

BEFORE THE PUBLIC SERVICE COMMISSION

STATE OF MISSOURI

TRANSCRIPT OF PROCEEDINGS

RULEMAKING HEARING

January 6, 2011

Jefferson City, Missouri

Volume 1

In The Matter Of A Proposed)	
Rulemaking Regarding Revision)	
Of The Commission's Chapter 22)	File No. EX-2010-0254
Electric Utility Resource)	
Planning Rules)	

MORRIS L. WOODRUFF, presiding
CHIEF REGULATORY LAW JUDGE.
TERRY JARRETT,
COMMISSIONERS

REPORTED BY:
LISA M. BANKS, CCR
TIGER COURT REPORTING, LLC

1 JUDGE WOODRUFF: All right. Let's come to
2 order, please. Good morning, everyone. My name is Maurice
3 Woodruff. I'm the presiding officer for today's hearing on
4 the rulemaking.

5 These are a public hearing on the Chapter 22
6 rulemaking, 4 CSR 240-22.010, .020, .030, .040, .045, .050,
7 .060, .070 and .080. And as I indicated, this is a hearing
8 to consider comments on those -- on those proposed rules and
9 amendments.

10 As I indicated, this is intended to take
11 public comments, so there's no pre-set schedule on who is
12 going to make comments first. I will ask whoever wants to
13 comment to come up to the podium, and I'll swear you in as a
14 witness and we'll hear what you want to say.

15 Anyone have a preference on going first?

16 Public Counsel wish to make any statements?

17 MR. KIND: We do, and I'll be glad to go
18 first, unless -- always defer to Staff, if they are ready to
19 make their comments first. But we'd be happy to, as well.

20 MR. DOTTHEIM: The Staff can go first.
21 It's -- we're not looking to make our statements in any
22 special order. If anybody wanted to start off.

23 JUDGE WOODRUFF: All right. Well, let's go
24 ahead and start with Staff, then.

25 MR. DOTTHEIM: Okay. And would you like

1 who's ever going to make the statements to use the podium,
2 as opposed to the witness stand?

3 JUDGE WOODRUFF: Yes, please, the podium.

4 MR. DOTTHEIM: I might just -- I'm Steve
5 Dottheim. I'm an attorney. It's D-o-t-t-h-e-i-m. Steven,
6 S-t-e-v-e-n. And I'm an attorney with the Staff of the
7 Missouri Public Service Commission. I am chief deputy staff
8 counsel. And the Staff --

9 JUDGE WOODRUFF: And Mr. Dottheim, did you
10 wish to offer a statement? I'll swear -- go ahead and swear
11 you in.

12 MR. DOTTHEIM: Yes. I was just going to --
13 the Staff has a witness or two.

14 JUDGE WOODRUFF: Okay.

15 MR. DOTTHEIM: I myself was just going to
16 preface --

17 JUDGE WOODRUFF: That's fine.

18 MR. DOTTHEIM: -- the statements or statement
19 by the Staff and make -- make note of a legal argument or
20 two that was raised in another comment that was filed,
21 but --

22 JUDGE WOODRUFF: That's fine. I --

23 MR. DOTTHEIM: -- but is --

24 JUDGE WOODRUFF: I don't need to swear you,
25 then.

1 MR. DOTTHEIM: Okay. I didn't --

2 JUDGE WOODRUFF: But I -- but I have had a
3 comment already that it's difficult to hear you, so if you'd
4 speak up a little bit.

5 MR. DOTTHEIM: Oh, all right. I will -- I
6 will -- I will try to do so.

7 There was a form that was intended to be
8 attached to the proposed rule that unfortunately was not
9 attached and was not a part of the proposed order of
10 rulemaking.

11 The information that is covered or addressed
12 in the form, it's my understanding, it will be addressed
13 by -- the Staff commenter, is covered, I believe, in the
14 information that is required by the proposed rule.

15 A copy of the form was sent by e-mail to the
16 commenters, and a copy will be provided this morning.

17 On another matter, I might note that Ameren
18 Missouri, in particular, in its comments made a number of
19 legal arguments regarding the lawfulness of the proposed
20 rules. I don't believe that any of the arguments raised by
21 Ameren Missouri or the authority cited are new.

22 I think the authority cited is addressed by
23 the statutes that are covered by the authority cited for the
24 rules that were published in the proposed order of
25 rulemaking.

1 There is one case cited by Ameren Missouri
2 that is a 1995 case, which is after the adoption of the
3 initial Chapter 22, which I don't believe establishes any
4 authority that didn't previously exist. So again, I don't
5 think that Ameren Missouri cites anything new in its legal
6 arguments.

7 And as a consequence, I think its legal
8 arguments are easily addressed, and equally could have --
9 and probably were made against the initial Chapter 22, and
10 were incorrect previously, and its arguments are incorrect
11 now.

12 But one other thing I might cite is comments
13 were filed on Monday by the Staff and by Commissioner Davis,
14 in part, regarding reporting requirements regarding certain
15 affiliates of electric utilities respecting transmission
16 affiliates, transmission construction affiliates,
17 transmission management, transmission planning, et cetera.

18 The Commission, of course, has transmission
19 affiliate rules, and those transmission affiliate rules were
20 found to be lawful. The Staff probably in its comments
21 should have cited the Missouri Supreme Court case that found
22 those rules to be lawful, which is State, ex rel Atmos
23 Energy Corporation v. Public Service Commission, 103 S.W. 3d
24 753, Missouri Supreme Court, 2003.

25 And, finally, I would just note in passing,

1 because I really don't intend to belabor a discussion of
 2 comments that were -- that were filed on Monday -- and I'll
 3 go back to Ameren Missouri's comments that were filed, in
 4 particular in regards to some language that were added in
 5 regards to 4 CSR 240-22.010 regarding language, quote, "with
 6 a view to the public welfare, efficient facilities and
 7 substantial justice between patrons and public utilities."

8 That's language that appears in the
 9 Commission's own statutes, which is cited as authority for
 10 the Chapter 22 rules. That's Section 386.660. I think that
 11 was just added to the -- to the rules.

12 For further explication, I said 386.660.
 13 It's 386.610. It's the last sentence of that statutory
 14 section, which says, The provisions of this chapter shall be
 15 literally construed with a view to the public welfare,
 16 efficient facilities, and substantial justice between
 17 patrons and public utilities.

18 There's no reference to utility shareholders.
 19 There's reference to public utilities, which I think is
 20 intended to address utility shareholders.

21 with that, I'll conclude --

22 JUDGE WOODRUFF: All right.

23 MR. DOTTHEIM: -- my comments.

24 JUDGE WOODRUFF: Commissioner Jarrett, did
 25 you have any questions for Mr. Dottheim?

1 COMMISSIONER JARRETT: Not for Mr. Dottheim.

2 Thank you, sir. I appreciate it.

3 MR. DOTTHEIM: Thank you very much.

4 JUDGE WOODRUFF: You -- and Staff does have
5 some witnesses, also, that we --

6 MR. DOTTHEIM: Yes. Yes, it does.

7 JUDGE WOODRUFF: Who wants to come up first?
8 And if you could tell who you are.

9 MS. MANTLE: My name is Lena M. Mantle. I'm
10 employed by the Missouri Public Service Commission. I'm
11 manager of the energy department.

12 JUDGE WOODRUFF: And if you could raise your
13 right hand, I'll swear you in.

14 (Witness sworn.)

15 JUDGE WOODRUFF: Thank you.

16 LENA MANTLE testifies as follows:

17 MS. MANTLE: It's been a long time getting to
18 this hearing. The Commission first held a workshop to
19 revise its resource planning rules on May 20th, 2005.

20 In that presentation, I talked about how I
21 knew things had changed because my daughter was just born
22 when the original rules went into effect; and at that time,
23 she was 13. Now, my daughter is 18. I'm very much aware of
24 how things have changed since then -- since we began that
25 process five and a half years ago.

1 Before I get too far into my remarks, I want
2 to thank Jerry Mendel (ph). It's a consultant that the
3 staff hired to help us revise these rules. I don't believe
4 that we could be where we are today without his help with
5 the workload that staff has had in the past five and a half
6 years.

7 I want to urge the Commission when they're
8 reviewing the comments to remember why we have electric
9 utility planning rules. It isn't to punish the utilities,
10 and it isn't because staff needs more to do. We've got
11 plenty to do. It's to ensure that Missourians receive safe
12 and reliable electric services at just, reasonable and
13 affordable rates.

14 Doing long-term planning is critical to
15 survive in the competitive arena. While electric utility
16 can limp along doing a five-year plan and passing costs to
17 ratepayers, it will not be providing safe and reliable
18 services at just, reasonable and affordable rates for long.

19 Long-term planning is critical to electric
20 utilities, just as it is to other industries.

21 In the six years that electric utilities had
22 a waiver from filing under Chapter 22, I saw a real
23 deterioration in the resource planning at the electric
24 utilities. Resources were pulled from the forecasting --
25 specifically the forecasting on the demand-side analysis

1 area and used in other places at the utilities.

2 Risk analysis was done on an ad hoc basis.

3 And we are still dealing with consequences of that type of
4 planning for at least one of our utilities -- electric
5 utilities now.

6 All this is to say that the electric utility
7 resource planning rules are needed.

8 The utilities, in their comments, say that
9 the rule is too prescriptive, that it's just a checklist
10 exercise. I must respectfully disagree. Much of the
11 prescriptiveness has been removed from the rule.

12 Unlike the provisions of the current rules,
13 the utility is no longer directed on how to do its load
14 analysis and forecasting, how to develop demand-side
15 programs, how to calculate avoided costs, and how to do risk
16 analysis.

17 while -- however, the load forecasting rule
18 does require the utility to develop a forecast that meets
19 certain criteria. If it doesn't, the utility is required to
20 tell us why.

21 Demand-side programs are to be developed
22 using information from Missouri, not from California or New
23 Jersey. However, the utility can look at the demand-side
24 programs from other states and modify them so the program
25 will work for Missouri customers.

1 Or if the utility chooses to do so, it may
2 screen individual measures and develop its own programs.
3 It's the utility's choice. But the utility is required to
4 develop and screen demand-side resources.

5 utilities can choose how to avoid --
6 calculate the avoided costs required for demand-side
7 analysis. However, they need to document their choice.

8 Risk analysis no longer prescribed to be
9 decision-tree analysis; however, the integration in risk
10 analysis rule does require that the utility decision-makers
11 look at risk and how alternative resource plans would
12 respond to those. Again, the world -- the rules require
13 documentation of this process.

14 The utilities, in their written comments,
15 have stated that we need to put an emphasis on the plan, not
16 the process. And the stakeholders will be able to tell if a
17 plan is bad; that there should be discussions about overall
18 quality of the plan and the results.

19 As an analyst trained by Mike Proctor, I know
20 that I cannot judge overall quality and results if I don't
21 know the process.

22 In the past few months, I've been looking to
23 buy a mattress. It's a decision that has long-term
24 implications. I don't buy a mattress very often. What I've
25 noticed is I can't tell if it's a good mattress simply by

1 looking at it. If I can, believe me, it's not a good
2 mattress.

3 Before making a decision about whether a
4 mattress is good or not, I need to know what it's made of
5 and lay down on it and try it.

6 while utility long-range planning is very
7 different from purchasing a mattress, there is an analogy
8 regarding just looking at a 20-year resource plan.

9 The plan has implication for many years, and
10 may look fine on paper, but I can't tell if it's a good plan
11 unless I know what it is made of, what the inputs were and
12 what model types were used -- a review of the risk analysis
13 similar to trying it out. It looks at how the plan holds up
14 under different risk scenarios.

15 The utilities have also said the proposed
16 rules are checklists. I do agree that they lay out
17 additional information the utility has to provide.

18 This is because of experience the
19 stakeholders have had with the utilities since the utilities
20 began filing their resource plan again in December 2005. If
21 something was not laid out in the rules, the utilities were
22 reluctant to provide it.

23 The Commission shouldn't have to define that
24 a plot has to have a title in its axis label. It shouldn't
25 have to prescribe what a capacity balance spreadsheet looks

1 like.

2 Yet these examples, while seemingly obvious
3 pieces of information, are examples of information that have
4 been omitted from utility-provided information under the
5 current rule.

6 The Staff does not want to find deficiencies
7 in electric utilities' resource planning. It would please
8 staff to find -- to be able to file with the Commission that
9 a utility has no deficiencies in our file -- in their
10 filings. It would make our lives a lot easier.

11 However, on the other hand, deficiencies
12 aren't something that should be feared. Personally, I learn
13 a lot from my mistakes. And I tell people that work for me
14 that it's okay to make mistakes; it's just not okay to make
15 them over and over again.

16 we've discussed plan acknowledgement and plan
17 preapproval in our filed comments, so I won't go into that
18 this morning.

19 I do have -- before I start with comments
20 based on the comments of the other -- specific to the rules,
21 I do have the forms that Mr. Dottheim was talking about.

22 JUDGE WOODRUFF: Ms. Mantle, I notice on this
23 form that one is entitled Highly Confidential, the other
24 Public Information. I assume the forms themselves are not
25 confidential; it's just what would be filled in would be

1 considered confidential?

2 MS. MANTLE: That's correct. It's -- the
3 numbers that would go into the forms would be confidential.

4 JUDGE WOODRUFF: Okay.

5 MS. MANTLE: This is in response --
6 Mr. Dottheim talked about one of the rules requiring it. It
7 is actually Section 2(d) of the filing schedule, filing
8 requirements and stakeholder process rule.

9 And it states, The highly confidential form
10 of the capacity balance sheet completed in the specified
11 format for the preferred resource plan in each candidate
12 resource considered by the utility. So that will give you
13 a --

14 JUDGE WOODRUFF: Which rule is that?

15 MS. MANTLE: That's .080.

16 JUDGE WOODRUFF: Okay.

17 MS. MANTLE: As Mr. Dottheim stated, I did
18 send -- I e-mailed copies of this form to everyone who
19 provided comments on Monday, because I wanted them to have a
20 chance to review the form before they came to the hearing
21 today, so if they had any comments, they could make those.

22 There are some comments that I would like to
23 make that are specific to a given rule.

24 Ameren Missouri asked that the Commission
25 change the proposed rules to allow wavier requests within 12

1 months of a triennial filing for good cause shown.

2 The filing -- the current rules already have
3 that provision in the .080 rule when it states that, A
4 provision from these rules can be granted. So Staff doesn't
5 believe that language is necessary.

6 I would caution, though, we've had, in the
7 past, utilities filed the waivers when they filed the plans.
8 That really doesn't give the Commission much time to decide
9 whether or not that -- I mean, if they decide the waivers
10 can't be granted, there's nothing that can be done for that
11 filing.

12 That's why in the rule it's -- the proposed
13 rule we put in that they should be done 12 months ahead of
14 time, so the Commission can issue an order and the company
15 can respond to that.

16 KCP&L, which spoke on behalf of Kansas City
17 Power and Light Company and KCP&L Greater Missouri
18 Operations Company, asked that the definition of "major
19 class" be changed from the proposed class cost of service
20 classes -- which are residential, small general service,
21 large general service, large power, and so forth -- to what
22 is commonly called revenue classes -- residential,
23 commercial and industrial.

24 The reasons they gave are that customers
25 frequently switch from one tariff to another to lower their

1 bills. This does -- I would agree, this does happen. But
2 they doesn't mean they necessarily switch from one class
3 cost of service class to another. They're jumping from rate
4 to rate.

5 And if the switching is of the magnitude that
6 it impacts the forecast, which this data is used for, then
7 there's obviously some rate design issues that need to be
8 taken care of. And that's outside the resource planning.

9 KCPL states it's splitting between commercial
10 and industrial the most homogenous groups. Well, think
11 about that. Both the Coffee Zone down here on High Street
12 and St. Mary's Health Center are commercial customers. Are
13 they very homogenous? An upholstery shop and DeLong's are
14 both considered industrial. Is that very homogenous? I --
15 I wouldn't think so.

16 They do say that most economic data forecasts
17 are provided by an economic sector, which those are, and I
18 would agree with that.

19 And the company has used forecast of energy
20 efficiency trends from United States Department of Energy
21 and their models -- Department of Energy's models are
22 separated by economic sector, and that is true.

23 One thing that they state which kind of
24 bothered me was, it would require separate budgets and IRP
25 forecasts, which may not be in sync.

1 Now, if I had two different models and they
2 forecast separately different directions, that would give me
3 great concern. They're using the same input data. If they
4 aren't the same, one of the -- you need to go back and look
5 at your models.

6 I do realize that budget models often aren't
7 at the same level as what is done in the resource planning
8 rules, but the difference really should be checked if the
9 two aren't in sync.

10 There are advantages to using class cost of
11 service classes. The hourly load research data is at that
12 level. Small business and large businesses, which are
13 impacted differently by economic conditions, are grouped
14 separately.

15 There's small general service, which would
16 have Coffee Zone in it. There's -- and it would -- it may
17 have an upholstery shop in it, too. And there is the bigger
18 classes for customers such as St. Mary's and DeLong's.

19 There -- the companies, when they acquire a
20 customer, will put what's often called SIC codes -- which
21 stands for standard industrial classification code -- on
22 that customer to decide whether it's commercial or
23 industrial. That's how that's made.

24 By using the class cost of service classes,
25 you don't have to worry about whether that -- how that

1 classification is made.

2 For example, a building that has an
3 industrial plant might have some office space -- quite a bit
4 of office space in it. Is that commercial? Is that
5 industrial? When you're using class cost of service, you
6 don't have to worry about the split.

7 And if you -- if the companies are that
8 concerned about commercial and industrial, they can still
9 forecast those separately.

10 Ameren Missouri will do a small general
11 service commercial, small general service industrial
12 forecast. So -- and the information is out there to do
13 that.

14 So staff gives the Commission those reasons
15 as to why we should stay with the proposed rules class cost
16 of service classes.

17 DNR proposes to change one of the alternative
18 resource plans required by the integration and risk rule.
19 That's 07 -- .060.

20 One of the reasons that there are alternative
21 plans is to try to give a boundary for where the -- what is
22 out there for the utility. The alternative plans may not
23 seem like they're very reasonable.

24 One is that all needs are met by demand-side
25 resources. One is all needs are met by renewables. Well,

1 that is very unlikely to happen. It gives an idea of the
2 bounds of what is necessary to meet those.

3 And the proposal that they had was to change
4 the renewable alternative to allow demand-side, also. That
5 could be an alternative plan the utility looks at, but by
6 doing it completely renewable, that gives that outer
7 boundary.

8 And what we've found is utilities have looked
9 at alternative resource plans that are all very similar.
10 And when you get the results, they're within 1 or 2 percent.
11 They may have 20 different plans, but they're all within 1
12 or 2 percent of each other.

13 That's not showing that they're looking
14 outside the box very much. They're all just within this
15 narrow viewpoint. And the alternative plans are to try to
16 get them out of that box.

17 Dogwood, in its comments, has some good
18 suggestions. I have an alternative to its proposed language
19 that would require utilities to look at the inner
20 relationship between risk factors.

21 Dogwood proposes a new section in the
22 integration and risk analysis rule, which is .060. I favor
23 just inserting the words "and inter-relationships" in
24 section 6 of the rule, so that it reads, utility shall
25 describe its assessment of the impacts and

1 inter-relationships of critical and certain factors -- of
2 the impact of critical and certain factors.

3 KCPL has several comments in the changes to
4 the supply side and transmission rules regarding
5 transmission. I had Adam McKinnie review the comments, and
6 he provided these comments.

7 KCPL's comments infer that there's somehow an
8 expectation that KCPL must be able to create transmission
9 service on one day's notice anywhere out -- throughout the
10 southwest power pool footprint at an exact, precise and
11 unalterable cost, with no party having any input as a part
12 of an integrated supply side analysis.

13 Staff response would be that such an
14 expectation is nowhere throughout the proposed rules
15 regarding the analysis of transmission.

16 Any analysis done within the scope of
17 Chapter 22 resource planning, is done under an expectation
18 that things may be different in the future. Having things
19 change throughout the time arising of a plan is not
20 necessarily failure. The true failure would be the failure
21 to plan.

22 Thus, there's no need to quantify the
23 language -- the language addressing the cost of transmission
24 development to acknowledge that the cost of transmission
25 solution is subject to tremendous uncertainty.

1 If KCPL wishes to state a range around the
2 estimated cost of a transmission solution, there's nothing
3 in the rule preventing them from doing so.

4 In order to properly evaluate proper
5 supply-side options, estimations regarding the cost of
6 transmission in order to connect these options are a
7 critical part. Without such estimation, it's difficult, if
8 not impossible, to properly evaluate supply-side options.

9 while a southwest power pool may do a large
10 amount of transmission planning, there's an expectation that
11 transmission planning still occurs within the electric
12 utility, as well.

13 KCPL's request to include a reference to the
14 RTO or other applicable transmission planning authority --
15 if the goal is to couch the rules in a flexible manner --
16 along with the utility whenever transmission planning
17 requirements are addressed, is already addressed within the
18 rule.

19 In the proposed rule -- transmission rule --
20 analysis rule .045, Section 3 states this explicitly: The
21 utility and the regional transmission organization to which
22 it belongs both participate in the planning -- the process
23 for planning transmission upgrades.

24 The above phrase also makes KCPL's request
25 that the rules be changed do not -- to not imply that the

1 local utility has full control of transmission planning that
2 impacts its supply side solutions unnecessary.

3 Staff does not agree with KCPL on the need to
4 include requirements that the utility utilize estimates of
5 transmission costs associated with its various supply-side
6 options. This is already done in Rule .045, Section 2(d)(5)
7 and (6).

8 Adam also reviewed OPC's comments about
9 transmission. He generally agrees regarding with the need
10 to consider affiliates of the utility transmission analysis
11 and looking at congestion relief, as well as a reason for an
12 upgrade -- as well as a reason for an upgrade.

13 On Section 3(a)(6), he agrees with OPC that
14 RTO does not do the transmission building itself, but
15 suggests the Commission use the wording "planned by the RTO"
16 instead of OPC's suggestion of "built for the RTO."

17 Adam is in the building today. He'll be glad
18 to come down and answer any of your questions. If you want
19 him to talk to the Commission, let me know and I'll text
20 him. He's in a conference call, either SPP or MISO call
21 right now. So he asks that he be allowed to sit up there,
22 and we could call him down if we need him.

23 I apologize if it seems I've rambled on a
24 bit. Resource planning has been a big part of my job for
25 the last 20 years. And so few people really want to listen

1 to what I have to say about resource planning, so I have a
2 tendency to rattle on when given a chance.

3 Now, John Rogers will finish up the Staff
4 comments with comments on the interactions between Chapter
5 22 and the MEEIA rules.

6 I can answer questions now or whenever he's
7 finished. And both he and I will be available for any
8 Commissioner questions.

9 JUDGE WOODRUFF: Commissioner Jarrett, do you
10 have any questions for Ms. Mantle?

11 COMMISSIONER JARRETT: Let's wait for
12 Mr. Rogers to go, and then I'll have some questions.

13 JUDGE WOODRUFF: Okay. If you could identify
14 yourself, Mr. Rogers.

15 MR. ROGERS: I'm John Rogers, utility
16 regulatory manager in the energy department at the Missouri
17 Public Service Commission.

18 JUDGE WOODRUFF: And if you'll raise your
19 right hand, I'll swear you in.

20 (Witness sworn.)

21 JUDGE WOODRUFF: Thank you.

22 JOHN ROGERS testifies as follows:

23 MR. ROGERS: Yeah. I'd like to make a few
24 opening remarks to supplement the comments that Staff has
25 filed and -- or submitted in File No. EX-2010-0252.

1 These remarks are in response to written
2 formal comments filed by some of the stakeholders, and will
3 focus on only two areas:

4 First, the relationship of the proposed
5 Chapter 22 electric utility resource planning rules to the
6 proposed Missouri Energy Efficiency Investment Act, or MEEIA
7 rules; and second, the role of technical potential in the
8 proposed Chapter 22 rules.

9 Concerning the relationship of proposed
10 Chapter 22 rules to the proposed Missouri Energy Efficiency
11 Investment Act rules, the informal comments filed by Renew
12 Missouri and Great Rivers Environmental Loss Center, there's
13 great concern expressed regarding the relationship between
14 the proposed Chapter 22 rules and the proposed MEEIA rules.

15 This stakeholder group's focus is primarily
16 on the assertion that the MEEIA rules outrank the Chapter 22
17 rules, and that the proposed Chapter 22 is not the right
18 vehicle for identifying cost-effective demand-side programs
19 under the MEEIA legislation.

20 Is Chapter 22 is to perform that role, it
21 must be modified to accommodate the MEEIA. Chapter 22 and
22 the MEEIA can only be harmonized by ensuring that the
23 demand-side portfolio that satisfies the criteria of MEEIA
24 can nothing more -- and I emphasize "nothing more" --
25 automatically proceed to the program approval and DSIM

1 processes of the MEEIA rules.

2 The Staff does not agree with these
3 assertions or with the various suggested changes proposed
4 for Chapter 22 rules recommended by Renew Missouri and by
5 the Great Rivers Environmental Loss Center.

6 Likewise, Staff does not agree with the
7 stakeholder's assertion that an appropriate alternative
8 solution is the deletion of the proposed MEEIA Rule 4
9 CSR240-20.094 (3)(a)(3), since such a deletion would
10 eliminate any formal relationship between proposed
11 Chapter 22 rules and the proposed MEEIA rules.

12 MEEIA states, The Commission shall consider
13 the total resource cost test a preferred cost-effectiveness
14 test. MEEIA does not state, the total resource cost test
15 shall be "the" cost-effectiveness test, as suggested by the
16 stakeholder group.

17 So clearly there's an opportunity for the
18 Commission to choose a more comprehensive process to
19 determine the demand-side resources that will constitute all
20 cost-effective demand-side savings than simply using the
21 total resource cost test.

22 If the Commission stops with the results of
23 the TRC, then the demand-side analysis is given preferential
24 treatment over supply-side resource analysis, which is
25 contrary to MEEIA.

1 while a goal of MEEIA is to achieve all
2 cost-effective demand-side savings, the fundamental
3 objective of the proposed Chapter 22 rules is to provide the
4 public with energy services that are safe, reliable and
5 efficient at just and reasonable rates, in a manner that
6 serves the public interest.

7 This fundamental objective further enhances
8 the MEEIA, and is also consistent with sound public policy.
9 The fundamental objectives of Chapter 22 requires that the
10 utility consider and analyze demand-side resources and
11 supply-side resources on an equivalent basis.

12 Further, it requires the use -- or to use
13 minimization of the present worth of long-range utility cost
14 as the primary selection criteria in choosing the preferred
15 resource plan.

16 And, finally, it requires that the utility
17 explicitly identify, and where possible, quantitatively
18 analyze any other considerations which are critical to
19 meeting the fundamental objective of the resource planning
20 process, but which may constrain or limit minimization of
21 the present worth of the expected utility cost.

22 These considerations shall include, but are
23 not limited to, mitigation of risk associated with critical
24 uncertain factors. Such factors include further electricity
25 load, future economic conditions, future fuel and purchase

1 power prices, and future legal mandates including
2 environmental regulations.

3 Finally, Chapter 22, Risk Analysis, also
4 considers the mitigation of rate increases associated with
5 alternative resource funds.

6 The stakeholder group is suggesting that the
7 TRC test is the only analysis needed to determine all
8 cost-effective demand-side savings. The TRC may use as few
9 as a single avoided cost amount per year.

10 Chapter 22 uses a total resource cost test to
11 screen demand-side resources. Chapter 22 then further
12 analyzes all resources that have passed screen analysis,
13 both supply-side and demand-side resources, through
14 integrated resource analysis.

15 The Chapter 22 integrated resource analysis
16 requires that the utilities look at all 8,760 hours of each
17 year. The demand-side and supply-side resources that best
18 meet the load requirements of all 8,760 hours each year are
19 included in the preferred resource plan.

20 The integrated resource analysis is followed
21 by a risk analysis, and finally strategy selection by the
22 utility's decision-makers.

23 Demand-side programs that survive this
24 rigorous screening should be the programs for which the
25 utility requests the Commission's approval and receives

1 non-traditional rate-making treatment. These program are
2 also the most likely to be the best use of the ratepayers'
3 money.

4 while the stakeholder group asserts that it is
5 inappropriate that the judgment of utility decision-makers
6 be used in determination of all cost-effective demand-side
7 savings for its utility, ultimately, it's the utility
8 decision-makers who decide which alternative resources best
9 meet the objectives of Chapter 22 for its utility.

10 The utility decision-makers, and not the
11 total resource cost test, should decide which DSM programs
12 and which DSM program investment mechanisms are proposed to
13 the Commission.

14 And these same utility decision-makers are
15 then accountable for the delivery and performance of
16 their -- of their utility's Commission-approved demand-side
17 programs.

18 Finally, if a demand-side program does not
19 have a champion in the utility that believes in the program,
20 it is unlikely that the program will succeed, regardless of
21 how cost-effective or energy efficient it is.

22 Finally, the proposed Chapter 22 rules will
23 increase the opportunity for stakeholder participation and
24 input into the planning process.

25 In 2010, Staff initiated the idea, in

1 Chapter 22 meetings with utilities and stakeholder
2 organizations, to work together -- excuse me -- introduce
3 the idea in Chapter 22 meetings for having workshops where
4 utility technicians and members of stakeholder organizations
5 could work together in an informal setting to share ideas
6 and best practices on ways to improve the overall value of
7 Chapter 22.

8 The utilities have all agreed to try such an
9 approach. And the first workshop is being organized for
10 sometime in March 2011, for members of each utility, Staff,
11 OPC, DNR and any other interested stakeholder organization
12 to share experiences, current practices and understandings
13 of best practices related to risk analysis and strategy
14 selection.

15 Staff believes that over time such workshops
16 concerning many of the Chapter 22 rules can help assure that
17 Missouri's utilities achieves the goals and objectives of
18 both Chapter 22 and of the Missouri Energy Efficiency
19 Investment Act.

20 To summarize Staff's position on this issue,
21 the proposed Chapter 22 rules and proposed Missouri Energy
22 Efficiency Investment Act rules can and should work hand in
23 glove together to accomplish a goal of cost-effective
24 demand-side savings.

25 Chapter 22's load analysis and load

1 forecasting, supply-side resource analysis, demand-side
2 resource analysis, integrated resource analysis, risk
3 analysis and strategy selection processes should be used to
4 determine the supply-side resources and demand-side
5 resources which minimize the expected cost to customers,
6 while evaluating risk associated with critical uncertain
7 factors.

8 The total resource cost test cannot, by
9 itself, provide such a robust analysis, and cannot, by
10 itself, inform decision-makers at the utilities and at the
11 Commission on all the fundamental information needed to make
12 decisions to accomplish a goal of all cost-effective
13 demand-side savings which minimize expected cost to
14 customers.

15 A few comments on the role for technical
16 potential in the proposed Chapter 22 rules. The Office of
17 Public Counsel recommends the term "maximum achievable
18 potential" be substituted for the term "technical potential"
19 in several places in the Chapter 22 rules.

20 The proposed Chapter 22 rules require each
21 utility to conduct market research studies to determine the
22 technical potential and the realistic achievable potential
23 for demand-side resource options.

24 Staff agrees with the added usefulness of
25 maximum achievable potential for all demand-side options

1 proposed by OPC. Staff does not agree with the elimination
2 of "technical potential" from the proposed Chapter 22 rules.

3 Technical potential provides the theoretical
4 maximum amount of energy and demand savings for a utility,
5 which are the foundation for a comprehensive analysis of
6 energy and demand savings potentials.

7 Technical potential is valuable in developing
8 a full understanding of the potential for energy and demand
9 savings for individual measures, programs and portfolios.

10 Staff recommends keeping "technical
11 potential" in the Chapter 22 rules, but is not opposed to
12 adding "maximum achievable potentials."

13 JUDGE WOODRUFF: So you're suggesting it be
14 separate and distinct? Both of them would be included?

15 MR. ROGERS: What's in the rules right now
16 are really the two outer limits of what is normally
17 considered during a potential study.

18 The technical potential is the most you can
19 have, which would be converting all appliances to the most
20 efficient appliance regardless of cost.

21 JUDGE WOODRUFF: Okay.

22 MR. ROGERS: And then the realistic
23 achievable is the other end that's in the current rule.
24 This would -- by adding maximum achievable you have
25 another --

1 JUDGE WOODRUFF: So you'd have three --

2 MR. ROGERS: -- level of potential. So

3 there --

4 JUDGE WOODRUFF: So you'd have three --

5 MR. ROGERS: -- there would be --

6 JUDGE WOODRUFF: -- potential --

7 MR. ROGERS: -- three. Right now there's

8 only two required.

9 That concludes my remarks. I have a printed
10 copy if you'd like a copy, Judge, for the record.

11 JUDGE WOODRUFF: It should be in the
12 transcript.

13 MR. ROGERS: Okay.

14 JUDGE WOODRUFF: Commissioner Jarrett, did
15 you have any questions?

16 COMMISSIONER JARRETT: Yes. And either
17 Ms. Mantle or Mr. Rogers can answer these.

18 I guess, Ms. Mantle, the first thing, you had
19 mentioned at the beginning of your remarks that it had been
20 how long since we've revisited the IRP rules?

21 MS. MANTLE: Well, this is the first time we
22 have revisited, but we started the process in May of 2005.

23 COMMISSIONER JARRETT: Okay. Well, even
24 really since 2005, would you say the electric utility
25 industry has seen a lot of change?

1 MS. MANTLE: Since then, we've had
2 Proposition C, the initiative that was approved by the
3 votes, that has an effect on resource planning; the MEEIA
4 has also been voted on and acted upon by the legislature and
5 the governor. And what we have tried to do is make these
6 rules flexible enough to include those types of changes.

7 Also, the transmission -- the RTOs have
8 continued to evolve, and -- everything changes all the
9 time --

10 COMMISSIONER JARRETT: Right.

11 MS. MANTLE: -- but those are big changes
12 that we've seen in the last --

13 COMMISSIONER JARRETT: Right.

14 MS. MANTLE: -- five years.

15 COMMISSIONER JARRETT: And we've seen on the
16 federal level, capping trade and the EPA regulating
17 greenhouse gases. And these things are always in flux.

18 MS. MANTLE: That's correct.

19 COMMISSIONER JARRETT: So it's important that
20 we have -- that -- the utilities have to be very flexible
21 because of all of these changing conditions --

22 MS. MANTLE: I agree.

23 COMMISSIONER JARRETT: -- when they're doing
24 their planning. And our rules need to reflect a
25 flexibility --

1 MS. MANTLE: And I believe the --

2 COMMISSIONER JARRETT: -- and allow them to
3 do that.

4 MS. MANTLE: And I believe the proposed rules
5 do.

6 COMMISSIONER JARRETT: But did you have a
7 chance to take a look at the Empire District Electric
8 Company Comments?

9 MS. MANTLE: Yes.

10 COMMISSIONER JARRETT: One of the things that
11 Empire said in its comments is that that they do business in
12 Missouri, but they also do business in Arkansas and
13 Oklahoma.

14 MS. MANTLE: Right.

15 COMMISSIONER JARRETT: Now, Arkansas and
16 Oklahoma's IRP rules are a lot shorter and less complex than
17 our rules. Would you agree with that?

18 MS. MANTLE: I haven't seen their rules, but
19 I don't have any reason to not believe that.

20 COMMISSIONER JARRETT: I believe I looked at
21 them at one time. I think Oklahoma's IRP rules are maybe
22 six pages; Arkansas, similarly, six, five, seven pages.

23 So you don't know if -- have you looked at --
24 I wanted to ask -- you said this, I think, but have you
25 looked at either one of those rules?

1 MS. MANTLE: No. I have not.

2 COMMISSIONER JARRETT: Do you have any reason
3 to believe that the planning process and the IRP rules in
4 Arkansas and Oklahoma are deficient in any way, because
5 they're shorter than ours?

6 MS. MANTLE: I believe there could be a good
7 resource planning process at the utilities even with shorter
8 rules.

9 I don't have any reason to say -- I don't
10 know enough about those rules to say one way or other
11 whether they would result in deficient -- and what -- and
12 the definition of deficient rules, also.

13 I do know that I've heard from the consultant
14 we hired, MSB, and other consultants that the utilities have
15 hired in the past five years about how unique our risk
16 analysis and uncertainty -- having the utilities document
17 their risk analysis and uncertainty analysis, and how much
18 they believe that -- how much better that our rules are
19 because we have those in there.

20 we do realize that there's a lot to these
21 rules, and there's a lot to meeting the rules. Empire is a
22 very small utility. And that's one of the reasons we've put
23 a provision in the rule, in .080, that Empire could skip one
24 of its triennial filings if it's met -- resolved all the
25 deficiencies on its last triennial filing.

1 COMMISSIONER JARRETT: Now, how many pages is
2 the current proposed rule? I think at one time I thought
3 about 63, 64 pages. Does that sound about right?

4 MS. MANTLE: That would probably be what --
5 maybe what was sent to the Secretary of State, which has the
6 old rule and the new rules in it.

7 The current one, when I printed it off
8 yesterday, the longest rule was five pages; the shortest was
9 one page.

10 COMMISSIONER JARRETT: Okay.

11 MS. MANTLE: So --

12 COMMISSIONER JARRETT: Total?

13 MS. MANTLE: Thirty-five --

14 COMMISSIONER JARRETT: Okay.

15 MS. MANTLE: Thirty to 35.

16 COMMISSIONER JARRETT: Would it surprise you
17 to know that Missouri probably has one of the longest, most
18 complex rules in the United States?

19 MS. MANTLE: I've heard that before.

20 COMMISSIONER JARRETT: I want to talk a
21 little bit about the waiver process. Since the rule has
22 been implemented, do utilities routinely request waivers?

23 MS. MANTLE: They did not prior to when
24 the -- when the rules first went into effect, there were
25 very few waivers requested.

1 when utilities began filing again in December
2 of 2005, there have been a lot of waivers requested. And we
3 took that into account when we drafted rules for the
4 Commission to consider. So --

5 COMMISSIONER JARRETT: Right. And I guess
6 one of my questions would be, how good is a rule if the
7 utilities are routinely requesting lots of waivers?

8 MS. MANTLE: It needs to be revised, if
9 it's -- if there -- and to that end, that's why we took the
10 prescriptiveness out about what kind of forecasts they have
11 to use, what kind of methodology, exactly how avoided costs
12 had to be calculated, about how demand-side programs had to
13 be created.

14 we looked at those waivers, and we attempted
15 to come up with -- well, the rules don't require the
16 utilities to do those a certain way anymore. They do say,
17 Yes, you do need to look at end uses.

18 Because that -- even before the resource
19 planning rules in the '70s, air conditioning -- central air
20 conditioning was catching on. People were -- and so the
21 forecast was just, you know, the sky's the limit, the growth
22 in electricity.

23 And they did not even consider the fact that
24 once you hit 100 percent saturation on the air conditioners,
25 you're going to level out. So the forecasts were way off.

1 If they had looked at how their customers
2 were using the electricity, I believe they would have had a
3 better forecast and better understanding, and maybe not so
4 much over-billing as they did.

5 COMMISSIONER JARRETT: Right.

6 MS. MANTLE: So things like that that we
7 believe are important to look at, we've put in the rules.
8 But often, there's also, in the rule, something that says,
9 If the utility does not use this, it can explain why.

10 COMMISSIONER JARRETT: Now, are you
11 familiar -- have you had a chance to review the draft IRP
12 rule that was introduced by the Missouri Energy Development
13 Association?

14 MS. MANTLE: Yes. I have.

15 COMMISSIONER JARRETT: Why do you not believe
16 that that is an adequate rule? Or do you? First of all, do
17 you believe that it's an inadequate proposed rule?

18 MS. MANTLE: I don't believe it gives
19 stakeholders much recourse, when a utility files would get
20 what they file and nothing else.

21 And this comes from experience in the last
22 five years, also. If -- you can't tell whether, often, a
23 forecast is better than another unless you looked at the
24 processes themselves.

25 If a demand-side program is created and, you

1 know, there has been no research into what Missouri
2 customers react and how -- what they believe, then it's
3 likely to fail.

4 It's ratepayers' money that has not been well
5 spent, and it's money the shareholders don't get, if you
6 want to look at both sides of it.

7 So the components are there. They've got the
8 same -- I don't know. They have a transmission rule. But
9 otherwise, they have the same number of rules as Staff.
10 They don't have the transmission rule. And they have the
11 same components. The reporting and documentation
12 requirements are not there.

13 COMMISSIONER JARRETT: Is there anyone here
14 from Empire that's going to testify today?

15 MR. TARTER: Uh-huh.

16 COMMISSIONER JARRETT: Good. I may not be
17 here. I may be kind of in and out today. But if you could
18 address in your remarks the differences between Empire's IRP
19 planning process in Missouri versus Arkansas and Oklahoma,
20 and why or why not you feel it's better or worse in those
21 states, I would appreciate it, since you have experience in
22 other states.

23 If anybody from KCP&L or Ameren is here to
24 testify, if there are different IRP processes in the
25 different states where you operate, if you could make a few

1 remarks on the differences and which is better, I would
2 appreciate that, as well.

3 So -- I don't have any further questions, but
4 I appreciate your comments and your answering my questions.

5 JUDGE WOODRUFF: Thank you, Commissioner.

6 Commissioner Davis is also watching us over
7 the Internet. He sent me some questions to ask Staff, for
8 Ms. Mantle and Mr. Rogers.

9 I'll just read it here. MEEIA contemplates
10 Commission preapproval. RTO transmission planning has all
11 sorts of preapproval. Numerous other states have various
12 forms of preapproval for significant Cap X projects.

13 Should we be considering preapproval as part
14 of this rule, as KCPL and others have suggested?

15 Anybody want to respond to that?

16 MS. MANTLE: I'd really like Mr. Dottheim
17 to -- to me, that -- it's a legal question, too, in addition
18 to just application.

19 I know there was a lot of discussion when the
20 rules were originally written about whether it should be
21 preapproval or -- of the plan or the process. And I know he
22 has the background. If he can remember, he has the
23 background to answer that question.

24 JUDGE WOODRUFF: All right. Before you
25 answer, Mr. Dottheim, I'll go ahead and ask the second part

1 of the commissioner's question, also, because that's --

2 MR. DOTTHEIM: Okay. I'd be --

3 JUDGE WOODRUFF: -- related to the legal
4 question, also.

5 MR. DOTTHEIM: All right.

6 JUDGE WOODRUFF: The second part is, should
7 we do it as part of another rulemaking, as Dogwood has
8 suggested, or should we not do it at all?

9 Mr. Dottheim, if you want to address that, go
10 ahead.

11 MR. DOTTHEIM: All right. Well, and
12 unfortunately, because of other events, I need to take a
13 look at Dogwood's proposal for another rulemaking.

14 I attempted to address in the Commission's
15 comments -- excuse me -- Commission's comments, I didn't
16 mean to say that -- in Staff's comments to the Commission,
17 the matter of acknowledgement and preapproval from a legal
18 perspective, the concerns that are involved as far as
19 shifting a burden of proof, and that perspective as to what
20 actually is accomplished with preapproval and what does
21 acknowledgment really mean.

22 If the Commission wants to consider that, I
23 think, then, what is involved is the proceedings become much
24 more formal at an early stage.

25 If the companies are concerned now with

1 prescriptiveness, they are going to become even more
2 concerned because I think the stakeholders will be -- will
3 have their concerns heightened, as will the Office of Public
4 Counsel, and the Staff concerns will be heightened.

5 And because of -- I keep repeating certain
6 words -- what is at stake will be greatly enhanced, the
7 stakeholders will want the process to be even more
8 prescriptive because of what is being decided. So the
9 utilities, be careful, you know, what you're asking for.

10 Now, from the Commission's perspective, the
11 Commission may decide, well, we're just not going to do
12 that. We're just going to grant a preapproval, and we're
13 not going to become more prescriptive.

14 But I think what the Commission will see --
15 and if Dogwood has suggested this already -- that there be
16 another proceeding. Then we're talking, this is an
17 indication of how more prescriptive this may become.

18 We're talking about another -- and I believe
19 MEDA's suggested this, or Ameren Missouri suggested this,
20 too -- another proceeding. Which the word wasn't used,
21 "prescriptive," but that -- you know, again, that's what
22 this is.

23 While we're -- I'm sorry to repeat myself.
24 While we're having these concerns raised as to how
25 prescriptive this proposed rule is, when you're talking

1 about acknowledgement and preapproval, we're going to go --
 2 at least, the stakeholders will want to go further down the
 3 road of becoming even more prescriptive because of a
 4 shifting of the burden of proof and locking in the
 5 Commission on preapproval and acknowledgment.

6 So the parties will want a much higher level
 7 of scrutiny of the company planning and the company
 8 decision-making.

9 JUDGE WOODRUFF: Thank you, Mr. Dottheim.

10 Mr. Mills?

11 MR. MILLS: Judge, if I may. I -- and I hate
 12 to interrupt the flow of things, but I've got to head out to
 13 the Court of Appeals, so I don't have -- I don't have very
 14 long to be here. And I would like to address that question.

15 Just to add to what Mr. Dottheim said -- I
 16 agree completely with what he said, but the other thing I
 17 want to add is that the way that this particular proceeding
 18 is posturing, we're here to make comments on a proposed rule
 19 that doesn't include preapproval or acknowledgment.

20 So really, the Commission, if it wants to
 21 consider those kinds of things, I would say, should do that
 22 in a separate procedure at all, because you really don't
 23 have the full breadth of comments on that kind of issue
 24 because it wasn't in the proposed rule.

25 I mean, certainly, some of the commenters

1 said, Oh, it should be, but we don't really have a full and
2 fair opportunity to address the details of that kind of
3 thing.

4 So if you do want to address preapproval, or
5 even acknowledgement, I would suggest that it ought to be in
6 a different proceeding, or start this proceeding over with.

7 I don't really want to do that. But I think
8 with a proposed rule that has some sort of a proposal for
9 preapproval or acknowledgement in it that commenters can
10 comment upon. Thank you.

11 JUDGE WOODRUFF: For the benefit of the
12 record, that was Lewis Mills, the Public Counsel.

13 MR. MILLS: Thank you.

14 JUDGE WOODRUFF: All right. Thank you,
15 Mr. Dottheim.

16 MR. DOTTHEIM: Yes. And I'm sorry. I -- I
17 hope -- I hope that that does address Commissioner Davis's
18 question in some manner.

19 JUDGE WOODRUFF: I believe it does. And if
20 he doesn't agree, he'll send me another question here.

21 Right. And his question, is there any
22 prohibition against a utility filing a case seeking a
23 predetermination on a specific project under current law?

24 MR. DOTTHEIM: No. None that I'm aware of.

25 JUDGE WOODRUFF: Okay. And that would be

1 separate from the IRP process, I assume?

2 MR. DOTTHEIM: Yes. Now, I would think there
3 may be some parties -- there may be a question raised as to,
4 what is the intended effect of that prudency determination
5 as to -- since there still is the 393.135 provision that no
6 CWIP -- and this isn't -- and that would not be a rate
7 case -- that what really would be that determination.

8 would the prudency determination have to be
9 made in a rate proceeding where the company sought to put
10 those dollars into rates? Because it would be in that
11 proceeding where you had the parties who have the due
12 process to challenge the prudency of those actions.

13 That is -- so there may be some real due
14 process questions. There may be some real legal issues
15 that -- that could be, might be raised as to, what would be
16 the legal effect of that -- of that prudency determination
17 upon the rate case where the company seeks to put those
18 dollars associated with that previous case into rates?

19 If -- you know, all the parties are not here,
20 but I might analogize. The Commission had a proceeding
21 earlier -- excuse me -- last year involving Kansas City
22 Power and Light regarding a filing that the Staff made on
23 IATAN 1. The proceeding was in April of 2010.

24 There were issues raised as to what would be
25 the legal effect of any determination that the Commission

1 made in that proceeding -- which was an EO docket -- on the
2 rate case? which now there is a rate case.

3 There are rate cases pending where Kansas
4 City Power and Light and GMO -- KCPL, KCP&L, Greater
5 Missouri Operations Company, are seeking to put into rates
6 IATAN 1 and IATAN 2.

7 So it could be analogous to that situation.
8 But you may have a situation which instead of an April
9 hearing of 2010 and a January 2011 hearing, you may have
10 hearings that are separated by several years.

11 JUDGE WOODRUFF: All right. Commissioner
12 Davis sent me one more question. He indicated that this is
13 the last question.

14 Can a company ask for a determination that
15 spending a predetermined amount of money on a project is
16 prudent, as long as they don't seek recovery to the plant
17 being used in useful pursuant to Section 393.135?

18 MR. DOTTHEIM: I think -- I think they
19 could -- they could -- they could seek that.

20 And it's a undetermined question as to -- I
21 mean, somebody -- when I say "they could seek that,"
22 there -- there are some entities that might seek to
23 intervene and challenge whether that proceeding could have
24 any legal effect.

25 So I'm saying the Commission -- I think a

1 company could make a filing, and the Commission could
2 establish a docket. I -- but I also think there's a --
3 there may be a party or parties who would -- who might
4 challenge that proceeding. And I don't know what a Missouri
5 court might do in that instance.

6 I don't know that I could opine for
7 Commissioner Davis with any certainty what ultimately would
8 be the legal effect of that proceeding. I -- the Commission
9 would probably wind up making law, ultimately.

10 JUDGE WOODRUFF: Okay. Commissioner Davis
11 had one other statement he wanted to make. And Mr. Mills
12 has already left the room, but I'll go ahead and put it on
13 the record, anyway.

14 It says, Please tell Lewis I appreciate his
15 comments and attention to this rulemaking, particularly
16 section 4 CSR 240-22.045, which I believe is the
17 transmission.

18 All right. That's all the questions from the
19 commissioners, then, unless Commissioner Jarrett has
20 anything else.

21 COMMISSIONER JARRETT: Nothing.

22 JUDGE WOODRUFF: I'll thank Staff.

23 And moving on to the next commenters. Again,
24 I don't have any predetermined schedule on who wants to go
25 next. Anyone have a preference?

1 MR. KIND: I'm prepared.

2 JUDGE WOODRUFF: All right. Public Counsel.
3 If you could identify yourself.

4 MR. KIND: I'm Ryan Kind. I'm the chief
5 energy economist with the Office of the Public Counsel.

6 JUDGE WOODRUFF: And if you'll raise your
7 right hand, I'll swear you in.

8 (Witness sworn.)

9 JUDGE WOODRUFF: Thank you. What would you
10 like to tell us?

11 RYAN KIND testifies as follows:

12 MR. KIND: Well, I have prepared some
13 comments today. I wanted to speak a little bit -- elaborate
14 on some of the written comments Public Counsel has made
15 earlier. And I also wanted to then address some of the
16 other written comments that have been submitted by other
17 parties.

18 We appreciate the opportunity to appear here
19 today and provide some additional input in this process.

20 We are here today as part of what -- you
21 know, from my prospective, as someone that's been involved
22 in this for a number of years, hopefully the end of a
23 lengthy process of reviewing the existing IRP rules and
24 modifying them with certain things in mind.

25 First of all, allowing for increased

1 flexibility, at least to the extent where we want to sort of
2 reduce the workload of reviewing waivers that people --
3 where people have been pretty much comfortable with what's
4 already been requested for waivers.

5 Another thing we're here for, I think, is to
6 try and provide more clarity in the process of exactly
7 what's expected of the utilities and the stakeholders as
8 part of this process.

9 Another thing we're doing, I think, that's
10 been discussed already today is we are trying to reflect new
11 developments in the electric industry that have occurred
12 over the last 15 years.

13 Commissioner Davis just made a comment about
14 the changes Public Counsel has suggested to 22.045 and
15 that -- those are changes that we suggested pretty much -- I
16 mean, that whole new rule is in response to the evolving
17 nature of the electric industry, but the changes that we've
18 suggested in particular are also responsive to those
19 changes.

20 And, last, I think we're here to try and
21 craft a better rule that reflects lessons that have been
22 learned from working under the existing rule that's been in
23 place since 1993.

24 We are fortunate, I think, to have a number
25 of people still involved in the process, like Ms. Mantle,

1 Mr. Dottheim, who have experience in seeing the rule
2 implemented over a long period of time. And we can benefit
3 from that experience.

4 As Ms. Mantle noted, there was a Commission
5 roundtable in May of 2005 that I think you can sort of cite
6 as the initial event kicking off this process, where she
7 gave a presentation at that roundtable. And I also gave a
8 presentation at that roundtable, along with representatives
9 of Missouri utilities and some other Staff members.

10 That roundtable was entitled the IRP for
11 Electric and Natural Gas Utilities Rulemaking Workshop. So
12 in addition to participating in that roundtable over five
13 years ago, Public Counsel has also participated in the more
14 recent workshops on this subject that began in 2009.

15 wanted to talk a little bit about just the
16 topic of prescriptiveness. It's already come up today.
17 It's something that came up in the rulemaking in the early
18 1990s that I was a part of.

19 I reviewed the Commission's order of
20 rulemaking for the initial IRP rule, and you'll see a
21 significant discussion in there about what is the
22 appropriate level of prescriptiveness. So these issues are
23 not new to the Commission.

24 I think I would note that, you know, a lot of
25 times we hear the need for prescriptiveness. It's sort of

1 put together in the same sentence with utilities talking
2 about concerns that we're going to stifle the innovation of
3 our utilities if we have too much prescriptiveness.

4 And I think we've heard some good arguments
5 in favor of prescriptiveness. The staff has described how
6 we often only get what's prescribed out of the rule. And
7 that's certainly one good reason.

8 Another way to look at it, I think, is to
9 say, well, what happened during that time from 1999 to 2004
10 when the current rule was suspended? Prescriptiveness went
11 to zero. What did we see? Did we see some positive
12 innovation that was something that was good for utility
13 customers in Missouri?

14 And my response is no, I don't think so. I
15 was with Public Counsel during those years. What I saw at
16 the utilities was an increased reliance on purchase power,
17 failure to build new generation when it was needed, and also
18 an increased focus at some of our utilities on non-regulated
19 activities, and an emphasis on just more seeking earnings --
20 sort of a short-term approach to maximizing earnings,
21 instead of looking to see what's really the best way to
22 provide regulated utility service in the long run.

23 And, of course, not everyone is going to be
24 pleased with the level of prescriptiveness in -- you know,
25 that's in the rule as it's proposed. I would have to even

1 acknowledge that I have some concerns. Perhaps there's some
2 areas where the rule is not prescriptive enough.

3 Ms. Mantle had mentioned this morning the
4 importance of risk analysis. And that's an area where I
5 have some concerns. What I see in our rule is not the kind
6 of prescriptiveness to make sure that we really get best
7 practices in terms of risk analysis.

8 And this issue was touched on by Dogwood in
9 their comments, where they noted that there was a -- an
10 absence of any look at sort of the joint uncertainties and
11 the impact of multiple uncertainties. They referred to the
12 need for some -- for covariant risk analysis.

13 And I guess I have a lot of experience in
14 long-run planning for utilities where I have seen the
15 usefulness of scenario analysis.

16 And some of that experience comes from
17 looking at our Missouri utilities using scenario analysis in
18 what seems to be a very effective manner in terms of
19 focusing them on the really important uncertainties, as
20 opposed to just having a big table with hundreds of
21 uncertainties, and here's the combinations of different
22 uncertainties, and you're looking at combinations of
23 uncertainties that really could never plausibly occur
24 together.

25 Fortunately, most of our utilities, I think,

1 see the value in scenario analysis, even without it being in
2 the rule.

3 I mean, another example of a planning effort
4 underway that I'm involved in currently is the Eastern Inter
5 Connection Planning Collaborative that's taking place, where
6 DOE is sponsoring a large study with a large number of
7 stakeholders.

8 And, pretty much, step one in that analysis
9 is, what's the business-as-usual scenario? And, what are
10 all the other important scenarios that we need to examine?

11 And again, fortunately, most of our Missouri
12 utilities, I think, understand the importance of that.
13 There's one I'm still working on, I'll admit. But for that
14 reason, I'm -- I haven't proposed a more prescriptive
15 language in this area.

16 So I wanted to just talk a little bit
17 about -- then get back to the written comments that Public
18 Counsel has already filed.

19 We included specific suggested revisions to
20 the rule that were intended to improve it and provide
21 greater clarity. There's an Attachment A to our written
22 comments that covers many of the rules in this chapter.

23 There's a couple of rules where we didn't
24 suggest any changes at all. We didn't see any need for any
25 changes specifically in .010 and .030.

1 And I just wanted to make a note about one of
2 those -- one of the suggested changes that we had made in
3 .045 in reviewing some of the other comments of other
4 parties, changes that they had suggested to .045.

5 I realize that one of them really wasn't
6 worded as well as it could have been. And specifically,
7 that's the change that was made in 22.045 (3)(a)(4), which
8 appears at the top of Page 3 of Attachment A to Public
9 Counsel's written comments.

10 And so I wanted to modify that recommended
11 change. And at the top of Page 3, there's a partial
12 sentence beginning with, Affiliate of the utility. The
13 fourth word there, utility, I want to suggest that a few
14 words be inserted after that. And those words are "instead
15 of the utility itself."

16 So just looking at the top of that page, it
17 would read, Affiliate of the utility, and then the new
18 language, instead of the affiliate itself.

19 There is a -- on that same page, the very
20 next item, Item Number -- or, I'm sorry -- two items down --
21 again, that was 22.045 (3)(a)(4).

22 Ms. Mantle talked this morning about
23 suggestions from Adam McKinnie about changing one of OPC's
24 proposed changes, and that was in 22.045 (3)(a)(6). And
25 again, it's just -- it's also close to the top of Page 3 of

1 Attachment A.

2 And that's in Number 6, where OPC had
3 suggested changes that would say, "built for the RTO"
4 instead of "built by the RTO." And I think Mr. McKinney
5 acknowledged that that's a good change to make. Something
6 needs to be changed there because the RTO itself generally
7 does not construct transmission.

8 So I changed it to "built by." And his
9 suggestion was "planned by the RTO," which upon hearing the
10 suggestion, I think, is better than the change that I had
11 suggested to that sentence. So I would support that change
12 suggested by Mr. McKinnie.

13 So as I said, I was going to proceed to also
14 talk about some of the other comments filed by other
15 parties.

16 I, of course, would be glad at the conclusion
17 of my presentation to answer any specific questions that the
18 commissioners or the judge may have about OPC's written
19 comments and about the changes we recommended in Attachment
20 A.

21 First, I wanted to talk about the Commission
22 staff's comments. And I mostly just want to focus on the
23 ten changes that they had proposed on Pages 2 through 6 of
24 their comments. Public Counsel is supportive of many of
25 those changes, but not all.

1 And I guess at this point I wanted to ask the
2 judge -- I could go through all of these ten changes, but I
3 also intend to ask that you have the outline of these
4 remarks be admitted as an exhibit. And so, I don't know if
5 it's necessary for me, really, to go through and say which
6 of those ten we support or don't support.

7 JUDGE WOODRUFF: As you prefer.

8 MR. KIND: Okay. I think I will just sort
9 of -- just hit the highlights in this area, then, and will,
10 like I said, submit this outline and hope to have it
11 admitted as an exhibit.

12 JUDGE WOODRUFF: Okay.

13 MR. KIND: The -- some of the changes that
14 the Staff made, we -- you know, we think, reflects agreement
15 upon both Staff and Public Counsel that some change would be
16 good, and in some cases, we still like the change that we
17 had suggested in a certain area better.

18 The only one I wanted to really highlight was
19 the -- one of the changes that Staff had made and OPC had
20 not really recognized the need for was -- well, I shouldn't
21 say we didn't recognize the need for; we just didn't reflect
22 it in our proposed changes.

23 And that's the change to 22.080 (1), which is
24 the language about having joint filings from utilities who
25 have the same filing date for their triennial compliance

1 filing.

2 And I think the Staff has tried to clarify
3 that joint filing doesn't mean that the -- each utility, if
4 they are separate corporate entities, still need to fully
5 comply with all the IRP rules. And OPC strongly supports
6 that.

7 So I next wanted to turn to some of the
8 utility comments. And Empire, in their comments, they note
9 that -- on Page 5, the new rule should be flexible,
10 recognize the differences in electric utilities that operate
11 in Missouri.

12 And I saw that and I thought, well, you know,
13 we have this provision in this rule, in 22.080 (14) that
14 would actually be only applicable to Empire because of their
15 much smaller size relative to the other Missouri electric
16 utilities.

17 And that provision, it's already been noted
18 this morning, could permit them to only do IRP filings every
19 six years if they meet certain criteria. And I have to say
20 that I have some concerns about that being in the rule, in
21 fact.

22 But I was a little surprised they would talk
23 about the rules not, you know, at all recognizing
24 differences in electric utilities in Missouri, because I
25 think that's one of the provisions that -- it's so obvious

1 that it does recognize differences at Empire.

2 And I guess despite my concerns about it,
3 Public Counsel, we have not commented on it, and we're
4 willing to give it a try and see if that pretty high level
5 of flexibility that's been permitted to recognize the
6 differences in utilities will actually work.

7 Moving on to the comments of Ameren Missouri.
8 On Page 3 of their comments, Ameren states that the
9 Commission should reject the proposed rules and adopt the
10 MEDA rules.

11 well, Public Counsel does not believe the
12 Commission actually could adopt the MEDA rules in this
13 proceeding. According to Mr. Mills, such an action would
14 violate due process and other procedural requirements in the
15 rulemaking process.

16 The Commission cannot simply adopt a rule
17 that has not gone through all the proper procedural steps,
18 including being published in the Missouri Register and
19 giving parties time to review and comment on the rules.

20 But beyond these legal concerns with Ameren's
21 request, Public Counsel believes that are strong policy
22 reasons to support the current proposed rule instead of the
23 MEDA.

24 we believe it's also important to note that
25 the Commission has already provided some general guidance to

1 its staff on really the general outlines and the type of
2 rule that it would like to see. It's done that at various
3 points in this process.

4 I think one of the times when it was done,
5 where there was really the -- what I noted as the greatest
6 level of input from all five of our commissioners, occurred
7 in the Commission agenda sessions on September 2nd and
8 September 9th of 2009.

9 That sort of revisiting of, are we going in
10 the right direction, occurred at that time, in September
11 2009 because of concerns expressed by the utilities that the
12 new rules should, quote, "start from scratch" instead of
13 building on the existing rule.

14 And during those two agenda sessions, the
15 Commission provided clear guidance that, we should not start
16 from scratch, and provided other general direction which led
17 the Staff to come up with -- you know, to do their role in
18 coming up with the rule that we have today.

19 Of course, the Staff sort of delivered a rule
20 to the Commission in -- I think towards the end of the third
21 quarter 2010, and the Commission then made further revisions
22 to that rule.

23 There's been a discussion this morning about
24 acknowledgement or preapproval of plans. And this is a
25 concept that's also supported in the Ameren comments. And I

1 guess -- and there's, you know, already been a discussion of
2 it this morning.

3 Public Counsel's belief -- and we expressed
4 this in workshops as this topic was discussed -- was that
5 the triennial filings and the annual updates that are made
6 by the utilities will provide a strong foundation for
7 some -- a discussion of acknowledgment or preapproval that
8 could occur as part of a regulatory plan or other request
9 for preapproval.

10 we have already seen that approach be
11 successful for a couple of our utilities, both Empire and
12 KCPL. We had regulatory plans that helped, I believe,
13 facilitate the modifications to IATAN 1, the construction of
14 IATAN 2, as well as the addition of other resources that
15 were agreed upon as part of that regulatory plan.

16 I guess a couple more comments about the
17 Ameren comments. On Page 2 of their comments, Ameren
18 criticizes the proposed rules as being overly focused on the
19 process rather than the plan, which is the end result.

20 Then a few pages later in their comments, in
21 Paragraph 15, we see them actually suggesting that some of
22 the provisions of the rule that do address the plan itself,
23 and the end result that they are suggesting that those be
24 deleted from the rule.

25 I can't say I really can understand how those

1 two concepts fit together, but they specifically suggested
2 that the analysis for notification of plan changes, annual
3 plan updates and certification of other filings as being
4 consistent with the final plan should be deleted.

5 And again, of course, those are all
6 requirements that don't pertain to the process, but to the
7 outcome of the planning process, which I think everyone
8 agrees is important.

9 But again, I'm not really understanding why
10 they would want to remove them. And Public Counsel would
11 certainly not support removing those provisions.

12 And I guess the last comment about Ameren
13 comments is that Public Counsel is not supportive of any of
14 the changes that we saw recommended in the Ameren comments.

15 Moving on to the comments from KCPL and GMO.
16 They also made it clear they'd prefer the MEDA rule, I
17 believe. And that -- I've already addressed that -- that
18 issue in addressing the Ameren comments.

19 There was one specific proposed change in the
20 KCPL comments that I wanted to address because Public
21 Counsel is supportive of their recommendation. And that's
22 the change that they have recommended to 4 CSR 240-22.060
23 (4)(b)(3) and (4)(b)(6) in that same rule.

24 Public Counsel had also suggested changes to
25 those items. I think that like KCPL, we noted that the --

1 it just didn't seem like the rule was quite getting it
 2 right. And Public Counsel had suggested some changes which
 3 you will see in Attachment A of our comments filed on
 4 January 3rd. But we would recommend the Commission instead
 5 adopt the changes to those items that have been recommended
 6 by KCPL.

7 And regarding the comments of others, I have
 8 to admit, just due to shortage of time and being busy with a
 9 lot of other things this week, since written comments were
 10 filed, I haven't prepared a lot of written remarks to
 11 address the comments made by others.

12 Those include comments of Renew Missouri and
 13 GRELC and the comments of DNR and Dogwood. So I think I
 14 would -- just would like to make just some general remarks
 15 about their comments.

16 With respect to the comments of Renew
 17 Missouri and GRELC, I generally supported the response to
 18 those comments that I heard from Mr. Rogers this morning.

19 And with respect to comments by the
 20 Department of Natural Resources and Dogwood, I believe that
 21 they're both were [sic], you know, some very thoughtful
 22 comments, and they made some good points.

23 I actually agreed with a -- I think a limited
 24 number of their recommendations -- not necessarily with the
 25 specific recommendations, but with the comments that they

1 were -- more of the concepts that were driving their
2 recommended changes.

3 Already talked about -- this morning about
4 the comments that Dogwood had made with respect to risk
5 analysis and the importance of that.

6 So although I don't have any additional
7 prepared remarks, I have read through those comments, and if
8 anyone from the bench is interested in Public Counsel's
9 response to specific things in those comments, I'll be glad
10 to answer any of your questions.

11 And that concludes what I have to apologize
12 for as being my somewhat lengthy remarks this morning.

13 JUDGE WOODRUFF: Thank you, Mr. Kind.

14 MR. KIND: Thank you.

15 JUDGE WOODRUFF: Commissioner Jarrett?

16 COMMISSIONER JARRETT: Yeah. Just a couple
17 of questions, Mr. Kind. Appreciate your comments this
18 morning. And I just want to say, I echo Commissioner
19 Davis's comments complimenting OPC on addressing the
20 transmission issues.

21 MR. KIND: Thanks.

22 COMMISSIONER JARRETT: Those are obviously
23 very important and lots of money involved in those.

24 MR. KIND: Yes.

25 COMMISSIONER JARRETT: So it's important to

1 address those.

2 I want to ask you some of the same questions
3 I asked Staff about the IRP process that Empire comments
4 on -- the IRP process in Oklahoma and Arkansas.

5 Are you familiar at all with the IRP rules
6 and processes in Arkansas and Oklahoma?

7 MR. KIND: I'm sorry, but I really am not.

8 COMMISSIONER JARRETT: Okay.

9 MR. KIND: Well, part -- and I should say,
10 part of the reason I'm not is because there really are not
11 very large or strong consumer advocate offices in either of
12 those states.

13 Often my knowledge of what's going on in
14 other states comes from discussing things with state
15 consumer advocates in other states. And Arkansas does have
16 a very limited consumer advocate within their Attorney
17 General's Office. But I have not had occasion to discuss
18 their planning rules with them.

19 COMMISSIONER JARRETT: Right. Do you think
20 it's important that if another state is doing -- has a
21 better idea on certain issues that we should at least take a
22 look at it? I mean, the knowledge doesn't stop at Missouri.

23 MR. KIND: Right. I think there's lessons to
24 be learned from what happens in Missouri, what happens
25 throughout the U.S; in fact, what happens throughout the

1 whole world.

2 COMMISSIONER JARRETT: Okay. well, that's
3 all I wanted to ask. I just had a couple of questions about
4 that.

5 MR. KIND: Okay.

6 COMMISSIONER JARRETT: So I appreciate your
7 testimony today.

8 MR. KIND: Thank you.

9 JUDGE WOODRUFF: Commissioner Davis indicated
10 he does not have any questions for you, but he did want to
11 thank you for your input and could tell you that you put
12 some time into your comments. And he says he appreciates
13 it.

14 MR. KIND: All right. Thank you.

15 JUDGE WOODRUFF: Mr. Dottheim?

16 MR. DOTTHEIM: Yes. And I don't know whether
17 the bench would entertain this, but let me ask anyway.

18 I believe Mr. Rogers is familiar with the
19 IRP, the electric resource planning rules, in Arkansas. If
20 Commissioner Jarrett might be interested in -- and based
21 upon his prior question, if he'd like for Mr. Rogers to
22 address that from his knowledge of Arkansas's IRP rules.

23 COMMISSIONER JARRETT: That would be
24 fantastic. I'd appreciate that very much.

25 MR. ROGERS: Commissioner Jarrett, my

1 experience in Arkansas is during the rulemaking process,
2 primarily, which took place in, I want to say 2006. I'm not
3 quite sure, but I think that's right.

4 COMMISSIONER JARRETT: Uh-huh.

5 MR. ROGERS: Prior to that, Arkansas had no
6 electric resource planning. And their rule in Arkansas is
7 just for electric utility resource planning. And let me be
8 clear, my participation in that process was while I was
9 director of strategic planning for Arkansas Western Gas
10 Company.

11 But I am familiar with the process that they
12 went through and with the outcome of that process, which
13 was, as you characterized it, a set of rules that were six
14 to seven pages long and not real prescriptive.

15 I have not kept up with the -- you know, I've
16 been here the last two years, and left Arkansas Western Gas,
17 so -- in mid-2008. So I haven't kept up with the specifics
18 of what's gone in and -- taken place in Arkansas, but I know
19 what the rule called for.

20 And the level of prescriptiveness -- which is
21 what I think you're interested in, in Arkansas -- is much
22 less than it is in Missouri -- no surprise.

23 The one thing I did like about Missouri very
24 much, and would -- we have incorporated now -- or like in --
25 liked in Arkansas, and what we've incorporated more of in

1 Missouri, is the stakeholder process. I think that is --
 2 you know, is in the Arkansas rule. It's now a larger part
 3 of the Missouri rule --

4 COMMISSIONER JARRETT: Well --

5 MR. ROGERS: -- that's being proposed.

6 COMMISSIONER JARRETT: And that's one
 7 question that I have. It seems to me -- and correct me if
 8 I'm wrong -- that the level of prescriptiveness, as a
 9 general rule, should be less the more robust the stakeholder
 10 process is.

11 Because if you have this robust stakeholder
 12 process, that's going to be your prescriptiveness, rather
 13 than the rule. Would you agree with that?

14 MR. ROGERS: The stakeholder process is a way
 15 to provide a lot of additional input, and can be
 16 instrumental in improving the process.

17 And I mentioned in my earlier comments that
 18 we are taking steps -- the utilities are now organizing a
 19 workshop for the technicians among the utilities, the staff,
 20 any other stakeholders to look at specifically how we do
 21 risk analysis and strategy selection.

22 Because our utilities right now are taking
 23 different approaches even with the prescriptiveness that we
 24 have within our rule. You know, there's still a lot of
 25 latitude on how you do the specific steps.

1 So I don't know quite what the right answer
2 is. I mean, it's a work in progress. I've worked in
3 utility management primarily during my career. And my
4 resource planning responsibilities go back to the late 1970s
5 at San Diego Gas and Electric Company. And I know that, you
6 know, resource planning is very important to utilities and
7 to their customers.

8 I think that -- from what I have seen during
9 my two years here, that the process has developed to where
10 it's a very meaningful process -- comprehensive, yes;
11 probably -- it wouldn't surprise me if it's the most
12 comprehensive approach in terms of the specific rules.

13 Now, I've looked at resource plans for
14 electric utilities in other states since I've been here at
15 the Commission, and I can see where utilities in other
16 states are covering all the ground that we're covering, and
17 they're probably not doing it as a result of specific
18 requirements in rules.

19 COMMISSIONER JARRETT: Right.

20 MR. ROGERS: Nonetheless, I think what we
21 have in our rules represent good solid practices that should
22 be used, and that the utilities are using. Everyone's got
23 the resources either within their staff or within their
24 cadre of consultants to do what's required.

25 COMMISSIONER JARRETT: Right. And I guess my

1 idea of an IRP process is it's a long-range strategic plan.
 2 You have -- you do have a lot of detail in it, but it is a
 3 big-picture strategic long-range plan. And you don't want
 4 to get lost -- you know, lose the forest for the trees.

5 And so as a general matter, it seems to me,
 6 the more prescriptive a rule is, the more you're focusing on
 7 the trees and less the forest. And we need to make sure the
 8 utilities are focusing on the forest when they're doing
 9 their planning.

10 So, like you say, I don't know where the
 11 balance is, but there has to be some sort of balance where
 12 you have some flexibility --

13 MR. ROGERS: Uh-huh.

14 COMMISSIONER JARRETT: -- on the one hand to
 15 make sure that we're seeing the big picture here --

16 MR. ROGERS: Yeah.

17 COMMISSIONER JARRETT: -- we're doing the
 18 long-range planning based on that, and that we're not just
 19 trying to dot the i's and cross the t's.

20 MR. ROGERS: Well, Ms. Mantle covered this
 21 earlier, and I think, although our rules are long in
 22 comparing what we had -- what -- our current rules to these
 23 proposed rules, there is more flexibility for the utilities
 24 in the proposed rules to choose the models and the methods
 25 that they use to do the analyses that are required in our

1 rules.

2 I think the real strength of what we have in
3 ours is that you don't have in other states is the risk
4 analysis -- the identification of uncertain factors,
5 evaluation of which of those are critical uncertain factors,
6 and, you know, the quantitative analysis that goes into the
7 stochastic modeling that we do in the state, I think is
8 separating our process from what we have in a lot of other
9 states.

10 COMMISSIONER JARRETT: All right. Well,
11 thank you.

12 MR. ROGERS: Uh-huh.

13 COMMISSIONER JARRETT: I appreciate your
14 input on that.

15 JUDGE WOODRUFF: Mr. Dottheim.

16 MR. DOTTHEIM: Yeah. And I'm sorry. I don't
17 mean to belabor this. It goes back to Commissioner Davis's
18 questions. And I -- if --

19 (Telephone interruption.)

20 JUDGE WOODRUFF: Go ahead.

21 MR. DOTTHEIM: And it's something that
22 Mr. Kind said that kind of jogged my thinking, with
23 Commissioner Davis asking about preapproval and
24 acknowledgment proceedings, and Mr. Kind made reference
25 to -- I think; or I took it as a reference -- to the KCPL

1 regulatory plan.

2 I hadn't taken Commissioner Davis's question
3 as a question relating to a company making a filing, making
4 a proposal, seeking approval of a plan such as KCPL and
5 Empire were seeking when they made their EO filings back in
6 2005 for regulatory plans. There's nothing preventing
7 companies from making filings of those nature and
8 proceedings occurring.

9 Of course, in both instances, there were
10 stipulations and agreements, and there was a broad basis of
11 parties, or broad enough of parties, that entered into the
12 stipulations and agreements, such that the issues -- at
13 least, have not -- we've got fairly far long in the KCPL
14 rate cases.

15 We're still more in the initial stages of the
16 Empire rate case involving the Iatan 1 and Iatan 2
17 construction projects. But we don't have issues being
18 raised regarding the decisional analysis to proceed forward
19 with the environmental enhancements of IATAN 1, and we don't
20 have questions regarding the decisional analysis to build
21 the IATAN 2 generating facility.

22 So if -- if Commissioner Davis was seeking to
23 cover in his question proceedings of that nature, we have --
24 we have the example of the -- of the KCPL experimental
25 regulatory plan -- alternative regulatory plan and the

1 Empire experimental alternative regulatory plan. And I
2 don't think my prior question really contemplated or
3 addressed those situations.

4 JUDGE WOODRUFF: Thank you, Mr. Dottheim.

5 We're back to Mr. Kind for a moment. You
6 indicated that you wanted to offer an exhibit. Do you have
7 that?

8 MR. KIND: Thank you. Let me give you some
9 more copies for other commissioners, as well.

10 JUDGE WOODRUFF: We'll mark this as Exhibit
11 1, and it will be received.

12 (Exhibit No. 1 was marked for identification
13 and was received into the record.)

14 JUDGE WOODRUFF: All right. Commissioner
15 Davis just sent me a message. Tell Mr. Dottheim thank you.

16 We've been going for about two hours now. We
17 need to take a break to help out our court reporter survive
18 the ordeal here. We'll take a break. We'll come back at
19 11:15.

20 (A short break was taken.)

21 JUDGE WOODRUFF: Okay. Let's go ahead and
22 get started. We're back from our break. And we've
23 completed Staff and Public Counsel. I believe Empire
24 District indicated they wanted to go next, so --

25 MR. COOPER: Judge, Dean Cooper on behalf of

1 the Empire District Electric Company. Mr. Todd Tarter has
2 comments on behalf of the company.

3 JUDGE WOODRUFF: Okay.

4 MR. TARTER: My name is Todd Tarter. The
5 last name is T-a-r-t-e-r. I'm the manager of strategic
6 planning for the Empire District Electric Company, and I've
7 been the project manager for our last two IRPs that we filed
8 in Missouri.

9 JUDGE WOODRUFF: If you'd raise your right
10 hand, I'll swear you in.

11 (Witness sworn.)

12 JUDGE WOODRUFF: Thank you.

13 TODD TARTER testifies as follows:

14 MR. TARTER: Empire has participated in this
15 workshop process, and we've presented to the Commission on
16 two different occasions. We filed some comments. We did
17 file comments on what was published as a proposed rule on
18 January 3rd.

19 Basically, in those comments, we restated our
20 position that we've held throughout the entire workshop
21 process. So at this point in the process, I really don't
22 have anything new to add in that respect.

23 From earlier today, there was a mention of we
24 mentioned something in our comments about the difference in
25 utilities. Basically, we were restating our positions

1 through the history of this process.

2 And we state that as a result of this
3 process, the rule that we think should come out of it should
4 do many things -- be flexible, be more straightforward and
5 so forth, and also recognize a difference in utilities. We
6 weren't stating that the proposed rule didn't have anything
7 in there. They didn't do that.

8 But I will point out that the thing that is
9 in there for the difference in utilities, because of our
10 small size, is with the filing requirements. It's not
11 anything to do with the process we have to do when we file
12 an IRP or prepare one; it has to do with how often we may
13 have to prepare one.

14 Earlier today, it was also mentioned about
15 Arkansas and Oklahoma rules. We serve in those two states.
16 I should probably preface that by, we do have a small number
17 of customers in those states.

18 Less than 3 percent of our customers are in
19 each of those states. So for us, that's less than 4,000
20 customers in each of those states. But we do submit IRPs in
21 both of those states.

22 As it works out, though, we're able to do a
23 total company IRP. And since the Missouri rule is the more
24 onerous -- I will use that word, I guess -- more
25 comprehensive, that we're able to file our -- what we do in

1 Missouri, as far as that IRP, in those other jurisdictions.

2 And we are all on the same three-year filing
3 cycle in all three states, which makes it nice for us.

4 They've worked with us well on that, the other states.

5 So whenever we complete our Missouri IRP, we
6 are able to essentially just file the same plan and the same
7 IRP in those other two states, with the only modification we
8 may make is something with the reporting requirements. We
9 probably provide them like a roadmap of where to find things
10 in our documents.

11 we did look at the Oklahoma rule in this
12 workshop process, I think, at one time. It's about five and
13 a half pages -- five or six pages, as was mentioned earlier,
14 but with very large font, I'll point out.

15 And I'm not saying -- when I mention that --
16 I actually mentioned that, also, in one of my presentations
17 to the Commission. I'm not saying that Missouri should
18 necessarily adopt that per se.

19 what I was just pointing out was the dramatic
20 differences -- not just differences, but dramatic
21 differences. So that was my main reason for pointing that
22 out, because I was familiar with those two jurisdictions.

23 The other thing I will say is during this
24 process, we have supported the MEDA rule. And I think that
25 the MEEIA rule is a good middle ground between the smaller

1 IRP requirements in those other two states and what's been
2 required in the past here in Missouri, and also what's being
3 proposed for the future. So you can start from scratch,
4 because the MEDA rule did that.

5 And really, probably saying starting from
6 scratch is probably not the best way to say that, because we
7 did take -- like Lena Mantle pointed out earlier, a lot of
8 the main things that gives you a good resource plan, I
9 think, are in there.

10 We took a lot of the ideas from the existing
11 rule. We just, I think, in my opinion, made it in a more
12 straightforward, less complicated process that is flexible.

13 And then what -- the process that you do does
14 give the flexibility and difference in utilities, and
15 probably a less costly, I would assume, more focused on
16 what's important, in my opinion. So I thought, you know,
17 that was a good thing that we've supported throughout this
18 process.

19 So I don't have anything else to add. I will
20 just be here for any questions the commissioners might have.

21 JUDGE WOODRUFF: Commissioner Jarrett, do you
22 have any questions?

23 COMMISSIONER JARRETT: Yeah. I wanted to
24 talk a little bit to see if you have any more information
25 about specifically Oklahoma and Arkansas.

1 I know you indicated that you have a very
2 small presence there. But obviously there are larger --
3 utilities with a larger presence there, and they go through
4 the IRP process in Arkansas and Oklahoma.

5 Do you have any experience with them, or have
6 you talked with any of their folks about the IRP process
7 there?

8 You know, what can you tell me about the fact
9 that -- you know, that they have a -- they have a smaller
10 rule, a less prescriptive rule, and how robust is the IRP
11 process for those folks?

12 MR. TARTER: Well, unfortunately, I really
13 haven't talked much with any other utilities about their IRP
14 experiences. And from the regulators that we deal with, I
15 have not really been able to talk anything about that.

16 We have had -- I think at one time we had --
17 an attorney asked, you know, to see some of our things that
18 we do in our IRP, you know, maybe to get ideas and things
19 from. But that's the only interaction I've had with them.
20 So sorry I can't provide any more.

21 COMMISSIONER JARRETT: Now, you indicated
22 that you usually file missouri -- you know, the one you
23 develop for Missouri with some modifications.

24 After you file your IRP in Oklahoma and
25 Arkansas, what's the difference in the process after you

1 file --

2 MR. TARTER: Okay.

3 COMMISSIONER JARRETT: -- from Missouri?

4 MR. TARTER: Actually, in those states, they
5 call it a submission instead of a filing. And it's really
6 kind of submitted on -- for informational purposes, is my
7 understanding.

8 In Arkansas, basically, we let our attorney
9 in Arkansas handle -- that we hire handle that. We send him
10 all the electronic documents, and it's just -- they file an
11 HC version and a non-proprietary version on --
12 electronically.

13 And in Oklahoma, we just -- we do the same
14 thing. We actually provide the documents at our attorney in
15 Oklahoma's office, and the staff and any other interested
16 parties can come there and view it, instead of providing it
17 directly to them. So that's the differences.

18 And we really haven't had a lot of feedback.
19 I think that they've been pleased with what we've provided,
20 and, as a result, haven't had a lot of feedback.

21 COMMISSIONER JARRETT: Right. Now, I mean,
22 do they hold hearings on the IRP? Do they approve it?
23 How's -- what's the process there?

24 MR. TARTER: No. They don't.

25 COMMISSIONER JARRETT: It's just submitted

1 and --

2 MR. TARTER: Submitted. Now, the very first
3 time we filed in Oklahoma -- or submitted in Oklahoma, there
4 was a public hearing similar to this -- an informal process.

5 And they did have commissioners there, and
6 they asked questions, because that was the first time the
7 utilities had done that. And some recommendations and
8 things were made at that point. And -- but from -- since
9 then we've just been on a three-year cycle.

10 And I think probably because of our -- like
11 you mentioned, our small presence there, that's one of the
12 reasons why we probably haven't had a lot of feedback there.
13 And plus, the fact that we are significantly fulfilling
14 their requirements.

15 COMMISSIONER JARRETT: All right. well,
16 thank you.

17 MR. TARTER: Okay.

18 COMMISSIONER JARRETT: Appreciate your
19 testimony.

20 JUDGE WOODRUFF: Thank you. Thank you,
21 Mr. Tarter.

22 who wanted to go next?

23 MR. ROBERTSON: My name is Henry Robertson.
24 I'm an attorney with Great Rivers Environmental Law Center,
25 705 Olive Street, Suite 614, St. Louis, 63101. I'm here

1 representing the Missouri Coalition for the Environment, dba
2 Renew Missouri. My name is spelled R-o-b-e-r-t-s-o-n.

3 JUDGE WOODRUFF: If you raise your right
4 hand, I'll swear you in.

5 (Witness sworn.)

6 JUDGE WOODRUFF: Thank you.

7 HENRY ROBERTSON testifies as follows:

8 MR. ROBERTSON: We agree with Staff that it's
9 incongruous for the utilities to seek more flexibility in
10 freedom in formulating their plans, while at the same time
11 they seek to bind the Commission with a finding of an
12 acknowledgment of reasonableness.

13 And KCPL is very explicit in its comments
14 that it wants approvals in these proceedings that it can
15 take and use in rate cases; it wants prudence determinations
16 in advance for near turn investments. And it seems to me
17 that we don't have a consensus about what an IRP is even
18 supposed to be anymore.

19 The draft rules see it as, at least, in part,
20 a way to comply with legal mandates. The existing rule is
21 procedural only, with no consequences; but all of a sudden,
22 there are consequences.

23 Now, obviously, the IRP has to reflect
24 compliance with legal mandates. But those mandates -- like
25 the RES and MEEIA -- are separate specific grants of

1 statutory authority, and they have their own rules which
2 should be primary.

3 I keep coming back to my basic theme, which
4 is that Chapter 22 is just a rule and it can't be used as a
5 vehicle to amend statutes. So with MEEIA, if you want to
6 use the IRP as a way to screen demand-side measures for cost
7 effectiveness, that's fine, as long as it's done
8 consistently with MEEIA.

9 And at this point, I should address
10 Mr. Rogers's comments on our comments. He kept emphasizing
11 the word "assertion."

12 I think we went way beyond that. We've
13 documented ad nauseam the inconsistencies that we see
14 between Chapter 22 and MEEIA in both the MEEIA rulemaking
15 and in the written comments we filed here.

16 The IRP process is you take demand-side
17 programs and scatter them around in alternative resource
18 plans. And those are then combined with supply-side
19 options. And I do not see how you necessarily arrive, by
20 that method, at an optimal set of demand-side programs for
21 MEEIA purposes.

22 And as we've pointed out, there are all these
23 different criteria in IRP besides cost effectiveness. It is
24 a subjective judgment of the utility decision-makers. There
25 are performance measures and uncertain factors. And all

1 those have no place, it seems to me, in the MEEIA
2 proceedings, and therefore they are not consistent.

3 Now, Mr. Rogers says the TRC is not the
4 exclusive cost effectiveness test under MEEIA, and I agree.
5 But what he then goes to say -- it sounds to me like he's
6 saying the TRC is an open door to take all these other
7 criteria from the IRP rule and apply them to the MEEIA
8 process, which, again, I protest, is not consistent with
9 MEEIA.

10 Now, another way in which an acknowledgement
11 of reasonableness does not make sense is because the
12 preferred resource plan is not exactly carved in stone. It
13 would be more accurate to say it was written in water, and
14 it can change at any time.

15 In the five years that I've been looking at
16 Ameren's IRPs, it's gone from -- preferred plan has gone
17 from a coal plant to a nuclear plant, and in next month's
18 filing, I expect will take an entirely different direction.
19 So what you're being asked to acknowledge is a moving
20 target, anyway, and I don't see the point in doing it.

21 We're all in favor of administrative
22 efficiency. IRPs shouldn't be just a useless exercise, and
23 they shouldn't be redundant with other rules. If they can
24 be merged in some way that streamlines the process, that's
25 great. But it, again, has to be consistent with legal

1 mandates.

2 Now, I'd just like to add a few things --
3 just a few specific comments agreeing with some of the
4 comments that others have made.

5 We agree with Staff that there should be no
6 preapproval under the Chapter 22 process. That should be
7 left to rate cases and the cost recovery mechanisms that
8 have been prescribed in legal mandates like the RES and
9 MEEIA.

10 We agree with DNR that plant retirements
11 should be a supply-side option under Chapter 22.

12 We agree with DNR and OPC regarding technical
13 potential and realistic potential. Mr. Rogers also
14 commented on that. I have no objection to the IRP rule
15 requiring utilities to do technical potential.

16 The problem I have with it is, under this
17 rule, technical potential is an alternative resource plan,
18 which means that it's supposed to be a serious contender to
19 become the preferred resource plan.

20 But that just doesn't make sense, because, by
21 definition, technical potential is not cost effective. And
22 I think maybe there's not really that much disagreement.

23 Mr. Rogers is willing to see that the --
24 maximum achievable potential added to the rule. I'm willing
25 to see technical potential done. I think we may have

1 reached common ground there.

2 we agree with Staff and OPC that stakeholders
3 should not be required to recommend specific remedies for
4 deficiency that they identify.

5 Obviously, you want to do that if at all
6 possible, but sometimes they may not have the expertise or
7 the resources to do that. They should still be able to
8 identify what they see as a deficiency.

9 Finally, I have one comment I made on
10 customer-sided generation being considered as a demand-side
11 resource. I recommended that that be taken out.

12 The difficulty I have there is, you know, a
13 customer-sided solar panel could be considered a demand-side
14 resource from the utility's perspective, but it can also be
15 a supply-side resource for purposes of compliance with
16 Proposition C.

17 And it seems to me, that opens the
18 possibility of double counting, or even double cost recovery
19 for something that's supply-side and demand-side at the same
20 time.

21 So I think that's all I have, unless there
22 are any questions.

23 JUDGE WOODRUFF: I do have a question, and it
24 concerns your concern about the interaction between the
25 MEEIA rule and this rule.

1 And my question is: Are your concerns more
2 directed at the MEEIA rule, or is there something specific
3 in this rule that is causing the problem?

4 MR. ROBERTSON: It's this rule --

5 JUDGE WOODRUFF: Okay.

6 MR. ROBERTSON: -- that's giving me the
7 problem. I see it as using criteria that are not
8 appropriate under MEEIA.

9 MEEIA, you are supposed to define
10 cost-effective tests. Then the programs are supposed to be
11 approved by the PSC, by the Commission, and you get --
12 ultimately, you're working towards a goal of all
13 cost-effective demand-side resources or demand-side savings.
14 All these additional criteria in the IRP rule are not
15 appropriate there.

16 The way that the demand-side programs are
17 packaged into the IRPs, rather than being considered as a
18 portfolio, seems to me, fails to accomplish what needs to be
19 done under MEEIA.

20 JUDGE WOODRUFF: Now, I'm not all that
21 familiar with the MEEIA rule. It's another judge that's
22 handling that. I assume you made these comments in the
23 MEEIA rulemaking, also, or --

24 MR. ROBERTSON: Yeah. I mean, I have gone
25 into some more detail here about what I see in the IRP rule,

1 but I, by and large, have made the same comments in that
2 rulemaking.

3 JUDGE WOODRUFF: And is there something
4 specific in the MEEIA rule that refers to the IRP rule?

5 MR. ROBERTSON: Yes. It refers repeatedly to
6 using the utility's latest IRP in the MEEIA process.

7 JUDGE WOODRUFF: Thank you.
8 Commissioner?

9 COMMISSIONER JARRETT: Mr. Robertson, thank
10 you for your testimony today. I just had one question as
11 far as the remedy for the concerns you bring up.

12 Obviously, we have these two different rules.
13 They're sort of on two different tracks. Should we put the
14 hold on this, wait for the MEEIA rule to catch up, and try
15 to fix them both and marry them both and fix all the
16 inconsistencies? How should we --

17 MR. ROBERTSON: Well --

18 COMMISSIONER JARRETT: -- how should we
19 proceed?

20 MR. ROBERTSON: Yeah. The MEEIA rule is just
21 about final now. So I think this one -- this one lags
22 behind and would be the one that you still have some power
23 over.

24 COMMISSIONER JARRETT: Right.

25 MR. ROBERTSON: I -- I --

1 COMMISSIONER JARRETT: The MEEIA rule had a
2 hearing in December.

3 MR. ROBERTSON: December 20th. Yes. So it's
4 pending final publication with the Secretary of State.

5 COMMISSIONER JARRETT: So -- okay.

6 MR. ROBERTSON: I admit, the remedies I have
7 recommended are rather drastic. But again, you know, you
8 can use the IRP to screen the measures for cost
9 effectiveness.

10 COMMISSIONER JARRETT: Got you.

11 MR. ROBERTSON: Beyond that point, I think
12 they are -- they're in conflict.

13 COMMISSIONER JARRETT: Thank you. I
14 appreciate it.

15 JUDGE WOODRUFF: Thank you, Mr. Robertson.
16 Who wants to go next?

17 MS. WILBERS: Hello.

18 JUDGE WOODRUFF: Good morning.

19 MS. WILBERS: Good morning.

20 JUDGE WOODRUFF: Could you identify yourself,
21 please.

22 MS. WILBERS: I'm Brenda Wilbers of the
23 Missouri Department of Natural Resources, Division of
24 Energy.

25 JUDGE WOODRUFF: Okay. And if you'd please

1 raise your right hand.

2 (Witness sworn.)

3 JUDGE WOODRUFF: Okay. What would you like
4 to tell us?

5 BRENDA WILBERS testifies as follows:

6 MS. WILBERS: The Department appreciates the
7 PSC's working group process, which has provided numerous
8 opportunities for public input into this rule revision.
9 We fully participated in the working group
10 process, as many of us here have, and provided written and
11 public comments on several occasions, including filing
12 written comments on January 3rd.

13 I will limit my public comments here to
14 highlight several of the Department's key issues.

15 The first is on Rule .010 regarding policy
16 goals and objectives. And it's -- .010 sets out the
17 fundamental objective of resource planning, as I think
18 someone has talked about earlier. We propose two revisions
19 to this fundamental objective.

20 One is changing the focus from short-term
21 rates to the lowest long-term cost, and also requiring the
22 utility planning to be consistent with applicable state
23 energy and environmental policies, and not just with legal
24 mandates.

25 And the concern there is that there are

1 statutory goals that some may not consider legal mandates.
2 So we wanted some clarification there. But those should
3 also be something that the utility will look to.

4 we also propose priority consideration and
5 analysis of demand-side resources.

6 And the second area is regarding the
7 aggressive demand-side plan case in Rule .050 and .060.
8 First, we support the inclusion of language that
9 acknowledges the state energy policy goal established by
10 MEEIA in 393-1075. However, we are proposing rule
11 modifications to sufficiently incorporate that policy goal
12 in the rule.

13 For example, the formulation of the
14 aggressive demand-side cases should be based on state energy
15 policy established by 393-1075.

16 And in response to Lena Mantle's comments on
17 this issue of trying to show the outer boundaries of
18 alternative resource plans and the way the proposed rule is
19 now written, our concern is the risk that a utility may
20 never test an aggressive alternative resource plan that has
21 a realistic chance of being chosen.

22 If only -- if there's only one shot at an
23 aggressive DSM, it seems to us that it doesn't make sense to
24 base it on a plan that's unlikely to be selected. So
25 perhaps there are some -- you know, we could have some

1 discussion on that.

2 And the third area is on supply-side
3 resources, resource retirements. And this has been
4 discussed a little bit earlier. We believe it should
5 clearly support and facilitate a thorough consideration of
6 resource retirements.

7 Our written comments propose changes that
8 will include these retirements in a list of potential
9 supply-side resource options and supply-side candidate
10 resource options to be considered by the utility in its
11 supply-side analysis and analyze on an equivalent basis.

12 And just an added comment, if this is not the
13 appropriate location for this in the rule for incorporating
14 resource retirements, we're open to other proposals that
15 would, you know, achieve the same result, where a utility
16 would actively consider resource retirements.

17 Based on our experience, we continue to raise
18 this issue in IRP discussions, and the rule does not
19 identify it as something that utilities should consider.

20 And that's all I have.

21 JUDGE WOODRUFF: Thank you.

22 MS. WILBERS: Thank you.

23 JUDGE WOODRUFF: I'll go to Dogwood.

24 MR. LUMLEY: Sure. Good morning, Judge.

25 Carl Lumley, attorney for Dogwood Energy, LLC.

1 JUDGE WOODRUFF: Will you raise your right
2 hand?

3 (Witness sworn.)

4 CARL LUMLEY testifies as follows:

5 MR. LUMLEY: You've always wanted me in this
6 position, haven't you?

7 Dogwood filed written comments, and I'd just
8 like to touch on a few of those points.

9 First, we made the observation that a great
10 many interested parties have expressed interest and concern
11 on the topic of preapproval of major investments.

12 And in our mind, there's a substantial
13 difference between the long-term plan that's contemplated
14 under the IRP rules and the more short-term or mid-term
15 decision-making process that would be involved in actual
16 implementation, such as a major investment.

17 And that's why we've suggested that the
18 Commission take hold of that and encourage the parties or
19 direct the parties to engage in the same form of
20 collaboration that's been going on over the past few years
21 on these IRP rules, to develop a proposal for the Commission
22 to consider.

23 And that's not to say that the
24 commissioner -- the Commission is saying, we are going to
25 have such a rule, but rather, given, you know, all the

1 effort that's been put forth so far, encourage the parties
2 to make a proposal so the Commission has something very
3 specific to look at; if it decides to publish it, then
4 receive comments on, what have you.

5 I think someone has observed today that it
6 would be impractical and inappropriate to try and make such
7 a major change at this juncture on these rules.

8 And one of our concerns is, you know, as
9 Ms. Mantle has observed, you know, we've got five years of
10 industry and stakeholder investment in this process, and not
11 allowed to be derailed by these significant concerns, but
12 rather take those up separately. So that's our first point,
13 and we encourage the Commission to take that into account.

14 Another point that we've made that's not been
15 touched on today has to do with the reliable integration of
16 intermittent resources such as wind generation and solar.
17 And we've referred to an article in our comments, and I
18 encourage the commissioners to take a look at that article.

19 If you enjoy watching shows on The Learning
20 Channel or Discovery, you're going to find it to be a very
21 interesting article that really takes you into a lot of
22 detail, and quite honestly, the impressive nature of what it
23 takes to actually make all these different sources of
24 generation work together in a manner that's virtually
25 seamless and invisible to the consumer.

1 And I'm not going to dive too far into it,
2 but just making the observation that as we have these rules,
3 and as we do this planning, we're not just subject to
4 Missouri law and federal law and the Constitution; this is
5 all subject to the law of physics, too.

6 And you have to take these things into
7 account. You can't just look at a balance sheet and say, we
8 have 100 megawatts of wind, we have 100 megawatts of coal,
9 so if the wind shut off, we've got the coal to rely on.

10 It's not that simple. How fast can you turn
11 it on? what happens if you have to turn it on and off over
12 and over again, you know, to its useful life? It's very
13 complicated -- way beyond my understanding.

14 But our point is that the rules really don't
15 touch on this aspect of balancing these things, and really
16 should. And we've identified a very small change in that
17 regard. So we hope that you take that into account.

18 we have some minor adjustments, too. But on
19 the topic of risk analysis that's received a few comments
20 today, Dogwood has been commenting on the topic of covariant
21 risk analysis, or checking out the interaction between major
22 risks, for a few years now in specific IRP proceedings.

23 And, you know, very candidly, we're thrilled
24 with the utilities' reaction, which is to embrace this idea.
25 And honestly, they've been very excited about the prospects

1 of this meeting that Mr. Rogers referred to. And it's very
2 refreshing and encouraging.

3 And Ms. Mantle proposed some alternative
4 language in that regard, and we're certainly satisfied with
5 that adjustment and have common ground there, to just make
6 sure that the topic is touched on in the rules.

7 But more importantly, the industry really
8 welcomes this idea of some interaction between -- and, you
9 know, I've dealt with regulated utilities for a long time
10 now, and -- at various departments, and I do have to say
11 that the planning side of KCP&L and GMO that I've dealt with
12 on this, you know, are extremely hard-working folks.

13 And to see them embrace this idea of best
14 practices, you know, is very refreshing. I've dealt with
15 utilities that never want to know what anybody else is doing
16 because they know best. And so it's very impressive.

17 On the -- just briefly, on the issue of other
18 states -- and Commissioner Jarrett, you made the observation
19 that perhaps a robust stakeholder process is in balance with
20 the degree of prescriptiveness in the rules.

21 And I think there's some degree of truth to
22 that, but I also think it's extremely important and
23 productive for everyone to have a common starting place.
24 And I think this is something that Staff has really tried to
25 underscore in their comments throughout these proceedings.

1 You can really get at loggerheads and
2 gridlock if the initial submittal is so far removed from the
3 amount of information that the stakeholders need to evaluate
4 what's been done that everything just grinds to a halt.

5 If there's a good understanding of what's
6 expected and it's produced, then instead of having huge
7 discovery battles that get bogged in things like, well, you
8 can't -- we didn't analyze that and you can't make us do it;
9 you can ask us about what we did do, but you can't make us
10 do new things -- I mean, you can just get locked into that
11 for months and months, and it's not productive at all.

12 You know, what we have in the IRPs that are
13 filed under the Commission's rules, everyone knows what the
14 starting point is supposed to be, and there can be a little
15 bit of disagreement about whether certain things were done
16 or not.

17 But by and large, the discussions are very
18 productive discussions about, well, you know, where does
19 this go, and how do these things get -- and it's more
20 explanatory, really, in terms of understanding how it was
21 done. And the degree of controversy is relatively low.

22 I -- I'm not aware of, you know, a major
23 drawn-out hearing at the Commission at the end of the day
24 over these plans. Perhaps one has happened, you know,
25 further in the past than I'm aware of.

1 But in the cases I've been involved in, the
2 parties have collaborated, worked out resolutions, and the
3 Commission has -- you know, by stipulation or simply by
4 saying, you know, The product is fine, and they've moved on.

5 So it really hasn't been this drawn-out
6 controversial process that I think you could have if there
7 wasn't a common understanding of where we're starting from.
8 And I think that needs to be taken into account, as well.

9 And I believe those are the comments that we
10 wanted to make. And I appreciate the opportunity, and
11 certainly available for questions.

12 Rob Jansen, the president of Dogwood, is here
13 today, as well, should you have a question that's beyond my
14 knowledge base.

15 JUDGE WOODRUFF: Commissioner Jarrett.

16 COMMISSIONER JARRETT: I don't have any
17 questions, but I appreciate your testimony.

18 JUDGE WOODRUFF: Commissioner Davis sent me
19 an e-mail saying, Tell Mr. Lumley I said his comments are
20 well taken.

21 MR. LUMLEY: Thank you.

22 JUDGE WOODRUFF: All right. Who wants to go
23 next? Ameren? KCPL?

24 It looks like KCPL.

25 MR. DORITY: Good morning, Judge Woodruff and

1 Commissioner. My name is Larry Dority with Fisher & Dority.
2 I'm appearing on behalf of Kansas City Power and Light
3 Company and KCP&L Greater Missouri Operations Company, or
4 GMO.

5 We do have two witnesses that are here this
6 morning and available to make additional comments and
7 respond to questions. And if it's all right, I would like
8 to introduce Mr. Jim Okenfuss who is with the fundamental
9 analysis group of Kansas City Power and Light Company.

10 Jim.

11 JUDGE WOODRUFF: Okay. Would you tell us
12 your name again?

13 MR. OKENFUSS: My name is James Welton
14 Okenfuss. I'm manager of fundamental analysis at Kansas
15 City Power and Light.

16 JUDGE WOODRUFF: You might want to spell your
17 last name.

18 MR. OKENFUSS: O-k-e-n-f-u-s-s.

19 JUDGE WOODRUFF: Okay.

20 (Witness sworn.)

21 JUDGE WOODRUFF: Thank you very much. What
22 would you like to tell us?

23 JIM OKENFUSS testifies as follows:

24 MR. OKENFUSS: Well, first, I'd like to start
25 off by thanking the Staff and for all the participants in

1 this process.

2 I've only been involved with it for about two
3 of the years, and there's been a lot of good discussion, a
4 lot of good back-and-forth, and there has been a lot of very
5 helpful information passed back and forth.

6 As one of the people who actually produces
7 one of these IRPs, it was always very helpful to get ideas
8 and fresh insights from people who had different points of
9 view on how this could be improved.

10 And we did use this process as -- to
11 incorporate -- to help us improve what we saw. So we --
12 even if a whole new rule comes out of it, we felt the
13 process was beneficial immediately.

14 we did submit comments in writing, and the
15 Commission has those comments now. I am going to speak to
16 most of the issues within our comments, except for the
17 issues regarding transmission.

18 The transmission questions I would like to
19 ask if we could delay until Mr. Charles Locke from our
20 company comes up as our second witness.

21 Okay. KCP&L, in our written comments, we
22 went into some detail, but I would like to hit a few of the
23 high points of our filing.

24 we participated in the development of the
25 MEDA rule. And we feel that that rule was a good attempt at

1 trying to reduce the kind of prescriptive or cookie-cutter
2 or let's-just-check-this-box nature of how some people may
3 have seen the IRP rule, and instead tried to focus on what
4 was needed by the intervenors and other parties for what
5 they needed the IRP to be.

6 So KCP&L still feels that that rule tried to
7 strike that balance, and we feel that we did our best to try
8 to get there.

9 Another comment that we'd like to bring up
10 has to do with the MEEIA rule and the renewable energy
11 standard rule.

12 Both of those rules incorporate the preferred
13 plan of the IRP within themselves, and incorporate them in
14 such a way that they're a part of our revenue -- or our
15 revenue case on how we actually get compensated for those
16 issues.

17 So through some feature of those rules, an
18 aspect of the IRP rule is becoming part of a revenue
19 decision.

20 And we feel that that needs to be noticed and
21 brought into point when KCP&L once again is suggesting that
22 there needs to be a way within the IRP rule that a portion
23 of the plan could be set aside so that it could be asked for
24 special consideration -- call it acknowledgement, call it
25 decision of prudence; that was the language we used -- but

1 only for a section of -- or a plan or a part of the plan or
2 a single decision within the plan.

3 So I have heard it today mischaracterized
4 that we were asking for approval of the entire plan, and
5 that was never really our consideration. We were wanting to
6 look more at, say we have a large investment strategy.

7 Before we start doing heavy engineering, we'd
8 like to at least get a sense that our decision is prudent.
9 And that's what we were going for with the IRP. And we
10 still think that that's a valuable addition that could be
11 done to the IRP.

12 The other comments -- those are the -- most
13 of the comments that I currently have. Oh, I'm sorry. I
14 have two others.

15 We have a specific concern concerning the
16 forecast of capacity balance worksheet that Staff provided.
17 There are two versions. There's the highly confidential
18 version, of which we have no concerns with. But we do have
19 a question and a strong concern concerning the public
20 information version of this filing, and particularly, the
21 year-by-year forecast of our required capacity.

22 Whenever we as a company are in the market to
23 try to transact for capacity, either as a seller or as a
24 buyer, one thing that could put us in an extremely --
25 extremely -- bad disadvantage from a negotiating standpoint

1 is to have all of our counterparties know exactly how much
2 we need to sell or how much we need to buy.

3 So we feel strongly that the excess and
4 shortage capacity and the required capacity and the reserves
5 may need to still be considered, held back for public
6 consumption.

7 But in general, we are happy with the idea of
8 having a confidential filing, as the Staff proposed, to show
9 in detail how we think our planning is going to meet our
10 reserve requirements in the upcoming years.

11 Another issue I had, and it was brought up --
12 so I wasn't really prepared for this, but it came up -- on
13 the issue of the removal of the -- or the addition of
14 language saying that two utilities, should they be filing
15 the same day but still be legally separate entities, will
16 need to file separate filings.

17 We know this is -- there's only one utility
18 that this would apply to, and it would be both of ours. We
19 want to just make certain that the Staff is -- or the --
20 that the Commission is aware that there is risk with
21 requiring separate filings for two utilities owned by the
22 same holding company.

23 If the holding company is going to be doing
24 its corporate planning jointly, there is a risk that the
25 individual company plans may not exactly coincide with what

1 the corporate strategy is. And we think that is a risk.

2 And we just want to highlight that that's a possibility.

3 I'd like to go to the questions from
4 Commissioner Jarrett. You asked how IRPs are conducted in
5 other states of which we have personal experience.

6 At KCP&L, we operate business in two states,
7 Kansas and Missouri. And in Kansas, just recently -- just
8 last year -- the commissioners recommitted the fact that
9 they felt that they did not need any IRP process.

10 In another career, I was -- I had a similar
11 position to what I have now but for First Energy in Akron,
12 Ohio. In that capacity, I was also responsible for
13 reserve -- resource planning for six of our seven utilities.
14 They were three in Ohio, three in Pennsylvania.

15 And in all of those jurisdictions, none of
16 those required an IRP filing. However, it's important to
17 know at those companies, they still felt an internal need to
18 still plan for their resources, make certain they had
19 adequate capacity, make certain they could still meet their
20 obligations.

21 Not exactly a fair comparison, because those
22 utilities sometimes could sell off their -- their
23 requirement to be the provider of last resort. So they
24 weren't exactly in the same boat that you would have KCP&L,
25 so it's not really a fair comparison.

1 There would be more of a need for an IRP here
2 than over there, but I needed to tell you what the
3 experience was. So that's basically how those IRPs were
4 there.

5 One other issue that came up is on the issue
6 of the preapproval and how are other states handling
7 preapproval issues. In Kansas, there is a preapproval
8 process.

9 Now, as I said earlier, they do not have a
10 formal IRP process, but when you do make a filing for a
11 preapproval, they do require analysis of the benefit of the
12 proposed project plan, and that has to be discussed in order
13 for the preapproval to be approved.

14 That is the end of my comments. And I'm open
15 for questions.

16 JUDGE WOODRUFF: Before we go to questions, I
17 want to handle one other matter. Staff's earlier filed
18 these documents -- the forecast capacity, the confidential
19 version and the public information version. I didn't mark
20 them as exhibits at that time.

21 And since they've been referenced again, I'll
22 go ahead and mark them. The highly confidential portion,
23 we'll call it Exhibit 2. And the public portion we'll call
24 Exhibit 3. And they will be received into the record.

25 (Exhibit Nos. 2 and 3 were marked for

1 identification and were received into the record.)

2 JUDGE WOODRUFF: Commissioner Jarrett, do you
3 have any questions?

4 COMMISSIONER JARRETT: I do not have any
5 questions. I thank you for addressing my previous
6 questions, and appreciate your testimony.

7 MR. OKENFUSS: Thank you, sir.

8 JUDGE WOODRUFF: And while we are talking
9 about the forms, I'll ask Staff to respond to the concern
10 that Mr. Okenfuss raised about whether public information
11 should not be public.

12 Mr. Rogers or Ms. Mantle.

13 MR. DORITY: Charles Locke is here.

14 JUDGE WOODRUFF: I'll let -- I'll come to him
15 in a little bit.

16 MS. MANTLE: If the companies believe that's
17 highly confidential, then it can be removed. That is one of
18 the reasons we wanted to supply it, so they could make
19 comments.

20 JUDGE WOODRUFF: Okay.

21 MS. MANTLE: We appreciate them doing that.

22 JUDGE WOODRUFF: And it was the --
23 Mr. Okenfuss, if you want to come forward again and tell me
24 again, which portions of that public form did you believe
25 should be not public?

1 MR. OKENFUSS: I'm sorry.

2 JUDGE WOODRUFF: Come on up here again. You
3 indicated a couple items on the public information portion
4 of what Staff submitted should not be public.

5 MR. OKENFUSS: Oh, yes.

6 JUDGE WOODRUFF: I just want to be clear on
7 what that was.

8 MR. OKENFUSS: Where we feel that we might be
9 giving competitive advantage to our counterparties would be
10 on the level of capacity reserves, the required capacity and
11 our excess and shortage capacity.

12 JUDGE WOODRUFF: So it would be the last
13 three items?

14 MR. OKENFUSS: Yes.

15 MS. MANTLE: If I may, Judge.

16 JUDGE WOODRUFF: Yes.

17 MS. MANTLE: I guess I would ask
18 Mr. Okenfuss -- of course, capacity reserves, percentage is
19 pretty well known. The other two can be calculated easily
20 from the four above.

21 I mean, what we trying to attempt to do was
22 give a public version. But, you know, we can be okay with
23 just a confidential version. I don't want information that
24 you guys don't want out there out.

25 So I would ask you to think about whether --

1 because you can so easily calculate those last three given
2 the first four, whether you even want this form out there.

3 MR. OKENFUSS: And let me re-confer with the
4 thought that the whole thing probably needs to be
5 confidential. But the last conversation I had with others
6 in our company, those three were the ones that were giving
7 us issues.

8 And I agree with you; yes, you can calculate
9 from the ones above. But I will reconfirm to see if
10 they're -- that the problem is with the whole filing -- or
11 with the whole sheet.

12 JUDGE WOODRUFF: Mr. Kind, you wanted to be
13 heard, also?

14 MR. KIND: Yeah. I just wanted to commend on
15 this. It's my understanding that some of this information
16 becomes publicly available from other sources, from filings
17 that the utilities make at FERC and at the regional
18 reliability organizations.

19 And I guess we would suggest as a process,
20 before deciding to make this information confidential --
21 which Public Counsel has no problem with -- if it's not
22 publicly available anywhere else, we would ask that -- we
23 would suggest that it probably be a good idea for the judge
24 to request that KCPL and potentially other utilities verify
25 that they are not making this information available in other

1 publicly available documents.

2 Because if they are, then it really becomes a
3 moot point to us. And I have a high degree of uncertainty
4 about that situation.

5 MR. OKENFUSS: And I'd like to address
6 that --

7 JUDGE WOODRUFF: Okay. Go ahead.

8 MR. OKENFUSS: -- particular point. There
9 are two filings in particular that I know that would address
10 these issues. One is the EIA 411 and the --

11 MR. KIND: Right.

12 MR. OKENFUSS: -- FERC 714.

13 MR. KIND: Yeah.

14 MR. OKENFUSS: I know at the EIA, generally
15 those are aggregated at the regional level. So when you see
16 NERC provide its energy supply and demand database, the
17 company information is washed out; all you can see is
18 information aggregated at SBP, so you can't get an
19 underlying utility. I'm fairly certain that the EIA is
20 safe.

21 The 714 I'm not, because I have seen where
22 individual corporate EIA -- or FERC 714 filings have been
23 posted online. And that's where I -- I would probably need
24 to look again for you.

25 MR. KIND: Thanks.

1 JUDGE WOODRUFF: All right. Mr. Locke, then,
2 for KCPL. And please tell us your name, please.

3 MR. LOCKE: My name is Charles Locke. I'm
4 the manager of regulatory affairs for Kansas City Power and
5 Light Company.

6 (Witness sworn.)

7 JUDGE WOODRUFF: Thank you, sir. What would
8 you like to tell us?

9 CHARLES LOCKE testifies as follows:

10 MR. LOCKE: First, I'd like to state,
11 regarding the transmission requirements in the rules,
12 particularly in 22.040 and 22.045, that KCP&L does not, in
13 general, have objections about the idea of transmission
14 elements and transmission costs being incorporated into the
15 review of supply-side options and considered.

16 Certainly, those are significant elements to
17 the total cost picture, so there is a need to address
18 transmission elements and transmission costs. I think our
19 issues are with regard to how those particular -- that
20 particular analysis was described in the proposed rules.

21 I would also like to make one correction to
22 our filed written comments, if I could. On Page 6 of KCPL's
23 filed written comments, there is an item in the middle of
24 the page enumerated Number 1.

25 Currently, it states, Include a reference to

1 the RTO (or other applicable transmission planning authority
2 if the goal is to couch the rules in a flexible manner)
3 along with the utility whenever transmission planning
4 requirements are addressed.

5 The change I would propose making is to
6 strike that sentence beginning with the word "whenever"
7 through the end of the sentence, and substitute the words
8 "in a more consistent manner, in conjunction with
9 transmission planning requirements."

10 And the key element there is to eliminate the
11 word "whenever," because that really would be overly
12 prescriptive and -- or overly detailed.

13 And so what we really need is simply the idea
14 that the references to the RTO would be treated in a more
15 consistent manner throughout the document and not simply
16 referenced in specific pages -- or specific locations.

17 So with that change to our written comments,
18 they stand as submitted.

19 I would like to clarify -- or, I guess, to
20 illustrate some of the points we made in our written
21 comments. I would like to point out examples of areas of
22 the rules where we see an issue. This will not be an
23 exhaustive list. Time doesn't permit that.

24 But we would like to at least provide a few
25 examples of how we see the rules problematic with regard to

1 the way the utility operates in a regional transmission
2 organization.

3 The first example is with regard to Section
4 22.040, Subsection 4-C. It states there, Utilities shall
5 include the cost of interconnection and any other
6 transmission requirements in addition to the utility costs
7 and probable environmental costs in the cost of supply-side
8 candidate resource options advanced for purposes of
9 developing the alternative resource plans required by -- and
10 then it gives a reference.

11 Essentially, the concern there is that it
12 refers to cost and not really an estimated cost. The cost
13 is not certain. It does state in that sentence that the
14 environmental cost is probable.

15 In other words, the sentence implies that
16 there is a probabilistic distribution around the
17 environmental costs. It does not do that with regard to the
18 other costs, including the transmission cost.

19 And the reality is that in an RTO
20 environment -- or actually, in any planning environment
21 where we're looking at long-term plans, but particularly in
22 the context of an RTO, when the RTO has the functional
23 responsibility for the transmission system.

24 In that context, there definitely is a high
25 level of uncertainty related to the transmission cost. And

1 so that sentence should be amended to reflect the
2 uncertainty of those costs.

3 The estimates that can be developed in that
4 context would rough guesstimates only. To be able to firm
5 up such costs, we would need an agreement -- a service
6 agreement from the RTO, such as a generation interconnection
7 agreement or a transmission service agreement.

8 And those are lengthy processes, to establish
9 such agreements. So in the absence of that, without the
10 cost being locked down, the best the utility could do is
11 make a rough guesstimate of what it thought the costs
12 should -- would be, but that would be subject to a high
13 degree of uncertainty.

14 To find another example, looking at the
15 proposed rules, Section 22.045, Subsection 1-C, it discusses
16 the utility assessing transmission upgrades needed to
17 purchase or sell -- essentially, transmission upgrades
18 needed to purchase or sell power, is the way I take that.

19 Essentially, in the context of an RTO, the
20 RTO is responsible for determining what upgrades can or
21 should be built. The RTO has the primary planning
22 responsibility. The utility has a local planning function,
23 but that local planning function has to fit within the
24 overall context of the RTO's planning.

25 And so, really, it would not be feasible for

1 the RTO simply to unilaterally decide it will build an
2 upgrade to facilitate purchase or sales without running that
3 through the RTO's planning process. So that's a key
4 element.

5 The utility can sponsor upgrades within the
6 RTO. And that is, the utility would foot the bill -- the
7 entire bill for those upgrades.

8 But -- and they -- if the utility were to do
9 that, that would be costs born by the local utility and the
10 ratepayers of that utility, and thus there would be a
11 significant risk of free ridership by other transmission
12 customers in the RTO. So that needs to be qualified.

13 The same point could be made with regard to
14 subsection 1-D where it mentions advanced transmission
15 technologies being analyzed by the utility. Again, the only
16 way the utility can unilaterally decide to implement such
17 technologies -- excuse me -- is to work within the context
18 of the RTO and the RTO's planning function.

19 Sponsorship is possible by the local utility,
20 but again, that's a cost born by local ratepayers. So
21 there's a risk there.

22 So those sorts of concerns, I think, need to
23 be addressed. I don't think it would take a great deal of
24 modification of the language, but those are the kind of
25 concerns that need to be addressed with further

1 modifications to the rules.

2 Another example, Rule 22.045, Section 3 --
3 subsection 4, it says that, The utility and the regional
4 transmission organization to which it belongs both
5 participate in the process for planning transmission
6 upgrades.

7 I think what that does is vastly understate
8 the RTO's role in that. When it's a -- when it says, "both
9 participate," actually, the reality is that the RTO has the
10 primary burden for the planning and the utility has a
11 secondary role for its local area.

12 And even those -- even the planning done by
13 the -- by the utility in the secondary role, dealing with
14 local issues, still has to fit within the context of the
15 overall responsibilities of the RTO to maintain reliability
16 and to provide service across its network.

17 So that language would need modification to
18 reflect the primary role of the RTO and its function in
19 controlling the net -- transmission network.

20 Another example, 22.045, Section 3-B, it
21 says, The utility reviews the RTO transmission expansion
22 plans each year to assess whether the RTO transmission
23 expansion plans, in the judgement of the utility
24 decision-makers, are in the interest of the utility's
25 customers.

1 Certainly, that can be done each year;
2 however, I would suggest that that -- that's quite a bit of
3 overkill in that the cost/benefit equation related to --
4 each transmission expansion plan produced by the RTO can
5 vary from year to year, substantially.

6 In one year, it can be at a net deficit
7 position, and in another year it can be at a net advantage
8 position. And so to look at it on an every-year basis
9 probably is far too frequent.

10 So it really -- really, the best way to look
11 at that issue is over a number of years and over several
12 transmission expansion plan cycles. And so, that -- I would
13 suggest that that language should be modified to soften that
14 requirement.

15 In 22.045 3-B, Subsection D, there are --
16 there is a list from one to six of different types of
17 transmission upgrades that the utility would be expected to
18 provide to document its resource plan.

19 And what needs to be done is to qualify
20 that -- at a minimum, to qualify it, because utilities
21 certainly will not know in advance what specific list of
22 upgrades will be needed for generation interconnection or
23 for transmission service over the long-term.

24 Until -- again, until a generation
25 interconnection agreement is in hand, or transmission

1 service agreement is in hand, that sort of information
2 cannot be known. So those lists that may be developed there
3 would be rough guesstimates, at best. And there's a high
4 level of uncertainty related to that.

5 Then, finally, the last example I'll cite is
6 in 22.045, Section 4-A. It says, The utility shall develop
7 and describe and document plans for transmission upgrades to
8 incorporate advanced transmission technologies as necessary
9 to optimize the investment in advanced transmission
10 technologies.

11 The idea of optimizing investment in
12 transmission technologies, when in fact the regional
13 transmission -- the regional transmission organization is
14 responsible for planning doesn't fit well. The utility
15 really is not in a position to optimize that investment.

16 Certainly, projects can be proposed. Those
17 types of investments can be proposed to the RTO, but
18 ultimately the RTO would be overseeing that. And an
19 optimization at the local utility level really is not
20 feasible.

21 And the same actually would apply to
22 subsection C there, where it also refers to optimization of
23 investment, investment in transmission technologies.

24 So those are just a few examples. Again,
25 that's not a comprehensive list. But these are the sorts of

1 changes that -- modifications that I think are needed in
2 order to fit these proposed rules within the context of a
3 regional transmission organization.

4 The implication here, in reading these --
5 even though the words "regional transmission organization"
6 have been inserted in selected places, the overall
7 impression is that utility has a high degree of control over
8 what it does in the transmission arena, and I think that
9 doesn't really reflect the current reality in the electric
10 industry.

11 JUDGE WOODRUFF: Thank you, Mr. Locke.

12 MR. LOCKE: Certainly.

13 JUDGE WOODRUFF: Commissioner Jarrett?

14 COMMISSIONER JARRETT: Appreciate your
15 comments. I think they're well taken, Mr. Locke. I'll
16 defer. I don't know if Commissioner Davis is still online
17 and watching. I know he has great interest in transmission
18 issues, especially at the SPP. So I'll see if he has any
19 questions.

20 JUDGE WOODRUFF: He is there, but he has not
21 asked any questions of Mr. Locke.

22 All right. Thank you.

23 MR. DORITY: Thank you, Judge. That's all we
24 have.

25 JUDGE WOODRUFF: Okay. Let's go to Ameren

1 Missouri, then.

2 Before we go to Ameren, Commissioner Davis
3 did send some questions for Mr. Locke.

4 So Mr. Locke, if you'll come on back up here.

5 Thank you for coming back up --

6 MR. LOCKE: Okay.

7 JUDGE WOODRUFF: -- Mr. Locke.

8 I'll just go ahead and read the
9 commissioner's question.

10 Mr. Locke, do you recall anyone from KCP&L
11 ever representing to the regional state committee for SPP or
12 SPP itself that the numerical estimates they provided for
13 the cost benefit analysis used to judge priority projects
14 were -- how did you characterize it? Highly volatile? Did
15 you get the question?

16 MR. LOCKE: I believe I got the question.

17 I was not in attendance at the regional state
18 committee meetings, so I'm not sure how the KCPL
19 representative may have represented those estimates.

20 JUDGE WOODRUFF: And do you know if any such
21 representation was ever put into writing?

22 MR. LOCKE: I do not know if they were put
23 into writing.

24 JUDGE WOODRUFF: All right.

25 MR. LOCKE: There are minutes of meetings

1 taken. Whether or not those specific comments would have
2 put into writing, I really -- I'm not aware.

3 JUDGE WOODRUFF: And are those minutes
4 publicly available?

5 MR. LOCKE: The NERC minutes would be
6 publicly available.

7 JUDGE WOODRUFF: Okay.

8 MR. LOCKE: Mr. McKinnie's agreeing with
9 that.

10 JUDGE WOODRUFF: Okay. His other question
11 is: The RTO is the planning entity, but it's my impression
12 that that planning process is driven by the member
13 transmission owners' proposed projects, and then SPP either
14 accepts or rejects them. Please respond.

15 MR. LOCKE: It is true that member
16 transmission owners do propose projects. That is true.
17 It's also true that other entities -- independent power
18 producers, transmission customers -- many other entities can
19 propose projects they see as beneficial.

20 So all stakeholders in the RTO process in the
21 southwest power pool can propose projects. And then those
22 project proposals are run through the evaluation process
23 that SPP has, which is currently rapidly evolving and being
24 improved as we move forward.

25 Some significant developments are taking

1 place with regard to SPP's planning processes in that the
2 cost estimations that are made for projects and issues
3 dealing with what may be characterized as cost overruns,
4 those -- those types of issues are being addressed at the
5 initiation of the regional state committee.

6 The strategic planning committee of SPP has
7 made some proposals along those lines. And discussion is
8 taking place at the strategic planning committee. And I
9 think some healthy developments are taking place there.

10 KCPL is fully in support of the idea that
11 there should be more structure around the estimation
12 process, and that such issues do need to be addressed more
13 explicitly and with more oversight and control.

14 JUDGE WOODRUFF: Thank you, sir.

15 And we'll move once again to Ameren.

16 Mr. Dottheim?

17 MR. DOTTHEIM: Judge Woodruff, you were
18 probably going to address this, so pardon me. But
19 Mr. Okenfuss was going to check on certain information,
20 whether it's public or not.

21 I don't know if there would be some provision
22 for him to provide that information and get it into the
23 record in some manner, or whether he actually was going to
24 be able to do that before the record closed this morning or
25 this afternoon, or --

1 JUDGE WOODRUFF: The record for this -- will
2 make -- we'll have to close at the end of the day.

3 So Mr. Okenfuss, if you can get something in
4 before the end -- close of the hearing would be best. I'm
5 not sure what you can do.

6 MR. OKENFUSS: The -- would this be the --

7 JUDGE WOODRUFF: Why don't you come forward.
8 I can't -- I -- we can't hear you back there.

9 MR. OKENFUSS: Sorry about that. In light of
10 the fact that obviously you can calculate what -- the
11 information that we have concern over, we would just
12 respectfully submit that that entire document should be HC.

13 JUDGE WOODRUFF: Okay. Thank you.

14 Before I go on to Ameren, Commissioner Davis
15 is sending one more e-mail. And I'm not sure this is a
16 question that needs to be answered right now. But it is
17 addressed to Mr. Locke.

18 He states, Your company was \$100 million off
19 on a project estimated to cost 300 million. You don't have
20 to provide it as part of this record, but KCPL needs to
21 provide PSC with an explanation of the cost overruns.

22 MR. LOCKE: Do I need to --

23 JUDGE WOODRUFF: You can address that if you
24 like.

25 MR. LOCKE: My understanding is that KCPL has

1 informally provided the PSC Staff with information
2 documenting the process by which the revised estimated was
3 derived. So I believe that information was provided along
4 those lines.

5 I'm not sure that we've heard back with any
6 further set of questions along those lines. But we -- we
7 are attempting to -- or have attempted to document the
8 process utilized to develop the revised estimate.

9 JUDGE WOODRUFF: Okay. Thank you, sir.

10 we'll try for Ameren again.

11 MS. TATRO: I have a suggestion on the form,
12 and then I have one comment, and then I'm going to turn it
13 over to our managing supervisor of resource planning for
14 Ameren Services.

15 JUDGE WOODRUFF: Do you want to be sworn,
16 or --

17 MS. TATRO: Do I need to be sworn? I can.

18 JUDGE WOODRUFF: well, if you're going to be
19 providing --

20 MS. TATRO: Yes.

21 JUDGE WOODRUFF: -- comments, I guess you
22 should be.

23 MS. TATRO: Let's go ahead.

24 (Witness sworn.)

25 JUDGE WOODRUFF: Thank you. And you need to

1 identify yourself.

2 WENDY TATRO testifies as follows:

3 MS. TATRO: My name is Wendy Tatro. That's
4 T-a-t-r-o. I'm an attorney for Ameren Missouri, 1901
5 Chouteau Avenue, St. Louis, Missouri 63103.

6 I had -- I wanted to very briefly provide one
7 suggestion on the form that we've just been discussing,
8 about whether it should be confidential or not confidential.

9 And respectfully, I don't think the
10 Commission has to make a determination for the rule that the
11 entire thing should or shouldn't be confidential.

12 Obviously, when we make our filings, we go
13 through and any information that we determine needs to be
14 confidential, we label it as such.

15 And so each utility could look at the form
16 and decide that it should or shouldn't be public or
17 confidential, depending upon whether it's already available
18 somewhere else, those types of things.

19 So the Commission doesn't have to decide
20 today or in this rulemaking everything on here should be
21 public or everything on here should be highly confidential.

22 They could just provide the form, and then
23 the utility will file it as is appropriate. So that might
24 be a way to not have to make that resolution today.

25 JUDGE WOODRUFF: Thank you.

1 MS. TATRO: My one comment is on Commissioner
2 Davis filed comments on the transmission planning and --
3 requesting information about transmission contemplated by an
4 affiliate of a regulated utility.

5 I believe Staff had a comment. That would
6 have been I think their fourth comment on Page 3 of the
7 comment attachment.

8 Ameren Missouri believes and understands the
9 need for information. To the extent that that's allowed by
10 law, then the company certainly would support that, but it
11 needs to be something that's within the jurisdiction of the
12 Commission.

13 And that's my only comment on that aspect. I
14 would turn it over to Matt Michaels to talk about the
15 substance.

16 JUDGE WOODRUFF: And if you could identify
17 yourself, please.

18 MR. MICHAELS: My name is Matt Michaels. I'm
19 managing supervisor of resource planning for Ameren
20 Services, 1901 Chouteau Avenue, St. Louis, Missouri 63103.

21 JUDGE WOODRUFF: All right. If you'd raise
22 your right hand, I'll swear you in.

23 (Witness sworn.)

24 JUDGE WOODRUFF: Thank you.

25 MATT MICHAELS testifies as follows:

1 MR. MICHAELS: I've just got a few comments.
2 I'll try to be brief since I know I'm standing in the way of
3 lunch.

4 First of all, I'd like to thank Staff for all
5 of the work they've done specifically on eliminating areas
6 of prescriptiveness around how things are done.

7 That was something that during the workshop
8 process we were very much interested in, and we really thank
9 the Staff for listening that, taking it to heart and doing
10 what they can to allow some flexibility in how those things
11 are done, without having to go through the waiver process.

12 I also look forward to the upcoming workshops
13 on discussing methods that Mr. Rogers mentioned earlier.
14 And actually, I can't help but think that it would have been
15 nice to have those kinds of discussions before we got into
16 deciding what the rules are and maybe would have gotten a
17 better result.

18 Second point is, I would like to support what
19 Lena Mantle said earlier on deficiencies and how -- you
20 know, just because something isn't quite right doesn't quite
21 make it to checking the box.

22 That's not a problem. You don't want to have
23 that over and over. But there is a tendency sometimes that
24 if there are deficiencies, it's seen as the entire plan is
25 bad.

1 That's actually something that we were trying
2 to get to as part of the MEEIA rule to get to focus on the
3 result and say, you know, There may be issues that you want
4 to resolve to help firm up some of the process areas around
5 the analysis, but really focusing on the result would allow
6 you to say, Okay, even if you have some little problems here
7 and there, you know, the end result seems reasonable.

8 That gets to the whole area of
9 acknowledgement, which we filed in our written comments, so
10 I won't go into that.

11 Regarding the definitions of deficiencies, we
12 think what's in the current rule is fine for the way the
13 rule is crafted and focusing on looking at the process that
14 the utility went through.

15 Obviously, if we were in a different
16 situation and had a rule more like what MEDA had proposed,
17 we'd want different definitions for deficiency and concern
18 that matched the focus on the plan result rather than on the
19 process. But for the way that this rule is crafted, those
20 definitions are fine.

21 Other parties have suggested changes to those
22 definitions or elaborations on those definitions. I don't
23 believe those are necessary.

24 The proposal that DNR made around adding
25 maybe different flavors of deficiency, while I don't think

1 that needs to be in the rule, we would welcome elaboration
2 in the parties' comments about the extent to which they
3 believe a deficiency is serious or where it is focused,
4 whether it's methodological or whether it's just something
5 was missed.

6 Regarding the inclusion of suggested remedies
7 and work papers to support those, OPC included in their
8 filed comments a concern about that.

9 Let me just say that I believe that most of
10 the parties are pretty good about saying, If there is
11 something wrong, here is something that you could do to fix
12 it. I don't think that's a big additional requirement on
13 their part. I believe it helps the Commission in making
14 their determination of what is or isn't a deficiency.

15 And I think including it in the rule also
16 helps to establish some minimum standards that perhaps other
17 parties that aren't as familiar with the process can meet to
18 make it better and to provide suggestions to help improve
19 the utility's process as they move forward.

20 Next, on the -- I'd like to support the
21 comments that Mr. Rogers made earlier about the relationship
22 between the MEEIA and the IRP rules. I think the IRP must
23 be the place where all resources are considered. If it's
24 not, I'm not sure how valuable the IRP process would even
25 be.

1 Regarding the T&D rules, I'm -- I think it's
2 unfortunate that circumstances have led us to see that
3 there's much more need for these kinds of rules than maybe
4 we were thinking before.

5 But there are a couple of items in particular
6 that I would like to suggest as additions to the language,
7 to help clarify some things.

8 In the current version of the rules,
9 in 22.040, Subsection 7, there is language that states -- if
10 I can find it -- This provision shall not be construed to
11 require a detailed line-by-line analysis of the transmission
12 and distribution system, but is intended to require the
13 utility to identify and analyze opportunities for efficiency
14 improvements.

15 I think that language would be helpful to
16 insert into 22.045 -- I've got to find where I thought -- I
17 believe it's Subsection 1-A. That helps to ensure that
18 we're not going out and doing far more analysis than is
19 really needed.

20 And then the second item is under 22.045,
21 subsection 1-D. I would propose that after this language
22 that's in the rule "incorporate advanced transmission
23 distribution network technologies," that we insert the
24 language "that are commercially available and field-tested
25 at the time of filing."

1 To sum up and to echo some of the written
2 comments that we filed, we still believe that a less
3 prescriptive, more results-oriented rule would provide the
4 opportunity for better planning for Missouri, better
5 discussion of energy policy, and greater success in gaining
6 energy independence for the state.

7 So I'm disappointed that we weren't able to
8 get to that. I understand some of the concerns as to why we
9 didn't. I would like to thank the other utilities for their
10 participation in the development of the MEDA proposed rule.

11 As was stated earlier, that rule would
12 represent a -- sort of a middle ground between some of the
13 other rules that we see in other states and the rule that we
14 have in Missouri. But again, I understand -- I understand
15 some of the concerns.

16 In the end, with this rule, the question is:
17 Can we do it? We can, and we will. We have concerns about
18 how much the process can get in the way of getting to a good
19 result. But in the end, we will do it.

20 To that end, in our 2011 IRP that we will be
21 filing next month, we are trying to incorporate additional
22 aspects into our filing that we would believe would move us
23 toward meeting some of the new requirements that have been
24 proposed in this proposed rule, partially as a test to see,
25 would this satisfy the new requirements, but also in an

1 effort toward continual improvement of our planning process.

2 with that, that's the end of my remarks.

3 JUDGE WOODRUFF: Commissioner Jarrett; then
4 Commissioner Davis has sent some questions, also.

5 COMMISSIONER JARRETT: Yeah. I just have the
6 one question. Do you have any experience with the IRP
7 process in other states?

8 MR. MICHAELS: I don't.

9 COMMISSIONER JARRETT: Okay. Thank you.

10 JUDGE WOODRUFF: All right. Commissioner
11 Davis has asked several more questions here that I'll go
12 ahead and ask. Some of them are directed at Ameren; some
13 directed at Staff; and some just directed to the audience in
14 general.

15 This first question is addressed to KCPL,
16 Ameren and Empire, and the utilities in general.

17 You indicate you've all argued for less
18 restricted rules saying, in essence, that we need to focus
19 on the outcomes; and then we can work out the details up
20 front in each and every IRP case.

21 His questions are, number one: For the
22 utilities, do you understand that we have a limited number
23 of employees, and a limited budget, to do all the work,
24 which includes analyzing the rate requests, fuel adjustment
25 surcharges, IRPs, et cetera; and it appears very redundant

1 and not an efficient use of resources to force those staff
2 members to meet with every electric utility to hash out all
3 these issues prior to their IRP filing?

4 Do you have a response to that?

5 MR. MICHAELS: Since I'm here, I can go ahead
6 and answer the question.

7 JUDGE WOODRUFF: Okay.

8 MR. MICHAELS: Yes. We understand that. We
9 understand resource constraints. Everybody has to deal with
10 them. And we believe that because of the history of IRP in
11 Missouri, and because of where we're at -- Lena Mantle, for
12 one, talked about all the experience that both the utilities
13 and all the other involved parties have had over the past
14 few years, since the IRP rules were reinstated. And it
15 gives us a good starting point. It doesn't mean that we'd
16 have to start from scratch.

17 I think it was also mentioned, perhaps by
18 somebody else, earlier -- actually, I think Mr. Lumley
19 mentioned it -- it gives a good starting basis for where we
20 can proceed.

21 But that said, if we were to dial back the
22 rule to something that was less prescriptive, we wouldn't
23 just forget about all of that stuff.

24 It would be a good starting point from which
25 we could build and alter and improve as we go, instead of

1 putting it all in the rule at once and then maybe having to
2 revisit it again when my kids are teenagers.

3 JUDGE WOODRUFF: Okay. Any of the other
4 utilities want to respond?

5 The next question, then, is again for Ameren
6 Missouri, John Rogers or anyone else who wants to chime in.

7 The PSC is currently spending approximately
8 \$250,000 to have KEMA -- K-E-M-A -- Consulting perform a
9 study on Missouri statewide DSM potential. Through this
10 process so far, both Ameren and I have raised numerous
11 concerns about KEMA's methodologies and assumptions.

12 Mistakes in KEMA's calculations have been
13 discovered, and they have been forced to rerun their
14 analysis.

15 Doesn't the whole process of trying to ensure
16 the KEMA study is actually a valid study illustrate the
17 precise reason why prescriptive rules regarding
18 methodologies and assumptions are absolutely necessary to
19 prevent the type of conduct KEMA has displayed in performing
20 their statewide DSM study for the Missouri PSC response.

21 MR. MICHAELS: I don't know that it does. I
22 mean, we're talking about a one-time engagement versus an
23 ongoing obligation. And that's the main difference I see,
24 to begin with.

25 JUDGE WOODRUFF: Anyone else wish to respond?

1 Mr. Rogers?

2 Mr. Tarter, you can come forward.

3 MR. TARTER: I was going to respond to the
4 previous question.

5 JUDGE WOODRUFF: All right. Go ahead.

6 MR. TARTER: Todd Tarter, Empire District.
7 As far as -- you know, we do realize that there are
8 limitations on resources and stakeholders' time and the
9 ability to do stakeholder process.

10 But I think that we've -- we've talked about
11 we want a stakeholder involvement in the IRP process. And
12 we've also -- I think, both rules that MEDA put out and the
13 proposed rule that's been published is -- has a
14 pre-integration workshop, and they also have annual
15 workshops, and also working on contemporary issues.

16 So I think that's already things built in
17 there that are built in to have the stakeholder involvement
18 and could limit the prescriptiveness.

19 Thank you.

20 JUDGE WOODRUFF: His third question is for
21 all the utilities. Is acknowledgment concept a preferred
22 resource plan sufficient for the purposes of this rule?

23 Does anyone want to respond to that?

24 MS. TATRO: Could you state the question
25 again?

1 JUDGE WOODRUFF: All right.

2 Is acknowledgement as a concept for a
3 preferred resource plan sufficient for the purposes of this
4 rule?

5 MR. OKENFUSS: Jim Okenfuss, Kansas City
6 Power and Light.

7 Our envisioning was we -- we don't know
8 exactly what the definition of the acknowledgement concept
9 would be. Initially, that was kind of put forth in the
10 Department of Natural Resources.

11 But at least it is a concept that at least
12 says that the Commission has looked at and has -- though not
13 approved it, acknowledged that it is actually a plan, or to
14 at least have acknowledged that the executive team of the
15 company has attested that it is the plan.

16 So at least they have acknowledged that the
17 attestation has been done. Something just beyond saying,
18 You have followed the requirements and checked the boxes of
19 Rule 22.

20 JUDGE WOODRUFF: Okay. And then Commissioner
21 Davis had one question for Ms. Tatro.

22 MS. TATRO: I was just going to say that in
23 the MEDA rule there's a definition of acknowledgement that I
24 think does go a long way towards -- I mean, by necessity,
25 though, means that you have to kind of look at the plan a

1 little bit.

2 So the process focus changes a little bit
3 when you do that, because you have to have the
4 acknowledgment that there's some presumption that what the
5 utility plan sets forth makes sense at the time.

6 JUDGE WOODRUFF: Okay.

7 MS. TATRO: So if the Commission wanted to
8 adopt that definition, they could find one in the MEDA rule.

9 JUDGE WOODRUFF: And Ms. Tatro --

10 MS. TATRO: Yes.

11 JUDGE WOODRUFF: -- the commissioner has one
12 question for you, also.

13 MS. TATRO: Yes.

14 JUDGE WOODRUFF: His question is: would it
15 be lawful for the Commission to make Ameren Missouri's
16 continued membership in MISO contingent on Ameren affiliates
17 and MISO providing that information?

18 I'm not sure what commission he's asking
19 about. I assume it's related your comment.

20 MS. TATRO: Yeah. I think it depends -- I
21 was specifically referring to 393.140, Sub 12. I am not
22 sure the Commission -- I'd have to think about that one, but
23 I'm not sure the Commission can get the information through
24 another mechanism, if the -- their jurisdiction doesn't
25 allow them to get it directly. Now --

1 JUDGE WOODRUFF: Enlighten me. What
2 information are we talking about?

3 MS. TATRO: 393.140 (12) talks about
4 affiliates --

5 JUDGE WOODRUFF: Okay.

6 MS. TATRO: -- what information of affiliates
7 that the Commission --

8 JUDGE WOODRUFF: All right.

9 MS. TATRO: -- can get into.

10 JUDGE WOODRUFF: All right.

11 MS. TATRO: I guess I would just say, that's
12 the controlling authority.

13 JUDGE WOODRUFF: Okay.

14 I don't have anything else from Commissioner
15 Davis.

16 That's all the parties who prefiled comments.
17 Of course, you don't have to have filed comments in order to
18 comment at a public hearing.

19 So I'll just ask the members of the audience,
20 is there anyone else here who would like to offer any
21 comments?

22 I don't see anyone else raising their hands.

23 So with that, then, we are adjourned. Thank
24 you.

25 (The proceedings were adjourned.)

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; testimony of said witness was taken by me to the best of my ability and thereafter reduced to typewriting under my that I am neither counsel for, related to, nor employed by the parties to the action in which this deposition was taken, further, that I am not a relative or employee of any attorney counsel employed by the parties thereto, nor financially or otherwise interested in the outcome of the action.

Lisa M. Banks, CCR

<u>\$</u> \$100 119:18 \$250,000 130:8	1-A 126:17 1-C 110:15 1-D 111:14 126:21	109:4 126:9 22.045 48:14 53:7,21,24 107:12 110:15 112:2,20 113:15 114:6 126:16,20 22.080 55:23 56:13 22's 28:25 240-22.010 2:6 6:5 240-22.045 46:16 240-22.060 60:22 2nd 58:7	60:22 112:3 4)(b)(3 60:23 4)(b)(6 60:23 4,000 73:19 411 106:10 4-A 114:6 4-C 109:4
<u>0</u> 010 52:25 87:15,16 020 2:6 030 2:6 52:25 040 2:6 045 2:6 20:20 21:6 53:3,4 050 2:6 88:7 060 2:7 17:19 18:22 88:7 07 17:19 070 2:7 080 2:7 13:15 14:3 34:23	<u>2</u> 2 18:10,12 45:6 54:23 59:14,17 70:16,21 102:23,25 2(d 13:7 2(d)(5 21:6 20 18:11 21:25 2003 5:24 2004 50:9 2005 7:19 11:20 31:22,24 36:2 49:5 70:6 2006 65:2 2009 49:14 58:8,11 2010 27:25 44:23 45:9 58:21 2011 1:6 28:10 45:9 127:20 20th 7:19 86:3 20-year 11:8 22 1:11 2:5 5:3,9 6:10 8:22 19:17 22:5 23:5,8,10,14 ,16,17,20,21 24:4,11 25:3,9 26:3,10,11,1 5 27:9,22 28:1,3,7,16, 18,21 29:16,19,20 30:2,11 80:4,14 82:6,11 132:19 22.040 107:12	<u>3</u> 3 20:20 53:8,11,25 57:8 73:18 102:24,25 112:2 122:6 3(a)(6 21:13 3)(a)(3 24:9 3)(a)(4 53:7,21 3)(a)(6 53:24 300 119:19 35 35:15 386.610 6:13 386.660 6:10,12 393.135 44:5 45:17 393.140 133:21 134:3 393-1075 88:10,15 3-B 112:20 113:15 3d 5:23 3rd 61:4 72:18 87:12	<u>5</u> 5 56:9 <u>6</u> 6 1:6 18:24 21:7 54:2,23 107:22 614 78:25 63 35:3 63101 78:25 63103 121:5 122:20 64 35:3 <u>7</u> 7 126:9 705 78:25 70s 36:19 714 106:12,21,22 753 5:24
<u>1</u> 1 1:8 18:10,11 44:23 45:6 55:23 59:13 70:16,19 71:11,12 107:24 100 36:24 92:8 103 5:23 11:15 71:19 12 13:25 14:13 133:21 134:3 13 7:23 14 56:13 15 48:12 59:21 18 7:23 1901 121:4 122:20 1970s 67:4 1990s 49:18 1993 48:23 1995 5:2 1999 50:9		<u>4</u> 4 2:6 6:5 24:8 46:16	<u>8</u> 8,760 26:16,18 <u>9</u> 9th 58:8 <u>A</u> ability 131:9 135:7 able 10:16 12:8 19:8 73:22,25 74:6 76:15 83:7 110:4 118:24 127:7 absence 51:10 110:9 absolutely

130:18 accepts 117:14 accommodate 23:21 accomplish 28:23 29:12 84:18 accomplished 40:20 According 57:13 account 36:3 91:13 92:7,17 95:8 accountable 27:15 accurate 81:13 achievable 29:17,22,25 30:12,23,24 82:24 achieve 25:1 89:15 achieves 28:17 acknowledge 19:24 51:1 81:19 acknowledged 54:5 132:13,14,16 acknowledgeme nt 12:16 40:17 42:1,19 43:5,9 58:24 81:10 98:24 124:9 132:2,8,23 acknowledges 88:9 acknowledgmen t 40:21 42:5 59:7 69:24 79:12 131:21 133:4 acquire 16:19 across 112:16 Act 23:6,11	28:19,22 acted 32:4 action 57:13 135:9,12 actions 44:12 actively 89:16 activities 50:19 actual 90:15 actually 13:7 40:20 56:14 57:6,12 59:21 61:23 74:16 77:4,14 91:23 97:6 98:15 109:20 112:9 114:21 118:23 123:14 124:1 129:18 130:16 132:13 ad 9:2 80:13 Adam 19:5 21:8,17 53:23 add 42:15,17 72:22 75:19 82:2 added 6:4,11 29:24 82:24 89:12 adding 30:12,24 124:24 addition 39:17 49:12 59:14 99:10 100:13 109:6 additional 11:17 47:19 62:6 66:15 84:14 96:6 125:12 127:21 additions 126:6 address 6:20 38:18 40:9,14 42:14	43:2,4,17 47:15 59:22 60:20 61:11 63:1 64:22 80:9 106:5,9 107:17 118:18 119:23 addressed 4:11,12,22 5:8 20:17 60:17 71:3 108:4 111:23,25 118:4,12 119:17 128:15 addressing 19:23 60:18 62:19 103:5 adequate 37:16 101:19 adjourned 134:23,25 adjustment 93:5 128:24 adjustments 92:18 administrativ e 81:21 admit 52:13 61:8 86:6 admitted 55:4,11 adopt 57:9,12,16 61:5 74:18 133:8 adoption 5:2 advance 79:16 113:21 advanced 109:8 111:14 114:8,9 126:22 advantage 104:9 113:7 advantages 16:10 advocate 63:11,16 advocates	63:15 affairs 107:4 affiliate 5:19 53:12,17,18 122:4 affiliates 5:15,16 21:10 133:16 134:4,6 affordable 8:13,18 afternoon 118:25 against 5:9 43:22 agenda 58:7,14 aggregated 106:15,18 aggressive 88:7,14,20,2 3 ago 7:25 49:13 agreed 28:8 59:15 61:23 agreeing 82:3 117:8 agreement 55:14 110:5,6,7 113:25 114:1 agreements 70:10,12 110:9 ahead 2:24 3:10 14:13 39:25 40:10 46:12 69:20 71:21 102:22 106:7 116:8 120:23 128:12 129:5 131:5 air 36:19,24 Akron 101:11 allow 13:25 18:4 33:2 123:10 124:5 133:25 allowed 21:21
--	---	---	---

<p>91:11 122:9</p> <p>allowing 47:25</p> <p>already 4:3 14:2 20:17 21:6 41:15 46:12 48:4,10 49:16 52:18 56:17 57:25 59:1,10 60:17 62:3 121:17 131:16</p> <p>alter 129:25</p> <p>alterative 18:18</p> <p>alternative 10:11 17:17,20,22 18:4,5,9,15 24:7 26:5 27:8 70:25 71:1 80:17 82:17 88:18,20 93:3 109:9</p> <p>am 3:7 63:7 65:11 97:15 133:21 135:8,10</p> <p>amend 80:5</p> <p>amended 110:1</p> <p>amendments 2:9</p> <p>Ameren 4:17,21 5:1,5 6:3 13:24 17:10 38:23 41:19 57:7,8 58:25 59:17 60:12,14,18 95:23 115:25 116:2 118:15 119:14 120:10,14 121:4 122:8,19 128:12,16 130:5,10 133:15,16</p> <p>Ameren's 57:20 81:16</p>	<p>among 66:19</p> <p>amount 20:10 26:9 30:4 45:15 94:3</p> <p>analogize 44:20</p> <p>analogous 45:7</p> <p>analogy 11:7</p> <p>analyses 68:25</p> <p>analysis 8:25 9:2,14,16 10:7,8,9,10 11:12 18:22 19:12,15,16 20:20 21:10 24:23,24 26:3,7,12,14 ,15,20,21 28:13,25 29:1,2,3,9 30:5 34:16,17 51:4,7,12,15 ,17 52:1,8 60:2 62:5 66:21 69:4,6 70:18,20 88:5 89:11 92:19,21 96:9,14 102:11 107:20 116:13 124:5 126:11,18 130:14</p> <p>analyst 10:19</p> <p>analyze 25:10,18 89:11 94:8 126:13</p> <p>analyzed 111:15</p> <p>analyzes 26:12</p> <p>analyzing 128:24</p> <p>annual 59:5 60:2 131:14</p> <p>answer 21:18 22:6 31:17 39:23,25 54:17 62:10</p>	<p>67:1 129:6</p> <p>answered 119:16</p> <p>answering 39:4</p> <p>anybody 2:22 38:23 39:15 93:15</p> <p>anymore 36:16 79:18</p> <p>anyone 2:15 38:13 46:25 62:8 116:10 130:6,25 131:23 134:20,22</p> <p>anything 5:5 46:20 72:22 73:6,11 75:19 76:15 134:14</p> <p>anyway 46:13 64:17 81:20</p> <p>anywhere 19:9 105:22</p> <p>apologize 21:23 62:11</p> <p>Appeals 42:13</p> <p>appear 47:18</p> <p>appearing 96:2</p> <p>appears 6:8 53:8 128:25 135:5</p> <p>appliance 30:20</p> <p>appliances 30:19</p> <p>applicable 20:14 56:14 87:22 108:1</p> <p>application 39:18</p> <p>apply 81:7 100:18 114:21</p> <p>appreciate 7:2 38:21 39:2,4 46:14 47:18 62:17 64:6,24 69:13 78:18</p>	<p>86:14 95:10,17 103:6,21 115:14</p> <p>appreciates 64:12 87:6</p> <p>approach 28:9 50:20 59:10 67:12</p> <p>approaches 66:23</p> <p>appropriate 24:7 49:22 84:8,15 89:13 121:23</p> <p>approval 23:25 26:25 70:4 99:4</p> <p>approvals 79:14</p> <p>approve 77:22</p> <p>approved 32:2 84:11 102:13 132:13</p> <p>approximately 130:7</p> <p>April 44:23 45:8</p> <p>area 9:1 51:4 52:15 55:9,17 88:6 89:2 112:11 124:8</p> <p>areas 23:3 51:2 108:21 123:5 124:4</p> <p>arena 8:15 115:8</p> <p>aren't 12:12 16:4,6,9 125:17</p> <p>argued 128:17</p> <p>argument 3:19</p> <p>arguments 4:19,20 5:6,8,10 50:4</p> <p>arising 19:19</p> <p>Arkansas 33:12,15,22 34:4 38:19 63:4,6,15</p>
--	--	--	---

<p>64:19 65:1,5,6,9,1 6,18,21,25 66:2 73:15 75:25 76:4,25 77:8,9 Arkansas's 64:22 arrive 80:19 article 91:17,18,21 aside 98:23 aspect 92:15 98:18 122:13 aspects 127:22 assertion 23:16 24:7 80:11 assertions 24:3 assess 112:22 assessing 110:16 assessment 18:25 assets 27:4 associated 21:5 25:23 26:4 29:6 44:18 Association 37:13 assume 12:24 44:1 75:15 84:22 133:19 assumptions 130:11,18 assure 28:16 Atmos 5:22 attached 4:8,9 attachment 52:21 53:8 54:1,19 61:3 122:7 attempt 97:25 104:21 attempted 36:14 40:14</p>	<p>120:7 attempting 120:7 attendance 116:17 attention 46:15 attestation 132:17 attested 132:15 attorney 3:5,6 63:16 76:17 77:8,14 78:24 89:25 121:4 135:10 audience 128:13 134:19 authority 4:21,22,23 5:4 6:9 20:14 80:1 108:1 134:12 automatically 23:25 available 22:7 95:11 96:6 105:16,22,25 106:1 117:4,6 121:17 126:24 Avenue 121:5 122:20 avoid 10:5 avoided 9:15 10:6 26:9 36:11 aware 7:23 43:24 94:22,25 100:20 117:2 axis 11:24 <hr/>B<hr/>back-and-forth 97:4 background 39:22,23</p>	<p>bad 10:17 99:25 123:25 balance 11:25 13:10 68:11 92:7 93:19 98:7 99:16 balancing 92:15 Banks 1:20 135:3,15 base 88:24 95:14 based 12:20 64:20 68:18 88:14 89:17 basic 80:3 basically 72:19,25 77:8 102:3 basis 9:2 25:11 70:10 89:11 113:8 129:19 battles 94:7 become 40:23 41:1,13,17 82:19 becomes 105:16 106:2 becoming 42:3 98:18 begin 130:24 beginning 31:19 53:12 108:6 behalf 14:16 71:25 72:2 96:2 behind 85:22 belabor 6:1 69:17 belief 59:3 believe 4:13,20 5:3 8:3 11:1 14:5 33:1,4,19,20 34:3,6,18 37:2,7,15,17 18 38:2 41:18 43:19 46:16</p>	<p>57:11,24 59:12 60:17 61:20 64:18 71:23 89:4 95:9 103:16,24 116:16 120:3 122:5 124:23 125:3,9,13 126:17 127:2,22 129:10 believes 27:19 28:15 57:21 122:8 belongs 20:22 112:4 bench 62:8 64:17 beneficial 97:13 117:19 benefit 43:11 49:2 102:11 116:13 besides 80:23 best 26:17 27:2,8 28:6,13 50:21 51:6 75:6 93:13,16 98:7 110:10 113:10 114:3 119:4 135:6 better 34:18 37:3,23 38:20 39:1 48:21 54:10 55:17 63:21 123:17 125:18 127:4 beyond 57:20 80:12 86:11 92:13 95:13 132:17 bigger 16:17 big-picture 68:3 bill 111:6,7 bills 15:1 bind 79:11 bit 4:4 17:3 21:24 35:21</p>
--	--	---	---

<p>47:13 49:15 52:16 75:24 89:4 94:15 103:15 113:2 133:1,2</p> <p>boat 101:24</p> <p>bogged 94:7</p> <p>born 7:21 111:9,20</p> <p>bothered 15:24</p> <p>boundaries 88:17</p> <p>boundary 17:21 18:7</p> <p>bounds 18:2</p> <p>box 18:14,16 123:21</p> <p>boxes 132:18</p> <p>breadth 42:23</p> <p>break 71:17,18,20, 22</p> <p>Brenda 86:22 87:5</p> <p>brief 123:2</p> <p>briefly 93:17 121:6</p> <p>bring 85:11 98:9</p> <p>broad 70:10,11</p> <p>brought 98:21 100:11</p> <p>budget 16:6 128:23</p> <p>budgets 15:24</p> <p>build 50:17 70:20 111:1 129:25</p> <p>building 17:2 21:14,17 58:13</p> <p>built 21:16 54:3,4,8 110:21 131:16,17</p> <p>burden 40:19 42:4 112:10</p> <p>business</p>	<p>16:12 33:11,12 101:6</p> <p>business-as-usual 52:9</p> <p>businesses 16:12</p> <p>busy 61:8</p> <p>buy 10:23,24 100:2</p> <p>buyer 99:24</p> <hr/> <p>C</p> <hr/> <p>cadre 67:24</p> <p>calculate 9:15 10:6 105:1,8 119:10</p> <p>calculated 36:12 104:19</p> <p>calculations 130:12</p> <p>California 9:22</p> <p>candidate 13:11 89:9 109:8</p> <p>candidly 92:23</p> <p>Cap 39:12</p> <p>capacity 11:25 13:10 99:16,21,23 100:4 101:12,19 102:18 104:10,11,18</p> <p>capping 32:16</p> <p>care 15:8</p> <p>career 67:3 101:10</p> <p>careful 41:9</p> <p>Carl 89:25 90:4</p> <p>carved 81:12</p> <p>case 5:1,2,21 43:22 44:7,17,18 45:2 70:16 88:7 98:15</p>	<p>128:20</p> <p>cases 45:3 55:16 70:14 79:15 82:7 88:14 95:1</p> <p>catch 85:14</p> <p>catching 36:20</p> <p>cause 14:1</p> <p>causing 84:3</p> <p>caution 14:6</p> <p>CCR 1:20 135:3,15</p> <p>Center 15:12 23:12 24:5 78:24</p> <p>central 36:19</p> <p>certain 5:14 9:19 19:1,2 36:16 41:5 47:24 55:17 56:19 63:21 94:15 100:19 101:18,19 106:19 109:13 118:19</p> <p>certainly 42:25 50:7 60:11 93:4 95:11 107:16 113:1,21 114:16 115:12 122:10</p> <p>certainty 46:7</p> <p>CERTIFICATE 135:1</p> <p>certification 60:3</p> <p>certify 135:4</p> <p>cetera 5:17 128:25</p> <p>challenge 44:12 45:23 46:4</p> <p>champion 27:19</p> <p>chance 13:20 22:2 33:7</p>	<p>37:11 88:21</p> <p>change 13:25 17:17 18:3 19:19 31:25 53:7,11 54:5,10,11 55:15,16,23 60:19,22 81:14 91:7 92:16 108:5,17</p> <p>changed 7:21,24 14:19 20:25 54:6,8</p> <p>changes 19:3 24:3 32:6,8,11 48:14,15,17, 19 52:24,25 53:2,4,24 54:3,19,23,2 5 55:2,13,19,2 2 60:2,14,24 61:2,5 62:2 89:7 115:1 124:21 133:2</p> <p>changing 32:21 53:23 87:20</p> <p>Channel 91:20</p> <p>chapter 1:11 2:5 5:3,9 6:10,14 8:22 19:17 22:4 23:5,8,10,14 ,16,17,20,21 24:4,11 25:3,9 26:3,10,11,1 5 27:9,22 28:1,3,7,16, 18,21,25 29:16,19,20 30:2,11 52:22 80:4,14 82:6,11</p> <p>characterize 116:14</p> <p>characterized 65:13 118:3</p> <p>Charles 97:19 103:13</p>
--	--	---	--

107:3,9 check 118:19 checked 16:8 132:18 checking 92:21 123:21 checklist 9:9 checklists 11:16 chief 1:16 3:7 47:4 chime 130:6 choice 10:3,7 choose 10:5 24:18 68:24 chooses 10:1 choosing 25:14 chosen 88:21 Chouteau 121:5 122:20 circumstances 126:2 cite 5:12 49:5 114:5 cited 4:21,22,23 5:1,21 6:9 cites 5:5 City 1:7 14:16 44:21 45:4 96:2,9,15 107:4 132:5 clarification 88:2 clarify 56:2 108:19 126:7 clarity 48:6 52:21 class 14:19 15:2,3 16:10,24 17:5,15 classes 14:20,22 16:11,18,24 17:16 classificatio	n 16:21 17:1 clear 58:15 60:16 65:8 104:6 clearly 24:17 89:5 close 53:25 119:2,4 closed 118:24 coal 81:17 92:8,9 Coalition 79:1 code 16:21 codes 16:20 Coffee 15:11 16:16 coincide 100:25 collaborated 95:2 collaboration 90:20 Collaborative 52:5 combinations 51:21,22 combined 80:18 comes 37:21 51:16 63:14 97:12,20 comfortable 48:3 coming 58:18 80:3 116:5 commend 105:14 comment 2:13 3:20 4:3 43:10 48:13 57:19 60:12 83:9 89:12 98:9 120:12 122:1,5,6,7, 13 133:19 134:18 commented 57:3 82:14 commenter	4:13 commenters 4:16 42:25 43:9 46:23 commenting 92:20 comments 2:8,11,12,19 4:18 5:12,20 6:2,3,23 8:8 9:8 10:14 12:17,19,20 13:19,21,22 18:17 19:3,5,6,7 21:8 22:4,24 23:2,11 29:15 33:8,11 39:4 40:15,16 42:18,23 46:15 47:13,14,16 51:9 52:17,22 53:3,9 54:14,19,22, 24 56:8 57:7,8 58:25 59:16,17,20 60:13,14,15, 18,20 61:3,7,9,11, 12,13,15,16, 18,19,22,25 62:4,7,9,17, 19 63:3 64:12 66:17 72:2,16,17,1 9,24 79:13 80:10,15 82:3,4 84:22 85:1 87:11,12,13 88:16 89:7 90:7 91:4,17 92:19 93:25 95:9,19 96:6 97:14,15,16, 21 99:12,13 102:14 103:19 107:22,23 108:17,21 115:15 117:1 120:21 122:2 123:1 124:9 125:2,8,21	127:2 134:16,17,21 commercial 14:23 15:9,12 16:22 17:4,8,11 commercially 126:24 commission 1:1 3:7 5:18,23 7:10,18 8:7 11:23 12:8 13:24 14:8,14 17:14 21:15,19 22:17 24:12,18,22 27:13 29:11 36:4 39:10 40:16,22 41:11,14 42:5,20 44:20,25 45:25 46:1,8 49:4,23 54:21 57:9,12,16,2 5 58:7,15,20,2 1 61:4 67:15 72:15 74:17 79:11 84:11 90:18,21,24 91:2,13 94:23 95:3 97:15 100:20 121:10,19 122:12 125:13 132:12 133:7,15,18, 22,23 134:7 Commission- approved 27:16 commissioner 5:13 6:24 7:1 22:8,9,11 31:14,16,23 32:10,13,15, 19,23 33:2,6,10,15 ,20 34:2
--	--	--	---

35:1,10,12,1 4,16,20 36:5 37:5,10,15 38:13,16 39:5,6 43:17 45:11 46:7,10,19,2 1 48:13 62:15,16,18, 22,25 63:8,19 64:2,6,9,20, 23,25 65:4 66:4,6 67:19,25 68:14,17 69:10,13,17, 23 70:2,22 71:14 75:21,23 76:21 77:3,21,25 78:15,18 85:8,9,18,24 86:1,5,10,13 90:24 93:18 95:15,16,18 96:1 101:4 103:2,4 115:13,14,16 116:2 119:14 122:1 128:3,4,5,9, 10 132:20 133:11 134:14 commissioners 46:19 54:18 58:6 71:9 75:20 78:5 91:18 101:8 commissioner' s 40:1 116:9 COMMISSIONERS 1:17 Commission's 1:11 6:9 26:25 40:14,15 41:10 49:19 94:13 committee 116:11,18 118:5,6,8 common 83:1 93:5,23 95:7 commonly	14:22 companies 16:19 17:7 40:25 70:7 101:17 103:16 company 14:14,17,18 15:19 33:8 42:7 44:9,17 45:5,14 46:1 65:10 67:5 70:3 72:1,2,6 73:23 96:3,9 97:20 99:22 100:22,23,25 105:6 106:17 107:5 119:18 122:10 132:15 comparing 68:22 comparison 101:21,25 compensated 98:15 competitive 8:15 104:9 complete 74:5 completed 13:10 71:23 completely 18:6 42:16 complex 33:16 35:18 compliance 55:25 79:24 83:15 complicated 75:12 92:13 complimenting 62:19 comply 56:5 79:20 components 38:7,11 comprehensive 24:18 30:5 67:10,12 73:25 114:25 concept 58:25 131:21	132:2,8,11 concepts 60:1 62:1 concern 16:3 23:13 83:24 87:25 88:19 90:10 99:15,19 103:9 109:11 119:11 124:17 125:8 concerned 17:8 40:25 41:2 concerning 23:9 28:16 99:15,19 concerns 40:18 41:3,4,24 50:2 51:1,5 56:20 57:2,20 58:11 83:24 84:1 85:11 91:8,11 99:18 111:22,25 127:8,15,17 130:11 conclude 6:21 concludes 31:9 62:11 conclusion 54:16 conditioners 36:24 conditioning 36:19,20 conditions 16:13 25:25 32:21 conduct 29:21 130:19 conducted 101:4 conference 21:20 confidential 12:23,25 13:1,3,9 99:17 100:8 102:18,22	103:17 104:23 105:5,20 121:8,11,14, 17,21 conflict 86:12 congestion 21:11 conjunction 108:8 connect 20:6 Connection 52:5 consensus 79:17 consequence 5:7 consequences 9:3 79:21,22 consider 2:8 21:10 24:12 25:10 36:4,23 40:22 42:21 88:1 89:16,19 90:22 consideration 88:4 89:5 98:24 99:5 consideration s 25:18,22 considered 13:1,12 15:14 30:17 83:10,13 84:17 89:10 100:5 107:15 125:23 considering 39:13 considers 26:4 consistent 25:8 60:4 81:2,8,25 87:22 108:8,15 consistently 80:8 constitute
--	--	--	--

24:19 Constitution 92:4 constrain 25:20 constraints 129:9 construct 54:7 construction 5:16 59:13 70:17 construed 6:15 126:10 consultant 8:2 34:13 consultants 34:14 67:24 Consulting 130:8 consumer 63:11,15,16 91:25 consumption 100:6 contemplated 71:2 90:13 122:3 contemplates 39:9 contemporary 131:15 contender 82:18 context 109:22,24 110:4,19,24 111:17 112:14 115:2 contingent 133:16 continual 128:1 continue 89:17 continued 32:8 133:16 contrary 24:25 control 21:1	115:7 118:13 controlling 112:19 134:12 controversial 95:6 controversy 94:21 conversation 105:5 converting 30:19 cookie-cutter 98:1 Cooper 71:25 copies 13:18 71:9 copy 4:15,16 31:10 corporate 56:4 100:24 101:1 106:22 Corporation 5:23 correct 13:2 32:18 66:7 correction 107:21 cost 14:19 15:3 16:10,24 17:5,15 19:11,23,24 20:2,5 24:13,14,21 25:13,21 26:9,10 27:11 29:5,8,13 30:20 80:6,23 81:4 82:7,21 83:18 86:8 87:21 107:17 109:5,7,12,1 4,18,25 110:10 111:20 116:13 118:2,3 119:19,21 cost/benefit 113:3	cost-effective 23:18 24:20 25:2 26:8 27:6,21 28:23 29:12 84:10,13 cost-effectiveness 24:13,15 costly 75:15 costs 8:16 9:15 10:6 21:5 36:11 107:14,18 109:6,7,17,1 8 110:2,5,11 111:9 couch 20:15 108:2 counsel 2:16 3:8 29:17 41:4 43:12 47:2,5,14 48:14 49:13 50:15 52:18 54:24 55:15 57:3,11,21 60:10,13,21, 24 61:2 71:23 105:21 135:8,11 Counsel's 53:9 59:3 62:8 counterparties 100:1 104:9 counting 83:18 couple 52:23 59:11,16 62:16 64:3 104:3 126:5 course 5:18 50:23 54:16 58:19 60:5 70:9 104:18 134:17 court 1:20 5:21,24 42:13 46:5 71:17 covariant	51:12 92:20 cover 70:23 covered 4:11,13,23 68:20 covering 67:16 covers 52:22 craft 48:21 crafted 124:13,19 create 19:8 created 36:13 37:25 criteria 9:19 23:23 25:14 56:19 80:23 81:7 84:7,14 critical 8:14,19 19:1,2 20:7 25:18,23 29:6 69:5 criticizes 59:18 cross 68:19 CSR 2:6 6:5 46:16 60:22 CSR240-20.094 24:9 current 9:12 12:5 14:2 28:12 30:23 35:2,7 43:23 50:10 57:22 68:22 115:9 124:12 126:8 currently 52:4 99:13 107:25 117:23 130:7 customer 16:20,22 customers 9:25 14:24 15:12 16:18 29:5,14 37:1 38:2 50:13 67:7 73:17,18,20 111:12 112:25
---	--	--	--

<p>117:18 customer-sided 83:10,13 CWIP 44:6 cycle 74:3 78:9 cycles 113:12</p> <hr/> <p>D</p> <p>data 15:6,16 16:3,11 database 106:16 date 55:25 daughter 7:21,23 Davis 5:13 39:6 45:12 46:7,10 48:13 64:9 69:23 70:22 71:15 95:18 115:16 116:2 119:14 122:2 128:4,11 132:21 134:15 Davis's 43:17 62:19 69:17 70:2 day 94:23 100:15 119:2 day's 19:9 dba 79:1 deal 76:14 111:23 129:9 dealing 9:3 112:13 118:3 dealt 93:9,11,14 Dean 71:25 December 11:20 36:1 86:2,3 decide 14:8,9 16:22 27:8,11 41:11 111:1,16 121:16,19</p>	<p>decided 41:8 decides 91:3 deciding 105:20 123:16 decision 10:23 11:3 98:19,25 99:2,8 decisional 70:18,20 decision-makers 10:10 26:22 27:5,8,10,14 29:10 80:24 112:24 decision-making 42:8 90:15 decisions 29:12 decision-tree 10:9 defer 2:18 115:16 deficiencies 12:6,9,11 34:25 123:19,24 124:11 deficiency 83:4,8 124:17,25 125:3,14 deficient 34:4,11,12 deficit 113:6 define 11:23 84:9 definitely 109:24 definition 14:18 34:12 82:21 132:8,23 133:8 definitions 124:11,17,20 ,22 degree 93:20,21</p>	<p>94:21 106:3 110:13 115:7 delay 97:19 deleted 59:24 60:4 deletion 24:8,9 delivered 58:19 delivery 27:15 DeLong's 15:13 16:18 demand 30:4,6,8 106:16 demand-side 8:25 9:14,21,23 10:4,6 17:24 18:4 23:18,23 24:19,20,23 25:2,10 26:8,11,13,1 7,23 27:6,16,18 28:24 29:1,4,13,23 ,25 36:12 37:25 80:6,16,20 83:10,13,19 84:13,16 88:5,7,14 department 7:11 15:20,21 22:16 61:20 86:23 87:6 132:10 departments 93:10 Department's 87:14 depending 121:17 depends 133:20 deposition 135:5,9 deputy 3:7 derailed</p>	<p>91:11 derived 120:3 describe 18:25 114:7 described 50:5 107:20 design 15:7 despite 57:2 detail 68:2 84:25 91:22 97:22 100:9 detailed 108:12 126:11 details 43:2 128:19 deterioration 8:23 determination 27:6 44:4,7,8,16, 25 45:14 121:10 125:14 determination s 79:15 determine 24:19 26:7 29:4,21 121:13 determining 110:20 develop 9:14,18 10:2,4 76:23 90:21 114:6 120:8 developed 9:21 67:9 110:3 114:2 developing 30:7 109:9 development 19:24 37:12 97:24 127:10 developments 48:11 117:25 118:9 dial 129:21 Diego 67:5 difference</p>
---	--	---	--

<p>16:8 72:24 73:5,9 75:14 76:25 90:13 130:23</p> <p>differences 38:18 39:1 56:10,24 57:1,6 74:20,21 77:17</p> <p>different 11:7,14 16:1,2 18:11 19:18 38:24,25 43:6 51:21 66:23 72:16 80:23 81:18 85:12,13 91:23 97:8 113:16 124:15,17,25</p> <p>differently 16:13</p> <p>difficult 4:3 20:7</p> <p>difficulty 83:12</p> <p>direct 90:19</p> <p>directed 9:13 84:2 128:12,13</p> <p>direction 58:10,16 81:18 135:7</p> <p>directions 16:2</p> <p>directly 77:17 133:25</p> <p>director 65:9</p> <p>disadvantage 99:25</p> <p>disagree 9:10</p> <p>disagreement 82:22 94:15</p> <p>disappointed 127:7</p> <p>discovered 130:13</p> <p>discovery 91:20 94:7</p> <p>discuss 63:17</p>	<p>discussed 12:16 48:10 59:4 89:4 102:12</p> <p>discusses 110:15</p> <p>discussing 63:14 121:7 123:13</p> <p>discussion 6:1 39:19 49:21 58:23 59:1,7 89:1 97:3 118:7 127:5</p> <p>discussions 10:17 89:18 94:17,18 123:15</p> <p>displayed 130:19</p> <p>distinct 30:14</p> <p>distribution 109:16 126:12,23</p> <p>District 33:7 71:24 72:1,6 131:6</p> <p>dive 92:1</p> <p>Division 86:23</p> <p>DNR 17:17 28:11 61:13 82:10,12 124:24</p> <p>docket 45:1 46:2</p> <p>document 10:7 34:16 108:15 113:18 114:7 119:12 120:7</p> <p>documentation 10:13 38:11</p> <p>documented 80:13</p> <p>documenting 120:2</p> <p>documents 74:10 77:10,14 102:18 106:1</p>	<p>DOE 52:6</p> <p>Dogwood 18:17,21 40:7 41:15 51:8 61:13,20 62:4 89:23,25 90:7 92:20 95:12</p> <p>Dogwood's 40:13</p> <p>dollars 44:10,18</p> <p>done 9:2 14:10,13 16:7 19:16,17 21:6 58:2,4 78:7 80:7 82:25 84:19 94:4,15,21 99:11 112:12 113:1,19 123:5,6,11 132:17</p> <p>door 81:6</p> <p>Dority 95:25 96:1 103:13 115:23</p> <p>dot 68:19</p> <p>Dottheim 3:5,9 6:25 7:1 12:21 13:6,17 39:16,25 40:9 42:9,15 43:15 49:1 64:15 69:15 71:4,15 118:16</p> <p>D-o-t-t-h-e-i-m 3:5</p> <p>DOTTHEIM 2:20,25 3:4,12,15,18 23 4:1,5 6:23 7:3,6 40:2,5,11 43:16,24 44:2 45:18 64:16 69:16,21 118:17</p> <p>double 83:18</p>	<p>draft 37:11 79:19</p> <p>drafted 36:3</p> <p>dramatic 74:19,20</p> <p>drastic 86:7</p> <p>drawn-out 94:23 95:5</p> <p>driven 117:12</p> <p>driving 62:1</p> <p>DSIM 23:25</p> <p>DSM 27:11,12 88:23 130:9,20</p> <p>due 44:11,13 57:14 61:8</p> <p>duly 135:5</p> <p>during 30:17 50:9,15 58:14 65:1 67:3,8 74:23 123:7</p> <hr/> <p style="text-align: center;">E</p> <hr/> <p>earlier 44:21 47:15 66:17 68:21 72:23 73:14 74:13 75:7 87:18 89:4 102:9,17 123:13,19 125:21 127:11 129:18</p> <p>early 40:24 49:17</p> <p>earnings 50:19,20</p> <p>easier 12:10</p> <p>easily 5:8 104:19 105:1</p> <p>Eastern 52:4</p> <p>echo 62:18 127:1</p> <p>economic 15:16,17,22 16:13 25:25</p> <p>economist 47:5</p> <p>effect 7:22</p>
---	--	--	---

<p>32:3 35:24 44:4,16,25 45:24 46:8 effective 51:18 82:21 effectiveness 80:7,23 81:4 86:9 efficiency 15:20 23:6,10 28:18,22 81:22 126:13 efficient 6:6,16 25:5 27:21 30:20 129:1 effort 52:3 91:1 128:1 EIA 106:10,14,19 ,22 either 21:20 31:16 33:25 63:11 67:23 99:23 117:13 elaborate 47:13 elaboration 125:1 elaborations 124:22 electric 1:12 5:15 8:8,12,15,19 ,21,23 9:4,6 12:7 20:11 23:5 31:24 33:7 48:11,17 49:11 56:10,15,24 64:19 65:6,7 67:5,14 72:1,6 115:9 129:2 electricity 25:24 36:22 37:2 electronic 77:10 electronically 77:12</p>	<p>element 108:10 111:4 elements 107:14,16,18 eliminate 24:10 108:10 eliminating 123:5 elimination 30:1 else 37:20 46:20 75:19 93:15 105:22 121:18 129:18 130:6,25 134:14,20,22 e-mail 4:15 95:19 119:15 e-mailed 13:18 embrace 92:24 93:13 emphasis 10:15 50:19 emphasize 23:24 emphasizing 80:10 Empire 33:7,11 34:21,23 38:14 56:8,14 57:1 59:11 63:3 70:5,16 71:1,23 72:1,6,14 128:16 131:6 Empire's 38:18 employed 7:10 135:8,11 employee 135:10 employees 128:23 encourage 90:18 91:1,13,18 encouraging 93:2</p>	<p>energy 5:23 7:11 15:19,20 22:16 23:6,10 25:4 27:21 28:18,21 30:4,6,8 37:12 47:5 86:24 87:23 88:9,14 89:25 98:10 101:11 106:16 127:5,6 Energy's 15:21 engage 90:19 engagement 130:22 engineering 99:7 enhanced 41:6 enhancements 70:19 enhances 25:7 enjoy 91:19 Enlighten 134:1 ensure 8:11 126:17 130:15 ensuring 23:22 entered 70:11 entertain 64:17 entire 72:20 99:4 111:7 119:12 121:11 123:24 entirely 81:18 entities 45:22 56:4 100:15 117:17,18 entitled 12:23 49:10 entity 117:11 enumerated</p>	<p>107:24 environment 79:1 109:20 environmental 23:12 24:5 26:2 70:19 78:24 87:23 109:7,14,17 envisioning 132:7 EO 45:1 70:5 EPA 32:16 equally 5:8 equation 113:3 equivalent 25:11 89:11 especially 115:18 essence 128:18 essentially 74:6 109:11 110:17,19 establish 46:2 110:8 125:16 established 88:9,15 establishes 5:3 estimate 120:8 estimated 20:2 109:12 119:19 120:2 estimates 21:4 110:3 116:12,19 estimation 20:7 118:11 estimations 20:5 118:2 et 5:17 128:25 evaluate 20:4,8 94:3 evaluating 29:6 evaluation</p>
--	---	--	--

<p>69:5 117:22 event 49:6 events 40:12 Everybody 129:9 everyone 2:2 13:18 50:23 60:7 93:23 94:13 Everyone's 67:22 everything 32:8 94:4 121:20,21 every-year 113:8 evolve 32:8 evolving 48:16 117:23 ex 5:22 EX-2010-0252 22:25 EX-2010-0254 1:11 exact 19:10 exactly 36:11 48:6 81:12 100:1,25 101:21,24 132:8 examine 52:10 example 17:2 52:3 70:24 88:13 109:3 110:14 112:2,20 114:5 examples 12:2,3 108:21,25 114:24 except 97:16 excess 100:3 104:11 excited 92:25 exclusive 81:4 excuse 28:2 40:15 44:21 111:17</p>	<p>executive 132:14 exercise 9:10 81:22 exhaustive 108:23 exhibit 55:4,11 71:6,10,12 102:23,24,25 exhibits 102:20 exist 5:4 existing 47:23 48:22 58:13 75:10 79:20 expansion 112:21,23 113:4,12 expect 81:18 expectation 19:8,14,17 20:10 expected 25:21 29:5,13 48:7 94:6 113:17 experience 11:18 37:21 38:21 49:1,3 51:13,16 65:1 76:5 89:17 101:5 102:3 128:6 129:12 experiences 28:12 76:14 experimental 70:24 71:1 expertise 83:6 explain 37:9 explanation 119:21 explanatory 94:20 explication 6:12 explicit 79:13</p>	<p>explicitly 20:20 25:17 118:13 expressed 23:13 58:11 59:3 90:10 extent 48:1 122:9 125:2 extremely 93:12,22 99:24,25</p> <hr/> <p style="text-align: center;">F</p> <hr/> <p>facilitate 59:13 89:5 111:2 facilities 6:6,16 facility 70:21 fact 36:23 56:21 63:25 76:8 78:13 101:8 114:12 119:10 factors 18:20 19:1,2 25:24 29:7 69:4,5 80:25 fail 38:3 fails 84:18 failure 19:20 50:17 fair 43:2 101:21,25 fairly 70:13 106:19 familiar 37:11 63:5 64:18 65:11 74:22 84:21 125:17 fantastic 64:24 fast 92:10 favor 18:22 50:5 81:21 feared 12:12 feasible 110:25 114:20</p>	<p>feature 98:17 federal 32:16 92:4 feedback 77:18,20 78:12 feel 38:20 97:25 98:7,20 100:3 104:8 feels 98:6 felt 97:12 101:9,17 FERC 105:17 106:12,22 field-tested 126:24 file 1:11 12:8,9 22:25 37:20 72:17 73:11,25 74:6 76:22,24 77:1,10 100:16 121:23 filed 3:20 5:13 6:2,3 12:17 14:7 22:25 23:2,11 52:18 54:14 61:3,10 72:7,16 78:3 80:15 90:7 94:13 102:17 107:22,23 122:2 124:9 125:8 127:2 134:17 files 37:19 filing 8:22 11:20 13:7 14:1,2,11 34:25 36:1 43:22 44:22 46:1 55:25 56:1,3 70:3 73:10 74:2 77:5 81:18 87:11 97:23 99:20 100:8,14 101:16 102:10</p>
---	--	--	--

<p>105:10 126:25 127:21,22 129:3</p> <p>filings 12:10 34:24 55:24 56:18 59:5 60:3 70:5,7 100:16,21 105:16 106:9,22 121:12</p> <p>filled 12:25</p> <p>final 60:4 85:21 86:4</p> <p>finally 5:25 25:16 26:3,21 27:18,22 83:9 114:5</p> <p>financially 135:11</p> <p>finding 79:11</p> <p>fine 3:17,22 11:10 80:7 95:4 124:12,20</p> <p>finish 22:3</p> <p>finished 22:7</p> <p>firm 110:4 124:4</p> <p>first 2:12,15,18,1 9,20 7:7,18 23:4 28:9 31:18,21 35:24 37:16 47:25 54:21 78:2,6 87:15 88:8 90:9 91:12 96:24 101:11 105:2 107:10 109:3 123:4 128:15</p> <p>Fisher 96:1</p> <p>fit 60:1 110:23 112:14 114:14 115:2</p> <p>five 7:25 8:5 32:14 33:22 34:15 35:8 37:22 49:12 58:6</p>	<p>74:12,13 81:15 91:9</p> <p>five-year 8:16</p> <p>fix 85:15 125:11</p> <p>flavors 124:25</p> <p>flexibility 32:25 48:1 57:5 68:12,23 75:14 79:9 123:10</p> <p>flexible 20:15 32:6,20 56:9 73:4 75:12 108:2</p> <p>flow 42:12</p> <p>flux 32:17</p> <p>focus 23:3,15 50:18 54:22 87:20 98:3 124:2,18 128:18 133:2</p> <p>focused 59:18 75:15 125:3</p> <p>focusing 51:19 68:6,8 124:5,13</p> <p>folks 76:6,11 93:12</p> <p>font 74:14</p> <p>foot 111:6</p> <p>footprint 19:10</p> <p>force 129:1</p> <p>forced 130:13</p> <p>forecast 9:18 15:6,19 16:2 17:9,12 36:21 37:3,23 99:16,21 102:18</p> <p>forecasting 8:24,25 9:14,17 29:1</p> <p>forecasts 15:16,25</p>	<p>36:10,25</p> <p>foregoing 135:5</p> <p>forest 68:4,7,8</p> <p>forget 129:23</p> <p>form 4:7,12,15 12:23 13:9,18,20 90:19 103:24 105:2 120:11 121:7,15,22</p> <p>formal 23:2 24:10 40:24 102:10</p> <p>format 13:11</p> <p>forms 12:21,24 13:3 39:12 103:9</p> <p>formulating 79:10</p> <p>formulation 88:13</p> <p>forth 14:21 73:5 91:1 97:5 132:9 133:5</p> <p>fortunate 48:24</p> <p>fortunately 51:25 52:11</p> <p>forward 70:18 103:23 117:24 119:7 123:12 125:19 131:2</p> <p>foundation 30:5 59:6</p> <p>fourth 53:13 122:6</p> <p>free 111:11</p> <p>freedom 79:10</p> <p>frequent 113:9</p> <p>frequently 14:25</p> <p>fresh 97:8</p> <p>front 128:20</p> <p>fuel 25:25</p>	<p>128:24</p> <p>fulfilling 78:13</p> <p>full 21:1 30:8 42:23 43:1</p> <p>fully 56:4 87:9 118:10</p> <p>function 110:22,23 111:18 112:18</p> <p>functional 109:22</p> <p>fundamental 25:2,7,9,19 29:11 87:17,19 96:8,14</p> <p>funds 26:5</p> <p>future 19:18 25:25 26:1 75:3</p> <hr/> <p style="text-align: center;">G</p> <hr/> <p>gaining 127:5</p> <p>Gas 49:11 65:9,16 67:5</p> <p>gases 32:17</p> <p>general 14:20,21 16:15 17:10,11 57:25 58:1,16 61:14 66:9 68:5 100:7 107:13 128:14,16</p> <p>generally 21:9 54:6 61:17 106:14</p> <p>General's 63:17</p> <p>generating 70:21</p> <p>generation 50:17 83:10 91:16,24 110:6 113:22,24</p> <p>gets 124:8</p>
---	--	---	---

<p>getting 7:17 61:1 127:18</p> <p>given 13:23 22:2 24:23 90:25 105:1</p> <p>gives 17:14 18:1,6 37:18 75:8 109:10 129:15,19</p> <p>giving 57:19 84:6 104:9 105:6</p> <p>glad 2:17 21:17 54:16 62:9</p> <p>glove 28:23</p> <p>GMO 45:4 60:15 93:11 96:4</p> <p>goal 20:15 25:1 28:23 29:12 84:12 88:9,11 108:2</p> <p>goals 28:17 87:16 88:1</p> <p>gone 57:17 65:18 81:16 84:24</p> <p>gotten 123:16</p> <p>governor 32:5</p> <p>grant 41:12</p> <p>granted 14:4,10</p> <p>grants 79:25</p> <p>great 16:3 23:12,13 24:5 78:24 81:25 90:9 111:23 115:17</p> <p>greater 14:17 45:4 52:21 96:3 127:5</p> <p>greatest 58:5</p> <p>greatly 41:6</p> <p>greenhouse 32:17</p> <p>GRELC 61:13,17</p> <p>gridlock 94:2</p>	<p>grinds 94:4</p> <p>ground 67:16 74:25 83:1 93:5 127:12</p> <p>group 24:16 26:6 27:4 87:7,9 96:9</p> <p>grouped 16:13</p> <p>groups 15:10</p> <p>group's 23:15</p> <p>growth 36:21</p> <p>guess 31:18 36:5 51:13 55:1 57:2 59:1,16 60:12 67:25 73:24 104:17 105:19 108:19 120:21 134:11</p> <p>guesstimate 110:11</p> <p>guesstimates 110:4 114:3</p> <p>guidance 57:25 58:15</p> <p>guys 104:24</p> <hr/> <p style="text-align: center;">H</p> <hr/> <p>half 7:25 8:5 74:13</p> <p>halt 94:4</p> <p>hand 7:13 12:11 22:19 28:22 47:7 68:14 72:10 79:4 87:1 90:2 113:25 114:1 122:22</p> <p>handle 77:9 102:17</p> <p>handling 84:22 102:6</p> <p>hands 134:22</p> <p>happen 15:1 18:1</p> <p>happened 50:9 94:24</p> <p>happens 63:24,25</p>	<p>92:11</p> <p>happy 2:19 100:7</p> <p>hard-working 93:12</p> <p>harmonized 23:22</p> <p>hash 129:2</p> <p>hate 42:11</p> <p>haven't 33:18 52:14 61:10 65:17 76:13 77:18,20 78:12 90:6</p> <p>having 19:11,18 28:3 34:16 41:24 51:20 55:24 94:6 100:8 123:11 130:1</p> <p>HC 77:11 119:12</p> <p>head 42:12</p> <p>Health 15:12</p> <p>healthy 118:9</p> <p>hear 2:14 4:3 49:25 119:8</p> <p>heard 34:13 35:19 50:4 61:18 99:3 105:13 120:5</p> <p>hearing 1:5 2:3,5,7 7:18 13:20 45:9 54:9 78:4 86:2 94:23 119:4 134:18</p> <p>hearings 45:10 77:22</p> <p>heart 123:9</p> <p>heavy 99:7</p> <p>he'd 64:21</p> <p>heightened 41:3,4</p> <p>held 7:18 72:20 100:5</p> <p>he'll 21:17 43:20</p> <p>Hello 86:17</p>	<p>help 8:3,4 28:16 71:17 97:11 123:14 124:4 125:18 126:7</p> <p>helped 59:12</p> <p>helpful 97:5,7 126:15</p> <p>helps 125:13,16 126:17</p> <p>Henry 78:23 79:7</p> <p>hereby 135:4</p> <p>here's 51:21</p> <p>he's 21:20 22:6 81:5 133:18</p> <p>high 15:11 57:4 97:23 106:3 109:24 110:12 114:3 115:7</p> <p>higher 42:6</p> <p>highlight 55:18 87:14 101:2</p> <p>highlights 55:9</p> <p>highly 12:23 13:9 99:17 102:22 103:17 116:14 121:21</p> <p>hire 77:9</p> <p>hired 8:3 34:14,15</p> <p>history 73:1 129:10</p> <p>hit 36:24 55:9 97:22</p> <p>hoc 9:2</p> <p>hold 77:22 85:14 90:18</p> <p>holding 100:22,23</p> <p>holds 11:13</p> <p>homogenous 15:10,13,14</p>
---	--	--	---

honestly 91:22 92:25	23:18	18:25 21:2	include 20:13
hope 43:17 55:10 92:17	I'll 2:13,17 3:10 6:2,21 7:13 21:19 22:12,19 39:9,25 46:12,22 47:7 52:13 62:9 72:10 74:14 79:4 89:23 102:21 103:9,14 114:5 115:15,18 116:8 122:22 123:2 128:11 134:19	implement 111:16 implementatio n 90:16 implemented 35:22 49:2 implication 11:9 115:4 implications 10:24 implies 109:15 imply 20:25 importance 51:4 52:12 62:5 important 32:19 37:7 51:19 52:10 57:24 60:8 62:23,25 63:20 67:6 75:16 93:22 101:16 importantly 93:7 impossible 20:8 impractical 91:6 impression 115:7 117:11 impressive 91:22 93:16 improve 28:6 52:20 97:11 125:18 129:25 improved 97:9 117:24 improvement 128:1 improvements 126:14 improving 66:16 inadequate 37:17 inappropriate 27:5 91:6	21:4 25:22,24 32:6 42:19 61:12 89:8 107:25 109:5 included 26:19 30:14 52:19 125:7 includes 128:24 including 26:1 57:18 87:11 109:18 125:15 inclusion 88:8 125:6 incongruous 79:9 inconsistenci es 80:13 85:16 incorporate 88:11 97:11 98:12,13 114:8 126:22 127:21 incorporated 65:24,25 107:14 incorporating 89:13 incorrect 5:10 increase 27:23 increased 47:25 50:16,18 increases 26:4 independence 127:6 independent 117:17 indicate 128:17 indicated 2:7,10 45:12 64:9 71:6,24 76:1,21 104:3
hours 26:16,18 71:16 How's 77:23 huge 94:6 hundreds 51:20	illustrate 108:20 130:16 I'm 2:3 3:4,5,6 7:9,10,23 22:15 41:23 43:16,24 45:25 47:1,4 52:4,13,14 53:20 60:9 63:7,10 65:2 66:8 69:16 72:5 74:15,17 78:24,25 82:24 84:20 86:22 92:1 94:22,25 96:2,14 99:13 102:14 104:1 106:19,21 107:3 116:18 117:2 119:4,15 120:5,12 121:4 122:18 123:2 125:24 126:1 127:7 129:5 133:18,23 immediately 97:13 impact 19:2 51:11 impacted 16:13 impacts 15:6		
honestly 91:22 92:25			
hope 43:17 55:10 92:17			
hopefully 47:22			
hourly 16:11			
hours 26:16,18 71:16			
How's 77:23			
huge 94:6			
hundreds 51:20			
I			
Iatan 44:23 45:6 59:13,14 70:16,19,21			
I'd 22:23 39:16 40:2 64:24 82:2 90:7 96:24 101:3 106:5 107:10 123:4 125:20 133:22			
idea 18:1 27:25 28:3 63:21 68:1 92:24 93:8,13 100:7 105:23 107:13 108:13 114:11 118:10			
ideas 28:5 75:10 76:18 97:7			
identificatio n 69:4 71:12 103:1			
identified 92:16			
identify 22:13 25:17 47:3 83:4,8 86:20 89:19 121:1 122:16 126:13			
identifying			

indication 41:17	initiation 118:5	interconnecti on 109:5	97:2 129:13
individual 10:2 30:9 100:25 106:22	initiative 32:2	110:6 113:22,25	involvement 131:11,17
industrial 14:23 15:10,14 16:21,23 17:3,5,8,11	inner 18:19	interest 25:6 90:10 112:24 115:17	involving 44:21 70:16
industries 8:20	innovation 50:2,12	interested 28:11 62:8 64:20 65:21 77:15 90:10 123:8 135:12	IRP 15:24 31:20 33:16,21 34:3 37:11 38:18,24 44:1 47:23 49:10,20 56:5,18 63:3,4,5 64:19,22 68:1 73:12,23 74:1,5,7 75:1 76:4,6,10,13 ,18,24 77:22 79:17,23 80:6,16,23 81:7 82:14 84:14,25 85:4,6 86:8 89:18 90:14,21 92:22 98:3,5,13,18 ,22 99:9,11 101:9,16 102:1,10 125:22,24 127:20 128:6,20 129:3,10,14 131:11
industry 31:25 48:11,17 91:10 93:7 115:10	input 16:3 19:11 27:24 47:19 58:6 64:11 66:15 69:14 87:8	interesting 91:21	
infer 19:7	inputs 11:11	intermittent 91:16	
inform 29:10	insert 126:16,23	internal 101:17	
informal 23:11 28:5 78:4	inserted 53:14 115:6	Internet 39:7	
informally 120:1	inserting 18:23	inter- relationshi ps 18:23 19:1	
information 4:11,14 9:22 11:17 12:3,4,24 17:12 29:11 75:24 94:3 97:5 99:20 102:19 103:10 104:3,23 105:15,20,25 106:17,18 114:1 118:19,22 119:11 120:1,3 121:13 122:3,9 133:17,23 134:2,6	instances 70:9	interrupt 42:12	
	instead 21:16 45:8 50:21 53:14,18 54:4 57:22 58:12 61:4 77:5,16 94:6 98:3 129:25	interruption 69:19	
	instrumental 66:16	intervene 45:23	
	integrated 19:12 26:14,15,20 29:2	intervenors 98:4	
	integration 10:9 17:18 18:22 91:15	introduce 28:2 96:8	
	intend 6:1 55:3	introduced 37:12	
	intended 2:10 4:7 6:20 44:4 52:20 126:12	investment 23:6,11 27:12 28:19,22 90:16 91:10 99:6 114:9,11,15, 23	IRPs 72:7 73:20 81:16,22 84:17 94:12 97:7 101:4 102:3 128:25
informational 77:6	Inter 52:4	investments 79:16 90:11 114:17	i's 68:19
initial 5:3,9 49:6,20 70:15 94:2	interaction 76:19 83:24 92:21 93:8	invisible 91:25	isn't 8:9,10 44:6 123:20 125:14
Initially 132:9	interactions 22:4	involved 40:18,23 47:21 48:25 52:4 62:23 90:15 95:1	issue 14:14 28:20 42:23 51:8 60:18 88:17 89:18 93:17 100:11,13 102:5 108:22 113:11
initiated 27:25			

issues 15:7 44:14,24 49:22 62:20 63:21 70:12,17 87:14 97:16,17 98:16 102:7 105:7 106:10 107:19 112:14 115:18 118:2,4,12 124:3 129:3 131:15 item 53:20 107:23 126:20 items 53:20 60:25 61:5 104:3,13 126:5 it's 2:21 3:5 4:3,12 6:13 7:17 8:2,11 9:9 10:3,23,25 11:1,4,10 12:14,25 13:2 14:12 15:9 16:22 20:7 27:7 32:19 34:24 36:9 37:17 38:2,4,5,20 39:17 45:20 49:16,17,25 50:25 53:25 55:5 56:17,25 57:24 58:2 62:25 63:20 66:2 67:2,10,11 68:1 69:21 73:10 74:12 77:5,10,25 79:8 80:7 81:16 82:18 84:4,21 86:3 87:16 92:10,12 93:1,16,22 94:6,11,19 96:7 101:16,25 105:15,21 112:8	117:11,17 118:20 121:17 123:24 125:4,23 126:1,17 133:19 I've 10:22,24 21:23 34:13 35:19 42:12 60:17 65:15 67:2,13,14 72:6 76:19 81:15 93:9,11,14 95:1 97:2 123:1 126:16 <hr/> J James 96:13 Jansen 95:12 January 1:6 45:9 61:4 72:18 87:12 Jarrett 1:17 6:24 7:1 22:9,11 31:14,16,23 32:10,13,15, 19,23 33:2,6,10,15 ,20 34:2 35:1,10,12,1 4,16,20 36:5 37:5,10,15 38:13,16 46:19,21 62:15,16,22, 25 63:8,19 64:2,6,20,23 ,25 65:4 66:4,6 67:19,25 68:14,17 69:10,13 75:21,23 76:21 77:3,21,25 78:15,18 85:9,18,24 86:1,5,10,13 93:18 95:15,16 101:4 103:2,4 115:13,14 128:3,5,9	Jefferson 1:7 Jerry 8:2 Jersey 9:23 Jim 96:8,10,23 132:5 job 21:24 jogged 69:22 John 22:3,15,22 130:6 joint 51:10 55:24 56:3 jointly 100:24 judge 1:16 2:1,23 3:3,9,14,17, 22,24 4:2 6:22,24 7:4,7,12,15 10:20 12:22 13:4,14,16 22:9,13,18,2 1 30:13,21 31:1,4,6,10, 11,14 39:5,24 40:3,6 42:9,11 43:11,14,19, 25 45:11 46:10,22 47:2,6,9 54:18 55:2,7,12 62:13,15 64:9,15 69:15,20 71:4,10,14,2 1,25 72:3,9,12 75:21 78:20 79:3,6 83:23 84:5,20,21 85:3,7 86:15,18,20, 25 87:3 89:21,23,24 90:1 95:15,18,22, 25 96:11,16,19, 21 102:16 103:2,8,14,2 0,22	104:2,6,12,1 5,16 105:12,23 106:7 107:1,7 115:11,13,20 ,23,25 116:7,13,20, 24 117:3,7,10 118:14,17 119:1,7,13,2 3 120:9,15,18, 21,25 121:25 122:16,21,24 128:3,10 129:7 130:3,25 131:5,20 132:1,20 133:6,9,11,1 4 134:1,5,8,10 ,13 judgement 112:23 judgment 27:5 80:24 jumping 15:3 juncture 91:7 jurisdiction 122:11 133:24 jurisdictions 74:1,22 101:15 justice 6:7,16 <hr/> K Kansas 14:16 44:21 45:3 96:2,9,14 101:7 102:7 107:4 132:5 KCP&L 14:16,17 38:23 45:4 93:11 96:3 97:21 98:6,21 101:6,24 107:12 116:10
---	---	--	--

<p>KCPL 15:9 19:3,8 20:1 21:3 39:14 45:4 59:12 60:15,20,25 61:6 69:25 70:4,13,24 79:13 95:23,24 105:24 107:2 116:18 118:10 119:20,25 128:15</p> <p>KCPL's 19:7 20:13,24 107:22</p> <p>KEMA 130:8,16,19</p> <p>K-E-M-A 130:8</p> <p>KEMA's 130:11,12</p> <p>key 87:14 108:10 111:3</p> <p>kicking 49:6</p> <p>kids 130:2</p> <p>kinds 42:21 123:15 126:3</p> <p>knew 7:21</p> <p>knowledge 63:13,22 64:22 95:14</p> <p>known 104:19 114:2</p> <hr/> <p>L</p> <p>label 11:24 121:14</p> <p>lags 85:21</p> <p>laid 11:21</p> <p>language 6:4,5,8 14:5 18:18 19:23 52:15 53:18 55:24 88:8 93:4 98:25 100:14 111:24 112:17 113:13 126:6,9,15,2 1,24</p> <p>large 14:21</p>	<p>16:12 20:9 52:6 63:11 74:14 85:1 94:17 99:6</p> <p>larger 66:2 76:2,3</p> <p>Larry 96:1</p> <p>last 6:13 21:25 32:12 34:25 37:21 44:21 45:13 48:12,20 60:12 65:16 72:5,7 96:17 101:8,23 104:12 105:1,5 114:5</p> <p>late 67:4</p> <p>later 59:20</p> <p>latest 85:6</p> <p>latitude 66:25</p> <p>law 1:16 43:23 46:9 78:24 92:4,5 122:10</p> <p>lawful 5:20,22 133:15</p> <p>lawfulness 4:19</p> <p>lay 11:5,16</p> <p>learn 12:12</p> <p>learned 48:22 63:24</p> <p>Learning 91:19</p> <p>least 9:4 42:2 48:1 63:21 70:13 79:19 99:8 108:24 132:11,14,16</p> <p>led 58:16 126:2</p> <p>legal 3:19 4:19 5:5,7 26:1 39:17 40:3,17 44:14,16,25 45:24 46:8 57:20</p>	<p>79:20,24 81:25 82:8 87:23 88:1</p> <p>legally 100:15</p> <p>legislation 23:19</p> <p>legislature 32:4</p> <p>Lena 7:9,16 75:7 88:16 123:19 129:11</p> <p>lengthy 47:23 62:12 110:8</p> <p>less 33:16 65:22 66:9 68:7 73:18,19 75:12,15 76:10 127:2 128:17 129:22</p> <p>lessons 48:21 63:23</p> <p>let's 2:1,23 22:11 71:21 115:25 120:23</p> <p>let's-just-check-this-box 98:2</p> <p>level 16:7,12 31:2 32:16 36:25 42:6 49:22 50:24 57:4 58:6 65:20 66:8 104:10 106:15 109:25 114:4,19</p> <p>Lewis 43:12 46:14</p> <p>life 92:12</p> <p>light 14:17 44:22 45:4 96:2,9,15 107:5 119:9 132:6</p> <p>likely 27:2 38:3</p> <p>Likewise 24:6</p>	<p>limit 25:20 36:21 87:13 131:18</p> <p>limitations 131:8</p> <p>limited 25:23 61:23 63:16 128:22,23</p> <p>limits 30:16</p> <p>limp 8:16</p> <p>line-by-line 126:11</p> <p>lines 118:7 120:4,6</p> <p>Lisa 1:20 135:3,15</p> <p>list 89:8 108:23 113:16,21 114:25</p> <p>listen 21:25</p> <p>listening 123:9</p> <p>lists 114:2</p> <p>literally 6:15</p> <p>little 4:4 35:21 47:13 49:15 52:16 56:22 75:24 89:4 94:14 103:15 124:6 133:1,2</p> <p>lives 12:10</p> <p>LLC 1:20 89:25</p> <p>load 9:13,17 16:11 25:25 26:18 28:25</p> <p>local 21:1 110:22,23 111:9,19,20 112:11,14 114:19</p> <p>location 89:13</p> <p>locations 108:16</p> <p>Locke 97:19 103:13 107:1,3,9,10</p>
---	--	--	---

115:11,12,15 ,21 116:3,4,6,7, 10,16,22,25 117:5,8,15 119:17,22,25 locked 94:10 110:10 locking 42:4 loggerheads 94:1 long 7:17 8:18 31:20 42:14 45:16 49:2 50:22 65:14 68:21 70:13 80:7 93:9 132:24 longer 9:13 10:8 longest 35:8,17 long-range 11:6 25:13 68:1,3,18 long-run 51:14 long-term 8:14,19 10:23 87:21 90:13 109:21 113:23 lose 68:4 Loss 23:12 24:5 lost 68:4 lot 12:10,13 31:25 33:16 34:20,21 36:2 39:19 49:24 51:13 61:9,10 66:15,24 68:2 69:8 75:7,10 77:18,20 78:12 91:21 97:3,4 lots 36:7 62:23 Louis 78:25 121:5 122:20 low 94:21	lower 14:25 lowest 87:21 Lumley 89:24,25 90:4,5 95:19,21 129:18 lunch 123:3 <hr/> M <hr/> magnitude 15:5 main 74:21 75:8 130:23 maintain 112:15 major 14:18 90:11,16 91:7 92:21 94:22 management 5:17 67:3 manager 7:11 22:16 72:5,7 96:14 107:4 managing 120:13 122:19 mandates 26:1 79:20,24 82:1,8 87:24 88:1 manner 20:15 25:5 43:18 51:18 91:24 108:2,8,15 118:23 Mantle 7:9,16,17 12:22 13:2,5,15,17 22:10 31:17,18,21 32:1,11,14,1 8,22 33:1,4,9,14, 18 34:1,6 35:4,11,13,1 5,19,23 36:8 37:6,14,18 39:8,16 48:25 49:4 51:3 53:22 68:20 75:7	91:9 93:3 103:12,16,21 104:15,17 123:19 129:11 Mantle's 88:16 March 28:10 mark 71:10 102:19,22 marked 71:12 102:25 market 29:21 99:22 marry 85:15 Mary's 15:12 16:18 matched 124:18 Matt 122:14,18,25 matter 1:10 4:17 40:17 68:5 102:17 mattress 10:23,24,25 11:2,4,7 Maurice 2:2 maximizing 50:20 maximum 29:17,25 30:4,12,24 82:24 may 7:19 10:1 11:10 15:25 16:16 17:22 18:11 19:18 20:9 25:20 26:8 31:22 38:16,17 41:11,17 42:11 44:3,13,14 45:8,9 46:3 49:5 54:18 73:12 74:8 82:25 83:6 88:1,19 98:2 100:5,25 104:15 114:2 116:19 118:3 124:3	maybe 33:21 35:5 37:3 76:18 82:22 123:16 124:25 126:3 130:1 McKinney 54:4 McKinnie 19:5 53:23 54:12 McKinnie's 117:8 mean 14:9 15:2 40:16,21 42:25 45:21 48:16 52:3 56:3 63:22 67:2 69:17 77:21 84:24 94:10 104:21 129:15 130:22 132:24 meaningful 67:10 means 82:18 132:25 measures 10:2 30:9 80:6,25 86:8 mechanism 133:24 mechanisms 27:12 82:7 MEDA 57:10,12,23 60:16 74:24 75:4 97:25 124:16 127:10 131:12 132:23 133:8 MEDA's 41:19 MEEIA 22:5 23:6,14,16,1 9,21,22,23 24:1,8,11,12 ,14,25 25:1,8 32:3 39:9 74:25 79:25 80:5,8,14,21 81:1,4,7,9 82:9 83:25 84:2,8,9,19,
---	---	--	--

<p>21,23 85:4,6,14,20 86:1 88:10 98:10 124:2 125:22</p> <p>meet 18:2 26:18 27:9 56:19 100:9 101:19 125:17 129:2</p> <p>meeting 25:19 34:21 93:1 127:23</p> <p>meetings 28:1,3 116:18,25</p> <p>meets 9:18</p> <p>megawatts 92:8</p> <p>member 117:12,15</p> <p>members 28:4,10 49:9 129:2 134:19</p> <p>membership 133:16</p> <p>Mendel 8:2</p> <p>mention 72:23 74:15</p> <p>mentioned 31:19 51:3 66:17 72:24 73:14 74:13,16 78:11 123:13 129:17,19</p> <p>mentions 111:14</p> <p>merged 81:24</p> <p>message 71:15</p> <p>met 17:24,25 34:24</p> <p>method 80:20</p> <p>methodologica l 125:4</p> <p>methodologies 130:11,18</p> <p>methodology 36:11</p> <p>methods 68:24 123:13</p>	<p>Michaels 122:14,18,25 123:1 128:8 129:5,8 130:21</p> <p>mid-2008 65:17</p> <p>middle 74:25 107:23 127:12</p> <p>mid-term 90:14</p> <p>Mike 10:19</p> <p>million 119:18,19</p> <p>Mills 42:10,11 43:12,13 46:11 57:13</p> <p>mind 47:24 90:12</p> <p>minimization 25:13,20</p> <p>minimize 29:5,13</p> <p>minimum 113:20 125:16</p> <p>minor 92:18</p> <p>minutes 116:25 117:3,5</p> <p>mischaracteri zed 99:3</p> <p>MISO 21:20 133:16,17</p> <p>missed 125:5</p> <p>missouri 1:2,7 3:7 4:18,21 5:1,5,21,24 7:10 9:22,25 13:24 14:17 17:10 22:16 23:6,10,12 24:4 28:18,21 33:12 35:17 37:12 38:1,19 41:19 45:5 46:4 49:9 50:13 51:17</p>	<p>52:11 56:11,15,24 57:7,18 61:12,17 63:22,24 65:22,23 66:1,3 72:8 73:23 74:1,5,17 75:2 76:22,23 77:3 79:1,2 86:23 92:4 96:3 101:7 116:1 121:4,5 122:8,20 127:4,14 129:11 130:6,9,20 135:4</p> <p>Missourians 8:11</p> <p>Missouri's 6:3 28:17 133:15</p> <p>mistakes 12:13,14 130:12</p> <p>mitigation 25:23 26:4</p> <p>model 11:12</p> <p>modeling 69:7</p> <p>models 15:21 16:1,5,6 68:24</p> <p>modification 74:7 111:24 112:17</p> <p>modifications 59:13 76:23 88:11 112:1 115:1</p> <p>modified 23:21 113:13</p> <p>modify 9:24 53:10</p> <p>modifying 47:24</p> <p>moment 71:5</p> <p>Monday 5:13 6:2 13:19</p> <p>money 27:3</p>	<p>38:4,5 45:15 62:23</p> <p>month 127:21</p> <p>months 10:22 14:1,13 94:11</p> <p>month's 81:17</p> <p>moot 106:3</p> <p>morning 2:2 4:16 12:18 51:3 53:22 56:18 58:23 59:2 61:18 62:3,12,18 86:18,19 89:24 95:25 96:6 118:24</p> <p>MORRIS 1:16</p> <p>mostly 54:22</p> <p>move 117:24 118:15 125:19 127:22</p> <p>moved 95:4</p> <p>moving 46:23 57:7 60:15 81:19</p> <p>MSB 34:14</p> <p>multiple 51:11</p> <p>myself 3:15 41:23</p> <hr/> <p>N</p> <p>narrow 18:15</p> <p>Natural 49:11 61:20 86:23 132:10</p> <p>nature 48:17 70:7,23 91:22 98:2</p> <p>nauseam 80:13</p> <p>necessarily 15:2 19:20 61:24 74:18 80:19</p> <p>necessary 14:5 18:2 55:5 114:8 124:23 130:18</p>
---	--	--	---

necessity 132:24	116:12	offices 63:11	old 35:6
negotiating 99:25	numerous 39:11 87:7 130:10	Oh 4:5 43:1 99:13 104:5	Olive 78:25
neither 135:8		Ohio 101:12,14	omitted 12:4
NERC 106:16 117:5	<hr/> 0 <hr/>	okay 2:25 3:14 4:1 12:14 13:4,16 22:13 30:21 31:13,23 35:10,14 40:2 43:25 46:10 55:8,12 63:8 64:2,5 71:21 72:3 77:2 78:17 84:5 86:5,25 87:3 96:11,19 97:21 103:20 104:22 106:7 115:25 116:6 117:7,10 119:13 120:9 124:6 128:9 129:7 130:3 132:20 133:6 134:5,13	onerous 73:24
net 112:19 113:6,7	objection 82:14		ones 105:6,9
network 112:16,19 126:23	objections 107:13		one-time 130:22
nice 74:3 123:15	objective 25:3,7,19 87:17,19		ongoing 130:23
none 43:24 101:15	objectives 25:9 27:9 28:17 87:16		online 106:23 115:16
Nonetheless 67:20	obligation 130:23		OPC 21:13 28:11 30:1 54:2 55:19 56:5 62:19 82:12 83:2 125:7
non- proprietary 77:11	obligations 101:20		OPC's 21:8,16 53:23 54:18
non-regulated 50:18	observation 90:9 92:2 93:18		open 81:6 89:14 102:14
non- traditional 27:1	obvious 12:2 56:25		opening 22:24
nor 135:8,11	obviously 15:7 62:22 76:2 79:23 83:5 85:12 119:10 121:12 124:15		opens 83:17
normally 30:16		Okenfuss 96:8,14 103:10,23 104:18 118:19 119:3 132:5	operate 38:25 56:10 101:6
Nos 102:25	occasion 63:17	O-k-e-n-f-u- s-s 96:18	operates 109:1
note 3:19 4:17 5:25 49:24 53:1 56:8 57:24	occasions 72:16 87:11	OKENFUSS 96:13,18,23, 24 103:7 104:1,5,8,14 105:3 106:5,8,12,1 4 119:6,9 132:5	Operations 14:18 45:5 96:3
noted 49:4 51:9 56:17 58:5 60:25	occur 51:23 59:8		opine 46:6
nothing 14:10 20:2 23:24 37:20 46:21 70:6	occurred 48:11 58:6,10		opinion 75:11,16
notice 12:22 19:9	occurring 70:8	Oklahoma 33:13 34:4 38:19 63:4,6 73:15 74:11 75:25 76:4,24 77:13 78:3	opportunities 87:8 126:13
noticed 10:25 98:20	occurs 20:11		opportunity 24:17 27:23 43:2 47:18 95:10 127:4
notification 60:2	offer 3:10 71:6 134:20	Oklahoma's 33:16,21 77:15	opposed 3:2 30:11 51:20
nowhere 19:14	office 17:3,4 29:16 41:3 47:5 63:17 77:15		optimal 80:20
nuclear 81:17	officer 2:3		optimization 114:19,22
numerical			optimize 114:9,15
			optimizing 114:11
			option 82:11

options 20:5,6,8 21:6 29:23,25 80:19 89:9,10 107:15 109:8 ordeal 71:18 order 2:2,22 4:9,24 14:14 20:4,6 49:19 102:12 115:2 134:17 organization 20:21 28:11 109:2 112:4 114:13 115:3,5 organizations 28:2,4 105:18 organized 28:9 organizing 66:18 original 7:22 originally 39:20 others 39:14 61:7,11 82:4 99:14 105:5 otherwise 38:9 135:12 ought 43:5 ours 34:5 69:3 100:18 outcome 60:7 65:12 135:12 outcomes 128:19 outer 18:6 30:16 88:17 outline 55:3,10 outlines 58:1 outrank 23:16 outside 15:8 18:14 overall 10:17,20 28:6 110:24	112:15 115:6 over-billing 37:4 overkill 113:3 overly 59:18 108:11,12 overruns 118:3 119:21 overseeing 114:18 oversight 118:13 owned 100:21 owners 117:13,16 <hr/> P <hr/> packaged 84:17 page 35:9 53:8,11,16,1 9,25 56:9 57:8 59:17 107:22,24 122:6 pages 33:22 35:1,3,8 54:23 59:20 65:14 74:13 108:16 panel 83:13 paper 11:10 papers 125:7 Paragraph 59:21 pardon 118:18 partial 53:11 partially 127:24 participants 96:25 participate 20:22 112:5,9 participated 49:13 72:14 87:9 97:24 participating 49:12	participation 27:23 65:8 127:10 particular 4:18 6:4 42:17 48:18 106:8,9 107:19,20 126:5 particularly 46:15 99:20 107:12 109:21 parties 42:6 44:3,11,19 46:3 47:17 53:4 54:15 57:19 70:11 77:16 90:10,18,19 91:1 95:2 98:4 124:21 125:2,10,17 129:13 134:16 135:9,11 party 19:11 46:3 passed 26:12 97:5 passing 5:25 8:16 past 8:5 10:22 14:7 34:15 75:2 90:20 94:25 129:13 patrons 6:7,17 pending 45:3 86:4 Pennsylvania 101:14 people 12:13 21:25 36:20 48:2,3,25 97:6,8 98:2 per 26:9 74:18 percent 18:10,12 36:24 73:18 percentage	104:18 perform 23:20 130:8 performance 27:15 80:25 performing 130:19 perhaps 51:1 88:25 93:19 94:24 125:16 129:17 period 49:2 permit 56:18 108:23 permitted 57:5 personal 101:5 Personally 12:12 perspective 40:18,19 41:10 83:14 pertain 60:6 ph 8:2 phrase 20:24 physics 92:5 picture 68:15 107:17 pieces 12:3 places 9:1 29:19 115:6 plan 8:16 10:15,17,18 11:8,9,10,13 ,20 12:16 13:11 18:5 19:19,21 25:15 26:19 39:21 59:8,15,19,2 2 60:2,3,4 68:1,3 70:1,4,25 71:1 74:6 75:8 81:12,16 82:17,19 88:7,20,24 90:13 98:13,23 99:1,2,4
---	---	--	--

101:18 102:12 113:4,12,18 123:24 124:18 131:22 132:3,13,15, 25 133:5 planned 21:15 54:9 planning 1:12 5:17 7:19 8:9,14,19,23 9:4,7 11:6 12:7 15:8 16:7 19:17 20:10,11,14, 16,22,23 21:1,24 22:1 23:5 25:19 27:24 32:3,24 34:3,7 36:19 38:19 39:10 42:7 51:14 52:3,5 60:7 63:18 64:19 65:6,7,9 67:4,6 68:9,18 72:6 87:17,22 92:3 93:11 100:9,24 101:13 108:1,3,9 109:20 110:21,22,23 ,24 111:3,18 112:5,10,12 114:14 117:11,12 118:1,6,8 120:13 122:2,19 127:4 128:1 plans 10:11 14:7 17:18,21,22 18:9,11,15 58:24 59:12 67:13 70:6 79:10 80:18 88:18 94:24 100:25 109:9,21 112:22,23 114:7 plant 17:3	45:16 81:17 82:10 plausibly 51:23 please 2:2 3:3 12:7 46:14 86:21,25 107:2 117:14 122:17 pleased 50:24 77:19 plenty 8:11 plot 11:24 plus 78:13 podium 2:13 3:1,3 point 55:1 72:21 73:8 74:14 78:8 80:9 81:20 86:11 91:12,14 92:14 94:14 98:21 106:3,8 108:21 111:13 123:18 129:15,24 pointed 75:7 80:22 pointing 74:19,21 points 58:3 61:22 90:8 97:8,23 108:20 policies 87:23 policy 25:8 57:21 87:15 88:9,11,15 127:5 pool 19:10 20:9 117:21 portfolio 23:23 84:18 portfolios 30:9 portion 98:22 102:22,23	104:3 portions 103:24 position 28:20 72:20 90:6 101:11 113:7,8 114:15 positions 72:25 positive 50:11 possibility 83:18 101:2 possible 25:17 83:6 111:19 posted 106:23 posturing 42:18 potential 23:7 29:16,18,22, 25 30:2,3,7,8,1 1,17,18 31:2,6 82:13,15,17, 21,24,25 89:8 130:9 potentially 105:24 potentials 30:6,12 power 14:17,21 19:10 20:9 26:1 44:22 45:4 50:16 85:22 96:2,9,15 107:4 110:18 117:17,21 132:6 practices 28:6,12,13 51:7 67:21 93:14 preapproval 12:17 39:10,11,12, 13,21 40:17,20 41:12	42:1,5,19 43:4,9 58:24 59:7,9 69:23 82:6 90:11 102:6,7,11,1 3 precise 19:10 130:17 predeterminat ion 43:23 predetermined 45:15 46:24 preface 3:16 73:16 prefer 55:7 60:16 preference 2:15 46:25 preferential 24:23 preferred 13:11 24:13 25:14 26:19 81:12,16 82:19 98:12 131:21 132:3 prefiled 134:16 pre- integration 131:14 prepare 73:12,13 prepared 47:1,12 61:10 62:7 100:12 prescribe 11:25 prescribed 10:8 50:6 82:8 prescriptive 9:9 41:8,13,17,2 1,25 42:3 51:2 52:14 65:14 68:6 76:10 98:1 108:12 127:3 129:22 130:17 prescriptiven
--	--	---	--

<p>ess 9:11 36:10 41:1 49:16,22,25 50:3,5,10,24 51:6 65:20 66:8,12,23 93:20 123:6 131:18</p> <p>presence 76:2,3 78:11</p> <p>present 25:13,21</p> <p>presentation 7:20 49:7,8 54:17</p> <p>presentations 74:16</p> <p>presented 72:15</p> <p>pre-set 2:11</p> <p>president 95:12</p> <p>presiding 1:16 2:3</p> <p>presumption 133:4</p> <p>pretty 48:3,15 52:8 57:4 104:19 125:10</p> <p>prevent 130:19</p> <p>preventing 20:3 70:6</p> <p>previous 44:18 103:5 131:4</p> <p>previously 5:4,10</p> <p>prices 26:1</p> <p>primarily 23:15 65:2 67:3</p> <p>primary 25:14 80:2 110:21 112:10,18</p> <p>printed 31:9 35:7</p> <p>prior 35:23 64:21 65:5 71:2 129:3</p>	<p>priority 88:4 116:13</p> <p>probabilistic 109:16</p> <p>probable 109:7,14</p> <p>probably 5:9,20 35:4,17 46:9 67:11,17 73:16 74:9 75:5,6,15 78:10,12 105:4,23 106:23 113:9 118:18</p> <p>problem 82:16 84:3,7 105:10,21 123:22</p> <p>problematic 108:25</p> <p>problems 124:6</p> <p>procedural 57:14,17 79:21</p> <p>procedure 42:22</p> <p>proceed 23:25 54:13 70:18 85:19 129:20</p> <p>proceeding 41:16,20 42:17 43:6 44:9,11,20,2 3 45:1,23 46:4,8 57:13</p> <p>proceedings 1:4 40:23 69:24 70:8,23 79:14 81:2 92:22 93:25 134:25</p> <p>process 7:25 10:13,16,21 13:8 20:22 24:18 25:20 27:24 31:22 34:3,7 35:21 38:19 39:21 41:7 44:1,12,14 47:19,23</p>	<p>48:6,8,25 49:6 57:14,15 58:3 59:19 60:6,7 63:3,4 65:1,8,11,12 66:1,10,12,1 4,16 67:9,10 68:1 69:8 72:15,21 73:1,3,11 74:12,24 75:12,13,18 76:4,6,11,25 77:23 78:4 80:16 81:8,24 82:6 85:6 87:7,10 90:15 91:10 93:19 95:6 97:1,10,13 101:9 102:8,10 105:19 111:3 112:5 117:12,20,22 118:12 120:2,8 123:8,11 124:4,13,19 125:17,19,24 127:18 128:1,7 130:10,15 131:9,11 133:2</p> <p>processes 24:1 29:3 37:24 38:24 63:6 110:8 118:1</p> <p>Proctor 10:19</p> <p>produced 94:6 113:4</p> <p>producers 117:18</p> <p>produces 97:6</p> <p>product 95:4</p> <p>productive 93:23 94:11,18</p> <p>program 9:24 23:25 27:1,12,18,1 9,20 37:25</p>	<p>programs 9:15,21,24 10:2 23:18 26:23,24 27:11,17 30:9 36:12 80:17,20 84:10,16</p> <p>progress 67:2</p> <p>prohibition 43:22</p> <p>project 43:23 45:15 72:7 102:12 117:22 119:19</p> <p>projects 39:12 70:17 114:16 116:13 117:13,16,19 ,21 118:2</p> <p>proof 40:19 42:4</p> <p>proper 20:4 57:17</p> <p>properly 20:4,8</p> <p>proposal 18:3 40:13 43:8 70:4 90:21 91:2 124:24</p> <p>proposals 89:14 117:22 118:7</p> <p>propose 87:18 88:4 89:7 108:5 117:16,19,21 126:21</p> <p>proposed 1:10 2:8 4:8,9,14,19, 24 11:15 13:25 14:12,19 17:15 18:18 19:14 20:19 23:4,6,8,9,1 0,14,17 24:3,8,10,11 25:3 27:12,22 28:21 29:16,20</p>
---	--	--	---

<p>30:1,2 33:4 35:2 37:17 41:25 42:18,24 43:8 50:25 52:14 53:24 54:23 55:22 57:9,22 59:18 60:19 66:5 68:23,24 72:17 73:6 75:3 88:18 93:3 100:8 102:12 107:20 110:15 114:16,17 115:2 117:13 124:16 127:10,24 131:13</p> <p>proposes 17:17 18:21</p> <p>proposing 88:10</p> <p>Proposition 32:2 83:16</p> <p>prospective 47:21</p> <p>prospects 92:25</p> <p>protest 81:8</p> <p>provide 11:17,22 25:3 29:9 47:19 48:6 50:22 52:20 59:6 66:15 74:9 76:20 77:14 106:16 108:24 112:16 113:18 118:22 119:20,21 121:6,22 125:18 127:3</p> <p>provided 4:16 13:19 15:17 19:6 57:25 58:15,16 77:19 87:7,10 99:16 116:12 120:1,3</p>	<p>provider 101:23</p> <p>provides 30:3</p> <p>providing 8:17 77:16 120:19 133:17</p> <p>provision 14:3,4 34:23 44:5 56:13,17 118:21 126:10</p> <p>provisions 6:14 9:12 56:25 59:22 60:11</p> <p>prudence 79:15 98:25</p> <p>prudency 44:4,8,12,16</p> <p>prudent 45:16 99:8</p> <p>PSC 84:11 119:21 120:1 130:7,20</p> <p>PSC's 87:7</p> <p>public 1:1 2:5,11,16 3:7 5:23 6:6,7,15,17, 19 7:10 12:24 22:17 25:4,6,8 29:17 41:3 43:12 47:2,5,14 48:14 49:13 50:15 52:17 53:8 54:24 55:15 57:3,11,21 59:3 60:10,13,20, 24 61:2 62:8 71:23 78:4 87:8,11,13 99:19 100:5 102:19,23 103:10,11,24 ,25 104:3,4,22 105:21 118:20 121:16,21</p>	<p>134:18</p> <p>publication 86:4</p> <p>publicly 105:16,22 106:1 117:4,6</p> <p>publish 91:3</p> <p>published 4:24 57:18 72:17 131:13</p> <p>pulled 8:24</p> <p>punish 8:9</p> <p>purchase 25:25 50:16 110:17,18 111:2</p> <p>purchasing 11:7</p> <p>purposes 77:6 80:21 83:15 109:8 131:22 132:3</p> <p>pursuant 45:17</p> <p>putting 130:1</p> <hr/> <p>qualified 111:12</p> <p>qualify 113:19,20</p> <p>quality 10:18,20</p> <p>quantify 19:22</p> <p>quantitative 69:6</p> <p>quantitative^l y 25:17</p> <p>quarter 58:21</p> <p>question 39:17,23 40:1,4 42:14 43:18,20,21 44:3 45:12,13,20 64:21 66:7 70:2,3,23 71:2 83:23 84:1 85:10 95:13 99:19</p>	<p>116:9,15,16 117:10 119:16 127:16 128:6,15 129:6 130:5 131:4,20,24 132:21 133:12,14</p> <p>questions 6:25 21:18 22:6,8,10,12 31:15 36:6 39:3,4,7 44:14 46:18 54:17 62:10,17 63:2 64:3,10 69:18 70:20 75:20,22 78:6 83:22 95:11,17 96:7 97:18 101:3 102:15,16 103:3,5,6 115:19,21 116:3 120:6 128:4,11,21</p> <p>quite 17:3 61:1 65:3 67:1 91:22 113:2 123:20</p> <p>quote 6:5 58:12</p> <hr/> <p>R</p> <p>raise 7:12 22:18 47:6 72:9 79:3 87:1 89:17 90:1 122:21</p> <p>raised 3:20 4:20 41:24 44:3,15,24 70:18 103:10 130:10</p> <p>raising 134:22</p> <p>rambled 21:23</p> <p>range 20:1</p> <p>rapidly 117:23</p> <p>rate 15:3,4,7 26:4</p>
---	---	---	---

44:6,9,17 45:2,3 70:14,16 79:15 82:7 128:24 rate-making 27:1 ratepayers 8:17 27:2 38:4 111:10,20 rates 8:13,18 25:5 44:10,18 45:5 87:21 rather 59:19 66:12 84:17 86:7 90:25 91:12 124:18 rattle 22:2 reached 83:1 react 38:2 reaction 92:24 reading 115:4 reads 18:24 ready 2:18 real 8:22 44:13,14 65:14 69:2 realistic 29:22 30:22 82:13 88:21 reality 109:19 112:9 115:9 realize 16:6 34:20 53:5 131:7 really 6:1 14:8 16:8 21:25 30:16 31:24 39:16 40:21 42:20,22 43:1,7 44:7 50:21 51:6,19,23 53:5 55:5,18,20 58:1,5 59:25 60:9 63:7,10 71:2 72:21	75:5 76:12,15 77:5,18 82:22 91:21 92:14,15 93:7,24 94:1,20 95:5 99:5 100:12 101:25 106:2 108:11,13 109:12 110:25 113:10 114:15,19 115:9 117:2 123:8 124:5 126:19 reason 21:11,12 33:19 34:2,9 50:7 52:14 63:10 74:21 130:17 reasonable 8:12,18 17:23 25:5 124:7 reasonableness 79:12 81:11 reasons 14:24 17:14,20 34:22 57:22 78:12 103:18 recall 116:10 receive 8:11 91:4 received 71:11,13 92:19 102:24 103:1 receives 26:25 recent 49:14 recently 101:7 recognize 55:21 56:10 57:1,5 73:5 recognized 55:20 recognizing 56:23 recommend	61:4 83:3 recommendation 60:21 recommendations 61:24,25 78:7 recommended 24:4 53:10 54:19 60:14,22 61:5 62:2 83:11 86:7 recommends 29:17 30:10 recommitted 101:8 re-confer 105:3 reconfirm 105:9 record 31:10 43:12 46:13 71:13 102:24 103:1 118:23,24 119:1,20 recourse 37:19 recovery 45:16 82:7 83:18 reduce 48:2 98:1 reduced 135:7 redundant 81:23 128:25 reference 6:18,19 20:13 69:24,25 107:25 109:10 referenced 102:21 108:16 references 108:14 referred 51:11 91:17 93:1 referring 133:21	refers 85:4,5 109:12 114:22 reflect 32:24 48:10 55:21 79:23 110:1 112:18 115:9 reflects 48:21 55:14 refreshing 93:2,14 regard 92:17 93:4 107:19 108:25 109:3,17 111:13 118:1 regarding 1:11 4:19 5:14 6:5 11:8 19:4,15 20:5 21:9 23:13 44:22 61:7 70:18,20 82:12 87:15 88:6 97:17 107:11 124:11 125:6 126:1 130:17 regardless 27:20 30:20 regards 6:4,5 regional 20:21 105:17 106:15 109:1 112:3 114:12,13 115:3,5 116:11,17 118:5 Register 57:18 regulated 50:22 93:9 122:4 regulating 32:16 regulations 26:2 regulators 76:14 regulatory 1:16 22:16 59:8,12,15
---	--	--	--

<p>70:1,6,25 71:1 107:4 reinstated 129:14 reject 57:9 rejects 117:14 rel 5:22 related 28:13 40:3 109:25 113:3 114:4 133:19 135:8 relating 70:3 relationship 18:20 23:4,9,13 24:10 125:21 relative 56:15 135:10 relatively 94:21 reliability 105:18 112:15 reliable 8:12,17 25:4 91:15 reliance 50:16 relief 21:11 reluctant 11:22 rely 92:9 remarks 8:1 22:24 23:1 31:9,19 38:18 39:1 55:4 61:10,14 62:7,12 128:2 remedies 83:3 86:6 125:6 remedy 85:11 remember 8:8 39:22 removal 100:13 remove 60:10 removed 9:11</p>	<p>94:2 103:17 removing 60:11 Renew 23:11 24:4 61:12,16 79:2 renewable 18:4,6 98:10 renewables 17:25 repeat 41:23 repeatedly 85:5 repeating 41:5 REPORTED 1:19 reporter 71:17 135:1 reporting 1:20 5:14 38:11 74:8 represent 67:21 127:12 representatio n 116:21 representativ e 116:19 representativ es 49:8 represented 116:19 representing 79:1 116:11 request 20:13,24 35:22 57:21 59:8 105:24 requested 35:25 36:2 48:4 requesting 36:7 122:3 requests 13:25 26:25 128:24 require 9:18 10:10,12 15:24 18:19 29:20 36:15 102:11</p>	<p>126:11,12 required 4:14 9:19 10:3,6 17:18 31:8 67:24 68:25 75:2 83:3 99:21 100:4 101:16 104:10 109:9 requirement 101:23 113:14 125:12 requirements 5:14 13:8 20:17 21:4 26:18 38:12 57:14 60:6 67:18 73:10 74:8 75:1 78:14 100:10 107:11 108:4,9 109:6 127:23,25 132:18 requires 25:9,12,16 26:16 requiring 13:6 82:15 87:21 100:21 rerun 130:13 RES 79:25 82:8 research 16:11 29:21 38:1 reserve 100:10 101:13 reserves 100:4 104:10,18 residential 14:20,22 resolution 121:24 resolutions 95:2 resolve 124:4 resolved 34:24</p>	<p>resort 101:23 Resouce 1:12 resource 7:19 8:23 9:7 10:11 11:8,20 12:7 13:11,12 15:8 16:7 17:18 18:9 19:17 21:24 22:1 23:5 24:13,14,21, 24 25:15,19 26:5,10,14,1 5,19,20 27:11 29:1,2,8,23 32:3 34:7 36:18 64:19 65:6,7 67:4,6,13 75:8 80:17 81:12 82:17,19 83:11,14,15 87:17 88:18,20 89:3,6,9,10, 14,16 101:13 109:8,9 113:18 120:13 122:19 129:9 131:22 132:3 resources 8:24 10:4 17:25 24:19 25:10,11 26:11,12,13, 17 27:8 29:4,5 59:14 61:20 67:23 83:7 84:13 86:23 88:5 89:3 91:16 101:18 125:23 129:1 131:8 132:10 respect 61:16,19 62:4 72:22 respectfully 9:10 119:12 121:9 respecting 5:15 respond 10:12</p>
---	---	---	---

<p>14:15 39:15 96:7 103:9 117:14 130:4,25 131:3,23</p> <p>response 13:5 19:13 23:1 48:16 50:14 61:17 62:9 88:16 129:4 130:20</p> <p>responsibilit ies 67:4 112:15</p> <p>responsibilit y 109:23 110:22</p> <p>responsible 101:12 110:20 114:14</p> <p>responsive 48:18</p> <p>restated 72:19</p> <p>restating 72:25</p> <p>restricted 128:18</p> <p>result 34:11 59:19,23 67:17 73:2 77:20 89:15 123:17 124:3,5,7,18 127:19</p> <p>results 10:18,20 18:10 24:22</p> <p>results- oriented 127:3</p> <p>retirements 82:10 89:3,6,8,14, 16</p> <p>revenue 14:22 98:14,15,18</p> <p>review 11:12 13:20 19:5 37:11 57:19 107:15</p> <p>reviewed 21:8</p>	<p>49:19</p> <p>reviewing 8:8 47:23 48:2 53:3</p> <p>reviews 112:21</p> <p>revise 7:19 8:3</p> <p>revised 36:8 120:2,8</p> <p>revision 1:11 87:8</p> <p>revisions 52:19 58:21 87:18</p> <p>revisit 130:2</p> <p>revisited 31:20,22</p> <p>revisiting 58:9</p> <p>ridership 111:11</p> <p>rigorous 26:24</p> <p>risk 9:2,15 10:8,9,11 11:12,14 17:18 18:20,22 25:23 26:3,21 28:13 29:2,6 34:15,17 51:4,7,12 62:4 66:21 69:3 88:19 92:19,21 100:20,24 101:1 111:11,21</p> <p>risks 92:22</p> <p>Rivers 23:12 24:5 78:24</p> <p>road 42:3</p> <p>roadmap 74:9</p> <p>Rob 95:12</p> <p>Robertson 78:23 85:9 86:15</p> <p>R-o-b-e-r-t- s-o-n 79:2</p>	<p>ROBERTSON 78:23 79:7,8 84:4,6,24 85:5,17,20,2 5 86:3,6,11</p> <p>robust 29:9 66:9,11 76:10 93:19</p> <p>Rogers 22:3,12,14,1 5,22,23 30:15,22 31:2,5,7,13, 17 39:8 61:18 64:18,21,25 65:5 66:5,14 67:20 68:13,16,20 69:12 81:3 82:13,23 93:1 103:12 123:13 125:21 130:6 131:1</p> <p>Rogers's 80:10</p> <p>role 23:7,20 29:15 58:17 112:8,11,13, 18</p> <p>room 46:12</p> <p>rough 110:4,11 114:3</p> <p>roundtable 49:5,7,8,10, 12</p> <p>routinely 35:22 36:7</p> <p>RTO 20:14 21:14,15,16 39:10 54:3,4,6,9 108:1,14 109:19,22 110:6,19,20, 21 111:1,6,12,1 8 112:9,15,18, 21,22 113:4 114:17,18 117:11,20</p> <p>RTOS 32:7</p>	<p>RTO's 110:24 111:3,18 112:8</p> <p>rule 4:8,14 9:9,11,17 10:10 12:5 13:8,14,23 14:3,12,13 17:18 18:22,24 20:3,18,19,2 0 21:6 24:8 30:23 34:23 35:2,6,8,21 36:6 37:8,12,16,1 7 38:8,10 39:14 41:25 42:18,24 43:8 48:16,21,22 49:1,20 50:6,10,25 51:2,5 52:2,20 56:9,13,20 57:16,22 58:2,13,18,1 9,22 59:22,24 60:16,23 61:1 65:6,19 66:2,3,9,13, 24 68:6 72:17 73:3,6,23 74:11,24,25 75:4,11 76:10 79:20 80:4 81:7 82:14,17,24 83:25 84:2,3,4,14, 21,25 85:4,14,20 86:1 87:8,15 88:7,10,12,1 8 89:13,18 90:25 97:12,25 98:3,6,10,11 ,18,22 112:2 121:10 124:2,12,13, 16,19 125:1,15 126:22 127:3,10,11, 13,16,24</p>
--	---	--	--

129:22 130:1 131:13,22 132:4,19,23 133:8 rulemaking 1:5,11 2:4,6 4:10,25 40:7,13 46:15 49:11,17,20 57:15 65:1 80:14 84:23 85:2 121:20 rules 1:12 2:8 4:20,24 5:19,22 6:10,11 7:19,22 8:3,9 9:7,12 10:12 11:16,21 12:20 13:6,25 14:2,4 16:8 17:15 19:4,14 20:15,25 22:5 23:5,7,8,10, 11,14,16,17 24:1,4,11 25:3 27:22 28:16,21,22 29:16,19,20 30:2,11,15 31:20 32:6,24 33:4,16,17,1 8,21,25 34:3,8,10,12 ,18,21 35:6,18,24 36:3,15,19 37:7 38:9 39:20 47:23 52:22,23 56:5,23 57:9,10,12,1 9 58:12 59:18 63:5,18 64:19,22 65:13 67:12,18,21 68:21,22,23, 24 69:1 73:15 79:19 80:1 81:23 85:12	90:14,21 91:7 92:2,14 93:6,20 94:13 98:12,17 107:11,20 108:2,22,25 110:15 112:1 115:2 123:16 125:22 126:1,3,8 127:13 128:18 129:14 130:17 131:12 run 50:22 117:22 running 111:2 Ryan 47:4,11 <hr/> S S.W 5:23 safe 8:11,17 25:4 106:20 sales 111:2 San 67:5 satisfied 93:4 satisfies 23:23 satisfy 127:25 saturation 36:24 savings 24:20 25:2 26:8 27:7 28:24 29:13 30:4,6,9 84:13 saw 8:22 50:15 56:12 60:14 97:11 SBP 106:18 scatter 80:17 scenario 51:15,17 52:1,9 scenarios 11:14 52:10 schedule 2:11	13:7 46:24 scope 19:16 scratch 58:12,16 75:3,6 129:16 screen 10:2,4 26:11,12 80:6 86:8 screening 26:24 scrutiny 42:7 se 74:18 seamless 91:25 second 23:7 39:25 40:6 88:6 97:20 123:18 126:20 secondary 112:11,13 Secretary 35:5 86:4 section 6:10,14 13:7 18:21,24 20:20 21:6,13 45:17 46:16 99:1 109:3 110:15 112:2,20 114:6 sector 15:17,22 seeing 49:1 68:15 seek 45:16,19,21, 22 79:9,11 seeking 43:22 45:5 50:19 70:4,5,22 seeks 44:17 seem 17:23 61:1 seemingly 12:2 seems 21:23 51:18 66:7 68:5 79:16	81:1 83:17 84:18 88:23 124:7 seen 31:25 32:12,15 33:18 51:14 59:10 67:8 98:3 106:21 123:24 selected 88:24 115:6 selection 25:14 26:21 28:14 29:3 66:21 sell 100:2 101:22 110:17,18 seller 99:23 send 13:18 43:20 77:9 116:3 sending 119:15 sense 81:11 82:20 88:23 99:8 133:5 sent 4:15 35:5 39:7 45:12 71:15 95:18 128:4 sentence 6:13 50:1 53:12 54:11 108:6,7 109:13,15 110:1 separate 15:24 30:14 42:22 44:1 56:4 79:25 100:15,16,21 separated 15:22 45:10 separately 16:2,14 17:9 91:12 separating 69:8 September 58:7,8,10 serious 82:18 125:3
---	--	--	--

serve 73:15	shows 91:19	74:25 76:9	12:20 13:23
serves 25:6	shut 92:9	soften 113:13	43:23 52:19
service 1:1	sic 16:20	solar 83:13	54:17 60:19
3:7 5:23	61:21	91:16	61:25 62:9
7:10	sides 38:6	solid 67:21	66:25
14:19,20,21	significant	solution	67:12,17
15:3	39:12 49:21	19:25 20:2	79:25 82:3
16:11,15,24	91:11 107:16	24:8	83:3 84:2
17:5,11,16	111:11	solutions	85:4 91:3
19:9 22:17	117:25	21:2	92:22 99:15
50:22	significantly	somebody	108:16
110:5,7	78:13	45:21 129:18	113:21 117:1
112:16	similar 11:13	somehow 19:7	specifically
113:23 114:1	18:9 78:4	someone 47:21	8:25 52:25
services	101:10	87:18 91:5	53:6 60:1
8:12,18 25:4	similarly	sometime	66:20 75:25
120:14	33:22	28:10	123:5 133:21
122:20	simple 92:10	somewhat	specifics
sessions	simply 10:25	62:12	65:17
58:7,14	24:20 57:16	somewhere	specified
sets 87:16	95:3	121:18	13:10
133:5	108:13,15	sorry 41:23	spell 96:16
setting 28:5	111:1	43:16 53:20	spelled 79:2
seven 33:22	single 26:9	63:7 69:16	spending
65:14 101:13	99:2	76:20 99:13	45:15 130:7
several 19:3	sir 7:2 103:7	104:1 119:9	spent 38:5
29:19 45:10	107:7 118:14	sort 43:8	split 17:6
87:11,14	120:9	48:1 49:5,25	splitting
113:11	sit 21:21	50:20 51:10	15:9
128:11	situation	55:8 58:9,19	spoke 14:16
share 28:5,12	45:7,8 106:4	68:11 85:13	sponsor 111:5
shareholders	124:16	114:1 127:12	sponsoring
6:18,20 38:5	situations	sorts 39:11	52:6
sheet 13:10	71:3	111:22	Sponsorship
92:7 105:11	six 8:21	114:25	111:19
shifting	33:22 56:19	sought 44:9	SPP 21:20
40:19 42:4	65:13 74:13	sound 25:8	115:18
shop 15:13	101:13	35:3	116:11,12
16:17	113:16	sounds 81:5	117:13,23
short 71:20	size 56:15	sources 91:23	118:6
shortage 61:8	73:10	105:16	SPP's 118:1
100:4 104:11	skip 34:23	southwest	spreadsheet
shorter 33:16	sky's 36:21	19:10 20:9	11:25
34:5,7	small 14:20	117:21	st 15:12
shortest 35:8	16:12,15	space 17:3,4	16:18 78:25
short-term	17:10,11	speak 4:4	121:5 122:20
50:20 87:20	34:22	47:13 97:15	staff
90:14	73:10,16	special 2:22	2:18,20,24
shot 88:22	76:2 78:11	98:24	3:6,7,8,13,1
showing 18:13	92:16	specific	9 4:13
shown 14:1	smaller 56:15		5:13,20 7:4
			8:3,5,10

<p>12:6,8 14:4 17:14 19:13 21:3 22:3,24 24:2,6 27:25 28:10,15 29:24 30:1,10 38:9 39:7 41:4 44:22 46:22 49:9 50:5 55:14,15,19 56:2 58:1,17,19 63:3 66:19 67:23 71:23 77:15 79:8 82:5 83:2 93:24 96:25 99:16 100:8,19 103:9 104:4 120:1 122:5 123:4,9 128:13 129:1</p> <p>staff's 28:20 40:16 54:22 102:17</p> <p>stage 40:24 stages 70:15 stake 41:6 stakeholder 13:8 23:15 24:16 26:6 27:4,23 28:1,4,11 66:1,9,11,14 91:10 93:19 131:9,11,17</p> <p>stakeholders 10:16 11:19 23:2 37:19 41:2,7 42:2 48:7 52:7 66:20 83:2 94:3 117:20 131:8</p> <p>stakeholder's 24:7</p> <p>stand 3:2 108:18</p> <p>standard 16:21 98:11</p> <p>standards 125:16</p> <p>standing</p>	<p>123:2</p> <p>standpoint 99:25</p> <p>stands 16:21</p> <p>start 2:22,24 12:19 43:6 58:12,15 75:3 96:24 99:7 129:16</p> <p>started 31:22 71:22</p> <p>starting 75:5 93:23 94:14 95:7 129:15,19,24</p> <p>state 1:2 5:22 15:23 20:1 24:14 35:5 63:14,20 69:7 73:2 86:4 87:22 88:9,14 107:10 109:13 116:11,17 118:5 127:6 131:24 135:3</p> <p>stated 10:15 13:17 127:11</p> <p>statement 3:10,18 46:11</p> <p>statements 2:16,21 3:1,18</p> <p>states 9:24 13:9 14:3 15:9,20 20:20 24:12 35:18 38:21,22,25 39:11 57:8 63:12,14,15 67:14,16 69:3,9 73:15,17,19, 20,21 74:3,4,7 75:1 77:4 93:18 101:5,6 102:6 107:25 109:4 119:18 126:9 127:13</p>	<p>128:7</p> <p>statewide 130:9,20</p> <p>stating 73:6</p> <p>statutes 4:23 6:9 80:5</p> <p>statutory 6:13 80:1 88:1</p> <p>stay 17:15</p> <p>step 52:8</p> <p>steps 57:17 66:18,25</p> <p>Steve 3:4</p> <p>Steven 3:5</p> <p>S-t-e-v-e-n 3:6</p> <p>stifle 50:2</p> <p>stipulation 95:3</p> <p>stipulations 70:10,12</p> <p>stochastic 69:7</p> <p>stone 81:12</p> <p>stop 63:22</p> <p>stops 24:22</p> <p>straightforward 73:4 75:12</p> <p>strategic 65:9 68:1,3 72:5 118:6,8</p> <p>strategy 26:21 28:13 29:3 66:21 99:6 101:1</p> <p>streamlines 81:24</p> <p>Street 15:11 78:25</p> <p>strength 69:2</p> <p>strike 98:7 108:6</p> <p>strong 57:21 59:6 63:11 99:19</p> <p>strongly 56:5</p>	<p>100:3</p> <p>structure 118:11</p> <p>studies 29:21</p> <p>stuff 129:23</p> <p>Sub 133:21</p> <p>subject 19:25 49:14 92:3,5 110:12</p> <p>subjective 80:24</p> <p>submission 77:5</p> <p>submit 55:10 73:20 97:14 119:12</p> <p>submittal 94:2</p> <p>submitted 22:25 47:16 77:6,25 78:2,3 104:4 108:18</p> <p>Subsection 109:4 110:15 111:14 112:3 113:15 114:22 126:9,17,21</p> <p>substance 122:15</p> <p>substantial 6:7,16 90:12</p> <p>substantially 113:5</p> <p>substitute 108:7</p> <p>substituted 29:18</p> <p>succeed 27:20</p> <p>success 127:5</p> <p>successful 59:11</p> <p>sudden 79:21</p> <p>sufficient 131:22 132:3</p> <p>sufficiently 88:11</p> <p>suggest 43:5 52:24 53:13</p>
---	---	---	---

<p>105:19,23 113:2,13 126:6</p> <p>suggested 24:3,15 39:14 40:8 41:15,19 48:14,15,18 52:19 53:2,4 54:3,11,12 55:17 60:1,24 61:2 90:17 124:21 125:6</p> <p>suggesting 26:6 30:13 59:21,23 98:21</p> <p>suggestion 21:16 54:9,10 120:11 121:7</p> <p>suggestions 18:18 53:23 125:18</p> <p>suggests 21:15</p> <p>Suite 78:25</p> <p>sum 127:1</p> <p>summarize 28:20</p> <p>supervisor 120:13 122:19</p> <p>supplement 22:24</p> <p>supply 19:4,12 21:2 103:18 106:16</p> <p>supply-side 20:5,8 21:5 24:24 25:11 26:13,17 29:1,4 80:18 82:11 83:15,19 89:2,9,11 107:15 109:7</p> <p>support 54:11 55:6 57:22 60:11 88:8 89:5 118:10 122:10</p>	<p>123:18 125:7,20</p> <p>supported 58:25 61:17 74:24 75:17</p> <p>supportive 54:24 60:13,21</p> <p>supports 56:5</p> <p>supposed 79:18 82:18 84:9,10 94:14</p> <p>Supreme 5:21,24</p> <p>surcharges 128:25</p> <p>sure 51:6 65:3 68:7,15 89:24 93:6 116:18 119:5,15 120:5 125:24 133:18,22,23</p> <p>surprise 35:16 65:22 67:11</p> <p>surprised 56:22</p> <p>survive 8:15 26:23 71:17</p> <p>suspended 50:10</p> <p>swear 2:13 3:10,24 7:13 22:19 47:7 72:10 79:4 122:22</p> <p>switch 14:25 15:2</p> <p>switching 15:5</p> <p>sworn 7:14 22:20 47:8 72:11 79:5 87:2 90:3 96:20 107:6 120:15,17,24 122:23 135:5</p> <p>sync 15:25 16:9</p> <p>system 109:23</p>	<p>126:12</p> <hr/> <p>T</p> <hr/> <p>T&D 126:1</p> <p>table 51:20</p> <p>taking 52:5 66:18,22 117:25 118:8,9 123:9</p> <p>talk 21:19 35:20 49:15 52:16 54:14,21 56:22 75:24 76:15 122:14</p> <p>talked 7:20 13:6 53:22 62:3 76:6,13 87:18 129:12 131:10</p> <p>talking 12:21 41:16,18,25 50:1 103:8 130:22 134:2</p> <p>talks 134:3</p> <p>target 81:20</p> <p>tariff 14:25</p> <p>Tarter 72:1,4 78:21 131:2,6</p> <p>T-a-r-t-e-r 72:5</p> <p>TARTER 38:15 72:4,13,14 76:12 77:2,4,24 78:2,17 131:3,6</p> <p>Tatro 121:3 132:21 133:9</p> <p>T-a-t-r-o 121:4</p> <p>TATRO 120:11,17,20 23 121:2,3 122:1 131:24 132:22 133:7,10,13, 20 134:3,6,9,11</p> <p>team 132:14</p>	<p>technical 23:7 29:15,18,22 30:2,3,7,10, 18 82:12,15,17, 21,25</p> <p>technicians 28:4 66:19</p> <p>technologies 111:15,17 114:8,10,12, 23 126:23</p> <p>teenagers 130:2</p> <p>Telephone 69:19</p> <p>ten 54:23 55:2,6</p> <p>tendency 22:2 123:23</p> <p>term 29:17,18</p> <p>terms 51:7,18 67:12 94:20</p> <p>TERRY 1:17</p> <p>test 24:13,14,15, 21 26:7,10 27:11 29:8 81:4 88:20 127:24</p> <p>testifies 7:16 22:22 47:11 72:13 79:7 87:5 90:4 96:23 107:9 121:2 122:25</p> <p>testify 38:14,24</p> <p>testimony 64:7 78:19 85:10 95:17 103:6 135:4,6</p> <p>tests 84:10</p> <p>text 21:19</p> <p>thank 7:2,3,15 8:2 22:21 39:5 42:9 43:10,13,14 46:22 47:9</p>
---	--	---	---

62:13,14 64:8,11,14 69:11 71:4,8,15 72:12 78:16,20 79:6 85:7,9 86:13,15 89:21,22 95:21 96:21 103:5,7 107:7 115:11,22,23 116:5 118:14 119:13 120:9,25 121:25 122:24 123:4,8 127:9 128:9 131:19 134:23 thanking 96:25 Thanks 62:21 106:25 that's 3:17,22 6:8,10 13:2,15 14:12 15:8 16:23 17:19 18:13 30:23 32:18 34:22 36:9 38:14 40:1 41:21 46:18 47:21 48:9,22 50:7,25 51:4 52:5 53:7 54:2,5 55:23 56:25 57:5 58:25 60:21 64:2 65:3 66:5,6,12 73:19 76:19 77:17 78:11 80:7 81:24 83:19,21 84:6,21 88:24 89:20 90:13,17,20, 23 91:1,12,14,2 4 92:19 95:13 99:9,10 101:2 102:3	103:16 106:23 111:3,20 113:2 114:25 115:23 121:3 122:9,11,13 123:22 124:1 125:12 126:22 128:2 130:23 131:13,16 134:11,16 theme 80:3 themselves 12:24 37:24 98:13 theoretical 30:3 thereafter 135:7 therefore 81:2 there's 2:11 6:18,19 14:10 15:7 16:15,16 19:7,22 20:2,10 23:12 24:17 31:7 34:20,21 37:8 46:2 51:1 52:13,21,23 53:11 58:23 59:1 63:23 66:24 70:6 82:22 88:22 90:12 93:21 94:5 97:3 99:17 100:17 111:21 114:3 126:3 132:23 133:4 thereto 135:11 they'd 60:16 they're 8:7 15:3 16:3 17:23 18:10,11,13, 14 32:23 34:5 61:21 67:17 68:8 85:13 86:12 98:14 105:10	115:15 they've 38:7 74:4 77:19 92:25 95:4 102:21 123:5 third 58:20 89:2 131:20 Thirty 35:15 Thirty-five 35:13 thorough 89:5 thoughtful 61:21 three-year 74:2 78:9 thrilled 92:23 throughout 19:9,14,19 63:25 72:20 75:17 93:25 108:15 thus 19:22 111:10 TIGER 1:20 title 11:24 today 8:4 13:21 21:17 38:14,17 47:13,19,20 48:10 49:16 58:18 64:7 72:23 73:14 85:10 91:5,15 92:20 95:13 99:3 121:20,24 today's 2:3 Todd 72:1,4,13 131:6 top 53:8,11,16,2 5 topic 49:16 59:4 90:11 92:19,20 93:6 total 24:13,14,21 26:10 27:11	29:8 35:12 73:23 107:17 touch 90:8 92:15 touched 51:8 91:15 93:6 toward 127:23 128:1 towards 58:20 84:12 132:24 tracks 85:13 trade 32:16 trained 10:19 transact 99:23 transcript 1:4 31:12 transmission 5:15,16,17,1 8,19 19:4,5,8,15, 23,24 20:2,6,10,11 ,14,16,19,21 ,23 21:1,5,9,10, 14 32:7 38:8,10 39:10 46:17 54:7 62:20 97:17,18 107:11,13,14 ,18 108:1,3,9 109:1,6,18,2 3,25 110:7,16,17 111:11,14 112:4,5,19,2 1,22 113:4,12,17, 23,25 114:7,8,9,12 ,13,23 115:3,5,8,17 117:13,16,18 122:2,3 126:11,22 TRC 24:23 26:7,8 81:3,6 treated 108:14 treatment
--	---	---	--

<p>24:24 27:1 trees 68:4,7 tremendous 19:25 trends 15:20 tried 32:5 56:2 93:24 98:3,6 triennial 14:1 34:24,25 55:25 59:5 true 15:22 19:20 117:15,16,17 truth 93:21 try 4:6 11:5 17:21 18:15 28:8 48:6,20 57:4 85:14 91:6 98:7 99:23 120:10 123:2 trying 11:13 48:10 68:19 88:17 98:1 104:21 124:1 127:21 130:15 t's 68:19 turn 56:7 79:16 92:10,11 120:12 122:14 type 9:3 58:1 130:19 types 11:12 32:6 113:16 114:17 118:4 121:18 typewriting 135:7</p> <hr/> <p style="text-align: center;">U</p> <hr/> <p>U.S 63:25 uh-huh 38:15 65:4 68:13 69:12 ultimately 27:7 46:7,9 84:12 114:18</p>	<p>unalterable 19:11 uncertain 25:24 29:6 69:4,5 80:25 uncertainties 51:10,11,19, 21,22,23 uncertainty 19:25 34:16,17 106:3 109:25 110:2,13 114:4 underlying 106:19 underscore 93:25 understand 52:12 59:25 127:8,14 128:22 129:8,9 understanding 4:12 30:8 37:3 60:9 77:7 92:13 94:5,20 95:7 105:15 119:25 understanding s 28:12 understands 122:8 understate 112:7 underway 52:4 undetermined 45:20 unfortunate 126:2 unfortunately 4:8 40:12 76:12 unilaterally 111:1,16 unique 34:15 United 15:20 35:18 unless 2:18 11:11 37:23 46:19 83:21</p>	<p>Unlike 9:12 unlikely 18:1 27:20 88:24 unnecessary 21:2 upcoming 100:10 123:12 updates 59:5 60:3 upgrade 21:12 111:2 upgrades 20:23 110:16,17,20 111:5,7 112:6 113:17,22 114:7 upholstery 15:13 16:17 upon 32:4 43:10 44:17 54:9 55:15 59:15 64:21 121:17 urge 8:7 useful 45:17 92:12 usefulness 29:24 51:15 useless 81:22 usually 76:22 utilities 5:15 6:7,17,19 8:9,20,21,24 9:1,4,5,8 10:5,14 11:15,19,21 12:7 14:7 18:8,19 26:16 28:1,8,17 29:10 32:20 34:7,14,16 35:22 36:1,7,16 41:9 48:7 49:9,11 50:1,3,16,18 51:14,17,25 52:12 55:24 56:10,16,24</p>	<p>57:6 58:11 59:6,11 66:18,19,22 67:6,14,15,2 2 68:8,23 72:25 73:5,9 75:14 76:3,13 78:7 79:9 82:15 89:19 92:24 93:9,15 100:14,21 101:13,22 105:17,24 109:4 113:20 127:9 128:16,22 129:12 130:4 131:21 utility 1:12 6:18,20 8:9,15 9:6,13,18,19 ,23 10:1,3,10 11:6,17 12:9 13:12 17:22 18:5,24 20:12,16,21 21:1,4,10 22:15 23:5 25:10,13,16, 21 26:25 27:5,7,9,10, 14,19 28:4,10 29:21 30:4 31:24 34:22 37:9,19 43:22 50:12,22 53:12,13,15, 17 56:3,8 65:7 67:3 80:24 87:22 88:3,19 89:10,15 100:17 106:19 108:3 109:1,6 110:10,16,22 111:5,6,8,9, 10,15,16,19 112:3,10,13, 21,23 113:17 114:6,14,19 115:7 121:15,23 122:4 124:14</p>
--	--	--	--

126:13 129:2 133:5 utility- provided 12:4 utility's 10:3 26:22 27:16 83:14 85:6 112:24 125:19 utilize 21:4 utilized 120:8	<hr/> wait 22:11 85:14 waiver 8:22 35:21 123:11 waivers 14:7,9 35:22,25 36:2,7,14 48:2,4 washed 106:17 wasn't 41:20 42:24 53:5 95:7 100:12 watching 39:6 91:19 115:17 water 81:13 wavier 13:25 ways 28:6 we'd 2:19 98:9 99:7 124:17 129:15 week 61:9 welcome 125:1 welcomes 93:8 welfare 6:6,15 we'll 2:14 71:10,18 102:23 118:15 119:2 120:10 welton 96:13 wendy 121:2,3 we're 2:21 41:11,12,16, 18,23,24 42:1,18 48:5,9,20 50:2 57:3 67:16 68:15,17,18 70:15 71:5,22 73:22,25 81:21 89:14 92:3,23 93:4 95:7 109:21 126:18 129:11	130:22 western 65:9,16 we've 8:10 12:16 14:6 18:8 31:20 32:1,12,15 34:22 37:7 48:17 50:4 65:25 70:13 71:16,22 72:15,20 75:17 77:19 78:9 80:12,22 90:17 91:9,14,17 92:9,16 120:5 121:7 131:10,12 whenever 20:16 22:6 74:5 99:22 108:3,6,11 whether 11:3 14:9 16:22,25 34:11 37:22 39:20 45:23 64:16 94:15 103:10 104:25 105:2 112:22 117:1 118:20,23 121:8,17 125:4 whoever 2:12 whole 48:16 64:1 97:12 105:4,10,11 124:8 130:15 who's 3:1 whose 135:4 wilbers 86:17,19,22 87:5,6 89:22 willing 57:4 82:23,24 wind 46:9 91:16 92:8,9 wish 2:16 3:10 130:25 wishes 20:1 witness 2:14	3:2,13 7:14 22:20 47:8 72:11 79:5 87:2 90:3 96:20 97:20 107:6 120:24 122:23 135:4,6 witnesses 7:5 96:5 Woodruff 1:16 2:1,3,23 3:3,9,14,17, 22,24 4:2 6:22,24 7:4,7,12,15 12:22 13:4,14,16 22:9,13,18,2 1 30:13,21 31:1,4,6,11, 14 39:5,24 40:3,6 42:9 43:11,14,19, 25 45:11 46:10,22 47:2,6,9 55:7,12 62:13,15 64:9,15 69:15,20 71:4,10,14,2 1 72:3,9,12 75:21 78:20 79:3,6 83:23 84:5,20 85:3,7 86:15,18,20, 25 87:3 89:21,23 90:1 95:15,18,22, 25 96:11,16,19, 21 102:16 103:2,8,14,2 0,22 104:2,6,12,1 6 105:12 106:7 107:1,7 115:11,13,20 ,25 116:7,20,24 117:3,7,10 118:14,17 119:1,7,13,2 3 120:9,15,18,
<hr/> valid 130:16 valuable 30:7 99:10 125:24 value 28:6 52:1 various 21:5 24:3 39:11 58:2 93:10 vary 113:5 vastly 112:7 vehicle 23:18 80:5 verify 105:24 version 77:11 99:18,20 102:19 104:22,23 126:8 versions 99:17 versus 38:19 130:22 view 6:6,15 77:16 97:9 viewpoint 18:15 violate 57:14 virtually 91:24 volatile 116:14 volume 1:8 voted 32:4 votes 32:3	<hr/> v valid 130:16 valuable 30:7 99:10 125:24 value 28:6 52:1 various 21:5 24:3 39:11 58:2 93:10 vary 113:5 vastly 112:7 vehicle 23:18 80:5 verify 105:24 version 77:11 99:18,20 102:19 104:22,23 126:8 versions 99:17 versus 38:19 130:22 view 6:6,15 77:16 97:9 viewpoint 18:15 violate 57:14 virtually 91:24 volatile 116:14 volume 1:8 voted 32:4 votes 32:3		

<p>21,25 121:25 122:16,21,24 128:3,10 129:7 130:3,25 131:5,20 132:1,20 133:6,9,11,1 4 134:1,5,8,10 ,13 worded 53:6 wording 21:15 work 9:25 12:13 28:2,5,22 57:6 67:2 91:24 111:17 123:5 125:7 128:19,23 worked 67:2 74:4 95:2 working 48:22 52:13 84:12 87:7,9 131:15 workload 8:5 48:2 works 73:22 worksheet 99:16 workshop 7:18 28:9 49:11 66:19 72:15,20 74:12 123:7 131:14 workshops 28:3,15 49:14 59:4 123:12 131:15 world 10:12 64:1 worry 16:25 17:6 worse 38:20 worth 25:13,21 writing 97:14 116:21,23 117:2 written 10:14</p>	<p>23:1 39:20 47:14,16 52:17,21 53:9 54:18 61:9,10 80:15 81:13 87:10,12 88:19 89:7 90:7 97:21 107:22,23 108:17,20 124:9 127:1 wrong 66:8 125:11 <hr/> Y <hr/> year-by-year 99:21 yesterday 35:8 yet 12:2 you'll 22:18 47:6 49:20 116:4 yourself 22:14 47:3 86:20 121:1 122:17 you've 90:5 128:17 <hr/> Z <hr/> zero 50:11 Zone 15:11 16:16</p>		
--	---	--	--