and it could put a
9 lot more money in a category that was unintended or, you know,
10 unintended in this case.

11 Q. Thank you. I have just a few more questions
12 left. The first -- and this relates, I think, to the comments
13 that a Commissioner might have said during the last portion of
14 our hearing. Staff is not opposed to time of use rates for
15 Evergy. Right?

16 A. Staff is not opposed of mandatory TOU rates,
17 specifically with a shorter differential and Staff -- you know,
18 similar to what Staff proposed in Empire -- not Empire --
19 Evergy's last rate case and what Staff proposed in Ameren
20 Missouri's last rate case.

21 Q. And then finally, there's been some discussion
22 about the total cost of this program and I think terms thrown
23 out similar to \$1 to \$2 per customer a year. Is it correct to
24 say that the total cost of the electrification program in
25 Evergy's service territory would need to include, for example,

1 the sum cost of the Clean Charge Network investment that has
2 already been made. Right?

3 A. You could. And to really look at what the cost
4 of the incentives or the cost to put forward for EV charging,
5 you should include what has already been invested for the Clean
6 Charge Network. And currently, there is an approximate
7 investment of about 14.1 million for both of Evergy companies
8 combined and that does not include the O&M, the ongoing O&M
9 expense. So that's about 14.1 and this application is
10 approximately 15.5. So you're looking at almost -- I think it's
11 about 29 -- \$29 million totally invested in electric vehicle
12 charging between the Evergy company.

13 MR. CLIZER: Thank you. I have no further
14 questions.

15 JUDGE GRAHAM: Thank you very much. Does MECG
16 have any questions for Ms. Kliethermes?

17 MR. WOODSMALL: No questions, Your Honor. Thank
18 you.

19 JUDGE GRAHAM: Does Sierra Club or NRDC have
20 questions for Ms. Kliethermes?

21 MS. RUBENSTEIN: No questions. Thank you, Your
22 Honor.

23 JUDGE GRAHAM: Does Renew Missouri have any
24 questions for Ms. Kliethermes?

25 MR. OPITZ: No thank you, Judge.

1 JUDGE GRAHAM: Does ChargePoint have any
2 questions for Ms. Kliethermes?

3 MR. DUNBAR: We do, Your Honor. Thank you.

4 JUDGE GRAHAM: You may proceed. Identify
5 yourself, please.

6 MR. DUNBAR: Certainly. This is Scott Dunbar,
7 counsel for ChargePoint. Thank you.

8 CROSS-EXAMINATION BY MR. DUNBAR:

9 Q. Good morning, Ms. Kliethermes. Did I pronounce
10 your name correctly?

11 A. Yes, that is correct.

12 Q. Great. Good morning. It's great to meet you.
13 My name is Scott Dunbar and I'm counsel for ChargePoint. Would
14 you please pull up your -- was someone trying to say something?

15 JUDGE GRAHAM: No. I think you're fine.

16 MR. DUNBAR: Okay. Maybe it was an echo.

17 BY MR. DUNBAR:

18 Q. Would you please look at your surrebuttal
19 testimony and turn to page -- Page 1, please?

20 A. I'm there.

21 Q. So there toward the bottom on Line 21 -- I will
22 just read that sentence. You say: Although Mr. Wilson -- and
23 you are referring to ChargePoint's witness Mr. Justin Wilson --
24 Mr. Wilson recommends Everygy allow a residential customer to
25 choose to use part of the proposed rebate toward the actual

1 purchase and installation of an L2 charger, that's Level 2
2 charger. He does not recommend this as a requirement to
3 participate in the program. Do you see that part of your
4 testimony?

5 A. Yes.

6 Q. Do you have ChargePoint's surrebuttal testimony
7 handy? I believe it is Exhibit 901.

8 A. So I can pull it up. I do not have it in front
9 of me, no.

10 Q. Okay. Yeah. If you could do that, please. And
11 I misspoke. I am actually looking for Mr. Wilson's rebuttal
12 testimony, which is Exhibit 900, please.

13 A. Okay. And which page?

14 Q. If you would please turn to Page 8. I am
15 pulling it up myself because I also had his surrebuttal open
16 instead of his rebuttal.

17 A. Okay. I'm there.

18 Q. Okay. Great. Thank you. So on Page 8, Line 15
19 Mr. Wilson states: Accordingly, I recommend that the Commission
20 direct Evergy to modify the residential rebate program to
21 require customers to install a qualifying Level 2 charging
22 station not a NEMA outlet -- that's in N-E-M-A outlet -- which
23 will allow customers to hardwire their chargers if they so
24 choose. Do you see that quote there, Ms. Kliethermes?

25 A. I do see that.

1 Q. So I think it is fair to say that Mr. Wilson may
2 have stated it a little bit differently, but would you agree
3 ChargePoint does, in fact, recommend customers be required to
4 purchase and install a Level 2 charger to qualify for the
5 residential program?

6 A. If it is -- I think earlier in Mr. Wilson's
7 testimony he mentioned that being an option. If ChargePoint's
8 recommendation is that that is a requirement, then that would
9 change my testimony.

10 Q. Okay. And maybe we can just clear it up on
11 briefing and I will add an apology for any confusion, but is it
12 fair to say that if it is ChargePoint's recommendation that the
13 Commission direct Evergy to modify its program to require
14 customers to install Level 2 chargers, that Staff would be in
15 agreement with at least of that part of our recommendation?

16 A. So just to clarify: Staff still has concerns
17 with the residential EV charging. The part about clarifying
18 what is being -- what ChargePoint is requiring versus not
19 requiring would change that part of my testimony. But Staff
20 would still have concerns that, you know, that there is not a
21 requirement for TOU rates such as things such as what we've
22 already mentioned in testimony. But would clarify a piece of
23 it.

24 Q. Okay. Yeah. Thank you. And I certainly didn't
25 mean to mischaracterize your testimony. I understand that

1 Staff's primary recommendation is to reject the residential
2 program. But is it fair to say that if the Commission does not
3 reject the residential program, then one of the modifications
4 that Staff recommends is that the Commission require customers
5 to install Level 2 chargers?

6 A. And other things.

7 Q. Right.

8 A. I can't say that would solve Staff's
9 recommendation, but --

10 Q. But that is one of the modifications that you
11 recommend if the Commission approves the program. Correct?

12 A. That is a recommendation that I do not -- and,
13 of course, Staff is much larger than just myself, but that is a
14 recommendation that I would recommend not be opposed, but I am
15 not saying that would be a recommendation that would make the
16 program -- make the whole program be able to be recommended by
17 Staff.

18 Q. Okay. But you'd agreed it would be an
19 improvement, that requiring customers to install chargers
20 instead of just installing NEMA outlets, NEMA outlets, that
21 would be an improvement on the program. Is it fair to say?

22 A. It could be depending on what the tariff
23 language and how the tariff language and provisions and that's
24 part of Staff's concern is that some of the requirements are not
25 specifically in the tariff. It really depends on how that

1 requirement would come into the whole program and tariff design.

2 Q. Understood. Understood. I still don't feel
3 like you have answered the question and, you know, I certainly
4 appreciate that there's nuance and contingencies here, but is it
5 fair to say that if it came in through the tariffs in the right
6 way, that it would be an improvement over the way Evergy has
7 designed the program to only require outlets?

8 A. It would be an improvement.

9 Q. Okay. Thank you. So let's talk now about what
10 one of your -- one of Staff's other recommendations that I think
11 is fair to say you are also making to improve the residential
12 program. So you can look at this if you need to on Page 3 of
13 your surrebuttal, but I'll just put the question out there and
14 you can tell me if this sounds right. One of staff's other
15 recommendations for the residential program in the event that
16 the Commission approves it is that residential program
17 participants be required to take service on Evergy's currently
18 effective time of use rates; is that correct?

19 A. That is correct.

20 Q. And is it your understanding that smart chargers
21 can allow EV drivers to program their charging to occur during
22 off-peak hours?

23 A. I do not know that.

24 Q. Okay. You are not familiar with the
25 functionality of what makes a smart charger a smart charger?

1 A. I am not familiar in detail with the
2 functionality of smart chargers.

3 Q. Okay. So the ability to program your charging
4 to take place off-peak, you are not familiar with that
5 functionality?

6 A. You mean, how the charger is programmable to do
7 that?

8 Q. No, just the fact that it does that. Are you
9 aware that smart chargers allow customers to plug in their
10 charger when they come home from work, for example, but to
11 program a charger not to begin charging until off-peak hours.
12 Are you familiar that that is one of the common functionalities
13 of smart chargers?

14 A. I am generally familiar with that, but as far as
15 do all smart chargers operate the same, I don't know to say that
16 that is true.

17 Q. Okay. That's fine. I don't need to ask you
18 questions about it then. Are you familiar with what it means
19 for an EV charger to have a safety certification from UL,
20 Underwriters Laboratory, or another nationally recognized
21 testing laboratory?

22 A. I am not familiar in detail with what.

23 Q. Okay. No problem. We'll move on. Just one
24 more topic here. So on page -- would you please look at Page 2
25 of your surrebuttal testimony?

1 A. Okay.

2 Q. This is surrebuttal now. So starting at Line
3 18, the question asks: Does Staff has a concern regarding
4 Mr. Wilson's recommendation to remove Evergy's requirement that
5 commercial program participants provide charging information to
6 Evergy. And your response is: Yes, having access to EV
7 charging data will help to understand when EV charging occurs
8 and will help to develop cost based rates for all customers.
9 And that is the entirety of the response to that particular
10 question. Do you see that there?

11 A. Yes.

12 Q. Would you agree, Ms. Kliethermes, that for any
13 commercial customer that participates in this program and
14 separately meters their EV charging stations that Evergy would
15 be able to use meter data to understand when EV charging is a
16 occurring?

17 A. So it depends. Because the separately metered
18 part per the tariff also includes the load of operating the
19 station and the -- I think it is allowable up until a certain
20 percentage of ancillary usage such as lighting. So it's not
21 going to -- the separately metered won't meter solely EV
22 charging. So it really -- there's a lot of other usage allowed
23 under that meter. So if you're looking at the charging data and
24 you only want to look at the charging information, then it is
25 going to have to come through the -- through the EV charging

1 data solely.

2 Q. So if you are not an expert in this sort of
3 analysis that's fine, but would you agree that if you know -- we
4 don't need to flip to the tariff, but if you know that lighting
5 load is 10 percent of the load on a particular meter and that
6 the rest is EV charging stations -- well, first would you agree
7 that lighting load, the load profile of lights probably looks
8 different from the load profile of DC fast charging stations,
9 for example?

10 A. So, I just used lighting as an example because
11 that's mentioned in tariff. But it's up to 5 KW of ancillary
12 service. So what those ancillary services may be, you know,
13 that is unknown based on this tariff. It's the meter -- the
14 separate meter is going to have other usage other than EV
15 charging.

16 Q. Right. Understood. So if you could think of
17 just a very simple hypothetical with me. And thanks for
18 glancing at the tariff to remind us all of that 5 kW ancillary
19 service. So if you have, let's say, just one 50 KW DC fast
20 charging station, which is about the smallest -- well, not the
21 smallest, but -- having only one station it might be considered
22 a small deployment. You have one 50 KW DC fast charging station
23 and then 5 KW of ancillary load and you analyze the load profile
24 of that meter, would you agree that you would be able to see
25 when that 50 KW charger was -- was charging and be able to

1 distinguish that from 5 KW of ancillary load?

2 A. So in the hypothetical that you are using, you
3 would have to assume that the 5 KW was a constant load. And
4 specifically, kind of the importance of looking at the EV
5 charging is looking at the hours that are being charged in and
6 also the duration of the charges. And so part of this is a
7 charge may not be constant and the 5 KW may not be constant. So
8 I think in hypothetical, you have to assume the load is constant
9 and I think that that is probably not a reasonable -- it's not
10 100 percent likely outcome that I think relying on the meter
11 data only is going to not provide you a clear picture as getting
12 -- having access to the EV charging data.

13 Q. I don't want to quibble with you, but just to
14 pick this apart a little bit further, even if the -- even if the
15 5 KW of ancillary load -- I'm trying to think of an example.
16 But you know, maybe it is motion sensor activated lights.
17 Right. So if the lights aren't on all the time, they're only
18 there when somebody walks by. So there's that 5 KW of ancillary
19 load, is irregular, but it's only 5 KW at the most. Right?
20 When someone starts charging at the 50 KW DC fast charger,
21 you're going to see a spike in that load profile. Right. And
22 so even if -- regardless of what that 5 KW ancillary was doing,
23 don't you think if you were looking at a load profile on a
24 24-hour period, you'd be able to pick out when 50 KW worth of
25 load, i.e. the DC fast charger, was online versus the ancillary

1 load. Right? Don't you think it would be pretty easy to
2 distinguish -- not distinguish. You don't need to distinguish
3 things. Don't you think it would be pretty easy to see when the
4 DC fast charger was operating because you know that it's so much
5 larger than the 5 KW of ancillary load?

6 A. So I think you -- I think I would agree that you
7 will see when comes on if. It's When it comes off and the
8 duration about and amount of the total charge and in what time
9 period that occurs, I think is where you're going to lose the
10 specific data. But I think you will be able to see when it
11 comes on given that that charger is 150 KW. If you're looking
12 at more of a -- so under the tariff it could be a 6.6 KW
13 charger, then it's going to be harder to distinguish that turn
14 on. So if you're looking at the large 150, I do agree, you will
15 probably see when it comes on. How that lasts through the
16 duration of the charge and over time, I think that's where it
17 gets hard to distinguish that and especially at the lower KW
18 level that the charger is because I do not think there is a
19 minimum that -- that is -- like, if a 6.6 is the smallest
20 charger, but it could be as small as 6.6 or it could be larger,
21 you know, than a 350. So it really just depends on what sort of
22 charger you're looking at.

23 Q. Okay. Ms. Kliethermes, you've been a great
24 sport going down that hypothetical with me. Thank you. I have
25 just a couple more questions on this topic. Would you agree

1 that any commercial customer that installs EV charging stations
2 that are billed to the public is likely to see Evergy's Clean
3 Charge Network chargers as being in competition with them?

4 A. Can you restate your question?

5 Q. Yes, certainly. So thinking about commercial
6 customers who might participate in Evergy's program and offer EV
7 charging to the public, do you think that those commercial
8 customers might see themselves as being in competition with
9 Evergy's Clean Charge Network?

10 A. I -- this is outside of my testimony. I could
11 see if they -- if Evergy and the commercial customer are
12 providing the same service to public customers who are EV
13 drivers, I can see where that could be viewed as competition.

14 Q. Okay. Thank you. And do you think that since
15 they're in competition or if they feel that they are in
16 competition, that these commercial customers might be reluctant
17 to turnover data about their business operations to a
18 competitor?

19 A. I -- I don't know.

20 Q. Okay. Fair enough. That's fine.

21 MR. DUNBAR: That's all I have. Thank you so
22 much Ms. Kliethermes. I appreciate this discussion.

23 Your Honor, I have no further questions.

24 JUDGE GRAHAM: Thank you. Does Evergy have any
25 questions for this witness?

1 MR. FISCHER: This is Jim Fischer. We have no
2 questions. Thank you, Your Honor.

3 JUDGE GRAHAM: Any questions from the
4 commissioners? All right. Ms. Kliethermes, I have a few
5 questions for you.

6 QUESTIONS BY JUDGE GRAHAM:

7 Q. Staff witness Ms. Lange was asked if the
8 Commission were to support the Residential Electrical Vehicle
9 Outlet Program -- were you original online to hear her
10 testimony?

11 A. I was online, but that's been a couple of days
12 ago.

13 Q. Right. I'll try to ask something more specific
14 than whether you were online to hear. I just wanted to start
15 with that. Are you able to address the question as to why
16 doesn't Staff support ChargePoint's recommended modifications
17 for program to require --

18 A. Yes.

19 Q. -- rebates be based on either the purchase of an
20 EV charging unit or a NEMA outlet. Can you address that
21 question?

22 A. Yes. So Staff's surrebuttal testimony or my
23 surrebuttal testimony does not specifically oppose -- actually,
24 I don't -- I don't think I mentioned ChargePoint's
25 recommendation for the NEMA outlet. And regarding the charger,

1 I think ChargePoint earlier clarified -- so in my testimony, I
2 point out that ChargePoint had that -- or my understanding of
3 ChargePoint's testimony was that the charger -- the purchase and
4 installation of a charger what was an option but not a
5 requirement and I think ChargePoint earlier directed the
6 testimony that they -- that ChargePoint's recommendation is that
7 the charger be a requirement rather than an option.

8 Q. All right. Let me look here. I'm checking my
9 notes. Were you one of the line when Ms. Lange was asked
10 whether rebate participants should be required to sign up for a
11 time of use rate for a minimum amount of time?

12 A. Yes.

13 Q. Do you agree with her response or have anything
14 to add if you recall her testimony?

15 A. So if I recall her testimony correctly, her
16 response was yes, they should sign up for a minimum amount of
17 time and I agree with that statement.

18 Q. Do you have anything to add, any other thoughts
19 with regard to that?

20 A. I mean, just that customers should -- especially
21 with participating in a rebate program, should be -- should be
22 required to sign up for the currently effective time of use
23 rate.

24 Q. Do you have any additional thoughts with regard
25 to consideration needed for net metered customers to avoid

1 unduly discriminating against net metered customers if time of
2 use rates are mandated given they cannot currently participate
3 in the company's TOU program? Do you have anything on that?
4 Any thoughts?

5 A. So is your question -- I think Staff is
6 supportive of finding and working other the utilities and other
7 parties to find ways for net metering customers to participate
8 in TOU programs. Was that your question?

9 Q. Yes, ma'am. Okay. Were you on the line when
10 Ms. Lange was also asked about Xcel's -- Xcel Colorado's
11 residential managed charging pilot program?

12 A. I was on the line for her testimony. I do not
13 recall that specific question.

14 Q. Are you familiar with the program?

15 A. I am not familiar with the program.

16 Q. Fair enough. Besides anything else we've talked
17 about, if the Commission were to approve an EV pilot program,
18 what do you think would be useful data or metrics for the
19 Commission and stakeholders to get from the pilot and what terms
20 are required?

21 A. I'm sorry. Go ahead. I'm sorry.

22 Q. Yeah. Let me ask again. If the Commission were
23 to approve the EV pilot program, what do you think would be
24 useful data or metrics for the Commission and stakeholders to
25 get from the pilot and what terms or requirements for the pilot

1 would help get that information?

2 A. So I would direct the Commission to the
3 stipulation and agreement filed in Ameren Missouri's EV charging
4 case. And in that stipulation there was quarterly reporting
5 data and there was annual reporting data that was lined out in
6 detail within that report or within that stipulation. That's
7 where I would direct the Commission to set out the reporting
8 requirement and the metrics.

9 Q. Okay. Some terminology. Under Evergy's
10 proposal are the transit and business EV charging service rate
11 it describes that, quote, the rate removes the demand charges
12 while retaining a small local facility demand charge to
13 incentivize managed charging. Can you explain what the, quote,
14 facility demand charge is?

15 A. So the facility -- I can tell you how the
16 facilities demand charges is billed and -- now one thing in --
17 to get into what costs are included in recovery of the
18 facilities demand charge, that is a greater question that is
19 generally looked at class cost of studies in a rate case. But
20 as far as what are the facility -- how is the facilities charge
21 billed and based on the tariff, the facilities charge will be
22 billed based on the highest maximum demand recorded in the last
23 12 months for that customer.

24 So if the customer had a demand -- a high demand
25 in July of, let's say, 250 KW, that 250 KW will be what that

1 customer's required to pay until either a higher demand takes
2 place or 12 months elapses and a new demand is set.

3 Q. Okay. With that response, have you
4 distinguished between, quote, facility demand charge and, quote,
5 demand charge? I'm not sure we --

6 A. So the demand charge that is on Evergy's
7 currently effective LGS rate tariff is -- and actually, if you
8 give me a second I could pull up the LGS rate tariff. But the
9 demand charge -- I can tell you the value of that demand charge.
10 But the demand charge itself is not based on the highest demand
11 over a 12-month period of time, but it is based off of the
12 highest demand in a given month. And let me pull up -- I don't
13 want to misspeak here. Okay. Yes. There is -- the demand
14 charge is also based off of the differential between dates
15 demand and a separation between seasonal demand and seasonal
16 billing. These are parts of the current -- these are features
17 of the current large general service tariff that are essentially
18 removed for the purpose of the business EV and transit EV
19 charging.

20 Q. All right. Are you able to say how might the
21 removal of a demand charge while maintaining the facility charge
22 help incentivize managed charging?

23 A. So, I don't -- I mean -- so as far as -- so
24 right now the facilities charge, the EV charging customer will
25 have to pay the two point -- say \$2.21 -- rounded \$0.21 per KW

1 of billing demand, which is the 12-month demand. So I don't --
2 because this is in effect for 12 months, I don't -- I don't know
3 -- I don't know the Company's, kind of, logic or thoughts behind
4 how that is going to -- I'm not saying the charge is
5 unnecessary, but I don't know the connection between managed
6 charging. The thought could be that it keeps it -- that any
7 spikes in demand are more managed because the highest demand in
8 a 12-month period is what a customer will pay.

9 But these are things that would be looked at in
10 the context of a class cost of service study in a rate case
11 where Staff could more fully develop and study these rates and
12 their design as far as it works with time of use charging. I am
13 not saying it's not a necessary charge, but I think the last --
14 how to rate in totality was designed, I cannot speak to, kind
15 of, its impact or how it incentivizes or doesn't incentivize
16 unmanaged charging.

17 But that what I can say is that if a customer
18 has a spike in demand in a given month, that facility -- they
19 will be required to pay that demand level for 12 months. So
20 that could be the incentive.

21 Q. Okay. Fair enough. That is all the questions
22 that I have.

23 JUDGE GRAHAM: In light of my questions, is
24 there any recross examination? Specifically, does OPC have any
25 further questions?

1 MR. CLIZER: Of a sort, yes, Your Honor.

2 JUDGE GRAHAM: You may proceed, Mr. Clizer.

3 MR. CLIZER: Let me clarify that it's not
4 necessarily a question, but I would point out to the Bench that
5 I believe the Bench has actually asked two separate Staff
6 witnesses a question regarding -- I don't mean to paraphrase
7 here, recommendation as to what information might be gained if a
8 program is approved. And I believe both Staff witnesses have
9 referenced a stipulation filed in the Ameren electrification
10 case, which again, believe is case ET-2018-0132. And I would
11 just offer to the Commission that as far as witnesses have made
12 reference to it, the Commission should take official
13 administrative notice of this document just so the record is
14 complete vis-à-vis this discussion. I'm going to stop there.

15 JUDGE GRAHAM: Well, Counsel as I stated before
16 earlier in the hearing, on the fly, I have to tell you I'm not
17 going to take official notice of an entire report and order. It
18 may be that the Commission will do that, but not just on an oral
19 motion. So we'll return to that question when we can refine it.
20 But you've made your point.

21 MR. CLIZER: Absolutely.

22 JUDGE GRAHAM: Do you have any other questions?

23 MR. CLIZER: I apologize to speak over you. I
24 have no further questions. Thank you, Your Honor.

25 JUDGE GRAHAM: Okay. Does ChargePoint have any

1 recross?

2 MR. DUNBAR: No questions. Thank you.

3 JUDGE GRAHAM: All right. Is there any other --
4 and I didn't mean to select those two out ahead of other folks
5 here, but they were the folks that had -- those were the parties
6 that had cross-examination to start with. Do any other parties
7 at this point have recross on the basis of the questions from
8 the Bench? All right.

9 Now, in light of the fact that there has been
10 cross-examination, is there any redirect for this witness from
11 Staff counsel?

12 MS. MERS: Yes, there is, Your Honor.

13 JUDGE GRAHAM: You may proceed.

14 MS. MERS: This is Nicole Mers, again, and for
15 the record and for Staff.

16 REDIRECT EXAMINATION BY MS. MERS:

17 Q. Ms. Kliethermes, do you recall when OPC was
18 talking about the proposed rates charging for business and
19 transportation is offering a new service?

20 A. Yes.

21 Q. And you said that there is an existing tariff
22 rate so not under new service unless a -- time of use, do you
23 recall stating that?

24 A. Yes.

25 Q. Does Evergy have existing time of use tariffs?

1 A. They have existing residential time of use
2 tariffs. Their current commercial time of use tariff, I think,
3 are frozen. However, if a customer is currently being served on
4 that time of use tariff, that also has EV charging, then yes
5 they would be subject to a TOU rate already.

6 Q. And then you were asked some questions, I guess
7 from counsel for OPC, about some cost and you kind of walked
8 through the existing investment and prior investment. Do you
9 recall that?

10 A. Yes.

11 Q. How does that spend level compare to other
12 utilities?

13 A. So in -- to my knowledge that is a -- so taking
14 the total EV charging investment, the Clean Charge Network
15 that's currently in rate base and looking at the application as
16 proposed, that is significantly larger than any of the other
17 regulated utilities. I can't speak to any other non -- or
18 nonregulated or a non-- or any non-Missouri regulate utility,
19 but for the regulated utilities in Missouri, it is much larger.

20 Q. Is Evergy -- do they have a largest customer
21 base of a Missouri utility?

22 A. They do not. Combined, Evergy West and Evergy
23 Metro combined -- and I think if you are using the last annual
24 report for the utility, they have approximately 550,000
25 residential customers and the largest utility has approximately

1 1.2 million residential customers.

2 Q. When you were calculating those figures, did
3 your calculation include the 72 unidentified charging stations
4 under the Clean Charge Network?

5 A. They did not. So if the -- so given that part
6 of the Clean Charge Network is not completely known what the
7 cost of it may be, if you increase that -- it could be -- I
8 think, if I recall right that estimate, I think we could be
9 looking at a total, so an additional 5 million at the high
10 level. So you could be looking at, you know, a 34 to 35,
11 million in total, if the cost of Clean Charge Network expansion
12 was approved.

13 Q. Turning to your discussion with counsel for
14 ChargePoint, do you recall questions about data collection?

15 A. Yes.

16 Q. And what is your understanding of what customer
17 data other utilities are collecting right now?

18 A. I would have to look back -- I'd have to look
19 back at -- the stipulation that I referenced earlier in directed
20 the Commission to look at for charging data does have charging
21 data as a part of the data that would be collected. So
22 customers who are participating -- I can pull it up for sure.
23 But it's my understanding that customers that are participating
24 in Ameren Missouri's commercial rebate program, part of their
25 requirements for data in the stipulation is EV charging load

1 data.

2 Q. How would Staff utilize this data?

3 A. So the thought is that Staff would in the
4 context of a rate case, would look at this data along with all
5 of the other hourly data to help determine cost -- you know,
6 cost -- hourly charging costs, how to better develop time of use
7 rates, demand charge rate, you know, all components of the rate
8 design for, you know, not just EV charging given that that is
9 and end use rate tariff in currently that has been prohibited in
10 the past. But if it was, you know, time of use charging for an
11 LGS class and add-in features that could be beneficial for EV
12 charging, you can have the whole class rate that still is
13 beneficial for EV chargers. Helping to build all class rates
14 that knowing the EV charging load.

15 Q. And why is that information important to Staff's
16 development of rates for the future? Are there any underlying
17 principles that helps support?

18 A. Well, so Staff -- well, obviously, you know, the
19 underlying principles of, you know, looking at cost causation,
20 also looking at trying to find out hourly costs for the whole
21 system not just, you know, energy cost based on an hour. So all
22 of that helps develop cost saved rates for all classes and all
23 -- all customers.

24 Q. Okay. Thank you.

25 MS. MERS: I have nothing further.

1 JUDGE GRAHAM: Okay. Thank you very much. I
2 have one more question I need to ask. Actually, it will be an
3 introductory question.

4 QUESTIONS BY JUDGE GRAHAM:

5 Q. Ms. Kliethermes, are you familiar with the
6 Kansas stipulation involving Evergy that has been testified to
7 previously in this hearing?

8 A. Other than the information shared within the
9 course of hearing, I am not familiar in detail with it.

10 Q. Okay. Well, you may not have an answer to this
11 question then, but let me ask it. If the Commission approves
12 any part of the rebate programs, would it be appropriate for the
13 Commission to impose an evaluation measurement and verification,
14 EM&V, requirement similar to the Kansas stipulation? And you
15 may not be about to answer that, but if you are, please do.

16 A. I will give it a shot. So from my experience
17 with EM&V report, I have not found that EM&V has provided useful
18 information for the cost of doing the report and putting the
19 information together. I think more information could be gained
20 by gaining the data, data collection and providing that to all
21 parties and being evaluated in a rate case more so than what an
22 EM&V report will show.

23 JUDGE GRAHAM: Okay. That's all I have. Is
24 there any recross from any party on the basis of my question?
25 Is there any redirect from Staff counsel on the basis of my

1 question?

2 MS. MERS: No, Your Honor.

3 JUDGE GRAHAM: All right. I think that we --
4 thank you very much Kliethermes, Ms. Kliethermes.

5 Why don't we take a short break at this point.
6 Our court reporter has been at it for an hour and 45 minutes.
7 Why don't we break until 10:30 and we'll come back and we'll get
8 started with -- I believe the remaining witness is OPC's
9 witness, Mr. Marke; is that right?

10 MR. CLIZER: Yes, Your Honor. John Clizer with
11 OPC.

12 JUDGE GRAHAM: All right. Let's adjourn, take a
13 breather and come back and get going at 10:30. I've got 10:15
14 so that's 15 minutes.

15 (OFF THE RECORD.)

16 JUDGE GRAHAM: I've got 10:30 and I show that
17 our next witness is -- let's go at it this way. That was
18 Staff's case. Does that conclude Staff's case in this matter?

19 MS. MERS: Yes, it does, Your Honor.

20 JUDGE GRAHAM: All right. I believe we next
21 have witnesses from the Office of Public Counsel; is that right?
22 I think we established that before the break. Are you ready to
23 proceed, Mr. Clizer?

24 MR. CLIZER: I am ready to proceed.

25 JUDGE GRAHAM: And I think you have one witness,

1 Mr. Marke?

2 MR. CLIZER: Dr. Marke is our only witness.

3 Correct.

4 JUDGE GRAHAM: All right. If you want to
5 produce him, we'll get going.

6 MR. CLIZER: The OPC would call Dr. Geoff Marke
7 to the stand.

8 JUDGE GRAHAM: All right, Mr. Marke, are you
9 there?

10 THE WITNESS: I am here, Your Honor.

11 JUDGE GRAHAM: How do you do, sir. Would you
12 state and spell your full name and I'll administer the oath.

13 THE WITNESS: My name is Geoff, that's
14 G-E-O-F-F, Marke, M-A-R-K-E.

15 JUDGE GRAHAM: All right. Dr. Marke, if you
16 would raise your right hand, I'll administer the oath.

17 (Witness sworn.)

18 JUDGE GRAHAM: You may proceed, Counsel.

19 MR. CLIZER: Thank you, Your Honor. Again for
20 the purpose of the court reporter, this is John Clizer with the
21 Missouri Office of Public Counsel.

22 GEOFF MARKE, having been first duly sworn, testifies as follows:

23 DIRECT EXAMINATION BY MR. CLIZER:

24 Q. Dr. Marke, as you have already given your name,
25 could you please tell me by you are employed and in what

1 capacity?

2 A. I'm employed by the Missouri Office of Public
3 Counsel and I am the chief economist.

4 Q. And have you prepared or caused to be prepared
5 testimony, which has been premarked as Exhibit 200 for the
6 rebuttal testimony and 201 for the surrebuttal testimony?

7 A. I have.

8 Q. And did you have any changes to your testimony?

9 A. Yes.

10 Q. Did you prepare an errata sheet to identify the
11 changes to your testimony?

12 A. Yes.

13 Q. Have you received an email from me for OPC
14 Exhibit 204?

15 A. Yes.

16 MR. CLIZER: Your Honor, I am not sure
17 procedurally how to proceed. At this point I would asked for
18 the errata sheet to be marked as Exhibit 204. I am going to
19 proceed as if it is so marked unless you would ask otherwise.

20 JUDGE GRAHAM: Well, we're online here. Did you
21 send -- Mr. Clizer, didn't you send the errata sheet around the
22 other day on Friday something? Did I not see that?

23 MR. CLIZER: I sent it around on Thursday in
24 preparation when I thought Dr. Marke was going to be called that
25 day, not Thursday. What am I saying? Wednesday. I sent it

1 around again this morning.

2 JUDGE GRAHAM: Okay. And so that is the
3 document that you are referring to. And what is the exhibit
4 number going to be?

5 MR. CLIZER: According to my exhibit list, it
6 would be a Exhibit 204.

7 JUDGE GRAHAM: We do have a court reporter at
8 least for a while this morning. I don't you -- why don't you
9 send that to our Staff person here that is assisting with this
10 proceeding and we'll let her work with the court reporter on the
11 side. That's Jackie Keeley. I think you probably have email to
12 or from her already. You may have sent her that exhibit, but if
13 you'd send it to her with a note that that's the exhibit that
14 you are referring to by number, I think that's just about the
15 best I can do here at this point. We'll take up this issue with
16 how to handle these exhibits later after our last witness. Are
17 you offering that exhibit now?

18 MR. CLIZER: I'm in the process of laying the
19 foundation in preparation for offering it, yes.

20 JUDGE GRAHAM: Well, why don't you go ahead with
21 your witness and when you're ready to offer the exhibits, we'll
22 see what we've got.

23 BY MR. CLIZER:

24 Q. Dr. Marke, is this the errata sheet that you
25 prepared regarding your rebuttal testimony?

1 A. It is.

2 Q. And can you very briefly describe the nature of
3 the change being made in this errata sheet?

4 A. Sure. I admitted four counties within the
5 Evergy service territory, four counties that identified the
6 number of registered battery and plug-in electric vehicle cars.
7 It raises the total 17, to a total of 1,412 registered vehicles,
8 electric vehicles in both the Evergy Metro and Evergy West
9 service territory.

10 Q. And with this change in mind, are the rest of
11 the statements and answers given in your rebuttal and
12 surrebuttal testimony true and correct to the best of your
13 knowledge and belief?

14 A. Yes.

15 Q. And with this change in mind, if I asked you the
16 same questions that were posed in that rebuttal and surrebuttal
17 testimony, would your answers today be the same or substantially
18 similar?

19 A. It would.

20 Q. All right. Thank you.

21 MR. CLIZER: Your Honor, I would move for the
22 introduction of OPC Exhibit 200, the rebuttal testimony of
23 Dr. Geoff Marke, which comes in both a public and confidential
24 version; Exhibit 201, the surrebuttal testimony of Dr. Geoff
25 Marke; and that Exhibit 204, which is Dr. Marke's errata sheet

1 with regard to his rebuttal testimony.

2 (WHEREIN; OPC Exhibits 200P, 200C, 201 and 204
3 were offered into evidence.)

4 JUDGE GRAHAM: Are there any objections to any
5 of those Exhibits, 200, 201, and 204? Hearing none, the record
6 will reflect that they are admitted into evidence.

7 (WHEREIN; OPC Exhibits, 200P, 200C, 201 and 204
8 were received into evidence.)

9 JUDGE GRAHAM: Before we go on though,
10 Mr. Clizer and maybe your witness, maybe Dr. Marke testified to
11 this, but which one of the earlier exhibits -- and you said
12 this, but which one of the other earlier exhibits was subject to
13 correction by the errata sheet?

14 MR. CLIZER: Dr. Marke is correct to say that
15 the errata sheet is correcting the rebuttal testimony.

16 THE WITNESS: It is.

17 JUDGE GRAHAM: And that was 201?

18 MR. CLIZER: That is 200.

19 JUDGE GRAHAM: And are you able to say and I
20 don't mean to put you on the spot, but what page? Was it a
21 single page involved?

22 THE WITNESS: It was, Your Honor. It was Page
23 9, Line 8.

24 JUDGE GRAHAM: Okay. And just in case, if you
25 will permit me, just in case there is some difficulty with this

1 exhibit question, what number is being corrected? Tell me what
2 the incorrect number is.

3 THE WITNESS: There were four counties that were
4 omitted. So they are just additional numbers, Your Honor, added
5 to that table.

6 JUDGE GRAHAM: Okay. And you told us what --
7 these are numbers that should be added into the original numbers
8 in the official exhibit?

9 THE WITNESS: Yes, Your Honor.

10 JUDGE GRAHAM: And so what is the exact number
11 that is be added that we will add into the original number?

12 THE WITNESS: The revised total should read as
13 follows, 1,305 battery, plus 107 plug-in equals 1,412.

14 JUDGE GRAHAM: Okay. Thank you for the
15 clarification. Now, I did not hear any objection to any of the
16 three exhibits and they are, again Mr. Clizer, 200, 201, and
17 204; is that right?

18 MR. CLIZER: Yes, Sir.

19 JUDGE GRAHAM: Hearing no objections, they be
20 admitted into evidence. You may proceed.

21 MR. CLIZER: I tender the witness for
22 cross-examination.

23 JUDGE GRAHAM: All right. I am showing on my
24 list that Staff is the first party up for cross-examination.
25 Does Staff have any questions for this witness?

1 MS. MERS: Yes, Your Honor.

2 JUDGE GRAHAM: You may proceed.

3 CROSS-EXAMINATION BY MS. MERS:

4 Q. Good morning, Dr. Marke.

5 A. Good morning.

6 Q. For the record, this is Nicole Mers for Staff.

7 Did you have an opportunity to hear -- and it's been a little
8 bit now, but last Tuesday Mr. Caisley's testimony?

9 A. Yes.

10 Q. And he called into question your data regarding
11 EV adoption numbers in St. Louis compared to Kansas City. Did
12 you agree with his critique?

13 A. I did not.

14 Q. So you don't agree that there are more EVs per
15 capita in Kansas City compared to St. Louis?

16 A. Mr. Caisley cited a number in excess of -- I
17 want to say in excess of 3,600 in their service territory. My
18 workpapers, you know, which included Missouri Department of
19 Revenue numbers, as well the Department of Energy total
20 registered vehicles by county and by state. What Mr. -- if I'm
21 led to believe what Mr. Caisley said, the only way that that
22 would be possible is if Evergy doubled -- more than doubled
23 their overall EV adoption in half a year, in 2021. I call into
24 question that for so many reasons. One, they should have -- if
25 the Company did actually have those numbers, why didn't they

1 lead with that in their testimony that they're going gangbusters
2 in terms of EV adoption? Two, because right now I'm sure a lot
3 of people are aware there is a chip shortage, you know, electric
4 vehicles and all cars for that matter, are at a premium. And
5 three, again, it runs counter to the empirical, publicly
6 available data provided by both the Missouri Department Revenue
7 and by the Department of Energy.

8 What he cited wasn't -- was an EPRI study, we
9 have never seen this EPRI study. It wasn't in their workpapers.
10 The first we heard of this number was in our hearing. But I can
11 be sure that we'll absolutely DR this in a future rate case
12 because I cannot -- I have a very difficult time suggesting that
13 those numbers are accurate. Even if they were accurate, they
14 would still not approach what you are seeing in the Ameren
15 service territory. Our Ameren service territory numbers
16 included just St. Louis County, St. Louis City, and St. Charles
17 County. We didn't even add any of the additional footprint that
18 we're talking about here.

19 So no, Evergy numbers are not nearly as good as
20 they are in St. Louis.

21 Q. And just to heed advice from the judge earlier
22 in the proceeding, could you explain what EPRI stands for and
23 what the organization is?

24 A. EPRI is sort of a research arm of electric --
25 investor-owned electric utilities. I think believe it actually

1 might be an offshoot of the Epson Electric Institute. Off the
2 top of my head, I can take an educated guess as to what the
3 acronym stands for, but I believe it's Electric Power Research
4 Institute. EPRI goes ahead and provides, for a fee and
5 ratepayers pay for this fee, research for, you know, particular
6 utilities and for the industries at large.

7 Q. Did Evergy cite any other EPRI study -- or the
8 EPRI study you're talking about, is that the one cited to
9 support its 2015 CCN project?

10 A. That's a good question. So we actually DR'd the
11 EPRI study cited in Mr. Caisley's testimony. They provided a
12 2015 study that showed three sets of data, a low, a medium, and
13 a high adoption rate over a number of years. Those numbers
14 haven't come to fruition by any reasonable stretch of the
15 imagination. Those numbers -- you know, the Greater Kansas City
16 in Evergy's Missouri service territory haven't come close to
17 hitting what those the projected numbers are.

18 Q. And was that study updated to include
19 assumptions for the relevant program use in this case?

20 A. No.

21 Q. So would you, based on that, agree that the EPRI
22 study is reliable?

23 A. No. Their own witnesses couldn't explain how
24 these numbers came to be. You know, I believe our counsel
25 crossed one of Evergy's witnesses and their response, if I

1 recall correctly, was the registered vehicles and then he -- an
2 algorithm method that determines cars that come in and out of
3 that service territory. I interpret that as a black box number.
4 Again, we want to try to be as rational as possible when
5 evaluating these programs. We've got empirical data to
6 substantiate whether or not EV adoption is taking place.

7 By all reasonable metrics EV adoption is not
8 taking place in the Greater Kansas City despite the copious
9 amount of dollars and EV charging stations. In fact, the
10 situation is so unique that effectively right now you have a
11 control and treatment group in front of the Commission where
12 Evergy serves as that treatment, i.e. let's drop \$16 million in
13 costs of buildout a Clean Charge Network, versus St. Louis, the
14 control. The control induced more cars doing nothing other than
15 having affordable rates is what I would argue. Induced more car
16 or more EV adoption than what you saw in the Evergy service
17 territory. Everything that you're seeing here, effectively what
18 you're talking about is a pilot study that's already been done.
19 We already have a pilot study.

20 What this application is just an additional --
21 we're throwing money at an answer we already know. At this
22 point --

23 Q. So speaking of your controlled group example, do
24 you recall Mr. Caisley last Tuesday also stating that the
25 St. Louis numbers benefit from generous subsidies from Illinois

1 -- for Illinois drivers and that the lack of stock in Kansas
2 City would impact the numbers in your testimony. Did you
3 consider those factors?

4 A. I did after he said that. I would note that in
5 Illinois -- Illinois just passed, as in September of 2021, a
6 subsidy, a tax rebate subsidy effectively for -- to promote
7 electric vehicles. I don't see how less than 30 days could have
8 impacted EV adoption in the greater St. Louis area to offset
9 what Mr. Caisley's speaking of.

10 Even more so, you would have to be registered to
11 take part in that rebate, you would need to be a registered --
12 you would need to be registered in the state of Illinois. You
13 would not be an Ameren Missouri customer. Mr. Caisley surmises
14 that there would be a greater stock of course in the Greater
15 Illinois area than there is in the Greater Kansas area. I am
16 not sure if Mr. Caisley's is that familiar with the Greater
17 St. Louis Metro area on the Illinois side. To my knowledge I am
18 not aware of many electric vehicle charging dealerships in East
19 St. Louis.

20 Q. Turning back to the EPRI study, would you agree
21 that the EPRI load shapes are appropriate for this case?

22 A. No.

23 Q. Another study that was provided in this case was
24 the ICF analysis, do you recall reviewing that?

25 A. I do.

1 Q. And would you agree with the EV market as a
2 whole evaluation method?

3 A. If I understand the question correctly, the ICF
4 method was effectively -- this is what would happen if there
5 were a lot of EV cars adopted. It would be good for the utility
6 as a whole. Why we paid good dollars or ratepayer dollars to
7 come to this conclusion for a third party is beyond me, but it
8 is consistent with a lot of the studies I've seen that Evergy
9 has farmed out to third parties.

10 There was no cost-effective study on the
11 program, on the portfolio, on the case at hand. We know that
12 having a lot of EV cars induces better revenues for the utility.
13 Whether or not an EV charging station is the right answer, I
14 mean, that is the big problem here, is that we don't presuppose
15 that having more EV charging stations is going to induce more
16 electric cars. I would argue having more affordable rates would
17 go a lot farther based off the evidence I've seen looking at the
18 control and treatment group in St. Louis and Kansas City as to
19 EV adoption.

20 Q. Another study cited in support of the EV
21 charging in this case is the Idaho National Lab Study quoted on
22 Page 3 of NRDC's surrebuttal testimony. Did you read that three
23 surrebuttal testimony?

24 A. I did read it.

25 Q. And are you familiar with that study?

1 A. Very.

2 Q. Do you agree those conclusions are applicable in
3 this case?

4 A. No. I cited the Idaho National Lab Study in the
5 first electrical -- we've had about five electric vehicle
6 charging dockets in front of this commission, not including the
7 many workshops. So you know, I mean, clearly this commission is
8 supported of EVs, but the very first electric vehicle docket I
9 cited the Idaho study. And I actually have it in front of me
10 and I want to quote this from my Ameren direct. Quote, the
11 answer is clear despite installations of extensive public
12 charging infrastructure. In most of the project areas, the vast
13 majority of charging was done at home and work. Nevertheless,
14 the projects demonstrated that a ubiquitous charging network is
15 not needed to support electric vehicle driving.

16 Literally, the Idaho lab -- and that's Page 10
17 and Page 11 of my rebuttal testimony from that Ameren case. It
18 is a 2016 study. The Idaho National Lab was huge. I mean, it
19 looked at hundreds of thousands of hours of EV charging driving,
20 of numbers. In the -- what the Idaho National Lab did was
21 verify exactly what we found out five years later with the Clean
22 Charge Network, that nobody was using this network. They were
23 all charging at home. The ubiquitous charging network wasn't
24 needed to go ahead and induce further EV adoption.

25 Q. Do you have Mr. Caisley's surrebuttal testimony

1 in front of you?

2 A. I can get it.

3 Q. If you could and then go to Page 15 and tell me
4 when you are there, I would appreciate it. Thank you?

5 A. I'm sorry. I want to -- Ms. Mers, did you ask
6 me about the Idaho Lab Study or the National Academy of
7 Scientist Study? I'm sorry.

8 Q. Just the Idaho National Lab Study.

9 A. Yeah, no. I'm there. I'm sorry. What page?

10 Q. Page 15, Lines 9 through 13?

11 A. Okay. I'm there.

12 Q. So the summary of that is that OPC fails to see
13 how the proposed rebates, EV rates in the CCN are all
14 interrelated to a customer understanding purchasing and owning
15 an EV; is that fair?

16 A. It is.

17 Q. How did you reconcile that statement with OPC's
18 positions in the recent Ameren and Empire docket?

19 A. I would say that that runs counter to both of us
20 dockets. We -- you know, I don't know how much I can speak
21 about the Empire study -- or the Empire docket, but I'm
22 definitely looking forward to speaking on the record to the
23 Commission about, you know, how well Staff, OPC, and a willing
24 utility that is reasonable could come together to work towards a
25 fruitful EV charging station portfolio. With Ameren Missouri we

1 came to a stipulation and agreement with that utility to offer
2 rebates in a much more reasonable manner from our perspective.
3 Primarily being the fact that Ameren doesn't have -- already
4 doesn't have 900 EV charging stations, you know, littered
5 throughout its service territory.

6 These rebates in particular, you know, for the
7 Evergy service territory, I mean, are twofold. I mean, one is
8 for the station itself. The other one is for giving money to
9 people that already have EV cars, which you know, again this is
10 one of your bang your head at the wall moments. I don't know
11 why we're \$500 to somebody that already has an electric vehicle
12 car. That's a lot of money. That is all a lot of money to sit
13 there and justify, you know, giving that to a customer that
14 already has an EV car. So, you know, it begs all sorts of
15 questions as to really what the goal of this program is.

16 Q. Now, turning back to Mr. Caisley's live
17 testimony last Tuesday, did you hear him testify that the amount
18 of charging induced would be too small to increase peak
19 significantly?

20 A. I did hear him say that.

21 Q. Could you explain how an amount of charging too
22 small to significantly increase peak and can then significantly
23 can reduce the same peak to provide benefits?

24 A. I can't.

25 Q. Just a few more. In your rebuttal testimony on

1 Page 14, you mention the large investment induced by Elliott
2 Management that resulted in Evergy Sustainability Transformation
3 Plan. When you say induced, can you explain what that means?

4 A. When Evergy first applied for PISA, they
5 provided -- and I think this is a requirement by statute that
6 they've got to have a public hearing to announce their plan
7 projects moving forward. In the first one I attended live asked
8 a number of questions that basically centered around the
9 observation that Evergy wasn't investing nearly as much money as
10 Ameren in their PISA. The response that I got was, Well, Geoff,
11 we already have. You know, we've already -- we've invested a
12 ton of money. It's one of our reasons why our rates are -- you
13 know, we've had multiple rate cases and you can look at that.
14 But we've already had AMI meters in place. We already have, you
15 know, the software to support that AMI. You know, the PISA is a
16 supplement to that.

17 As soon as Elliott came in, lo and behold within
18 the next PISA docket, the combination of the PISA and Evergy
19 Sustainability Transformation Plan, now we're talking collective
20 close to \$9 billion in planned investment. One way to go ahead
21 and support trying to find investment that doesn't currently
22 exist is to build out load and to build out that distribution
23 system in particular. That's exactly what this program can do
24 right now as it is drafted. That is reason -- it's one of the
25 primary reasons we object to it and I believe Staff objects to

1 it. It's because they can just needlessly build out that
2 distribution system to meet those peak energy uses.

3 The fact that you don't have the time of use
4 connected to that, the fact that there's very little evidence or
5 direction as to where these are going, why we're doing it, all
6 goes ahead and supports the idea that the goal of this is really
7 just build out cap ex, and build out cap ex and build out cap ex
8 is very conducive to that Elliott number. Which you know,
9 again, I'll point out if the goal is to increase EV adoption,
10 affordable rates are going to go a long way in helping increase
11 EV adoption. That's something the Company cannot say in my
12 opinion right now.

13 Q. Finally, there's been quite a bit of discussion
14 about third-party charging providers and the interactions that
15 they would have in this case. How do you think a
16 ratepayer-funded command control EV charging stations would help
17 or hinder competition?

18 A. It would hurt it. Unequivocally hurt it. Look
19 no further. A lot of the focus on the competition, you know, I
20 think has been misguided. The idea is well, you know,
21 ChargePoint's in this case. And it's not just about ChargePoint
22 or having EVGo. It's about locking your -- it's about what is
23 great about the market. And what's great about a market is
24 variety. What's great about a market is that risk -- that skin
25 in the game risk that induces innovation, that induces

1 competition. And really what I am speaking to -- look at the
2 CCN network. What is the CCN network? That's a command control
3 network that went into place that is not being utilized. That's
4 effectively a stranded asset. We know that because they're not
5 getting any revenues. They're not getting the revenues to cost
6 its annual upkeep. They sure as heck aren't not getting enough
7 revenues to go ahead and cover its overall total cost. It's
8 questionable whether it ever will. One of the reasons why is
9 because they are slow charging stations. I would argue that
10 it's effectively close to being obsolete technology or will be
11 in the future.

12 When you look at the EV -- you know, and this is
13 in ChargePoint's filing at the FCC. I mean, one of the biggest
14 risks that ChargePoint faces is the fact that this is a fast
15 moving world. You know, in Europe, we've got wireless charging.
16 Can we sit here and say in five years, conceivably we might --
17 wireless charging might be the way to go and nobody wants to do
18 wires because of the liability or because of the lack voltage,
19 absolutely. Those would be stranded assets.

20 The fact that the federal government is coming
21 in and throwing a hundred million dollars on top of this to go
22 ahead and ease range anxiety concerns just nullifies the whole
23 rationale behind this -- this portfolio. AB&B, for example,
24 just released a press release, I want to about a week ago, about
25 creating the fastest charging station yet and that it can, you

1 know, charge vehicles in three minutes and, you know, four cars
2 at a time. Absolutely -- you're going to see leaps and bounds
3 in the technology moving forward. My concern as a ratepayer
4 that is now being asked to be an investor effectively in this
5 infrastructure is, will it still be used. Right now we know it
6 is not being used at all. So you know, what makes us believe
7 that this new pilot is best better than the old pilot?

8 MS. MERS: Thank you very much. I have nothing
9 further.

10 JUDGE GRAHAM: Thank you. Does MEGC have any
11 questions for Dr. Marke?

12 MR. WOODSMALL: Yes, Your Honor.

13 CROSS-EXAMINATION BY MR. WOODSMALL:

14 Q. Good morning, Dr. Marke. David Woodsmall for
15 MEGC.

16 A. Good morning.

17 Q. Working back through your errata sheet, you
18 provide some additional numbers on electric vehicles in the
19 Evergy service area; is that correct?

20 A. That's correct.

21 Q. And despite the fact that the number of electric
22 vehicles by adding in those four additional counties, the number
23 of electric vehicles has increased slightly, does your
24 conclusion they are on Line 11 to 12 that there are more EV
25 charging points than EV cars in the Evergy service territory

1 still apply?

2 A. It does.

3 Q. Okay. Let's talk ratemaking. Are you familiar
4 with the ratemaking methodology in Missouri?

5 A. I am.

6 Q. Would you agree that a utility only improves
7 earnings by increasing investment?

8 A. Yes.

9 Q. And would you further agree that giving the
10 effects of depreciation on rate base over time, that absent
11 these further investments, a utility's earnings will actually
12 decrease over time?

13 A. Yes.

14 Q. So would you agree then, giving the effects of
15 depreciation that utilities are constantly looking for
16 opportunities to invest?

17 A. Yes. And I believe that Elliott STP bears that
18 out.

19 Q. Do you believe that that same motivation is
20 reflected in the portfolio in this case?

21 A. Absolutely. And I would just pause real quick
22 and just point out that this is a nonessential service. It is a
23 nonessential service. You don't need this for safe and adequate
24 services and, moreover, we have every reason to expect the
25 federal government to go ahead and provide close to \$100 million

1 with more opportunities thereafter to go ahead and get funding
2 for this very thing.

3 Q. When you say \$100 million dollars, that is the
4 Missouri specific portion of the federal dollars; is that
5 correct?

6 A. It is. It is. If you think about, like, just
7 for a second Mr. Woodsmall, there's about 3,500 gas stations
8 roughly in this state. If we just put a DCFC fast charging
9 station at a 50 kW, you know, current, voltage, we can
10 effectively put a DC FC fast charger in just about every gas
11 station in the state. And that's all federal dollars. If that
12 existed, I think that pretty much nullifies any argument for
13 range anxiety. That is not borne by ratepayers. But yes, I
14 mean, obviously Evergy has a perverse incentive to build out
15 rate base and to put those ratepayer dollars onto a nonessential
16 service.

17 Q. And in addition to the fact that investment will
18 drive up a utility's earnings, would you also agree that it
19 drives up customer rates?

20 A. Unfortunately, yes. That's absolutely borne
21 out.

22 Q. You mentioned earlier that affordable rates do
23 more to help EV adoption than a clean charge network. Do you
24 recall that statement?

25 A. I do.

1 Q. And can you tell me, are you generally familiar
2 with Evergy's rates?

3 A. I am.

4 Q. Can you tell me your understanding of the
5 affordability of Evergy's rates?

6 A. So I usually focus on a couple of data points to
7 help me gauge the affordability of rates. One is the Epsilon
8 Electric Institute's, you know, rate schedule book, which looks
9 at rates across utilities and across service classes. It also
10 looks at a EIA Form 861 data. Evergy Metro is well above the
11 national average. That's despite not coming in for a rate case
12 it roughly three years. Evergy West is more affordable.
13 However, Evergy West is looking -- you've got to keep in my
14 context is important because we have \$300 million in Storm Yuri
15 costs that are coming down that are going to be borne those
16 ratepayers.

17 We also know, you know, based off of Evergy's --
18 as publicly stated that they're planning to coming in for a rate
19 case the first quarter of 2022. This is to say nothing for the
20 many surcharges where those rates and those costs are being
21 borne and included in customers' bills. So they are
22 significantly higher than Ameren right -- today, for example.

23 Q. Would you agree that the proposals in this case
24 will cause an upward pressure on Evergy's rates that are already
25 above the national average?

1 A. Yes, they will.

2 Q. Are you aware of any recent publications
3 indicating some fear of blowback from customers due to high
4 utility rates?

5 A. Yes, a number of publications actually. In
6 fact, just yesterday I saw a Robert Woods Foundation poll that
7 cited huge concerns over both fuel costs and just the overall
8 energy transition. Probably the canary in the coal mine is
9 looking at Europe. I am familiar with the U.S. Bank Report that
10 cited, you know, the volatility in fuel costs, but also
11 liability investments that have been made and its impact on the
12 economy at large. So yeah, there's -- I mean, there's been
13 protests in France over it. To suggest that -- I mean, look no
14 further than, you know, our public comments in our many dockets
15 and rate cases and public hearings.

16 Q. That Bank of America Report, does it -- does it
17 look towards Europe and say there are lessons to be learned from
18 what's happening there on affordability of rates in the United
19 States?

20 A. It does. It does. It emphasizes that, you
21 know, affordability -- to quote James Carville, it's the economy
22 stupid. You know, at the end of the day that is a driving
23 motivating factor that has an impact on everybody's lives, you
24 know, from large industrious to fixed-income seniors on the
25 residential rates.

1 Q. Are you familiar with an entity called JD power?

2 A. Yes, I am.

3 Q. Does JD Power have a survey ranking electric
4 utilities on customer satisfaction?

5 A. They do.

6 Q. Will you agree that Evergy ranks well below
7 average in customer satisfaction?

8 A. Yes, I do. I would say that. They're not as
9 low as Empire, but they are low.

10 Q. And would you agree that the Number 1 factor
11 driving Evergy's below average ranking in customer satisfaction
12 is rate affordability?

13 A. Yep. Absolutely. JD power looks at a number of
14 different metrics to kind of -- to pull that altogether, but
15 that absolutely comes customer affordability is the Number 1
16 concern of Evergy's customers.

17 (WHEREIN; telephone interruption.)

18 BY MR. WOODSMALL:

19 Q. Finally, on the issue of ratemaking --

20 JUDGE GRAHAM: Hello?

21 MR. WOODSMALL: I'm sorry. Are you ready for me
22 to proceed, Your Honor?

23 JUDGE GRAHAM: Yes, please. Something cut into
24 our WebEx program here. Go ahead. You may proceed. You may
25 need to repeat your last question, please.

1 MR. WOODSMALL: I'll do that.

2 BY MR. WOODSMALL:

3 Q. So to tie this all together, will the investment
4 proposals in this case likely affect rate affordability and
5 potentially cause further erosion in Evergy's below average
6 customer satisfaction?

7 A. Yes.

8 Q. Are you familiar with a concept known as PISA,
9 plant in-service accounting?

10 A. Yes, I am.

11 Q. And generally, are you familiar that that was
12 created by statute?

13 A. Yes.

14 Q. And that statute provides for a certain
15 moratorium period if a utility elects the PISA accounting?

16 A. Yes.

17 Q. Were you involved in Evergy's last rate case?

18 A. I was.

19 Q. And when did rates go into effect in the last
20 Evergy rate case?

21 A. It was the winter of 2018, I believe.

22 Q. And when did Evergy elect to opt-in to plant
23 in-service accounting?

24 A. It would be January 1st of January 2019, I
25 believe.

1 Q. Okay. Moving on, have you heard the various
2 discussion regarding Evergy's request for decisional prudence
3 determination from the Commission related to its Clean Charge
4 Network expansion?

5 A. Yes, I have.

6 Q. Are you aware that Evergy already has 650
7 vehicle chargers in its Missouri service area?

8 A. I am.

9 Q. And that through this case Evergy is simply
10 seeking to expand that from 650 to 800 electric vehicle
11 chargers; is that correct?

12 A. Or potentially more. Yes.

13 Q. Do you know whether Evergy sought a similar
14 prudency determination from the Commission with regard to the
15 original 650 vehicle chargers?

16 A. They did not.

17 MR. FISCHER: Hello? Hello? Hello?

18 MR. WOODSMALL: I can hear you, Jim. Jim, did
19 you need something?

20 MR. FISCHER: I'm sorry. I should have been on
21 mute.

22 BY MR. WOODSMALL:

23 Q. So go back to that previous, do you know whether
24 Evergy sought a similar prudency determination from the
25 Commissioner with regard to the original 600 vehicle chargers?

1 I believe your answer was no, they hadn't?

2 A. Correct.

3 Q. Instead, Evergy simply built the charging
4 network and then sought recovery in a rate case; is that
5 correct?

6 A. That's correct.

7 Q. So Evergy was comfortable making a managerial
8 decision to construct 650 vehicle chargers then, but now says
9 that it needs assurances from the Commission to simply build 150
10 more; is that correct?

11 A. That's correct.

12 Q. We've had much discussion throughout this case
13 regarding the Commission statements in its 2014 report and order
14 regarding that Evergy Clean Charge Network. Evergy has
15 repeatedly emphasized that the Commission complemented its
16 network. Can you provide a more complete picture based upon
17 your understanding of the 2014 and 2016 report and orders?

18 A. I can. In the 2014 report and order -- I think
19 it has been offered -- I think is misleading in how Evergy
20 portrayed it. The Company at that time didn't know where it was
21 going. They didn't provide, you know, any great detail.
22 Effectively, the Commission was generally supportive of electric
23 vehicle electrification, but stopped at that point. The 2016
24 case would have been the next opportunity for the CCN network to
25 get approval and the Commission categorically rejected it for

1 all of the reasons that we have said in testimony over fear of
2 competition, over stranded investments. The 2016 -- I believe
3 it is 285 is that docket.

4 Q. Yes. Just to clarify the record, ER-2016-0285,
5 I believe is what you're referring to?

6 A. I would employ -- and the current commission --
7 and I think Commissioner -- there's commissioners that were
8 present that are still on the Commission that were present in
9 that docket. But that report and order just categorically
10 points out the problems inherent with the CCN network with this
11 application. Nothing's changed. You know, that is the big
12 problem here. Again, I would point to the fact that we've come
13 to agreements with Empire and Ameren where it made sense and
14 effectively this application is just more of the same.

15 Q. In fact, in that 2016 case, after a remand from
16 the Court of Appeals, the Commission was so concerned about
17 these costs that they segregated them into their own specific
18 class; is that correct?

19 A. That's correct.

20 MR. DUNBAR: Your Honor, I'd like to -- excuse
21 me. I'd like to register an objection. Mr. Woodsmall has been
22 asking quite a lot of friendly cross-examination questions. I
23 think it's pretty clear on this topic and several others that
24 there's complete agreement between OPC and MECG and so it's not
25 only a waste of time, it's also prejudicial for Mr. Woodsmall to

1 ask questions of Dr. Marke on areas -- on topics on which they
2 agree.

3 MR. WOODSMALL: Your Honor --

4 MR. CLIZER: John Clizer from OPC -- sorry.
5 Clizer from OPC. Can I just ask who registered the objection?
6 I wasn't able to see in time.

7 MR. DUNBAR: I apologize. That was Scott Dunbar
8 on behalf of ChargePoint.

9 MR. WOODSMALL: Your Honor, may I respond?

10 JUDGE GRAHAM: Yes.

11 MR. WOODSMALL: Since this came up earlier in
12 the hearing, I went and did some research on it. First off, I
13 don't have a witness in this case, so obviously I'm going to go
14 to the witness that I think will best know this information and
15 be able to provide it for me. That said, I looked up
16 cross-examination in the Black's Law Dictionary and it doesn't
17 provide for any measure of hostility between a party and a
18 witness. It simply says the examination of a witness by a party
19 other than the direct examiner and that is what I am.

20 Moving more specifically to Missouri, the
21 Missouri Administrative Procedures Act says that I may
22 cross-examine -- this is Section 546.070 -- says that I may
23 cross-examine, quote, on any matter relevant to the issues even
24 though the matter was not the subject of the direct examination.
25 I don't know what legal theory or doctrine Mr. Dunbar is relying

1 on, but certainly the Missouri Administrative Procedure Act
2 provides me the ability to cross-examine this witness.

3 JUDGE GRAHAM: The objection will be overruled.
4 Proceed.

5 MR. WOODSMALL: Thank you, Your Honor.
6 BY MR. WOODSMALL:

7 Q. Moving on, I sent about three or four minutes
8 ago a document to all of the counsel and I hope I copied you,
9 Mr. Marke. Did you get that?

10 A. Yes.

11 Q. And if counsel didn't get it, please let me know
12 so I can make sure I get it to everybody. Are you generally
13 familiar with Evergy's rate schedules?

14 A. I am.

15 MR. STEINER: David, this is Roger from Evergy.
16 I don't think we've got it yet.

17 MR. CLIZER: Clizer from OPC I just want to
18 confirm that we did receive Exhibit 500 from Mr. Woodsmall, so
19 it has been sent.

20 MR. WOODSMALL: You're on there Roger. Let me
21 forward it again just to you.

22 MR. STEINER: Jim, did you get it by chance?
23 Jim Fischer?

24 MR. WOODSMALL: Jim was on there as well.

25 MR. FISCHER: I just received it.

1 MR. WOODSMALL: So it may be just a little
2 delay. Go me to wait, Roger?

3 MR. STEINER: No. You can go ahead, David, if
4 Jim has it. I have not seen it yet.

5 MR. FISCHER: This is just our effective rates;
6 is that correct?

7 MR. WOODSMALL: Yeah. It's several of the pages
8 from Evergy's current rate schedules. I think I'll explain it
9 more as we go.

10 MR. STEINER: I have it now.

11 JUDGE GRAHAM: Gentlemen, just be reminded when
12 you speak to identify yourself, and this is Judge Graham.

13 MR. WOODSMALL: I'll try to do better. Again
14 David Woodsmall, MECG.

15 BY DAVID WOODSMALL:

16 Q. Did you say you're generally familiar with
17 Evergy's rate schedules?

18 A. This is Geoff Marke with the Office of Public
19 Counsel. Yes, I am.

20 Q. Would you agree that Evergy currently has rate
21 schedules for residential service, small general service, medium
22 general service, large general service, and large power service?

23 A. Yes.

24 Q. Would you describe what is shown --

25 MR. WOODSMALL: Your Honor, what I have sent

1 around I have marked as Exhibit 500, which I believe is my first
2 preassigned exhibit number. So is that Exhibit 500 an okay
3 designation with you?

4 JUDGE GRAHAM: Well, I don't have the order open
5 in front of me in EFIS. Were those the numbers that were
6 dedicated to MECG?

7 MR. WOODSMALL: They are, Your Honor.

8 JUDGE GRAHAM: That is fine, then. Go ahead and
9 proceed.

10 BY MR. WOODSMALL:

11 Q. Again David Woodsmall for MECG.

12 Would you describe what is shown in Exhibit 500?

13 A. These are Kansas City Power and Light company's
14 rate schedules for residential, small general service, medium
15 general service, large general service, large power service, and
16 that's it.

17 Q. Okay. And turning to the first one, the
18 residential rate schedule, can you tell me what the service is
19 that is actually being offered there?

20 A. Yeah. Shown in the availability section of the
21 residential rate schedule, the service being offered is electric
22 service.

23 Q. Okay. And that is a quote. The service is,
24 quote, electric service?

25 A. Yes.

1 Q. Turning to the small general service rate
2 schedule, can you tell me the service that is being offered
3 there?

4 A. One second. As shown in the availability
5 section of the SGS rate schedule, the service being offered is
6 electric service.

7 Q. Similarly, can you tell me what the service is
8 that's being offered in the medium general service rate
9 schedule?

10 A. As shown in the availability section of the MGS
11 rate schedule, the service being offered is electric service.

12 Q. Turning to the large general service rate
13 schedule, can you tell me what the service is that's being
14 offered there?

15 A. As shown in the availability section of the LGS
16 rate schedule, the service being offered is electric service.

17 Q. And finally, on the large power, is the service
18 being offered there, electric service?

19 A. It is.

20 Q. So under all these, would you agree then, that
21 electric service is an existing service for Evergy?

22 A. Yes.

23 Q. Do you have Mr. Caisley's direct testimony in
24 this case?

25 A. I can get it. Okay.

1 Q. Attached to his testimony are a number of tariff
2 sheets. They are not numbered within the attachment, so I don't
3 know how to direct you to it other than to say, do you see the
4 tariff sheets there?

5 A. One second.

6 Q. And specifically, I'm going to ask you questions
7 about the tariff sheet for the electric transit service rate
8 proposal?

9 A. Okay. I've actually got that. Okay.

10 Q. Would you describe Evergy's proposed electric
11 transit service program in this case?

12 A. Hold on a second. I've lost this again. Give
13 me one second.

14 Q. No problem.

15 A. Got a -- okay. Yes, seen in the applicability
16 section it provides electricity for purposes of charging
17 electric public transit vehicles. Yeah.

18 Q. Do you see above that a section entitled
19 availability?

20 A. Yes.

21 Q. Turning to the availability section of the
22 electric transit service program rate schedule, would you read
23 out loud the first sentence under the availability provision?

24 A. Electric service is available under the schedule
25 through one meter on the Company's existing distribution

1 facilities.

2 Q. So the service being offered as contained in
3 that availability section for electric transit service is
4 electric service; is that correct?

5 A. Yes, it is.

6 Q. Would you turn two pages to the tariff entitled
7 business EV charging service?

8 A. Okay.

9 Q. Are you familiar with this proposed tariff?

10 A. Yes.

11 Q. Would you describe what this proposal seeks to
12 do?

13 A. Yeah, as seen in the same in the availability
14 section provides, it electricity for purposes of nonresidential
15 customers charging electric vehicles.

16 Q. Turning to the section immediately ahead of it,
17 the availability section, would you read out loud the first
18 sentence under the availability provision?

19 A. Electric service is available under this
20 schedule through one meter at a point on the Company's existing
21 distribution facilities.

22 Q. So what is the service that is actually being
23 offered to customers under the business EV charging service
24 program?

25 A. Electric service.

1 Q. So you would agree then that the service that is
2 being proposed to be offered under the electric transit service
3 rate schedule and the business EV charging rate schedule is
4 electric service, which is the same service offered under the
5 residential SGS, MGS, LGS and LP rate schedules?

6 A. Yes.

7 Q. Let's look at some specific examples. I believe
8 you talked about this briefly with Staff. Are you aware that
9 Kansas City Metro, the city itself already has transit vehicles
10 that are electric?

11 A. Yes.

12 Q. And Kansas City is able to charge its transit
13 vehicles, despite the fact that there is currently an Evergy
14 electric transit service rate schedule?

15 A. Right. So the electric streetcar or electric
16 buses would be charged under one of the current general service
17 rate schedules.

18 Q. So then this would not be a new service because
19 they're already able to access electric service under current
20 tariffs?

21 A. Correct.

22 Q. Are you aware that there are currently business
23 customers in Evergy's service area that are providing charging
24 service to its customers electric vehicles such as movie
25 theaters, shopping malls, restaurants, etc?

1 A. Yes.

2 Q. And these customers are able to offer that
3 service to its customers, electric vehicle charging customers,
4 despite the fact that there is not currently a business EV
5 charging rate schedule?

6 A. That's correct.

7 Q. Do you have an opinion as to what rate schedules
8 these customers may be using to provide electric vehicle
9 charging to their customers?

10 A. Since those customers are nonresidential
11 customers, they would rely on one of the current general service
12 rate schedules.

13 Q. Okay.

14 MR. WOODSMALL: Your Honor, I would offer
15 Exhibit 500 into the record.

16 (WHEREIN; MECG Exhibit 500 was offered into
17 evidence.)

18 JUDGE GRAHAM: Do I hear any objections? Let me
19 open that. Does that have a name?

20 MR. WOODSMALL: We've marked as Exhibit 500.
21 What it was identified as by the witness is some of Evergy's
22 current generally available rate schedules for residential SGS,
23 MGS, LGS and large power customers.

24 JUDGE GRAHAM: Hearing no objections, Exhibit
25 500 will be admitted into the record.

1 (WHEREIN; MECG Exhibit 500 was received into
2 evidence.)

3 BY MR. WOODSMALL:

4 Q. Moving on, do you believe that any of the
5 services being proposed in this case would constitute renewable
6 regeneration?

7 A. No.

8 Q. Do you believe that any of the services being
9 proposed here would constitute microgrids?

10 A. No.

11 Q. Do you believe any of the services being
12 proposed in this case would constitute energy storage?

13 A. Not as filed, no.

14 Q. When you state not as filed, can you explain
15 that?

16 A. Yeah. In theory, you could use -- I guess you
17 could -- we could look at EV charging stations as a potential
18 storage offshoot. I say not as filed because, you know, the
19 batteries would need to be connected to the grid. Electric
20 vehicles and their batteries would need to be connected to the
21 grid, need to have some sort of netting device that would look
22 at, you know, the amount of energy that is being consumed on
23 that meter versus how much of that is being put back in. I'm
24 not aware of any utility that's actively doing vehicle to grid
25 programs at this point. You know, there's the potential of

1 something like that, but the coordination of something and the
2 work -- the labor and the hours that's going to be needed to
3 make that happen is really far into the future at this point.
4 Put it this way, this application is not going to be doing that.

5 Q. You believe that the proposed expansion of the
6 Clean Charge Network is, quote, small scale?

7 A. I'm sorry. Could you repeat that?

8 Q. Do you believe that the proposed expansion to
9 the current Clean Charge Network is small scale?

10 A. I mean, I guess it depends on the eye of the
11 beholder as to, you know, is if it's smaller or not. I am not
12 sure I have an opinion on that.

13 Q. Okay. Is it your understanding that Evergy's
14 current Clean Charge Network is the largest in the country?

15 A. It was at one time the largest in the nation.
16 It is infinitely, like, the largest in the state. There's
17 probably only a handful of states that have -- or metro areas
18 that have more EV charging stations per capita. In fact, you
19 know, we had a -- there was an electric vehicle docket -- a
20 workshop docket where we filed comments was in Mr. Clizer's
21 opening where we showed a report from Oxford University that
22 effectively showed Kansas City as a case study of what not to do
23 for electric vehicle adoption. I mean, the number on the X and
24 Y axis was, you know, was an outlier. I mean, huge amounts of
25 EV charging stations. Very, very, very, very, very, very little

1 adoption.

2 Q. Okay. Moving on, can you tell me what your
3 understanding of the interest of ChargePoint is in this case or
4 what their interest in general are?

5 A. ChargePoint's interest are for -- you know, to
6 make money for their investors and, you know, for their
7 management.

8 Q. Do you believe that ChargePoint represents the
9 interests of any Evergy customers?

10 A. No.

11 Q. Can you tell me what the interest of what Sierra
12 Club are in general?

13 A. Macrolevel environmental interests.

14 Q. Do you believe that Sierra Club represents the
15 interest of any Evergy customers?

16 A. No customer class. There might be customers
17 that value environmental initiatives, but no.

18 Q. Okay. Can you tell me what your understanding
19 of the interest of the National Resources Defense Council are in
20 general?

21 A. Similar to Sierra Club.

22 Q. Do you believe that NRDC represents the
23 interests of any Evergy customers as a class?

24 A. No.

25 Q. Can you tell me your understanding of the

1 interests of Renew Missouri?

2 A. Renew Missouri is a non-for-profit that supports
3 renewables in the state of Missouri.

4 Q. Do you believe Renew Missouri represents the
5 interests of any Evergy customers?

6 A. Again, there might be customers that support
7 renewable, you know, projects, but as a customer class, no.

8 Q. Tell me your understanding of the parties in
9 this case who does actually represent the interests of Evergy
10 customers?

11 A. The Office of Public Counsel, MCEG, Missouri
12 Energy Consumer Group, and to the extent that they have, you
13 know, taken a neutral stance, the Missouri Public Service
14 Commission staff.

15 Q. And what is the position of all of those parties
16 that represent customer interests in this case?

17 A. To reject this proposal.

18 Q. Moving on, were you listening on Tuesday when
19 Mr. Caisley testified?

20 A. I was.

21 Q. I believe Staff has already covered that
22 question, so we will skip that. Do you have an opinion as to
23 whether Evergy's Clean Charge Network has worked?

24 A. It has not worked. That is my opinion. And we
25 should learn from it. It -- I reference to Oxford Study, but

1 this is, in my opinion, a case study of what not to do. And the
2 answer off of that pilot effectively -- we've already done a
3 pilot. The numbers haven't borne out. The answer is don't do
4 the same thing, which is exactly what this proposal is putting
5 forward. It's explore and look at the other options. You know,
6 again without going into settlement discussion, you know both
7 the Empire case and to a certain extent the Ameren case provide
8 better blueprints as to moving forward. Honestly, the real
9 answer to this is to sit and wait. We will know whether the
10 federal government is going to be giving out money here by the
11 end of the year. We'll at least have a better idea. But
12 there's no compelling argument to fast-forward and rubberstamp
13 this thing moving forward.

14 Q. When you say that the current Clean Charge
15 Network hasn't worked, would you agree that that opinion is
16 supported by the fact that these current chargers are not being
17 used?

18 A. Yeah. I mean, again Mr. Woodsmall, you know,
19 one of the points that I would like to emphasize, when I'm
20 looking at this from a consumer advocate standpoint is the
21 concept of opportunity cost. You know, we can solve a lot of
22 problems, but we cannot solve every problem. We've got to be
23 mindful of the dollar amounts we do have and how we spend it.
24 Throwing money at something that's already shown not to work, is
25 not a prudent use of dollars. It sure as heck is difficult to

1 justify when those same customers who are going to be asked to
2 bear those costs, have the highest arrearage amounts in the
3 state. We're talking, you know, categorically larger than what
4 we're seeing on the Ameren side. It just seems inequitable and
5 regressive to go ahead and give out \$500 rebates to car -- to
6 again, to people that already EV cars.

7 In light of the Storm Yuri costs that are coming
8 down, the plant \$9 billion of capital investment, yeah, for all
9 those reasons, we've got to be mindful of how we use captive
10 customers dollars or else you're going -- or people are going to
11 suffer at the end of the day. We get enough of those phone
12 calls, you know. In our office almost every other day I'm
13 getting at least a phone call from a senior that's on fixed
14 income that cannot make bills. I'm sorry. Go ahead.

15 Q. And another factor that supports your opinion
16 that the Clean Charge Network hasn't worked is what you referred
17 to earlier is that it's not actually promoting adoption even
18 compared to St. Louis; is that correct?

19 A. That is correct.

20 Q. You mentioned the \$500 rebate that would be
21 available to people that already own electric vehicles in the
22 service area. Let's try to put that in perspective. I believe
23 in your errata sheet that you mentioned that there are currently
24 1,412 electric vehicles in the Evergy service area; is that
25 correct?

1 A. That's correct.

2 Q. And each of these vehicles would be eligible for
3 a \$500 rebate; is that your understanding?

4 A. That's correct.

5 Q. If we just simply take the 1,412 electric
6 vehicles and multiply by 500, what we see is that calculation
7 \$706,000. Would you accept that?

8 A. I would.

9 Q. And so that is \$706,000 going to customers that
10 are already using electric vehicles; is that correct?

11 A. That's correct.

12 Q. Did you have the opportunity to read the NRDC
13 witness's Max Baumhefner's testimony?

14 A. I did.

15 Q. Would you go to his testimony and read Page 3,
16 Lines 20 through 23 and his Page 4, Line 1?

17 A. One second please. Page 3, Lines what again?

18 Q. Page 3, Lines 20 through 23?

19 A. As researchers from Idaho National Laboratory
20 note, the availability of public infrastructure provides
21 consumer confidence against range anxiety with a perceived fear
22 by battery electric vehicle drivers by becoming stranded once
23 the battery is depleted. However, this availability means that
24 infrastructure must naturally proceed from the adoption of PEVs.

25 Q. Are you familiar with that study?

1 A. Yes, I am.

2 Q. Do you agree that this statement accurately
3 characterizes the Idaho study?

4 A. I had a similar question from Staff Counsel
5 Mers. No. It didn't -- the conclusion of that study -- you
6 know, again -- I'll repeat it, that the answer is clear.
7 Despite installations of extensive public charging
8 infrastructure in most of the project areas, the vast majority
9 of charging is done at home or work. That's 85 percent of the
10 charging is being done at home. It's the equivalent if you had
11 a gas station in your garage at home, you would use it.

12 JUDGE GRAHAM: Counsel -- counsel, this is Judge
13 Graham.

14 MR. WOODSMALL: Yes, sir.

15 JUDGE GRAHAM: Answer the questions. Counsel,
16 would you repeat your question so the witness can answer your
17 question. Let's get back to examination here.

18 BY MR. WOODSMALL:

19 Q. Okay. Do you agree that the statement
20 accurately characterizes the Idaho study. I believe that's yes
21 or no?

22 A. No.

23 Q. And can you tell me why you don't believe that
24 that statement accurately characterizes the Idaho study?

25 A. As I read that in Mr. Baumhefner's statement

1 it's implying that more EV charging stations are necessary. The
2 study says, you know, nevertheless and I, quote, the
3 projects demonstrated that ubiquitous charging network is not
4 needed to support PEV driving.

5 Q. Okay. We're getting really close. I only have
6 four or five more questions. Could you go to the testimony on
7 Page 4. Are you familiar with information provided on Lines 7
8 through 15?

9 A. Yes.

10 Q. Are you familiar with that National Academy of
11 Science report?

12 A. I am.

13 Q. Do you agree that this statement accurately
14 characterizes the National Academy of Science's study?

15 A. I would not. I mean this is what -- the
16 National Academy of Science's study --

17 Q. Let me stop you there.

18 JUDGE GRAHAM: Again --

19 BY MR. WOODSMALL:

20 Q. Your answer was no, it doesn't? I'm sorry?

21 A. No.

22 Q. And could you tell me why that this statement
23 doesn't accurately characterize the National Academy of Science
24 study?

25 A. The recommendation by the National Academy of

1 Science was for the federal government to cease funding of
2 ubiquitous charging networks moving forward. And again, that's
3 testimony that I filed in my direct case in the Ameren docket
4 because they couldn't find a correlation between -- a strong
5 correlation between EV charging stations and EV adoption, which
6 again, is right in line with the Clean Charge Network pilot
7 effectively that we saw already to date.

8 Q. You recommended that the Commission reject the
9 commercial rebate program, but gave a secondary recommendation
10 that if they approve it, they should put in an 80/20
11 participant/nonparticipant split to minimize free riders. Is
12 that an accurate understanding of your recommendation there?

13 A. Yes.

14 Q. Can you tell me what a free rider is?

15 A. A free rider, you know, as we typically use the
16 term on the regulatory side is a customer that would do that
17 action regardless of the rebate that is being offered. We see
18 it a lot in MEEIA programs. We tried to design programs to
19 minimize free riders because that's, again, just giving out
20 rebates to people that would already do this stuff. The 80/20
21 is there, which is in line with MEEIA and with other programs
22 that I have seen, you know, to minimize the impact. Let's just
23 accept the fact that there's probably going to be some people
24 that would take advantage of this rebate regardless. Well, to
25 minimize that, the 80/20 still shows they've got some skin in

1 the game. I would highly, highly recommend that for the
2 Commission if they are going to move forward with a rebate
3 program. And I don't think they should because, again, that
4 rebate program is just going to cannibalize their existing CCN
5 network. But if they do -- let's not throw this money at
6 customers that are already going to do this anyway. I mean,
7 that logic is almost as bad as giving a \$500 rebate to
8 customers that already have EV charging -- or EV cars.

9 Q. Do you know what a stranded investment is?

10 A. I do.

11 Q. Can you tell me what a stranded investment is?

12 A. Yeah. So a stranded investment is a -- it can
13 mean a lot of things in a lot of different context, but it is
14 effectively an investment that is no longer earning its return
15 or covering its cost. It's being, you know, retired
16 prematurely. We've used the term stranded investment a lot in
17 terms of, you know, different generation plants or, you know,
18 obsolete technology. That's the biggest concern is -- and this
19 is why command control models fail routinely when compared to,
20 you know, your market versions is that we're throwing money
21 forward at technology that will be obsolete in a few years.

22 Those slow charging stations right now that are
23 littered throughout the Kansas City -- the Every service
24 territory are just that. They're going to be obsolete, if they
25 are not already. Because they're not covering their cost and

1 the technology is moving forward at a rapid rate.

2 Q. Final question: Are you can familiar with the
3 developer rebate program?

4 A. I am.

5 Q. I believe on Tuesday, Mr. Caisley said that the
6 developer rebates could help push the market for all home
7 developers to using 240-volt outlets in the home. Does this
8 program result in a free rider issue as well?

9 A. Oh my gosh, yes. We absolutely have developers
10 -- and this is a problem that we face on the MEEIA side. You
11 have, you know --

12 JUDGE GRAHAM: Counsel, Judge Graham speaking.
13 I think the question required a yes or no answer.

14 MR. WOODSMALL: Okay. I will follow up.

15 BY MR. WOODSMALL:

16 Q. Can you tell me how the developer rebate program
17 results in a free rider issue?

18 A. I mean, in short you would have a number of
19 developers that would be -- or several developers that would
20 become aware of such a program that would already have been
21 putting in those plugs. Right now as it is designed, there's
22 nothing preventing those developers from taking advantage. It's
23 just free money. Again, it's just free money that we're
24 throwing out there.

25 Q. How would you correct the developer rebate

1 program to avoid the concern with free ridership?

2 A. I would remove the developer program. There's
3 -- you know, I would encourage Evergy to speak with their local
4 building codes and standards boards and try to move that on a
5 municipal level if that is their goal. It shouldn't be
6 subsidized through captive ratepayers.

7 MR. WOODSMALL: I have no further questions.
8 Thank you, sir.

9 JUDGE GRAHAM: Sierra Club or NRDC have any
10 questions?

11 MR. HALSO: Yes, Judge. This is Joe Halso for
12 Sierra Club and NRDC. Just a few questions.

13 JUDGE GRAHAM: You may proceed.

14 MR. HALSO: Thank you, Your honor.

15 CROSS-EXAMINATION BY MR. HALSO:

16 Q. Good morning, Dr. Marke.

17 A. Good morning, Mr. Halso.

18 Q. In your colloquy with Ms. Mers and Mr. Woodsmall
19 you referred to the study issued by researchers at Idaho
20 National Labs that's quoted on Pages 3 to 4 and cited in
21 Footnote 3 of the testimony of Sierra Club/NRDC witness
22 Mr. Baumhefner; is that right?

23 A. That's correct.

24 Q. Okay. For the record, I'm going to note this
25 study is by Jim Frankfurt, et al. It's entitled, Considerations

1 for Corridor and Community DC Fast Charging Complex System
2 Design. You noted that you're very familiar with this study; is
3 that right?

4 A. Yes.

5 Q. And you read from your own testimony in Ameren's
6 ET-2016-0246, testimony that was quoted again in ET-2018-0132,
7 that you represented quotes from that study; is that right?

8 A. That is what I represented. Yes.

9 Q. Okay. And your testimony is citing the study in
10 question was first filed in 2016; is that right?

11 A. Yes.

12 Q. Okay. Are you aware that the study cited in
13 Footnote 3 of Mr. Baumhefner's testimony in this case for the
14 proposition of infrastructure must naturally proceed adoption
15 was issued in 2017?

16 A. I said the Idaho National Labs was 2016. Let me
17 look at my testimony to see what you're -- just to be clear, I'm
18 looking for the National Academy of Science?

19 Q. I'm asking you about the Idaho National Lab
20 research quoted in Mr. Baumhefner's testimony that you
21 represented you were very familiar with and in fact, quoted it
22 in your previous testimony before this commission.

23 A. Okay. And the question?

24 Q. Are you -- let me begin again. Your testimony
25 citing this study that we are talking about was first filed in

1 2016; is that right?

2 A. Yes.

3 Q. Okay. Are you aware that the study cited in
4 Footnote 3 of Mr. Baumhefner's testimony in this case was issued
5 in 2017?

6 A. Which footnote is that?

7 Q. This is Footnote 3 on Page 4. For the record,
8 this as Exhibit 700, the surrebuttal of Max Baumhefner.

9 A. Mr. Halso, I don't think that is the same study.
10 The text preceding that says it is the National Academy of
11 Science, not the Idaho study.

12 Q. I want to make sure we're on the same page here.
13 Dr. Marke, you are looking at page -- I'm going to direct you to
14 look at Page 3, beginning Line 20 of Mr. BaumHefner's testimony.
15 You just quoted this language aloud in your colloquy with
16 Mr. Woodsmall?

17 A. I was on the wrong page. You're right.

18 Q. Thank you. If you look at Footnote 3, can you
19 just confirm for me at least what's represented in the testimony
20 here is that this study was issued March 2017; is that right?

21 A. I am not trying to be difficult here, Mr. Halso.
22 I am on Page 3. There are two footnotes there, not a third
23 footnote.

24 Q. I'm asking you to look at Page 4, Footnote 3.

25 A. Okay. Page 4. Okay. It says March 2017.

1 Q. Okay. And you have your own testimony from
2 Docket ET-2016-0246 in front of you; is that correct?

3 A. I do.

4 Q. Okay. And there you quote research from Idaho
5 National Labs in Footnote 11. And you note there that the date
6 of that study is 2016; is that correct?

7 A. Yes.

8 Q. Okay. Is it likely then, Dr. Marke, the study
9 you cite and the study that Mr. Baumhefner cites are the same?

10 A. No. It looks like they are different studies.

11 Q. Okay. I just want to clarify that. I
12 appreciate that. Do you maintain your testimony that you are
13 very familiar with the study cited by Mr. Baumhefner?

14 A. I am -- I would like to correct that. The
15 earlier, I guess, five-month earlier study came to the
16 conclusion that a ubiquitous charging network is not needed to
17 support the EV driving.

18 Q. Okay. I want to ask you for a moment about that
19 study. I'll represent to you it's actually from September 2015.
20 It's entitle, Plug-in Electric Vehicle Infrastructure Analysis,
21 as you note in your testimony from ET-2016-0246. You read your
22 testimony there quoting that the ubiquitous charging network is
23 not needed to support EV driving and just stated that again.
24 Correct?

25 A. Uh-huh.

1 Q. Okay. Would you please read the next sentence
2 in that paragraph of your quote from that study?

3 A. Instead, charging infrastructure should be
4 focused at home, workplaces, and in public hotspots where demand
5 for AC Level 2, EVSE or DCFC stations is high.

6 Q. Okay. And consistent with Judge Graham's
7 request here, what does AC stand for in that quote?

8 A. Alternative current, alternate current.

9 Q. Thank you. And EVSE?

10 A. Electric vehicle -- I don't know.

11 Q. Okay.

12 A. SE.

13 Q. DCFC, Dr. Marke?

14 A. Direct current fast charging.

15 Q. Thank you. Okay. Would Evergy's proposed
16 commercial EV rebate support charging at multi-unit dwellings if
17 it was approved by the Commission?

18 A. It would.

19 Q. And those are homes where people live. Correct?

20 A. No. The commercial rebate program?

21 Q. I'm asking multi-unit dwellings, are those homes
22 where people live?

23 A. Multifamily, could be homes. Yes.

24 Q. Okay. And that same commercial rebate Evergy's
25 proposed would support charging at workplaces; is that correct?

1 A. Yes.

2 Q. Okay. And it could support charging along
3 highway corridors; is that correct?

4 A. That is what they proposed.

5 Q. And just to your understanding of their filing,
6 issuance of those rebates to particular customers would be
7 driven by customer's interest; is that right?

8 A. Yes.

9 Q. Okay. And the Company has proposed a
10 residential rebate intended to support home charging; is that
11 correct?

12 A. Yes.

13 Q. Okay. Are you aware that in the September 2015
14 study that you quote in the testimony we are looking at now from
15 ET-2016-0246 it states that the primary question about charging
16 infrastructure placement was would PEV drivers recharge around
17 town at the nearest charging station following the --

18 MR. CLIZER: Your Honor?

19 MR. HALSO: -- followed with the gas-powered
20 cars they grew up with or would they adopt --

21 MR. CLIZER: Your Honor?

22 MR. HALSO: -- refueling paradigm, and charge at
23 a few places where they park their cars for the longest periods
24 of time. Are you aware of that?

25 JUDGE GRAHAM: Okay.

1 MR. CLIZER: Clizer, from OPC. I'd like to
2 register an objection; assumes facts not in evidence.

3 JUDGE GRAHAM: Assumes facts not in evidence? I
4 think I --

5 MR. HALSO: May I respond?

6 JUDGE GRAHAM: Just a minute. Let's not talk
7 over each other. Wasn't the question, are you aware? Wasn't
8 that the beginning of the questions?

9 MR. HALSO: That's correct, Your Honor.

10 MR. CLIZER: And he's assuming the statements
11 being stated are in fact in the -- I apologize, I jumped in too
12 fast.

13 JUDGE GRAHAM: So the question is, is he aware
14 of certain facts or of a statement? Let's just get down and
15 parse this. What is he being asked is he aware of?

16 MR. HALSO: Your Honor, this is Joe Halso for
17 the club and NRDC. I'm asking if Dr. Marke is aware of a
18 particular quote in this study from which he cites and has now
19 referred to several times in cross-examination from other
20 counsel and has referred to in the testimony of my own witness.

21 JUDGE GRAHAM: What is your response to that
22 Mr. Clizer?

23 MR. CLIZER: The existence of that quote is a
24 stat-- is a fact and the study -- the report itself whatever you
25 referring to, is not evidence.

1 JUDGE GRAHAM: Counsel's response is that this
2 witness has referred to that study in his testimony. Is that
3 not right?

4 MR. HALSO: That is correct, Your Honor. Again,
5 this is Joe Halso. I might just add that the witness stated he
6 is very familiar with this study, relies upon it for a
7 conclusion in his testimony today and I want to ask about his
8 understanding of it.

9 JUDGE GRAHAM: Yeah. I'm going to overrule the
10 objection. You may proceed.

11 MR. HALSO: Thank you, Your Honor.

12 BY MR. HALSO:

13 Q. Dr. Marke, I'll restate the question. Are you
14 aware that in the September 2015 Idaho National Lab study that
15 you cited in prior testimony before this commission it states,
16 the primary question about charging infrastructure placement was
17 would PEV drivers, plug-in electric vehicle drivers, recharge
18 around town, at the nearest charging station following the
19 pattern they followed with the gas-powered cars they grew up
20 with or would they adopt a new refueling paradigm and charge at
21 the few places where they park their cars for the longest
22 periods of time?

23 A. Am I aware that that statement is in the Idaho
24 National Lab study?

25 Q. That's right?

1 A. I can't speak verbatim as to what that study --
2 is it in testimony that I filed?

3 Q. It's in the study you refer to in your
4 testimony. Are you aware --

5 A. I know I'm --

6 Q. -- that is the question.

7 A. It's -- I mean, these are big studies.

8 Q. Thank you, Dr. Marke. I'll represent to you
9 that it does. And so when the study says a ubiquitous charging
10 network is not necessary as you quote, it is using that phrase
11 to refer to the gasoline refueling experience; isn't that right?

12 A. Yes.

13 Q. Okay. Did you review the intervention papers of
14 the Sierra Club in this case?

15 A. The workpapers?

16 Q. The intervention papers, our petition for leave
17 to intervene?

18 A. I did not.

19 Q. Okay. Are you aware that Sierra Club has more
20 than 12,700 members in the state of Missouri many of whom are
21 Evergy ratepayers?

22 A. I -- if you say so.

23 Q. Are you aware that Sierra Club represents the
24 interests of its members?

25 A. If you say so.

1 Q. Is that a no, Dr. Marke?

2 A. That Sierra Club represents its interests of its
3 members?

4 Q. Are you aware that Sierra Club represents the
5 interests of its members?

6 A. I think that's Sierra Club's intent.

7 Q. Okay. Just a few more questions. You had a
8 colloquy with Mr. Woodsmall about the National Academy of
9 Science's study that is cited on Page 14 of the surrebuttal
10 testimony Mr. Baumhefner. Do you recall that?

11 A. I do.

12 Q. Okay. Can I direct to Page 14, beginning at
13 Line 4. Just let me know when you are there.

14 A. I inadvertently logged out here. One second.

15 Q. No problem.

16 A. Page number again?

17 Q. It's Page 14 beginning at Line 4?

18 A. I'm there.

19 Q. Okay. You had a colloquy with Mr. Woodsmall in
20 which you stated you didn't believe that Mr. Baumhefner's
21 reference to the National Academy of Science's study accurately
22 characterized the study. Do you recall that?

23 A. Yes.

24 Q. Okay. Beginning here at Line 4 Mr. Baumhefner
25 quotes from that study, home charging is a virtual necessity

1 from mainstream plug-in electric vehicle buyers. Do you dispute
2 that that is an accurate quote from that National Academy of
3 Science's study?

4 A. I don't dispute that.

5 MR. HALSO: Thank you. No further questions,
6 Your Honor. Thank you, Dr. Marke. I appreciate it.

7 JUDGE GRAHAM: All right. We're going to take a
8 break right there. I am pretty sure we're going to have more
9 questions for this witness and it's just about 12:00 straight
10 up. We'll take a break and we will resume at one o'clock.

11 (OFF THE RECORD.)

12 JUDGE GRAHAM: I've got one o'clock. Judge
13 Graham speaking. I believe we were ready for Renew Missouri's
14 cross-examination of Geoff Marke, Dr. Marke. Is Dr. Marke ready
15 to go?

16 THE WITNESS: Yes, Your Honor. This is Geoff
17 Marke with Missouri Office of Public.

18 JUDGE GRAHAM: Does Renew Missouri have any
19 questions of this the witness? Is Renew Missouri back online?
20 Okay. I'm going through my notes. All right. Is ChargePoint
21 ready to go?

22 MR. DUNBAR: Your Honor, we have no questions.
23 Thank you.

24 JUDGE GRAHAM: All right. Does Everygy have
25 questions for Dr. Marke?

1 MR. FISCHER: Yes, Judge. This is Jim Fischer.
2 I do have a few questions for Dr. Marke.

3 JUDGE GRAHAM: You may proceed.

4 CROSS-EXAMINATION BY MR. FISCHER:

5 Q. Good afternoon, Dr. Marke. How are you today?

6 A. Living the dream, Mr. Fischer.

7 Q. Very good. I'm very glad somebody is. I would
8 like to begin by talking to you about one of the -- I guess, a
9 all fundamental issue and that is the number of EVs in Kansas
10 City and Missouri and try to clarify that, if we could. I
11 wasn't sure whether -- based on your answers whether you were
12 surprised when you heard the numbers that Evergy suggested were
13 a number of EVs in Kansas City based on your testimony?

14 A. Yes.

15 Q. You were surprised by those numbers?

16 A. Yes.

17 Q. I would ask you -- do you happen to have the
18 Evergy transportation electrification portfolio filing report,
19 which is what we called the Evergy report throughout this?

20 A. I can get that.

21 Q. Okay. Would you do that?

22 A. Just to be clear. Do want me to get the one
23 that you guys filed on 02/24 or the updated one?

24 Q. I'd say the updated one. The data I'm going to
25 ask you about is consistent in both, but why don't you go to the

1 updated one, the May 7 filing.

2 A. Okay. I'm there.

3 Q. Okay. I'm going to ask you first to just turn
4 to the second page of that. It's a blue graphic entitled,
5 Accelerating transportation electrification in Missouri?

6 A. Yes.

7 Q. I used this in the opening statement as well.
8 Do you see there in the middle of the page in a green block
9 where Evergy suggested that the number of EV estimated in the
10 territory for September 2020 for the Missouri Metro was 2,041,
11 2,041 for Missouri Metro and for Missouri West it was estimated
12 to be 969 vehicles?

13 A. And the question is do I see that?

14 Q. Yes?

15 A. Yes.

16 Q. Do you remember, had you reviewed that before
17 your testimony?

18 A. Yes.

19 Q. So you were aware then that Evergy was
20 estimating 3010 EV vehicles in the Kansas City area as of
21 September 2020. Correct?

22 A. I think the operative word is estimated, but
23 yes.

24 Q. Okay. And if you turn to -- while we're open on
25 that document, let's turn to Section 2.2, which is on Page 13 of

1 the testimony -- or the report?

2 A. Okay.

3 Q. Well, before we go there, let me ask you: If I
4 understood your testimony about your errata sheet, you were
5 estimating that there are 1,412 electric vehicles in the Kansas
6 City area; is that correct?

7 A. I was not estimating. That is the number of
8 registered electric vehicles according to the state of Missouri.

9 Q. Okay. And Evergy was suggesting that the
10 estimate was 3,010. You are saying the registered was 1,412; is
11 that right?

12 A. Yes.

13 Q. Okay. Let's go to your rebuttal testimony, Page
14 9?

15 A. Okay.

16 Q. There as I understand your chart, it shows that
17 there were 1,291 battery electric vehicles and 103 plug-in
18 vehicles for a total of 1,394 and that is that number you --
19 that's the number that you corrected with your errata sheet; is
20 that right?

21 A. Yes, it is.

22 Q. And so the total now according to what your
23 information is, is the total for battery and plug-ins is 1,412;
24 is that correct?

25 A. That's correct.

1 Q. And if we compare the number of plug-ins, the
2 107 plug-ins, to the total of 1,412, would you agree that that
3 would suggest that there were 7.5 percent plug-ins compared to
4 the whole EV market?

5 A. Yes.

6 Q. Okay. I would like for you now to go back to
7 the Evergy report and turn to Page 13, Section 2.2?

8 A. Okay. I think I am already there. Yes.

9 Q. Okay. There in the paragraph of 2.2, Evergy
10 territory EV adoption, there's a statement the number of
11 light-duty EVs operating in the Missouri Metro service territory
12 was estimated to be 2,040 as of September 2020 with
13 approximately 55 percent being BEVs. And what do you understand
14 that term to mean?

15 A. Battery electric vehicles.

16 Q. Okay. And 45 percent PHEVs. What do you
17 understand that term to be?

18 A. The plug-in.

19 Q. Okay. So is correct -- would you agree that
20 Evergy is suggesting that there are 55 percent battery operated
21 vehicles compared to 45 percent plug-in vehicles?

22 A. That's what your report says.

23 Q. And so that's another area where there's a
24 difference of opinion. Because your data shows there's only
25 seven and a half percent plug-ins where Evergy is suggesting

1 that there are 45 percent plug-ins. Correct?

2 A. That is what your report says.

3 Q. Okay. Let's go to your rebuttal testimony at
4 Page 9.

5 A. Okay.

6 Q. And let's look at Footnote Number 14. There you
7 said the data supplied by the Missouri Department of Revenue. I
8 guess, that is the source. And then said I will attempt to
9 update these numbers for surrebuttal testimony if necessary.
10 And that is what you've done now. You've updated those numbers.
11 Correct?

12 A. Correct.

13 Q. And then you say in the next sentence, These
14 numbers are supported by EV registration metrics reported by the
15 US Department of Energy for the end of calendar year 2020, which
16 reported Missouri total EV registrations at 6,740; is that
17 right?

18 A. That's correct.

19 Q. Now, if I understood your testimony on Page 10
20 in your rebuttal at Lines 3 and 4, you were talking about the
21 St. Louis County, City and St. Charles number. And you, I
22 believe, said the number was 3,681 for battery, plus plug-ins;
23 is that right?

24 A. Yes.

25 Q. And the number for Kansas City in the errata

1 sheet was a total of 1,412 EVs total for Kansas City?

2 A. Yes.

3 Q. So if I math was correct, if I added 3,681 in
4 St. Louis and the 1,412 in Kansas City, your numbers would
5 suggest there were a little over 4,093 EV vehicles -- EV
6 vehicles in Missouri; is that right?

7 A. Could you repeat that again, sir?

8 Q. Yes, sir. The number for St. Louis was 3,681?

9 A. Right.

10 Q. And the number for Kansas City according to your
11 data is 1,412.

12 A. Uh-huh.

13 Q. And whenever I added those together the number
14 came to 4,093. Does that sound right?

15 A. I'm going to do it here. I am adding 3,681,
16 plus 1,412?

17 Q. Yes.

18 A. I get 5,093.

19 Q. Oh, 5093. My calculator didn't work right.
20 Okay. 5,093. So that would be your number, your estimate for
21 the EVs in Kansas City and St. Louis; is that right?

22 A. Yeah. And to be clear, when I say Kansas City I
23 mean Every Metro, Every West, all of the counties that they
24 have a footprint in. And then St. Louis County, St. Louis City,
25 and St. Charles County.

1 Q. Okay. Dr. Marke, whenever your referred in your
2 Footnote 14, you go on to say, see also a website. Is that the
3 source for the data that you had where you came up with 6,740?

4 A. Yes.

5 Q. Do you believe that that 6,740 includes plug-in
6 hybrids?

7 A. Off of the top of my head, I don't know. I
8 don't know if I can answer that. It would be in my workpapers.

9 Q. Are you able to -- are you able to click on that
10 website in your report. Whenever I did it, it took me right to
11 the table?

12 A. I am looking at a hard copy, so I am going to
13 see if I can type it. Just bear with me, sir. All right. I'm
14 on it and I'm going to download the Excel file. Or do I need to
15 do that?

16 Q. I think you may. I want to read to you a
17 sentence out of it, and if you could confirm that that was in
18 the report?

19 A. Okay.

20 Q. The sentence I would like to read, it says:
21 This chart -- and it's referring to the chart in the report --
22 this chart shows the vehicle registration counts of all electric
23 vehicles, EVs, by state as of December 31st, 2020?

24 A. Right.

25 Q. Would that suggest to you that the numbers that

1 were included there were all electric vehicles, not hybrids?

2 A. This is all electric vehicles, yes.

3 Q. Okay. Let's assume that your Footnote 14 data
4 that you have here is correct and that there were 6,740 all
5 electric vehicles in Missouri at the end of the calendar year
6 2020. Now, can you make that assumption for me?

7 A. Okay. I've made that.

8 Q. If we also assume that the rate of all electric
9 vehicles to plug-in hybrids is roughly 50/50 just to make the
10 math easier, then wouldn't it be correct that if there were
11 676-- 6,740 all electric vehicles in Missouri at the end of
12 2020, then there would be another 6,700 or so plug-ins for a
13 total 13,500 all EVs and hybrids together?

14 MR. CLIZER: I'm going to object to the
15 relevance of this question given that there's no actual proof
16 that that's the actual ratio between plug-in hybrid electric
17 vehicles and actual electric vehicles.

18 JUDGE GRAHAM: That objection will be overruled.

19 BY MR. FISCHER:

20 Q. Would that be correct, Dr. Marke, that there
21 would be -- if we are under those assumptions there'd be 6,740
22 all electric vehicles and then another roughly 6,700 hybrid
23 plug-in vehicles?

24 A. I don't know. I'm going to ask you to repeat
25 it. I'm sorry.

1 Q. I'm sorry. I wasn't very clear. I'm asking you
2 if we also assume that the ratio of all electric vehicles to
3 plug-in vehicles is roughly 50/50, just to make the math easier,
4 it was really -- Evergy suggests it is 55/45, but let's just
5 assume 50/50 for purposes of this question. Then there would be
6 6,740 all electric vehicles in Missouri at the end of 2020, and
7 another 6,700 plug-in hybrid vehicles for a total of about
8 13,500 all electric and hybrid together. Correct?

9 A. Okay.

10 Q. Are you going to make that assumption? And that
11 would be considerably more than your 4,093 registered all
12 electric and hybrid vehicles. Correct?

13 A. I feel like I am following the mental gymnastics
14 that you are asking me to perform here. I guess I've gotten
15 some caveats with it, but if to --

16 Q. But that number is correct?

17 A. I don't know if I can answer that. I apologize.
18 Try it again, Mr. Fischer. What you're asking me --

19 Q. Let me just go slow.

20 A. Yeah. Okay.

21 Q. Your data on there on Footnote 14 suggests that
22 there were 6,740 all electric vehicles at the end of calendar
23 year 2020?

24 A. Right.

25 Q. And I'm suggesting that if that's -- we will

1 assume that is true and those are all electric vehicles. I'm
2 asking you to assume that the ratio of all electric vehicles to
3 plug-in hybrids is roughly 50/50?

4 A. Okay.

5 Q. And if we assume that and we take the data of
6 6,700 Missouri all electric vehicles --

7 A. I got you.

8 Q. -- in the calendar year, then there would be
9 another 6,740, I guess, at the 50/50 ratio. And that would
10 total about 13,500 all electric vehicles, plus hybrids -- plus
11 all plug-in hybrids. Right?

12 A. If I assume that the ratios are 50/50. Yes.

13 Q. Right. And if we assume that, then if we
14 compare that number to your 4,093 it's -- or 5,093 -- well, it
15 is more than twice as many. Right?

16 A. Yes. If -- with those assumptions, that would
17 be twice as many.

18 Q. So there's a fundamental difference about how
19 many plug-in hybrids are out there from your data versus the
20 Evergy data. Right?

21 A. And I would take -- yes. There is a fundamental
22 difference between the position the Company has made and the
23 empirical data that is on the record.

24 Q. Okay. That's good. Just one last question, I
25 guess. You don't consider yourself to be an expert in the

1 forecasting sales of electric vehicles, do you?

2 A. I do not.

3 Q. Okay.

4 MR. FISCHER: Thank you, sir. That's all the
5 questions I have. I appreciate your patience.

6 THE WITNESS: Thank you.

7 JUDGE GRAHAM: Thank you very much. Are there
8 any questions from the commissioners? Okay. I've got a few.

9 QUESTIONS BY JUDGE GRAHAM:

10 Q. Dr. Marke, if the Commission were -- and this is
11 hypothetical, if the Commission does support the residential
12 electrical vehicle outlet, then why doesn't the Office of Public
13 Counsel support ChargePoint's recommended modifications for the
14 program especially the suggestion to hardwire the home charges
15 and not require the installation of NEMA outlets? Do you have a
16 response for that? The hypothetical is that the Commission does
17 support the Residential EV Outlet Program. So why in that
18 example, doesn't OPC support ChargePoint's recommended
19 modifications as I've described? Do you have any opinion or
20 testimony on that score?

21 A. I'm going to attempt to answer, Your Honor.

22 Q. Go ahead.

23 A. Okay. So we did not support any of
24 ChargePoint's recommendations and there were four
25 recommendations. I can speak to each one of those

1 recommendations if you would like or just narrow it specifically
2 to the NEMA.

3 Q. Yeah. Narrow it to the NEMA, please?

4 A. Okay. I don't think we have a strong opinion.
5 This is not a good program period. It is the equivalent of
6 saying, you know, if we want to, you know, give money away would
7 you rather burn it or throw it in the garbage can. I guess we
8 are indifferent either way.

9 Q. In the event that the Commission does support
10 the Residential Electrical Vehicle Outlet Program, OPC just got
11 -- does not have a strong opinion on ChargePoint's suggestion
12 concerning hardwiring home chargers and not requiring the
13 installation of NEMA outlets. OPC just does not have a strong
14 opinion on that in the event that the Commission does support
15 the Residential EV Outlet Program. Am I saying your testimony
16 correctly?

17 A. Yes, sir. I would agree, we do not have a
18 strong opinion on that specific issue.

19 Q. All right. Given the Office of Public Counsel's
20 concerns about freeloaders, which you have testified to on your
21 -- well, during cross-examination and as well as in your
22 prefile, would a requirement for the installation of the charger
23 instead of a NEMA outlet reduce the potential for NEMA outlets
24 being installed for other reasons besides the charger. Do you
25 have testimony on that?

1 A. Let me see if I can understand. I'm gonna walk
2 back what I heard, Your Honor.

3 Q. Go ahead. I'll make sure you understood.

4 A. What I heard was if free ridership would be
5 reduced if instead of rebating the NEMA outlet, we just rebated
6 an EV charging station or charger. Sorry.

7 Q. Yes. You've understood the question.

8 A. Okay. Free ridership would not be reduced.

9 Q. Do you want to explain?

10 A. Because the fundamental premise behind the
11 program itself is flawed. These are cars -- these are --
12 they've already gotten electric vehicles.

13 Q. All right.

14 A. So this is a solution in search of a problem
15 that doesn't exist.

16 Q. Okay.

17 A. We've got AMI technology that is being under
18 utilized that we can utilize today to go ahead send proper price
19 signals to accomplish the exact same feat without having to do a
20 \$500 rebate or a NEMA outlet rebate. Either one of those --
21 both of those options are an efficient means to an end that
22 already exists which is time of use rates.

23 Q. All right. Now, OPC and Staff recommended
24 participants should be required to sign up with the Company's
25 existing whole house opt-in time of use rates. Should they be

1 required to sign up for the opt-in TOU rates for a minimum
2 period? Six months? 12 months? 18 months? Do you have
3 testimony on that score?

4 A. I've got an opinion. I don't think I had
5 testimony on it. What I would say is --

6 Q. Yes. Go ahead and express your opinion.

7 A. Multiple years, five preferably. This is a very
8 generous rebate for something I believe that they would do
9 otherwise regardless. Again, and you know, in the upcoming rate
10 case, which I think is a better purview for addressing this and
11 looking at it holistically, the rates could be designed and
12 offered up for that. But putting them on a time of use rate,
13 depending on that differential, isn't going to offset the \$500
14 of socialized cost to nonparticipants. So there is a mismatch
15 in benefits and costs in that.

16 So to answer the question -- I don't think it is
17 good policy, but if you wanted to get good cost-effectiveness or
18 the most bang for your buck, they would be locked into that rate
19 for a long time. The problem with that is that raises other
20 problems. Right.

21 So I wouldn't make it optional, I'll tell you
22 that. That's for sure because if you didn't -- if it was
23 optional, they're not going to do it. And if they're not going
24 to do it, the chances of them putting more pressure on the
25 distribution system, the chances of them increasing emissions

1 from firing up gas plants or oil or diesel increases and those
2 are costs that are going to flow on to nonparticipants. It is
3 a program that can do more harm than good. And any time that is
4 a possibility for a nonessential service, it gives our office
5 pause.

6 Q. Are you familiar with the Kansas stipulation
7 that's been discussed in earlier days of this hearing --

8 A. Yes.

9 Q. -- involving Evergy?

10 A. Yes, Your Honor.

11 Q. Thank you. I heard ya. In the Kansas
12 nonunanimous agreement, you mentioned earlier in this case -- I
13 think it has and will be coming into evidence or part of it --
14 some of the parties to that stipulation agree to offering a
15 lower rebate to residential customers who do not sign up for the
16 TOU rates. What is your opinion about such a structure to
17 accommodate both customers for whom TOU rates worked in their
18 households versus those for whom they do not work. Do you have
19 an opinion on that?

20 A. It is better than what the Company's current
21 application is requesting.

22 Q. That would be an improvement over the current
23 application that's pending in Missouri?

24 A. Yes, Your Honor.

25 Q. Okay. Are you familiar with Xcel Colorado's

1 program?

2 A. I am.

3 Q. Generally speaking, do you have thoughts or
4 observations about that program as it relates to or might inform
5 what we do here in this case?

6 A. I do. It's a great question because the Xcel
7 program has been brought up a couple of times last week by
8 multiple witnesses. Context is important. The Xcel program --
9 what preceded the Xcel program was a series of legislative acts
10 in Colorado, not least of which was an executive mission to move
11 towards an emission-free tailpipe vehicle adoption across the
12 state of Colorado with particular emphasis on the city of
13 Denver, which is where Xcel operates. Denver's got some
14 particularly bad pollution issues because of its geography.

15 The state offered up -- I want to say a \$5,000
16 subsidy tax incentive for any electric vehicle buyer. Shortly
17 after that went into law, COVID-19 hit and the pandemic wrecked
18 a lot of uncertainty around basically state budgets. Xcel -- my
19 understanding is that Xcel stepped up and with cooperation from
20 the Colorado government agreed to take over that rebate program.

21 This in my opinion -- I will just point on that
22 particular point real quick is categorically more expensive for
23 customers because if it's coming through tax dollars and
24 through, you know, the state budget, you're getting that money
25 and that capital is being afforded to taxpayers at a much, much,

1 much lower rate. In Xcel's case, it was their weighted average
2 cost of capital, plus they wanted a return on and of those
3 expenses. So -- which is unprecedented and that got put into
4 law.

5 From there the companies were required also by
6 statute to go ahead and produce a Comprehensive Electric Vehicle
7 Transportation Plan that was vetted by both elected officials
8 and by a regulatory staff and stakeholders. So a much, much
9 more deep dive product that went into that. That program was
10 then offered up -- a version of the program was offered up in
11 front of the Commission. My understanding is that the Company
12 and environmental groups negotiated unbeknownst to the
13 Commission staff at their public counsel and came to an
14 agreement on a program that was ultimately rejected by their
15 commission. But other facets were approved from their original
16 application. So their amended stipulation or their stipulation
17 was rejected, but certain aspects of their application were
18 approved at a very high rate, mind you.

19 So the big key thing, you know, to look at --
20 and we're in a unique position here in Missouri where we can now
21 sit back and look is it going to work? How are things going in
22 Colorado? You know, and Colorado is also under the same
23 economic stress as -- Xcel in particular jumps up because Xcel
24 exceeded -- had over \$1 billion in fuel costs associated with
25 Storm Yuri. So a combination of that immediate impact on rates

1 as well as, you know -- I guess, the large subsidies that are
2 being approved and accruing to customers through their incentive
3 rebate program.

4 We'll see if adoption takes place or if rate
5 shock will trump it. But it is very -- categorically different
6 than what we have in front of us here in Missouri and in this
7 application.

8 Q. Thanks. Do you have any opinions about Xcel's
9 exploration of recruiting and enrolling a time of use group and
10 a non-time of use group of customers to study the differences
11 between them in their residential charging pilots. Any opinions
12 on that?

13 A. I would implore the Commission not to go down
14 that route. We've got 14 studies on time of use rates for this
15 utility that ratepayers have funded to date and more, I think,
16 that are coming down in the next rate case. We've had six years
17 worth of AMI investments that are effectively sitting idle
18 because we don't have a time of use rate out there. There are
19 -- other witnesses said this too, NRDC's witness, effectively
20 said it better than I did, which an EV driver is an EV driver
21 whether they are in Kansas City or Denver or someplace else.
22 The great thing about all of these regulatory states is we can
23 go ahead and instead of funding a million-dollar study and
24 punting this for another year, two years, maybe three years
25 before the Commission would have an opportunity to opine on

1 something, we can just look to see what other states have done.

2 Q. Okay. The International Code Committee, the ICC
3 has identified, quote, that around 85 percent of the cost of
4 refits for EV support or electrical vehicle support could be
5 avoided had electrical vehicle capable infrastructure been
6 included in garages during construction. The additional
7 retrofit cost typically labor expenses, the demolition,
8 trenching and boring, balancing the circuits or new panels and
9 new permitting cost. Do you disagree with their analysis that
10 it will be more economical to install infrastructure at the time
11 of construction. Do you have an opinion on it?

12 A. I would agree that.

13 Q. You may have anticipated my last two questions.
14 I don't know if they are the last two questions, but pretty
15 close. Aside from anything we've already talked about here and
16 you talked about, if the Commission were to approve Electrical
17 Vehicle Pilot Program, what do you think would be useful data or
18 metrics for the Commission and stakeholders to get from the
19 pilot and what terms or requirements for the pilot would you
20 suggest to help get the information?

21 A. A number of witnesses pointed to the Ameren
22 stipulation, you know, I would also -- we've got to anticipate
23 an on-the-record in the near future about the Empire
24 stipulation, which I think could open up some additional
25 dialogue on that topic. You know, my opinion is we that already

1 have a pilot. It's already been done. We've already got the
2 empirical data to draw a number of conclusions. If we're going
3 to do a pilot, part two, and move forward with, you know, the
4 same thing, the most important -- well, the three things that
5 would jump out for me would be 1, EV registration, which has
6 been a topic of controversy I think in this docket or last
7 couple of days. Two -- and that's easily public available
8 through the Department of Revenue. Two, actual charging use.
9 We've got that information. You know, that's been provided in
10 the Staff report. I would just be tacking it on again and
11 looking at it. You know, to the extent that you're looking at
12 empirical load shapes when these EVs are being charged, I would
13 say that's very important, too.

14 In the Ameren stipulation one of the parts of
15 that stipulation was to examine emission reduction controls on a
16 pilot-wide basis through a program called Watt Time. And the
17 idea behind that was really -- these programs are being espoused
18 as, you know, pollution reduction, you know, options. How can
19 we make sure that that is the case and is not going towards, you
20 know, counteracting that. The AMR, you know, behind that was
21 designed -- the emission reduction Watt Time was something that
22 we looked at on a pilot basis that might be something to examine
23 again here on the Evergy side.

24 That and -- you know, I guess the big thing --
25 the big concern would be the federal dollars. I mean, if I've

1 got \$100 million coming into Missouri that was going to be
2 putting charging stations on top of what we're already looking
3 at, I could see a scenario where we might want to look at some
4 different data to see if that is impacting, you know, the
5 locations. So, I guess, on that note what I would say -- I
6 apologize on thinking this out loud, would be the option for
7 parties to come back and revisit the data that is being
8 collected to add more information, I guess.

9 Q. Thank you. Last question -- again, you may have
10 anticipated this one and provided an answer, but let's just put
11 it a little different again. Again, you're familiar with the
12 Kansas stipulation you've indicated. If the Commission approves
13 any part of the rebate programs, would it be appropriate for the
14 Commission to impose an evaluation measurement and verification,
15 an EM&V requirement similar to the Kansas stipulation if you are
16 aware, if you know?

17 A. I am aware and I would argue that it is not
18 appropriate or a prudent use of ratepayer dollars. You will be
19 disappointed in an EM&V study. There is nothing about the
20 reporting data that we're collecting on the Ameren side wouldn't
21 tell us already that we already don't know. Yeah. We don't
22 need it.

23 Q. Thank you. I'm sorry I did not mean to step on
24 you. Are you done with your answer?

25 A. I am, Your Honor.

1 JUDGE GRAHAM: Okay. Thank you. Now, that
2 concludes my questions. Is there any recross after the
3 questions that I've asked? We may have had a connection problem
4 with the Renew Missouri. Is there someone from Renew Missouri
5 that has questions for this witness?

6 MR. OPITZ: Judge, this is Tim Opitz with Renew
7 Missouri. I have no questions. Thank you.

8 JUDGE GRAHAM: Okay. Thank you. Thank you very
9 much. Well, in that event, does anybody else have any recross
10 for the witness following my questions? All right. Does
11 counsel for the Office of Public Counsel have any redirect for
12 Dr. Marke?

13 MR. CLIZER: I do, your honor.

14 JUDGE GRAHAM: You may proceed.

15 MR. CLIZER: Thank you.

16 REDIRECT EXAMINATION BY MR. CLIZER:

17 Q. Once again, for the record, John Clizer on the
18 Missouri Office of Public Counsel. Good afternoon, Dr. Marke.

19 A. Good afternoon.

20 Q. I am going to attempt to go in reverse order to
21 the questions that you were asked beginning with the questions
22 you received from the Bench. One of the questions you received
23 dealt with what data should be collected if the Commission were
24 to approve this program. Do you recall that question?

25 A. Yes.

1 Q. Can you -- to what extent is Evergy already
2 collecting data through existing AMI and how would that affect
3 -- what additional data can we collect that isn't already
4 available, I guess, is what I would ask?

5 A. What additional data could we collect? I --
6 there's a handful -- a lot of the -- honestly, if you look at
7 the Ameren report, the quarterly reports, most of it is for
8 accounting treatment. I mean, it's a breakdown in costs. It's
9 locations. It's number of charges, unique charges that are
10 using it. When they're charging, if at all. How long they are
11 charging. You know, a lot of that you can parse out through,
12 you know, the AMI data. That is stuff that we're doing
13 currently with Ameren that could be applicable if Evergy -- if
14 we wanted to look at that for Evergy too, I guess.

15 Q. I guess my question to you is Evergy already has
16 a Clean Charge Network. To what extent is this program going to
17 supply additional data that isn't already available because of
18 that Clean Charge Network?

19 A. I don't think anything.

20 Q. All right. You were asked about a study
21 regarding changes to code. Do you recall that?

22 A. I do.

23 Q. Is that effectively what -- are changes to code
24 effectively how the OPC believes the issue that the developer
25 rebates are meant to be addressed, should be addressed?

1 A. Yes, absolutely. This is -- I think it's naïve
2 to sit here and think we go if we give out, you know, a \$500
3 rebate or whatever go ahead and change a plug to entice a
4 developer that is going to put that sort of plug in there
5 anyway, first of all there's nothing in the tariffs or their
6 portfolio of program description to make sure that that plug is
7 actually going into an EV car or a new car at that. But
8 infinitely, the most cost effective way would be to just go
9 ahead and build things the right way. I forget who asked me
10 that, if it was the RLJ or if it was Mr. Fischer. But just
11 building things the right way and that is be accomplished
12 through coding and standards at the local level.

13 I know for a fact that Ameren is very active in
14 those discussions with different municipalities. Moving
15 forward, you know, I suspect Evergy is to a certain extent too.
16 but that's the route to move, just build these things right the
17 first way, but trying to back end it like this and hope that it
18 works will inevitably be cost ineffective.

19 Q. Thank you. Now, I know you were asked a
20 question about Xcel Colorado that you talked about at length. I
21 don't suppose there's anything else necessary to discuss about
22 the Xcel Colorado?

23 A. No. Other than let's sit back and watch, you
24 know, how it plays out. I think it is a very regressive option.
25 I think it is a very expensive option. I mean, just switching

1 it from tax dollars to ratepayers, you're probably increasing
2 the cost about 44 percent and that's being socialized to a
3 smaller group of customers now, ratepayers, captive ratepayers
4 and taxpayers. There's nothing at face value. You know, I
5 mean, it just -- it raises all sorts of ethical issues I think.
6 I mean, it's -- let's see how it plays out. I mean, again, none
7 of that is being offered here in this portfolio. I'm unaware
8 of --

9 Q. All right.

10 A. -- or directive from the, you know, the
11 Governor's office that we're to hit a certain target of
12 electrical vehicles in the state.

13 Q. You were asked about the Kansas stipulation and
14 specifically about the residential rebate and how Kansas parties
15 addressed that residential rebate. Do you recall that?

16 A. I do. Yep.

17 Q. Let's start with the just a reorientation of
18 what the residential rebate does. Can you explain briefly how
19 the residential rebate that's being offered is supposed to help
20 or benefit nonparticipants?

21 A. It's to take a \$500 rebate to incentivize
22 customers to get a charger in their premise, that's a Level 2
23 charger. So it will increase the overall ability to charge
24 quicker than you otherwise would.

25 Q. And how does --

1 A. I'm sorry. Go ahead.

2 Q. How does that ability to charge quicker help
3 nonparticipants?

4 A. I mean, it could potentially hurt
5 nonparticipants quite easily. The key here is that charging
6 needs to be done during off-peak hours. If you go to work, you
7 come home and you charge -- you know, you put your car in the
8 garage and you charge it and you let it go, it will -- it's
9 going to be increasing that overall peak. That's when everybody
10 comes home for work. You're going to be -- everybody's flying,
11 you know -- the TV, doing laundry, cooking food, and then we
12 throw on charging their EV. That's putting more of a strain
13 that's increasing the overall SPP price. That's costs that are
14 being borne out by all ratepayers and by nonparticipants.

15 So effectively, what the Company out here is a
16 program that would increase costs across the board. And not
17 just cost, but it would also increase emissions because if you
18 look at the generation profile of the units that are being run
19 at night like that when you come home to meet that demand, it's
20 not renewables. It's not intermittent, you know, generation
21 because the full restrictions when it comes to renewables.
22 You're bringing on gas, you're bringing on diesel. You know,
23 you are further supporting coal. So if the end goal is, you
24 know, towards a cleaner society, this program as it is drafted,
25 doesn't accomplish that.

1 Q. All right. So what I want ask about is the
2 specific question you received from the judge related to the
3 idea that, what if we allow people who don't have -- who don't
4 want to adopt time of use to engage the program in a smaller
5 rebate. Do you recall that specific question?

6 A. I do.

7 Q. My question to you is, based on everything you
8 just said, if customers take this program and then don't use
9 time of use rates, what happens?

10 A. We're at 250 bucks. Again, to somebody that
11 already has an EV car and now is putting greater pressure
12 potentially on peak usage. Literally, every report -- there's
13 been a lot of reports that we've talked -- about points this
14 out. You know, it's the electric vehicle charging stations need
15 to be married to strong price signals that are tied to time of
16 use or you're effectively -- all you're doing is maintaining --
17 maintaining the current fossil fuel generation and increasing
18 the distribution investment that companies are able to collect
19 their cap ex on it. It's a cheat code. It's a cheat code for a
20 nonessential service.

21 Q. You were asked another question by the Bench
22 regarding a minimum period that you would want a customer to be
23 on time of use. Do recall that question?

24 A. I do.

25 Q. Is there a way that we can calculate what the

1 minimum time would need to be in order for the program to
2 effectively pay for itself?

3 A. Well, there's two caveats to that. I mean, I've
4 heard -- my understanding with Staff's analysis, if I recall
5 correctly is it would take at least 20 years and that's with
6 some very strong assumptions about rate case timing and future
7 plant investments. So 20+ years and that, again, with very
8 strong assumptions. I don't think that's probably particularly
9 attractive for a lot of people. It just underscores why this
10 program doesn't make sense. You know, again, there's just
11 better ways of doing this other than just giving and just out
12 money.

13 Q. You were also asked by the Bench a question
14 regarding the free rider problem in relation to this residential
15 rebate program. Do you recall that?

16 A. I do.

17 Q. And I believe you might have already touched on
18 this in the answer to my previous question, but this program is
19 not going to -- why will there still be a free rider program
20 even if you adopt ChargePoint's recommendation to install an
21 actual EV charger?

22 A. I mean, the easiest way to say this -- and
23 again, goes to the nonsensical issue here of, you know, why --
24 you think about charging your phone. You know, there's even
25 batteries, you know, that can allow you to charge quicker or

1 slower. Absent any charging station, if you are an EV driver
2 it's going to take you a while to charge at home. If you're
3 serious about it, if you're moving forward, you're going to be
4 buying these things anyway.

5 You know, my understanding is that a number of
6 EV models are even offering, you know, this sort of equipment as
7 part of their deal with buying cars. And, you know, to take it
8 a step further, the technology is moving forward very quickly,
9 but that is not really a free rider issue. The free rider comes
10 down to this, is that people would do it anyway. I mean, people
11 that value electric vehicles that look at that as a status
12 symbol, that look at that as important to the environment or
13 just a cool thing to do will also take the next step and invest
14 in the appropriate charging structure for their home.

15 Absent that, it's an inferior experience. I
16 have a tough time seeing somebody spend this sort of money that,
17 you know, is required for a lot of these cars and not doing
18 that.

19 Q. Thank you. Let's move on to the questions you
20 received from counsel from Evergy. These all had to do with the
21 assumptions regarding the number of EVs in Kansas City or
22 Greater Kansas City Missouri area territory. Do you call this
23 line of questioning?

24 A. I do.

25 Q. Right at the forefront because a part of this

1 discussion concerned some of the data from the AFDC energy,
2 which is the Alternative Fuel Datacenter. Have you received an
3 email from me that include a copy of your workpapers?

4 A. Yes.

5 Q. And this is the workpaper that counsel for
6 Evergy was referencing in questioning you. Right?

7 A. Yes.

8 MR. CLIZER: Judge, I'm going to go ahead and --
9 again, I'm not sure exactly how this works, but I'm going to ask
10 that this be marked as OPC 205. This is the workpapers of
11 Dr. Marke that was discussed during cross-examination.

12 JUDGE GRAHAM: All right. I have received them
13 a minute ago from you. I don't know if the other parties have.
14 Are you offering that now, Mr. Clizer? Are you offering it into
15 evidence? Did you say that?

16 MR. CLIZER: I had -- my apologies. I did not
17 mean to step over you. I had not actually offered it. I was at
18 this point sort of just asking it be marked. I believe he
19 already identified it. I could go ahead and offer it.

20 JUDGE GRAHAM: That's up to you. I was just
21 trying to clarify whether you had offered it because my
22 connection -- my computer is dinging at me. There's a lot of
23 stuff going on in my office. It's noisy just as you spoke.

24 Go ahead and qualify it with him and when you're
25 satisfied you've qualified it and laid your foundation, you can

1 offer it and we'll see if there's any objections to.

2 MR. CLIZER: Your Honor, I guess I really laid
3 the foundation for it. Dr. Marke has identified it as his
4 workpapers. This is what was discussed during
5 cross-examination. I'll go ahead and offer 205 just to expedite
6 the situation.

7 (WHEREIN; OPC Exhibit 205 was offered into
8 evidence.)

9 JUDGE GRAHAM: Are there any objections to
10 Exhibit 205?

11 MR. FISCHER: Judge, I would -- this is Jim
12 Fischer. I would clarify, I don't think I asked any questions
13 about his workpapers. I did ask questions about his footnote in
14 his testimony that made reference to that, but I don't think I
15 have an objection if they want to put it in.

16 JUDGE GRAHAM: All right. Well, I know that he
17 testified or at least offered something. I heard something
18 about workpapers here, but what I'm also hearing is you have no
19 objection to 205. Does anyone else have an objection to 205?

20 MR. HALSO: Judge Graham. This is Joe Halso for
21 Sierra Club and NRDC. I have not received this document. I
22 wanted to clarify whether it has sources listed in it because I
23 think I heard Dr. Marke testify with Mr. Fischer that he did not
24 consider himself an expert in EV adoption forecasting for
25 numbers and so I want to know if there were sources listed in

1 this workpaper.

2 JUDGE GRAHAM: Mr. Clizer, can you address that?

3 MR. CLIZER: Well, I can, sir, if the source has
4 been identified the tab EV registration count and the Missouri
5 EV registration tab with the information provided by the
6 Department of Revenue as identified in Footnote 14 of Page 9 of
7 the rebuttal testimony of Dr. Geoff Marke. Dr. Marke, please
8 correct me if I misstated any of that.

9 THE WITNESS: There's nothing -- the only
10 correction that I would make is that these aren't forecasts.
11 These are empirical numbers that are provided by government
12 agencies. These are just the numbers that exist. There's no
13 forecast involved.

14 MR. HALSO: Okay. This is Joe Halso, Judge. I
15 haven't seen it, but I'm satisfied with that explanation. Sorry
16 for misunderstanding the document. I appreciated it.

17 JUDGE GRAHAM: The record will reflect then that
18 exhibit -- is it 205? 205 is received into evidence.

19 (WHEREIN; OPC Exhibit 205 was received into
20 evidence.)

21 JUDGE GRAHAM: You can go ahead, Mr. Clizer.

22 MR. CLIZER: Thank you, Your Honor. I was
23 simply marking that on my page. All right.

24 BY MR. CLIZER:

25 Q. Let's start right off the bat with the lengthy

1 math discussions that occurred with Mr. Fischer, counsel for
2 Evergy. Do you believe that Mr. Fischer correctly computed or
3 identified the math. Let me just leave it at that.

4 A. No. Mr. Fischer referenced the Evergy
5 application that referenced -- that said that EPRI estimated
6 these numbers by this date. What substantiates those numbers,
7 what supports those numbers, I haven't seen any evidence for
8 that. What Mr. Fischer then tried to do was walk back those
9 numbers and say, isn't it possible that if we believe EPRI's
10 numbers, that 50 percent of the Department of Energy's numbers
11 that list all electric could also be 50 percent hybrid. And
12 there's a couple of problems with that. The first one is this:
13 It would be very easy for any outsider to get mixed up when we
14 talk about batteries, plug-in hybrids or hybrids. They're three
15 distinct kind of cars. Only two of them require an EV charging
16 station. The third one doesn't. The third one is all gasoline
17 that is able to use its powertrain to go ahead and use --
18 generate electricity to offset that gasoline. But is not
19 actually hooked up to an EV charging station.

20 Noiw, all of that information was provided and
21 it's in my workpapers, from the Department of Revenue. And it
22 breaks it down by county and by category. Those numbers -- the
23 easy way to do the sanity check, again, it will be in the record
24 so people, you know, can do this at home, you can just total up
25 the overall EV count whether it's battery, plug-in, and look at

1 the plug-in hybrid and cross reference that with the other tab,
2 which is the Department of Energy. What you find is that it's a
3 couple hundred off. That couple hundred off can easily be
4 explained because the Department of Revenue's numbers indicate,
5 come from October and Department of Energy's numbers come from
6 December. It's absolutely reasonable to expect that there are
7 probably 200 more cars that were purchased in the state of
8 Missouri that would have used the EV charging station. So this
9 is the only empirical numbers that are out there.

10 If you were -- if I were to take what
11 Mr. Fischer said -- I mean, first of all, I would have to look
12 at data I haven't looked at and haven't had the opportunity to
13 look at. It would run counter to what is being reported, you
14 know, by the government, by two sets of governments at this
15 point.

16 So I'm at a loss as to how, you know, Evergy is
17 coming up with their numbers. But even if we just conceded and
18 said you know what, Geoff you're wrong. In the couple of months
19 that are in question here there were thousands and thousands of
20 electric vehicle adoption in the Greater Kansas City area, it
21 would still be below what their EPRI projections are. I mean,
22 like these are very low numbers and we're talking about, like, a
23 half of a half of a half of a percent. Like, they are so low
24 and it doesn't negate the fact, again -- nobody is using the
25 charging stations, nobody. Like, it's not covering its cost of

1 service. I mean, think they used the phrase, this is a case
2 study in what not to do. The empirical evidence substantiates
3 that. And the Company an opportunity to reply to my -- all of
4 the data in surrebuttal and didn't.

5 Q. Okay. Thank you. You mentioned a few things I
6 want to clean up really quick. You identified three different
7 types of vehicles and then you mentioned one of them use the
8 powertrain to recharge the battery. So for the sake of the
9 record, which one of three is that?

10 A. It's called a hybrid electric vehicle or HEV.

11 Q. Okay.

12 A. The only way I could get to where Mr. Fischer's
13 math might be correct is if they count those types of vehicles.
14 The problem with that is those types of vehicles would not use
15 the Clean Charge Network.

16 Q. Okay. I think you mentioned December. I wanted
17 to clarify that, too. According to you workpaper, this was last
18 updated June of 2021; is that correct?

19 A. You're right. June of 2021. If that's what the
20 workpaper say, that's what the website says, I got mixed up.

21 Q. All right. And the last thing just to clarify
22 for the record, with regard to the data you received from the
23 Missouri Department of Revenue, the difference between battery
24 and plug-in -- and I believe you testified to this with
25 Mr. Fischer, but I want to make sure this is correct. Battery

1 is BEVs and plug-in is the PHEVs; is that correct?

2 A. Yes.

3 Q. Okay. I just want to make sure that was all
4 clear for the record. Let's move on to the questions from
5 counsel for Sierra Club. You had some fairly long discussion
6 regarding several studies that were performed or discussed in
7 this hearing with the counsel for Sierra Club. Do recall that
8 discussion?

9 A. I do.

10 Q. Can you just summarize what the bottom line is
11 that you took away from all the studies that you've reviewed
12 regarding promotion of electric vehicles?

13 A. Yes. So those studies look at -- and they're
14 plural studies, so the depth that each individual study might go
15 into on a particular topic is going to vary. But they're
16 looking at EV charging stations. They're looking at prices.
17 They're looking adoption. They're looking at usage. They're
18 looking at all sorts of different characteristics to make sense
19 of how to promote and move forward with electrifying the
20 transportation network.

21 We are gravitating towards a very narrow niche,
22 which is just the EV charging stations themselves. The end
23 result on that particular point from these studies is that a
24 ubiquitous charging network is not necessary, like gas stations,
25 because 85 percent or more charge from home and, you know, the

1 Academy of Science, you know, for them to categorically say
2 that, you know, federal funding at the time isn't warranted
3 because we can't draw a good, strong conclusion -- or we can't
4 draw any conclusion between EV adoption and EV charging
5 stations. Like, to me that's the more pertinent point because
6 these programs in this portfolio is all we're talking about is
7 EV charging stations. If you had a docket that was talking
8 exclusively about you know, affordable rates, which is a huge
9 topic in the National Academy of Science, that would be another
10 element.

11 Q. I believe you were also asked a question from
12 Sierra Club regarding the interest of Sierra Club in this
13 docket. How do you view Sierra Club's interest in this docket?

14 A. I think when I was asked the question by
15 Mr. Woodsmall, I think my exact answer was that they provide
16 sort of a macro level environmental perspective. My
17 understanding of the Sierra Club is that they are moving towards
18 -- they're environmentalists. They're trying to curb carbon
19 emissions and that tailpipe that transportation is an important
20 part of getting to that net zero carbon world. The big issue --
21 if the big issue -- and this is expressed in Sierra Club's
22 testimony, you know, when they get -- when they're supporting
23 time of use rates and saying, you know, just load building for
24 the sake of load building doesn't do anything with absent time
25 of use rates. I mean, take it a step further, if we're not --

1 if we're not doing this correctly, if we're not doing this
2 wisely, we're keeping those coal plants long open longer. And
3 that would run counter to my understanding of what the Sierra
4 Club's mission is. The fact that Evergy is already publicly
5 stated that they're going to keep Lawrence Energy Center open,
6 their big coal plant on for a long period, longer than they had
7 initially announced, should give Sierra Club and any reasonable
8 environmentalist pause in promoting a load building program. It
9 is -- all of those things and the opportunity costs in trying to
10 solve those answers matter. It -- just needlessly increasing
11 rates and throwing money at things without rhyme or reason --
12 and that runs counter to the existing pilot studies and the
13 empirical evidence, is not a good use towards getting to that
14 that net zero outcome.

15 Q. Thank you. Let's move on to the questions you
16 received from counsel for Missouri Energy -- sorry -- MEEG. You
17 were asked a question regarding the developer rebate program
18 resulting in free ridership. Do you recall that?

19 A. I do.

20 Q. Are there other problems with the developer
21 rebate program beyond the mere free ridership, though?

22 A. The program itself is a nonsensical program.
23 You know, let's put a sticker on, you know, to encourage you
24 charging at a different hour. There's no sanity check. There's
25 no quality assurance effectively in the developer program. So

1 the free rider issue is just throwing money at, you know, at
2 something that should naturally occur. No check to see if this
3 isn't going into plugging in an RV, for example. So all of
4 those things, honestly it looks just like a red herring. It
5 looks like something that is easy for the Commission to go ahead
6 and say, well, we're not going to give you the developer but
7 we'll give you something else.

8 Q. You were also asked a question from counsel for
9 MECG regarding the 2016 report and order. I believe the Case
10 Number ER-2016-0285. Do you recall that?

11 A. I do.

12 MR. CLIZER: Your Honor, I'm going to pause here
13 for just a moment. It's my understanding that there has been a
14 request the Commission take official administrative notice of a
15 2015 report and order, which as I understand it, the Commission
16 is taking under advisement. For the sake of completeness, I
17 would request that the Commission similarly take official
18 administrative notice of the ER-2016-0285 report and order. Or
19 in the alternative, for the portions directly related to the
20 Clean Charge Network that was discussed in the testimony and
21 cross-examination today and I fully understand that the
22 Commission will reach the same conclusion as it has with the
23 2015.

24 JUDGE GRAHAM: Okay. Your request is noted.

25 MR. CLIZER: Thank you.

1 BY MR. CLIZER:

2 Q. What is your general takeaway regarding the 2016
3 report and order as it relates to the Clean Charge Network,
4 Dr. Marke?

5 A. Allowing utilities to recover cost for electric
6 vehicle charging stations in plant creates regulatory barriers
7 for new entries, unfairly punishes existing competition and
8 shifts risk from shareholders to ratepayers. And this is
9 verbatim from that report and order. I think it's -- I think
10 it's highly inaccurate, arguably disingenuous for the Company to
11 come out here and imply that the Commission is 100 percent
12 behind nonsensical programs that just shift, you know, risk on
13 to ratepayers. I also think the idea behind, you know -- and I
14 couch that by saying clearly our commission supports EV -- sound
15 EV adoption. The fact that they agree to an Ameren stipulation,
16 you know, that all parties agree to, the fact that we've had
17 multiple workshop dockets about how to forward with this, all of
18 those should be more than enough positive, you know, signals to
19 negate any sort of decisional prudence.

20 Q. Well, you've actually predicted my next question
21 which was with regard to the question regarding the question
22 regarding decisional prudence you received from counsel for
23 MCEG. And just to briefly reiterate, it is your opinion that
24 Evergy does not make guidance from the Commission on this
25 because they've already received guidance through past

1 decisions. Is that a fair assessment of what you just stated?

2 A. It is.

3 Q. Thank you. There were quite a few questions
4 discussed regarding the affordability of rates. I believe
5 counsel for MECG asked you directly regarding the affordability
6 of Evergy's rates. Do recall that line of questioning?

7 A. I do.

8 Q. Do you believe that the difference in rates
9 between Evergy and Ameren service territory has affected EV
10 adoption?

11 A. I do. I do. And it's not just that -- it's --
12 yes. Customers are paying a lot more for energy on the west
13 side of the state than they are on the east side of the state.
14 And I have every reason to believe with their upcoming STP
15 outline, with the Storm Yuri cost this is just going to be
16 exacerbated. That absolutely will have an impact on EV
17 adoption. The -- and it's regressive. I can't stress this
18 enough that the vast majority of customers that have taken
19 advantage of this -- and this is my testimony -- that take
20 advantage of the EV tax credits are affluent. They make more
21 money than the average household makes in this state. And you
22 know, hats off to Ameren for, you know -- it has been good in
23 addressing low income issues and trying to deal with arrearages
24 and disconnects. You counter that with the Company like Evergy
25 when we ended up having to go to hearing over COVID over

1 specifically whether or not the Company and shareholders would
2 be able to foot half of an arrearage program that ratepayers
3 were willing to go ahead and subsidize too. I mean, we went to
4 a hearing over that, which is a drop in the bucket compared to
5 what we are talking about here, which is giving \$500 a pop to
6 ratepayers that already have EVs. This -- I don't know how in
7 good conscience you can sit here and say this is somehow
8 equitable or in the best interest of ratepayers, and people will
9 suffer because of it.

10 Q. Thank you, Dr. Marke. I'm going to move on to
11 the questions that you received from the staff of the Public
12 Service Commission. You asked a question regarding third-party
13 charging providers and how that would help or hinder
14 competition. Do you recall that?

15 A. I do.

16 Q. And do you recall in your answer you discussed
17 the potential for obsolescence of technology?

18 A. I do.

19 Q. Does that issue regarding obsolescence of
20 technology also play into the other parts of the proposed
21 program?

22 A. Absolutely.

23 Q. How so?

24 A. So the big issue is this -- well, I'm not sure
25 how it would play into the developer. I mean, the developer

1 just doesn't make sense. I guess I will concede on the
2 developer. In terms of the residential, it's just quite simply
3 that the technology is just going to improve and we're seeing
4 that on a daily basis -- maybe not daily basis, that's
5 exaggerating. You look at where things were at five years ago,
6 six years ago when this -- when the Company first started the
7 Clean Charge Network to today. And if you wanted to take a bet,
8 just a reasonable because that is effectively what the Company
9 is asking ratepayers to do here, is make a bet on their captive
10 dollars on what is going to be the best technology to induce EV
11 adoption moving forward and have that in there. This isn't it.

12 You know, the clearest example I would point to
13 again is Finland. You know, It's already looking towards
14 inductive wireless charging. It is utilizing that. You can
15 Google that very thing right now and you can find all sorts of
16 articles on how that's moving forward. The fact that ABB has
17 already come up with a more efficient, quicker charging station
18 underscores that. This is a real risk to captive command
19 control ratepayers, not a risk to the market. Right. That's
20 what the market is supposed to do. And we -- you know, the
21 Commission has been -- was consistent in that rate case report
22 and order that you cited earlier making that very statement.

23 Q. Thank you, Dr. Marke. Now, you had mentioned in
24 conversation with Staff counsel the group Elliott Management.
25 Just for the sake of the record, to make sure it's complete,

1 could you very briefly describe who or what Elliott Management
2 is and their relationship to this case?

3 A. Elliott Management is a large investment firm.
4 It's also been characterized as an activist investment firm.
5 They hold a significant stake of Evergy shares and has garnered
6 considerable amount of public attention in commission dockets in
7 both Kansas and in Missouri about their interest in increasing
8 the valuation of Evergy and whether or not the increase in the
9 valuation of Evergy is tied to prudent investment or not.

10 Q. Thank you. You were asked a question from Staff
11 counsel regarding the ICF cost-benefit analysis. Do recall this
12 line of questioning?

13 A. I do.

14 Q. Is it your opinion that if the Commission
15 approves this program, they are simply approving this type of
16 study?

17 A. Yes. And --

18 Q. Do you see a problem with that? My apologies.

19 A. Yes.

20 Q. I don't speak to over you.

21 A. Yes. I would implore. I've been doing this in
22 multiple cases with this company that we're just throwing money
23 again at studies that tell us the most obvious of conclusions
24 and the ICF study -- we had ICF issues with Ameren to in that
25 docket. So maybe there's a running theme here. But the -- if

1 they approve this program, they would also be approving the
2 funds that supported the conclusion. Again, the conclusion
3 being having EVs is good. No comment on the actual proposal and
4 portfolio.

5 Q. Thank you.

6 MR. CLIZER: Your Honor, if you'll permit me one
7 minute, I'm going to review my notes, but I believe I might be
8 at the end of my cross. Please give me a minute.

9 JUDGE GRAHAM: Okay.

10 MR. CLIZER: Thank you. And I meant to say
11 redirect, but I believe I have concluded my redirect.

12 JUDGE GRAHAM: All right. I believe that
13 concludes the testimony in this case. From reviewing the
14 schedule, we have an operation of law date on the sheets of
15 January 24, 2022 according to what I am seeing. The hearing
16 initially was scheduled for October 12th and 13th and we are out
17 six days from that. So we've lost some time there and the
18 initial briefs were due -- are due pursuant to the current order
19 on November 5th, with reply briefs due by November the 19th.
20 The extent to which all of that will be effected, we'll just
21 have to see for a bit. In other words, I am not going to do
22 anything from the Bench here, orally, that endeavors to modify
23 that. Obviously, I'm recognizing that we are thrown back six
24 days in our schedule in doing things here.

25 We are going to have transcripts coming in.

1 We'll have to see when they come in. Let's take one thing at a
2 time here. With respect to exhibits, I've been watching you
3 folks hand in exhibits here this afternoon. I believe that in
4 every instance where you've offered an exhibit, it has been
5 received into the evidence. We had some discussion, but
6 ultimately I don't believe any objection has been made after
7 explanations to any exhibit and I believe that every exhibit
8 that has been offered is in.

9 MR. CLIZER: Your Honor?

10 JUDGE GRAHAM: Go ahead.

11 MR. CLIZER: Clizer from OPC. I don't know if
12 you're about to make an exception. Let me wait until you are
13 finished. I apologize. I did not mean to interrupt.

14 JUDGE GRAHAM: Well, I was going to say I don't
15 believe Staff has offered their exhibits yet. I just put that
16 out there. They reserved that until they got done -- the
17 statement made by counsel a number of time. Perhaps I did not
18 hear or perhaps I'm not understanding what I'm hearing on the
19 phone and so forth. I did have a question in my mind as to
20 whether Staff had offered all of these exhibits.

21 Where I was going to go with this is I'll be
22 issuing an order in the next day upon reflection that clarifies
23 this. I anticipate ordering that the parties confer and file a
24 joint list of exhibits that have been presented and accepted
25 into evidence.

1 In that regard, I'll be issuing an order that
2 requires you to confer on exactly which orders you wish for me
3 to take official notice of. I would remind you that I do not
4 think under the law a Missouri tribunal such as this can simply
5 officially notice an event in Kansas, for example,
6 administrative agency. Not to say that that stipulation cannot
7 be received into evidence, but I don't think that we can make it
8 a part of our record simply by judicially or officially noticing
9 it. There's going to be a separate category that involves
10 official orders from Kansas and reports and orders and some such
11 that have been entered into the state of Missouri that you asked
12 the Commission officially to notice and that I've taken under
13 advisement. I'm going to be asking you to lay out specifically
14 for me what you want us -- what you want the Commission to
15 officially notice. Do you want the entire report and order or
16 the entire order officially noticed, so be it. You can ask
17 that. I'm just kind of going through some matters here.

18 Do any of you have any observations or questions
19 or suggestions at this point?

20 MR. CLIZER: Yes. Your Honor, this is John
21 Clizer from OPC.

22 JUDGE GRAHAM: Go ahead.

23 MR. CLIZER: I would note that I do not believe
24 that the Evergy Exhibit 8 was ever actually taken up for
25 consideration. My recollection was that it was offered

1 effectively almost at the end of the hearing and such as it was
2 on Wednesday of last week, with the statement that it would be
3 taken up after the break and the Commission ultimately decided
4 to postpone the remainder of the hearing until today.

5 JUDGE GRAHAM: I have that, yes. I think
6 Mr. Steiner sent it to me again a little while ago or
7 Mr. Fischer did. One or the other.

8 MR. FISCHER: Yes, Judge. This is Jim Fischer.
9 Mr. Clizer is correct. We discussed Exhibit 8, but we never
10 really got to a resolution. That is the document that goes with
11 the Kansas stipulation, the original stipulation required the
12 Company to supply additional details to the KC staff and the
13 consumer advocate there related to the customer education and
14 marketing program. Exhibit 8 is that document. If I did not
15 ask for it, I'd ask it be admitted into the record.

16 JUDGE GRAHAM: I have it open in front of me
17 here. Two things in that regard. One as to all the exhibits
18 before I forget, I would ask that all exhibits after they been
19 received into evidence be filed in EFIS. Now, there are
20 confidentiality issues. We could take that up in the usual way
21 when we file confidential documents or documents that have to be
22 protected. But overall let's get them into EFIS.

23 Now, specifically with respect to Exhibit 8
24 which I have in front of me. And the title at the top I'm
25 showing -- the first line is Evergy's customer

1 education/outreach of transportation electrification programs
2 and rates. Are there any objections from any party to the
3 admission of that exhibit, Exhibit Number 8 into evidence?

4 MR. CLIZER: Your Honor, the OPC did had a
5 tentative objection to this exhibit and it's premised on the
6 fact that both OPC and Staff, to my knowledge, have criticized
7 the Company for failing to provide additional detail regarding
8 its education program. I didn't -- the OPC objects to the
9 extent that this program -- this exhibit is offered to
10 supplement the Company's initial application in this regard. If
11 the Commission will note for the record that this exhibit is not
12 part of the official application in Missouri and was never
13 presented to the stakeholders in Missouri prior to this hearing,
14 I don't know that this issue necessarily would prohibit taking
15 up the exhibit. I wanted to state for the record that concern.

16 JUDGE GRAHAM: Well, well stated. That is a
17 good concern. That's a good argument. Is that a proper
18 objection to an exhibit? Do you have an objection to the
19 exhibit as such? You know, the statement from your argument
20 about, you know, its relationship to the application and so
21 forth. Do you have any objection to exhibit itself? I
22 understand that you have arguments about it.

23 MR. CLIZER: I mean, I guess I could qualify it
24 as a relevance exhibit. Sorry, a relevance objection. I'll
25 just stand on my previous argument for the most part.

1 JUDGE GRAHAM: Well, I recall you and many other
2 lawyers asking many questions about the Kansas stipulation or
3 the Kansas partial stipulation and so I think the door is open
4 on that. That objection -- that objection is going to be
5 overruled. Any other? All right. Exhibit 8 is received into
6 the record.

7 (WHEREIN; Every Exhibit 8 was received into
8 evidence.)

9 JUDGE GRAHAM: Now, let me address Staff's
10 counsel. Help me. Have you offered all of the exhibits? Has
11 Staff offered its exhibits at this point? Have I lost staff's
12 counsel? Have I lost everybody?

13 MR. CLIZER: Judge, I can still here you.
14 Clizer from OPC.

15 MR. FISCHER: I can hear you, Judge.

16 JUDGE GRAHAM: Are you and I the only three on
17 the phone?

18 MR. WOODSMALL: Woodsmall is here.

19 JUDGE GRAHAM: Is staff's counsel on the phone
20 with us in the hearing?

21 MR. FISCHER: She is on our screen, Judge.

22 MR. CLIZER: Nicole, for whatever reason we
23 can't hear you.

24 JUDGE GRAHAM: Well, if she hasn't offered her
25 exhibits I'll enter an order that allows her to. The order will

1 contemplate any further objections -- it will contemplate any
2 after, posthearing exhibits that someone wants to present.

3 Are there any other matters at this point?

4 MS. MERS: Your Honor, this is staff counsel
5 again. Can you hear me now?

6 JUDGE GRAHAM: Who is this? Is this staff
7 counsel?

8 MS. MERS: Yes.

9 JUDGE GRAHAM: All right. Well, I can hear you
10 now. But I don't know -- have you been able to hear us?

11 MS. MERS: I was able to hear. I was able to
12 hear you guys when the question was asked about the testimony
13 and then I disconnected to try to see if I could fix it on my
14 end and looks like I have. In response to the question that you
15 asked, Staff did enter both Exhibit 100 and 101 during the
16 direct of Ms. Robin Kliethermes and you accepted those. There
17 were no objections.

18 JUDGE GRAHAM: All right. You didn't have any
19 other exhibits that I recall.

20 MS. MERS: No, we did not, sir.

21 JUDGE GRAHAM: All right. Now, aside from
22 taking official notice of some orders, people have added reports
23 and orders and whatnot here in the state of Missouri, and aside
24 from the question of what we're going to do if anything about
25 the Kansas stipulation, it's my belief and understanding that

1 all exhibits now that anyone wants offered are offered and have
2 been accepted. Does anybody have any questions or concerns
3 about that?

4 MR. CLIZER: I do have one question. This is
5 Clizer from OPC. You had previously stated, Your Honor, that
6 you would like all parties to file copies of the exhibits in
7 EFIS. That is not a problem.

8 JUDGE GRAHAM: Yeah.

9 MR. CLIZER: My question to you is does that
10 include the prefiled testimony, which is already in EFIS? In
11 other words, should we refile prefiled testimony in EFIS under
12 an exhibit number?

13 JUDGE GRAHAM: Yes. I will enter an order on
14 that, but that is an excellent question. And that's the way I
15 want it done. It may seem redundant, but -- and even
16 repetitious -- but it will make EFIS absolutely clear that we
17 have -- that Exhibit 100 is in there and it is designated as
18 Exhibit 100 and so forth and so on in EFIS. Thank you for that
19 question.

20 MR. CLIZER: I have one other question and I
21 apologize for being so difficult. The workpapers of Dr. Marke
22 are native filed Excel. Does it matter to the Commission
23 whether they're filed as a Excel file in EFIS or should I
24 publish it as a PDF? I could alternatively do both and of
25 course this doesn't need to be answered now if the Commission

1 would like to think on it.

2 JUDGE GRAHAM: I don't want to think about it.
3 I want to check with our data center. They may have some, you
4 know, specific technical concern that I need to be made aware
5 of. Any other matters?

6 MR. HALSO: Your Honor, yes. This is Joe Halso
7 for Sierra Club/NRDC. With respect to the briefing schedule,
8 should we understand your comments to mean you're inclined to
9 push it back, but have yet to determine how long or what -- how
10 many days or should we understand your comments to mean you
11 haven't decided if you will change it or not?

12 JUDGE GRAHAM: Well, my inclination is to find
13 out what you-all want to do. It occurs to me -- you know I was
14 studying on this and thinking about this as the hearing was
15 winding up. And one thing that occurred to me of course was
16 that you would just like to get your briefs in pursuant to the
17 current briefing schedule and just deal with it with some of
18 your time curtailed. But an unknown here -- the unknown in all
19 of this is when exactly the transcript will be ready to go. We
20 had a lot of drama last week in this hearing and so we have a
21 variable in here. I want to see where that lands. You know,
22 I'm not going to pinch you guys and tell you that you have to
23 have your briefs in 72 hours or something.

24 I'm sorry to talk around your question with my
25 answer, but I want to be able -- I want to get good briefs from

1 you. I need good briefs from you. So if you want to discuss
2 this and go ahead and agree among yourselves to an extension, go
3 ahead and ask. We would -- you've lost six days here. I
4 wouldn't anticipate that you would want to add more than six
5 days to your briefing schedule. Weekends were involved in that,
6 which we've got to keep that operation of law date in mind. And
7 one thing that I've always got to keep in mind to is then the
8 reports and order will issue with respect to when they are
9 effective, 30 days, ten days, whatever. There's a lot of
10 scheduling that's involved there and I've got a dropdead date,
11 an operation of law date on January 22nd to deal with. So
12 that's the long answer to your question.

13 I don't have an inclination at this point as a
14 direct answer to your question because of the question of when
15 this transcript is going to be ready to go.

16 COURT REPORTER: I'm going to try my best
17 November 2nd, end of business day.

18 JUDGE GRAHAM: Okay. All right. I wasn't
19 prodding you with all of that.

20 JUDGE GRAHAM: I was trying to recognize that
21 you are in this conversation. Anything else gentlemen and
22 ladies? Well, with that we will conclude the hearing and go off
23 the record. Have a good day.

24 (OFF THE RECORD; the hearing has concluded.)
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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.



Lisa M. Banks, CCR No. 1081

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