 1   STATE OF MISSOURI

        PUBLIC SERVICE COMMISSION

 2

        TRANSCRIPT OF PROCEEDINGS

 3

       On-The-Record Presentation

 4

          October 23, 2013

 5

         Jefferson City, MO

 6   Volume I

 7   In the Matter of KCP&L Greater

 8   Missouri Operations Company's

 9   Application For Authorization To

10   Suspend Payment Of Certain Solar Rebates

11   File No. ET-2014-0059

12

13   In The Matter of Kansas City

14   Power & Light Company's Application

15   For Authorization To Suspend Payment

16   Of Certain Solar Rebates

17   File No. ET-2014-0071

18   RONALD D. PRIDGIN, Presiding

19   SENIOR REGULATORY JUDGE

20   ROBERT S. KENNEY, Chairman

21   STEPHEN M. STOLL

22   WILLIAM P. KENNEY

23   DANIEL Y. HALL

24   COMMISSIONERS

25

 1   APPEARANCES

 2   PUBLIC SERVICE STAFF COUNSEL DEPARTMENT
     Jennifer L. Hernandez
 3   Nathan Williams
     Bob Berlin
 4   Alex Antal

 5   OFFICE OF THE PUBLIC COUNSEL
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 7   Andrew J. Linhares

 8   KCP&L/KCP&L GREATER MISSOURI OPERATIONS CO
 9   Roger W. Steiner
10   James M. Fischer
11   MISSOURI DIVISION OF ENERGY
12   Jeremy Knee
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14   BRIGHTERGY
15   Carson M. Hendricks
16
17   MIEC
18   Edward F. Downey
19
20   MOCEA
21   Steve Jeffrey
22   Steve Carroll
23
24   WIND ON THE WIRES
25   Steven Reed

 1

 2   ALSO PRESENT:

 3   MIDWEST LITIGATION SERVICES

 4   711 North 11th Street

 5   St. Louis, MO 63101

 6   1-800-280-DEPO

 7   By: Ms. Suzanne Benoist, RPR, CCR, CSR-IL

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22           File No. ET-2014-0071

23               THE ON-THE-RECORD PRESENTATION was

24   held on October 23, 2013, between the hours of 9:00

25   in the forenoon and 5:00 in the afternoon of that
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 1   day at the offices of Missouri Public Service

 2   Commission, 200 Madison Street, Room 310, Jefferson

 3   City, MO 64102, before Suzanne Benoist, a

 4   Certified Court Reporter within and for the State

 5   of Missouri.

 6   -oOo-

 7   (Whereupon, the hearing began at 11:22 a.m.)

 8   JUDGE PRIDGIN: Good morning. We are

 9   on the record.

10   This is the On-The-Record

11   Presentation in case numbers, or pardon me, file

12   numbers ET-2014-0059 and ET-2014-0071. I am Ron

13   Pridgin, I am the Regulatory Law Judge assigned to

14   preside over this presentation. We are beginning

15   at about 11:15 in the morning and this is October

16   23rd, 2013. We're in the Governor Office Building

17   in Jefferson City, Missouri. I would like to get

18   entries of appearances from counsel please and

19   could I begin with Kansas City Power & Light and

20   KCPL GMO please?

21   MR. FISCHER: Yes Judge. Let the

22   record reflect the appearance of Robert W. Steiner

23   and James M. Fischer on behalf of Kansas City

24   Power & Light Company and KCPL Greater Missouri

25   Operations Company. Our contact information is on

 1   the written form that we've submitted to the court

 2   reporter.

 3   JUDGE PRIDGIN: Mr. Fischer thank

 4   you.

 5   On behalf of the Office of the Public

 6   Counsel please?

 7   MR. MILLS: On behalf of the Office

 8   of Public Council and the public my name is Lewis

 9   Mills, my address is Post Office Box 2230,

10   Jefferson City, MO 65102.

11   JUDGE PRIDGIN: Mr. Mills, thank you.

12   On behalf of the Missouri, please

13   correct me, is it the Department of Energy or

14   Division of Energy?

15   MR. KNEE: Division of Energy within

16   the Department of Economic Development. So on

17   behalf of the Division of Energy, Jeremy Knee, P.O.

18   Box 899, Jefferson City, Missouri 65102.

19   JUDGE PRIDGIN: Mr. Knee, thank you.

20   On behalf of Renew Missouri please?

21   MR. LINARES: Judge on behalf of

22   Renew Missouri Andrew Linares, address is 910 East

23   Broadway, Suite 205.

24   JUDGE PRIDGIN: Mr. Linares, thank

25   you.

 1   On behalf of MOCEA, please?

 2   MR. JEFFREY: Judge Steve Jeffrey and

 3 Steve Carroll for MOCEA. My address is 300 Ozark

 4 Trail Drive, Suite 216, St. Louis, Missouri 63011.

 5   JUDGE PRIDGIN: All right Mr.

 6 Jeffrey, Mr. Carroll, thank you.

 7   On behalf of Brightergy please?

 8   MR. HENDRICKS: Carson M. Hendricks

 9 on behalf of, Brightergy, LLC.

10   JUDGE PRIDGIN: Mr. Hendricks thank

11 you.

12   On behalf of MIEC please?

13   MR. DOWNEY: Good morning. Edward F.

14 Downey, Bryan Cave, LLP, 221 Oliver Street, Suite

15 101, Jefferson City Missouri 65101.

16   JUDGE PRIDGIN: Mr. Downey, thank

17 you.

18   On behalf Wind On The Wires please.

19   MR. REED: Yes, Judge. This is

20 Steven Reed for Wind On The Wires in the case of

21 ET-2014-0059 only. My address is P.O. Box 597,

22 Holt Summit, MO 65043.

23   JUDGE PRIDGIN: All right Mr. Reed,

24 thank you.

25   And Ms. Tetro from Ameren did call me

 1   earlier and asked to be excused but let me double

 2   check to see if Ameren has an entry.

 3   I hear none. Did I overlook anyone?

 4   Ms. Hernandez, I didn't write down

 5   Staff on my list, I apologize. Please go ahead, my

 6   apologies. I've only been doing this 11 years.

 7   MS. HERNANDEZ: Good morning.

 8   Jennifer Hernandez, Nathan Williams, Bob Berlin and

 9   Alex Antal appearing on behalf of the Staff of

10   Missouri Public Service Commission, our address is

11   P.O. Box 360, Jefferson City, Missouri 65102 and if

12   the record may also reflect staff witnesses Mark

13   Oehlschlager and Clair Eubanks here today if the

14   Commissioners or Your Honor have any questions.

15   JUDGE PRIDGIN: Mr. Hernandez, thank

16   you. My apologies.

17   Anyone else I overlooked?

18   All right. Because we're still

19   awaiting commissioners let me just kind of tee this

20   up to how I envision this going and it looks like

21   KCP&L GMO have a PowerPoint that they would like to

22   go through as they give a presentation and because

23   the parties have a stipulation and agreement that I

24   understand is unanimous but to which nobody objects

25   it would be my preference to let the Company give

 1   that presentation and obviously the Commission may

 2   step in at any time and ask questions of either,

 3   whoever's presenting the PowerPoint or any other

 4   party but to basically let the Company do that and

 5   then I'll ask if anybody else has anything to add.

 6   Normally I would give everyone an

 7   opening statement but because we have no dispute I

 8   don't see any need to give 10 or 12 opening

 9   statements for a stipulation. Now if the parties

10   disagree please speak up but I believe that's my

11   preference and I think the Commissioners will have

12   plenty of questions after that presentation.

13   MR. FISCHER: Judge, on behalf of the

14   Company I did put together a presentation but it

15   only goes through the points of the agreement and

16   really if they just have questions we're happy to

17   expedite that and not give the presentation at all,

18   if that would be your option or the Commissioner's

19   option because I mean it's all there in the

20   stipulation.

21   JUDGE PRIDGIN: Certainly. I think

22   the Commissioners would like to see what the

23   PowerPoint is and it may jog their memory as to

24   what questions they have so I would like for them

25   to see that and I guess first let me ask do any of

 1   the parties have any concerns or objections to

 2   proceeding that way?

 3   And obviously, and I think Mr. Mills

 4   you said you had a meeting that you might need to

 5   get to, if a party or counsel needs to get to

 6   another meeting or doesn't have anything to add as

 7   far as I'm concerned you're welcome to be excused,

 8   that's certainly up to you.

 9   Okay. Anything else before we go in

10   to recess and await the Commissioners?

11   Okay. If there's nothing further if

12   I could ask everyone on the phone to stay on the

13   line and those in the hearing room at least have

14   somebody available, I'm sure there'll be plenty of

15   hubbub and notice when the Commissioners make their

16   way down but I'd like people available pretty

17   quickly so when they come down we can launch right

18   in to the PowerPoint and in to their questions.

19   So anything further before we go off

20   the record?

21   All right. If not we will stand in

22   recess.

23   Thank you, we are off the record.

24   (RECESS TAKEN BY PARTIES)

25   JUDGE PRIDGIN: Good morning, we are

 1   back on the record.

 2   I'm sorry, let me go off the record.

 3   I'm going to have to reset the camera.

 4   (DISCUSSION HELD OFF THE RECORD)

 5   JUDGE PRIDGIN: Thank you, we're back

 6   on the record. We have taken entries of appearance

 7   and I believe KCP&L and GMO have a PowerPoint

 8   presentation and a statement they would like to

 9   make.

10   Is there anything else from the

11   parties or anything else from the bench before we

12   proceed to that statement?

13   All right. Hearing nothing Mr.

14   Fischer when you're ready, sir.

15   MR. FISCHER: Thank you Judge, may it

16   please the Commission.

17   My name is Jim Fischer and Roger

18   Steiner and I will be representing Kansas City

19   Power & Light Company and KCP&L Greater Missouri

20   Operations Company which we sometimes refer to as

21   GMO in this proceeding today.

22   The purpose of the On-The-Record

23   Presentation as I understand it is to answer your

24   questions regarding the non-unanimous stipulation

25   and agreement that was filed in these cases and I'm

 1   certainly happy to do that. I also have Tim Rush

 2   and Burton Crawford who are the witnesses for the

 3   Company in attendance today and they may be able to

 4   assist me in doing that.

 5   While Wind On The Wire and Ameren

 6   Missouri did not sign the stipulation and agreement

 7   they've indicated that they do not oppose it and

 8   have not requested a hearing so under the

 9   Commission's rules of practice this stipulation and

10   agreement is, should be considered a unanimous

11   stipulation and agreement. Like I said I'd be

12   happy to answer your questions or as the Judge has

13   mentioned I did prepare a brief presentation just

14   going through some of the major terms of the

15   stipulation and be happy to do that in a quick

16   fashion.

17   JUDGE PRIDGIN: Okay. Thank you Mr.

18   Fischer

19   MR. FISCHER: Under the terms of the

20   stipulation and agreement GMO will not suspend

21   payment of the solar rebates in 2013 and beyond

22   unless the solar rebate payments reach an aggregate

23   level of $50 million incurred subsequent to August

24   31, 2012.

25   KCPL, the other company involved

 1   here, will not suspend payments of solar rebates in

 2   2013 and beyond unless the company reaches

 3   aggregate level of 36.5 million incurred subsequent

 4   to August 1, 2012. And assuming the Commission

 5   does approve the stipulation and agreement then the

 6   companies will withdraw their pending tariffs and

 7   will refile tariff sheets that are consistent with

 8   this agreement.

 9   Now, if and when the solar rebate

10   payments are anticipated to reach the specified

11   levels the companies will file with the Commission

12   an application under the 60 day process that was

13   recently adopted in HB 142 or it's now found at

14   section 393 1030, subsection 3. To cease payments

15   beyond the specified level in the year in which the

16   specified level is reached and all future calendar

17   years.

18   Now as of August 31 of this year the

19   balance in GMO's account is approximately $16

20   million attributable to solar rebate payments and a

21   similar balance in the KCPL account is 5.9 million.

22   CHAIRMAN KENNEY: Can you stop?

23   JUDGE PRIDGIN: Did somebody

24   disconnect or call back in?

25   COMMISSION STOLL: I'm still here, I

 1 did hear that though.

 2   JUDGE PRIDGIN: Commissioner Stoll,

 3 thank you.

 4   Mr. Fischer you're ready.

 5   MR. FISCHER: While the agreement

 6 resolves the aggregate amount of solar rebate

 7 payments to be paid after August 1, 2012 the

 8 agreement has not resolved the method that will be

 9 utilized in the future to calculate the one percent

10 cap in the retail rate impact in future RES

11 compliance filings.

12   The signatories to the stipulation

13 have agreed though to work together to resolve this

14 issue in the rule making to implement the

15 provisions of HB 142.

16   GMO and KCPL, however, have agreed to

17 utilize the Staff's methodology in future RES

18 compliance filings until the RES rule is changed.

19   Now, the other signatories to the

20 agreement have reserved the right to assert any

21 position related to GMO or KCPL's use of the

22 Staff's methodology in future RES compliance

23 filings and to propose alternate or alternative

24 methodologies.

25   The signatories have also agreed to

 1   cooperate in the development of all aspects of an

 2   orderly process to cease or conclude solar rebate

 3   payments to solar customers.

 4   Solar rebate amounts paid and other

 5   RES compliance costs by GMO and KCPL will be

 6   included in a regulatory asset to be considered for

 7   recovery in rates after December 31st of this year

 8   either in a general rate case or through the

 9   approval of a renewable energy standard rate

10   adjustment mechanism which we sometimes refer to as

11   a RESRAM.

12   GMO and KCPL have agreed to propose a

13   cost recovery approach in a future general rate

14   case or other proceeding involving the

15   implementation at RESRAM which is consistent with

16   the provisions of the RES rule 4 CSR 240 20.100.

17   And then finally Renew Missouri has

18   also agreed to dismiss its complaint cases against

19   GMO and KCPL pertaining to the disclosure of the

20   one percent cap calculation and the 2012 RES

21   compliance plan filing.

22   In the future GMO and KCPL will

23   perform the retail rate impact limit calculation

24   annually and will provide a detailed explanation in

25   future annual RES compliance plans.

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 1                   The other terms of the stipulation

 2   and agreement are fairly self explanatory but I'd

 3   be happy to answer any of your questions or to call

 4   up any of our witnesses that you'd like to talk to

 5   about more technical details.

 6                   JUDGE PRIDGIN:  Mr. Fischer, thank

 7   you.

 8                   I think the Chairman has some

 9   questions.  Is there anything else from the parties

10   before the Chairman has any questions?

11                   All right Mr. Chairman?

12                   JAMES M. FISHEREXAMINATION

13   QUESTIONS BY CHAIRMAN KENNEY:

14        Q.     Mr. Fischer thank you and let me

15   apologize again to the parties for the late start,

16   we obviously had an agenda meeting and that went a

17   little longer than anticipated so thank you for

18   your patience and your indulgence.

19                   My question is rather simple.  Well,

20   so 50 million and 46.5 million are the figures that

21   will be paid.

22        A.     Yes.

23        Q.     And if my math is correct that means

24   34 million additional for GMO once you subtract out

25   the 60 million that's already been paid and 30.6
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 1 **for KCP&L once you subtract that 5.9 that's already**

 2 **been paid.**

 3   A.   Yes, I think your math's correct on

 4 that.

 5   Q.   **How were those figures arrived at?**

 6   A.   Judge that was essentially a

 7 stipulated amount arrived at through negotiation.

 8 The two companies are slightly different situations

 9 regarding the amount of rebates that have already

10 been paid out and anticipated and it was really a

11 matter of negotiation among all the parties

12 involved in the case.

13   Q.   **Was it a matter of projecting what**

14 **the parties thought would be the additional rebates**

15 **that are coming in or does it account for just**

16 **existing applications that have not yet been paid?**

17 **I mean that figure must represent something.**

18   A.   Well, I think we all came at it from

19 different angles, certainly we knew and we had

20 discovery about the amount of money that had been

21 paid and some of the ones that were in the pipeline

22 and I think it probably in everybody's mind we came

23 at it from different perspectives but it took in to

24 account all of the things that you mentioned.

25   Q.   **So the 34 million and the 30.6**

 1 **million will compensate applications that have not**

 2 **yet been paid but also there's some room for**

 3 **additional applications that have not yet come in**

 4 **that are projected to come in perhaps?**

 5   A.   You know, I know one of the company

 6 witnesses have more recent information, I'd be

 7 happy to call Tim Rush up to answer that. It's my

 8 understanding that there is room and when we do

 9 anticipate that we would be reaching that $50

10 million level, the $36.5 million level we will be

11 filing applications with the Commission to allow us

12 to suspend payments on a permanent basis.

13   **Q.   Have you estimated or forecasted when**

14 **you might reach the 50.6, I mean the 50 and the**

15 **36.5?**

16   A.   My understanding is it is imminent

17 but it may not be too far down the road. Perhaps I

18 should ask Tim Rush to answer that question.

19   **Q.   Okay.**

20   **TIM RUSH**

21   **EXAMINATION**

22 QUESTIONS BY CHAIRMAN KENNEY:

23   **Q.   And maybe I'll put a finer point on**

24 **my initial question. Of that 34 million and 30.6**

25 **million how much of that 34 million and 30.6**

 1 **million is going to go to applications that are**

 2 **already received bY KCP&L and GMO that have not**

 3 **already been paid?**

 4   A.   Currently if all of the applications

 5 that have been received and processed were to come

 6 about then there would still be room to be, to, for

 7 additional applications to come in.

 8   Q.   **How much?**

 9   A.   Well, the current applications that

10 are at GMO are about $24 million, so that would

11 leave another $10 million.

12   Q.   **Okay.**

13   A.   Applications at KCP&L are about $9

14 million.

15   Q.   **So that would leave 21.6?**

16   A.   Yes.

17   Q.   **And when do you anticipate that you**

18 **will get up to that cap?**

19   A.   Well, that's awfully hard to say

20 because we're talking about applications that would

21 come in.

22   Q.   **Right.**

23   A.   I think the solar industry has a lot

24 better sense of what's happening but essentially

25 there's been kind of a slow down of applications

 1 because of all the pending issues that we've seen

 2 and honestly once we get clarity I think things

 3 will change quite a bit for the solar industry, for

 4 our business also, so the stipulation agreement

 5 gives a lot of clarity to where we're headed with

 6 our, the solar rebate program and to the solar

 7 industry but they may be better able to answer

 8 those questions.

 9   **Q.   And there's folks here from**

10 **Brightergy and MOCEA?**

11   A.   I believe there are folks on the

12 phone from Brightergy and I believe MOCEA's legal

13 counsel is here.

14   CHAIRMAN KENNEY: Do either of you

15 want to take a stab at that question about when you

16 predict or anticipate that KCP&L and GMO might

17 reach the cap?

18   MR. JEFFREY: Good morning. My name

19 is Steve Jeffery I represent MOCEA along with Steve

20 Carroll.

21   In response to your question Mr.

22 Chairman it's our understanding and our expectation

23 that with respect to GMO and KCP&L the rebates

24 should be exhausted within the next couple of

25 years. We haven't done any more detailed

 1 projections but we think that's a realistic time

 2 frame and I'd be glad to answer any other questions

 3 you might have.

 4   CHAIRMAN KENNEY: I don't have any

 5 other questions, that's all I have.

 6   JUDGE PRIDGIN: Mr. Chairman, thank

 7 you, and Counsel, thank you.

 8   Commissioner Stoll?

 9   MR. STOLL: Yes, a couple quick

10 things.

11   JAMES M. FISHEREXAMINATION

12 QUESTIONS BY COMMISSIONER STOLL:

13   Q.   On the, according to the stip, the

14 stipulation GMO has $16 million attributable to

15 paid solar rebates in KCP&L, 5.9 million

16 attributable to those, and if that is correct is

17 there any indication why GMO is nearly three times

18 that of KCP&L?

19   A.   Commissioner I believe it's really a

20 reflexion of how active the solar industry has been

21 in the GMO areas, particularly in the St. Joseph,

22 Missouri area. They have done quite well in

23 signing folks up in that area and I think it's been

24 a reflexion of that more than anything else.

25   Q.   Okay. I understand then.

 1   **Could you, or could someone give kind**

 2   **of a brief overview of the efforts that these**

 3   **companies have taken to support the development of**

 4   **renewables and particularly solar generation as**

 5   **was, as is directed by Proposition C? A very brief**

 6   **overview?**

 7   MR. FISCHER: Judge I probably would

 8   defer to the counsel for the solar industry Mr.

 9   Jeffrey if he'd like to answer that one.

10   CHAIRMAN KENNEY: Commissioner Stoll

11   are you asking the efforts of the utilities or the

12   efforts of the companies?

13   MR. STOLL: Well actually the efforts

14   of the other companies to support the development

15   of renewables.

16   A.   I'm sorry, that's my question I

17   guess.

18   Q.   (BY MR. STOLL) Okay.

19   A.   The companies have been quite active

20   in working with the solar industry to resolve

21   issues that have come along. We I know in Kansas

22   City have some solar projects that are owned by the

23   company and they've worked closely with the

24   industry to develop these. They worked in

25   negotiating the terms of HB 142 in the last

 1   legislative session to deal with the phase out of

 2   solar rebates. Then whenever it appeared we were

 3   going to be hitting at least one version of the

 4   calculation they began talking to the industry to

 5   see how to resolve that question.

 6   Perhaps I should also ask one of the

 7   company witnesses to come forward and give you

 8   better overview if that doesn't answer your

 9   question?

10   **Q.   Well, if someone -- let's see. I**

11   **guess if somebody could kind of follow up, you**

12   **know, in the development I guess of other**

13   **renewables but particularly solar generation?**

14   A.   Well, if you're talking about other

15   renewables certainly Kansas City Power & Light and

16   GMO have been active in the one area particularly

17   and over the years they've been putting in wind

18   farms in various places and they anticipate having

19   renewables in the future in the wind area. They

20   also have a St. Joe landfill project which is I

21   think considered a renewable and they've been

22   active in that area as well. They have been very

23   mindful of the public policy of the state to try to

24   develop renewables and they've been doing things

25   whenever they can to meet the Missouri and the

 1 Kansas requirements to meet the renewable portfolio

 2 requirements.

 3   Q.   So I assume from that that you, how

 4 do you feel, is this agreement consistent with the

 5 intent of Proposition C?

 6   A.   Yes. We believe it is. It's

 7 certainly consistent with it, it's consistent with

 8 HB 142 and we've been working with the solar

 9 industry and the wind industry to make sure we're

10 on common ground in that regard.

11   Q.   Okay. I guess in house bill 142 the

12 solar rebates are eventually going to be phased

13 out?

14   A.   Yes.

15   Q.   How important is the rebate

16 continuity to the development of renewable

17 generation? How do you foresee the future with

18 that?

19   A.   My sense based upon the discussions

20 we've had with the representatives of the solar

21 industry that rebates have been very important in

22 the development of the current, in the current

23 market, certainly whenever the prospect was there

24 that we might be ceasing solar rebates immediately

25 that was a major concern of the solar industry and

 1   we've been trying to work with them to find a way

 2   to transition through to a market where they could

 3   continue to operate with some level of rebate

 4   assistance but yet get to a level at the end of HB

 5   142's phase-out period that would work for them and

 6   for us and of course the other issue that the

 7   companies have been concerned about is that these

 8   solar rebates don't just come out of the air, they

 9   are included in rates eventually, in the rates of

10   other ratepayers so there has been a concern to

11   balance those interests, balance the interests of

12   not only the solar industry but also the companies,

13   other customers that may be helping to assist this

14   industry get started.

15   Q.   Okay. And others may have followups

16   on that.

17   One other one that I wanted to ask

18   was that in the agreement among the signatories in

19   section 7(c) the stipulation states that all solar

20   subsidies subject to this agreement, I'm reading

21   from that, will be paid according to applicable

22   statutes, rules and tariffs. In 7(d) however, it

23   states that the agreement has not resolved the

24   method that will be utilized in the future to

25   calculate the one percent rate impact.

1   **While this clearly is a declaration**

2   **involving future rate impact calculations are you**

3   **confident that this agreement agrees with the**

4   **existing one percent rate cap?**

5   A.   Commissioner, I think we have

6   different perspectives on how the current RES rules

7   should be implemented or at least related to that

8   one percent rate calculation. We were unable to

9   resolve that particular issue in the stipulation

10   and agreement but we've agreed to utilize the

11   Staff's method in the next, in future RES

12   compliance filings but at the same time I think

13   because of this process many of the parties,

14   particularly the Company and Staff, have recognized

15   that there are some ambiguities in the current

16   rules and that there may be practical problems with

17   implementing the rule very strictly and we are

18   going to be having discussions in the rule making

19   process related to HB 142 to try to clarify the

20   rule to the extent we can and make it work in the

21   real world to the extent we can.

22   Q.   Yeah. So all the parties, I'll say

23   **all the parties recognize the difficulties with the**

24   **current rule and are ready to sit down and**

25   **hopefully we can come up with something that is**

 1   **more workable.**

 2   A.   That's the company's perspective, I'd

 3   defer to the other parties about how they feel

 4   about it, but.

 5   **Q.   Okay.**

 6   **Would anybody else like to comment**

 7   **about that?**

 8   MS. HERNANDEZ: Commissioner this is

 9   Jennifer Hernandez. There is a current working

10   docket open and Staff does intend to work with the

11   other parties as part of that working docket to

12   bring a rule before the Commission to hopefully

13   clarify some of the sections that have been subject

14   to different interpretations in this proceeding as

15   well as including some revisions needed based on

16   house bill 142.

17   MR. STOLL: Okay. Thank you.

18   I'll end my questioning with that and

19   see if anyone else has any questions.

20   JUDGE PRIDGIN: Commissioner Stoll,

21   thank you. I think Mr. Mills was going to

22   interject.

23   MR. STOLL: Okay, that will be great.

24   Thank you.

25   MR. MILLS: I was just going to say

 1 me too, Public Counsel will be involved in that

 2 rule making and that workshop to try to get the

 3 ambiguities ironed out and have a better framework

 4 going forward that everyone can agree on exactly

 5 what it means and how it works.

 6   MR. STOLL: I'm having just a little

 7 trouble picking up Mr. Mills' statement there.

 8   MR. MILLS: Commissioner I was just

 9 basically agreeing with Ms. Hernandez and Mr.

10 Fischer that Public Counsel will participate in

11 that process and try to get the rules straightened

12 out and a little bit more clear in the future.

13   MR. STOLL: Okay. Very good, I

14 appreciate that.

15   Thank you Judge.

16   JUDGE PRIDGIN: Commissioner Stoll,

17 thank you.

18   Commissioner Kenney, any questions?

19   COMMISSIONER KENNEY: Thank you,

20 Judge.

21   First off I'd like to thank KCP&L and

22 GMO and Staff and OPC and all the companies for

23 their work on this in coming to an agreement,

24 appreciate that. Just a couple questions. And

25 then a comment.

 1   Did Prop C have an end date for the

 2   rebates? I just can't remember.

 3   MR. FISCHER:

 4   MS. HERNANDEZ: No. Okay. Now, are

 5   we, are we capped at a $50,000 rebate per

 6   individual or per entity?

 7   MS. HERNANDEZ: Per customer premise.

 8   COMMISSIONER KENNEY: Per customer?

 9   That's fine, I'm just refreshing.

10   Are we capped at a 25,000 kilowatt

11   grid?

12   MS. HERNANDEZ: Yeah. That's in 393

13   1030.3.

14   COMMISSIONER KENNEY: Okay. I was

15   just trying to clarify that.

16   Now what's the -- but a company could

17   have several entities and have up to five or six or

18   can it be more than that?

19   FROM THE FLOOR: There's no limit.

20   COMMISSIONER KENNEY: So there's no

21   limit on the number of entities a business could

22   have as far as getting the rebates and the amount.

23   MR. FISCHER: That's correct.

24   COMMISSIONER KENNEY: Okay.

25   Can anybody tell me the percentage of

 1   rebates going to residential users and the

 2   percentage going to business users?

 3   No one? Company's got to have those

 4   figures. I would think the Company has to have

 5   those figures.

 6   MR. FISCHER: We can get them I'm

 7   sure.

 8   MR. RUSH: I believe it's

 9   predominantly residential in our northern division

10   but we do have many commercial businesses who have,

11   they're often smaller because there's limitations

12   on the net meter aspect of this because if you, the

13   solar rebate typically is linked to a net metering

14   with the customer and there's a limitation on how

15   that operates.

16   COMMISSIONER KENNEY: Explain that,

17   what's the limitation on how that operates?

18   MR. RUSH: The size, the customer is

19   limited to a net metering of 100 KW I believe it is

20   and solar is 25 so a customer who wants to install

21   a system can configure for their home or their

22   business often times.

23   COMMISSIONER KENNEY: So if I did a

24   25 KW plan and I got a $50,000 rebate, right?

25   MR. RUSH: That's correct.

1   COMMISSIONER KENNEY: And I put that

2   on, is the process that I would install it and then

3   you come and inspect it and put on the meter?

4   MR. RUSH: Yes. I mean there's an

5   approval process prior to that, but yes. We would

6   come in and check it out and make sure that it

7   would configure right. There are certain

8   limitations set out in the rule of how that would

9   operate but you can't put a net metering on a

10   system that's above 100 KW, for example.

11   COMMISSIONER KENNEY: Okay. And

12   then, so is there, do we have, is there, I imagine

13   the averages would differentiate depending on where

14   you live but is there from a fiscal amount that

15   usually, that is attributed to it on a monthly

16   basis?

17   MR. RUSH: I'm not sure --

18   COMMISSIONER KENNEY: What's the

19   amount, like my utility bill? I'm just curious if

20   somebody told me today if I put one in as an

21   example I would probably, I could use about $250 a

22   month or pretty much pay for that, I'm just

23   wondering if there's --

24   MR. RUSH: Your bill would be pretty

25   minimal, I mean if there was 250 every month and

 1   you put a 25 KW system in you would still probably

 2   pay somewhere, I think people probably $100 plus.

 3   COMMISSIONER KENNEY: Okay.

 4   MR. RUSH: But I mean it's according

 5   to, they do shade studies and all kinds of systems

 6   to look at, you typically, and the solar industry

 7   could talk much better about it but I think your

 8   capacity factor is probably somewhere in the order

 9   of 16 or so percent so 25 KW times 16 percent times

10   8,760 hours a year is probably how much energy

11   you're offsetting.

12   COMMISSIONER KENNEY: Thanks. I

13   appreciate those numbers.

14   And just to comment it appears to me

15   this is a wonderful program but it appears to me

16   that the poorer customers are supplementing the

17   wealthier customer's utility bids because they've

18   still got to be on the grid and somebody's got to

19   pay for that electrical use during the evenings,

20   but that's just my comment.

21   Thank you.

22   JUDGE PRIDGIN: Mr. Kenney, thank

23   you.

24   Mr. Hall any questions?

25   COMMISSIONER HALL: No questions,

 1   just a brief comment that I really do appreciate

 2   the parties coming together and resolving this

 3   dispute, giving customers of Missouri some

 4   certainty as to how this program works going

 5   forward, I think that's really important.

 6   MR. FISCHER: Thank you very much and

 7   just in conclusion I'd ask the Commission to

 8   approve the stipulation agreement.

 9   JUDGE PRIDGIN: Thank you very much.

10   Anything further from the bench?

11   Anything further from the parties?

12   All right. Hearing nothing that will

13   conclude the On-The-Record Presentation. Thank you

14   very much, we are off the record.

15

16   (Whereupon, the deposition concluded at 12:24 p.m.)

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20

21

22

23

24

25

Page 34

```
 1                        INDEX

 2

 3       PowerPoint Presentation

 4            Mr. Fischer                        12

 5

 6       JAMES M. FISHER     Chairman Kenney

 7            16

 8

 9       TIM RUSH

10            Chairman Kenney                    18

11

12       JAMES M. FISHER     Chairman Stoll

13            21

14

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 1                 REPORTER CERTIFICATE

 2

 3        I, SUZANNE BENOIST, Certified Shorthand

 4   Reporter, do hereby certify that there came before

 5   me at the offices of Missouri Public Service

 6   Commission, 200 Madison Street, Room 310, Jefferson

 7   City, MO  65102 the above-referenced parties, that

 8   the proceeding was translated and proofread using

 9   computer-aided transcription, and the above

10   transcript of proceedings is a true and accurate

11   transcript of my notes as taken at the time of said

12   event.

13        I further certify that I am neither attorney

14   nor counsel for nor related nor employed by any of

15   the parties to the action in which this examination

16   is taken; further, that I am not a relative or

17   employee of any attorney or counsel employed by the

18   parties hereto or financially interested in this

19   action.

20

21

22        _____

23             SUZANNE BENOIST, RPR, CCR, CSR-IL

24

25
```

come 10:17 18:3 18:4 19:5,7,21 22:21 23:7 25:8 26:25 31:3,6
coming 17:15 28:23 33:2
comment 27:6 28:25 32:14,20 33:1
commercial 30:10
Commission 1:1 4:2 5:2 8:10 9:1 11:16 13:4,11 13:25 18:11 27:12 33:7 35:6
Commissioner 14:2 21:8,12,19 22:10 26:5 27:8 27:20 28:8,16 28:18,19 29:8 29:14,20,24 30:16,23 31:1 31:11,18 32:3 32:12,25
commissioners 1:24 8:14,19 9:11,22 10:10 10:15
Commissioner's 9:18
Commission's 12:9
common 24:10
companies 13:6 13:11 17:8 22:3 22:12,14,19 25:7,12 28:22
company 5:24,25 8:25 9:4,14 11:19,20 12:3 12:25 13:2 18:5 22:23 23:7 26:14 29:16 30:4
company's 1:8 1:14 4:13,19

27:2 30:3
compensate 18:1
complaint 15:18
compliance 14:11,18,22 15:5,21,25 26:12
computer-aided 35:9
concern 24:25 25:10
concerned 10:7 25:7
concerns 10:1
conclude 15:2 33:13
concluded 33:16
conclusion 33:7
confident 26:3
configure 30:21 31:7
considered 12:10 15:6 23:21
consistent 13:7 15:15 24:4,7,7
contact 5:25
continue 25:3
continuity 24:16
cooperate 15:1
correct 6:13 16:23 17:3 21:16 29:23 30:25
cost 15:13
costs 15:5
Council 6:8
counsel 2:2,5 5:18 6:6 10:5 20:13 21:7 22:8 28:1,10 35:14 35:17
couple 20:24 21:9 28:24
course 25:6
court 5:4 6:1
Crawford 12:2
CSR 15:16

CSR-IL 3:7 35:23
curious 31:19
current 19:9 24:22,22 26:6 26:15,24 27:9
Currently 19:4
customer 29:7,8 30:14,18,20
customers 15:3 25:13 32:16 33:3
customer's 32:17

_____D_____

D 1:18
DANIEL 1:23
date 29:1
day 5:1 13:12
deal 23:1
December 15:7
declaration 26:1
defer 22:8 27:3
Department 2:2 6:13,16
depending 31:13
deposition 33:16
detailed 15:24 20:25
details 16:5
develop 22:24 23:24
development 6:16 15:1 22:3 22:14 23:12 24:16,22
different 17:8,19 17:23 26:6 27:14
differentiate 31:13
difficulties 26:23
directed 22:5
disagree 9:10
disclosure 15:19
disconnect 13:24
discovery 17:20

DISCUSSION 11:4
discussions 24:19 26:18
dismiss 15:18
dispute 9:7 33:3
division 2:11 6:14,15,17 30:9
docket 27:10,11
doing 8:6 12:4 23:24
double 8:1
Downey 2:18 7:13,14,16
Drive 7:4

_____E_____

earlier 8:1
East 6:22
Economic 6:16
Edward 2:18 7:13
efforts 22:2,11 22:12,13
either 9:2 15:8 20:14
electrical 32:19
employed 35:14 35:17
employee 35:17
energy 2:11 6:13 6:14,15,17 15:9 32:10
entities 29:17,21
entity 29:6
entries 5:18 11:6
entry 8:2
envision 8:20
essentially 17:6 19:24
estimated 18:13
ET-2014-0059 1:11 4:16 5:12 7:21
ET-2014-0071 1:17 4:22 5:12
Eubanks 8:13

evenings 32:19
event 35:12
eventually 24:12 25:9
everybody's 17:22
exactly 28:4
examination 18:21 35:15
example 31:10 31:21
excused 8:1 10:7
exhausted 20:24
existing 17:16 26:4
expectation 20:22
expedite 9:17
Explain 30:16
explanation 15:24
explanatory 16:2
extent 26:20,21

_____F_____

F 2:18 7:13
factor 32:8
fairly 16:2
far 10:7 18:17 29:22
farms 23:18
fashion 12:16
feel 24:4 27:3
figure 17:17
figures 16:20 17:5 30:4,5
file 1:11,17 4:16 4:22 5:11 13:11
filed 11:25
filing 15:21 18:11
filings 14:11,18 14:23 26:12
finally 15:17
financially 35:18
find 25:1
fine 29:9

finer 18:23
first 9:25 28:21
fiscal 31:14
Fischer 2:10 5:21
  5:23 6:3 9:13
  11:14,15,17
  12:18,19 14:4,5
  16:6,14 22:7
  28:10 29:3,23
  30:6 33:6 34:4
FISHER 34:6,12
FISHEREXA...
  16:12 21:11
five 29:17
FLOOR 29:19
folks 20:9,11
  21:23
follow 23:11
followups 25:15
forecasted 18:13
forenoon 4:25
foresee 24:17
form 6:1
forward 23:7
  28:4 33:5
found 13:13
frame 21:2
framework 28:3
further 10:11,19
  33:10,11 35:13
  35:16
future 13:16 14:9
  14:10,17,22
  15:13,22,25
  23:19 24:17
  25:24 26:2,11
  28:12

G

general 15:8,13
generation 22:4
  23:13 24:17
getting 29:22
give 8:22,25 9:6,8
  9:17 22:1 23:7
gives 20:5
giving 33:3

glad 21:2
GMO 5:20 8:21
  11:7,21 12:20
  14:16,21 15:5
  15:12,19,22
  16:24 19:2,10
  20:16,23 21:14
  21:17,21 23:16
  28:22
GMO's 13:19
go 8:5,22 10:9,19
  11:2 19:1
goes 9:15
going 8:20 11:3
  12:14 19:1 23:3
  24:12 26:18
  27:21,25 28:4
  30:1,2 33:4
good 5:8 7:13 8:7
  10:25 20:18
  28:13
Governor 5:16
great 27:23
Greater 1:7 2:8
  4:12 5:24 11:19
grid 29:11 32:18
ground 24:10
guess 9:25 22:17
  23:11,12 24:11

H

Hall 1:23 32:24
  32:25
happening 19:24
happy 9:16 12:1
  12:12,15 16:3
  18:7
hard 19:19
HB 13:13 14:15
  22:25 24:8 25:4
  26:19
headed 20:5
hear 8:3 14:1
hearing 5:7
  10:13 11:13
  12:8 33:12
held 4:24 11:4

helping 25:13
Hendricks 2:15
  7:8,8,10
hereto 35:18
Hernandez 2:2
  8:4,7,8,15 27:8
  27:9 28:9 29:4
  29:7,12
hitting 23:3
Holt 7:22
home 30:21
honestly 20:2
Honor 8:14
hopefully 26:25
  27:12
hours 4:24 32:10
house 24:11
  27:16
hubbub 10:15

I

imagine 31:12
immediately
  24:24
imminent 18:16
impact 14:10
  15:23 25:25
  26:2
implement 14:14
implementation
  15:15
implemented
  26:7
implementing
  26:17
important 24:15
  24:21 33:5
included 15:6
  25:9
including 27:15
incurred 12:23
  13:3
INDEX 34:1
indicated 12:7
indication 21:17
individual 29:6
indulgence 16:18

industry 19:23
  20:3,7 21:20
  22:8,20,24 23:4
  24:9,9,21,25
  25:12,14 32:6
information 5:25
  18:6
initial 18:24
inspect 31:3
install 30:20 31:2
intend 27:10
intent 24:5
interested 35:18
interests 25:11
  25:11
interject 27:22
interpretations
  27:14
involved 12:25
  17:12 28:1
involving 15:14
  26:2
ironed 28:3
issue 14:14 25:6
  26:9
issues 20:1 22:21

J

J 2:7
James 2:10 5:23
  16:12 21:11
  34:6,12
Jefferson 1:5
  4:10 5:2,17
  6:10,18 7:15
  8:11 35:6
Jeffery 20:19
Jeffrey 2:21 7:2
  7:2,6 20:18
  22:9
Jennifer 2:2 8:8
  27:9
Jeremy 2:12 6:17
Jim 11:17
Joe 23:20
jog 9:23
Joseph 21:21

Judge 1:19 5:8
  5:13,21 6:3,11
  6:19,21,24 7:2
  7:5,10,16,19,23
  8:15 9:13,21
  10:25 11:5,15
  12:12,17 13:23
  14:2 16:6 17:6
  21:6 22:7 27:20
  28:15,16,20
  32:22 33:9

K

Kansas 1:13 4:18
  5:19,23 11:18
  22:21 23:15
  24:1
KCPL 5:20,24
  12:25 13:21
  14:16 15:5,12
  15:19,22
KCPL's 14:21
KCP&L 1:7 4:12
  8:21 11:7,19
  17:1 19:2,13
  20:16,23 21:15
  21:18 28:21
KCP&L/KCP...
  2:8
Kenney 1:20,22
  13:22 16:13
  18:22 20:14
  21:4 22:10
  28:18,19 29:8
  29:14,20,24
  30:16,23 31:1
  31:11,18 32:3
  32:12,22 34:6
  34:10
kilowatt 29:10
kind 8:19 19:25
  22:1 23:11
kinds 32:5
Knee 2:12 6:15
  6:17,19
knew 17:19
know 18:5,5

22:21 23:12
KW 30:19,24
31:10 32:1,9

L

L 2:2
landfill 23:20
late 16:15
launch 10:17
Law 5:13
leave 19:11,15
legal 20:12
legislative 23:1
let's 23:10
level 12:23 13:3
13:15,16 18:10
18:10 25:3,4
levels 13:11
Lewis 2:5 6:8
Light 1:14 4:19
5:19,24 11:19
23:15
limit 15:23 29:19
29:21
limitation 30:14
30:17
limitations 30:11
31:8
limited 30:19
Linares 6:21,22
6:24
line 10:13
Linhares 2:7
linked 30:13
list 8:5
LITIGATION
3:3
little 16:17 28:6
28:12
live 31:14
LLC 7:9
LLP 7:14
longer 16:17
look 32:6
looks 8:20
lot 19:23 20:5
Louis 3:5 7:4

M

M 1:21 2:10,15
5:23 7:8 16:12
21:11 34:6,12
Madison 5:2
35:6
major 12:14
24:25
making 14:14
26:18 28:2
Mark 8:12
market 24:23
25:2
math 16:23
math's 17:3
matter 1:7,13
4:12,18 17:11
17:13
mean 9:19 17:17
18:14 31:4,25
32:4
means 16:23 28:5
mechanism
15:10
meet 23:25 24:1
meeting 10:4,6
16:16
memory 9:23
mentioned 12:13
17:24
meter 30:12 31:3
metering 30:13
30:19 31:9
method 14:8
25:24 26:11
methodologies
14:24
methodology
14:17,22
MIDWEST 3:3
MIEC 2:17 7:12
million 12:23
13:3,20,21
16:20,20,24,25
17:25 18:1,10
18:10,24,25,25
19:1,10,11,14

21:14,15
Mills 2:5 6:7,9,11
10:3 27:21,25
28:7,8
mind 17:22
mindful 23:23
minimal 31:25
Missouri 1:1,8
2:6,8,11 4:1,13
5:1,5,17,24
6:12,18,20,22
7:4,15 8:10,11
11:19 12:6
15:17 21:22
23:25 33:3 35:5
MO 1:5 3:5 4:10
5:3 6:10 7:22
35:7
MOCEA 2:20
7:1,3 20:10,19
MOCEA's 20:12
money 17:20
month 31:22,25
monthly 31:15
morning 5:8,15
7:13 8:7 10:25
20:18

N

name 6:8 11:17
20:18
Nathan 2:3 8:8
nearly 21:17
need 9:8 10:4
needed 27:15
needs 10:5
negotiating
22:25
negotiation 17:7
17:11
neither 35:13
net 30:12,13,19
31:9
non-unanimous
11:24
Normally 9:6
North 3:4

northern 30:9
notes 35:11
notice 10:15
number 29:21
numbers 5:11,12
32:13

O

objections 10:1
objects 8:24
obviously 9:1
10:3 16:16
October 1:4 4:8
4:24 5:15
Oehlschlager
8:13
Office 2:5 5:16
6:5,7,9
offices 5:1 35:5
offsetting 32:11
Okay 10:9,11
12:17 18:19
19:12 21:25
22:18 24:11
25:15 27:5,17
27:23 28:13
29:4,14,24
31:11 32:3
Oliver 7:14
once 16:24 17:1
20:2
ones 17:21
On-The-Record
1:3 4:6,23 5:10
11:22 33:13
oOo 5:6
OPC 28:22
open 27:10
opening 9:7,8
operate 25:3 31:9
operates 30:15
30:17
Operations 1:8
2:8 4:13 5:25
11:20
oppose 12:7
option 9:18,19

order 32:8
orderly 15:2
overlook 8:3
overlooked 8:17
overview 22:2,6
23:8
owned 22:22
Ozark 7:3

P

P 1:22
paid 14:7 15:4
16:21,25 17:2
17:10,16,21
18:2 19:3 21:15
25:21
pardon 5:11
part 27:11
participate 28:10
particular 26:9
particularly
21:21 22:4
23:13,16 26:14
parties 8:23 9:9
10:1,24 11:11
16:9,15 17:11
17:14 26:13,22
26:23 27:3,11
33:2,11 35:7,15
35:18
party 9:4 10:5
patience 16:18
pay 31:22 32:2
32:19
payment 1:10,15
4:15,20 12:21
payments 12:22
13:1,10,14,20
14:7 15:3 18:12
pending 13:6
20:1
people 10:16
32:2
percent 14:9
15:20 25:25
26:4,8 32:9,9
percentage 29:25

30:2
perform 15:23
period 25:5
permanent 18:12
perspective 27:2
perspectives
  17:23 26:6
pertaining 15:19
phase 23:1
phased 24:12
phase-out 25:5
phone 10:12
  20:12
picking 28:7
pipeline 17:21
places 23:18
plan 15:21 30:24
plans 15:25
please 5:18,20
  6:6,12,20 7:1,7
  7:12,18 8:5
  9:10 11:16
plenty 9:12 10:14
plus 32:2
point 18:23
points 9:15
policy 23:23
poorer 32:16
portfolio 24:1
position 14:21
Post 6:9
Power 1:14 4:19
  5:19,24 11:19
  23:15
PowerPoint 8:21
  9:3,23 10:18
  11:7 34:3
practical 26:16
practice 12:9
predict 20:16
predominantly
  30:9
preference 8:25
  9:11
premise 29:7
prepare 12:13
PRESENT 3:2

presentation 1:3
  4:6,23 5:11,14
  8:22 9:1,12,14
  9:17 11:8,23
  12:13 33:13
  34:3
presenting 9:3
preside 5:14
Presiding 1:18
pretty 10:16
  31:22,24
Pridgin 1:18 5:8
  5:13 6:3,11,19
  6:24 7:5,10,16
  7:23 8:15 9:21
  10:25 11:5
  12:17 13:23
  14:2 16:6 21:6
  27:20 28:16
  32:22 33:9
prior 31:5
probably 17:22
  22:7 31:21 32:1
  32:2,8,10
problems 26:16
proceed 11:12
proceeding 10:2
  11:21 15:14
  27:14 35:8
proceedings 1:2
  4:4 35:10
process 13:12
  15:2 26:13,19
  28:11 31:2,5
processed 19:5
program 20:6
  32:15 33:4
project 23:20
projected 18:4
projecting 17:13
projections 21:1
projects 22:22
proofread 35:8
Prop 29:1
propose 14:23
  15:12
Proposition 22:5

24:5
prospect 24:23
provide 15:24
provisions 14:15
  15:16
public 1:1 2:2,5
  4:2 5:1 6:5,8,8
  8:10 23:23 28:1
  28:10 35:5
purpose 11:22
put 9:14 18:23
  31:1,3,9,20
  32:1
putting 23:17
p.m 33:16
P.O 6:17 7:21
  8:11

___

Q

question 16:19
  18:18,24 20:15
  20:21 22:16
  23:5,9
questioning
  27:18
questions 8:14
  9:2,12,16,24
  10:18 11:24
  12:12 16:3,9,10
  16:13 18:22
  20:8 21:2,5,12
  27:19 28:18,24
  32:24,25
quick 12:15 21:9
quickly 10:17
quite 20:3 21:22
  22:19

___

R

rate 14:10 15:8,9
  15:13,23 25:25
  26:2,4,8
ratepayers 25:10
rates 15:7 25:9,9
reach 12:22
  13:10 18:14
  20:17

reached 13:16
reaches 13:2
reaching 18:9
reading 25:20
ready 11:14 14:4
  26:24
real 26:21
realistic 21:1
really 9:16 17:10
  21:19 33:1,5
rebate 12:22 13:9
  13:20 14:6 15:2
  15:4 20:6 24:15
  25:3 29:5 30:13
  30:24
rebates 1:10,16
  4:15,21 12:21
  13:1 17:9,14
  20:23 21:15
  23:2 24:12,21
  24:24 25:8 29:2
  29:22 30:1
received 19:2,5
recess 10:10,22
  10:24
recognize 26:23
recognized 26:14
record 5:9,22
  8:12 10:20,23
  11:1,2,4,6
  33:14
recovery 15:7,13
Reed 2:25 7:19
  7:20,23
refer 11:20 15:10
refile 13:7
reflect 5:22 8:12
reflexion 21:20
  21:24
refreshing 29:9
regard 24:10
regarding 11:24
  17:9
regulatory 1:19
  5:13 15:6
related 14:21
  26:7,19 35:14

relative 35:16
remember 29:2
Renew 2:6 6:20
  6:22 15:17
renewable 15:9
  23:21 24:1,16
renewables 22:4
  22:15 23:13,15
  23:19,24
reporter 5:4 6:2
  35:1,4
represent 17:17
  20:19
representatives
  24:20
representing
  11:18
requested 12:8
requirements
  24:1,2
RES 14:10,17,18
  14:22 15:5,16
  15:20,25 26:6
  26:11
reserved 14:20
reset 11:3
residential 30:1,9
resolve 14:13
  22:20 23:5 26:9
resolved 14:8
  25:23
resolves 14:6
resolving 33:2
respect 20:23
response 20:21
RESRAM 15:11
  15:15
retail 14:10
  15:23
revisions 27:15
right 7:5,23 8:18
  10:17,21 11:13
  14:20 16:11
  19:22 30:24
  31:7 33:12
road 18:17
Robert 1:20 5:22

Roger 2:9 11:17
Ron 5:12
RONALD 1:18
room 5:2 10:13
  18:2,8 19:6
  35:6
RPR 3:7 35:23
rule 14:14,18
  15:16 26:17,18
  26:20,24 27:12
  28:2 31:8
rules 12:9 25:22
  26:6,16 28:11
Rush 12:1 18:7
  18:18,20 30:8
  30:18,25 31:4
  31:17,24 32:4
  34:9

—————————
                S
—————————
S 1:20
section 13:14
  25:19
sections 27:13
see 8:2 9:8,22,25
  23:5,10 27:19
seen 20:1
self 16:2
SENIOR 1:19
sense 19:24 24:19
Service 1:1 2:2
  4:2 5:1 8:10
  35:5
SERVICES 3:3
session 23:1
set 31:8
shade 32:5
sheets 13:7
Shorthand 35:3
sign 12:6
signatories 14:12
  14:19,25 25:18
signing 21:23
similar 13:21
simple 16:19
sir 11:14
sit 26:24

situations 17:8
six 29:17
size 30:18
slightly 17:8
slow 19:25
smaller 30:11
solar 1:10,16
  4:15,21 12:21
  12:22 13:1,9,20
  14:6 15:2,3,4
  19:23 20:3,6,6
  21:15,20 22:4,8
  22:20,22 23:2
  23:13 24:8,12
  24:20,24,25
  25:8,12,19
  30:13,20 32:6
somebody 10:14
  13:23 23:11
  31:20
somebody's
  32:18
sorry 11:2 22:16
speak 9:10
specified 13:10
  13:15,16
St 3:5 7:4 21:21
  23:20
stab 20:15
staff 2:2 8:5,9,12
  26:14 27:10
  28:22
Staff's 14:17,22
  26:11
stand 10:21
standard 15:9
start 16:15
started 25:14
state 1:1 4:1 5:4
  23:23
statement 9:7
  11:8,12 28:7
statements 9:9
states 25:19,23
statutes 25:22
stay 10:12
Steiner 2:9 5:22

  11:18
step 9:2
STEPHEN 1:21
Steve 2:21,22 7:2
  7:3 20:19,19
Steven 2:25 7:20
stip 21:13
stipulated 17:7
stipulation 8:23
  9:9,20 11:24
  12:6,9,11,15,20
  13:5 14:12 16:1
  20:4 21:14
  25:19 26:9 33:8
Stoll 1:21 13:25
  14:2 21:8,9,12
  22:10,13,18
  27:17,20,23
  28:6,13,16
  34:12
stop 13:22
straightened
  28:11
Street 3:4 5:2
  7:14 35:6
strictly 26:17
studies 32:5
subject 25:20
  27:13
submitted 6:1
subsection 13:14
subsequent
  12:23 13:3
subsidies 25:20
subtract 16:24
  17:1
Suite 6:23 7:4,14
Summit 7:22
supplementing
  32:16
support 22:3,14
sure 10:14 24:9
  30:7 31:6,17
suspend 1:10,15
  4:15,20 12:20
  13:1 18:12
Suzanne 3:7 5:3

  35:3,23
system 30:21
  31:10 32:1
systems 32:5

—————————
                T
—————————
take 20:15
taken 10:24 11:6
  22:3 35:11,16
talk 16:4 32:7
talking 19:20
  23:4,14
tariff 13:7
tariffs 13:6 25:22
technical 16:5
tee 8:19
tell 29:25
terms 12:14,19
  16:1 22:25
Tetro 7:25
thank 6:3,11,19
  6:24 7:6,10,16
  7:24 8:15 10:23
  11:5,15 12:17
  14:3 16:6,14,17
  21:6,7 27:17,21
  27:24 28:15,17
  28:19,21 32:21
  32:22 33:6,9,13
Thanks 32:12
things 17:24 20:2
  21:10 23:24
think 9:11,21
  10:3 16:8 17:3
  17:18,22 19:23
  20:2 21:1,23
  23:21 26:5,12
  27:21 30:4 32:2
  32:7 33:5
thought 17:14
three 21:17
Tim 12:1 18:7,18
  18:20 34:9
time 9:2 21:1
  26:12 35:11
times 21:17
  30:22 32:9,9

today 8:13 11:21
  12:3 31:20
told 31:20
Trail 7:4
transcript 1:2
  4:4 35:10,11
transcription
  35:9
transition 25:2
translated 35:8
trouble 28:7
true 35:10
try 23:23 26:19
  28:2,11
trying 25:1 29:15
two 17:8
typically 30:13
  32:6

—————————
                U
—————————
unable 26:8
unanimous 8:24
  12:10
understand 8:24
  11:23 21:25
understanding
  18:8,16 20:22
use 14:21 31:21
  32:19
users 30:1,2
usually 31:15
utilities 22:11
utility 31:19
  32:17
utilize 14:17
  26:10
utilized 14:9
  25:24

—————————
                V
—————————
various 23:18
version 23:3
Volume 1:6 4:11

—————————
                W
—————————
W 2:9 5:22
want 20:15

wanted 25:17	**$**	**23** 1:4 4:8,24	**8**	
wants 30:20	**$10** 19:11	**23rd** 5:16	**8,760** 32:10	
way 10:2,16 25:1	**$100** 32:2	**240** 15:16	**899** 6:18	
wealthier 32:17	**$16** 13:19 21:14	**25** 30:20,24 32:1		
welcome 10:7	**$24** 19:10	32:9	**9**	
went 16:16	**$250** 31:21	**25,000** 29:10	**9:00** 4:24	
we're 5:16 8:18	**$36.5** 18:10	**250** 31:25	**910** 6:22	

wanted 25:17
wants 30:20
way 10:2,16 25:1
wealthier 32:17
welcome 10:7
went 16:16
we're 5:16 8:18
  9:16 11:5 19:20
  20:5 24:9
we've 6:1 20:1
  24:8,20 25:1
  26:10
whoever's 9:3
WILLIAM 1:22
Williams 2:3 8:8
wind 2:24 7:18
  7:20 12:5 23:17
  23:19 24:9
Wire 12:5
Wires 2:24 7:18
  7:20
withdraw 13:6
witnesses 8:12
  12:2 16:4 18:6
  23:7
wonderful 32:15
wondering 31:23
work 14:13 25:1
  25:5 26:20
  27:10 28:23
workable 27:1
worked 22:23,24
working 22:20
  24:8 27:9,11
works 28:5 33:4
workshop 28:2
world 26:21
write 8:4
written 6:1

Y
Y 1:23
Yeah 26:22 29:12
year 13:15,18
  15:7 32:10
years 8:6 13:17
  20:25 23:17

$
$10 19:11
$100 32:2
$16 13:19 21:14
$24 19:10
$250 31:21
$36.5 18:10
$50 12:23 18:9
$50,000 29:5
  30:24
$9 19:13

1
1 13:4 14:7
1-800-280-DE...
  3:6
10 9:8
100 30:19 31:10
101 7:15
1030 13:14
1030.3 29:13
11 8:6
11th 3:4
11:15 5:15
11:22 5:7
12 9:8 34:4
12:24 33:16
142 13:13 14:15
  22:25 24:8,11
  26:19 27:16
142's 25:5
16 32:9,9 34:7
18 34:10

2
20.100 15:16
200 5:2 35:6
2012 12:24 13:4
  14:7 15:20
2013 1:4 4:8,24
  5:16 12:21 13:2
205 6:23
21 34:13
21.6 19:15
216 7:4
221 7:14
2230 6:9

23 1:4 4:8,24
23rd 5:16
240 15:16
25 30:20,24 32:1
  32:9
25,000 29:10
250 31:25

3
3 13:14
30.6 16:25 17:25
  18:24,25
300 7:3
31 12:24 13:18
31st 15:7
310 5:2 35:6
34 16:24 17:25
  18:24,25
36.5 13:3 18:15
360 8:11
393 13:14 29:12

4
4 15:16
46.5 16:20

5
5.9 13:21 17:1
  21:15
5:00 4:25
50 16:20 18:14
50.6 18:14
597 7:21

6
60 13:12 16:25
63011 7:4
63101 3:5
64102 5:3
65043 7:22
65101 7:15
65102 6:10,18
  8:11 35:7

7
7(c) 25:19
7(d) 25:22
711 3:4

8
8,760 32:10
899 6:18

9
9:00 4:24
910 6:22