

**Exhibit No.:** \_\_\_\_\_  
**Issue(s):** Special High Load Factor Market Rate  
**Witness/Type of Exhibit:** Mantle/Surrebuttal  
**Sponsoring Party:** Public Counsel  
**Case No.:** EO-2022-0061

**SURREBUTTAL TESTIMONY**

**OF**

**LENA M. MANTLE**

Submitted on Behalf of the Office of the Public Counsel

**EVERGY MISSOURI WEST, INC. D/B/A  
EVERGY MISSOURI WEST**

FILE NO. EO-2022-0061

January 14, 2022

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

In the Matter of the Application of Evergy )  
Missouri West, Inc. d/b/a Evergy Missouri )  
West for Approval of a Special High Load ) Case No.EO-2022-0061  
Factor Market Rate for a Data )  
Center Facility in Kansas City, Missouri )

**AFFIDAVIT OF LENA M. MANTLE**

**STATE OF MISSOURI )**  
**) ss**  
**COUNTY OF COLE )**

Lena M. Mantle, of lawful age and being first duly sworn, deposes and states:

1. My name is Lena M. Mantle. I am a Senior Analyst for the Office of the Public Counsel.
2. Attached hereto and made a part hereof for all purposes is my surrebuttal testimony.
3. I hereby swear and affirm that my statements contained in the attached testimony are true and correct to the best of my knowledge and belief.

  
Lena M. Mantle  
Senior Analyst

Subscribed and sworn to me this 14<sup>th</sup> day of January 2022.



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

  
Tiffany Hildebrand  
Notary Public

My Commission expires August 8, 2023.

**SURREBUTTAL TESTIMONY**

**OF**

**LENA M. MANTLE, P.E.**

**EVERGY MISSOURI WEST, INC.**

**d/b/a**

**EVERGY MISSOURI WEST**

**CASE NO. EO-2022-0061**

1 **Q. Would you state your name, title and business address?**

2 A. My name is Lena M. Mantle. I am a Senior Analyst for the Office of the Public  
3 Counsel (“OPC”). Our business address is P.O. Box 2230, Jefferson City, Missouri  
4 65102.

5 **Q. What are your experience and qualifications?**

6 A. I began employment at the OPC in my current position as Senior Analyst in August  
7 2014. In this position, I have provided expert testimony in electric, natural gas and  
8 water cases before the Commission on behalf of the OPC. I am a Registered  
9 Professional Engineer in the State of Missouri.

10 Prior to being employed by the OPC, I worked for the Staff of the Missouri  
11 Public Service Commission (“Staff”) from August 1983 until I retired as Manager  
12 of the Energy Unit in December 2012. During my employment at the Missouri  
13 Public Service Commission (“Commission”), I worked as an Economist, Engineer,  
14 Engineering Supervisor and Manager of the Energy Unit.

15 Attached as Schedule LMM-D-1 is a brief summary of my experience with  
16 the OPC and Staff, and a list of the Commission cases in which I filed testimony,  
17 Commission rulemakings in which I participated, and Commission reports in rate  
18 cases to which I contributed as Staff.

1 **Q. To which Staff witness’ rebuttal testimony are you responding?**

2 A. I am responding to the rebuttal testimony of Staff witness Robin Kliethermes  
3 regarding the lack of a hold harmless provision in the proposed tariff sheets of  
4 Evergy Missouri West, Inc. (“Evergy West”) and the similarities, and therefore the  
5 redundancy of these proposed tariff sheets when compared to Evergy West’s  
6 existing Special Rate for Incremental Load Service.<sup>1</sup>

7 **Q. Is there a hold harmless provision in Evergy West’s proposed MKT tariff**  
8 **sheets attached to the direct testimony of Evergy West’s witness Darrin R.**  
9 **Ives?**

10 A. I could not find such a provision in the proposed tariff sheets.<sup>2</sup>

11 **Q. Is it important that such a provision be in the tariff sheets?**

12 A. Yes. As both Staff Witness Kliethermes and OPC witness Dr. Geoff Marke  
13 provided in their respective rebuttal testimonies, it is essential that non-  
14 participating customers be held harmless. Non-participants should not, in any  
15 respect, subsidize the cost of providing energy and capacity to customers that take  
16 service on this rate.

17 **Q. Are there any examples you can provide as to how non-participants could be**  
18 **forced to subsidize customers that take service on this rate?**

19 A. There are a number of possible ways that non-participants could end up subsidizing  
20 customers that take service on this rates – many that Evergy West has addressed in  
21 its filing. However, there is one potential cost in particular that Evergy West  
22 appears to have overlooked, which, if not dealt with, would result in harm to non-  
23 participating customers.

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<sup>1</sup> Pages 9 – 10.

<sup>2</sup> Schedule DRI-1.

1 **Q. What are you referring to?**

2 A. Customers that take service on this rate will be Evergy West customers and their  
3 usage will be considered Evergy West sales. Evergy West’s renewable energy  
4 standard (“RES”) statutory requirements are based on Evergy West’s sales. With  
5 the addition of customers because of this new rate, Evergy West’s RES  
6 requirements may in turn result in increased costs incurred by Evergy West to meet  
7 those increased RES statutory requirements.

8 **Q. Would you explain your concern?**

9 A. Section 393.1030 requires that Evergy West provide no less than 15% of its retail  
10 energy sales from renewable resources. Customers on the MKT tariff sheets will  
11 require large quantities of energy<sup>3</sup> resulting in a large increase in Evergy West’s  
12 RES requirements. The proposed tariff sheets prohibit the customer from having  
13 to pay the RES rate adjustment mechanism (“RESRAM”). This means that non-  
14 participating customers will have to pay any increase in cost to meet the RES.

15 **Q. What is your recommendation regarding the recovery of the cost of this  
16 incremental increase in the RES?**

17 A. I recommend the following provision be included in the tariff sheets for the special  
18 high-load factor rates:

19 Any incremental cost incurred in order to meet RES compliance  
20 mandates imposed by Missouri Revised Statute section 393.1030  
21 that are attributable in whole or in part to any Customer taking  
22 service under this tariff provision shall not be recovered from any  
23 Customer not taking service under this tariff provision.

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<sup>3</sup> Customers are required to have a peak demand of greater than 100,000 kilowatts (kW) or 100 MW and to have an annual load factor of 0.85 which means they will take, on average 85 MW of electricity every hour of the year.

1 This language does not specify whether Evergy West or the customer being served  
2 on this rate is paying for the increased cost of meeting the RES statutory  
3 requirement but assures that the non-participating customers are held harmless.

4 In addition, the Commission should order Evergy West, in its Annual RES  
5 Compliance Report required by Commission rule 20 CSR 4240-20.100(8), to  
6 specifically provide the total energy load of the customers on this market rate, the  
7 amount of RES energy required due to the energy used by these customers, the  
8 specific source and cost of the RES energy obtained to meet the RES requirements  
9 of Evergy West for these customers and certification that these costs have not been  
10 and will not be passed on to Evergy West's customers that are not served on this  
11 rate.

12 **Q. Is this proposal consistent with the recommendation of Staff witness**  
13 **Kliethermes?**

14 A. Yes, Ms. Kliethermes, in her rebuttal testimony, directly raises an issue with the  
15 lack of a hold harmless provision in Evergy West's proposed MKT tariff sheets as  
16 the basis of at least one of her concerns with Evergy West's proposal.<sup>4</sup>

17 **Q. Does your proposed language resolve the issue regarding a lack of a hold**  
18 **harmless provision identified on page nine of Staff witness Kliethermes'**  
19 **rebuttal testimony?**

20 A. It does as the issue relates to the RESRAM, but the language does not resolve the  
21 issue in its entirety. To more fully address Ms. Kliethermes' concern, I would  
22 recommend that the Commission also order Evergy West to include in its filed  
23 MKT tariff sheets a provision identical to the one found in the Evergy West's  
24 current Special Rate for Incremental Load Service (SIL) tariff sheets. Adopting the  
25 language to apply to the present proposed rate, such a provision would read as  
26 follows:

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<sup>4</sup> Page 9.

1           The Special High-Load Factor Market Rate Contract will be  
2           designed to recover no less than the incremental cost to serve the  
3           Customer over the term of the Special High-Load Factor Market  
4           Rate Contract. Non-participating customers shall be held harmless  
5           from any deficit in revenues provided by any customer served under  
6           this tariff.

7           The addition of this language, which is again taken directly from Evergy West's  
8           already existing Special Rate for Incremental Load Service (SIL) tariff sheet<sup>5</sup>, in  
9           conjunction with the proposed RESRAM language I have included above, should  
10          address the concern regarding a lack of a hold harmless provision that Ms.  
11          Kliethermes addresses in her rebuttal testimony.

12       **Q.    Is there any other portion of Ms. Kliethermes' rebuttal you wish to respond**  
13       **to?**

14       **A.    Yes. On page 10 of her rebuttal, Ms. Kliethermes lays out her fourth rationale for**  
15       **why she recommends the Commission reject Evergy West's application as follows:**

16           The requested tariff is not necessary, because the prospective  
17           customer (Velvet Tech) qualifies under the Company's currently  
18           effective Special Rate for Incremental Load Service (Schedule SIL)  
19           rate schedule, Large Power Service rate schedule, or Special  
20           Contract rate schedule.

21          Without addressing directly the argument Ms. Kliethermes presents, I do want to  
22          acknowledge that the Special Rate for Incremental Load Service rate that currently  
23          exists for Evergy West contains important provisions that should be included in any  
24          Special High-Load Factor Market Rate tariff sheets that the Commission approves.  
25          Chief among those is the following provision that I have updated to be applicable  
26          to the Special High-Load Factor Market Rate tariff sheets:

27           The Company will make provisions to uniquely identify the costs  
28           and revenues for each respective Special High-Load Factor Market  
29           Rate Contract within its books and records. This information will be  
30           available to support periodic reporting as ordered by the

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<sup>5</sup> Evergy West Tariff, Mo. P.S.C. No. 1, Original Sheet No. 157.2.

1 Commission. At the time of a general rate proceeding the portion of  
2 the Company's revenue requirement associated with the incremental  
3 costs to serve the Customer shall be assigned to the Customer. The  
4 Customer's rate revenues shall be reflected in Company's net  
5 revenue requirement. If the Customer's rate revenues do not exceed  
6 the incremental cost to serve the Customer as reflected in the  
7 revenue requirement calculation, the Company shall make an  
8 additional revenue adjustment covering the shortfall to the revenue  
9 requirement calculation through the true-up period, to ensure that  
10 non-Special High-Load Factor Market Rate customers will be held  
11 harmless from such effects from the service under the Special High-  
12 Load Factor Market Rate. In no event shall any revenue deficiency  
13 (that is, a greater amount of the Customer's incremental costs  
14 compared to the Customer's revenues) be reflected in the  
15 Company's cost of service in each general rate proceeding for the  
16 duration of service to the Customer(s) during the terms of the  
17 contract between Company and Customer served under this tariff.

18 If the Commission decides to disagree with Staff's assessment that the requested  
19 tariff is not necessary because any prospective customer would otherwise qualify  
20 under the Company's currently effective Special Rate for Incremental Load Service  
21 rate schedule, the Commission should still order Evergy West to include the  
22 foregoing provision, which was again adopted from the Special Rate for  
23 Incremental Load Service rate tariff Evergy West already has in effect, in the  
24 proposed Special High-Load Factor Market Rate tariff. This will at least partially  
25 resolve the issues that Staff witness Kliethermes has identified.

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

27 **A.** Yes, it does.



## **Education and Work Experience Background of**

### **Lena M. Mantle, P.E.**

In my position as Senior Analyst for the Office of the Public Counsel (“OPC”) I provide analytic and engineering support for the OPC in electric, gas, and water cases before the Commission. I have worked for the OPC since August, 2014.

I retired on December 31, 2012 from the Public Service Commission Staff as the Manager of the Energy Unit. As the Manager of the Energy Unit, I oversaw and coordinated the activities of five sections: Engineering Analysis, Electric and Gas Tariffs, Natural Gas Safety, Economic Analysis, and Energy Analysis sections. These sections were responsible for providing Staff positions before the Commission on all of the electric and gas cases filed at the Commission. This included reviews of fuel adjustment clause filings, resource planning compliance, gas safety reports, customer complaint reviews, territorial agreement reviews, electric safety incidents and the class cost-of-service and rate design for natural gas and electric utilities.

Prior to being the Manager of the Energy Unit, I was the Supervisor of the Engineering Analysis Section of the Energy Department from August, 2001 through June, 2005. In this position, I supervised engineers in a wide variety of engineering analysis including electric utility fuel and purchased power expense estimation for rate cases, generation plant construction audits, review of territorial agreements, and resolution of customer complaints all the while remaining the lead Staff conducting weather normalization in electric cases.

From the beginning of my employment with the Commission in the Research and Planning Department in August, 1983 through August, 2001, I worked in many areas of electric utility regulation. Initially I worked on electric utility class cost-of-service analysis, fuel modeling and what has since become known as demand-side management. As a member of the Research and Planning Department under the direct supervision of Dr. Michael Proctor, I participated in the development of a leading-edge methodology for weather normalizing hourly class energy for rate design cases. I took the lead in developing personal computer programming of this methodology and applying this methodology to weather-normalize electric usage in numerous electric rate cases. I was also a member of the team that assisted in the development of the Missouri Public Service Commission electronic filing and information system (“EFIS”).

I received a Bachelor of Science Degree in Industrial Engineering from the University of Missouri, at Columbia, in May, 1983. I am a registered Professional Engineer in the State of Missouri.

Lists of the cases I have filed testimony as an OPC, the Missouri Public Service Commission rules in which I participated in the development of or revision to, and the cases that I provided testimony in follow.

**Office of Public Counsel Case Listing**

<b>Case</b>	<b>Filing Type</b>	<b>Issue</b>
ER-2021-0312	Direct, Rebuttal	Storm costs, Market Price Protection Mechanism, FAC
GR-2021-0241	Direct, Rebuttal, Surrebuttal	Revenue Normalization Adjustment, Customer Bills
ER-2021-0240	Direct, Rebuttal	FAC, Customer Bills
GR-2021-0108	Direct, Rebuttal, Surrebuttal	Weather Normalization Adjustment mechanism, miscellaneous tariff issues
WR-2020-0240	Direct, Rebuttal, Surrebuttal	Normalized customer usage, revenue stabilization mechanism
EO-2020-0262	Direct	FAC Imprudence
ER-2020-0311	Rebuttal	FAC rate change
ER-2019-0374	Direct, Rebuttal, Surrebuttal	Weather Norm Rider, Fuel Adjustment Clause
ER-2019-0355	Direct, Rebuttal	Fuel Adjustment Clause, Unregulated Competition tariff sheet
EO-2019-0067 & EO-2019-0068	Rebuttal	Prudence of GMO steam auxiliary costs and GMO and KCPL's wind PPAs
EA-2019-0010	Rebuttal, Surrebuttal	Energy Market Prices, Customer Protections
GO-2019-0058 & GO-2019-0059	Direct, Rebuttal	Weather
ER-2018-0145 & ER-2018-0146	Direct, Rebuttal, Surrebuttal	Purchased Power, Customer Bills, Crossroads, Resource Planning
EO-2018-0092	Rebuttal, Surrebuttal	OPC Opposition of Request for Approval of Changes to Resource Plan
WR-2017-0285	Direct, Rebuttal, Surrebuttal	Normalized base usage
GR-2017-0215 & GR-2017-0216	Direct, Rebuttal, Surrebuttal	Energy Efficiency and Low-Income Programs
EO-2017-0065	Direct, Rebuttal, Surrebuttal	Fuel Adjustment Clause Prudence Review
ER-2016-0285	Direct, Rebuttal, Surrebuttal	Fuel Adjustment Clause
ER-2016-0179	Direct, Rebuttal, Surrebuttal	Fuel Adjustment Clause,
ER-2016-0156	Direct, Rebuttal, Surrebuttal	Fuel Adjustment Clause, Resource Planning
ER-2016-0023	Direct, Rebuttal, Surrebuttal	Fuel Adjustment Clause
WR-2015-0301	Direct, Rebuttal, Surrebuttal	Revenues, Environmental Cost Recovery Mechanism
ER-2014-0370	Direct, Rebuttal, Surrebuttal	Fuel Adjustment Clause
ER-2014-0351	Direct, Rebuttal, Surrebuttal	Fuel Adjustment Clause
ER-2014-0258	Direct, Rebuttal, Surrebuttal	Fuel Adjustment Clause
EC-2014-0224	Surrebuttal	Policy, Rate Design

**Missouri Public Service Commission Rules**

- 20 CSR 4240-3 Filing Requirements for Electric Utilities (various rules)
- 20 CSR 4240-14 Utility Promotional Practices
- 20 CSR 4240-18 Safety Standards
- 20 CSR 4240-20.015 Electric Utility Affiliate Transactions
- 20 CSR 4240-20.017 HVAC Services Affiliate Transactions

20 CSR 4240-20.090 Electric Utility Fuel and Purchased Power Cost Recovery Mechanisms  
20 CSR 4240-20.091 Electric Utility Environmental Cost Recovery Mechanisms  
20 CSR 4240-22 Electric Utility Resource Planning  
20 CSR 4240-80.015 Steam Heating Utility Affiliate Transactions  
20 CSR 4240-80.017 HVAC Services Affiliate Transactions

**Missouri Public Service Commission Staff Testimony**

<b>Case No.</b>	<b>Filing Type</b>	<b>Issue</b>
ER-2012-0175	Rebuttal, Surrebuttal	Resource Planning Capacity Allocation
ER-2012-0166	Rebuttal, Surrebuttal	Fuel Adjustment Clause
EO-2012-0074	Direct/Rebuttal	Fuel Adjustment Clause Prudence
EO-2011-0390	Rebuttal	Resource Planning Fuel Adjustment Clause
ER-2011-0028	Rebuttal, Surrebuttal	Fuel Adjustment Clause
EU-2012-0027	Rebuttal, Surrebuttal	Fuel Adjustment Clause
ER-2010-0356	Rebuttal, Surrebuttal	Resource Planning Allocation of Iatan 2
EO-2010-0255	Direct/Rebuttal	
ER-2010-0036	Supplemental Direct, Surrebuttal	Fuel Adjustment Clause
ER-2009-0090	Surrebuttal	Capacity Requirements
ER-2008-0318	Surrebuttal	Fuel Adjustment Clause
ER-2008-0093	Rebuttal, Surrebuttal	Fuel Adjustment Clause Low-Income Program
ER-2007-0004	Direct, Surrebuttal	Resource Planning
GR-2007-0003	Direct	Energy Efficiency Program Cost Recovery
ER-2007-0002	Direct	Demand-Side Program Cost Recovery
ER-2006-0315	Supplemental Direct, Rebuttal	Energy Forecast, Demand-Side Programs Low-Income Programs
ER-2006-0314	Rebuttal	Jurisdictional Allocation Factor
EA-2006-0309	Rebuttal, Surrebuttal	Resource Planning
ER-2005-0436	Direct, Rebuttal, Surrebuttal	Low-Income Programs, Energy Efficiency Programs, Resource Planning
EO-2005-0329	Spontaneous	Demand-Side Programs, Resource Planning
EO-2005-0293	Spontaneous	Demand-Side Programs, Resource Planning
ER-2004-0570	Direct, Rebuttal, Surrebuttal	Reliability Indices, Energy Efficiency Programs Wind Research Program
EF-2003-0465	Rebuttal	Resource Planning
ER-2002-424	Direct	Derivation of Normal Weather
EC-2002-1	Direct, Rebuttal	Weather Normalization of Class Sales Weather Normalization of Net System
ER-2001-672	Direct, Rebuttal	Weather Normalization of Class Sales Weather Normalization of Net System
ER-2001-299	Direct	Weather Normalization of Class Sales Weather Normalization of Net System
EM-2000-369	Direct	Load Research
EM-2000-292	Direct	Load Research

<b>Case No.</b>	<b>Filing Type</b>	<b>Issue</b>
EM-97-515	Direct	Normalization of Net System
ER-97-394, et. al.	Direct, Rebuttal, Surrebuttal	Weather Normalization of Class Sales Weather Normalization of Net System Energy Audit Tariff
EO-94-174	Direct	Weather Normalization of Class Sales Weather Normalization of Net System
ER-97-81	Direct	Weather Normalization of Class Sales Weather Normalization of Net System TES Tariff
ER-95-279	Direct	Normalization of Net System
ET-95-209	Rebuttal, Surrebuttal	New Construction Pilot Program
EO-94-199	Direct	Normalization of Net System
ER-94-163	Direct	Normalization of Net System
ER-93-37	Direct	Weather Normalization of Class Sales Weather Normalization of Net System
EO-91-74, et. al.	Direct	Weather Normalization of Class Sales Weather Normalization of Net System
EO-90-251	Rebuttal	Promotional Practices Variance
ER-90-138	Direct	Weather Normalization of Net System
ER-90-101	Direct, Rebuttal, Surrebuttal	Weather Normalization of Class Sales Weather Normalization of Net System
ER-85-128, et. al.	Direct	Demand-Side Update
ER-84-105	Direct	Demand-Side Update