

BEFORE THE PUBLIC SERVICE COMMISSION
STATE OF MISSOURI

TRANSCRIPT OF PROCEEDINGS

EVIDENTIARY HEARING

In the Matter of Requests for)
Customer Account Data)
Production from Evergy Metro,) File No. EO-2024-0002
Inc. d/b/a Evergy Missouri)
Metro and Evergy Missouri)
West, Inc. d/b/a Evergy)
Missouri West)

Tuesday, January 31, 2024
9:00 a.m. - 4:59 p.m.

Governor Office Building
200 Madison Street
Jefferson City, MO 65101
and WebEx

VOLUME 4
Page 240 - 482

CHARLES HATCHER, Presiding
Senior Regulatory Law Judge

SCOTT T. RUPP, Chairman
MAIDA J. COLEMAN,
JASON R. HOLSMAN,
GLEN KOLKMEYER,
KAYLA HAHN,

Commissioners

Stenographically Reported By:
Beverly Jean Bentch, RPR, CCR #640

Job No. 159023

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APPEARANCES

For Every Missouri West
and Every Missouri Metro:

JAMES FISCHER
Attorney at Law
2081 Honeysuckle Lane
Jefferson City, MO 65109
jfisherpc@aol.com

For Public Service Commission Staff:

CAROLYN KERR, Senior Staff Attorney
WHITNEY SCURLOCK, Chief Deputy Counsel
Governor Office Building
Suite 800
200 Madison Street
P.O. Box 360
Jefferson City, MO 65102-0360
carolyn.kerr@psc.mo.gov
whitney.scurlock@psc.mo.gov

For Office of the General Counsel:

JOHN CLIZER, Senior Counsel
Office of the Public Counsel
200 Madison Street, Suite 650
P.O. Box 2230
Jefferson City, MO 65102
john.clizer@opc.mo.gov

1 The following proceedings began at 9:00 a.m.:

2 JUDGE HATCHER: Let's go on the record. Today
3 is day two of the evidentiary hearing in File No.
4 EO-2024-0002. Again, my name is Judge Charles Hatcher.
5 I will be presiding over this evidentiary hearing. We
6 have Staff witnesses coming up. And do we have any other
7 business that we want to discuss before we get started?

8 MR. FISCHER: Judge, I just want to put on the
9 record we did file an errata yesterday related to Brad
10 Lutz's testimony in EFIS. I don't know if you want to
11 take that up. I don't think we've actually had his
12 testimony admitted, but at some point we'd like to have
13 that done.

14 JUDGE HATCHER: I'm going to put a note on my
15 desk to ask at the end of the hearing today, because I
16 happened to overhear that not every counsel had checked
17 EFIS this morning so give everybody a little bit of time.
18 I saw it. It looks great. And at that point I'll ask
19 this afternoon if we get no objections then we move
20 forward. We might feel that out but I don't expect any.

21 MR. FISCHER: Thank you.

22 JUDGE HATCHER: Okay. Ms. Kerr, the floor is
23 yours. Please call your first witness.

24 MS. KERR: Thank you. I'll call Sarah Lange.

25 JUDGE HATCHER: Please raise your right hand.

1 Do you solemnly swear or affirm that you will tell the
2 whole truth during your testimony?

3 THE WITNESS: I do.

4 JUDGE HATCHER: Thank you. Please have a seat.
5 Your witness.

6 MS. KERR: Thank you. Good morning.

7 THE WITNESS: Good morning.

8 SARAH LANGE,
9 having been first duly sworn, was examined and testified
10 as follows:

11 DIRECT EXAMINATION

12 BY MS. KERR:

13 Q. Can you please state your name for the record
14 and spell your last name, please?

15 A. Sarah L.K. Lange, L-a-n-g-e.

16 Q. By whom are you employed and what's your
17 position?

18 A. I am -- I believe my position title is
19 currently economist for the Missouri PSC Staff in the
20 Tariff Rate Design Division.

21 Q. Have you prepared and filed testimony in this
22 proceeding, specifically rebuttal testimony on December
23 15, 2023, which has been marked, premarked I believe it's
24 Exhibit 218 and there's confidential 218C?

25 JUDGE HATCHER: Her rebuttal testimony is

1 marked as 201.

2 MS. KERR: I'm sorry. It's 201.

3 JUDGE HATCHER: Thank you. Sorry to interrupt.

4 MS. KERR: 201 and 201C.

5 THE WITNESS: I have, although similar to the
6 discussion around Dr. Marke's testimony yesterday, my
7 understanding is that that confidential designation is no
8 longer required on the confidential version.

9 BY MS. KERR:

10 Q. Okay. And do you have any changes or
11 corrections to make to any of those documents?

12 A. I do. On page 5 at line 26, I referred to the
13 importance of the customer usage information data for the
14 fuel adjustment cost based factor. And so page 5, line
15 26, the word cost should be replaced with the word
16 clause.

17 Q. And other than that change, are there any other
18 changes that you need to make to the document?

19 A. Not that I'm aware of.

20 Q. And with that change, if I asked you the same
21 questions, would your answers be the same or
22 substantially the same as they --

23 A. Generally there were items that Evergy raised
24 in surrebuttal that were not addressed that if you asked
25 me those same questions today I would need to address

1 those items raised in surrebuttal; but as of the time I
2 filed my rebuttal, that is accurate.

3 Q. And those same answers are true and correct to
4 the best of your knowledge and belief?

5 A. Yes, with that caveat.

6 MS. KERR: So I offer Exhibit -- I guess we're
7 just doing one exhibit, 201, into evidence and tender the
8 witness.

9 JUDGE HATCHER: I think so. Mr. Clizer. I
10 think we're going to do just one. I need your attention
11 because I'm going to circle back and punt Dr. Marke's
12 testimony back to you. Would you please send me the
13 cleaned up?

14 MR. CLIZER: I thought that was coming.

15 JUDGE HATCHER: Yes, I was all caught up in
16 volunteering yesterday and trying to be helpful and
17 realize this is going to be a lot easier for you. I
18 would like to do the same with Ms. Lange's testimony and
19 I want to make sure I get a nod from the Company. These,
20 Dr. Marke's and Ms. Lange's testimony, will not include a
21 confidential version and will include the numbers from
22 BDL-1, right?

23 MR. FISCHER: It would just be the same
24 testimony without the confidential designation around the
25 numbers. I have no objection to that.

1 JUDGE HATCHER: Okay. I just want to make sure
2 we're all talking about the same thing. Awesome. Okay.
3 We've done yours. Just email it to me. Let's do yours.
4 You've heard the motion for Exhibit 201, one copy, public
5 copy being admitted onto the record. Are there any
6 objections? Hearing none. So admitted. Just email me
7 that in the next week or so. Thank you.

8 (STAFF'S EXHIBIT 201 WAS RECEIVED INTO EVIDENCE
9 AND MADE A PART OF THIS RECORD.)

10 JUDGE HATCHER: Your witness. Thank you. And
11 I will state for the record we have the attendance of
12 Commissioners this morning. We have Chair Rupp, we have
13 Commissioner Holsman and Commissioner Hahn and we have
14 Commissioner Kolkmeyer. Thank you. I do expect
15 Commissioner Coleman will be joining us in a little bit.
16 I apologize, Ms. Kerr. Please go ahead.

17 MS. KERR: I tender the witness for cross.

18 JUDGE HATCHER: Let me check my magic cheat
19 sheet. That goes to cross-examination for Mr. Clizer.

20 MR. CLIZER: Permission to approach the
21 witness.

22 JUDGE HATCHER: Yes.

23 MR. CLIZER: Then Your Honor, like I said, as a
24 quick explanation this should be a copy of Schedule BDL-1
25 that is attached to the testimony of Brad Lutz. I'm not

1 asking this to be marked as an exhibit because it will be
2 entered into the record with his testimony. I provided
3 it now for ease of reference and to make sure everyone
4 had a color copy. Wanted to make sure that was clear
5 what I'm doing.

6 Good morning, Ms. Lange.

7 THE WITNESS: Good morning.

8 CROSS-EXAMINATION

9 BY MR. CLIZER:

10 Q. Would you happen to have a copy of Brad Lutz
11 Schedule 1 in front of you?

12 A. I will accept your assertion this is an
13 accurate representation and yes, I conveniently do.

14 Q. There we go. I'd like to walk through this
15 with you to kind of get a better understanding exactly
16 what Staff's position is on each of the items. Based on
17 the RLJ's comment at the beginning of the case, we're not
18 going to refer to these as data requests. I think we'll
19 refer to them as either stipulation items or data sets,
20 whichever you feel more comfortable with, just so that we
21 adhere to that comment by the Judge.

22 So let's get right into it. That first data
23 set No. 1, that is obviously the biggest dollar item
24 according to what the Company says it would cost. You
25 would agree with me on that, right?

1 A. I agree that's the biggest number on this page.

2 Q. So that's a good place to start besides being
3 No. 1. Now, to begin with, you asked for quite a few
4 different things in this data set, right?

5 A. Yes.

6 Q. And are each and every one of those things
7 equally important or do you believe each and every one of
8 those is equally important?

9 A. Well, if you're the customer who's paying an
10 extra couple grand a year, they're important to you. But
11 these are items that relate to the specific price
12 distinctions in Evergy's existing tariff sheets. So to
13 say one is more important than the other, I can't say
14 that, but definitely if I was going to do the sort of
15 study that we envisioned when we entered into the
16 stipulation, they're ones that I would prioritize.

17 Q. Thank you. Actually let me back up and let's
18 clarify this. I think it was said yesterday, and I want
19 to make sure that you agree, that these items in data set
20 1 are primarily focused on cost allocation. Is that an
21 accurate statement?

22 A. Well, I mean, there's cost allocation but
23 there's also rate design. Frankly I view these as more
24 related to rate design than cost allocation, but I know
25 that not everybody kind of observes those distinctions.

1 Q. Now, Staff has been doing rate design and cost
2 allocation, since we're talking about both, in cases for
3 quite a long time. Would you agree? Let me specify, for
4 as long as you've been employed?

5 A. Well, there was a phase from I believe 2005 to
6 2011-ish where by stipulation Staff did not -- no party
7 did CCOS studies or rate modifications in Evergy rate
8 cases and that was pursuant to their, oh, gosh, what was
9 it called again, the Iatan rate plan. It had a longer
10 name than that. But with that exception for Evergy, we
11 have tried to do a CCOS in every case. We can't always
12 do that. You have to do rate design to one extent or
13 another in every rate case because that's where
14 compliance tariffs come from.

15 Q. Really quick just for the sake of our court
16 reporter, you might have said it earlier, but CCOS is?

17 A. Class cost of service.

18 Q. Thank you.

19 A. And typically we leave out the word study but
20 class cost of service study.

21 Q. And Staff believes that the information it's
22 requesting here is going to be necessary for class cost
23 of service studies moving forward, correct, for Evergy?

24 A. Well, Staff believes this information is
25 necessary to ensure that the Commission is approving

1 rates that are just and reasonable and that are not
2 unjustly discriminatory or unduly preferential. Whether
3 a literal study is done in every case versus checks of
4 existing rate elements or other approaches is done can
5 vary case to case. Data availability, Staff time, those
6 sorts of things all play into whether a full blown CCOS
7 study would be done in a given case.

8 Q. I guess what I'm trying to get at is the idea
9 that there appears to be a difference of opinion between
10 Staff and the Company about what information is necessary
11 based on what's been done in the past. Now, do you
12 believe that you can continue to rely on the information
13 that you've relied on in the past to continue performing
14 class cost of service studies?

15 A. No.

16 Q. Is it because that information is out of date
17 or is there some other reason? Is it because that
18 information is out of date?

19 A. That's one of the reasons. I mean, we have
20 learned, this is going to sound like a non-answer but
21 it's really important, we learned in the Ameren case
22 that, and it was Ameren's witness testifying about what
23 he does for both utilities and he's also the depreciation
24 professional retained by Evergy, we learned in the Ameren
25 case, Mr. Spanos testified more or less that the

1 continuing property records do not align with what occurs
2 in the field.

3 The wording in 1 is getting at what is in the
4 continuing property records. How much effort to throw
5 into study of the continuing property records if we know
6 it doesn't reflect what's in the field is a big question.
7 So that is -- I can't really answer your question without
8 that context.

9 Q. Fine. I'll actually move on. I think that
10 there was conversation yesterday that there might be
11 alternative ways to reach at least some of the
12 information that's sought here or potentially other
13 information that can solve the same problem. Is that
14 accurate?

15 A. Absolutely.

16 Q. So coming to Staff's position statement,
17 because as I read it, Staff's position statement was that
18 you wanted the Company to answer the DRs but not spend
19 the money. Am I interpreting that correctly to try and
20 say that you want to work with the Company to reach an
21 alternative resolution or how should I interpret that?

22 A. Well, the DRs we asked were trying to get at
23 the plausibility of alternative ways of getting at the
24 study information so that the data requests that are
25 referenced in Staff's position statement are asking for

1 things like can you do a survey of the line miles that
2 operate at each voltage, you know, what would it cost to
3 send an intern out into the field and look at 100 line
4 transformers and report back what kind of installation,
5 you know, exists for those. That's the kind of -- We
6 need more information from the Company about what they
7 can do for a given budget. And frankly in retrospect I
8 should have asked them in the alternative. I should have
9 gone through each of these items and said if you had ten
10 grand to spend to study line transformers what would you
11 do, if you had ten grand to study primary distribution
12 costs and expenses by voltage, what would you do, and so
13 on.

14 Q. You know, both your answer now and what I
15 heard, you know, when Brad Lutz was testifying yesterday
16 really leads me to believe that there is a common ground
17 that can be reached here. One of the things I don't
18 understand about this case is the timeline. So I went
19 and I actually looked it up this morning.

20 My understanding is that this case originates
21 from your direct testimony in the last Evergy rate case.
22 Is that fairly accurate?

23 A. There is additional background but most
24 directly, yes.

25 Q. So that was -- I went and looked it up and I

1 saw it was June 22, 2022 is when that was filed. Do you
2 recall is that fairly likely to be accurate?

3 A. I have no reason to doubt your representation.

4 Q. Okay. So then we had a stipulation in that
5 case, that was September 30, 2022, and I think that's in
6 the record as part of the Joint Stipulation of Facts.
7 That stipulation said that the Company had to act by July
8 1. The Company filed this case June 6. What
9 communication was there between Staff and the Company in
10 the period between that stipulation in September 2022 and
11 the filing of this case on June 6?

12 A. Immediately it was either concurrent with day
13 before, day after signing the stipulation. I recall
14 having a good discussion with Mr. Lutz about we
15 understand you don't have exactly this data in exactly
16 this format, you know, that's why we're giving you
17 another nine months to do this, you know. So let's talk
18 about what you can do and let us know and we'll figure it
19 out from there, and I do not recall hearing from Mr. Lutz
20 on this subject again until either they filed the notice
21 or we filed the complaint. I don't recall which came
22 first.

23 Q. Again, I was looking at this case. It was
24 filed June 6. I found the joint proposed procedural
25 schedule October 5 with an order filing it October 18 and

1 direct testimony November 1. I looked at when the Staff
2 was filing its data requests and those appear to be
3 hitting after direct testimony. So my question now
4 becomes from the period where this case initiated in June
5 to let's start with that October joint proposed
6 procedural schedule, were you guys communicating then?

7 A. So Evergy filed or Evergy had a workshop that
8 really tangentially addressed some of where the Company
9 thinks it's heading with rate design, but it really --
10 it's attached to my testimony. It speaks for itself as
11 to what was addressed, but that's the only discussion
12 that I can think of that was anywhere close other than
13 that Evergy attended Staff's workshops with Ameren and I
14 think some of those occurred during that timeline where
15 much the same issues were being discussed and, you know,
16 I think I called Mr. Lutz's attention to some of those
17 issues as they were being discussed and said that's the
18 kind of thing we could look at with Evergy as well as far
19 as alternative data for existing rate disparities.

20 Q. So if I understand that answer correctly, is it
21 safe to say that Staff wasn't aware of the Company's
22 answer to the data requests that you had raised back in
23 your direct testimony in ER-2022-0129 and 0130 until they
24 filed direct testimony in this case?

25 A. No. So you just referred to them as data

1 requests. I think you mean the stipulation provisions.
2 To be clear, we did have data requests in the 129/130
3 cases on this topic. One of them had a really useful
4 response that had to do with kind of some sample customer
5 customer specific information data or premise specific
6 information data, the sort of thing that's recovered in
7 the facility's charge. The rest of them I think, you
8 know, we asked for hey, you know, your CCOS had a split
9 between primary and secondary distribution, give us a
10 calculation, and the response was that requires analysis
11 and you can't compel us to perform it.

12 Q. Given where you're sitting right now, do you
13 feel like if you could turn back the clock, do you think
14 you could have reached a conclusion that would have
15 worked if you guys had started talking well back before,
16 maybe before they filed this case?

17 A. I mean, I think we would have just taken it to
18 hearing in the rate case rather than just delayed the
19 additional year.

20 Q. Let's say that you had signed the stipulation
21 though. Was there -- Do you think that you can get to a
22 point with the Company you can get the information you
23 need based on the testimony you've heard so far through
24 this hearing?

25 A. I'm not really any more sure about what the

1 Company is and isn't willing to do today than I was last
2 June. I was confused by a lot of statements yesterday.

3 Q. All right. Well, I'll leave that off for now.
4 So I'm going to take up 2, 3, 4 and 5 at a moment here
5 together. The reason I'm going to do that is because
6 when I was listening to your counsel give her opening
7 statements, I could have sworn she said something to the
8 effect that Staff now believes those might be moot. I
9 might not have heard that correctly so I'll just ask.
10 Are there any issues related to 2, 3, 4 or 5 that are now
11 moot?

12 A. It depends. Again, we're looking for clarity
13 from the Company. So 2, and I'll have to look really
14 closely here so I don't reverse them. 2 refers to total
15 number of customers on a rate schedule whether or not
16 they have AMI metering. 3 refers to total number of
17 customers on a rate schedule that are AMI metered. So to
18 the extent that there are now rate schedules where every
19 one is AMI metered, then there's nothing else to do
20 there.

21 Q. So these might be somewhat mooted already?

22 A. So either 2 or 3 should give us more or less
23 the same answer or really, really close to the same
24 answer, and I think Ms. Dragoo did say that yesterday as
25 well. Now, 4 is asking for how much energy was consumed

1 by each rate schedule. So that's different than 2 and 3.
2 You need them both to come up with usage per customer.
3 But 2 and 3 are how many customers are you adding
4 together. 4 is add them together. 5 is you can't add --
5 If you have a customer that's metered at 240/120 volt and
6 a customer that's metered at, you know, 4 KV, you can't
7 just add those together. If you have a customer that's
8 measured at 34 KV, you can't just add those all together.
9 So 5 relates to the adjustments that need to be made in
10 order for those numbers to be added together where you're
11 not introducing errors of between, you know, 2-1/2 and 5
12 percent by adding together customers who are metered at
13 different voltages.

14 So what I understand from Ms. Dragoo is that
15 when that is sent to the meter -- or I'm sorry, when that
16 is sent to the billing system, that information has
17 already been adjusted out. Now, we had Mr. Bass's DR
18 that we discussed with Ms. Dragoo yesterday in which he
19 stated in the last rate case he did just add those
20 together without adjusting them for voltage. So you're
21 going to have errors of 2 to 5 percent. So I'm not sure
22 because everything Ms. Dragoo says in her testimony is
23 caveated by saying we'll do it to the extent we've done
24 it in the past.

25 So that's -- I'm more confused today than I've

1 been on this case about what the Company can actually do
2 or not do with regard to providing us information.

3 Q. I appreciate that answer, but locked into part
4 of what you just said makes me believe, and correct me if
5 I'm wrong, there is a possibility that the data request
6 in 5 might already be included in what the Company does
7 and therefore you wouldn't need to provide 5; that's a
8 possibility?

9 A. That is a possibility caveated by the Company's
10 response concerning this exact data in the case that
11 arose in the stipulation that they're fine adding
12 together dissimilar voltage metered data.

13 Q. So based on that, there's a possibility that if
14 you had a larger conversation with the Company and
15 cleared up some of this confusion you might be able to
16 effectively eliminate the costs associated with 5. Is
17 that accurate or not?

18 A. Well, so Staff asked this clarification in data
19 requests and those were the data requests that we
20 referred to as saying we need the answer to those to give
21 you a complete position on 2, 3, 4 and 5. So yes, a
22 conversation would help, but I think we're at the point
23 and this is so technical and so detailed that I think
24 that conversations are probably a little bit past the
25 point of usefulness and we need to see specimen data and

1 specimen calculations to understand what they can
2 actually provide.

3 Q. Fair enough. Let's move on to 6 then. Now, 6
4 was a bit of an odd one. The Company flagged this. This
5 is effectively just pointing out that the Commission may
6 design certain customer subsets for more granular study
7 and if such designations have been made you would need to
8 provide -- retain additional information for those
9 subsets. Now, Staff wasn't itself anticipating any
10 particular designation of subsets, were they?

11 A. Examples that we had discussed with the Company
12 that came up in prior cases where the Commission
13 expressed interest in customers who receive LIHEAP or
14 customers in a particular zip code, that sort of thing.
15 Those were examples that I recall discussing, you know,
16 as this was a litigated issue or a punitively to be
17 litigated issue in the last rate case. Those were
18 examples I recall discussing with the Company. We didn't
19 have any in mind at the time but just to be aware as
20 they're setting up software that if we're doing a lot of
21 programming, let's get the capability we think we're
22 going to need and not wait until it's too, you know,
23 imminent.

24 THE COURT REPORTER: Wait a minute. LIHEAP?

25 THE WITNESS: I'm sorry. L-I-H-E-A-P, and I

1 believe it stands for Low-Income Heating I think
2 Education and Assistance Program but I'm not confident on
3 the E.

4 MR. CLIZER: I don't know either off the top of
5 my head.

6 THE WITNESS: Energy Assistance Program, a
7 voice from above.

8 BY MR. CLIZER:

9 Q. So if I understand your position, what 6 is
10 really asking for is effectively to have the Company kind
11 of future proof or at least think ahead as designing its
12 programs in case the Commission might want something like
13 this in the future?

14 A. To be fair, yeah, recognizing we can't
15 anticipate every scenario, but LIHEAP and zip code seem
16 like good places to start.

17 Q. 7 and 8 appears that the Company can already
18 provide that. I don't think there's much we need to say
19 on those two unless there is some reason you think that
20 there is a problem with 7 and 8.

21 A. Well, so 7 and 8, they have them on here as --
22 let me -- So 7 and 8 are an issue when we get to, I guess
23 it's 8c, d. Again, he numbered these a little bit
24 differently than I did. So for purposes of a general
25 rate proceeding, we are supposed to have access, we being

1 Staff, are supposed to be able to get access to that 36
2 months of data to look at customer impacts, study
3 responses to weather, that kind of thing, you know, if
4 we're doing a more detailed study. It's not something
5 I'd anticipate requesting every case but the availability
6 of that data to be delivered to Staff on a 36-month basis
7 is kind of intrinsic as what's on here as 7 and 8.

8 Q. Okay. I'm going to move on because again I
9 didn't think that 7 or 8 would be a problem. So I'm
10 going to move on to -- Oh, I just now realized that
11 there's 8b. I'm sorry. I was confusing. I meant 8a on
12 the front page. I do apologize for that confusion. I
13 realize now it was my fault. Flipping over to the other
14 side of the schedule, page 2, let's take up 8b. So 8b is
15 unique on this sheet. It's the only one with a green
16 availability but a red deliverability which leads me to
17 believe that hopefully there's a way that you can resolve
18 this just by figuring out how to deliver the information.
19 So in that box Evergy has said basically, as I read it --
20 let me ask you this. Is my reading correct that says the
21 problem here is the 15 minutes view of system peak?

22 A. I thought so until a data request response said
23 they can't even do it on 30, and 30 is their -- so we --
24 In Brad Lutz's testimony in rebuttal in the rate case, he
25 said Evergy said they could do this. They said they

1 couldn't do it for residential, they may not be able to
2 do it for all of SGS but they said do this for the other
3 commercial and industrial classes and then in their
4 testimony in this case they can't. And so initially I
5 thought maybe we could address this. So Evergy West does
6 its NCP demand charges and its facilities' charges --

7 Q. One second. NCP?

8 A. Oh, I'm sorry. Non-coincident peak.

9 Q. Please continue.

10 A. So currently a lot of revenue recovery comes
11 from an a non-coincident peak of large customers, and
12 large customers can include some fairly small customers,
13 around the clock. Evergy West assesses that based on the
14 highest 15 minutes. Evergy Metro assesses that on the
15 highest 30 minutes.

16 So I asked in a data request to Mr. Lutz, okay,
17 can we do 8b if we do 30 minutes for Evergy Metro, and I
18 believe the response was well, we haven't considered that
19 but we don't think we can, we still have the same answer
20 that's in testimony.

21 Q. I'm sorry. I got confused there. Did you just
22 say that they are doing it currently but they can't
23 provide the data?

24 A. I'm sorry. So their NCP currently is on 30 for
25 Evergy West. I'm sorry. Evergy Metro. So if it was the

1 15 minutes is the issue, that's how Evergy West already
2 bills which Mr. Lutz said in rebuttal in the rate case in
3 response to the testimony that resulted in the
4 stipulation they can provide it, just not for residential
5 and SGS, and now in this case they've clawed that back.
6 And this is an issue the industrials have brought up.
7 This is an issue a bunch of jurisdictions are doing.
8 Most of the co-ops in the state. Evergy's response on
9 this issue is just legitimately confusing to me.

10 Q. All right. I'll move on again. 8c. Now, if I
11 understand 8c correctly, that refers back to 1. I'm
12 hoping that if you guys reach an alternative resolution
13 to 1 that would resolve 8c. Would that be an accurate
14 statement?

15 A. So I view 8c as being, you know, kind of
16 updates from time to time. We tend to look at big views
17 of the distribution system every couple of decades. The
18 last time it was really looked at in line with rates was
19 in the '90s. So I view 8c as we're not going to do a
20 full blown distribution study in every case, we're not
21 going to go through everything in 1 in every case, but
22 maybe, you know, we'll ask for hey, could you give us an
23 update on what your cost for, you know, this type of
24 conductor is, can you give us an update on what your cost
25 for this type of meter is. I view that as what 8c is

1 speaking to.

2 Q. I'm actually going to go off track here for
3 just a moment. You brought up something that I wanted to
4 get into. So Staff is relying on a distribution study
5 for Evergy that dates back to the 1990s currently; is
6 that accurate?

7 A. Well, it's not really a distribution study. It
8 was an agreement among the Staff, the industrials
9 involved at that time and KCPL about how to align each
10 party's view of cost with what the rate structure is. So
11 the rate structure was agreed to back in '96 and carried
12 forward with, as Mr. Lutz said yesterday, changes made in
13 cases. So it's not like there's a literal study that we
14 say here's how much it costs to install a meter for a
15 customer who's using, you know, a big factory. It's that
16 we said, we being Staff 30 years ago, said we agree with
17 the Company that if you have a meter of this size, you
18 should be charged a customer charge of this size. If you
19 have, you know, facilities of this size, you should be
20 charged a facility's charge of this price. That's what
21 we have from the '90s. We don't have a literal
22 distribution study. We have an agreement about how to
23 price in a way that is not unduly preferential.

24 Q. What you said jogged my mind. That agreement,
25 since that's the term you used, from 1996, that was the

1 thing that was attempted to be brought in yesterday; is
2 that right?

3 A. Yes.

4 Q. And so if I understand you correctly, I want to
5 make sure I get this right, that thing has formed the
6 sort of pathway from 1996 until today of how Staff
7 approaches class cost of service in Evergy cases with
8 some modifications along the way; is that accurate?

9 A. So the modifications come in as the result of
10 rate cases. But when Staff looks at customer charges,
11 those are the things we're trying to put in customer
12 charges for Evergy. When Staff looks at facilities
13 charges, those are the things we're trying to put in
14 facilities charges for Evergy, and that's why we need the
15 information that's in item 1 about the relative costs of
16 metering for customers of different sizes, the cost of
17 facilities for customers of different sizes.

18 The big one is just the split between primary
19 and secondary in terms of the cost of the distribution
20 network system.

21 Q. So your position is you need the things in item
22 1 to do what was set out in 1996? I'm confused.

23 A. The rate structure of Evergy and the rate
24 structure of KCPL, which has since been pretty closely
25 applied to Evergy West, includes certain elements. Those

1 elements are priced differently based on customer
2 characteristics. I can't sign my name on an affidavit
3 saying that a rate result is just and not unduly
4 discriminatory if I don't have some basis for why those
5 prices are different based on those existing
6 characteristics.

7 Q. I think I'm beginning to understand it better.
8 All right. Well, you answered my question on 8c1. I
9 need to be careful here because it's being broken down
10 even further. 8c2 just references above. So I assume
11 that we don't need to discuss that one. That's taken up.

12 A. Well, this is where timing is really important.
13 So Evergy is months behind other Missouri electric
14 utilities on providing usable billing data and usable
15 load data in rate cases for Staff to do an update period.
16 And update periods I think are a feature fairly unique to
17 Missouri or at least Missouri led the way is my
18 understanding in use of update periods and true-ups to
19 mitigate regulatory lag. With Evergy, we're coming into
20 a case looking at the relationship between energy usage
21 and weather for a period that's 18 months old before the
22 case starts. And that's not terribly uncommon for a
23 utility direct filing.

24 What's unique with Evergy is the lag in what
25 they can provide for Staff to perform its update which is

1 a key tool to mitigating regulatory lag. And Kim Cox and
2 Michael Stahlman are going to be better to discuss that
3 with.

4 Q. I'll bring it up with them then. Thank you.
5 So again, 8c3, that's another one that the Company has
6 the available data and it thinks it can deliver it. So I
7 take it there's probably no problems with that. Is that
8 accurate?

9 A. No. So this is one I just find shocking that
10 the Company says it's going to cost them 260 hours and
11 \$42,000 to do something they weren't going to do anyway.
12 So the Company routinely comes in with proposals that
13 will change rate design for customers, that will change
14 how customers are being charged and will have different
15 impacts on different customers. So if the number needs
16 to be something other than a hundred, and by the way
17 Everygy changed this request to say a hundred total
18 customers, not a hundred per rate code, not even a
19 hundred per class. But if Everygy isn't looking at this,
20 I would be really concerned with the utility in the year
21 2024 that is proposing any changes to rate design and not
22 looking at impact sample customers.

23 Q. I mean, you say that. Have you talked to other
24 companies about this?

25 A. We get this from other companies.

1 Q. So this information is something you already
2 receive from let's say Ameren Missouri?

3 A. I believe Ameren gave me sample customer data
4 in their last rate case and they aren't even fully AMI
5 yet.

6 Q. What about Empire or Liberty?

7 A. I know when we've discussed this with Liberty
8 they said it wouldn't be an issue to provide it. I don't
9 recall given the timing of the last rate case if we did
10 this or not.

11 Q. What about 8c4 then? Is that one that we can
12 at least say is resolved?

13 A. Sorry. I'm just making sure of the difference.
14 Okay. So the difference between c3 and c4 is c3 says if
15 you have more than a hundred customers, give us a hundred
16 customers. So for example, some of the classes have and
17 some of the rate codes have far fewer than a hundred
18 customers. Some of them have 50 customers. So the
19 difference between c3 is if it's a big class, give us a
20 hundred sample. If it's a class that has fewer than a
21 hundred, give us everybody.

22 Q. In that case I would assume that all of your
23 same comments regarding c3 would apply equally to c4?

24 A. Absolutely.

25 Q. Thank you. That explains that. 8d. Again,

1 that's one of the see individual items above. I'm hoping
2 that that one doesn't have any concerns; is that right?

3 A. This is the one that I was jumping to when you
4 asked about the earlier provision. So we addressed that,
5 yeah.

6 Q. That brings us to 9. Now, yesterday I had an
7 interesting conversation with Mr. Brad Lutz about 9, and
8 my understanding from the Company based on that
9 conversation, and the record will speak for itself on
10 this, was that the Company felt they wanted to have the
11 issue litigated and that they would provide determinants
12 for a coincident peak if that was something that the
13 Commission ordered in the future. Has the Commission
14 addressed coincident peak charge in past Evergy cases?

15 A. So in the last Evergy rate case, I mean, the
16 order speaks for itself, but what happened in the last
17 Evergy rate case is that MCEG proposed on-peak demand
18 charges, coincident peak demand charges, Staff proposed
19 introduction of a time of use overlay and Evergy said we
20 can't do this, we don't know how it's going to impact
21 customers and the Commission agreed and said we don't
22 want to order this until we know how it's going to impact
23 customers. So we're in a very strange loop here where we
24 can't look at determinants until it's ordered but we
25 can't order it until we look at determinants, and I agree

1 I don't want to order something that we don't know what
2 the charges would be, what the determinants are. That's
3 a big problem. We don't want to do that. But that's why
4 we need to look at determinants.

5 Q. So I think you've already covered this but just
6 to make sure it's clear, Staff says we need the
7 information so we can get the determinants so we examine
8 it in a rate case because in the last rate case the
9 Commission said we can't order it absent the
10 determinants. Is that accurate?

11 A. I think what the Commission said is we can't
12 order it because we don't know customer impacts and
13 customers don't know what it would do to them, that sort
14 of thing. The order speaks for itself. I'm not trying
15 to put a spin on it. That's my recollection of how we
16 got where we are on this issue.

17 Q. Just to make sure that it's clear for the
18 record, the information you're seeking here would be
19 necessary to determine the customer impact of a
20 coincident peak charge?

21 A. Yeah, yeah. And I mean, Mr. Lutz raises a fair
22 point that we'd have to talk about what periods to study
23 and Staff has asked in data requests what's your
24 preferred period and here are some periods for you to
25 consider and the response was this would require analysis

1 and we aren't going to do it.

2 Q. All right. So having gone through all nine of
3 these data sets as they're set out, again, I don't want
4 to paraphrase you too much, but looking at the prices
5 here, I think that on 1 there was a conversation that we
6 might be able to reach some type of alternative
7 consideration.

8 A. I said in my rebuttal not to do what is on 1.
9 I don't know how there's any confusion on the Company's
10 part at this point.

11 Q. Okay. So we'll just leave off 1 then. I'll
12 just move on. The rest of these, and I'm going to do the
13 math really quick here, 2 and 3 were mutually exclusive;
14 is that right?

15 A. They'll be really, really close. Based on
16 Mr. Lutz's testimony yesterday, it would only apply to
17 certain residential customers and, you know, it depends
18 on how many that is but it should be really, really
19 close.

20 Q. I'm going to just take 21,000 then for 2 and 3.
21 I'm just going to use their numbers just to keep this
22 clean. If I add on 54,000 then for 4, 5 might be able to
23 get taken care of depending on the answers we see, so I'm
24 going to leave it out for a moment here. The next one I
25 see coming up really is 8c2, 20,000; 8c3, 42,000; and

1 8c4, 40,000. If I just add up just those, and I don't
2 know if you did the math yourself, I'm getting about
3 177,000 we're talking about, does that seem like an
4 accurate calculation of those?

5 A. I accept your addition.

6 Q. Let's try and put that in perspective actually
7 you know what. Every brought in a -- retained an expert
8 for this case, an outside expert. You're familiar with
9 that, right?

10 A. I am aware of that, yes.

11 MR. CLIZER: Mark an exhibit. This should be
12 304.

13 JUDGE HATCHER: This will be marked.

14 MR. CLIZER: This will be confidential. I will
15 endeavor my best to avoid any discussion of confidential
16 information directly in my discussion.

17 BY MR. CLIZER:

18 Q. Ms. Lange, would you agree with me that this is
19 an Everygy data response to OPC Question 2000?

20 A. Yes.

21 Q. And again I stress this is confidential
22 information. So please move slowly to avoid saying
23 anything in case we need to go in camera. I will prefer
24 not to. Now, I believe the testimony of Mr. Riley
25 identifies him as a partner at the firm of PWC or Price

1 Waterhouse Coopers. In fact, I can cite you to the exact
2 line if necessary. But will you agree with me for a
3 moment that he's a partner?

4 A. I'd say that that testimony would speak for
5 itself.

6 Q. And if you turn to the page 2 of the attachment
7 here, which actually let's back up. This question that
8 was posed to Evergy asked for the contract agreement
9 between Evergy and Price Waterhouse Coopers. Would you
10 agree with that?

11 A. Yes.

12 Q. And the attachment is the contract agreement
13 between Price Waterhouse Coopers and Evergy?

14 A. That's what it is labeled.

15 Q. If you turn to page 2 of that agreement, you'll
16 see the price per hour for a partner level individual?

17 A. I see that.

18 Q. And if we take Mr. Riley's word yesterday that
19 he has worked some hundred hours at least on this case,
20 again, moving slowly so that we do not violate
21 confidentiality, if I multiply that hundred hours by the
22 partner level, you would agree with me that Evergy has
23 already spent quite a lot on this case compared to what
24 it might otherwise have cost to enact the changes that it
25 claims?

1 A. I am not comfortable answering that in public.
2 Given that we're -- if a hundred hours is the hours, that
3 makes this a lot easier I think for us to avoid stating
4 that by perhaps just introducing the exhibit.

5 MR. CLIZER: You're right. Your Honor, I'll
6 just move for the introduction of the exhibit and try and
7 take up the issue in briefing, assuming there's no
8 objections.

9 JUDGE HATCHER: You've heard the motion.
10 Exhibit 304 Confidential. Due to Commission rules, there
11 will be a public version that will be redacted in full.
12 Are there any objections to the admission of Exhibit
13 304C? Hearing none. So admitted.

14 (OPC'S EXHIBIT 304C WAS RECEIVED INTO EVIDENCE
15 AND MADE A PART OF THIS RECORD.)

16 BY MR. CLIZER:

17 Q. All right. Do you have a copy of your own
18 testimony?

19 A. I hope. Sorry. I didn't reorganize my folder
20 yesterday as well as I tried to do. It may take me a
21 moment. I am not sure if I have it with me. If my
22 attorney might happen to have an extra copy, that would
23 probably move things along.

24 MR. CLIZER: Do you have one or I can lend her
25 mine.

1 THE WITNESS: I apologize. I suspect it is
2 sitting on the copier in fact.

3 MR. CLIZER: I think we have a copy coming to
4 her.

5 THE WITNESS: Thank you.

6 BY MR. CLIZER:

7 Q. You have a copy then?

8 A. I do now.

9 Q. Turning to page 60, if you would be so kind.

10 A. I forgot it was this long. My apologies to all
11 involved, yes.

12 Q. So at line 22, you identified -- well, actually
13 it begins on line 21 and then continued on for several
14 more lines and several more pages.

15 (Discussion off the record.)

16 BY MR. CLIZER:

17 Q. You discuss the fact that you had previously
18 outlined the Staff's proposed rate modernization plan as
19 part of a case number identified EW-2017-0245. Is that
20 accurate?

21 A. That's what it says.

22 Q. Now, during the opening of Evergy counsel, they
23 identified that Staff's -- well, they identified what
24 they characterized as Staff's long-term rate plan vision
25 for the future. Notwithstanding that characterization,

1 they stated basically that this issue has never been put
2 before the Commission, has never been approved, or never
3 been identified as policy of the Commission. You would
4 agree with me that Staff's rate modernization plan at
5 least in part was laid out in part of this docket as you
6 identified in your testimony, correct?

7 A. I have summarized or included this statement in
8 I think every rate design case I filed since this docket,
9 since the EW docket occurred, and we're open and eager to
10 get feedback on modifications to, you know, just respond
11 to changes in realtime.

12 Q. With regard to it as it appeared in that case,
13 EW-2017-0245, that was where you were identifying what
14 the Commission could consider as certain rate structures
15 and rate designs to enhance customer responsiveness to
16 DER or distributed energy resource opportunities; is that
17 accurate?

18 A. It is. We tried to be more comprehensive than
19 that. In part the concepts of the continuous rate design
20 element in particular was included in response to this
21 exact situation we're in here today where utilities have
22 information but they don't have it by rate code, they
23 don't have it by rate class. So that element of it is
24 more of a recognition of utility data limitations and
25 less directly addressing the DER problem, but they fit

1 together. So it kind of had to be comprehensive and
2 involve both.

3 MR. CLIZER: Mark an exhibit 305.

4 JUDGE HATCHER: So marked.

5 BY MR. CLIZER:

6 Q. Ms. Lange, would you agree with me that this is
7 the Commission's filed Response to Staff Report Regarding
8 Distributed Energy Resources that was filed in same case
9 EW-2017-0245?

10 A. That's what it's labeled.

11 Q. And you would agree with me, if you read it
12 carefully to yourself, that it identifies Staff's
13 recommendations beginning in the paragraph, second
14 paragraph of page 1 continuing on to page 2 and includes
15 specifically at Item No. 4 the Commission considers
16 certain rate structures and rate design to enhance
17 customer responsiveness to DER opportunities by providing
18 appropriate price signals to consumers and revenue
19 recovery for utilities.

20 A. Was there a question?

21 Q. You would agree with me that that's
22 predominantly what it says?

23 A. Yeah, I think you read Item 4 word for word.

24 Q. You would agree with me that beginning at the
25 top of the next paragraph it states the Commission

1 accepts the recommendations --

2 THE COURT REPORTER: I'm sorry. Can you slow
3 down just a bit?

4 MR. CLIZER: I'll try my best.

5 THE COURT REPORTER: Thank you.

6 BY MR. CLIZER:

7 Q. You would agree with me that beginning at the
8 first full paragraph of page 2 it reads the Commission
9 accepts the recommendations offered by Staff and
10 determines that they promote good public policy?

11 A. That's the first half of that sentence, yes.

12 Q. I'll go ahead and read the rest of it just for
13 the sake of completeness. And that it would be advisable
14 to further consider the specific merits of each
15 inappropriate case where the impacted parties will have
16 an opportunity to be heard. Based on that language,
17 would you not agree with me that the Commission has at
18 least in the past identified that it believes it is good
19 public policy for Staff to pursue the rate modernization
20 recommendations that it outlined in this docket in its
21 report?

22 A. So part of the Staff recommendation in the
23 report included being responsive to what happens between
24 now and then. You know, at the time that this was done,
25 Evergy was the only utility with AMI meters at this

1 point. All of the electric utilities are fully or nearly
2 fully deployed and things have happened with ARCS that
3 changed some things. ARCS, I'm going to get the acronym
4 wrong but referring to Aggregating of Demand Response at
5 an RTO level. So with the caveat that flexibility and
6 responsiveness to the situation on the ground was
7 included in the Staff recommendation, yes.

8 Q. And in addition to that, it is my
9 understanding, and I want you to correct me if I'm wrong,
10 that the Staff recommendations here in this case are
11 predominantly being drawn from recommendations by the
12 Regulatory Assistance Program, or RAP; is that accurate?

13 A. Staff's recommendations in this case are just
14 about the Commission ordering this docket to stay open to
15 get information.

16 Q. Is the Staff's rate modernization plan in part
17 reflecting the recommendations by the Regulatory
18 Assistance Program?

19 A. Here's where Missouri frankly led a bit. While
20 Mr. Lazar I believe was involved, I'm going to get which
21 of the RAP professionals were involved in the Missouri
22 docket, I think that, and I'm not taking pride of
23 authorship here, it's going to sound like it but I'm not,
24 I think that Staff's what we laid out in EW-2017, I think
25 that actually came before RAP came out with the rate

1 design manual which I believe was in 2019. It is
2 consistent with that. We had a number of discussions
3 with professionals from RAP who came in and actually
4 conducted the workshop. The bulk of the report in
5 EW-2017-0245 is actually just summaries of the
6 presentations of the various utilities and of the RAP
7 professionals. LeBel, it was Marc LeBel, I believe, not
8 Lazar.

9 JUDGE HATCHER: And the bench will add while
10 we're taking just a second, ARC, A-R-C, is Aggregator of
11 Retail Customers.

12 THE WITNESS: I appreciate that, Judge.

13 BY MR. CLIZER:

14 Q. Finally, would you agree with me that the
15 policies that Staff has pursued as part of its rate
16 design structure are consistent with what the Commission
17 has adopted from PURPA standards -- let me spell that
18 out, Public Utility Regulatory Policy Act of 1978 -- that
19 it has adopted in the past?

20 A. Yeah, and that's huge. And I apologize. I
21 should have addressed that in my rebuttal. Well,
22 actually I guess the request of Evergy to ignore class
23 cost of service didn't come in until surrebuttal. But
24 yeah, this Commission is bound to address the
25 requirements of PURPA 1978, which includes cost of

1 service related components and justification of
2 components such as declining block and it ordered, you
3 know, there are Commission orders binding the Commission
4 going forward about how class cost of service elements
5 need to be addressed. Now, those are second nature to
6 Staff and I frankly don't even think about them because
7 they're fairly obvious constructs. But if we aren't
8 studying and ensuring that those relationships that cause
9 price differences to similarly situated customers, if
10 we're not making sure that those are reasonable, we're
11 going to be violating federal law in a hurry.

12 Q. And just to clarify, the information that
13 you're seeking as part of this case is necessary you
14 believe to achieve that end and avoid violating the
15 federal law?

16 A. To the extent that those price disparities
17 exist in a tariff, yes.

18 MR. CLIZER: Thank you very much for your time.
19 I have no further questions at this time.

20 JUDGE HATCHER: Thank you. We'll go to the
21 Company for cross-exam.

22 MR. FISCHER: Thank you, Judge. Good morning,
23 Ms. Lange.

24 THE WITNESS: Good morning.

25 MR. FISCHER: I hope you had a good evening.

1 I've tried to shorten my cross quite a bit. So I hope we
2 can get through this fairly quickly.

3 CROSS-EXAMINATION

4 BY MR. FISCHER:

5 Q. Do you have a copy of your testimony in front
6 of you now?

7 A. I do now.

8 Q. Is it your understanding that Evergy does not
9 keep plant accounts or expense accounts that are
10 differentiated by rate code or voltage level?

11 A. That's been my understanding since 2006, yes.

12 Q. Okay. So you always felt -- You've always
13 known that even when you asked for the first set of data,
14 is that right, for the first set of data in this case?

15 A. Well, that's why the recommendation was made is
16 to develop information that we know doesn't just exist.
17 If it just existed, we wouldn't need to ask for it.

18 Q. Okay. So you knew whenever you asked the first
19 set of data that that data didn't exist, right, is that
20 what you're saying?

21 A. Well, there's a lot of things -- There's a lot
22 of separate items in item 1. You're talking about
23 stipulation item 1?

24 Q. Yes, I am. I'm trying to clarify what you just
25 testified to. That you knew when you asked that, for

1 that information that it didn't exist?

2 A. Well, I'm sorry. I don't understand the
3 question.

4 Q. Let me just go on a little bit. You don't
5 disagree with Mr. Lutz when he testified that Evergy does
6 not keep plant accounts or expense accounts by voltage
7 level, right?

8 A. I agree Evergy doesn't do that. That's why we
9 recommended that it be done and why we pursued a
10 stipulation with Evergy that they do it.

11 Q. Okay. And you agree with him that the Company
12 does not keep plant accounts or expense accounts by rate
13 code either, right?

14 A. Could you say that again.

15 Q. You agree with Mr. Lutz that Evergy does not
16 keep plant accounts or expense accounts by rate code or
17 by voltage level for their normal operations, right?

18 A. They have -- They do with regard to
19 distribution versus transmission versus certain
20 subtransmission accounts.

21 Q. So you do disagree with Mr. Lutz when he
22 testified that they don't keep it by voltage level and by
23 rate code?

24 A. If you're lumping everything in item 1
25 together, I think the answer to that question is I agree

1 that Evergy does not do already exactly what is in item 1
2 which is why we recommended in the last rate case and
3 possibly others that they do a study to estimate these
4 costs in the manner reflected because that's what their
5 rate schedules desperately charge customers.

6 Q. I'm just trying to understand where our
7 differences are. So you do disagree with Mr. Lutz to
8 that extent?

9 A. If you could point me to what you're referring
10 to Mr. Lutz as having said. I'm a little bit -- Well,
11 I'm lost.

12 Q. Well, the record is going to reflect what he
13 said yesterday. Let's move on. Would you turn to page
14 32 of your rebuttal testimony?

15 A. I am there.

16 Q. Let's look at line 18 where you say the
17 information is relevant to rate design under Evergy's
18 existing rate structures and it's also relevant to
19 Staff's recommended rate modernization; is that correct?

20 A. That's -- I believe you read that accurately.

21 Q. Now, I believe you testified, and I just want
22 to make sure it's on the record, that you have presented
23 your views about rate modernization to Evergy and other
24 stakeholders in the rate modernization discussions that
25 were held last summer?

1 A. Could you state that again. When you say last
2 summer, I'm not sure what you mean.

3 Q. August 28, 2023.

4 A. Was that the date of the Evergy presentation or
5 the date of the Staff presentation?

6 Q. That was the date of the Staff presentation.

7 A. I provided a summary view, yes.

8 MR. FISCHER: Judge, I'd like to have an
9 exhibit marked.

10 JUDGE HATCHER: Go ahead.

11 MR. FISCHER: I don't recall my number.

12 JUDGE HATCHER: You're on 7. It will be
13 Exhibit 7.

14 MR. FISCHER: Thank you.

15 BY MR. FISCHER:

16 Q. Ms. Lange, does this document appear to be the
17 power point presentation that you presented to Evergy and
18 other interested parties in those discussions with
19 Evergy?

20 A. If you're representing that you've accurately
21 reproduced it, it does.

22 Q. I did the best I could. I hope I did. Did you
23 have a meeting on August 28, 2023, where you presented
24 this power point to the Company and interested
25 stakeholders?

1 A. I believe so.

2 Q. The Company and Staff have actually had two
3 meetings regarding rate modernization, one on August 9
4 and a second meeting on August 28. Is that your
5 recollection?

6 A. If I recall correctly, the first one was on a
7 date that I had indicated to Evergy I wasn't available.
8 So I'm not actually certain of the date of that. It was
9 conducted while I was on vacation.

10 Q. I may have misunderstood your testimony but I
11 thought you said you attached the Evergy power point to
12 your testimony. Is that what you said?

13 A. Again, this is all sort of running together.
14 I'm confident there was a meeting that Evergy scheduled
15 while I was on vacation. I don't recall if it was that
16 or a different one, but I did attach the power point that
17 I received later.

18 Q. To your testimony in this case?

19 A. Yes.

20 Q. Would you point that to me?

21 A. It should have been attached I'll say. I was
22 actually just flipping and trying to see if it was on
23 here. I'm hoping that it's just the version that I have
24 didn't have it attached.

25 Q. Could you be mistaken in that you actually

1 attached it to the Staff complaint that you filed against
2 Evergy for not holding rate modernization discussions?

3 A. That could be. We have a lot of Evergy cases
4 in right now.

5 Q. Complaint case covers several topics, too,
6 doesn't it?

7 A. It does.

8 MR. FISCHER: Judge, I'd move for the admission
9 of No. 7. I'd move for the admission of Exhibit 7.

10 JUDGE HATCHER: Thank you, Mr. Fischer. I was
11 just waiting to catch Ms. Kerr's attention before I start
12 my very fast question. Any objections to Exhibit 7?
13 Hearing none. So admitted.

14 (COMPANY EXHIBIT 7 WAS RECEIVED INTO EVIDENCE
15 AND MADE A PART OF THIS RECORD.)

16 BY MR. FISCHER:

17 Q. Let's turn to the second slide on Exhibit 7.
18 There it states this discussion is intended to be
19 generally applicable to all Missouri investor-owned
20 utilities, but may not apply to the particular facts and
21 circumstances of each regulated utility. In particular,
22 the availability of information to reasonably design
23 facility charges is expected to vary. Is that right?

24 A. You appear to have read that accurately.

25 Q. And you agree with that, right?

1 A. I do.

2 Q. Now, are the residential rate structures and
3 the nonresidential rate structures that are contained in
4 that power point your proposals for a path forward for
5 future rate cases and rate design cases in Missouri?

6 A. So proposal is not a good word.

7 Q. Okay. What's the right word?

8 A. Well, the right word is we had a meeting to
9 discuss things and so we outlined options. In
10 particular, the way that I addressed on-peak demand
11 charge versus -- sorry. In particular in this
12 presentation, as I recall, the way that I wrote this, the
13 slides confused participants as to the use of on-peak
14 demand charges. So that rate structure element
15 definitely -- I should have -- I didn't write it clear
16 enough. I accept that. Sorry.

17 Q. I'm just following up on your comment. This
18 wasn't a proposal. What was it?

19 A. It was a discussion. So we're aware that
20 Everygy wants to do something they call brightlines.
21 We're not aware of what that is. So we were addressing,
22 we being Staff, were addressing areas to consider. So
23 there's two issues when you think about where to go with
24 rates. It's if we had all of the information today, what
25 would we do if customer impact wasn't a consideration and

1 it's what do we do to get where we would like to be based
2 on what we know today, based on what we know today and
3 based on being reasonable and cognizant of customer
4 impacts. So I would love for this meeting to have
5 resulted in a robust discussion of what Evergy would
6 like, which of these we're eye on eye on, which of these
7 for them are from their perspective a heck no, and
8 unfortunately that didn't occur. So we don't have a
9 concrete proposal because we need utility feedback, we
10 need customer feedback, we need actual information to
11 understand what is and isn't practical.

12 Q. Didn't you testify though there was a meeting
13 where Evergy did give a Staff presentation on their rate
14 modernization on August 9?

15 A. And that didn't address commercial and
16 industrial. That addressed ideas like subscription
17 pricing and other sort of add-on tariff programs that
18 Evergy has been throwing into rate cases for the last
19 decade-ish.

20 Q. And then we had a separate meeting on August 28
21 where you presented this power point, correct?

22 A. Yes.

23 Q. And did Evergy ever say that's the end of
24 conversations?

25 A. I haven't heard anything more from Evergy in

1 their filing a rate case in a couple of weeks.

2 Q. They didn't say that that they were not
3 interested in talking further, right?

4 MS. KERR: Objection. Calls for speculation.

5 JUDGE HATCHER: Overruled.

6 THE WITNESS: I'm sorry. What was the
7 question? Did Brad Lutz literally say I never want to
8 speak a word about this in the future? No, of course
9 not.

10 BY MR. FISCHER:

11 Q. But Staff did file a complaint requesting more
12 conversations, correct? Is that what that complaint is
13 about?

14 A. The complaint speaks for itself. I'm not clear
15 at sitting here today the timeline of when that was
16 filed.

17 Q. It was filed two weeks I think after our
18 meeting on August 28. Is that your recollection?

19 A. So you're referring to Everyg's failure to
20 conduct a meeting within 180 days to solicit and receive
21 feedback?

22 Q. Right.

23 A. Correct. 180 days were gone and no
24 conversations that occurred after that point would change
25 that.

1 Q. Is it correct that we had -- we didn't make
2 180, we made 190; is that what happened?

3 A. I'm sorry. Are we addressing the relevance of
4 Staff's?

5 Q. I'm asking you whether we had a conversation
6 190 days after the tariffs were in effect. That was the
7 first meeting, correct?

8 A. A conversation about what?

9 Q. Rate modernization whenever the Company
10 presented its rate modernization proposal.

11 A. The Company didn't present what I would
12 consider a rate modernization proposal. The Company
13 presented a description of add-on tariffs such as
14 subscriber tariffs and buffet-style pricing.

15 Q. And that's the power point that you attached to
16 the Staff's complaint, right?

17 A. I don't have that in front of me today. I
18 don't recall.

19 Q. Let me go back to that. I'll give you a copy
20 of that in a minute.

21 MR. CLIZER: Really quick, Your Honor, while
22 we're discussing it, what is the number on the complaint
23 case just for the record?

24 MR. FISCHER: Judge, I can give it to him if
25 you'd like. It's EC-2024-0092.

1 MR. CLIZER: Thank you. I'm sorry to interrupt
2 your flow.

3 MR. FISCHER: That's all right.

4 BY MR. FISCHER:

5 Q. Let's just go to the bottom of slide 2. There
6 it states the views presented in this document are those
7 of Sarah L.K. Lange, and are not presented as reflexive
8 of the views at this time of Staff, the Commission or of
9 any particular Commissioner; is that right?

10 A. That's what it says.

11 Q. And is that disclaimer correct?

12 A. I don't know what you mean by correct.

13 Q. Well, I mean, I think that reflexive may be the
14 wrong word, but is it correct that the views presented in
15 that document are your views and are not reflective of
16 the views of Staff, the Commission or any particular
17 Commissioner?

18 A. That's what it says, yeah.

19 Q. Okay. So you don't disagree with that.

20 MS. KERR: Objection. The document speaks for
21 itself.

22 MR. FISCHER: Okay. I'll move on.

23 JUDGE HATCHER: I would like a straight answer.

24 THE WITNESS: I mean, I'll be as direct as I
25 can. I don't speak for the Commission unless the

1 Commission has ordered me to speak for the Commission,
2 and I think I've used this disclaimer on every
3 presentation I've ever given if for no other reason than
4 if I change a font color, I'm not going to waste Staff
5 time to run that back by division directors. I don't
6 think this is inconsistent with Staff's position, if
7 that's helpful, but I'm not purporting to speak for the
8 Commission unless the Commission orders me to speak for
9 them.

10 JUDGE HATCHER: Thank you.

11 BY MR. FISCHER:

12 Q. So then would it be correct to say that the
13 Commission or any individual Commissioner has not
14 approved the whatever you call it, the idea, the
15 proposals that are included in your rate modernization
16 proposal and your power point?

17 A. This power point was not reviewed by the
18 Commission nor was it presented to the Commission.

19 Q. Was it presented to other Staff members?

20 A. Yes.

21 Q. Okay. Do you have -- Well, let me ask you
22 this. Is the cost of creating and preparing information
23 a factor in considering whether we should go forward
24 adopting the rate proposals that are discussed in your
25 power point?

1 A. Could you say that again? There were a lot of
2 parts there.

3 Q. Okay. Well, is the cost of creating and
4 preparing the information that would be required to
5 implement your rate proposals into modernization power
6 point, is that a factor to be considered when deciding
7 whether to pursue your proposed what I called your
8 long-term vision for rate design?

9 A. I wouldn't agree to the long-term vision
10 characterization, but that would, cost of implementation,
11 feasibility of implementation, yeah, those are obviously
12 things that we would consider and that's why we don't
13 have a concrete, you know, we're in no way trying to
14 dictate what rates should look like 20 years from now.
15 We're saying here are the things that we're looking at.

16 Q. Do you happen to have a copy of the Staff
17 Position Statement in this case?

18 A. I hope so, again with my caveat that I
19 apparently screwed up my folder yesterday and also failed
20 to grab what I reprinted this morning.

21 Q. I have a copy if you don't.

22 A. That would be great.

23 Q. Let me just give you mine if that would be
24 alright, Judge.

25 A. Did we want to admit this just so we don't --

1 Q. What's that?

2 A. The presentation that you offered.

3 Q. I think it's already admitted.

4 A. What was the number on that?

5 Q. 7. I marked the area I'm going to ask you
6 about to make it easier. That's a copy of Staff's
7 Position Statement; is that right?

8 A. That's what you represent it to be, yes.

9 Q. Would you turn to the first issue on page 2
10 where the question is asked what is Evergy Missouri Metro
11 and Evergy Missouri West's estimate for the cost to
12 provide line transformer costs and expenses by rate code.
13 Do you see that question?

14 A. I do.

15 Q. At the very bottom of that there's a sentence
16 that carries over to page 3 of the Staff's Position
17 Statement and it states, and I think I've highlighted it,
18 it would be imprudent to expend the lump sum estimate
19 provided in Attachment BDL-1. Is that what it says?

20 A. Absolutely that's what it says.

21 Q. Okay. Good. And if I look at the position
22 statements related to 1a, 2a, 3a, 4a, 5a and 6a, I'll
23 find a similar statement, right?

24 A. That sounds about right. I'm not sure exactly
25 where it cut off recognizing that we don't actually have

1 cost estimates from Evergy for each of these items. So
2 we're referring to the lump sum. It could be that
3 pursuit of an individual item from the list would be
4 reasonable but we don't have that evidence in this case.

5 Q. Do you agree that with Staff's Position
6 Statement that it would be imprudent for Evergy to spend
7 80 to \$100 million to create and produce the data
8 requested in the first set of data?

9 A. If that's what it cost to produce it. As I
10 said in my rebuttal testimony, that's not reasonable, no,
11 don't do that, please, don't do that.

12 Q. And I think I understood you to say you made
13 that very clear in your testimony that you didn't want
14 the Company to spend 80 to \$100 million on the first set
15 of data in your testimony?

16 A. I want that to be as clear as I possibly can,
17 yes.

18 Q. Would you show me exactly where you're talking
19 about in your testimony that you said that we shouldn't
20 be spending that much money?

21 A. It's under the heading recommended path
22 forward.

23 Q. What page are you on?

24 A. I'm getting there, Mr. Fischer.

25 Q. I'm sorry.

1 A. I'm not as quick as you may be with handling
2 papers.

3 Q. I am sorry. I don't want to rush you. I'm
4 sorry.

5 JUDGE HATCHER: If we could take the
6 temperature down, please.

7 THE WITNESS: I would appreciate that, Judge.

8 MR. FISCHER: So would I, Judge, I'd appreciate
9 it.

10 JUDGE HATCHER: I'm talking to both of you.
11 Thank you. No more extra comments.

12 THE WITNESS: So under the heading recommended
13 path forward.

14 JUDGE HATCHER: Page number, please.

15 THE WITNESS: Page 17.

16 JUDGE HATCHER: Thank you.

17 THE WITNESS: I state Evergy failed to provide
18 cost estimates for the items of distribution data and to
19 date Evergy has refused in discovery to cooperate with
20 Staff request to establish the relative costs of
21 provision of distribution data. The Commission should
22 leave this docket open as a repository for discovery and
23 for the resolution of potential discovery disputes as
24 Staff proceeds to request information to complete a
25 distribution study. I proceed to provide examples.

1 BY MR. FISCHER:

2 Q. So that's where the Company should have
3 concluded that you agreed that it would be imprudent to
4 spend the money on the first set of data, right?

5 A. Well, my recommended path forward didn't say
6 order the Company to expend \$100 million. It said do
7 this instead.

8 Q. Why didn't the Staff's testimony in rebuttal
9 just say that it would be imprudent to spend the money
10 like you said in your position statement?

11 A. At that point, we had outstanding discovery
12 disputes to get line by line information concerning the
13 items in item 1 rather than a lump sum information.

14 Q. Well, just so the record is clear, Staff does
15 not now recommend to the Commission that the Commission
16 order Evergy to produce the data in the first set of
17 data, correct?

18 A. Could you say that again. I apologize.

19 Q. I'm trying to be clear if I can. Staff does
20 not now recommend to the Commission that the Commission
21 order Evergy to produce the data that was included in the
22 set number 1 or what Mr. Lutz says is DR No. 1?

23 A. At a cost of a hundred million dollars?

24 Q. Yes.

25 A. No, absolutely not.

1 Q. Good. Now, your rebuttal testimony doesn't
2 include estimates from Staff for the creation and
3 production of that data that you're requesting in any of
4 the DRs or any sets of data, correct?

5 A. That's not what the stipulation addressed.

6 Q. Well, I'm asking whether you included that in
7 your testimony.

8 A. No, I wouldn't have included irrelevant
9 information in my testimony.

10 Q. Okay. Do you have the expertise on Staff to
11 make an independent estimate of what the costs would be
12 for creating and producing that kind of data?

13 A. Which kind of data?

14 Q. The kind of data you requested in this case.

15 A. There's a lot of different data in this case.

16 Q. Do you have expertise -- I guess I'm asking
17 whether that -- Do you consider yourself an expert in
18 estimating the cost of modifying a public utility
19 computer system to implement new rate designs?

20 A. No one has requested that.

21 Q. Okay. Well, my question is do you consider
22 yourself I guess an expert in estimating the cost that it
23 would take for Evergy to change its computer system and
24 its accounting systems to produce this kind of data?

25 A. We aren't requesting that Evergy change its

1 computer systems and its accounting data. No, I'm not an
2 expert in that.

3 Q. Okay. Let me just ask you some broader
4 questions I guess. From your perspective, is it the role
5 of the Commission Staff to be fair, objective, and
6 unbiased?

7 A. I hate to put it this way, but unless the
8 Commission has ordered us to pursue a specific policy
9 objective or some sort of -- that's a very, very broad
10 question. I'm not sure that I can answer it in the
11 abstract.

12 Our job is to provide a recommendation to the
13 Commission so that the Commission follows its organic
14 statutes.

15 Q. Well, in balancing the interests of the
16 consumers of public utility shareholders, do you try to
17 follow the policies established by the Commissioners
18 through their previous orders?

19 A. Well, prior orders aren't legally binding and
20 conditions do change; but with those two very large
21 caveats, yes, generally.

22 Q. Well, so how do you decide when Staff should
23 advocate a position that differs substantially from the
24 past practices that have been approved by the Commission?

25 A. I can't answer that in the abstract, sir.

1 Q. If a Staff witness is recommending a policy
2 that would cost a substantial sum of money to implement,
3 is there a policy of Staff that you need to get that
4 checked by somebody or approved by someone on Staff?

5 A. You used the word policy in that question and
6 that's what makes it not possible for me to answer it.
7 I'm not sure what.

8 Q. I'm sorry. Let me ask it a different way then.
9 If a Staff witness is recommending a policy that would
10 cost a substantial sum of money to implement, who on
11 Staff would have to approve it before it's recommended to
12 the Commission?

13 A. All prefiled testimony is run through the
14 applicable division directors and Staff Counsel's Office.

15 Q. So that would include your testimony in this
16 case, right?

17 A. Yes.

18 Q. Let's turn to your recommended path forward. I
19 think that starts on page 17 is where you directed me to.
20 I'm looking at line 16 that says Evergy failed to provide
21 cost estimates for items of distribution data and to date
22 Evergy has refused in discovery to cooperate with Staff
23 request to establish the relative costs of provision of
24 distribution data.

25 MS. KERR: I'm sorry. What page are we on?

1 MR. FISCHER: We're talking about page 17 at
2 line 16.

3 MS. KERR: Okay. Thank you.

4 BY MR. FISCHER:

5 Q. That's what you said, correct?

6 A. I think you read that accurately, but I'll
7 defer to the words on the page.

8 Q. Are you talking primarily about the
9 distribution data that you requested in the very first
10 set of data?

11 A. So this section recommended path forward has
12 separate question and answers related to the different
13 items, and so that's what the question is asking about is
14 the distribution data.

15 Q. Okay. And then on line 18 it goes on to say
16 that the Commission should leave this docket open as a
17 repository for discovery and for resolution of potential
18 discovery disputes as Staff proceeds to request
19 information to complete a distribution system study; is
20 that right?

21 A. I believe you read that correctly.

22 Q. Would you describe what you mean by a
23 distribution system study?

24 A. Sure. Getting information dependent on what
25 information is available, and I do think this would

1 probably involve the sort of discussion with distribution
2 engineers that the Company is able to do when it performs
3 a CCOS, but the questions that I have in mind are largely
4 in the data requests that were submitted in this case and
5 those would be things like how many miles of overhead
6 line operate at what voltage, how many miles of
7 underground line operate at what voltage. For secondary
8 circuits, do you have one big line transformer at the end
9 typically.

10 You know, when we use the phrase secondary
11 circuits, are those operating at 240/120 volt or are
12 those operating at 4 KV, 12 KV. That's the kind of
13 information that frankly just -- I tried to ask the data
14 requests in this case as clear as I could to get answers
15 to those questions. But in absence of that, that's the
16 information that I need to try to figure out how to keep
17 the current prices in the current Evergy rate structure
18 just and reasonable.

19 Q. Has the Commission requested Staff to complete
20 a distribution study for Evergy?

21 A. I think it depends on how you read that Report
22 and Order, and I think that the instruction we got in
23 Ameren where the Commission said we can't use anybody's
24 CCOS studies because it's on bad data, I sure take that
25 as saying get data to do a good CCOS study. I don't

1 think they used those words, but that's how I interpret
2 it.

3 Q. Ms. Lange, you've been around a long time. Do
4 you recall any case where the Commission just said this
5 is the best class cost of service study and we're going
6 to use it to set the exact rates?

7 A. To set exact rates?

8 Q. To set rates.

9 A. To set rates? There are cases, yeah.

10 Q. A lot more though that don't adopt a specific
11 class cost of service study as the only way to set the
12 rate, right? We spread it across the board. We do lots
13 of things, but we don't necessarily say it's going to be
14 based only on this class cost of service study.

15 A. Okay. I got the second half of the question.
16 Could you repeat the first half again?

17 Q. I'll withdraw it. It was a little convoluted.
18 How much do you believe the distribution study will cost
19 to complete?

20 A. As I said earlier, in retrospect I wish I would
21 have said for each of these items what can you do for ten
22 grand each. I haven't had that approved by the division
23 directors; but based on prior conversations, I think that
24 if we devote a couple hundred worker hours to this at a
25 cost of 40 to 50,000 that that would be consistent and,

1 Mr. Busch, if I'm out of line on that, too late I guess,
2 but to me that seems reasonable in light of knowing just
3 what it cost to do anything with a large organization and
4 a large amount of data.

5 Q. Would you do that in house or would you hire an
6 outside consultant?

7 A. Well, the nature of this is almost that it has
8 to be in house, and the sort of conversations we need to
9 be having at this point aren't with people, no offense to
10 Mr. Lutz, I highly respect Mr. Lutz, Mr. Lutz would need
11 to be in the room but, you know, we need to be having
12 these conversations with, you know, a handful of
13 distribution workers, and that's the sort of thing that
14 Evergy represents it does when it prepares its class cost
15 of service is it says well, we talked to our distribution
16 engineers and here's what they said we should do for
17 poles. We don't get that opportunity and we need it.

18 Q. Let me ask you this question. You mentioned
19 the division directors. Have any of the division
20 directors suggested to you that you need to be doing a
21 distribution study for the utilities?

22 A. They approved this testimony.

23 Q. I'm asking whether they asked you to do a
24 distribution study.

25 MS. KERR: Objection.

1 JUDGE HATCHER: Grounds?

2 MS. KERR: It's speculation.

3 JUDGE HATCHER: Overruled.

4 THE WITNESS: Yeah. I mean, this conversation
5 has been going on -- there was a lot of pushback on my
6 testimony to say we can't do a distribution study or we
7 can't -- don't use any of these class cost of service
8 studies because of concern that Staff has to provide a
9 class cost of service study at a certain point and what
10 could I do to get better data to provide a reliable
11 study. That was a big topic of conversation in these
12 Evergy and Ameren rate cases.

13 BY MR. FISCHER:

14 Q. If the Commission leaves this docket open as a
15 repository for discovery and for resolution of potential
16 discovery disputes, would you expect to be filing data
17 requests similar to the ones you filed in this case?

18 A. I've thought a lot about this, and I've thought
19 a lot listening to Mr. Lutz yesterday and a conversation
20 I had with Mr. Lutz a week or two ago. What could we
21 have done differently to have not effectively wasted a
22 year and a half on this.

23 I think what we need to do is instead of doing
24 this in the form of data requests, instead of doing this
25 in the form of EFIS, you know, things that are not

1 visible to the Commission, let's just air it out. Let's
2 either have a hearing where Evergy provides distribution
3 personnel, you know, let's do it in the form of filings
4 rather than, you know, the back half of EFIS. Let's just
5 ask the questions and Evergy can either answer them or
6 say here's the question you should ask instead. Frankly,
7 I hope there's some where Evergy says here's the question
8 you could ask instead because they have better access to
9 this information. Again, the big issue in this case is
10 is it really about, finger quote, secondary, finger
11 quote, primary, or is it about 120 KV/240 KV versus 12
12 KV.

13 Q. Let's talk about this case. In this case, and
14 I think you mentioned it yesterday, you filed about 200
15 data requests for both companies in this docket, right?

16 A. The numbers speak for themselves. I think it
17 was 132 unique.

18 Q. There were 185 and then you followed up. There
19 were around 200 total I think. Would you agree with
20 that? Whatever. It doesn't matter. You filed a lot of
21 data requests in this case, right?

22 A. A lot is relative. I mean, this issue was
23 pushed out of the rate case because it was so data
24 intensive. So I mean, I asked the right amount for the
25 subject matter.

1 Q. Okay. You asked that those data requests be
2 turned around in 10 days, right?

3 A. I think the Company agreed to that.

4 Q. We did.

5 A. And not all data requests were provided within
6 ten days. I believe every single data request was
7 objected to.

8 Q. In some cases you asked for ten years worth of
9 data on numerous plant accounts, right?

10 A. I did. I asked for the work papers for your
11 FERC Form 1s for ten years for the distribution plant
12 account so I could prioritize which accounts merited
13 further study and which accounts were showing slow enough
14 growth or were small enough balances that they were lower
15 priority.

16 Q. And I don't really want to burden the record
17 with a list of all of the data requests where you asked
18 for ten years worth of accounts, but would you agree it
19 covered an awful lot of distribution plant?

20 A. It discovered the distribution plant, yes.
21 There are, I think, 12 distribution accounts.

22 Q. They're numerous DRs asking for ten years worth
23 of data. I think it's all reflected in our response to
24 the motion to compel. So I won't go through that on the
25 record.

1 MS. KERR: Do we have a question?

2 MR. FISCHER: Yeah, there's one coming. I'm
3 sorry.

4 BY MR. FISCHER:

5 Q. On page 18 at line 2, you state Staff
6 recommends this docket be used as a means to resolve
7 areas where Evergy asserts that it cannot provide
8 requested data because production of this data would
9 require Evergy to perform additional analysis; is that
10 right?

11 A. That is what it says. That is my
12 recommendation.

13 Q. So is it correct that Staff's recommending that
14 this docket remain open so that Evergy -- or so that
15 Staff could request Evergy perform analysis in areas
16 where the data or the analysis does not exist?

17 A. Well, I think Evergy's testimony from the time
18 of Mr. Lutz's rebuttal in the 129 case is that none of
19 this exists. So obviously yes, Evergy's position is that
20 none of this exists or we wouldn't have entered a
21 stipulation.

22 Q. And this wouldn't be tied to a particular
23 proceeding or not a rate proceeding. It would be open
24 ended?

25 A. I'm happy tying it to the concept of -- Now,

1 Mr. Luebbert has a separate recommendation, but this
2 recommendation concerning distribution data I would love
3 for us to either have common ground or agree on a set of
4 alternatives that maybe we have one position, the Company
5 has another, perhaps MECG and OPC have a third and fourth
6 but where we could get that data straightened out and be
7 done with it for another decade or two.

8 Q. My question was more about what proceeding. It
9 would be an open-ended proceeding just whenever you
10 wanted to request the data you could do that. Wouldn't
11 be tied to like our next rate case or anything else. It
12 would just be an open ended or perhaps it would continue
13 to keep this docket open. Is that your what you're
14 suggesting?

15 A. Yeah, that's what I just testified that the
16 idea would be that we come up with common ground
17 recognizing agreement to disagree on these price
18 components that are in Evergy's existing rate structure.

19 Q. So if the Commission accepts your
20 recommendation to leave the docket open, would you
21 anticipate filing motions to compel like Staff filed in
22 this case if we didn't answer something to your liking?

23 A. As I said, my --

24 MS. KERR: Objection. Asking for legal
25 analysis.

1 JUDGE HATCHER: That does seem a little
2 speculative, Mr. Fischer.

3 THE WITNESS: Can I answer? I already -- It's
4 what I said earlier. I think a better way to do it would
5 be to file. We would file and say hey, what can you give
6 us for ten grand and Everyy could answer that.

7 MR. FISCHER: Judge, I'll withdraw that.

8 BY MR. FISCHER:

9 Q. Let me ask you this question then. Let's
10 assume that the Staff files a motion to compel in that
11 kind of a scenario. Would the Regulatory Law Judge,
12 Judge Hatcher, somebody in his position, be expected to
13 decide whether it's cost beneficial for the Commission to
14 order new data be created and produced?

15 MS. KERR: Objection. Same objection. He's
16 asking for speculation and for legal analysis. She
17 doesn't know what the Judge would decide.

18 MR. FISCHER: Judge, there's no legal analysis
19 in that question.

20 MS. KERR: She still can't testify as to what a
21 Judge would decide.

22 JUDGE HATCHER: I didn't hear that that was the
23 question. What I heard was would somebody in my position
24 be the one making that decision.

25 MR. FISCHER: That's right. That's the

1 question.

2 JUDGE HATCHER: You can answer. Objection
3 overruled.

4 THE WITNESS: I would hope that if this goes
5 forward that the Report and Order addressing this phase
6 of the EO docket or at least I guess an interlocutory
7 order addressing this phase of the EO docket, which now
8 that I say that is probably the better way to do it.
9 You'd have an interlocutory order setting out how this
10 would be handled going forward and then a final Report
11 and Order, if necessary, which in an EO docket I don't
12 know that you need one, could draw any conclusions where
13 the participants have had an opportunity to weigh in on
14 the relative costs and benefits of proceeding with a
15 given line of data acquisition, which is what's
16 contemplated in the prior Stipulation and Agreement.

17 BY MR. FISCHER:

18 Q. What criteria under that scenario in your
19 opinion would the Regulatory Law Judge use for deciding
20 whether Staff's data requests were cost beneficial?

21 A. I can't answer that. I would defer to my prior
22 answer. Well, I would actually say I hope it doesn't
23 come to that. Based on Mr. Lutz's testimony yesterday,
24 it seems to be across the board recognition that
25 something needs to be done, the existing rate schedules

1 have no real relationship to existing costs, so let's
2 just figure something out.

3 Q. If we leave the docket open as you were
4 suggesting, isn't that the likely occurrence we're going
5 to have to come before a Regulatory Law Judge to say is
6 it cost beneficial for us to create this new data that
7 doesn't exist?

8 A. I hope not. I hope we can work it out.

9 Q. Let's turn to page 40 of your rebuttal
10 testimony. And at line 7 you state Evergy's responses to
11 Staff data requests in this case reveal that Evergy did
12 not undertake a good faith effort to comply with the
13 commitments made in the 2022 Stipulation and Agreement;
14 is that correct?

15 A. That is correct.

16 Q. Are you testifying today as you sit here that
17 you do not believe Evergy is operating in good faith in
18 this case?

19 A. This statement is much more specific than what
20 you have just said. This is referring to the response to
21 item 1, distribution expense information, where Evergy
22 committed to provide item by item and instead provided a
23 lump item for all of those separate items and that is
24 what this statement is about.

25 Q. Okay. So you're talking about all those data

1 requests that were filed in this case that we didn't do a
2 good faith effort to answer those data requests?

3 A. That's not what this says, no. That's not what
4 I'm saying.

5 Q. What are you saying?

6 A. So I recall, and I hope that this is laid out
7 clearer in the written testimony, but I'll attempt to
8 summarize here. So item 1 goes from things like meters,
9 which are probably pretty easy to come up with cost by
10 voltage relatively speaking, all the way to things like
11 extension costs which may be reliant on virial
12 documentation that may be very cost prohibitive and a
13 relatively low benefit to getting greater information on.

14 We asked in data requests what is your estimate
15 of the cost to provide line transformer costs and
16 expenses by rate code. Separate data request. What is
17 your estimate of the cost to provide primary distribution
18 costs and expenses by voltage, and so on, and so forth,
19 separate data requests for each one. There was then a
20 set of data requests where I thought well, maybe they
21 would do it by plant account. So I asked those same
22 questions, what is your estimate of the cost to produce
23 the estimate of the differentiation between primary
24 voltage and secondary voltage in the overhead conductor
25 account. Separate data request. The underground

1 conductor account. Separate data request. The poles
2 account. Because there's two ways you could get at it,
3 right. You could look at it as what are the whole system
4 costs or going account by account what are the costs.

5 Evergy's response to those data requests was
6 that's not what we did, we can't answer this. We don't
7 have a cost estimate to do these items that are in item
8 1. That's what I am referring to in my testimony on page
9 40.

10 Q. Okay. So you're saying as you sit here today
11 Evergy did not undertake a good faith effort to comply
12 with the commitments made in the 2022 Stipulation and
13 Agreement?

14 A. This testimony refers to item 1.

15 Q. It refers to commitments made in the 2022
16 Stipulation and Agreement, as I understand it.

17 A. The question says --

18 MS. KERR: I think she's asked and answered.
19 This question has been asked and answered.

20 MR. FISCHER: I'm sorry. Go ahead.

21 JUDGE HATCHER: I'm waiting to see if your
22 witness volunteers another answer on her own.

23 THE WITNESS: The question that he is reading
24 an answer to is to what extent has Evergy's direct
25 testimony in this case provided estimates of the cost to

1 provide the distribution and expense information, Not all
2 of the information in this case. It is very clear in the
3 question what components I'm referring to. I stand by
4 that testimony. I don't think that Everygy complied with
5 the stipulation.

6 Q. So you're talking about mostly the data request
7 answers that we provided?

8 A. No, I'm talking --

9 Q. Or about the testimony we provided in this
10 case?

11 JUDGE HATCHER: If I could interject. I see a
12 potential miscommunication, an honest miscommunication.
13 I believe your question in your testimony limits it to
14 distribution and expense information. However, the first
15 sentence of your answer says the not good faith and then
16 the second sentence says specifically and returns back to
17 the distribution. And then the end of your answer
18 clarifies that that question 1 of the Lange requests,
19 request No. 1, which was a combination request in your
20 testimony, is now broken out into these. However, I
21 think the miscommunication is in line 7 where it says,
22 and I'm starting in the middle, and Everygy's responses to
23 Staff's little d, data, little r, requests. I am
24 confused whether we're referring to actual DRs or the
25 Lange Request No. 1.

1 THE WITNESS: May I clarify? This discussion
2 is referring to stipulation provision 1. The data
3 requests referred to in line 7 and 8 are, in fact, little
4 d data requests, discovery promulgated in this case
5 because Evergy didn't provide a work paper at all
6 concerning BDL-1. So what I really hoped would happen
7 and what I was optimistic would happen when I propounded
8 discovery in this case related to this issue is that
9 instead of it being a lump sum of 80 million to 110
10 million we would get responses back from Evergy that said
11 we looked at it one of two ways, which is why I had to
12 ask two sets of data requests, and we think figuring out
13 meters is probably going to cost, you know, \$5,000 or
14 some amount.

15 That's what I hoped would happen is that Evergy
16 would effectively provide how they came to this 80 to 110
17 million value. Instead what the responses to the
18 discovery in this case as referenced in line 7 and 8 said
19 is that that is the number, there are no work papers
20 behind it, there is no report behind it, there is no
21 verification of we looked at each of these items
22 separately and here's what we think it would cost to do
23 this and this and this in any kind of additive manner and
24 presumably going account by account would have been -- So
25 the way these are laid out in stipulation provision 1 is

1 sort of concept by concept but presumably to come up with
2 how to calculate what they committed to provide in item
3 1, they would go account by account through those 12
4 distribution accounts.

5 MR. FISCHER: Thank you, Judge. Should I
6 continue? Thank you.

7 BY MR. FISCHER:

8 Q. Ms. Lange, is there another case pending before
9 the Commission, and I'm thinking of EC-2024-0092, where
10 the Staff is requesting the Commission order the Company
11 to produce the same information that you're seeking in
12 this case?

13 A. I don't recall whether or not there's a
14 specific relief requested in the complaint case. Direct
15 testimony has not been filed in that case. I don't
16 recall the relief requested. And to the extent that
17 relief was requested, I believe it would be related to
18 the filing of direct testimony.

19 MR. FISCHER: Judge, could I approach the
20 witness?

21 JUDGE HATCHER: Yes.

22 BY MR. FISCHER:

23 Q. I'd like to hand you a copy of the Staff's
24 Amended Complaint and Count I that deals with this data
25 retention case. There on paragraph 15 don't you include

1 in the Staff complaint all of the data that you've
2 requested in this case?

3 A. It recites it. Again, I don't recall the
4 relief requested in the complaint if relief is requested.

5 Q. Since you've got the document, would you turn
6 to the wherefore clause and just read that.

7 MS. KERR: I'm going to ask about the relevance
8 here.

9 MR. FISCHER: I'm just pointing out that Staff
10 has another case pending that's asking for the same data
11 that she's requested in this case.

12 JUDGE HATCHER: Overruled.

13 THE WITNESS: The wherefore clause reads Staff
14 prays the Commission will give, and this is the wherefore
15 clause concerning Count I, I'm sorry, wherefore, Staff
16 prays the Commission will give due notice to the
17 respondents and, after hearing, (1) order that
18 respondents forthwith comply with the stipulation order
19 of October 2, 2022, and the stipulation and agreement of
20 August 30, 2022, providing the above enumerated data to
21 Staff or explaining why it could not; (2) direct its
22 General Counsel to seek appropriate penalties from Evergy
23 as authorized by law; and grant such other and further
24 relief as is just in the circumstances.

25 MR. FISCHER: Okay. Thank you.

1 BY MR. FISCHER:

2 Q. So would you agree that the Staff is asking for
3 that same data in that case that you're asking for in
4 this case, the same enumerated data that you recited?

5 A. I'm not the attorney who prepared this
6 complaint.

7 MS. KERR: I'm going to object asking for a
8 legal conclusion.

9 JUDGE HATCHER: I would disagree that it's a
10 legal conclusion. Maybe Mr. Fischer could point to a
11 paragraph.

12 MR. FISCHER: I'm just asking whether the
13 enumerated data that they're asking be produced is the
14 same enumerated data that she's requested in this case.

15 JUDGE HATCHER: I'm with you and I'm anxious
16 for an answer. However, the paragraph that you had her
17 read doesn't say that.

18 MR. FISCHER: Okay. Maybe not.

19 JUDGE HATCHER: I'm really hopeful --

20 BY MR. FISCHER:

21 Q. Let me ask you that question then just straight
22 up.

23 A. The question is, is the data list the same?

24 Q. Yes.

25 A. I hope so barring any typographical errors.

1 Q. Okay. Great. Assuming that the complaint case
2 goes forward, we're going to be back in the hearing room
3 for us to explain to you why we can't produce it and how
4 much it would cost, right?

5 A. I can't answer that question.

6 Q. Okay. That's fine. Staff also alleged in that
7 Staff Amended Complaint that Evergy violated the rate
8 case order in other respects too; is that right?

9 MS. KERR: Objection.

10 JUDGE HATCHER: Yeah. Mr. Fischer, your
11 response.

12 MR. FISCHER: I haven't heard what the basis of
13 the objection is.

14 MS. KERR: The relevance, asking for a legal
15 conclusion.

16 MR. FISCHER: Let me get more specific I guess.

17 MS. KERR: What does that have -- I mean, what
18 does that have to do with this case.

19 JUDGE HATCHER: Let's let Mr. Fischer continue.

20 MR. FISCHER: I'll withdraw that question,
21 Judge, and just ask --

22 BY MR. FISCHER:

23 Q. -- does the Staff complaint also allege that
24 Evergy did not meet with stakeholders to discuss rate
25 modernization within 180 days of the tariff effective

1 date of the last rate case?

2 MS. KERR: Objection.

3 JUDGE HATCHER: I'm going to allow it because
4 we had the very brief discussion on the 180 versus the
5 190, which did raise the temperature in the room and I
6 would like to avoid that. However, we have already
7 opened that door. I would prefer to keep it short. I
8 get the point. But objection overruled.

9 THE WITNESS: So to clarify, the issue is a lot
10 less with the ten days difference and a lot more with the
11 content of the presentation. Does that answer your
12 question? And that's what the issue is is addressed in
13 the complaint as I recall.

14 BY MR. FISCHER:

15 Q. That wasn't my question but that's okay. It's
16 not so much about the ten days that we were late, but
17 it's the fact that we didn't have additional
18 conversations about rate modernization?

19 A. The complaint is the complaint. From my
20 personal perspective, if we had met at 190 days and had a
21 good conversation about what the Commission directed that
22 conversation to be, personally I wouldn't have had a
23 problem with it.

24 Q. Let me ask you the question I asked you
25 earlier. Do you know did Evergy ever indicate to the

1 Staff that they were unwilling to continue rate
2 modernization discussions?

3 A. Again, I don't think Mr. Lutz, you know, told
4 me to never talk to him again, but no fruitful
5 discussions have occurred to get eye to eye with what
6 Evergy's brightlines proposal is, and by brightlines I'm
7 referring to how Evergy has termed its view of rate
8 modernization, but we have not had productive discussions
9 -- or I should say we have not had meaningful discussions
10 from Evergy since the last rate case if not before about
11 what Evergy wants to do with its nonresidential rates.

12 Q. Or since the Staff filed its complaint, right?

13 A. No, we had a meeting. I mean, we had the Staff
14 meeting after that. Again, the timelines are fuzzy to
15 me. The last 14 years have been a blur at this point
16 with rate case activity.

17 MR. FISCHER: The record will reflect those
18 dates so we don't need to go there. I think it was two
19 weeks after the last conversation. I appreciate your
20 candid responses. I apologize if I turned up the heat at
21 any point. That's all the questions I have.

22 JUDGE HATCHER: Thank you, Mr. Fischer.

23 MR. CLIZER: Real quick. It was flagged to my
24 attention that I did not move to admit OPC 305, and I
25 wanted to take a moment to do that before we got too far

1 afield. Apologies to interrupt the order.

2 JUDGE HATCHER: You're fine.

3 MR. CLIZER: That would be the Commission's
4 Response to Staff Report Regarding Distributed Energy
5 Resources filed April 18, 2018 in Case EW-2017-0245,
6 which again I have marked as OPC Exhibit 305 and I move
7 to admit.

8 JUDGE HATCHER: I think you are correct. I
9 don't think we did that. You've heard the motion 305.
10 This is from EW-2017-0245. It's two pages Commission's
11 Response to Staff Report Regarding Distributed Energy
12 Resources. Any objections to the admission of Exhibit
13 305? Hearing none. So admitted.

14 (OPC'S EXHIBIT 305 WAS RECEIVED INTO EVIDENCE
15 AND MADE A PART OF THIS RECORD.)

16 JUDGE HATCHER: We are back on Ms. Lange's
17 testimony. We will go to Commissioner and Bench
18 questions. Before I ask for Commissioner questions, I
19 need an exhibit, please, from Staff. I would like the
20 attachment to the motion to compel. There are 16 pages I
21 believe labeled as Attachment A that are the data
22 requests sent from Staff to the Company. I'll give a
23 deadline for that like a week or so in advance. No, no,
24 no. That's just for the future I'll need that. I'm
25 sorry. Thank you, Mr. Clizer.

1 How this is done in a rate case, this being distribution
2 system, functionalization and classification, what Evergy
3 and other utilities do and Staff largely does as well,
4 although we'd have to rely on utility data, is go account
5 by account, and by that I mean distribution account. So
6 using overhead conductors and devices as an example.
7 Hopefully somewhere the utility will have a work paper.
8 They don't in every case, but in many cases the utility
9 will have a work paper, where they went to the continuing
10 property record for a distribution account and they
11 represent that the person conducting the class cost of
12 service study had a discussion with in-house distribution
13 personnel about one of two things and one of -- the
14 things that those typically are is by retirement unit in
15 the continuing property record what is the smallest most
16 frequently utilized piece of property for that account or
17 alternatively what are a set of frequently installed
18 retirement units of various sizes from which they can
19 perform a regression to determine what the conceptual no
20 load item would be for that account and now this varies
21 by utilities and conductors and devices as an example.
22 You might do this just for conductors.

23 So for example, the utility might represent,
24 again this is seldom if ever in testimony but often we
25 learn this through data request responses, that the

1 utility will represent that they spoke to a line engineer
2 and line engineer says we're using, I'm going to make up
3 a retirement unit name, Aluminum No. 50. Aluminum No. 50
4 is what we use for everything. And so then the person
5 performing the class cost of service study for the
6 utility will say if all of the line miles that we had
7 were built at Aluminum No. 50, here is what the system
8 would cost based on the feet of other line miles that are
9 in the continuing property record. Now, you get into an
10 issue of the average cost of that again hypothetical
11 Aluminum No. 50, and as Mr. Lutz said yesterday, that's
12 often done at embedded cost. So if the continuing
13 property record is showing the wrong items in the plant
14 accounts, the dollar accounts, from the items that are
15 actually out there in the field, then what your study
16 results tell you aren't particularly helpful because what
17 you've developed is the historic average cost based on
18 non-historic numbers or numbers that no longer reflect
19 reality. So I hope that answered your question.

20 Q. So how does that impact customer and customer
21 rates?

22 A. So where you go from there is that that would
23 be the step that's used to classify what the Company
24 calls the customer allocated portion of the distribution
25 system. Then they'll be another step that occurs where

1 they functionalize. Again, different utilities call it
2 classification versus functionalization on a specific
3 issue, but essentially what you do, what the Company does
4 in a class cost of service study, and the class cost of
5 service study is presented for the last 18 years, is the
6 Company says if we took each of these roughly 12
7 distribution accounts and said here's the portion that
8 would exist no matter what demand any given customer has
9 just by the existence of there being customers, here is a
10 dollar value and we're going to allocate that to the
11 classes based on the number of customers in the classes.
12 They then for each of those roughly 12 distribution
13 accounts would say based on discussions with our system
14 engineers and other information that we are not including
15 in testimony and may or may not provide in work papers
16 and may or may not be based on data that's one year old
17 or 30 years old, here's the amount that we think is
18 secondary related and primary related but not customer
19 related. And so that is what goes into the CCOS for
20 allocation to the customer classes.

21 Now, it affects customer rates on another
22 level, as Mr. Lutz touched on yesterday, in that Everygy
23 -- I apologize I'm talking with my hands which the court
24 reporter won't catch -- but I'm pointing to the important
25 parts here. So Everygy within a rate class has different

1 sets of rates based on the voltage at which customers are
2 served and those are the rate codes. So if you are an
3 MGS customer served at primary, you will pay different
4 rates than an MGS customer served at secondary.

5 What should be happening at some point, perhaps
6 not in every case and definitely giving considerations
7 for customer impact and the level of precision and
8 imprecision inherent in CCOS studies, that what needs to
9 be happening from time to time is saying is that
10 difference between what these two identical customers are
11 being billed for the same service where the only
12 difference is if they are taking service at secondary or
13 at primary, is that difference just and reasonable to an
14 extent that you can find somebody on Staff willing to
15 sign an affidavit. That's how it impacts. That's the
16 two ways it impacts rates.

17 Q. The information of which you had requested from
18 the Company, if you got all the information that you had
19 requested, would that eliminate the need to do a class
20 cost of service study every rate case?

21 A. So I think we're talking about item 1. Item 1
22 is referring to the distribution system. So there's a
23 lot of elements that go into a class cost of service
24 study other than the distribution system. What Staff has
25 tried to do is you do a deep dive into the distribution

1 system. When you start having concerns, you keep an eye
2 on it to know when you're having concerns but that you do
3 not go in depth on this in every case. It's a huge
4 undertaking.

5 Q. So would having this information in number 1,
6 would that alleviate the time that Staff has to devote to
7 coming up with its position for just and reasonable rates
8 during a rate case?

9 A. It would take us back to status quo where we
10 could rely on the information. Again, you do this every
11 couple of decades. So in those cases in the 2010s -- I'm
12 sorry, whatever we're calling the aughts I guess, we
13 didn't do a deep dive in the distribution system because
14 it had been done in the '90s. So it gets us back to
15 status quo I guess.

16 Q. So it's not necessarily a time saver or an
17 elimination of work on Staff's behalf. I'm hearing you
18 say it's more of a confidence in the data that the end
19 work product would be more accurately reflecting the
20 current situation?

21 A. I think that's fair.

22 Q. Okay. Yesterday if you were here for Dr.
23 Marke's testimony from OPC, he had advocated doing a
24 distribution study for Evergy and their companies and I
25 think then he later said in addition to the continuing

1 property records update, if those two things were
2 completed, what would Staff still be lacking that you
3 feel you would still need data to do your job the most
4 effectively?

5 A. So, and I apologize because I use this term in
6 my testimony too, the phrase distribution study is
7 probably too vague to be something to put in an order.
8 Would probably need to put tighter lines around it than
9 that. I would see that being done in one of two ways and
10 this is relevant. I have to say these two ways to answer
11 your question. If we did this by cost categories, and by
12 that I mean if we said, you know, kind of an approach of
13 saying you have this many miles of line that operates at
14 this voltage, what's the cost per mile. If we went that
15 route, I would expect I would issue a DR in each rate
16 case that would say please let us know based on
17 discussion with your engineers if the relative values
18 determined in Case XXX have changed. If so, provide
19 update. So that's what I would expect would happen if we
20 went the route of kind of item by item which frankly at
21 this point would be my preferred route.

22 Assuming the Company said no, pretty stable, it
23 still costs a lot more to build primary than secondary or
24 it still costs a little bit more, you know, there's going
25 to be judgment calls in how much it's worth dealing with,

1 but that's the sort of thing we rely on the utility's
2 representation all the time. The second route would be
3 plant by plant with an updated continuing property
4 record. Understanding that decision to pursue this order
5 for relief that's got pursued with Ameren, to pursue that
6 same relief with Evergy, I am not the person to make that
7 decision. But if that is something the Commission orders
8 is that Evergy do the sort of thing that's continuing
9 property record that it's ordered Ameren to do with its
10 continuing property record, then we would do the same
11 sort of thing that we did in cases from the aughts and
12 early teens which is we would look at what they file in
13 their work papers and if it's not so different that it's
14 shocking we would just use their numbers. I hope that
15 answered your question.

16 It really is a -- Knowing how much money is
17 getting dumped into the distribution systems right now
18 under the PISA legislation, the plant in service
19 accounting legislation, the capital investment plans,
20 it's hard for me to say everything is going to be
21 hunky-dory for the next 20 years because we don't know
22 what's going to change in the next 20 years, but it would
23 be my hope that if we can get common ground on the values
24 for the sort of things that are set out in item 1 that
25 we'd be set for another ten to fifteen years or possibly

1 more.

2 Q. You had also stated in your conversations with
3 Company counsel that you were able to get sample customer
4 data from the other electric utilities Ameren and I
5 believe you said Liberty said they could supply that.
6 Can you explain what you're getting from those utilities?
7 Can you just expand on that?

8 A. So when I refer to sample customer data, what
9 I'm talking about is, as discussed with Mr. Clizer it's
10 going to depend on the size of the class or the subclass,
11 but if I say, you know, Ameren, I need a hundred
12 residential customers to look at bill impacts, Ameren's
13 response has been do you want it on a CD or on a share
14 point site. And so what that is is what each customer
15 used in each of 8,760 hours at a minimum, I think
16 sometimes they've actually given us three years but I'd
17 have to, not 100 percent sure on that, but that's what I
18 mean by sample customer data is what is a customer's
19 usage over the course of a meaningful time period and
20 then for other classes that would also include what is
21 15-minute billing demand data related to that customer.
22 And that has in the past with Ameren I believe we've
23 gotten that for large power customers but not necessarily
24 all customer classes. But again, Ameren hasn't completed
25 their AMI deployment the way that Evergy has.

1 Q. You stated that Liberty from your recollection
2 stated they could supply you that information if
3 requested?

4 A. My recollection of the conversations with
5 Liberty on the sort of items covered in 2 through 8 was
6 they looked at me like I had two heads for thinking why
7 is it a question. Of course we could provide this. This
8 is what we're doing internally. This is what we need to
9 do, what we're doing. They were concerned why we wanted
10 it in a stipulation, what was the catch.

11 Q. So based off of your experience of working with
12 the three largest electric utilities in the state, would
13 you agree with previous testimony, I believe it was
14 Dr. Marke from OPC, as he categorized the reluctance or
15 inability or difficulty of getting information from the
16 Company boils down to culture?

17 A. I've been involved in conversations to get load
18 research data, hourly class information, rate code
19 information from Evergy since at least 2012. And where
20 those conversations were in 2012, and this is answering
21 your question, where those conversations were in 2012 is
22 we'll be getting AMI soon, let's just put a pause on this
23 because once we have AMI, of course, we can do this.

24 When 2014 came around, it was we're really
25 focusing on aligning -- I know you recall, other

1 Commissioners may not have been part of this or been
2 aware of this, so the consolidation of the rate districts
3 at what is now Evergy Missouri West was a big deal. And
4 so that put a pause on providing good load research data
5 to Staff. When that picked back up, Evergy was in the
6 midst of its transactions with WestStar. At that time,
7 Evergy's discussions around load research data, class
8 hourly load data shifted abruptly.

9 I recall having a conversation with Evergy
10 personnel saying, you know, what did we need, how do we
11 need it, and I looked to Al Bass, Al Bass is the person
12 who does this for Evergy, and said Al, what are you
13 asking for, you know, because it does come down do we
14 want it by month, do we want it by billing cycle.
15 There's all sorts of detail. I recall saying Al, tell us
16 what you're asking for and if it's -- I'm going to bet
17 it's the same thing. If it's not, I bet we can work with
18 what Al is asking for. And the response from Evergy was
19 we're tied up with WestStar, Al is not getting anything
20 for years. And that has been my experience on the
21 customer and usage information from Evergy from that time
22 forward is that there's always something else that's a
23 higher priority and they just can't do it yet but some
24 day we'll get around to it. And I think that that's what
25 the testimony in this case was. Mr. Lutz said yesterday

1 that yeah, it would be nice to have this by rate code but
2 it's not a priority.

3 Q. I believe I asked Mr. Lutz has any other state
4 adopted a similar methodology to which Staff was
5 proposing to use. I think he stated that it did not
6 exist at any other PSC to his knowledge. Would you agree
7 with that?

8 A. So this is where what it is is confusing to me.
9 I appreciate the reference. I'm not aware of a
10 jurisdiction, especially in light of PURPA, PURPA 78,
11 that doesn't look for cost causation in any rate
12 differences that treatment of similarly situated
13 customers. So if that's what we're talking about, I'm
14 not aware of a state that doesn't do that. If what we're
15 talking about is the whole kitten caboodle from the
16 EW-2017 case of where Staff said hey, here's the timeline
17 of, you know, if the Commission really wants to
18 prioritize bringing DERs on line, here's where we ought
19 to be by the end of the 2030s or whatever that timeline
20 was. I know we refer in that docket to the Indiana model
21 but I don't recall the details particular to other states
22 and frankly I haven't had the time to look at it since
23 2017.

24 CHAIRMAN RUPP: That's all I had, Judge. Thank
25 you.

1 JUDGE HATCHER: Commissioner Hahn is going to
2 have a few questions. I did want to just make sure that
3 everyone is aware we are going to break at 11:30-ish
4 trying to accommodate Commissioner Hahn's questions. We
5 will be returning though with Ms. Lange for Commissioner
6 and bench questions. Let me ask -- Let's go ahead and we
7 will pause on the questioning for now. We'll return with
8 Commissioner Hahn, she has dibs first, and then
9 Commissioners. We have agenda -- You all have agenda at
10 noon. I was thinking of giving you all an actual hour of
11 lunch until 1:30. We're in the last four witnesses. I
12 think Ms. Lange is probably the major witness here.
13 1:00? Let's go 1:00. Okay. Where are we at?

14 MS. KERR: Judge, I have your copies of the
15 Attachment A if you want that. I could just bring that
16 up afterwards or after we adjourn.

17 JUDGE HATCHER: Yeah.

18 MS. KERR: Okay.

19 JUDGE HATCHER: Change of plans to everyone
20 listening and in the room. You probably heard some of
21 the side conversation. We are making sure our technology
22 coordinator is going to take care of agenda. We're going
23 to go until about 11:40-ish. Commissioner Hahn, go
24 ahead.

25 COMMISSIONER HAHN: Thank you. My apologies

1 for the back and forth there shortly.

2 QUESTIONS

3 BY COMMISSIONER HAHN:

4 Q. I'm going to maybe pick up and ask some of the
5 things I asked yesterday of Mr. Lutz and some of the
6 questions just previously asked by Chair Rupp. So
7 yesterday I did ask Mr. Lutz about the data requests or
8 the amount of information that he believed the other
9 electric IOUs do provide to Staff. I asked, you know,
10 I'm summarizing from yesterday, do you think that the
11 other electric IOUs have to provide this information and
12 his response, and again I'm summarizing, was that he
13 didn't to his knowledge think that the other utilities
14 had been subjected to these particular nine questions and
15 that there had been some difference and distinction in
16 what had been asked by different utilities. Can you
17 respond to that, what your knowledge is of what the other
18 utilities provide at a broader level and give me some
19 context for his remarks?

20 A. Sure. So turning first to Liberty, because
21 it's the easiest one, as far as the items covered in 2
22 through 5, Liberty, you know, was -- I don't recall if we
23 have a literal stipulation provision with them or if
24 Mr. Dolges (phonetic spelling) communicated that they
25 could retrieve that from the data legacy and it wasn't an

1 issue.

2 Q. Okay. That's important. They have a data link
3 and they can provide 2 through 5, to your knowledge?

4 A. That's what they represented to us.

5 Q. Thank you. Do they provide that regularly or
6 just in rate cases or how often?

7 A. So we don't need it unless we're doing a
8 specific rate design case which might occur outside of a
9 general rate case or a specific MEEIA case. What we need
10 this for is in a rate case for the three relevant periods
11 but not outside of those instances.

12 Q. Got it. Okay. I'll let you continue.

13 A. So on the distribution type data, and we got a
14 little bit better at wording some of these things I think
15 to maybe clear up some of the just sort of inherent
16 vagueness or potential for misunderstanding, but there's
17 nothing substantially different between the discussions
18 with the other two utilities from Evergy. Sorry. I'm
19 jumping around in my answer here.

20 That said, as far as distribution type data,
21 we've had early discussions with Liberty coming out of
22 the last rate case about the sort of information we would
23 need to see going into future rate cases and I would
24 characterize it as a general agreement to disagree. You
25 know, they're not necessarily committing to proposed

1 things the way Staff may propose them but that I think
2 we're more or less on the same page as to what data would
3 be provided.

4 Q. When you say "distribution type data," is that
5 the type of data that would be in your number 1?

6 A. Yes, stipulation provision 1.

7 Q. Okay. So they also haven't yet provided it?

8 A. We haven't gotten to a rate case. To be clear,
9 we're not asking, and I don't know how anyone with a
10 background in this material like Evergy has, would read
11 item 1 to say we literally want you to reinvent your
12 books and records. That is not the intention to the
13 extent that's been. So I'm not saying that Liberty has
14 redone its books and records because that's not what we
15 want and that's not what we're asking for.

16 With regard to Ameren, we're engaging in very
17 productive discussions regarding item 1 and they've been
18 -- again, they're not necessarily and I wouldn't expect
19 them to commit to what they're going to propose in future
20 rate cases for actual class cost of services, but they
21 are very open to the discussions about what kind of data
22 we need to do what we need to do.

23 Now, as regarding the customer and usage
24 information, Ameren is at a different point in their AMI
25 deployment than Evergy, and I'll be honest I don't recall

1 what they've literally said they can do today because
2 they still have 10, 15 percent of customers who aren't
3 AMI. I think where we are with them is conceptually
4 similar to this discussion of saying, you know, how many
5 do you have that are AMI metered, are they, you know,
6 fairly representative of the remainder that are not AMI
7 metered and do the math to extrapolate it. I think
8 that's where we are, but I would defer to that order for
9 the details, that being the rate case order in 337.

10 Q. Okay. So in my mind from your testimony just
11 now, it seems like there's a mix amongst the utilities of
12 what they said they can provide and what they have
13 provided and when it's kind of needed as in some of the
14 information from the other utilities hasn't been provided
15 yet but they're potentially working on providing it in a
16 future case?

17 A. I believe that is the agreement with Evergy and
18 the order with Ameren, and some of the data has been
19 provided with Ameren. We recently had a really
20 productive discussion with Ameren about noncoincident
21 peak in particular.

22 Q. Also yesterday at the very last question I
23 asked of Mr. Lutz was that did he believe that this data
24 was needed by Staff in a rate case and he responded that
25 this data is, I'm summarizing, needed to support Staff's

1 rate design request but was not needed to support
2 Evergy's rate design. Can you respond to that?

3 A. I can. And this is where it's important to
4 remember there are three or four really different pieces
5 of information at play here. So picking out the
6 distribution data first, we are at a point given the
7 staleness of data and given as Mr. Lutz described
8 yesterday the departure of the existing rate
9 relationships over time due to stipulations and various
10 orders, we're at a point that we've got to check those
11 relationships.

12 I am no longer comfortable saying equal
13 percentage is fine with regard to the rate design aspects
14 where within MGS, LPS, SGS customers are getting charged
15 differently based on nothing more than whether or not
16 they're all electric and based on nothing more than the
17 voltage at which they're served. We're at that point,
18 and it is a point you reach gradually. That's for item
19 number 1.

20 For the customer and usage information, there's
21 a lot of baggage around the deployment of time of use
22 rates. I'll be blunt. The Commission did the opposite
23 of what I told them to do and then came back and did what
24 I told them to do but at a time that I said you just
25 can't do this now, it's going to make a mess of things.

1 That's the best way I can characterize it. That's where
2 we are. We can't ignore that 15 percent of customers for
3 the residential customers are paying really, really,
4 really different rates. We can't ignore that the intent
5 of those rate designs that I testified in the last case
6 were not cost-based. They were designed to induce
7 changes in customer response to weather.

8 I'm not the Staff person who's going to be
9 signing off on an affidavit regarding weather
10 normalization, weather responses and billing determinants
11 in the next rate case, but you'll have an opportunity to
12 talk to him here in a minute. But if I were, I couldn't
13 say that we can ignore, we can purposely ignore how
14 different the time of use situation makes things on the
15 residential side.

16 Now, this also relates to those disparities for
17 all electric versus general service customers on the
18 commercial and industrial side. They're getting charged
19 really different rates based on their end uses, based on
20 assumptions that were made in the '90s about the cost of
21 energy over time. That was before the SPP integrated
22 marketplace. It was a very, very, very different world.
23 I mean, especially looking at renewables today. That
24 relationship has been turned on its head in the RTO and
25 in the area in which Evergy participates. We have to

1 look at how those customers are being charged differently
2 and say is it reasonable or not. Personally I don't
3 think it's reasonable but here's where we have the
4 problem of we have to see what that customer impact is.
5 We can't just say it's not reasonable, get rid of it,
6 unless the customer impact is minimal or is within a
7 realm of reasonableness.

8 That's where this third thing comes in of the
9 sample data of we have existing rate disparities related
10 to the time when customers consume energy, and Evergy's
11 position that we saw in that DR response of it's not a
12 problem in the rate case because we're just ignoring it,
13 to me that cannot be an acceptable answer for the
14 Commission.

15 COMMISSIONER HAHN: I have more questions, but
16 I think we need to pause.

17 JUDGE HATCHER: We're at our two minutes before
18 our preannounced adjournment time of 11:40. Let's go
19 ahead and call it. We will go to recess until 1:00,
20 until 1:00. Off the record in a recess.

21 (The noon recess was taken.)

22 JUDGE HATCHER: Let's go on the record the time
23 having expired for recess, lunch and agenda. We are
24 returning stating for the record this is again Regulatory
25 Law Judge Charles Hatcher. This is File No.

1 EO-2024-0002, and we are in the middle of testimony from
2 Staff Witness Sarah Lange and in the midst of
3 Commissioner questions. Commissioner Hahn had the floor.
4 Please continue, Commissioner.

5 COMMISSIONER HAHN: Thank you. Thank you, Ms.
6 Lange.

7 BY COMMISSIONER HAHN:

8 Q. I'm going to start down a different line of
9 questioning that I also asked Mr. Lutz about yesterday.
10 Yesterday I had asked Mr. Lutz about, you know, level of
11 communication potentially before this hearing. I can't
12 remember exact question I asked. Can you tell me about
13 the level of communication you had with Evergy prior to
14 this hearing today and trying to reach a resolution and
15 what was the outcome of that. From the testimony that I
16 read, it seemed like there was not great communication
17 between the data that was provided and what Staff
18 expected the data to be. Can you talk about that
19 communication prior to the hearing today?

20 A. Yes. And to be clear, do you mean from the
21 time of direct testimony to the hearing or do you mean
22 leading up to the filing of direct testimony?

23 Q. Prior to that as well.

24 A. Sure. I think I mentioned this a bit this
25 morning. Based on the conversations that occurred around

1 the time of the stipulation in the rate case, and again
2 I'm not trying to talk about privileged settlement
3 discussions, but this one it's difficult because there's
4 an overlap of technical issues and settlement issues.

5 But I thought the -- I thought we were getting
6 towards the same page on the sort of information that
7 Everygy would be able to provide understanding there may
8 be some items where they said we just can't do it, it's
9 going to cost a ton. Apologize for the ambiguous phrase
10 of a ton but, you know.

11 I thought based on the conversations that were
12 occurring last fall or fall of '22, yeah, fall of '22,
13 I'm sorry, based on the conversations in fall of '22 and
14 the fact that these conversations had been coming up in
15 dockets and rate cases for the past decade, I really
16 expected we were going to get hey, we think it's going to
17 cost a few grand to do a pole study or hey, we did a pole
18 study and here's the result.

19 I really, really expected that information to
20 be filed around July 1, and I was literally shocked when
21 Everygy's answers was none of this can be provided; that
22 there's incremental cost doing every element of this.
23 Mr. Lutz referenced in his testimony that alternative
24 data may be suitable. It would have been great if they
25 would have told us that ahead of time and we could have

1 talked about that alternative data because, again, I
2 thought for item 1 that's what we were looking at.

3 Items 2 through 5, there's been communication
4 on that going back probably close to a decade now. There
5 had been no additional communication from the time of the
6 stipulation until Mr. Lutz's direct filing. Again, I
7 thought it was pretty clear at that point what the
8 information is given the history of the case. So I
9 wasn't surprised that I didn't get questions from Evergy
10 between fall of '22 and July of '23.

11 And so then during the case, you know, yeah,
12 there are a lot of data requests and part of the issue
13 we've run into this and I'll try not to go on a general,
14 you know, if I were king of the Staff type thing here, we
15 do have issues with information kind of getting buried in
16 emails. So to the extent that we have a question of a
17 company and there's an open case on it, we do it as a
18 data request. So I mean, in a different world could I
19 have emailed some of those questions to Mr. Lutz,
20 possibly. If I had been hit by a bus, would Mr. Luebbert
21 or somebody else know where to look to find those
22 answers, no. So I did them as a data request. So to the
23 extent that Evergy did respond to some of those data
24 requests with useful information, that information
25 exchange did occur. To be blunt, that was very limited

1 that they provided, you know, kind of full answers to
2 data requests or even, you know, hey, we can't give you
3 exactly what we asked, here's this other thing.

4 And then there was a settlement conference in
5 this case I think about two weeks ago. All I can say is
6 it was not productive. That's within confidentiality
7 afforded the settlement. Does that answer your question?

8 Q. Yes, that's helpful. On the stand yesterday
9 when I asked about communication from Mr. Lutz, he did
10 say that things could have gone differently -- he could
11 have done things differently to try to, you know, get
12 Staff information -- alternative options if you will or
13 different information. Do you think that there's
14 anything that Staff could have done differently to get
15 this information as well?

16 A. There's always things we could have done
17 differently, but frankly given the commitment that Evergy
18 made and the way it was worded, I think it was reasonable
19 for Staff to assume that if, you know -- We have lots of
20 stipulations open at any given point in time and
21 utilities tend not to be very receptive to us saying hey,
22 just checking in, where are you on that thing that your
23 deliverable is in six months.

24 So you know, that's where it's kind of a
25 judgment call if that's seen as nit-picking a utility or

1 being proactive. Again, the way that the discussion
2 ended, I don't know what we could have done differently
3 prior to the filing date. Now, since the filing date, I
4 don't know, maybe we should have done meetings, maybe we
5 should have done conferences. Certainly what was done
6 was not productive.

7 Q. Thank you. I also asked Mr. Lutz yesterday
8 about, you know, the ultimate goal of having this data
9 and, you know, what he believes Staff's ultimate goal was
10 of having this data. And I noticed in his testimony, and
11 we've talked about it some at length since then, but I
12 just want to take the opportunity to ask you anyway. You
13 know, if you were given all of this data, what do you
14 think the ultimate goal would be and, you know, even on
15 what timeline?

16 A. Sure. Do you want me to go distribution data
17 versus usage data, I hope, because I don't really want to
18 do it otherwise?

19 Q. That's fine.

20 A. On the distribution data, the ultimate goal is
21 making sure that rates that are being charged are not --
22 let me get the magic words here.

23 JUDGE HATCHER: Ms. Lange, could you use the
24 microphone. Thank you.

25 THE WITNESS: Yes. The ultimate goal is that

1 we can recommend to the Commission what you need to put
2 into an order to provide rates that are not unjust,
3 unreasonable, unjustly discriminatory or unduly
4 preferential or in any wise in violation of any provision
5 of law. That's our obligation.

6 And so Evergy's rate schedules, as is not
7 uncommon, includes provisions to treat customers
8 differently based on the voltage at which they're served
9 and the overall size of the customer. Rather unusually
10 Evergy's also includes provisions to treat customers
11 differently based on their end use. Those end use rates
12 have been of concern for decades now. So to eliminate
13 those end use rates, or at least to make sure that
14 they're cost reflective, this is where the two kind of
15 cross over, we do need the hourly data by rate schedule
16 as it relates to those end use relates or as it relates
17 to any hourly variation in end use rates. So that's the
18 first part of making sure that our rate structures are
19 reasonable and whether, you know, would that mean
20 changing them. It could, but frankly we need them for
21 what is there now.

22 Now, as is relates only to billing
23 determinants, weather normalization, fuel and production
24 modeling, all of those things, Evergy's rates are
25 different today than they were -- Evergy's rate structure

1 is different today than it was a year ago.

2 Again, I'm not going to tell the Commission you
3 got it wrong. I might want to but I'm not going to. But
4 at the end of the day, we've got the rate structure at
5 Evergy that we've got. And I don't know how we weather
6 normalize. Luckily, I'm not the witness that has to do
7 that, but somebody on Staff has to. Starting that
8 process sooner rather than later for learning how we do
9 that, learning, you know, kind of how to test it,
10 Missouri has been a national leader in weather
11 normalization. I think it was discussed yesterday about
12 Mr. Proctor more or less developing the technique. I'll
13 give a plug to Shawn Lange who presented at national
14 conferences on weather normalization, weather
15 responsiveness, weather normals.

16 It's not just that we have to be a leader. We
17 have to deal with what we've got and what we've got are
18 rates that charge customers differently based on the time
19 when they use data. We have to start looking at that
20 information for studying weather responses and for
21 developing NSI, class level peaks and weather normalized
22 billing determinants and revenues.

23 BY COMMISSIONER HAHN:

24 Q. Understood. It seems like -- Thank you. It
25 seems like that could be debated about, you know,

1 starting to weather normalize, using time of use rates,
2 and we still have to figure out how to do that. And
3 knowing there's a case coming up, and whatever data is
4 going to take time to compile, potentially if you have to
5 build systems, years, so how do you reconcile the request
6 here knowing there's a case and knowing that you likely
7 might not have this data?

8 A. Yeah, that's going to be a big problem in the
9 rate case, and I don't know what Staff is going to do in
10 the rate case. And we're not going to have a full year
11 of the data, you know. Looking at case timelines, Evergy
12 is not going to have all residential customers on any
13 time-based schedule until the end of the January billing
14 month for 2024. So that data is not going to exist until
15 tomorrow I guess at the earliest. So even if we got that
16 this rate case, we're going to have to do something
17 different. This isn't necessarily how do we fix the 2024
18 Evergy West rate case. It's whatever mess we're in in
19 the 2024 Evergy rate case, how do we make sure that we're
20 not in that same mess in a 2025 rate case or a 2026 rate
21 case. How do we start making it better and how do we not
22 make it worse.

23 Q. It seems like going forward this is going to
24 have to be something that you're in constant
25 communication with the Company to try to obtain data on

1 an iterative process.

2 A. I disagree.

3 Q. Okay. So moving forward, you think that if we
4 compel data one time, then you don't need it moving --
5 you don't need it more than one time moving forward?

6 A. Here's where I can't follow what the Company's
7 actual position is. Okay. So with regard to customer
8 and usage data, Evergy will file their direct case based
9 on a test year. Okay. That's 12 months of data. Evergy
10 has typically used data about six months -- ending about
11 six months prior to their direct filing. What Staff does
12 with I believe every other electric utility is Staff
13 says, and I'm going to do my best here and I apologize to
14 Ms. Cox if I got this terminology wrong because it's
15 slightly different for weather response than it is for a
16 billing.

17 Staff will say okay, give us a more recent
18 12-month period of class load data, the hourly data, and
19 in this case it would be the rate schedule data, not the
20 class load, so that we can study the response to weather
21 during that time. And now here's where it's likely I'm
22 going to butcher the detail and I apologize if I make
23 this more confusing than it needs to be.

24 For billing data, we don't do a new update
25 period but we update the test year through the end of

1 Staff's update period. With Evergy, that period tends to
2 be a month and a half to two months more stale than what
3 any other utility can provide. So we need a better
4 update period hourly load data from Evergy. What I'm
5 trying to say is it appears from Ms. Dragoo's surrebuttal
6 testimony that Evergy might be saying well, we can do
7 this once per rate case at a cost of 40 grand. If that's
8 the answer, if I were the Commission, I wouldn't be
9 satisfied with that answer.

10 If I were the Commission, I would say what does
11 a reasonable utility have to do to produce reasonable
12 customer and usage information for use in its rate cases.
13 And I think that that's where if this is a one-time cost
14 or if this is they need \$120,000 for every rate case to
15 provide this data, that's deeply concerning about what
16 decisions they're making about how to incorporate this
17 process. Does that answer?

18 Q. I think I interpreted her testimony differently
19 in the fact that, a combination of her and Mr. Lutz's
20 testimony differently than that. I interpreted it as we
21 prepare for rate cases ahead so we have adequate staff to
22 do those things and we bill the systems one time to know
23 how to automate this in the future and then we prepare
24 with our staff to make sure that it can be a little bit
25 more automated in the future. My interpretation again

1 was that it's, you know, that cost one time and then, you
2 know, continuing cost based upon like maintenance, but
3 not the same startup basically every time.

4 A. I hope your interpretation is the right facts.
5 I don't know. I hope what you're saying is accurate and
6 if so, that's great.

7 Q. I'm going to change my line of questioning
8 briefly. Office of Public Counsel yesterday testified
9 that they would recommend instead of perhaps these
10 requests to do two things, a distribution study and a
11 continuing property record audit. Have any other
12 utilities been ordered to do those either independently
13 or at the same time recently?

14 A. Yes. I think Ameren, and I'll defer to the
15 wording in the order, but in the Ameren 2022-0037 case,
16 their most recent rate case, Staff raised concerns with
17 Ameren's continuing property record, and I'll defer to
18 the literal wording in the order but my recollection of
19 what the Commission ordered is this is a problem, talk to
20 Staff about how to make it better at least going forward.

21 Q. Do you have any recollection of the cost of
22 those items to perform those?

23 A. I don't think that has occurred yet.

24 Q. Okay. Hasn't occurred yet. Got it.

25 A. And that as far as the distribution study

1 itself goes, as I said this morning, I did throw that
2 term out in my testimony and I apologize because I think
3 we're in the situation we're in here because wording can
4 mean different things to different people or it can be
5 chosen to be interpreted in various ways. So what a
6 distribution study means to or what we would be able to
7 enforce a distribution study to mean with Evergy is
8 probably not very helpful at this point. We probably
9 need more specific language.

10 Q. Understood. Building off of that, if there is
11 a distribution order -- a distribution study ordered and
12 it does, you know, is recommended by cost categories as
13 you had previously mentioned, you had also previously
14 said that doing these two items may not satisfy Staff's
15 data needs. If you did those items with the cost
16 categories, would that satisfy Staff's data needs?

17 A. Okay. And I probably screwed this up in how I
18 said this. So me personally am not in a position to
19 recommend that Evergy do an audit of its continuing
20 property record. I don't know if that will be an issue
21 in a future rate case, but that is a different
22 department. That is different witnesses. I have
23 familiarity with it, but I would not be, you know, able
24 to recommend that today and I'm not recommending that
25 today.

1 For distribution, you know, what we're calling
2 generally distribution study, let's say that what that
3 looks like is give us, you know, at the highest level it
4 would be something like tell us how many miles operate at
5 what voltage. So once we have that information, you
6 know, when we get to a rate case a year from now, there's
7 going to be different miles operating at that voltage.
8 In my mind what we would do for the next decade-ish would
9 be what did your miles change, did your relative costs
10 hold constant, what are the miles we have to multiply the
11 new math because you've added customers, you've increased
12 system size. That would be what I would hope we can get
13 to through a process to be carried out in this docket.

14 Q. Thank you. Mr. Clizer earlier spent a
15 significant time walking through Mr. Lutz's BDL-1 and I
16 like Mr. Clizer thought, you know, following the color
17 coding was particularly instructive though I think that
18 after your testimony I've never been more thrown off with
19 what the Commission could or should take away. I think
20 Mr. Clizer is trying to, and I commend him for trying to
21 do this through his questioning, find some middle ground
22 if you will about what might be achievable for the
23 Company, not burdensome, either to the Company or to
24 consumers as far as cost.

25 Going to BDL-1, what do you think would be your

1 recommendation after your testimony of what could be
2 reasonably achieved and provided given the Company's
3 response to your request?

4 A. So this probably isn't going to be helpful. I
5 mean, 1, at anything other than a hundred thousand, and
6 I'm picking that as an arbitrary number, I personally
7 would not recommend proceeding in 1 with anything over a
8 cost after \$100,000 and the likely cost would be much
9 lower than that that I personally would recommend
10 proceeding with.

11 The problem on 2 through 5 is what we were just
12 discussing. It's really unclear what this means for
13 deliverability when. Is it worth pursuing to some level
14 no matter the cost? I think so. Wait. I said that
15 badly. If the cost is in this somewhere between 21,000
16 and, you know, a hundred thousand-ish range, even if it's
17 not getting us where we need to be to properly do rate
18 cases, yeah, it's probably worth it, but what we really
19 need to be looking at is what do we need to do to be able
20 to do rate cases that we're not dealing with a year's
21 worth of regulatory lag or two years' worth of regulatory
22 lag in the study of customer responsiveness to weather.

23 Q. That's helpful. Thank you very much. One last
24 question and it has to do with Attachment A. Actually
25 two last questions. Sorry. In the last rate case in

1 your direct testimony in the data retention portions, it
2 basically sets out the data that Evergy will be
3 providing. And then in Attachment A it kind of morphed
4 into that one or two pages of, you know, requests turned
5 into 16 pages.

6 A. Uh-huh.

7 Q. Help me understand that.

8 A. Sure. Could I have a copy.

9 Q. Oh, sure, Attachment A.

10 A. Yeah, I think it's been premarked as 219.

11 Okay. There's -- I could go through these numerically
12 but I think that would not be good.

13 Q. Please don't.

14 A. Yes. If I don't answer your question, though,
15 I'm not trying to avoid it if that's what you were
16 seeking.

17 Q. Got it.

18 A. So Mr. Lutz's testimony, Evergy's direct filing
19 in this case, did not appear, I'll say it does not
20 clearly state, what Evergy has to do to get information
21 and what it will cost. There is nothing in Evergy's
22 direct testimony in this case that wasn't known by
23 everybody in the fall of 2022. So these questions, so
24 for each item in stipulation provision 1, as I described
25 earlier, I had to ask what is this by item. The lump sum

1 of 110 million is not helpful, you know, can we
2 prioritize meters, is that something that's high dollars
3 in terms of plant balances, low dollars in terms of
4 study. So there are, I think, 10 or 11 questions to each
5 utility asking that, and it's important to bear in mind
6 that Evergy West's distribution system is a lot different
7 than Metro's distribution system in terms especially of
8 records that are available. I mean, Evergy West has been
9 through a lot of corporate transactions and Evergy Metro
10 is a multi-jurisdictional utility. So both of these are
11 more complex than, you know, some other utilities might
12 be. So that's a lot of the questions is why, you know,
13 what is this item by item. Okay. Then the next view was
14 what is this account by account for each of the 10 to 12
15 distribution accounts and whether you lump substations
16 together or not. Again, because you can do it item by
17 item, you could do it account by account. Either one
18 would be reasonable. And then to address the lack of
19 work papers or really any, I mean, the only testimony in
20 the case that addresses what's it going to cost is BDL-1.
21 I mean, to me that's shocking.

22 So then I had to ask, let me find one here to
23 give us an example, oh, so another thing that we went
24 through for each item was you say you can't do it by
25 voltage and by rate code. So then for each item I asked

1 can you do it just by voltage ignoring rate code. For
2 each item I asked can you do it by rate code ignoring
3 voltage.

4 So then I asked a series of questions in
5 Evergy, utility name, opinion what data is necessary to
6 identify item, in this case secondary distribution costs
7 by rate code. In Evergy Metro's opinion, what data is
8 necessary to identify the expenses by rate code and an
9 important thing to bear in mind there is a lot of the
10 distribution expenditures that are going out are done at
11 least ostensibly in the name of automation. So if you're
12 adding a lot of plant to reduce expense, that requires a
13 fresh look at how we allocate expense because if you're
14 paying for the avoided expense you shouldn't be paying
15 proportionately for the expense. So that's the bulk of
16 these data requests. And then for each one, okay, what
17 would it cost you to do a sample. If we did something
18 else, what would you do and what would it cost. Those
19 are the sort of information just that necessarily there's
20 a lot of them because we're covering a lot of ground. I
21 actually set up a matrix here's the information I need,
22 again unhelpfully for the court reporter I'm gesturing,
23 here's the information I need, here's the account I need
24 it from and here's the subject matter I need it on. So
25 if you have 12 accounts and you need five or six things

1 about each account, you get to a lot of data requests in
2 a hurry.

3 Q. Thank you for the clarification. When I
4 listened to Ms. Dragoo and read her testimony, it was
5 clearer to me maybe why the estimates were larger because
6 they have to build systems, you know, or build a system
7 to bring this together. And so if we ask them
8 individually, they may not have an estimate.

9 A. May I respond to that?

10 Q. Yes, I was going to ask for your response.

11 A. Sorry. This is what is -- This is what's so
12 troubling about this case. When I keep saying this isn't
13 what anyone contemplated in the fall of 2022, that is
14 exactly what I mean. We never ever, ever expected Evergy
15 to sit down and redo all of their USOA records. Of
16 course that wasn't on the table. So to come back and say
17 it will cost us a hundred million dollars to redo
18 everything we do, it's a waste of the Commission's time
19 is what it is. No one expected that. No one was asking
20 for that. You know, in stipulations there's always the
21 difficulty of how detailed do you get, how general do you
22 stay.

23 Clearly the stipulation needed to have been
24 worded different giving Evergy the benefit of the doubt,
25 but that was never what was contemplated is going back

1 and doing whatever it is that Ms. Dragoo implies we
2 wanted them to do because it's not what we wanted.

3 Q. That's helpful. How many -- This is my last
4 question, I think. In total, about how many data
5 requests or has Staff asked for of Metro and West in this
6 case?

7 A. I can give you the numbers.

8 MS. KERR: I believe there's been 213 DRs in
9 the case.

10 THE WITNESS: Some of those were propounded by
11 Everyy to Staff.

12 MS. KERR: Right. I just printed off the total
13 list of DRs. So there's a total of I think somewhere
14 less than 213.

15 THE WITNESS: There were less than 132 unique
16 data requests from Staff to Everyy.

17 MS. KERR: Somewhere around 187 somewhere?

18 THE WITNESS: No.

19 MS. KERR: 200?

20 THE WITNESS: There were less than 132 -- There
21 were at or less than 132 unique data requests where the
22 content of the question was different in some respect
23 other than just changing the name of the utility.

24 MS. KERR: Correct.

25 COMMISSIONER HAHN: Thank you. I think that's

1 all my questions, Ms. Lange. Thank you.

2 JUDGE HATCHER: Are there any other
3 Commissioner questions, and just fair warning to counsel
4 I will be asking the Commissioners again before we get to
5 recross and redirect. The Bench has a couple questions.

6 QUESTIONS

7 BY JUDGE HATCHER:

8 Q. I'm not sure how to start this first question.
9 It's mainly an observation. But Witness Lange, you and
10 your counsel just came up with a whole bunch of numbers
11 and it took you about 30 seconds, and I recall
12 Mr. Fischer asking almost the exact same question, how
13 many data requests were issued. Is that not the same
14 question?

15 A. If Mr. Fischer asked that question, that's the
16 numbers that I would have had.

17 Q. I'll have to check the record, but I have the
18 distinct impression that you were very confused about an
19 exact number. You identified big as relative and were
20 unable to answer direct questions or give a good estimate
21 about the number of data requests back and forth. Is
22 that a good summation of what happened earlier?

23 A. No, frankly. I remember being confused as to
24 when he was saying data requests if he meant the items in
25 the stipulation. Are you referring to when he was

1 talking about the excerpt from my testimony? There was a
2 lot of cross-examination. So I want to be sure that I'm
3 recalling correctly. The issue with my testimony is that
4 he was referring to all data requests and that's not what
5 my testimony was referring to. I don't have an exact
6 subset for the count of how many data requests I was
7 referring to in that sentence for my testimony on page 17
8 or whatever that page number was.

9 Q. And so your answer just a minute ago how many
10 data requests were there, your answer to Commission Hahn,
11 can you restate that?

12 A. There were roughly 132 unique data requests,
13 and it is difficult to answer in that whether you're
14 saying the literal data requests were the only difference
15 was Evergy Metro versus Evergy West.

16 JUDGE HATCHER: Okay.

17 CHAIRMAN RUPP: Judge, just to interject. My
18 recollection I do remember the witness answering the
19 question that there was 132 specifically. The counsel is
20 saying there was closer to 200. They went back and forth
21 on whether or not that, but I do remember the witness
22 stating 132.

23 JUDGE HATCHER: You're right. Thank you. I
24 appreciate that.

25 BY JUDGE HATCHER:

1 Q. Let's change topics. You had mentioned the
2 1990 agreement -- 1990s agreement. An agreement is the
3 term that I want to focus on because up until your
4 testimony I was under the impression that there had been
5 a distribution study in the '90s and that was what we
6 were trying to redo after a couple decades. Now I have
7 the impression that there was an agreement between Staff
8 and the Company, possibly other parties; is that correct?

9 A. Well, I think the agreement was how to go
10 forward after the study had been done. So it was how to
11 reflect the relationships between cost of service that
12 were identified in the study in customer rate structures
13 and rate designs.

14 Q. So there was though a distribution study done?

15 A. That is my understanding. I was in fourth
16 grade when that occurred. But based on the context
17 that's been presented to me by former Staff witnesses and
18 the language in the document itself, I don't think those
19 numbers were made up, you know, and I know that there
20 just was a lot of conversation in the early 2000s about
21 all the work that had been done on distribution at each
22 of the utilities in the early '90s.

23 Q. This is a discussion question. I'm looking for
24 your full answer, not a yes or no. Would you discuss --
25 would you compare what I've heard in testimony that Staff

1 needs, big air quotes needs, this data to perform its
2 function versus Staff could do a better job with more
3 accurate data but not quite hitting that need. I want to
4 hear from you where is that need, what's going to be the
5 shortfall if there is no additional information?

6 A. This is always going to be a subjective view of
7 where rates have crossed over to unduly discriminatory.
8 That is the caveat. It's going to come down to what each
9 witness is comfortable with signing their name to when
10 it's time for them to participate in a rate case. At the
11 time that I wrote the direct testimony, so going back to
12 June of, or before June, whenever the direct testimony
13 was filed in the rate case, whenever this list was
14 drafted, with regard to the customer and usage
15 information it was boy, we really need this. Where we
16 are going to be in an Everygy rate case that occurs a year
17 from today, recognizing we cannot incorporate this
18 reasonably into one that's getting filed a couple weeks
19 from now, we need it.

20 We need the customer and usage data. For the
21 distribution data, there's always something we can do to
22 make an imputation or to come up with a here's the best
23 we can do in the absence of information. Frankly, we did
24 that in Ameren and the Commission said no, it's not good
25 enough. That's up to the Commission if we need better

1 data to perform a CCOS. But at end of the day I guess to
2 hit this as smack dab on the head as I can, you can
3 always do equal percentage or some other implementation
4 of rate increase to sidestep CCOS and rate design even if
5 it's a really bad idea. You can't not calculate revenues
6 and billing determinants. You can't.

7 So an option would be a negative, you know,
8 Evergy can't provide the information, let's give them an
9 adverse evidentiary result of that. Let's say okay,
10 we're going to impute revenues because we're not sure
11 what the right revenues are.

12 I don't like that solution. Can we say Evergy
13 can't provide what a reasonable utility with this rate
14 structure would provide to calculate revenues and billing
15 determinants and NSI and responses to weather and MEIAA
16 throughput disincentives and all the other things that
17 rely on that information. I guess we can. It will
18 depend on how much information and how much time we have
19 as to whether the Commission is going to be able to find
20 that to be a just and reasonable result that is not
21 unlawful in some other manner and frankly that complies
22 with PURPA.

23 Q. Okay. Switching topics again. Back to Mr.
24 Lutz's direct Schedule BDL-1 and I'm looking at 8b.
25 We're talking about coincidence peak determinants. My

1 understanding is Staff is asking for 15-minute increments
2 versus hourly; is that correct?

3 A. That is what we asked for. If Evergy's problem
4 is that they just can't do 15, they need to do 30 instead
5 or failing that they need to do hourly instead, I asked a
6 data request to Mr. Lutz saying can you give me a couple,
7 I say a couple because in regulatory terms it's a couple,
8 I probably asked for a hundred, can you give me customer
9 sample data so that I could look and see if that
10 15-minute relationship to peak is consistent with their
11 hourly relationship to peak, what sorts of customer
12 impacts are we going to have and is this giving us the
13 information we need, and I believe his response to that
14 data request was only if the Commission orders us to give
15 it to you.

16 Q. My question is, can you explain the
17 significance between a 15-minute interval and the hour?

18 A. Sure. Can I use you as a residential example?

19 Q. Sure.

20 A. Do you have an air fryer?

21 Q. No.

22 A. Can you pretend you have an air fryer?

23 Q. I do.

24 A. If you run your air fryer, let's say that it is
25 going to draw 5 kW. Okay. If you have that air fryer on

1 for 15 minutes and that's the only appliance you have on
2 for 15 minutes, your one hour peak is going to be one
3 quarter of 5 kW. If you run that air fryer for 15
4 minutes and we're looking at a 15-minute peak, your peak
5 is going to be 5 kW. So demands are done at different
6 levels for different rate classes for different utilities
7 for different purposes all over the country. Right now
8 Everygy West's rates use 15-minute peak and I think most
9 other utilities use 15-minute peak. Everygy Metro uses
10 30-minute peak and that's not inherently wrong or bad.
11 But if we're going to start changing up things for those
12 customers, we want to know what it's going to do for
13 those customers and we want to know if it's really
14 capturing what we need to understand. So if those
15 customers' 15-minute peaks are hitting all over during
16 the day versus if those customers one-hour peaks are all
17 hitting at the hour when SPP says here's the amount of
18 capacity you need for reliability purposes and NERC and
19 SERC and those other acronyms get involved, N-E-R-C,
20 S-E-R-C, sorry for throwing those in, we're going to be
21 measuring different things. So it would be nice to look
22 at both of those things to determine which one we want to
23 measure and which one we want to bill customers according
24 to. If we have the hourly loads, we don't need them to
25 tell us the hourly peaks because we can find that

1 ourselves.

2 Q. Okay. Let's switch again. I want to talk
3 about five years versus ten years on the plant data
4 needed. Why isn't five years sufficient?

5 A. So this -- Let me just preface by saying it's
6 really unfortunate that this wasn't a conversation
7 instead of a war of motions. Five years isn't a great
8 idea right now because of when those five years fall
9 because those five years don't get us back to prior to
10 Every beginning to spend millions and I think maybe even
11 billions of dollars on distribution. So part of why I
12 wanted five years is to see what accounts are really
13 changing as a result of the PISA process and what
14 accounts are fairly stable for prioritization.

15 Another issue that's very closely related to
16 that is what is the effect of automation, are we seeing
17 expense levels dropping in let's say overhead conductors
18 and devices, if we are increasing plant levels in
19 overhead conductors and devices. Probably that was a bad
20 example. Poles is probably the best example. In theory,
21 if we're putting up a bunch of new poles, we're probably
22 replacing fewer poles due to weather or other items that
23 could cause pole expense to be incurred. So those are
24 relationships that are studied over the decades, not
25 over, you know, a year or two. Now, that said, this is

1 information that they have to keep on their books every
2 year. This is information they have to compile to file
3 their FERC Form 1 and to file their Missouri Annual
4 Report.

5 This is as basic of a request as you can ask a
6 utility as I can imagine. This isn't a go find archives
7 and pull up data that you don't use every day. This is a
8 hey, what did you file with FERC. In fairness, it is at
9 a one up level of detail from what they file at FERC.
10 What they file at FERC is total distribution expense but
11 that's summed from their actual accounts and total
12 distribution investment summed from their actual
13 accounts. So does that answer your question?

14 Q. Yes. On the meetings, there's been a lot of
15 talk about meetings between Evergy and Staff. I just
16 want to confirm I've heard the number four. There's been
17 four meetings since the filing of this case or perhaps
18 since the stipulation in September 2023, but I have four
19 in my notes. Can you confirm that?

20 A. The meetings I'm aware of, there was -- I did
21 look it up over lunch. So on August 9, Evergy conducted
22 what they termed a rate modernization workshop. It was
23 not directly -- August 9 of 2023, that, one, was not
24 directly related to this docket. Two, included very
25 little, if any, information about anything other than

1 Everygy's desires to do buffet-style rate pricing and
2 prepay. And three, I have to go only on what is in the
3 presentation for that because as I confirmed over lunch
4 that Everygy scheduled that when I had indicated I was
5 unavailable and I was taking my at the time foster son to
6 a vacation. So that was one meeting.

7 Staff -- So the last slide of that August 9
8 presentation had I think the question, you know,
9 stakeholder feedback? Residential rates? C&I rates? In
10 response to that, I prepared or I should say I converted
11 to presentation form what's been --

12 Q. Ms. Lange, can you confirm the number of
13 meetings, please, just the number.

14 A. I'm sorry. Two at best, realistically zero
15 excluding settlement conference.

16 Q. Thank you. I believe this is really close to
17 the end. I want to talk about a fuel adjustment clause.

18 A. Sure.

19 Q. The fuel adjustment rate is multiplied by a
20 voltage adjustment factor which equals the rate charged
21 to customers through the FAC; is that correct?

22 A. I believe so.

23 Q. Would you define what is a voltage adjustment
24 factor and how does it relate to the information in this
25 case?

1 A. Sure. If I can refer you back to Staff's
2 cross-examination of Mr. Lutz yesterday, regarding what
3 we termed line losses, okay, so the voltage adjustment
4 factor is a reduction of a value for line losses to say
5 that if you are a customer, if you and I are both Evergy
6 customers, you were served at primary, I am served at
7 secondary. Evergy has to put about 2 percent more energy
8 on the system for every 100 kWh that I use versus every
9 100 kWh that you use. The line loss factor is the
10 adjustment that is applied to account for that
11 difference. I'm sorry. The voltage adjustment factor is
12 that factor as applied to account for that difference.

13 Q. And would you tie in information that you're
14 asking for in this case to how you're going to calculate
15 that FAC?

16 A. Oh, okay. I mean no disrespect. Those are two
17 completely different issues. So the voltage adjustment
18 factor is what gets applied within the FAC to account for
19 line losses. The issue where I said in my testimony we
20 need this for calculating the base factor of the FAC is
21 because Staff does what's called a fuel and production
22 model and the Company does what's called a fuel and
23 production model to come up with the net base energy cost
24 which is the cost of putting fuel into a power plant net
25 of the revenues received for burning that fuel through

1 its participation and integrated markets and a couple
2 dozen pages of tariffs that caveat around that that Ms.
3 Mantle is going to know probably staring at the back of
4 my head in anger at how I'm simplifying that.

5 So that shape that Staff puts into its fuel and
6 production cost modeling is derived from the sum of
7 hourly system loads. Depending on the utility and
8 depending on the timing and all sorts of other factors,
9 that shape if you will of the relationship between the
10 energy consumed in each of those 8,760 hours is adjusted
11 by the response of customers to weather. So when we
12 weather normalize, the customer and usage data that will
13 in theory flow through how we model the utility's
14 requirement of energy during the study period that
15 eventually becomes a very significant input into the FAC
16 base factor.

17 JUDGE HATCHER: Thank you. As promised, I'm
18 going to ask the Commissioners one more time because this
19 has been really the point of a lot of this discussion.
20 Are there any Commissioner questions for Ms. Lange?
21 Excellent. We'll go back to recross and redirect. Find
22 my cheat sheet. And we will go to Mr. Clizer.

23 MR. CLIZER: Thank you. I'm going to endeavor
24 to make this relatively quick.

25 RECROSS-EXAMINATION

1 BY MR. CLIZER:

2 Q. Just first for the sake of the record, you used
3 the term FERC, which I believe is F-E-R-C for Federal
4 Energy Regulatory Commission; is that correct?

5 A. It is.

6 Q. You also used the term NSI. That would be net
7 system inputs; is that correct?

8 A. Yes. I think in some utilities it's called net
9 system interchange or variations on that, but it's
10 effectively the amount of power that a utility requires
11 to serve either its retail load, its retail load with
12 wholesale load, depends on the utility. Frankly I don't
13 recall for Evergy which it is.

14 Q. You were asked a question by Commissioner Hahn
15 regarding the data, whether or not the data is needed to
16 support Staff's case. In answering that question, you
17 sort of broke it down into three buckets. I don't know
18 if you recall that conversation.

19 A. I do.

20 Q. This was before lunch. I think you broke it
21 down into the distribution, I have customer usage
22 information and sample data. Does that roughly coalign
23 with the three buckets you talked about?

24 A. It does. That discussion didn't get to all of
25 the items on the list but most of them.

1 Q. Well, actually that was going to be my thing.
2 For the sake of the record, if you could look at BDL-1
3 and help me figure out which items are in which buckets.
4 I believe the distribution information is item 1 and 8c1
5 which references back to it?

6 A. Yes.

7 Q. Okay. Then I actually don't know for certain,
8 so I'm just going to ask, what would be the customer and
9 usage information, which item numbers would that be?

10 A. That would generally be, and this is in my
11 testimony, that would be 2 and 2a, 3 and 3a, 4 and 4a,
12 and then that apparently subsumes 5.

13 Q. And the sample data information, which one
14 would those encompass?

15 A. So depending on if you're looking at it as
16 sample data for Staff to do analysis with or sample data
17 for customers to see their own bill impact, that would be
18 7, 8a, 8c3, 8c4 and then a subset of 8d.

19 Q. Thank you. You had a conversation with
20 Chairman Rupp at the very beginning. One of that
21 conversation involved whether or not the data being
22 requested would result in a time savings for the Staff.
23 Do you recall that?

24 A. I do.

25 Q. And you had basically said this would bring us

1 back to the status quo. I think I'm paraphrasing your
2 answer relatively correctly?

3 A. Yes.

4 Q. There was another further conversation with the
5 Bench regarding the need for the data. I assume you
6 recall that, that was one reason?

7 A. Yes.

8 Q. I want to drill down on that for just a tiny
9 moment. In the last rate case, last Evergy rate case,
10 you were responsible for developing rate design class
11 cost of service, correct?

12 A. I was.

13 Q. It's my understanding that effectively Staff
14 determined that it could not perform a class cost of
15 service in the last Evergy rate case based on the
16 information available; is that accurate?

17 A. I believe the way I phrased it, and I would
18 defer to as it is worded in that docket, that I think I
19 said something along the lines if you can use it as a
20 reasonable check but don't rely on it the way you
21 typically would. Again, I defer to the testimony. I
22 don't recall the exact language, but that's conceptually.

23 Q. So when you say bring it back to the status
24 quo, you are effectively meaning bring it back to the
25 point where we can rely on Staff's class cost of service

1 for what it purports to be?

2 A. Yes.

3 Q. And then one last thing really quick. There
4 has been discussion regarding the continuing property
5 record audit as an option whether or not that's important
6 here or elsewhere. You would agree with me that a
7 continuing property record audit would have other
8 benefits beyond just the class cost of service design,
9 for example, determining whether or not there was plant
10 that needed to be removed from a company's books or
11 checking depreciation rates?

12 A. Well, those two things in my mind would be what
13 a continuing property record audit is. The latent
14 benefit of that is that we could use it better for class
15 cost of service.

16 MR. CLIZER: I have no further questions.
17 Thank you.

18 JUDGE HATCHER: And the Company.

19 MR. FISCHER: Thank you, Judge. I had a couple
20 clarifying questions for you.

21 RE-CROSS-EXAMINATION

22 BY MR. FISCHER:

23 Q. Judge Hatcher asked you about the 1990, whether
24 it was an agreement. Do you recall that conversation?

25 A. I do recall that conversation.

1 Q. Have you ever seen a distribution study that
2 was dated 1994 that we could go look at to see what it
3 was?

4 A. Again, this is the ambiguity around the word
5 study. So you could define a study as the relationship
6 of the rates that were attached to that agreement.
7 That's frankly why I would just defer to what the
8 agreement says and use it as an exhibit.

9 Q. That's what I'm trying to clarify. There's not
10 a document like you would say a depreciation study,
11 right; it's a review that Staff did or the utilities did
12 back in the '90s of their distribution plant. Is that
13 what we're talking about?

14 A. If you're referring to the document that you
15 objected to Staff offering into evidence, I mean, is that
16 the document you're referring to? It speaks for itself
17 as to what its contents are.

18 Q. That was a Stipulation and Agreement that I
19 signed 27 years ago that didn't have a study in it. It
20 just had some agreements on how to proceed forward,
21 right?

22 A. I disagree.

23 Q. Do you? Okay. Is there a document that I can
24 look at that says distribution study for Kansas City
25 Power and Light Company dated whatever date it would be?

1 A. I don't know the literal title of documents
2 that I don't have in front of me, no.

3 Q. Can you tell me have you ever seen something
4 that you would declare to be a distribution study?

5 A. I would consider that document that's setting
6 out the relative prices for rate elements and the
7 contents of rate elements, that to me falls under the
8 umbrella of distribution study. As I said, maybe
9 distribution study isn't the most helpful term.

10 Q. Aren't we really talking about your desire to
11 have Staff do a deep dive into distribution system
12 analysis?

13 MS. KERR: I'm going to object to this line of
14 questioning. We're talking about a study that hasn't
15 been entered into evidence.

16 MR. FISCHER: Judge, I'm trying to understand.
17 She says we need this data to do a distribution study.
18 What does that mean? Does that mean like a depreciation
19 study that's required to be done or is it just a desire
20 to look more into this particular topic?

21 JUDGE HATCHER: Ms. Kerr, I did not hear what
22 your objection was.

23 MS. KERR: I'll withdraw it. Never mind.

24 JUDGE HATCHER: Go ahead.

25 THE WITNESS: I think his second question was

1 clearer and I can answer it, I think. My need as a
2 member of Staff to provide a recommendation to the
3 Commission concerning the justness and reasonableness of
4 rates is information to support rate elements that cause
5 price discrimination, and I don't mean that in a
6 pejorative way, it's just what you call it, among
7 otherwise similarly situated customers. You can get
8 there a lot of ways.

9 BY MR. FISCHER:

10 Q. I guess like the Commission rules say you need
11 to do a depreciation study every three years or five
12 years and you're required to do that. There's not
13 anything like that, is there, that's comparable on a
14 distribution system study?

15 A. There's a statutory requirement of setting just
16 and reasonable rates that are not unduly discriminatory.

17 Q. That's really an ultimate decision that these
18 five Commissioners have to make in each case; is that
19 correct?

20 A. Absolutely.

21 MS. KERR: Object.

22 MR. FISCHER: Legal conclusion?

23 MS. KERR: Never mind.

24 BY MR. FISCHER:

25 Q. So that the Staff recommends what we should do

1 in a rate case. Ultimately the Commission decides what
2 are just and reasonable rates. You decide if you think
3 there maybe is differences between costs that maybe ought
4 to be reconciled. Maybe the residential rates are not
5 earning the same rate of return as the industrial rates.
6 You point all that out in a cost of service study.
7 Ultimately you give it to the Commission to decide what
8 are just and reasonable rates. If I understand your
9 testimony, you would like to be able to do a deeper dive
10 into what distribution relationships are out there,
11 right?

12 A. What is throwing me in the question you're
13 asking is that you're not putting bounds on it. There
14 are lots of things about the distribution study that
15 aren't relevant that I have no interest to waste the
16 state's time in looking at. I specifically need to look
17 at those characteristics that are reflected in Evergy's
18 existing rate design and rate structure. That's all I'll
19 look at.

20 Q. Okay. If the Commission would say out of this
21 docket Evergy or Staff, go do a distribution study, what
22 would you do?

23 A. Again, the theory I have or the best idea I
24 have right now would be to say to use the numbers I've
25 been using all morning, what can you look at for line

1 transformers for ten grand or less, what can you look at
2 for meters for ten grand or less, can you get us better
3 information than we have today about the costs of running
4 a mile of overhead conductor and poles that operate at
5 345 KV. Those are the literal questions that I would
6 ask.

7 Q. Those are the literal questions with a lot of
8 subparts that you asked in this docket already; is that
9 right?

10 MS. KERR: Objection. Is that a question?

11 MR. FISCHER: Is that right?

12 JUDGE HATCHER: There's an objection.

13 Mr. Fischer, do you have a response? First of all, Ms.
14 Kerr, what's your objection?

15 MS. KERR: I was waiting for a question there.
16 He added a question mark, so never mind.

17 JUDGE HATCHER: Okay. Go ahead.

18 THE WITNESS: There are data requests
19 addressing some but not all of those items. There
20 definitely are not data requests that have been
21 propounded that address what can you do on each of these
22 topics for ten grand, and I don't believe as it regards
23 those questions that I just described the Company has
24 provided answers to those data requests that involve a
25 quantification or anything other than a statement that it

1 isn't how they currently keep records and they can't
2 provide it and they can't be compelled to provide it.

3 BY MR. FISCHER:

4 Q. Let's change topics a little bit. There was a
5 question from I think Commissioner Hahn about what we
6 could have done looking back, how communications could
7 have been better, that conversation. Do you recall that?

8 A. I do.

9 Q. Would it surprise you to know that the Company
10 did not realize until your position statement was filed
11 that it was your position that it would be imprudent for
12 Evergy to expend the lump sum estimate provided in
13 Attachment BL1-1?

14 A. You're asking me to speculate on how the
15 Company read my testimony?

16 Q. I'm asking you if you'd be surprised about
17 that?

18 A. I would, yes.

19 Q. Okay. Would it be surprising to you too that
20 there was nothing that we understood from your testimony
21 that you were abandoning your request for set of data No.
22 1 in this case?

23 MS. KERR: Objection, speculation.

24 JUDGE HATCHER: Can you restate the question?

25 MR. FISCHER: Sure.

1 BY MR. FISCHER:

2 Q. I was asking whether I guess it would surprise
3 her that there was nothing that we could perceive from
4 your rebuttal testimony that you had abandoned your
5 position you didn't want the set of data No. 1?

6 A. To be very clear, Staff has not abandoned
7 pursuit of the information in data 1.

8 Q. Okay. So --

9 A. Mr. Lutz offered alternative data. He declined
10 in either his testimony or in response to Staff DRs to
11 indicate in any manner what that alternative data may be,
12 and I specifically recommended keeping this docket open
13 to pursue alternative data.

14 Q. But the alternative data would be different
15 than what you've asked for in Data Request No. 1?

16 A. I disagree. I think the Company used a very
17 unusual interpretation to give them the benefit of the
18 doubt as to what Staff requested in what it committed to
19 provide for item number 1.

20 MR. FISCHER: I think that's all I have. Thank
21 you.

22 JUDGE HATCHER: Thank you, Mr. Fischer. That
23 will take us back to redirect.

24 MS. KERR: Thank you. Get my questions
25 together.

REDIRECT EXAMINATION

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BY MS. KERR:

Q. Yesterday Mr. Lutz had testified that perhaps Staff is asking for this information for its own ratemaking purposes. Is that an accurate presumption for Mr. Lutz to make?

A. Evergy's existing rate schedules treat customers differently based on the voltage at which they receive service and the end use at which they receive service. Staff is aware that Evergy does not have that information by rate schedule. So to the extent that Staff is pursuing what I'll refer to as continuous rate design, I guess that's its own purpose and that it's not part of the existing rates, but the purpose of doing that is to minimize the amount of assumptions and other guesses we have to make about how customers with the same equipment and the same size use energy on different rate schedules and just look to how maybe it would make sense to align those cost elements across rate schedules or across classes to avoid the need to get as detailed in the data.

Q. But you're not doing it for your own ratemaking purposes as he has testified? I mean --

A. Making things simpler and easier, I guess that's my purpose. I'm not trying to, yeah, that's all I

1 can say.

2 Q. Okay. Now, Mr. Fischer asked about rate codes,
3 voltage levels. Why would Staff ask for this?

4 A. Those are existing discriminatory pricing
5 features in Evergy's existing rate schedules and Staff
6 from time to time asks to review the reasonableness to
7 ensure that they're not unjustly or unduly
8 discriminatory.

9 Q. And Mr. Fischer asked about Staff's request for
10 line and transformer costs by rate code. Why would Staff
11 make that request?

12 A. So line and transformer requests by rate code
13 is potentially one of those items that we could move away
14 from to the extent that we price that by voltage and
15 customer size rather than by rate code. That said,
16 existing facilities charges at Evergy are designed to
17 assume that customers served at primary do not cause line
18 and transformer expense despite Mr. Lutz's response to a
19 DR in this case that some line transformers are used by
20 some primary customers.

21 I'm looking at Mr. Lutz to make sure that I
22 didn't misremember that data request. There has been
23 some productive discovery in this case. That is an
24 element that was good to know. We frankly hadn't thought
25 to ask that question before.

1 Q. Mr. Fischer also asked about changing Evergy's
2 computer system. Did Staff believe Evergy had access to
3 the data that Staff requested in the last rate case when
4 it asked for this information?

5 A. We understood when we entered the Stipulation
6 and Agreement that Evergy couldn't pull the answers to
7 those questions off the shelf. What we understood the
8 Stipulation and Agreement was going to get us for lack of
9 a better word was progress on what I'll call the low
10 hanging fruit of that information and cost estimates and
11 process plans on everything else.

12 Q. So now Evergy signed the stipulation
13 voluntarily, right, as far as you know? I mean, they
14 weren't forced to sign the Stipulation and Agreement, the
15 August '22 Stipulation and Agreement?

16 A. Staff and Evergy and I believe maybe MEEG and
17 maybe OPC, I'll defer to the agreement itself, entered
18 into the stipulation.

19 Q. And Evergy committed to provide the data that's
20 listed in I believe it's kind of outlined in Staff's
21 Exhibit 204 and BDL-1?

22 A. Well, they committed to provide what they
23 could.

24 Q. Right.

25 A. At I guess what I'll call a de minimis cost or

1 to provide what they would have to do to provide what
2 they didn't provide and what they thought it would cost
3 to provide what they didn't provide.

4 Q. If they couldn't provide it, then they'd give
5 us a cost estimate as to what it would take to get that
6 information basically?

7 A. Let me look at the language here.

8 Q. Language of the stipulation is if the requested
9 data is not available, identify and provide the data. If
10 the requested data is not available, cost prohibitive,
11 they'll open this EO docket and provide a reason why it
12 can't basically?

13 A. Yeah, that is the language something like
14 explain why they couldn't provide it.

15 Q. Right.

16 A. And that's a critical part that is not in the
17 direct testimony that doesn't move us past where Lutz was
18 in his rebuttal testimony in the rate case. And I
19 apologize for Mr. Lutz, you know. In Mr. Lutz's
20 rebuttal, he said we don't have it that way. So to me
21 what was going to be a really valuable output of this
22 case for the things where the production costs weren't de
23 minimis would be here's what we would need to do to get
24 where the utility thinks would be the reasonable way of
25 providing that data.

1 Q. So Evergy agreed that it would provide
2 individual costs of providing that data if they didn't
3 have it? That's the language in the stipulation?

4 A. And explain what they would need to do to do
5 it, yes.

6 Q. So it would be fair to say that Staff expected
7 Evergy to either already have the data or have a plan to
8 determine how much it would cost to obtain that data?

9 A. Yes.

10 Q. So you wouldn't expect -- okay. One of the
11 questions that came up was a number of data requests,
12 just DRs, discovery data requests I'm talking about.
13 Now, you sent DRs to Evergy directed at Evergy Metro and
14 Evergy West?

15 A. In some instances. In some instances, the data
16 requests where it wasn't really pertinent to what their
17 literal books and records would be where I would know
18 there would be different answers or to what processes
19 would need to be undertaken where I would strongly
20 suspect there could be different answers. I think I
21 tried to write the data requests to include a sentence
22 that said we're directing this to Evergy Metro but if
23 West's answer is different please explain.

24 Q. Okay. But a lot -- So a lot of the DRs that
25 you sent, that would account for the duplicate so to

1 speak DRs that the same, basically the same DR went to
2 Everygy West that went to Everygy Metro?

3 A. Yes. Where it would relate to things like
4 their books and records that we know are going to have
5 different answers if they had answered them.

6 Q. Okay. So that would account for say there was
7 over 200, say if there were 200 DRs, maybe half of them
8 would have been to Everygy West, half to Everygy Metro and
9 that may have been where the confusion came in as to the
10 number of DRs you were talking about?

11 A. I think there were approximately 132 unique DRs
12 recognizing I may have made a mistake in counting Excel
13 rows, but I think it's about 132 unique data requests.

14 Q. So this 132, one might have been Everygy Metro,
15 one was Everygy West, but it was the same question to
16 both?

17 A. No. So the 132 is accounting for where I know
18 I asked the same question to both.

19 Q. Okay. Right.

20 A. There may have been another one or two where it
21 was duplicative and I didn't catch it.

22 Q. Now, the stipulation include asking for -- I
23 guess you've already -- the stipulation you've said
24 included asking for individual estimates for the
25 different types of items for the different items of data,

1 right?

2 A. Yes.

3 Q. And so would asking for individual estimates
4 allow the Commission Staff and the Company to prioritize
5 studies and prioritize what kind of information that's
6 more important?

7 A. That was the intention, yes.

8 Q. In item, data item 8, 8b and 9, you talk about
9 NCP demand charges. Can you explain the difference
10 between NCP and CP, that's noncoincident peak, and
11 coincident peak and why that difference is important?

12 A. Yeah. So a noncoincident peak running through
13 the example with the Judge earlier would be regardless of
14 the time of day that he turned on his air fryer and
15 whether we're looking at 15-minute or 30-minute or hour
16 or five minute, whatever time during the course of the
17 dates and typically in the billing context like we're
18 talking about here we're saying within a month, and that
19 would be a billing month which is not necessarily a
20 calendar month, the NCP is the time or the amount of
21 energy used in the interval which was the relevant
22 interval in which the highest amount of energy was used.

23 Now, we are calling the alternative to that in
24 the ratemaking sense the coincident peak. In reality, we
25 don't know the coincident peak until after it has

1 occurred. So in ratemaking in general when we refer to a
2 coincident peak, we're saying we're looking at a total
3 amount of energy used in a month or a year or whatever it
4 is, this was the interval in which the system used the
5 most energy and we know in that interval who used what
6 because it's already passed. We can't do that for
7 billing purposes. So for billing purposes, and this is
8 again it's not really spelled out because this is a
9 common feature among co-ops, munis and Evergy and other
10 jurisdictions, what we're saying is we're going to define
11 a time period that is presumptively coincident. So it
12 would be usage during that time period that meets those
13 criteria. So for example, if we said what we're looking
14 at for coincident peak is four o'clock to 7:59, then it
15 would be the 15 minutes or the hour or whatever between
16 four o'clock and 7:59 for the month in which you used the
17 most energy.

18 Q. Now, when you're talking about information
19 that's been provided or can be provided, you mentioned an
20 agreement with Evergy and Ameren. Did you mean Liberty?

21 A. Yes, it was brought to my attention during
22 lunch that I apparently misspoke and said that we had an
23 agreement with Evergy about providing the information
24 discussed with Evergy and that should have been Liberty
25 or Empire or Algonquin or whatever name we're going with

1 today.

2 Q. Thank you. And then you also mentioned NSI in
3 response to Commissioner Hahn's questions. What is NSI?

4 A. I tried to address this with Mr. Clizer. I'm
5 not confident if for Evergy it is net system interchange
6 or net system input, but it's one of those things.

7 Q. Sorry. And the Judge asked about FAC voltage
8 adjustment factors. Do those factors differ from the
9 voltage adjustments included in non FAC rate
10 differentials?

11 A. At a given point in time, yes. At another
12 given point in time, no. Ideally we align those from
13 rate case to rate case. Again, I look back to Mr. Lutz.
14 I think we've missed that in a couple now, haven't we.
15 They're not off by a lot. They're pretty close. But
16 yeah, we probably do need to tune those up for Evergy.

17 Q. We had a discussion about that Staff was
18 working with some other companies and that there was a
19 couple workshops that you had with Ameren on the similar
20 issues. What kind of information or what are you asking
21 for from some of the other -- from Ameren? What are you
22 getting from them?

23 A. It is a workshop and I expect their
24 presentation from a most recent workshop will be
25 available to the Commission any day now. They said

1 they're going to file the presentation. A couple of
2 obvious examples that come to mind is conversation Tom
3 Hickman presented where he stated, you know, that Ameren,
4 you know, isn't necessarily on board with charging the
5 same metering charge for customers in all rate classes
6 that have those meters but they were looking at, you
7 know, the appropriate number of bins in which to look at
8 meter costs. And so when I say "bins," you know, there
9 might be at a given utility 200 or more different literal
10 meters. You get a new serial number from your vendor,
11 you probably have a new retirement unit, different things
12 like that, but that there's some fairly obvious groupings
13 of, you know, these are the sorts of things that, you
14 know, this kind of meter would be what would typically be
15 installed for, you know, a detached residential customer
16 or a small business versus this is the kind of meter that
17 you would have for a smelter and a lot of things in
18 between. So where that discussion is now with Ameren is
19 looking at I think we talked about six bins was his guess
20 at that time of what might be reasonable but he was going
21 to dig into it further. So that's an example of where we
22 are on the meter costs.

23 On the equivalent of the customer and usage
24 information, it's my understanding that Nicholas Bowden,
25 Dr. Bowden perhaps, I don't recall for sure, it's my

1 recollection that he stated that what DR or what the
2 stipulation provisions 2 through 5 do he did have to buy
3 a new laptop but he's running that on his laptop to
4 provide hourly summations by rate code and to look at the
5 sort of coincident peak information and that sort of
6 thing.

7 Ameren is doing in house. I would assume that
8 it's not a, you know, thousand dollar Staples laptop, but
9 Ameren is at this point I understand able to do a lot of
10 the customer and usage information in house.

11 JUDGE HATCHER: Ms. Kerr, we do have three more
12 witnesses and only about two and a half hours left, if my
13 math is correct.

14 MS. KERR: I don't have any other questions.
15 Thank you.

16 MR. CLIZER: Your Honor, I'm sorry. One really
17 quick bit of business if I may. Yesterday there was a
18 movement yesterday Staff moved to admit onto the record
19 an Exhibit 213.

20 JUDGE HATCHER: Thank you. I'll get that too
21 at the end. You're talking about the exhibits?

22 MR. CLIZER: No. Yesterday -- I am, but
23 yesterday Staff moved to enter an exhibit which I believe
24 was 213 which was the 1996 agreement that was objected to
25 and the objection was sustained on the grounds of

1 relevance which made sense at the time. However, given
2 the testimony today, I would argue that the relevance for
3 that document has been established and therefore I would
4 make the unorthodox move to ask that Staff's exhibit be
5 admitted. Again, I believe it was 213, subject to check.

6 JUDGE HATCHER: It was. Mr. Fischer, do you
7 care to make any response?

8 MR. FISCHER: Well, I did ask some questions
9 about it. I have to admit that. I still think it's not
10 relevant to what we've been talking about. It's
11 apparently not a distribution study. It's an agreement
12 that was identified back in the '90s and that's all it
13 was.

14 JUDGE HATCHER: Mr. Clizer.

15 MR. CLIZER: Very briefly. All I'm going to
16 say is we've been talking about it now for quite a bit of
17 time. It seems silly to have a document discussed that's
18 not in the record. For the completeness of the record is
19 all I am asking.

20 JUDGE HATCHER: It could have been filed with
21 the testimony. Ms. Kerr.

22 MS. KERR: I'd have to agree.

23 JUDGE HATCHER: Excellent. Overruled. Thank
24 you. Ms. Lange, you are excused subject to recall.
25 Let's get Mr. Stahlman. Thank you.

1 And we have Mr. Stahlman on the stand. Thank
2 you, sir. Do you solemnly swear or affirm that the
3 testimony you provide today will be the truth?

4 THE WITNESS: I do.

5 JUDGE HATCHER: Thank you. And Staff, your
6 witness.

7 MS. KERR: Thank you. Good afternoon.

8 THE WITNESS: Good afternoon.

9 MICHAEL STAHLMAN,
10 having been first duly sworn, was examined and testified
11 as follows:

12 DIRECT EXAMINATION

13 BY MS. KERR:

14 Q. Could you please state your name for the record
15 and spell your last name, please?

16 A. Michael L. Stahlman, S-t-a-h-l-m-a-n.

17 Q. And by whom are you employed and what's your
18 position?

19 A. Missouri Public Service Commission as an
20 economist.

21 Q. And have you prepared and filed testimony in
22 this proceeding, specifically rebuttal testimony that was
23 filed on December 15, 2023, that's been marked,
24 previously marked 203?

25 A. I'm not positive on the actual exhibit number

1 but yes.

2 Q. Do you have any changes or corrections to make
3 to any of those documents?

4 A. None that I'm aware of.

5 Q. If I were to ask you the same questions in that
6 document today, would your answers be the same or
7 substantially the same?

8 A. Yes.

9 Q. Are those same answers true and correct to the
10 best of your knowledge and belief?

11 A. Yes.

12 MS. KERR: I offer Exhibit 203 into evidence
13 and tender the witness for cross-examination.

14 JUDGE HATCHER: You've heard the motion. Are
15 there any objections to Exhibit 203? Hearing none. So
16 admitted.

17 (STAFF EXHIBIT 203 WAS RECEIVED INTO EVIDENCE
18 AND MADE A PART OF THIS RECORD.)

19 JUDGE HATCHER: Witness has been tendered.

20 Mr. Clizer.

21 MR. CLIZER: In light of the hour, I will
22 forego subjecting Mr. Stahlman to cross and move right
23 along. No questions. Thank you.

24 JUDGE HATCHER: Mr. Fischer, in light of the
25 hour, I'll just ask a few, if that's all right, Mr.

1 Stahlman.

2 THE WITNESS: Sure.

3 CROSS-EXAMINATION

4 BY MR. FISCHER:

5 Q. I'd like for you to turn to page 3 of your
6 testimony.

7 A. Sure.

8 Q. And particularly where it starts at line 5 what
9 data does Staff use for weather normalization of load.
10 Do you see that?

11 A. I am there.

12 Q. Okay. Then you say as an answer, for the
13 regression analysis portion Staff needs at a minimum the
14 daily energy used by each customer class for a two or
15 three year period from the Company; is that right?

16 A. Yes.

17 Q. How does Staff intend to manage this regression
18 analysis for the residential class given the recent
19 migration of customers to do rates?

20 A. That really depends on what data would be
21 available. That is a big question. I'm not sure what
22 data is going to be available from Evergy to handle that
23 migration. It is of great concern. And to some extent,
24 I mean, the question itself is almost like asking what my
25 betting strategy is for a poker hand before the cards are

1 even dealt. I really need to see what is available, what
2 we can easily achieve.

3 Q. Let's assume the data that's available is
4 similar to data that you've had in the past.

5 A. So from the past, I believe Evergy has been
6 able to get me the hourly load by a rate class being,
7 such as residential as opposed to the rate code. And so
8 there might be the ability to look at some changes, but
9 that assumes an awful lot of information. The big issue
10 that we have in the upcoming case is the differential in
11 time of use rates.

12 Q. And assuming we had the same kind of data we
13 had in the past, you would be able to do weather
14 normalization; is that right?

15 A. I honestly don't know. Because of the changing
16 in the different rate codes, what would be ideal is if I
17 could give Staff Witness Kim Cox like a usage per
18 customer per the time block weather normalization
19 adjustment and just with the difference in the way that
20 the data would be coming with the rate code switching.
21 That's really going to be hard to figure out how that or
22 the Company are going to be a weather normalization.
23 Just for clarification, the importance of the weather
24 normalization is to figure out what the revenues are in a
25 rate case. So when the Commission issues an order, it's

1 usually a revenue requirement of an increase of, say, \$50
2 million.

3 The question is \$50 million on top of what. So
4 there can be tens of millions of dollars of questioning
5 on what their actual revenue is because of the high
6 differential in these time of use rates.

7 Q. Let me ask you this question. On page 3 of
8 your rebuttal, I think starting at line 10, you describe
9 your reliance on daily weather data from the Midwestern
10 Regional Climate Center. Do you see that?

11 A. Yes.

12 Q. Is it true that the normal weather obtained
13 from that particular place is an arithmetic mean of
14 temperature over a 30-year time frame?

15 A. Not precisely, no. So the information we
16 obtained from the Midwestern Regional Climate Center is
17 the daily high temperatures and the daily low
18 temperatures. There is hourly data available but that
19 record is a little bit more questionable as far as how
20 that has -- if it has all the hours for the full 30
21 years.

22 Q. Typically it's been a daily?

23 A. Yeah, we do get the daily high temperature and
24 low temperature from that center and then that goes --
25 then we used a ranked method so we are not using an

1 arithmetic --

2 Q. Arithmetic?

3 A. -- precisely for each calendar date.

4 Q. I don't want to go too far in the weeds, but
5 it's really a look at 30 years worth of weather, right,
6 to try to figure out what's normal weather?

7 A. To get to what we have used historically as
8 normal weather, that is 30 years.

9 Q. Okay. On page 7, line 5, you state weather
10 normalization of customer usage on the remaining
11 time-based rate plans will require --

12 A. Can you hold on a second.

13 Q. I'm sorry. Sure.

14 A. You said --

15 Q. On page 7.

16 A. Page 7, line 5.

17 Q. Yeah. Let's go to that. It says weather
18 normalization of customer usage on the remaining
19 time-based rate plans will require hourly customer usage
20 (and customer counts) by rate code. Do you see that?

21 A. Yes.

22 Q. Would you describe how this hourly data would
23 be used in the weather normalization process?

24 A. So just to be clear, there's two different
25 topics that we're discussing. One is normal weather and

1 the other one is weather normalization. Those are two
2 different things. Normal weather is determined on the 30
3 years, the ranked normals that we obtain from MRCC. When
4 you're applying weather normalization, you're looking at
5 how to apply normal weather to come to an adjustment to
6 account for the differences between that normal weather
7 and the actual weather. So the way we've done it
8 historically, the assumption is that the -- we don't
9 really care what happens when energy is used in a
10 particular day. That we've been satisfied with that. We
11 just need to come up with a daily total. Now that hourly
12 rates are important, so it becomes a lot more, it would
13 challenge a daily assumption that you would not apply a
14 base factor to all hours of the day because just using
15 physics, you're going to use more energy to cool down
16 your house on a hotter day at the peak hours than what
17 you would do on the same day to cool down your house in
18 the morning.

19 The thermodynamic equation is quite clear if we
20 just say that the heat transfer equation is a function of
21 the differences in temperatures between what you're
22 trying to cool your house down to and the outside
23 temperature. So the idea that we can just apply daily
24 factor and still get a correct result I think is really
25 being challenged in here. That's why we need to look at

1 the things on an hourly basis.

2 Q. That's because we've got 10 to 20 percent of
3 the residential customers on a higher differential time
4 of use rate?

5 A. Yes.

6 Q. In the past, has the Staff calculated daily
7 weather estimates in order to arrive at class weather
8 adjustments?

9 A. Can you repeat the question. I'm not sure if I
10 quite understand.

11 Q. Has Staff calculated daily weather estimates in
12 your weather normalization process in order to arrive at
13 class weather adjustments? Do you make class
14 adjustments?

15 A. So I may be misunderstanding your question.
16 I'll answer as -- So we will make -- we will calculate an
17 adjustment based on the daily actual temperature and the
18 daily normal temperature. And so when we get data,
19 there's a couple of different data sets that we use. One
20 data set is based off of what is billed and the other
21 data set is based off of sample data that the Company
22 provides on a daily basis. And so we use the shape of
23 the daily basis to come up with an adjustment factor for
24 each bill cycle and that becomes -- then gets totaled up
25 into an adjustment on a revenue month for each large

1 customer class. At least that's how we've historically
2 done it.

3 Q. Is that based on hourly class AMI data or
4 hourly class load research data?

5 A. There has been hourly data provided, but it has
6 been based off of sample data is my understanding.

7 Q. This is an area that gets over my head quickly,
8 but have you ever heard people say that ratemaking is
9 more art than science?

10 A. Honestly, no, but I will accept.

11 MR. FISCHER: That's all right. Thanks.
12 That's all the questions I have.

13 JUDGE HATCHER: Thank you. Sorry. I've got to
14 turn to my cheat sheet to make sure I go in the right
15 order. It is, yes, okay, Commissioner and Bench
16 questions. Are there any Commissioner questions for
17 Mr. Stahlman? Hearing none, we'll go to Bench questions.
18 The Judge does have a couple.

19 QUESTIONS

20 BY JUDGE HATCHER:

21 Q. In your rebuttal testimony you described the
22 process that Staff uses to develop its normalized weather
23 related adjustments based on a regression analysis of two
24 to three years of daily customer data and daily regional
25 weather data. My question. Is that the same process

1 Staff has used over the years in electric rate cases?

2 A. In electric rate cases, that's my
3 understanding. Both utility and Staff have had very
4 similar methods in approaching the weather normalization
5 adjustment.

6 Q. Is it Staff's belief that the implementation of
7 AMI and the data it collects of each customer, is it
8 Staff's belief that that should allow Staff to complete
9 its weather related regression analysis for the
10 development of all customer rates including TOU rates?

11 A. Yes. With TOU rates, getting accurate hourly
12 information will be very important and this is just to
13 get the proper revenues because of the high differential.
14 So if you're using energy at 6:00 a.m., you can be
15 charged like 36 cents where if it's 6:00 p.m. -- reverse
16 that. 6:00 a.m. you'll be charged 6 cents, 6:00 p.m., 36
17 cents. That's a very, very large difference in revenue.
18 That's what we are worried about especially in the coming
19 case.

20 Q. Do Liberty or Empire and Ameren provide this
21 customer data used for weather normalization same that
22 Staff was asking of Evergy?

23 A. Because Liberty and Ameren haven't had the
24 large differential time of use rate customers, we haven't
25 asked for it in a rate case yet. But based off of a

1 working docket with Ameren's counterparty, it would be
2 Dr. Nicholas Bowden, I believe this data would be
3 available, and Ameren has also provided data more readily
4 than what Evergy has historically. We've had difficulty
5 -- they even went into a discovery conference in the last
6 rate case.

7 Q. Mr. Lutz in his surrebuttal testified that he
8 doesn't know how Staff is going to use the weather data
9 requested. His belief is that the process of how to do
10 that is still under discussion. Is that related to your
11 answer, your example about poker that you need to see the
12 cards before you can make --

13 A. Yes, that's precisely it. There is -- There's
14 the theory that we know that energy is going to be
15 proportionally used dependent on what the outside daily
16 temperature is. That explains a lot. Plus, in this case
17 too we have the time of use factor that is trying to
18 encourage people to not use energy typically when it is
19 really hot for the summer months. You're trying to shift
20 usage to outside. And so we really need to start looking
21 at the particular hours in which time energy is used and
22 for the rate code to make sure that the weather response
23 is the same or not.

24 JUDGE HATCHER: Thank you. The Bench doesn't
25 have any more. I'll ask the Commissioners just one more

1 time if any Commissioners have any questions. They do
2 not. Let's go to recross-examination. Mr. Clizer.

3 MR. CLIZER: Just very quick.

4 RECROSS-EXAMINATION

5 BY MR. CLIZER:

6 Q. You would agree with me -- You had a quick
7 brief discussion with the Bench regarding AMI meter
8 deployment; do you recall that?

9 A. Yes.

10 Q. You would agree with me that AMI deployment
11 should make hourly data available by rate codes?

12 A. Yes.

13 Q. And for the sake of the record, AMI is advanced
14 metering infrastructure, correct?

15 A. I think so.

16 MR. CLIZER: No other questions. Thank you.

17 JUDGE HATCHER: Thank you. That will take us
18 to the Company.

19 MR. FISCHER: No questions, Judge.

20 JUDGE HATCHER: Thank you. And redirect.

21 MS. KERR: No questions, Judge.

22 JUDGE HATCHER: Thank you. Mr. Stahlman, you
23 are excused subject to a very short period of recall.
24 Our next witness will be Ms. Kim Cox. Please come on
25 forward. Thank you. Please raise your right hand. Do

1 you solemnly swear or affirm that you will tell the whole
2 truth during your testimony?

3 THE WITNESS: Yes, I do.

4 JUDGE HATCHER: Thank you and your witness.

5 MS. KERR: Thank you. Good afternoon.

6 THE WITNESS: Good afternoon.

7 KIM COX,

8 having been first duly sworn, was examined and testified
9 as follows:

10 DIRECT EXAMINATION

11 BY MS. KERR:

12 Q. Could you please state your name for the record
13 and spell your last name?

14 A. Kim Cox. Last name is spelled C-o-x.

15 Q. And by whom are you employed and what's your
16 position?

17 A. The Missouri Public Service Commission. I'm a
18 research analyst.

19 Q. And have you prepared and filed testimony in
20 this proceeding, specifically the rebuttal testimony,
21 your rebuttal testimony, on December 15, 2023, which has
22 been marked as Exhibit 200 in this case?

23 A. Yes, I did file rebuttal. I'm not sure on the
24 exhibit number. I'll take your word for it.

25 Q. And do you have any changes or corrections to

1 make to that document?

2 A. I would like to bring up that I do have a
3 different affidavit that has been filed within the case.

4 MS. KERR: And I have that -- That new
5 affidavit has been filed in EFIS.

6 JUDGE HATCHER: Yes, it has. Any objections?
7 So affidavited.

8 MS. KERR: I don't think I need to move to have
9 it.

10 JUDGE HATCHER: I was being a little facetious.
11 No, it was a substitute affidavit. So without any
12 objection and seeing none, I will accept the substitute
13 affidavit. No need to provide me a copy.

14 BY MS. KERR:

15 Q. Okay. Other than the affidavit, are there --
16 do you have any changes or corrections to make to that
17 rebuttal testimony that was filed?

18 A. No.

19 Q. So if I were to ask you the same questions that
20 are set forth in that rebuttal testimony that was filed,
21 would your answers be the same or substantially the same?

22 A. Yes.

23 Q. And are those same answers true and correct to
24 the best of your knowledge and belief?

25 A. Yes, they are.

1 MS. KERR: I offer Exhibit 200 into evidence
2 and tender the witness for cross.

3 JUDGE HATCHER: Thank you. You've heard the
4 motion. Are there any objections to the admission of
5 Exhibit 200? Hearing none. So admitted.

6 (STAFF'S EXHIBIT 200 WAS RECEIVED INTO EVIDENCE
7 AND MADE A PART OF THIS RECORD.)

8 JUDGE HATCHER: The witness has been tendered.
9 Mr. Clizer.

10 MR. CLIZER: Yes. Good evening or afternoon.

11 THE WITNESS: Good afternoon.

12 CROSS-EXAMINATION

13 BY MR. CLIZER:

14 Q. I would prefer not to but there was a question
15 that was deflected to you from Ms. Lange. So I'm going
16 to have to ask you. Do you have a copy of Schedule BDL-1
17 in front of you?

18 A. I do, but it is in black and white. So if you
19 would. Thank you.

20 Q. And I believe, if my memory recalls correctly,
21 this was awhile ago, the questions concerned data items
22 8c3 and 8c4. That would be on the opposite page. And I
23 believe a question I had posed to Ms. Lange was whether
24 or not the proposal set forth by the Company would fully
25 resolve the issue for Staff. And I believe -- I don't

1 need to say what she answered. I'll just ask you the
2 same question. Would the proposals set forth by the
3 Company for those two completely resolve the issues in
4 your opinion for Staff?

5 A. Resolve the issues for Staff, which I just want
6 to make sure which issues. For these two specific ones?

7 Q. Yes.

8 A. So within my testimony, I do know that Ms.
9 Lange did advise to ask me about these. I would like to
10 state though within my testimony I do talk about 2, 3 and
11 4. So I'd like to leave it as her answer.

12 Q. Fine. Then in that case just to keep things
13 moving along, does the answers to 2, 3 and 4 completely
14 resolve this issue for Staff?

15 A. Do these answers within this?

16 Q. Yes.

17 A. No.

18 Q. And is the issue there one related to timing?

19 A. So as Ms. Lange stated, 2 and 3 is in regards
20 to the customer accounts. We see them I guess as one now
21 based off of the testimony that's been provided. No. 4
22 is the usage, the hourly usage. So your question was are
23 they resolved at this time?

24 Q. If the Company were to make the cost estimates
25 necessary to make these deliverable, does that fully

1 resolve the issue in Staff's mind, in your mind, or are
2 there other issues outstanding?

3 A. With what I do in my analysis, it would be
4 resolved.

5 MR. CLIZER: All right. No further questions.

6 JUDGE HATCHER: Thank you. And Mr. Fischer.

7 MR. FISCHER: Yes, Judge.

8 CROSS-EXAMINATION

9 BY MR. FISCHER:

10 Q. Ms. Cox, on page 2 you do talk about -- I'm
11 sorry. Sure, take your time. I was just going to refer
12 you to the top of page 2.

13 A. Okay.

14 Q. There you say you're really addressing data or
15 what we call the data set 2, 3 and 4. That's the focus
16 of your testimony, right?

17 A. Correct.

18 Q. Okay. And each of those three data areas
19 includes a subpart discussing service at different
20 voltages; is that right?

21 A. Yes.

22 Q. And are you seeking data for rate codes that
23 incorporate a voltage element like, for example, the
24 small general service secondary or small general service
25 primary? Is that what you're kind of looking for?

1 A. Well, actually we're looking for this for all
2 rate classes. Specifically residential is one of the top
3 priorities for myself.

4 Q. Even though it doesn't have a specific voltage
5 element to it?

6 A. Correct.

7 Q. Is it true that the Company provides billing
8 determinants and revenues by bill component which would
9 include customer counts for the test year, the update
10 period and the true-up by rate code and by voltage?

11 A. So yes, the answer is yes, they do provide it.
12 However, in the last rate case, the customer counts that
13 they provided were questionable and had we had that
14 information for the first and the last of the month, we
15 would have known better what those customers were doing
16 month to month. So I don't know if that answers your
17 question.

18 Q. I heard testimony I think from the previous or
19 maybe it was from Ms. Lange, was it the last rate case
20 where we were maybe four weeks or six weeks slower than
21 somebody else?

22 A. I believe she testified that it was a month.

23 Q. A month?

24 A. I believe.

25 Q. And is that -- That's really significant to

1 your work?

2 A. Yes. The closer we can get to realtime is
3 definitely significant.

4 Q. Okay. Are you able to determine switchers with
5 customer accounts you currently receive from the Company?

6 A. For which class are we talking about?

7 Q. I think we're talking about the residential
8 class.

9 A. For the residential class, actually in the last
10 rate case I did ask for rate switchers and was advised
11 that that was just too much information to provide.

12 Q. Okay. On page 9 of your testimony, you provide
13 information about the customer rate choice and switching
14 activity that the Company has been reporting on in the EW
15 docket on time of use rates?

16 A. Yes.

17 Q. Have you been monitoring the subsequent updates
18 on that?

19 A. Trying to, if I have time.

20 Q. Have you noticed a high number of customers or
21 that there are a high number of customers on the default
22 peak adjustment rate?

23 A. I do see that that is the highest number at
24 this point in time.

25 Q. Would you agree that there are really a small

1 amount of switching that has occurred thus far?

2 A. I would agree thus far. We don't know what
3 these customers are going to do in the future. When you
4 put seasonality into it, they may be switching if they
5 know how to work the system.

6 Q. Is the sum of interval usage by interval, by
7 rate code requested in data request set 4 expected to be
8 used in adjusting the test year revenues or is it for
9 rate design purposes?

10 A. So the information that's requested is not used
11 to -- let me maybe if I can just kind of walk you through
12 it. Test year is test year. Those are actuals. And
13 from there going forward, we do make adjustments at the
14 rate code level. I did in the last case, I made
15 adjustments at the rate code level, but I was not able to
16 to do weather normalization, MEIAA or 365 at the rate
17 code level. I was also not able to look at rate
18 switchers because I wasn't given the data to do so.

19 Q. We did get to the final end of that case though
20 with new rates, right?

21 A. We did get to the end based off of the
22 stipulation.

23 Q. In your testimony, you detailed two data
24 requests, 69 and 140?

25 A. Yes.

1 Q. And on page 5 about line 15, you indicate that
2 both are not sufficient responses; is that right? The
3 response is directed to Staff to the Company's direct
4 testimony that did not provide any additional details.
5 Your answer to the question were the responses sufficient
6 I guess?

7 A. So are you referring to --

8 Q. On line 14.

9 A. So the response that Evergy provided to those
10 two DR responses?

11 Q. Yes.

12 A. Yes, because they direct me back to their
13 direct testimony and then also stated that it was not
14 available by the billing cycle. So yes.

15 Q. Go ahead.

16 A. As has been stated, that information to the
17 best of my knowledge is available. It's just the
18 delivery of that information. And so therefore as a
19 utility, I would think that they would also want to
20 utilize that information and have that information
21 available.

22 Q. Would you agree that Data Requests 69 and 140
23 are largely repetitive of the two sets of data we talked
24 about, 2 and 3, that was noted on Mr. Lutz's schedule?

25 A. Somewhat. I would like to bring your attention

1 though to it asking in detail of which rate codes that
2 they could provide. So in the last rate case, for
3 instance, we had net metering. That was actually
4 included into another rate code. And the ending of the
5 rate case actually now has those as their separate rate
6 code. So this is asking more in detail which rate code,
7 if any, can you give us and then it goes on to ask about
8 billing cycle. If you're not able to deliver it by rate
9 code, can you get to bill cycle level, is that an
10 alternative? We don't know. This is just merely asking
11 the Company what can you give us and the response was we
12 can't.

13 Q. So effectively you're really asking can you
14 give us more detail on the answer you gave for 2 and 3?

15 A. By rate code, yes, can you give us information,
16 which rate codes can you give it to us, which ones can
17 you not or can you at all. And the response was no.

18 Q. Do those questions ask for data by billing
19 cycle?

20 A. Can you -- I'm sorry?

21 Q. Do your 69 and 140, are you asking for data by
22 billing cycle?

23 A. Yeah. As I just stated, that was an ask to see
24 if that was available. We're looking, you know, as we've
25 talked about throughout this hearing is alternative data.

1 Yes, in the real world what I would like is as much data
2 as I could possibly have to make sure that these billing
3 determinants and these rate revenues are correct and that
4 we're not just making an assumption of it looks good,
5 let's just go with that.

6 Q. That was an additional thing that wasn't
7 included in the first -- the sets of data 2 and 3, right?

8 A. You're correct.

9 MR. FISCHER: Okay. That's all I have. Thank
10 you very much.

11 JUDGE HATCHER: Thank you. And it is time for
12 Bench and Commissioner questions. I don't typically like
13 to interrupt witness testimony. We are going to take a
14 break now. Let's come back at 3:15. The timing just
15 works out a little too perfect. We'll come back with Ms.
16 Cox for Commissioner and Bench questions, recross,
17 redirect and then our last witness, Mr. Luebbert. Okay.
18 We're at recess. 3:15. Thank you.

19 (A recess was taken.)

20 JUDGE HATCHER: Thank you all. Time of recess
21 having expired and the Judge having arrived late. I
22 appreciate your patience. Before we get to Commissioner
23 and bench questions, let's revisit Exhibit 213. I have
24 had some time to reflect. I'd like to hear another round
25 of arguments to give everyone a chance to weigh in.

1 On the table is the admission of Exhibit 213.
2 It's already been marked. It was previously rejected as
3 an exhibit. Mr. Clizer made a motion to reconsider which
4 was denied. The Judge is going to bring up a motion to
5 reconsider.

6 So let's start with -- I'll start with Staff
7 and we'll end with Mr. Fischer. Staff, tell me why
8 Exhibit 213 should be admitted into evidence.

9 MS. SCURLOCK: Thank you, Your Honor. At this
10 stage, the exhibit has been referenced multiple times. I
11 think that Staff has made it clear that we at least are
12 referencing this exhibit in terms of looking back at the
13 data that we have received historically compared to the
14 data that we are seeking in this case. There were also
15 subjects brought up in Mr. Lutz's surrebuttal that Staff
16 did not have the ability to rebut because of the timing
17 of when those issues were brought up, and some of that
18 goes to Staff's role in looking at rate structure. And
19 we believe that that goes back to that 1996 order.

20 JUDGE HATCHER: Mr. Clizer.

21 MR. CLIZER: Not to repeat too much what was
22 just said but the document has been referenced multiple
23 times. I think at one point the witness did something.
24 This document speaks for itself. I feel like it would be
25 imprudent to have the record have this interpretation of

1 a document without the document available for the
2 Commission to draw its own conclusions based on. As a
3 final point, I'll just stand on the fact that I believe
4 the original objection was to relevance and the standard
5 for relevance is whether its value is more probative or
6 prejudicial. I don't see how this document being entered
7 in the record at this stage is prejudicial to any party
8 but it clearly has probative value.

9 JUDGE HATCHER: Mr. Fischer.

10 MR. FISCHER: I think originally we objected on
11 the grounds it could have been added with the Staff's
12 rebuttal testimony, but Judge, in the spirit of
13 cooperation, Everyg will withdraw its objection to it.

14 JUDGE HATCHER: So admitted, Exhibit 213.
15 Thank you.

16 (STAFF'S EXHIBIT 213 WAS RECEIVED INTO EVIDENCE
17 AND MADE A PART OF THIS RECORD.)

18 JUDGE HATCHER: Let's move on to Witness Kim
19 Cox. We have Commissioner and Bench questions. Are
20 there any Commissioner questions? Chair Rupp.

21 CHAIRMAN RUPP: Not a question, it's a comment.
22 Congratulations on employee of the month --

23 THE WITNESS: Thank you.

24 CHAIRMAN RUPP: -- for February.

25 THE WITNESS: Thank you.

1 CHAIRMAN RUPP: Just wanted to let everybody
2 that didn't know that that you're in the presence of
3 greatness.

4 THE WITNESS: Thank you.

5 JUDGE HATCHER: Thank you, Chairman. Are there
6 any other Commissioner or bench questions? Any other
7 Commissioner questions? Hearing none. The bench does
8 have just a couple. Check my list.

9 QUESTIONS

10 BY JUDGE HATCHER:

11 Q. What additional value is the billing cycle data
12 when Evergy already provides rate code data for the first
13 and last day of each month? Let me repeat that. If
14 Evergy already provides rate code data for the first and
15 last day of each month, rate code data, what additional
16 value is the billing cycle data?

17 A. Are you referring to the DR asking if they have
18 it at bill cycle level or are you wanting to know what
19 the value would be getting it on the hourly level?

20 As far as the hourly, like others have stated
21 with the high differential that we're going to have, for
22 me to do my analysis I have to know where that usage is
23 in order to apply the correct rates. I have to know and
24 Michael Stahlman when he was discussing weather
25 normalization, as of today when he gives me the weather

1 normalization factor, I apply that at rate class. And
2 with what has been presented today, we're anticipating
3 customers hopefully using their electric differently
4 based off of what rate plan they're on. And so therefore
5 in order for me to calculate the revenues, I'm going to
6 need to know where that usage is falling. So at the rate
7 code level, I hope I'm answering your question. And so
8 bill cycle level, I haven't given it a great deal of
9 thought because it was an alternative to what we
10 originally asked for and I would need to think about it
11 in order to actually provide you a concrete answer.

12 JUDGE HATCHER: Thank you. That was all that I
13 had. That will take us to recross and redirect.
14 Mr. Clizer.

15 MR. CLIZER: No questions. Thank you, Your
16 Honor.

17 JUDGE HATCHER: Mr. Fischer.

18 MR. FISCHER: No questions. Thank you.

19 JUDGE HATCHER: And redirect, Ms. Kerr.

20 MS. KERR: Yes, I just have a couple questions.

21 REDIRECT EXAMINATION

22 BY MS. KERR:

23 Q. In response to the question the Judge just
24 asked, it sounded like the Judge was under the impression
25 that you currently receive customer accounts by rate code

1 for the first and last days of each month. Currently in
2 rate cases does Evergy provide those costs for the first
3 and last day of the month?

4 A. No, they do not. They give customer counts for
5 the customers that were charged that month.

6 Q. Do you know if bill cycle data is used for
7 weather normalization?

8 A. Yes, it is.

9 Q. And Mr. Fischer -- never mind.

10 MS. KERR: I don't have any other questions.
11 Thank you.

12 JUDGE HATCHER: Thank you, Ms. Cox. You are
13 excused from the stand subject to a very short period of
14 recall. And we'll get our next witness, Mr. Luebbert,
15 which if I double check real quick is our last witness;
16 is that correct?

17 MS. KERR: Yes.

18 JUDGE HATCHER: After we get done with
19 Mr. Luebbert, I'm going to go ahead and let the
20 Commissioners know that we'll be wrapping up just some
21 items after that. But what we will be addressing is
22 going to be the exhibits, we have at least three that I
23 have notes on. I also want to run through each party's
24 exhibit list to make sure I have everybody's exhibits
25 that they offered and wanted on the record.

1 Mr. Luebbert, raise your right hand. Do you
2 solemnly swear or affirm that you will tell the whole
3 truth during your testimony?

4 THE WITNESS: Yes, I do.

5 JUDGE HATCHER: Thank you, sir. Your witness.

6 MS. KERR: Thank you. It's still afternoon.
7 Good afternoon.

8 THE WITNESS: Good afternoon.

9 J LUEBBERT,
10 having been first duly sworn, was examined and testified
11 as follows:

12 DIRECT EXAMINATION

13 BY MS. KERR:

14 Q. Could you please state your name for the record
15 and spell your last name?

16 A. It's the letter J Luebbert, L-u-e-b-b-e-r-t.

17 Q. And by whom are you employed and what's your
18 position?

19 A. I'm employed by the Missouri Public Service
20 Commission, part of Staff, and I am the tariff and rate
21 design manager.

22 Q. And have you prepared and filed testimony in
23 this proceeding, specifically rebuttal testimony, that
24 was filed on December 15, 2023, which has been marked as
25 Exhibit No. 202?

1 A. Yes.

2 Q. And do you have any changes or corrections to
3 make to that document?

4 A. I don't believe so.

5 Q. If I were to ask you the same questions in that
6 document today, would your answers be the same or
7 substantially the same?

8 A. They would be substantially the same.

9 Q. Are those same answers true and correct to the
10 best of your knowledge and belief?

11 A. Yes.

12 MS. KERR: And so I offer Exhibit 202 into
13 evidence and tender the witness for cross.

14 JUDGE HATCHER: Thank you. You've heard the
15 motion. Are there any objections to the admission of
16 Exhibit 202? Hearing none. It's so admitted.

17 (STAFF'S EXHIBIT 202 WAS RECEIVED INTO EVIDENCE
18 AND MADE A PART OF THIS RECORD.)

19 JUDGE HATCHER: Witness has been tendered.
20 Mr. Clizer.

21 MR. CLIZER: No questions. Thank you, Your
22 Honor.

23 JUDGE HATCHER: Mr. Fischer.

24 MR. FISCHER: Just briefly, Judge.

25 CROSS-EXAMINATION

1 BY MR. FISCHER:

2 Q. Mr. Luebbert, as the manager of the tariff and
3 rate design department, do you set the policy objectives
4 of that department?

5 A. Do I set the policy objectives of the
6 department?

7 Q. Yes.

8 A. I suppose that I have input, but I wouldn't say
9 that I would set objectives without input from others.

10 Q. Okay. Well, would you do things like review
11 and approve the testimony of the people in your
12 department?

13 A. Absolutely.

14 Q. And would you review and approve the data
15 requests that are issued by your department in cases
16 before the Commission?

17 A. Most of them, yes.

18 Q. Did you specifically review the 200 or so that
19 were issued in this case?

20 A. I reviewed the data requests that were issued
21 in this case.

22 Q. Okay. Have you specifically directed your
23 Staff to prepare a distribution study for Evergy?

24 A. I have not specifically individually told Staff
25 to go and do that, no.

1 Q. Would you have reviewed and approved the power
2 point presentation that Ms. Lange presented to Evergy on
3 August 9 regarding rate modernization?

4 A. I did review --

5 MS. KERR: Objection. I don't think it was
6 August 9.

7 MR. FISCHER: I'm sorry. Did I say -- August
8 28.

9 THE WITNESS: You're talking about the power
10 point presentation that you handed Ms. Lange earlier,
11 correct?

12 MR. FISCHER: Right.

13 THE WITNESS: I did review that.

14 BY MR. FISCHER:

15 Q. Okay. Did you approve that as policy for the
16 department?

17 A. I think that power point includes some
18 disclaimer language. So it was part of a discussion as
19 part of kind of a collaborative workshop discussion.

20 Q. Okay. Would you have reviewed and approved the
21 filing of the Staff complaint about this particular case
22 data collection proceeding?

23 A. I believe at this point Staff hasn't provided
24 testimony in the complaint docket.

25 Q. That's correct.

1 A. So I have been involved in some discussions
2 about the complaint.

3 Q. Would you have approved it? I'm sorry. Go
4 ahead.

5 A. At this point, I think the complaint was
6 provided by an attorney which I don't have, I'm not
7 tasked with.

8 Q. So you wouldn't have necessarily approved that
9 filing?

10 A. I've been involved in the discussion. I
11 understand why it's being filed, and obviously some of
12 the issues that are raised within that docket are related
13 to some of the dockets that Staff within my department
14 are involved in.

15 Q. I think all of them are involving your
16 department, right?

17 MS. KERR: I'm going to object to this line of
18 questioning. The complaint is a separate case than this,
19 and I don't know where we're going with this.

20 MR. FISCHER: Judge, it involves the same exact
21 data, the same exact requests that were part of this
22 case.

23 MS. KERR: It's not part of this case. It's a
24 separately docketed case.

25 JUDGE HATCHER: Mr. Fischer, if you could

1 continue, please.

2 MR. FISCHER: All right.

3 BY MR. FISCHER:

4 Q. On page 4 of your rebuttal --

5 JUDGE HATCHER: I'm sorry. I apologize. Ms.
6 Kerr had cut you off and I wanted to hear the rest of
7 your answer to her objection.

8 MR. FISCHER: Well, my concern that Staff
9 complaint involves the basic allegations that were made
10 in this same data retention case. It also involves
11 allegations about the rate modernization discussions that
12 have occurred that we were not forthcoming or that those
13 need to be ordered -- the Commission needs to order us to
14 do that. I was just pursuing that, that line. Certainly
15 they're directly related to this case.

16 JUDGE HATCHER: Ms. Kerr.

17 MS. KERR: Everyy is asking the Commission to
18 order the rate modernization. We aren't. Staff is not
19 in this case.

20 MR. FISCHER: Well, Judge, I think the
21 testimony in this case is that the data is needed to
22 evaluate not only Everyy's rate modernization proposals
23 but also the Staff's, to assist it anyway.

24 MS. KERR: I think that's a mischaracterization
25 of the testimony that has been presented so far.

1 JUDGE HATCHER: I think the same testimony has
2 been characterized a couple different ways and could be
3 interpreted a couple different ways. I'm going to
4 overrule the objection for now. Mr. Fischer, let's
5 quickly get to the point.

6 MR. FISCHER: Okay. I won't take very long
7 then.

8 BY MR. FISCHER:

9 Q. Mr. Luebbert, you said you knew why that Staff
10 complaint was filed. I'll ask you why was it?

11 A. I think what is included in the complaint is
12 kind of self-explanatory.

13 MS. KERR: Objection. He's asking him to make
14 a legal conclusion as to what's in the complaint and why.

15 JUDGE HATCHER: I have to say I'm with Staff so
16 far on this side. Mr. Fischer, do you have a response?

17 MR. FISCHER: I was following up on his
18 question. He understood why the Staff had filed that
19 complaint.

20 MS. KERR: I think that's still going towards
21 the legal conclusion as to what the legal reason was for
22 filing the complaint. I don't think this witness is
23 capable of answering that question and the reason why
24 Staff and its attorneys decide to file a case is
25 attorney-client privilege.

1 JUDGE HATCHER: Yes, I'm going to agree with
2 Staff on this.

3 MR. FISCHER: Okay. I'll withdraw it. Thank
4 you, Judge.

5 BY MR. FISCHER:

6 Q. On page 4 of your rebuttal testimony, you
7 discuss information asymmetry. And on line 20 you state
8 when the utility, in this case Evergy, indicates that the
9 data or information cannot be provided because it is not
10 retained in a manner that can be provided to the
11 requesting party, this prohibits the other parties to
12 fully undertake the required analysis; is that right?

13 A. I think that's an accurate reread of my
14 testimony.

15 Q. Okay. Mr. Luebbert, who decides what is the
16 required analysis that needs to be performed?

17 A. I think the answer probably depends on the
18 context. I think in this question and answer I'm talking
19 kind of broadly about asymmetric information and I mean,
20 this speaks generally to information that maybe is
21 available to the Company but not being provided to
22 another stakeholder based on I guess format.

23 Q. Well, the required analysis that you're
24 discussing means the analysis that a party wants to
25 perform; isn't that right?

1 A. It probably depends on the context.

2 Q. Let's if -- It's the required analysis that
3 some party wants to perform irrespective of the cost or
4 the parameters of creating the data or information;
5 wouldn't that be true?

6 A. I'm sorry. Can you restate your question?
7 You're specifically asking about cost of provision of
8 data?

9 Q. I'm specifically asking about your testimony
10 where you say that when a utility, in this case Evergy,
11 indicates the data or information cannot be provided
12 because it's not retained in a manner that could be
13 provided to the requesting party, this prohibits the
14 other parties to fully undertake and the term is the
15 required analysis. I'm just trying to understand what is
16 that required analysis in this situation?

17 A. So specific to this case, the information that
18 Staff is looking for has been described I think very well
19 by Ms. Lange. Her testimony describes well not only
20 within the context of this case but her testimony in the
21 last few rate cases has described some of the
22 difficulties that she's had in getting information that
23 would be necessary for her to undertake an analysis to
24 provide a reasonable class cost of service study.

25 Q. And we're talking in a broader context I think

1 in your testimony about the theoretical asymmetric versus
2 symmetric ability of other parties to access the
3 information available to the utility, right?

4 A. I do think this question and answer is broader
5 than that, broader than the context of this case, but I
6 think your question kind of narrowed that.

7 Q. It did a little bit, but let me broaden it
8 again. The required analysis in a case may not have been
9 anything ordered by the Commission, right?

10 A. There may be things that aren't explicitly
11 ordered by the Commission that would be required to do a
12 reasonable analysis and provide information or a
13 reasonable recommendation to the Commission.

14 Q. And a required analysis might not be relevant
15 to the case but some party thinks it would be helpful to
16 their position; isn't that right?

17 A. I think in the context of this case and the
18 information that Staff has been seeking Staff's opinion
19 has been that the information sought is necessary to
20 provide reasonable recommendations to the Commission. I
21 know that earlier you asked a specific question about
22 cost and at what cost does that maybe become prohibitive.
23 I think Ms. Lange testified earlier and within our
24 position statements we've provided that our request
25 wasn't ignoring the cost of being able to get some of

1 this data that's been asked in the past.

2 Q. I appreciate that answer. And I'm trying to
3 understand the symmetric versus asymmetric issue. Isn't
4 the cost of creating and producing data and information
5 for that required analysis that you're talking about an
6 important factor in determining whether the data and
7 information should be produced?

8 A. I do think that the cost of being able to
9 produce information is an important factor, and I think
10 that is consistent with Staff's position in this case.

11 Q. Yeah. And Staff has now concluded that it
12 would be imprudent to spend 80 to \$100 million to get
13 that data in data set number 1.

14 A. I don't think that Staff's position has ever
15 been that it should take 80 to \$100 million or that we
16 would recommend that the Commission order Evergy to do
17 that.

18 Q. Is there anyone on Staff that has the expertise
19 to testify about what it would cost to modify computer
20 systems and various systems to obtain that kind of data?

21 A. I don't have -- I don't have a computer science
22 degree. Staff has a lot of employees with differing
23 backgrounds and with different expertise. I can't say
24 with certainty that we don't have somebody that could
25 estimate some cost of doing some database designs or

1 redesigns, but that isn't the -- I don't know even though
2 that's something that Evergy seems hung up on in this
3 case and seems to be misinterpreting Staff's position to
4 the Commission, that hasn't been the impetus from Staff's
5 point of view. Staff's been trying to obtain information
6 that can reasonably be had at a reasonable cost in order
7 to inform several different areas, a few of them being
8 determining what appropriate revenue amounts are within
9 the context of general rate cases, and then trying to
10 understand pricing differentials that occur within
11 Evergy's current tariffs and what we assume Evergy may
12 propose going forward.

13 Q. Is there any place in the Staff's rebuttal that
14 I should go to find what Staff would view as the cost of
15 producing that information? You didn't put anything in
16 your rebuttal on that, did you?

17 A. So our rebuttal is responsive to the Company's
18 direct testimony which includes little to no cost
19 estimates on individual cost components.

20 Q. And Staff's testimony doesn't have any at all,
21 right?

22 A. I don't believe that Staff has cost estimates
23 included within its rebuttal testimony.

24 Q. Thank you. That's the question. Let me change
25 roles with you. How would you describe your department's

1 role in presenting tariff and rate design recommendations
2 in cases before the Commission?

3 A. How would I describe our role?

4 Q. Yes.

5 A. In presenting tariff and rate design
6 recommendations in front of the Commission?

7 Q. Yes.

8 A. That is the role of our department.

9 Q. Okay. Let me ask you more specific questions
10 then. Is it your role to evaluate the Company's tariff
11 and rate design proposals?

12 A. It is.

13 Q. Is it your role to recommend improvements to
14 the Company's rate design proposals?

15 A. It is. And I'm -- If you're going to continue
16 with questioning specific components, I do want to add a
17 caveat that among other things, yes, it is, because I
18 don't want it to be limited to just that. My department
19 deals with a lot of different cases. And I'm sure it
20 shouldn't be a surprise that with a department name
21 including tariffs and rate design that we get pulled into
22 a lot of different cases other than just a general rate
23 case or a tariff filing.

24 Q. Sure. That's for certain. I missed one of my
25 questions and I think it's an important one since you've

1 been around the Commission a long time. Is it your
2 understanding based upon your years of experience here at
3 the Commission that public utilities and other parties
4 are not expected in discovery to perform additional
5 analysis where the data does not exist or where the
6 analysis has not been previously performed?

7 MS. KERR: Objection, speculation, calling for
8 speculation.

9 JUDGE HATCHER: Mr. Fischer.

10 MR. FISCHER: I'm not asking for speculation.
11 I'm asking what his experience is at the Commission with
12 regard to in discovery whether utilities are expected to
13 do additional analysis or produce data that doesn't
14 exist.

15 JUDGE HATCHER: I agree. Objection overruled.

16 THE WITNESS: So I would say that probably one
17 of the most common objections that we see to data
18 requests from various companies is something along those
19 lines.

20 BY MR. FISCHER:

21 Q. And those are sustained?

22 A. I wouldn't say that for the most part the
23 objections are -- I don't want to give a number. I guess
24 there are a lot of data requests within a slurry of cases
25 that companies will object, kind of provide a blanket

1 objection to we'll use this case as an example, nearly
2 every single data request but then provide some sort of
3 answer.

4 Q. Well, I'm just asking most of the time
5 utilities aren't required to produce stuff that doesn't
6 exist, right?

7 A. So I think this is a really interesting
8 question. I'm glad that you asked it. I think this is
9 part of the reason that we're here today. What we're
10 hearing from the Company is that you have information
11 available but it isn't in a format that is useful or that
12 you can't provide it to Staff.

13 Q. At a reasonable cost?

14 MS. KERR: Objection, he's testifying.

15 JUDGE HATCHER: I'll withdraw that.

16 BY MR. FISCHER:

17 Q. Let me ask you this question. In the context
18 of discovery, not -- The Commission can order the utility
19 can do a lot of things; but in the context of discovery,
20 wouldn't you agree that based on what you've seen most of
21 the time utilities aren't required to produce things that
22 don't exist?

23 MS. KERR: I'm going to object. I think he's
24 asking for a legal conclusion here.

25 MR. FISCHER: There's nothing legal about it.

1 It's just are utilities asked to produce information that
2 doesn't exist in discovery.

3 JUDGE HATCHER: I understand that it could be
4 construed as a legal question. However, I know that it
5 was brought up in the discovery conference and it
6 certainly has been an underlying issue in this case. I'm
7 going to go ahead and allow it. As far as Mr. Luebbert's
8 opinion goes, the Commissioners can take that and
9 interpret that on their own.

10 THE WITNESS: So I think something that is
11 regularly becoming an issue is that Staff is asking for
12 information from, I'll use Evergy as an example because
13 we're here today.

14 BY MR. FISCHER:

15 Q. I think I asked you a yes or no question on
16 that. Can you answer it yes or no?

17 A. Could you reask the question? I'm sorry.

18 Q. Yeah. Rather than have Bev read it back.
19 Isn't it true that in discovery utilities are not
20 typically asked to produce things that don't exist?

21 A. I think so, for the most part.

22 Q. Okay. Thank you. Moving right along. Is it
23 Staff's role in your opinion to recommend rate design
24 proposals that are fundamentally different from those
25 proposed by the Company?

1 MS. KERR: Objection, relevance.

2 MR. FISCHER: One of the issues in this case is
3 the role of Staff in presenting rate design proposals and
4 we're asking for guidance from the Commission on how that
5 should go forward and that goes directly to that
6 question, Judge.

7 MR. KERR: I think the issues in this case is
8 whether Evergy is able to provide the data and how much
9 it's going to cost if they don't have the data, not rate
10 design. This isn't a rate case.

11 JUDGE HATCHER: The parties were not able to
12 agree on the issues. So the Commission will -- The
13 Commissioners will have to determine what the issues are
14 in the case. Right now, Mr. Fischer and Evergy have
15 presented a question as an issue to the Commission please
16 give us guidance on how rate --

17 MR. FISCHER: Design.

18 JUDGE HATCHER: -- design should be moving
19 forward. I paraphrase terribly. In order to allow
20 Evergy to develop that issue with testimony and evidence,
21 I'm going to allow the question while acknowledging that
22 this may never end up being an issue in this case.

23 MS. KERR: Understand.

24 JUDGE HATCHER: Mr. Fischer, go ahead.

25 BY MR. FISCHER:

1 Q. I think the question was is it the Staff's role
2 in your opinion to recommend rate design proposals that
3 are fundamentally different from those proposed by the
4 Company?

5 A. So within the context of a general rate case,
6 Staff conducts an independent audit, proposes that we
7 file direct testimony proposing what our recommended
8 level of rate increase is, as well as providing direct
9 testimony based on class cost of service and rate design.
10 The other intervenors within the rate cases that I've
11 been a part of have included recommendations on rate
12 design that aren't necessarily exactly tied to what the
13 Company has proposed. I don't think that recommending --
14 making recommendations on rate design that may be
15 independent of exactly what Evergy is proposing is
16 anything new.

17 Q. Would you agree that it's not the role of the
18 Staff to manage the business of the public utility?

19 MS. KERR: Objection, relevance.

20 JUDGE HATCHER: Mr. Fischer.

21 MR. FISCHER: It's the same topic, Judge, the
22 role of the Staff in presenting rate design testimony.
23 If you recall in my opening, I did make a point of that.

24 JUDGE HATCHER: Yes, but this question is about
25 managing the business.

1 MR. FISCHER: Correct. It's the role of the
2 Staff is what I'm asking is the role of the Staff to
3 manage the business.

4 JUDGE HATCHER: I'm going to side with Ms. Kerr
5 on this. This does seem to go at least a toe over the
6 line there.

7 BY MR. FISCHER:

8 Q. When you're making recommendations to the
9 Commission that are fundamentally different from the
10 Company on rate design, how do you decide that it's not
11 stepping into the role of management of the utility?

12 MS. KERR: Objection. I think it's the same
13 question, just asked a different way. Object as
14 relevance.

15 JUDGE HATCHER: I've got to say because of the
16 rewording I now see the question in a slightly different
17 light. Mr. Fischer, can you respond to the objection?

18 MR. FISCHER: Your Honor, one of the issues is
19 at what point does the Staff have the ability to make
20 independent recommendations to the Commission that
21 require the utility to create and do analysis in order to
22 make those recommendations. That's the fundamental
23 reason that in some instances the utility would be asked
24 to do analysis and prepare data that doesn't exist so
25 that they can make an independent recommendation. That's

1 where this is going.

2 JUDGE HATCHER: I'm following all that. But
3 you tied it to business practices and that's where I'm on
4 the fence because on the one hand I could see in Evergy's
5 favor ruling on this because at some point coming up with
6 a rate design might get to that high level of managing a
7 business, which makes me regret my previous ruling, but
8 on the other hand I don't know that's really where you're
9 going.

10 MR. FISCHER: If it's not clear to the Judge,
11 I'll move along. We can move this along.

12 JUDGE HATCHER: Okay. Thank you.

13 BY MR. FISCHER:

14 Q. Let me go to some other roles of the Staff. Is
15 it the role of the Commission Staff to be fair, objective
16 and unbiased in your opinion?

17 A. I think that Commission Staff does strive to be
18 fair, objective and unbiased. I do think that there are
19 times that we are provided direction that we need to
20 provide an assessment on with kind of in certain light,
21 but generally those are three things that we do strive
22 for.

23 Q. Is it the role of the Commission Staff to be as
24 strong and aggressive protector of the ratepayer
25 interests.

1 JUDGE HATCHER: Yeah --

2 MS. KERR: Objection. Where are we going?
3 Relevance. Where are we going with this?

4 JUDGE HATCHER: Okay. Your objection is
5 relevance.

6 MS. KERR: And legal conclusion.

7 JUDGE HATCHER: Mr. Fischer, response.

8 MR. FISCHER: Again, it's going to the role of
9 the Staff in presenting testimony in front of the
10 Commission on rate design and the requirement to have the
11 utility prepare an analysis and create data that doesn't
12 exist. I'm just asking what is his view as the director
13 of the tariff division, what is his view of the role of
14 Staff here. That's what I'm asking.

15 JUDGE HATCHER: I don't think that was the
16 question asked though.

17 BY MR. FISCHER:

18 Q. Is it the role of the Commission Staff to be a
19 strong and aggressive protector of the ratepayer
20 interests?

21 JUDGE HATCHER: A strong and protective?

22 MS. KERR: I also object as it being vague.

23 JUDGE HATCHER: I was going to go with vague.

24 MS. KERR: I'm not exactly sure what he's
25 asking.

1 BY MR. FISCHER:

2 Q. Let me ask something more specific then, Judge.
3 I'm sorry if I'm being vague. From your perspective, is
4 it the role of the Commission Staff to present a case
5 that's intended to keep the rates of residential
6 customers as low as reasonably possible within the
7 confines of the law?

8 MS. KERR: Objection. I'll withdraw that.

9 JUDGE HATCHER: Mr. Luebbert.

10 THE WITNESS: Your question is -- I guess could
11 you restate your question. I was writing and I'm not
12 sure that I got all of it.

13 BY MR. FISCHER:

14 Q. From your perspective as the department head,
15 is it the role of the Commission Staff to present a case
16 that's intended to keep the rates of the residential
17 consumers as low as reasonably possible in the confines
18 of the law?

19 A. I don't think that is necessarily their role.

20 Q. Is it the role of the Commission Staff to make
21 recommendations in a rate case that are designed to keep
22 the public utility financially healthy?

23 A. It's the role of Commission Staff to provide
24 recommendations that are reasonable based on facts and
25 information that are available. In this case we're

1 talking about information that isn't available and is
2 making it difficult for us to make recommendations on the
3 reasonability of what the studies are or what the rate
4 differentials are. That's really why we're here. We're
5 trying to get some sort of -- trying to get some
6 information that will give some sort of clarity on some
7 of those rate differentials and then making sure that we
8 can have information available to us during the next rate
9 case or a rate case a year from now or two years from now
10 that allows us to do studies to make sure that we are
11 making adjustments that are in line with what the data
12 tells us.

13 Q. Do you disagree that it's the role of the Staff
14 to make recommendations in rate cases that are designed
15 to keep the public utility financially healthy?

16 A. I don't disagree with that, no.

17 Q. Okay. When you're making those
18 recommendations, do you try to have your department
19 follow policies that were established by the
20 Commissioners through previous orders?

21 MS. KERR: Objection, vague, relevance. What
22 does he mean by policy? Where are we going with this?
23 There's so much.

24 JUDGE HATCHER: Thank you, Ms. Kerr. The
25 objection that I heard was relevance and vagueness.

1 Mr. Fischer.

2 MR. FISCHER: I think the question is pretty
3 specific; but if you don't want me to ask it, I'll
4 withdraw it.

5 JUDGE HATCHER: I'm not saying anything. They
6 objected.

7 MR. FISCHER: I think it's quite specific.

8 JUDGE HATCHER: Okay. And the question was do
9 you follow that policies interpreting those from previous
10 Commission decisions?

11 MR. FISCHER: That's correct.

12 MS. KERR: What does he mean by policy.

13 JUDGE HATCHER: Can you clarify policy or
14 reword the question?

15 BY MR. FISCHER:

16 Q. When the Commission issues an order, do you try
17 to follow it?

18 A. Staff does follow Commission orders, yes. We
19 also try to bring to the Commission's attention when
20 companies may not follow those orders.

21 Q. How would you decide when Staff should advocate
22 a position that differs substantially from a past order?

23 MS. KERR: Objection. Asking for speculation
24 and for him to make a decision on what Staff would do
25 generally. He can't make a decision on that. It's

1 asking for him to make a conclusion, legal conclusion.

2 MR. FISCHER: Judge, this is the manager of the
3 tariff and rate design department. He I think at least
4 has a role in setting the objectives of the Department.
5 I'm asking whenever they decide to advocate something
6 that is different from the policies that might have been
7 established in a previous order, how do they decide to do
8 that.

9 JUDGE HATCHER: I'm going to need an example.

10 BY MR. FISCHER:

11 Q. Okay. For example, if you have a Commission
12 that's issued a rate design order that has residential,
13 small general, large general and industrial classes, if
14 you were going to make a decision to get rid of the
15 customer classes, what would cause you to do something
16 like that?

17 A. So Staff wouldn't be able to just remove those
18 class distinctions in and of itself.

19 Q. Would Staff --

20 A. The Company --

21 Q. I'm sorry. I didn't mean to interrupt.

22 A. No, and I'm sorry, I didn't mean to cut off
23 your question.

24 Q. For example, if the Staff recommended a
25 continuous rate design proposal, which is different from

1 what we have today, what would cause you to make a
2 decision to recommend that kind of a proposal as a path
3 to the future?

4 A. So --

5 MS. KERR: Are we talking hypotheticals here?

6 MR. FISCHER: The question is on the table.

7 JUDGE HATCHER: I know. And there's -- Is that
8 an objection?

9 MS. KERR: Sure, yes. I mean, if it's just
10 hypothetical, are these -- My objection will be facts not
11 in evidence.

12 JUDGE HATCHER: I have occasionally helped
13 various parties with questions in the interest of getting
14 information to the Commissioners. I'm going to try that
15 now without unduly imposing hopefully. So Mr. Fischer,
16 if I get it wrong, speak up. Counsel, feel free to
17 object or speak up. I think the question is when or how
18 did Staff decide to move to rate modernization or start
19 rate modernization. Is that where we're going?

20 MR. FISCHER: That's a fair question, Judge,
21 yes. That's a good road map for a path forward on this
22 question, yes.

23 MR. CLIZER: I'm sorry. Just really quick on
24 the question that you just posed is the Commission
25 presupposing that Staff has made a determination on how

1 to proceed at this stage?

2 JUDGE HATCHER: Yeah, I'm struggling with the
3 wording, because Mr. Clizer is right, my question does
4 that. I don't want to presuppose that, which I think is
5 where I think a lot of the objections were coming on the
6 question and I'm trying to help out so we can just get
7 the question. Maybe what caused Staff to feel that a
8 prior ratemaking scenario should be updated.

9 MR. FISCHER: I think, Judge, you asked me to
10 give an example. The example that I was asking was if we
11 have a current existing rate structure, what would cause
12 Staff to decide to go to a continuous rate structure
13 proposal.

14 JUDGE HATCHER: Is this a continuous rate
15 structure proposal?

16 MR. FISCHER: It's in the rate modernization
17 plan.

18 MS. KERR: That's not in evidence.

19 JUDGE HATCHER: We're talking about the data
20 requests. While rate modernization is certainly maybe a
21 portion and it might be driving some of this, I'm not
22 sure that that particular question is going to be
23 relevant.

24 MR. FISCHER: I will withdraw the question,
25 Judge. To move this thing along, I think I've asked the

1 questions I need to ask I guess.

2 BY MR. FISCHER:

3 Q. As an engineer, Mr. Luebbert, one last
4 question, you understand that creating and producing data
5 in a complex information system may not be just as easy
6 as pressing a button or hiring a new computer programmer,
7 right?

8 A. That's certainly possible.

9 MR. FISCHER: That's all I have, Judge. I'm
10 sorry to belabor the cross here.

11 JUDGE HATCHER: That's okay. Thank you, Mr.
12 Fischer. That will take us to Commission questions. Are
13 there any Commissioner questions for Mr. Luebbert? Give
14 a second for those on WebEx. Hearing none. The
15 Commission -- the Bench does have just one.

16 QUESTIONS

17 BY JUDGE HATCHER:

18 Q. I'm referencing page 4.

19 A. Of my testimony?

20 Q. Of your rebuttal, yes. Your testimony had
21 recommended that the Commission order Evergy that Evergy
22 ensure access to actual hourly customer load data by rate
23 code and ensure access to accurate customer counts by
24 rate code and that that access would, if it was timely,
25 would avoid months of regulatory lag when processing rate

1 cases. Here's my question. Would Evergy providing that
2 information through monthly non-case related submissions
3 into EFIS? If Evergy filed the information that you
4 asked for in a monthly non-case related submissions into
5 EFIS, would that eliminate that issue?

6 A. So I guess I want to, if I can, just clarify a
7 little bit. The list of items -- I was trying to read
8 page 4 and see. I think they're maybe on another page
9 but it didn't sound like it was misquoted or anything. I
10 think Evergy brought up this concept at some point that,
11 you know, Staff may be seeking kind of like this
12 untethered access to their systems. That's really not
13 what we're looking for. With some of the customer and
14 usage information, Ms. Lange talked about it. I think
15 Ms. Cox also talked about it. We really need that
16 information within the context of general rate cases, but
17 it happens multiple times within the context of those
18 cases. So Evergy typically sets a test year, Staff will
19 usually recommend an update period which kind of gets
20 information more current. Ideally we'd like to get that
21 information as current as we can while also providing us
22 with time to be able to do our analysis, make our
23 recommendations, discuss internally, have testimony
24 drafted and reviewed. So kind of the ability to get that
25 information up to date in a relatively short amount of

1 time would be important or at least would reduce some of
2 that lag going forward because it would allow us to push
3 our update period further in time or closer to realtime.

4 Some of that information is also needed for the
5 true-up period. Having that true-up period -- Having the
6 information for the true-up period in a shorter time
7 frame would also be helpful.

8 I think I brought up a couple other instances
9 where some of this information, and maybe Ms. Lange does
10 too, but within the context of some of the MEIAA filings,
11 this may be helpful information as well. It isn't
12 something that I necessarily think Staff needs or wants
13 monthly every single month from now until the end of time
14 or something. But we do need the information and it
15 needs to be able to be provided in a timely fashion. So
16 that when I'm talking about that information, I'm
17 specifically talking about customer count, customer usage
18 by hour, that type of information. Some of the
19 information that's included I think as we were talking
20 about it I know there's been, I'm trying to make that
21 clarification, but in the term referenced, term one
22 referenced in the Stipulation and Agreement, some of that
23 information obviously doesn't need to be provided monthly
24 but, and I think Ms. Lange talks about the importance of
25 being able to go and look at what that cost information

1 looks like over time, and the fact that some of that data
2 has not been updated in a very long time and we're just
3 due to do so.

4 I'm sorry. Did I -- Does that answer your
5 question?

6 Q. Yes, thank you.

7 A. I think the short answer is we wouldn't
8 necessarily have to have it monthly. We need the
9 information relatively quickly in time periods that we do
10 need it.

11 Q. In the interest of finding common ground, I
12 just want to clarify timeliness. I thought that the
13 testimony established that 18 months back from the
14 beginning of a rate case is when the data that you get
15 usually starts and that's why by the time we get to the
16 rate case it was untimely. Is that a fair statement?

17 A. I think that when you're talking about the 18
18 months back, I think -- thinking of the last few Evergy
19 cases that I've been involved in, I think, test years
20 that are roughly kind of on a six-month lag from when
21 they file, I think that is roughly accurate. We have had
22 issues getting information for update periods and that is
23 not something that probably has a lot of testimony in
24 front of the Commission because generally some of those
25 discussions are occurring within the context of trying to

1 set the procedural schedule and so as we're doing that
2 we're trying to look at what is the date that you can
3 reasonably provide us information for month X and that
4 month X may need to shift in order to allow us time to
5 review and provide recommendations for that update
6 period.

7 Q. And I'm sorry. I should have just asked what I
8 meant to ask. Out of the timeliness discussion, am I
9 hearing correctly that moving the data from Evergy up a
10 couple months is the timeliness issue? Instead of 18
11 months, if it was 16 or 15, the same with the update
12 period, if it was just -- are we talking just a little
13 sooner?

14 A. I --

15 Q. I don't want to put you on the spot to pick a
16 number. I'm trying to see if there was some --

17 A. I do think that the availability for
18 information that is closer to the time of our direct
19 filing has been more difficult or I guess the data has
20 been staler, I'm not sure if that's a term, more stale,
21 with Evergy in the past few rate cases than other
22 companies have been able to provide.

23 JUDGE HATCHER: Okay. Thank you. That's all
24 the questions I have. I have taken too long. I will ask
25 again if any Commissioner questions -- if any

1 Commissioners have any questions. It is *6 to unmute for
2 Commissioners on WebEx. Hearing none. We'll go back to
3 recross-examination. Mr. Clizer.

4 MR. CLIZER: Very quickly.

5 RECROSS-EXAMINATION

6 BY MR. CLIZER:

7 Q. You were asked a question regarding page 4 of
8 your testimony, lines 5 through I think 7 roughly.
9 Specifically you were asked about whether the access to
10 actual hourly customer load data by rate code and then
11 accurate customer counts by rate code that was just
12 occurred. Do you recall that discussion?

13 A. I do.

14 Q. Would you agree with me that a company that had
15 AMI deployment should be able to achieve actual hourly
16 customer load data by rate code?

17 A. I would expect that to be the case, yeah. That
18 is -- One of the benefits that have been touted for AMI
19 is the ability to have this hourly information. I do
20 know that, you know, Evergy has obviously had their AMI
21 meters in place longer than the other utilities or at
22 least the electric utilities within the state. I know
23 that they've talked about some of the capabilities that
24 could happen with the AMI for quite some time within the
25 rate cases that I've been a part of.

1 Q. And I apologize. Just for the sake of the
2 record, I know it was addressed earlier, AMI we are both
3 discussing, advanced metering infrastructure, correct?

4 A. Correct.

5 Q. Again just to reiterate one more time. The
6 accurate customer counts by rate code, that is also
7 information that you would agree with me a company that
8 has made substantial AMI investments should be capable of
9 generating with relative ease?

10 A. I would certainly hope so. I would think that
11 that's information that the Company would want to keep as
12 well.

13 Q. Again just for the sake of the record, I think
14 you might have mentioned this earlier, you would agree
15 with me that Evergy has substantially completed its AMI
16 deployment for residential customers?

17 A. I believe so.

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

19 JUDGE HATCHER: And the Company.

20 MR. FISCHER: No thank you.

21 JUDGE HATCHER: And redirect.

22 MS. KERR: Yes, I just have a few questions.

23 Thank you.

24 REDIRECT EXAMINATION

25 BY MS. KERR:

1 Q. Mr. Fischer asked if it's Staff's role to
2 evaluate tariff rate design. Do some of our departments
3 cover some other tariffs?

4 A. Is the question are there other departments
5 that cover other tariffs, yes, there are.

6 Q. So you're not doing all the tariffs?

7 A. No, we're not.

8 Q. Okay. And you were also asked about doing
9 analysis. Is it your experience that different utilities
10 have different views on what constitutes analysis?

11 A. Absolutely.

12 Q. Could you expand on that?

13 A. Yeah. So one of the issues when we're talking
14 about some of the data requests, one of the issues that
15 we've run into at least in recent history and maybe this
16 has been the case that I'm not aware of in the past but
17 in recent history what we've had are these objections to
18 data requests from the Company saying that would require
19 us to do additional analysis. I touch on this a little
20 bit in my testimony, but to the extent that it would
21 require somebody at Evergy to do something to get
22 information isn't exactly the same as creation of data,
23 right. So when Evergy is talking about the fact that
24 information is available but they just can't give it to
25 us or they won't give us the information because they say

1 it's not in a useful format, that can be problematic.
2 Especially when we're talking about some of the hourly
3 information that we expect to be available and when we
4 hear from other utilities that this information is going
5 to be available or they're not really sure why we
6 wouldn't think it would be, that becomes problematic. So
7 I talk about within my testimony the potential for -- or
8 I guess a risk of utility kind of setting up barriers
9 that withhold information, that's something that we
10 obviously don't want to have as an issue going forward.

11 Q. And you had those issues with Evergy in this
12 case. Did you run into some of those issues with this
13 case?

14 A. I think in this case the issue that we had with
15 the DR responses most of the time was referencing back to
16 their direct testimony that included very little, if any,
17 information, especially around the costing. We've had
18 the issue that I've described in past cases though.

19 Q. And you were discussing data availability
20 versus deliverability and whether that was requiring a
21 utility to, quote, produce information that doesn't
22 exist. Is asking for delivery of information asking for
23 information that doesn't exist?

24 A. I don't believe so, no.

25 Q. So what would --

1 A. Specifically -- So within the context of a rate
2 case -- Well, we've been told that Evergy is doing some,
3 I don't want to use the wrong phrase, but I want to say
4 data cleanup for filing its direct case. And then when
5 we've asked for essentially the same information for the
6 update period, we've had pushback stating that that would
7 require additional analysis that they weren't willing to
8 do. Now, the result has been that the Company in some
9 instances has done that analysis for themselves but only
10 to the extent that they wanted to respond to Staff. And
11 so they do the analysis -- They refuse to give us the
12 information that we request but they'll do an analysis
13 very similar to what we've asked for or very similar to
14 what they've done for their test year in order to respond
15 to our direct or our rebuttal testimony. That's a
16 barrier that really shouldn't be in place.

17 Q. Okay. In the context of an update period, is a
18 month a long time and how so, if it is?

19 A. A month can be a long time. Especially
20 depending on the timing. So when you're looking at some
21 of the differences within rate structures, there are
22 differences in the rates that occur within a season. And
23 to the extent that that month pushes into a season, that
24 can make a difference. What we're looking at for this
25 next rate case, a month means another month of

1 information with customers that have been served under
2 the new higher differential time of use rates.

3 From what I understand from the data request
4 responses and some of the testimony in the hearing room
5 over the last couple of days, Evergy's upcoming rate
6 case, their test year is unlikely to have any information
7 regarding customers being served on this higher
8 differential. To the extent that we don't get
9 information within our update period for that transition,
10 that starts to become -- basically that entire issue
11 becomes a true-up issue. That's problematic because the
12 timing becomes much shorter and just the level of the
13 amount of time that we have to review and develop
14 positions and provide the Commission with recommendations
15 in that case makes it much more difficult. So the short
16 answer I think is yes, a month can make a lot of
17 difference. Two months can make even more difference
18 when we're talking about a transition time period like
19 we're in right now with a company that's expecting to
20 file a rate case any day.

21 Q. And you were asked whether Staff made a cost
22 recommendation in regards to the data requested. Does
23 Staff have the information regarding Evergy's systems to
24 even begin a cost study?

25 A. We don't. The purpose of -- Well, one of the

1 reasons that we are here today is that we were asking for
2 -- we signed a Stipulation and Agreement with the
3 Company. We're trying to get an idea of what some of
4 these cost estimates were. What we thought we'd get in
5 direct testimony from the Company were breakouts of
6 here's what it will cost for component X, Y and Z,
7 component A, B and C are far too costly, and the accounts
8 haven't changed that much so maybe it doesn't make sense
9 to do a deep dive analysis on that. What we got is the
10 entirety of stipulation provision 1, a very high level
11 estimate of what it would cost to redo their entire
12 system according to them and the Company basically saying
13 that's what Staff wanted in the first place. That's not
14 the case.

15 Q. Now, under Section 393.140(1), the Commission
16 has the power to require utilities to, quote, prescribe
17 the form of every schedule and from time to time
18 prescribe or order such changes in the form --

19 THE COURT REPORTER: I'm sorry. In the form
20 what?

21 MS. KERR: Let me try to paraphrase that.

22 BY MS. KERR:

23 Q. It might just be easier if I provide the
24 statute to the witness and just ask my question. If I
25 can approach. Looking at that statute, why would Staff

1 recommend a different rate design than the Company and
2 how I guess -- how does more than one independent study
3 or recommendation benefit the ultimate decision in this
4 case?

5 MR. CLIZER: Before the answer, pardon, I
6 missed it. Which statute is this?

7 JUDGE HATCHER: 393.140.11.

8 MR. CLIZER: Please continue. Sorry for the
9 interruption.

10 THE WITNESS: Do you mind if I read this really
11 quick?

12 MS. KERR: Sure. Go ahead.

13 THE WITNESS: Okay. And your question was --
14 BY MS. KERR:

15 Q. Why would Staff recommend a different rate
16 design than the Company. How does more than one
17 independent study or recommendation benefit the ultimate
18 decision in this case?

19 A. Sure. So I mean, I think an important function
20 of Staff is providing the Commission with an independent
21 review. Right. And so to the extent that rates are --
22 if a -- If a rate design by the Company isn't based on
23 cost causation, it's probably a good idea to have an
24 independent option to look at that might provide that as
25 an option for the Commission to order.

1 MS. KERR: I don't have any other questions.

2 Thank you.

3 JUDGE HATCHER: Thank you. That ends redirect.
4 That ends our witnesses. Mr. Luebbert, you are excused
5 and you are not subject to recall. Thank you.

6 THE WITNESS: Thank you. It's one benefit of
7 going last.

8 JUDGE HATCHER: Commissioners, for your
9 information we're going to, me and the counsel are going
10 to stay on the record and finish up some details here.
11 It will take about five or ten minutes. The substantive
12 part of the hearing is over. Chairman Rupp.

13 CHAIRMAN RUPP: Thank you, Judge. Appreciate
14 everybody's time. What I'm going to say now is the
15 opinion of Scott Rupp, individual Commissioner, not
16 representing the Commission or any other Commissioners.
17 But from my standpoint, the entirety of the last two days
18 has been poor communication. This is now the second
19 hearing that we've had in the last couple months or month
20 or two that the result of why we are here is because of
21 poor communication.

22 I think of the manhours, the time, the effort,
23 the money spent on these hearings. You all, I'm talking
24 to the Company and the Staff, you have better information
25 and better data than the Commissioners do. We will make

1 this decision, but it's like asking Congress to figure
2 out a local zoning issue. We don't have as much
3 closeness to it as you guys. We will have to make this
4 decision on what happens unless the parties can get
5 together and come up with some type of a path forward,
6 some type of settlement or something, because you can
7 always roll the dice and just see how it's going to turn
8 out and what we're going to come down on.

9 I highly encourage you since you have better
10 information than we do to try to figure out a path
11 forward. Again, that's just my personal comments. Thank
12 you, Judge. Appreciate it.

13 JUDGE HATCHER: Thank you, Chairman. Okay.
14 Let's get started. First, Ms. Lange, my apologies to
15 you. I came down on you a little too hard. During your
16 testimony I thought that I had, speaking of
17 miscommunications, I thought your testimony had changed
18 and differed and I obviously misheard. My apologies.

19 Let's get to exhibits. I'm going to first read
20 off, we have four pending exhibits that are -- we have
21 four pending exhibits. I'm going to talk about the first
22 two. These are going to be the late-filed exhibits
23 unless I get no objections here. I'm not pushing for no
24 objections. I'm just letting you know that these two
25 would fall under that category. First is Exhibit 219,

1 which is in my hand. This is the Commission requested
2 Attachment A to the motion to compel. Are there any
3 objections to the admission of Exhibit 219 which the
4 Commission requested, it is Staff's number, of Attachment
5 A?

6 MR. FISCHER: No objection, Judge.

7 JUDGE HATCHER: Excellent. No objection. So
8 admitted.

9 (STAFF'S EXHIBIT 219 WAS RECEIVED INTO EVIDENCE
10 AND MADE A PART OF THIS RECORD.)

11 JUDGE HATCHER: Exhibit 6 is the Company's
12 errata sheet filed last night well before their deadline
13 of eight o'clock this morning for Mr. Lutz's testimony.
14 First, has counsel had an opportunity to be on EFIS to
15 look at purported Exhibit 6?

16 MR. CLIZER: Yes.

17 JUDGE HATCHER: Any objections?

18 MR. CLIZER: I defer to Staff. Start. Go
19 ahead.

20 MS. KERR: Well, Staff still believes this is
21 improper surrebuttal but, you know, I think it's better
22 to have the information than not have the information.
23 So we'll withdraw our objection but, you know, still want
24 to say that it is improper surrebuttal. I guess I still
25 want to have that on the record.

1 JUDGE HATCHER: I believe your message has been
2 heard.

3 MR. CLIZER: I am torn because I would also
4 like to maintain the objection because I think it's
5 improper, but for the same reasons I'm willing to concede
6 on the point but I would echo Staff's comments.

7 JUDGE HATCHER: I applaud you for both taking
8 the higher road. Exhibit admitted.

9 (COMPANY'S EXHIBIT 6 WAS RECEIVED INTO EVIDENCE
10 AND MADE A PART OF THIS RECORD.)

11 JUDGE HATCHER: Gosh darn it. I keep
12 misplacing my stickies. Okay. Exhibit 206, which is Ms.
13 Lange's direct testimony from previous Rate Case 0129 and
14 0130. We were holding that exhibit because what was
15 offered by Staff was the entirety of Ms. Lange's direct
16 testimony. I believe the question, I don't know if it
17 was an objection, but I believe the question that caused
18 us to just put a pause on this was do we want all of the
19 pages included in this exhibit, or only the 61 to 64, or
20 only the I think it was a class cost of study section
21 that preceded part of that.

22 I'm going to start with Mr. Fischer first. Do
23 you have any updated comments on Exhibit 206?

24 MR. FISCHER: I don't have any real updated
25 comments. I would still suggest that we have an excerpt

1 that relates directly to this case, the cost of service
2 study.

3 JUDGE HATCHER: I do like a good excerpt.
4 Mr. Clizer.

5 MR. CLIZER: I hate to be the problem child,
6 but my preference would be to have the complete document
7 under the rule of completeness. My rationale for that is
8 simply that I don't want any party to cite to something
9 out of context, and I just don't see what the prejudicial
10 value of having the whole document is from an evidentiary
11 standpoint or from a cost standpoint for the Commission
12 for that matter. I don't have a strong opinion on this,
13 but it's easier when you have the full context to make
14 sure nothing can be misread. That's my personal opinion.

15 JUDGE HATCHER: I can share my concern. My
16 concern was we're only talking about page 61 to 64. That
17 was the request. But then we had testimony saying this
18 class cost of service discussion played into that. I'm
19 now a little bit more inclined to let the whole shebang
20 in.

21 MS. SCURLOCK: Your Honor, we actually did
22 refer to more than just that. That particular portion is
23 what is the highlight of this case. I will say that I
24 believe that there is more in the testimony in regards to
25 this case and I will echo Mr. Clizer that for the sake of

1 eliminating context in some way I think it's beneficial
2 to have the entirety of the testimony in the record.

3 JUDGE HATCHER: My other concern is that
4 there's going to be a citation to a portion of Ms.
5 Lange's testimony from a prior rate case that we never
6 discussed in this room.

7 MR. CLIZER: Might I offer a solution?

8 MS. SCURLOCK: I think if somehow something is
9 cited in a brief that someone has an opposition to, they
10 could certainly file a motion to strike. I mean, I'm not
11 trying to delay the case, but I mean, I can tell you that
12 we don't intend to cite to elements.

13 JUDGE HATCHER: Thank you. Anything else?
14 Excellent. If Everygy had an objection, it is overruled.
15 Exhibit 206 is admitted onto the record.

16 MS. KERR: In its entirety?

17 JUDGE HATCHER: In its entirety, yes.

18 (STAFF'S EXHIBIT 206 WAS RECEIVED INTO EVIDENCE
19 AND MADE A PART OF THIS RECORD.)

20 JUDGE HATCHER: Exhibits 3 and 4 I believe were
21 Mr. Lutz's, yes. We were holding those until 9:05 this
22 morning to allow everyone to look at Exhibit 6 which is
23 the correction. Are there any objections to the
24 admission of 3 and 4, Mr. Lutz's direct and surrebuttal?

25 MR. FISCHER: I didn't catch that.

1 MR. CLIZER: Staff is trying to say it wants to
2 maintain its existing motion to strike for the purpose of
3 the record I think is what the point is even though it
4 was overruled.

5 JUDGE HATCHER: Motion to strike of his
6 specific.

7 MR. CLIZER: Yes. You had previously ruled on
8 it, but they're maintaining it for the sake of the record
9 I think is what they're doing.

10 JUDGE HATCHER: Do you want to make your
11 motion?

12 MS. KERR: I would suggest taking up the motion
13 to strike with the case but otherwise. With that
14 objection -- or with that motion, I would.

15 JUDGE HATCHER: This was your motion to strike
16 all of Riley's testimony and instances of Mr. Lutz?

17 MS. KERR: Yes.

18 MR. FISCHER: Judge, it was my understanding
19 you had ruled on that.

20 JUDGE HATCHER: Are you preserving it for?

21 MR. CLIZER: For the love of God. I'll renew
22 Staff's motion to strike at the OPC because I want it on
23 the record in the very small chance that I feel I need to
24 bring an appeal. For the sake of the record, I renew the
25 motion to strike.

1 JUDGE HATCHER: Okay. I want to make sure that
2 OPC, you are --

3 MR. CLIZER: Whatever the original filed motion
4 to strike, the OPC joins it.

5 MR. FISCHER: On behalf of the Company again, I
6 will object to that and suggest that it should not be
7 approved.

8 JUDGE HATCHER: Thank you. Are you going to
9 get what you need if I rule on that now?

10 MR. FISCHER: Yes.

11 JUDGE HATCHER: I'm going to stay consistent
12 with the ruling given at the beginning of the case. Mr.
13 Lutz's couple sentences are -- the objection is -- the
14 motion to strike those couple sentences is denied as they
15 asked a question and the Commissioners can interpret that
16 as they will even though one of those questions was
17 seeking advice. On Mr. Riley's testimony that the
18 objection was that it was not part of the underlying case
19 in chief of the Company and my ruling found that I was
20 not persuaded by Staff's argument and it was -- the
21 motion to strike was denied.

22 MS. KERR: I'd like to preserve that as well.
23 Never mind.

24 JUDGE HATCHER: Okay. Exhibits 3 and 4 are
25 admitted onto the hearing record.

1 (COMPANY'S EXHIBITS 3 AND 4 WERE RECEIVED INTO
2 EVIDENCE AND MADE A PART OF THIS RECORD.)

3 JUDGE HATCHER: Okay. One whole stickie is
4 done. I'm going to go through now the parties' exhibit
5 lists. I just am double checking to make sure that all
6 of your exhibits have been appropriately entered or ruled
7 on. Let's start with the Company. I have Exhibits 1
8 through 7. 1 through 5 were presubmitted. 6 is the Lutz
9 errata sheet. 7 is the rate modernization presentation.
10 All of those have been admitted. I'm looking to see if
11 anyone disagrees. I hear none.

12 I'm going to go with OPC, because their list is
13 shorter. 300 for Dr. Marke, 301 for DR 1, 302 for DR 2,
14 303 for DR 3, 304C for DR 2000. Note under the
15 Commission rules we will have a blank public and Exhibit
16 305 the Commission response that was filed in
17 EW-2017-0245. Yes. Mr. Clizer.

18 MR. CLIZER: Really quick. You had previously
19 indicated that you did want the OPC to update 300 to
20 remove the confidential designators. You had mentioned
21 at the time that an email was sufficient. I am prepared
22 to late file. Judging by your gesture, I indicate that I
23 am still supposed to email it to you. Is that accurate?

24 JUDGE HATCHER: I'm going to look to the other
25 parties. I am satisfied simply receiving an email from

1 Mr. Clizer with the confidential designations removed
2 from Dr. Marke's testimony. Would any other party like
3 to look at that, because it is going to be a substitute.

4 MR. FISCHER: I would appreciate receiving a
5 copy. I don't need to see it ahead of time if that's all
6 they do.

7 MS. KERR: That's fine.

8 MR. CLIZER: I will email it to all parties as
9 a matter of course. Thank you.

10 JUDGE HATCHER: Excellent. Thank you. Staff
11 exhibit list. I'm just going to go through one at a
12 time. 200 is a rebuttal of Cox. 201 is the public,
13 there's no confidential version. And 201 is the public
14 version of Lange rebuttal. I'm going to stop here. Ms.
15 Kerr, can you follow the same example for emailing the
16 non-confidential, you know, watermark stuff removed?
17 Thank you. 202, Luebbert rebuttal. 203, Stahlman
18 rebuttal. Here are the ones introduced during the
19 hearing: 204 is a stipulation -- oh, that's the
20 stipulation and requested data. I don't know shorthand.
21 205 is DR 0250.1. 206 is the full Lange direct from File
22 No. 0129 and 0130. 207 is DR 0176. 208 is DR 177. 209
23 is DR 197. 210 is DR 213. 211 is the rebuttal also
24 marked as Exhibit 50. 212 are tariff sheets. 213 is the
25 order approving Stipulation and Agreement from EO-94-199.

1 Exhibit 214 is rate codes. Exhibit 215 is the Report and
2 Order from Ameren's prior rate case ending in 0337.
3 Exhibit 216 is DR 206. Exhibit 217 is DR 207. Exhibit
4 218 is mis-numbered due to the Judge miss counting.
5 Exhibit 219 is Attachment A to the motion to compel.

6 Those are all the exhibits I have. I've heard
7 no input on exhibits. Mr. Clizer.

8 MR. CLIZER: Just a note. Exhibit 211 is
9 designated confidential as well for the sake of the
10 record.

11 MR. FISCHER: Is that the Lutz testimony?

12 JUDGE HATCHER: Yes. As I recall, it was
13 marked Exhibit 50 and it was from a prior case but I
14 don't remember the number off the top of my head. Yes,
15 it's Lutz's testimony.

16 MS. KERR: From the ER-129 case.

17 MR. CLIZER: It's 129, 130.

18 JUDGE HATCHER: Okay. Late filed, we don't
19 have any late-filed exhibits.

20 I order Public Counsel and Staff counsel to
21 email, as earlier described, one week, today is the 31st,
22 by next Wednesday will be the due date. February 7. I
23 will put this all in writing in the next day or two.
24 February 7 for the mailing of the nonconfidential
25 previously filed exhibits.

1 Okay. Let's talk about briefs. Initial briefs
2 already ordered February 29.

3 MR. CLIZER: Your Honor, can I have just one
4 moment to confer with counsel for just a second regarding
5 the briefing schedule? If what I'm about to propose
6 would work, it would be for the benefit of the
7 Commission.

8 JUDGE HATCHER: I'm going to pause you for just
9 a second, because I also want to make an announcement
10 about settlement. So the briefing schedule is February
11 29 and March 15. As the Chairman indicated, settlement
12 can still be achieved by the parties. All kinds of
13 different motions could be filed by the parties, and I am
14 aware, because I was the Judge in at least one prior case
15 which after hearing did settle.

16 Mr. Clizer, go ahead. You wanted to be -- You
17 wanted to have a conversation. Let's go off the record
18 for just two minutes.

19 (Off the record.)

20 JUDGE HATCHER: Let's go back on the record.
21 Thank you. We are back on the record. Counsel was just
22 discussing possibly changing some scheduling. My
23 understanding is we are not going to change the
24 scheduling at this time. But we will keep an eye for any
25 filings to that effect in the future. Excellent. I

1 don't have anything else. Does anybody else have
2 anything they want to bring up? It's just a few minutes
3 before 5:00. Commissioner Kolkmeier. Thank you.
4 Commissioner Kolkmeier, you wanted to say some comments.
5 Please go ahead.

6 COMMISSIONER KOLKMEYER: Yes, thank you, Judge.
7 I just want to echo the Chairman's comments here a little
8 bit ago about communication. I think he was spot on. So
9 I suggest all parties listen to what he had to say. So
10 thank you, Mr. Chairman, for your comments.

11 JUDGE HATCHER: Thank you, Commissioner. Your
12 words have been heard by the parties. I appreciate that.
13 Any other announcements before we adjourn? Excellent.
14 We are adjourned. Thank you. We're off the record.

15 COMMISSIONER KOLKMEYER: Thank you, Judge.

16 JUDGE HATCHER: Thank you, Commissioner.

17 (Whereupon, the hearing adjourned at 4:59 p.m.)
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EXHIBIT INDEX

COMPANY'S EXHIBITS:	RECEIVED
1 Dragoo Direct	58
2 Dragoo Surrebuttal	58
3 Lutz Direct	475
4 Lutz Surrebuttal	475
5 Riley Direct	53
6 Lutz errata filing	470
7 Rate modernization slides	287
 STAFF'S EXHIBITS:	
200 Cox Rebuttal	413
201 Lange Rebuttal (public only)	246
202 Luebbert Rebuttal	428
203 Stahlman Rebuttal	400
204 Paragraph 4(a) and list of requested data	62
205 DR 0250.1	66
206 Lange Direct from ER-2022-0129 and 0130	472
207 DR 0176	107
208 DR 0177	107
209 DR 0197	118
210 DR 0213	118
211 Lutz Rebuttal from ER-2022-0129 and 0130	124
211C Lutz Rebuttal from ER-2022-0129 and 0130	124
212 Tariff sheets	146
213 Order from EO-94-199	184
214 Rate codes	146
215 Report and Order from ER-2022-0337	159
216 DR 0206	170
217 DR 0207	170
218 (no exhibit due to mis-numbering)	--
219 Attachment A list of data requests	469
 OFFICE OF THE PUBLIC COUNSEL'S EXHIBITS:	
300 Marke Surrebuttal (public only)	218
301 DR 1	97
302 DR 2	97
303 DR 3	97
304 DR 2000	274
304C DR 2000	274
305 Order from EW-2017-0245	324

(All exhibits were retained by the Missouri Public Service Commission.)

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CERTIFICATE OF REPORTER

STATE OF MISSOURI)
COUNTY OF COLE)

I, Beverly Jean Bentch, RPR, CCR No. 640, do hereby certify that I was authorized to and did stenographically report the foregoing Public Service Commission Evidentiary Hearing and that the transcript, pages 240 through 481, is a true record of my stenographic notes.

I FURTHER CERTIFY that I am not a relative, employee, attorney, or counsel of any of the parties, nor am I a relative or counsel connected with the action, nor am I financially interested in the action.

Dated this 13th day of February, 2024.

Beverly Jean Bentch
Beverly Jean Bentch, RPR, CCR No. 640

2019 280:1	421:23 422:1,8	264:16 319:20	415:15 418:7
201C 244:4	423:14,16 476:23, 24	328:17 364:11	432:4 434:6
202 427:25 428:12,16,17 476:17	214 477:1	369:4 403:20	454:18 455:8
2022 253:1,5,10 313:13 315:12,15 319:19,20 359:23 362:13	215 477:1	404:5,8 405:2	459:7 472:20,24 474:24 475:1
2022-0037 355:15	216 477:3	30-minute 370:10 393:15	40 304:25 313:9 315:9 354:7
2023 243:23 285:3,23 372:18, 23 399:23 411:21 427:24	217 477:3	30-year 403:14	40,000 272:1
2024 267:21 352:14,17,19	218 243:24 477:4	300 475:13,19	42,000 271:25
2025 352:20	218C 243:24	301 475:13	4a 295:22 377:11
2026 352:20	219 325:3,7 359:10 468:25 469:3,9 477:5	302 475:13	<hr/> 5 <hr/>
203 399:24 400:12,15,17 476:17	22 253:1 275:12 346:12,13 347:10 389:15	303 475:14	5 244:12,14 253:25 256:4,10 257:4,9,11,21 258:6,7,16,21 271:22 338:22 339:3 347:3 358:11 369:25 370:3,5 377:12 397:2 401:8 404:9,16 419:1 459:8 475:8
2030s 336:19	23 347:10	304 272:12 274:10	50 268:18 327:3,7, 11 476:24 477:13
204 389:21 476:19	240/120 257:5 303:11	304C 274:13,14 475:14	50,000 304:25
205 476:21	26 244:12,15	305 277:3 323:24 324:6,9,13,14 475:16	54,000 271:22
206 470:12,23 472:15,18 476:21 477:3	260 267:10	31st 477:21	5a 295:22
207 476:22 477:3	27 380:19	32 284:14	<hr/> 6 <hr/>
208 476:22	28 285:3,23 286:4 289:20 290:18 430:8	337 341:9	6 253:8,11,24 259:3 260:9 408:16 459:1 469:11,15 470:9 472:22 475:8
209 476:22	29 478:2,11	34 257:8	60 275:9
21 275:13	2a 295:22 377:11	345 384:5	61 470:19 471:16
21,000 271:20 358:15	<hr/> 3 <hr/>	36 261:1 408:15, 16	64 470:19 471:16
210 476:23	3 256:4,10,16,22 257:1,3 258:21 271:13,20 295:16 377:11 401:5 403:7 414:10,13, 19 415:15 419:24 420:14 421:7 472:20,24 474:24 475:1,14	36-month 261:6	69 418:24 419:22 420:21
211 476:23 477:8	30 253:5 261:23 262:15,17,24	365 418:16	
212 476:24		393.140(1) 465:15	
213 363:8,14 397:19,24 398:5		393.140.11 466:7	
		3:15 421:14,18	
		3a 295:22 377:11	
		<hr/> 4 <hr/>	
		4 256:4,10,25 257:4,6 258:21 271:22 277:15,23 303:12 377:11 414:11,13,21	

6:00 408:14,15,16		acceptable 344:13	accurately 284:20 285:20 287:24 302:6 325:18 330:19
6a 295:22		accepts 278:1,9 310:19	achievable 357:22
<hr/>	<hr/>	access 260:25 261:1 307:8 389:2 436:2 454:22,23, 24 455:12 459:9	achieve 281:14 402:2 459:15
7	9 269:6,7 286:3 289:14 372:21,23 373:7 393:8 417:12 430:3,6	accommodate 337:4	achieved 358:2 478:12
7 260:17,20,21,22 261:7,9 285:12,13 287:9,12,14,17 295:5 313:10 316:21 317:3,18 377:18 404:9,15, 16 459:8 475:8,9 477:22,24	90s 263:19 264:21 330:14 343:20 366:5,22 380:12 398:12	account 308:12 314:21,25 315:1, 2,4 317:24 318:3 326:4,5,10,16,20 360:14,17 361:23 362:1 374:10,12, 18 391:25 392:6 405:6	acknowledging 443:21
78 336:10	96 264:11	accounting 299:24 300:1 332:19 392:17	acquisition 312:15
7:59 394:14,16	9:00 242:1	accounts 282:9 283:6,12,16,20 308:9,12,13,18,21 318:4 327:14 328:7,13 360:15 361:25 371:12,14 372:11,13 414:20 417:5 425:25 465:7	acronym 279:3
<hr/>	<hr/>	accurate 245:2 247:13 248:21 251:14 252:22 253:2 258:17 263:13 264:6 265:8 267:8 270:10 272:4 275:20 276:17 279:12 355:5 367:3 378:16 387:5 408:11 434:13 454:23 457:21 459:11 460:6 475:23	acronyms 370:19
8	A	act 253:7 280:18	activity 323:16 417:14
8 260:17,20,21,22 261:7,9 317:3,18 334:5 393:8	A-R-C 280:10	actual 289:10 316:24 337:10 340:20 353:7 372:11,12 399:25 403:5 405:7 406:17 454:22 459:10,15	actuals 418:12
8,760 333:15 375:10	a.m. 242:1 408:14, 16	add 257:4,7,8,19 271:22 272:1 280:9 439:16	add-on 289:17 291:13
80 296:7,14 317:9, 16 437:12,15	abandoned 386:4, 6	added 257:10 357:11 384:16 423:11	adding 257:3,12 258:11 361:12
8a 261:11 377:18	abandoning 385:21	addition 272:5 279:8 330:25	additional 252:23 255:19 259:8
8b 261:11,14 262:17 368:24 393:8	ability 402:8 422:16 436:2 445:19 455:24 459:19		
8c 260:23 263:10, 11,13,15,19,25	abruptly 335:8		
8c1 266:8 377:4	absence 303:15 367:23		
8c2 266:10 271:25	absent 270:9		
8c3 267:5 271:25 377:18 413:22	absolutely 251:15 268:24 295:20 298:25 382:20 429:13 461:11		
8c4 268:11 272:1 377:18 413:22	abstract 300:11, 25		
8d 268:25 377:18	accept 247:12 272:5 288:16 407:10 412:12		

309:9 322:17 347:5 367:5 419:4 421:6 424:11,15 440:4,13 461:19 463:7 additive 317:23 address 244:25 262:5 280:24 289:15 360:18 384:21 395:4 addressed 244:24 254:8,11 269:4,14 280:21 281:5 288:10 289:16 299:5 322:12 460:2 addresses 360:20 addressing 276:25 288:21,22 291:3 312:5,7 384:19 415:14 426:21 adequate 354:21 adhere 247:21 adjourn 337:16 adjournment 344:18 adjusted 257:17 375:10 adjusting 257:20 418:8 adjustment 244:14 373:17,19, 20,23 374:3,10, 11,17 395:8 402:19 405:5 406:17,23,25 408:5 417:22 adjustments 257:9 395:9 406:8,13,14 407:23 418:13,15	449:11 admission 274:12 287:8,9 324:12 325:9 413:4 422:1 428:15 469:3 472:24 admit 294:25 323:24 324:7 397:18 398:9 admitted 242:12 246:5,6 274:13 287:13 295:3 324:13 398:5 400:16 413:5 422:8 423:14 428:16 469:8 470:8 472:15 474:25 475:10 adopt 304:10 adopted 280:17, 19 336:4 adopting 293:24 advance 324:23 advanced 410:13 460:3 adverse 368:9 advice 474:17 advisable 278:13 advise 414:9 advised 417:10 advocate 300:23 450:21 451:5 advocated 330:23 affects 328:21 affidavit 266:2 329:15 343:9 412:3,5,11,13,15 affidavited 412:7 affirm 243:1 399:2	411:1 427:2 afforded 348:7 afield 324:1 afternoon 242:19 399:7,8 411:5,6 413:10,11 427:6, 7,8 agenda 337:9,22 344:23 Aggregating 279:4 Aggregator 280:10 aggressive 446:24 447:19 agree 247:25 248:1,19 249:3 264:16 269:25 272:18 273:2,10, 22 276:4 277:6, 11,21,24 278:7,17 280:14 283:8,11, 15,25 287:25 294:9 296:5 307:19 308:18 310:3 320:2 334:13 336:6 379:6 398:22 410:6,10 417:25 418:2 419:22 434:1 440:15 441:20 443:12 444:17 459:14 460:7,14 agreed 264:11 269:21 298:3 308:3 391:1 agreement 264:8, 22,24 273:8,12,15 310:17 312:16 313:13 315:13,16 319:19 339:24 341:17 366:2,7,9	379:24 380:6,8,18 389:6,8,14,15,17 394:20,23 397:24 398:11 456:22 465:2 476:25 agreements 380:20 ahead 246:16 260:11 278:12 285:10 315:20 337:6,24 344:19 346:25 354:21 381:24 384:17 419:15 426:19 431:4 442:7 443:24 466:12 469:19 476:5 478:16 air 307:1 367:1 369:20,22,24,25 370:3 393:14 Algonquin 394:25 align 251:1 264:9 387:19 395:12 aligning 334:25 allegations 432:9, 11 allege 321:23 alleged 321:6 alleviate 330:6 allocate 328:10 361:13 allocated 327:24 allocation 248:20, 22,24 249:2 328:20 alright 294:24 alternative 251:11,21,23 252:8 254:19 263:12 271:6
---	---	---	--

346:23 347:1 348:12 386:9,11, 13,14 393:23 420:10,25 425:9	amounts 438:8	468:14,18	301:4 304:22 305:22 430:1,20 431:3,8 474:7
alternatively 326:17	analysis 255:10 270:25 309:9,15, 16 310:25 311:16, 18 377:16 381:12 401:13,18 407:23 408:9 415:3 424:22 434:12,16, 23,24 435:2,15, 16,23 436:8,12,14 437:5 440:5,6,13 445:21,24 447:11 455:22 461:9,10, 19 463:7,9,11,12 465:9	apologize 246:16 261:12 275:1 280:20 298:18 323:20 328:23 331:5 346:9 353:13,22 356:2 390:19 432:5 460:1	approving 249:25 476:25
alternatives 310:4	analyst 411:18	appeal 294:19 377:12 394:22 398:11	approximately 392:11
Aluminum 327:3, 7,11	anger 375:4	appeared 276:12	April 324:5
ambiguity 380:4	announcement 478:9	appears 250:9 260:17 354:5	arbitrary 358:6
ambiguous 346:9	Annual 372:3	applaud 470:7	ARC 280:10
Amended 318:24 321:7	answering 274:1 334:20 365:18 376:16 425:7 433:23	appliance 370:1	archives 372:6
Ameren 250:21,24 254:13 268:2,3 303:23 306:12 325:16,17 332:5,9 333:4,11,22,24 340:16,24 341:18, 19,20 355:14,15 367:24 394:20 395:19,21 396:3, 18 397:7,9 408:20,23 409:3	answers 244:21 245:3 271:23 302:12 303:14 316:7 346:21 347:22 348:1 384:24 389:6 391:18,20 392:5 400:6,9 412:21,23 414:13,15 416:16 428:6,9	applicable 287:19 301:14	ARCS 279:2,3
Ameren's 250:22 333:12 355:17 409:1 477:2	anticipate 260:15 261:5 310:21	applied 265:25 374:10,12,18	area 295:5 343:25 407:7
AMI 256:16,17,19 268:4 278:25 333:25 334:22,23 340:24 341:3,5,6 407:3 408:7 410:7,10,13 459:15,18,20,24 460:2,8,15	anticipating 259:9 425:2	apply 268:23 271:16 287:20 405:5,13,23 424:23 425:1	areas 288:22 309:7,15 415:18 438:7
amount 305:4 307:24 317:14 328:17 338:8 370:17 376:10 387:15 393:20,22 394:3 418:1 455:25 464:13	anxious 320:15	applying 405:4	argue 398:2
	anybody's 303:23	approach 246:20 318:19 331:12 465:25	argument 474:20
	apologies 275:10 324:1 337:25	approaches 250:4 265:7	arguments 421:25
		approaching 408:4	arithmetic 403:13 404:1,2
		appropriately 475:6	arose 258:11
		approve 301:11 429:11,14 430:15	arrive 406:7,12
		approved 276:2 293:14 300:24	arrived 421:21
			art 407:9
			asks 388:6
			aspects 342:13
			assertion 247:12
			asserts 309:7
			assesses 262:13, 14
			assessment 446:20
			assign 325:2,4
			assigning 325:3

assist 432:23	attorney 274:22 320:5 431:6	awhile 413:21	375:16 405:14
Assistance 260:2, 6 279:12,18	attorney-client 433:25	B	based 244:14 247:16 250:11 255:23 258:13 262:13 266:1,5 269:8 271:15 278:16 289:1,2,3 304:14,23 312:23 327:8,17 328:11, 13,16 329:1 331:16 334:11 342:15,16 343:19 345:25 346:11,13 350:8,11 351:18 353:8 355:2 366:16 378:15 387:8 406:17,20, 21 407:3,6,23 408:25 414:21 418:21 423:2 425:4 434:22 440:2 441:20 444:9 448:24 466:22
assume 266:10 268:22 311:10 348:19 378:5 388:17 397:7 402:3 438:11	attorneys 433:24	back 245:11,12 248:17 252:4 254:22 255:13,15 263:5,11 264:5,11 273:7 291:19 293:5 307:4 316:16 317:10 321:2 324:16 330:9,14 335:5 338:1 342:23 347:4 362:16,25 364:21 365:20 367:11 368:23 371:9 374:1 375:3,21 377:5 378:1,23,24 380:12 385:6 386:23 395:13 398:12 419:12 421:14,15 422:12, 19 442:18 457:13, 18 459:2 462:15 478:20,21	basic 372:5 432:9
assumes 402:9	aughts 330:12 332:11	background 252:23 340:10	basically 261:19 276:1 355:3 359:2 377:25 390:6,12 392:1 464:10 465:12
assuming 274:7 321:1 331:22 402:12	August 285:3,23 286:3,4 289:14,20 290:18 319:20 372:21,23 373:7 389:15 430:3,6,7	backgrounds 437:23	basis 261:6 266:4 321:12 406:1,22, 23
assumption 405:8,13 421:4	authorized 319:23	bad 303:24 368:5 370:10 371:19	Bass 335:11
assumptions 343:20 387:15	authorship 279:23	badly 358:15	Bass's 257:17
asymmetric 434:19 436:1 437:3	automate 354:23	baggage 342:21	BDL-1 245:22 246:24 295:19 317:6 357:15,25 360:20 368:24 377:2 389:21 413:16
asymmetry 434:7	automated 354:25	balances 308:14 360:3	bear 360:5 361:9
attach 286:16	automation 361:11 371:16	balancing 300:15	began 242:1
attached 246:25 254:10 286:11,21, 24 287:1 291:15 380:6	availability 250:5 261:5,16 287:22 458:17 462:19	barrier 463:16	
attachment 273:6, 12 295:19 324:20, 21 325:7 337:15 358:24 359:3,9 385:13 469:2,4 477:5	average 327:10,17	barriers 462:8	
attempt 314:7	avoid 272:15,22 274:3 281:14 322:6 359:15 387:20 454:25	barring 320:25	
attempted 265:1	avoided 361:14	base 374:20,23	
attendance 246:11	aware 244:19 254:21 259:19 272:10 288:19,21 335:2 336:9,14 337:3 372:20 387:10 400:4 461:16 478:14		
attended 254:13	Awesome 246:2		
attention 245:10 254:16 287:11 323:24 394:21 419:25 450:19	awful 308:19 402:9		

begin 248:3 464:24	303:8 306:11 307:9 335:3 352:8 364:19 367:1 401:21 402:9	blanket 440:25	412:2 419:25 422:4 450:19 473:24
beginning 247:17 266:7 277:13,24 278:7 371:10 377:20 457:14 474:12	biggest 247:23 248:1	block 281:2 402:18	bringing 336:18
begins 275:13	bill 333:12 354:22 370:23 377:17 406:24 416:8 420:9 424:18 425:8 426:6	blown 250:6 263:20	brings 269:6
behalf 330:17 474:5	billed 329:11 406:20	blunt 342:22 347:25	broad 300:9
belabor 454:10	billing 257:16 266:14 333:21 335:14 343:10 350:22 351:22 352:13 353:16,24 368:6,14 393:17, 19 394:7 416:7 419:14 420:8,18, 22 421:2 424:11, 16	blur 323:15	broaden 436:7
belief 245:4 400:10 408:6,8 409:9 412:24 428:10	billions 371:11	board 304:12 312:24 396:4	broader 300:3 338:18 435:25 436:4,5
believed 338:8	bills 263:2	boils 334:16	broadly 434:19
believes 249:21, 24 256:8 278:18 349:9 469:20	binding 281:3 300:19	books 340:12,14 372:1 379:10 391:17 392:4	broke 376:17,20
bench 280:9 324:17 337:6 364:5 378:5 407:15,17 409:24 410:7 421:12,16, 23 423:19 424:6,7 454:15	bins 396:7,8,19	bottom 292:5 295:15	broken 266:9 316:20
beneficial 311:13 312:20 313:6 472:1	bit 242:17 246:15 258:24 259:4 260:23 278:3 279:19 282:1 283:4 284:10 331:24 339:14 345:24 354:24 385:4 397:17 398:16 403:19 436:7 455:7 461:20 471:19	bound 280:24	brought 263:6 264:3 265:1 272:7 394:21 422:15,17 442:5 455:10 456:8
benefit 314:13 362:24 379:14 386:17 466:3,17 467:6 478:6	billions 371:11	bounds 383:13	bucket 376:17,23 377:3
benefits 312:14 379:8 459:18	black 413:18	Bowden 396:24, 25 409:2	budget 252:7
bet 335:16,17	blank 475:15	box 261:19	buffet-style 291:14 373:1
betting 401:25		boy 367:15	build 331:23 352:5 362:6
Bev 442:18		Brad 242:9 246:25 247:10 252:15 261:24 269:7 290:7	build 331:23 352:5 362:6
big 251:6 263:16 264:15 265:18 268:19 270:3		break 337:3 421:14	Building 356:10
		breakouts 465:5	built 327:7
		briefing 274:7 478:5,10	bulk 280:4 361:15
		briefly 355:8 398:15 428:24	bunch 263:7 364:10 371:21
		briefs 478:1	burden 308:16
		brightlines 288:20 323:6	burdensome 357:23
		bring 267:4 337:15 362:7 377:25 378:23,24	buried 347:15
			burning 374:25
			bus 347:20

caused 453:7 470:17	465:8 468:17	checks 250:3	18 402:6 406:7,13
caveat 245:5 279:5 294:18 367:8 375:2 439:17	changing 350:20 363:23 370:11 371:13 389:1 402:15 478:22	chief 474:19	407:1,3,4 417:6,8, 9 425:1 435:24 444:9 451:18 470:20 471:18
caveated 257:23 258:9	characteristics 266:2,6 383:17	child 471:5	classes 262:3 268:16 328:11,20 333:20,24 370:6 387:20 396:5 416:2 451:13,15
caveats 300:21	characterization 275:25 294:10	choice 417:13	classification 326:2 328:2
CCOS 249:7,11,16 250:6 255:8 303:3,24,25 328:19 329:8 368:1,4	characterize 339:24 343:1	chosen 356:5	classify 327:23
CD 333:13	characterized 275:24 433:2	circle 245:11	clause 244:16 319:6,13,15 373:17
center 403:10,16, 24	charge 255:7 264:18,20 269:14 270:20 284:5 288:11 351:18 396:5	circuits 303:8,11	clawed 263:5
cents 408:15,16, 17	charged 264:18, 20 267:14 342:14 343:18 344:1 349:21 373:20 408:15,16 426:5	circumstances 287:21 319:24	clean 271:22
certainty 437:24	charges 262:6 265:10,12,13,14 269:18 270:2 287:23 288:14 388:16 393:9	citation 472:4	cleaned 245:13
Chair 246:12 325:10 338:6 423:20	charging 396:4	cite 273:1 471:8 472:12	cleanup 463:4
Chairman 325:11, 14 336:24 365:17 377:20 423:21,24 424:1,5 467:12,13 468:13 478:11	Charles 242:4 344:25	cited 472:9	clear 247:4 255:2 270:6,17 288:15 290:14 296:13,16 298:14,19 303:14 316:2 339:15 340:8 345:20 347:7 386:6 404:24 405:19 422:11 446:10
challenge 405:13	cheat 246:18 375:22 407:14	claims 273:25	cleared 258:15
challenged 405:25	check 246:18 342:10 364:17 378:20 398:5 424:8 426:15	clarification 258:18 362:3 402:23 456:21	clearer 314:7 362:5 382:1
chance 421:25 473:23	checked 242:16 301:4	clarifies 316:18	Climate 403:10,16
change 244:17,20 267:13 290:24 293:4 299:23,25 300:20 332:22 337:19 355:7 357:9 366:1 385:4 438:24 478:23	checking 348:22 379:11 475:5	clarify 248:18 281:12 282:24 317:1 322:9 380:9 450:13 455:6 457:12	Clizer 245:9,14 246:19,20,23 247:9 260:4,8 272:11,14,17 274:5,16,24 275:3,6,16 277:3, 5 278:4,6 280:13 281:18 291:21 292:1 323:23
changed 267:17 279:3 331:18		clarifying 379:20	
		clarity 256:12 449:6	
		class 249:17,20, 22 250:14 265:7 267:19 268:19,20 276:23 280:22 281:4 304:5,11,14 305:14 306:7,9 326:11 327:5 328:4,25 329:19, 23 333:10 334:18 335:7 340:20 351:21 353:18,20 378:10,14,25 379:8,14 401:14,	

324:3,25 333:9 357:14,16,20 375:22,23 376:1 379:16 395:4 397:16,22 398:14, 15 400:20,21 410:2,3,5,16 413:9,10,13 415:5 422:3,20,21 425:14,15 428:20, 21 452:23 453:3 459:3,4,6 460:18 466:5,8 469:16,18 470:3 471:4,5,25 472:7 473:1,7,21 474:3 475:17,18 476:1,8 477:7,8, 17 478:3,16	15,17 420:4,6,9, 15 424:12,14,15 425:7,25 454:23, 24 459:10,11,16 460:6 codes 268:17 329:2 388:2 402:16 410:11 415:22 420:1,16 477:1 coding 357:17 cognizant 289:3 coincidence 368:25 coincident 269:12,14,18 270:20 393:11,24, 25 394:2,11,14 397:5 Coleman 246:15 collaborative 430:19 collection 430:22 collects 408:7 color 247:4 293:4 357:16 combination 316:19 354:19 comfortable 247:20 274:1 342:12 367:9 commend 357:20 comment 247:17, 21 288:17 423:21 comments 268:23 297:11 468:11 470:6,23,25 commercial 262:3 289:15 343:18 Commission	249:25 259:5,12 260:12 269:13,21 270:9,11 274:10 276:2,3,14 277:15,25 278:8, 17 279:14 280:16, 24 281:3 292:8, 16,25 293:1,8,13, 18 297:21 298:15, 20 300:5,8,13,24 301:12 302:16 303:19,23 304:4 306:14 307:1 310:19 311:13 318:9,10 319:14, 16 322:21 332:7 336:17 342:22 344:14 350:1 351:2 354:8,10 355:19 357:19 365:10 367:24,25 368:19 369:14 376:4 382:3,10 383:1,7,20 393:4 395:25 399:19 402:25 411:17 423:2 427:20 429:16 432:13,17 436:9,11,13,20 437:16 438:4 439:2,6 440:1,3, 11 441:18 443:4, 12,15 445:9,20 446:15,17,23 447:10,18 448:4, 15,20,23 450:10, 16,18 451:11 452:24 454:12,15, 21 457:24 464:14 465:15 466:20,25 467:16 469:1,4 471:11 475:15,16 478:7 Commission's 277:7 324:3,10 362:18 450:19	Commissioner 246:13,14,15 292:9,17 293:13 324:17,18 325:9 337:1,4,5,8,23,25 338:3 344:15 345:3,4,5,7 351:23 363:25 364:3 375:20 376:14 385:5 395:3 407:15,16 421:12,16,22 423:19,20 424:6,7 454:13 458:25 467:15 Commissioners 246:12 300:17 335:1 337:9 364:4 375:18 382:18 409:25 410:1 426:20 442:8 443:13 449:20 452:14 459:1,2 467:8,16,25 474:15 commit 340:19 commitment 348:17 commitments 313:13 315:12,15 committed 313:22 318:2 386:18 389:19,22 committing 339:25 common 252:16 310:3,16 332:23 394:9 440:17 457:11 communicated 338:24 communicating 254:6
---	--	---	---

communication 253:9 345:11,13, 16,19 347:3,5 348:9 352:25 467:18,21	466:1,16,22 467:24 474:5,19 475:7	471:7	255:14 320:8,10 321:15 382:22 433:14,21 441:24 447:6 451:1
communications 385:6	company's 254:21 258:9 271:9 353:6 358:2 379:10 419:3 438:17 439:10,14 469:11 470:9 475:1	complex 360:11 454:5	conclusions 312:12 423:2
companies 267:24,25 307:15 330:24 395:18 440:18,25 450:20 458:22	comparable 382:13	compliance 249:14	concrete 289:9 294:13 425:11
company 245:19 247:24 250:10 251:18,20 252:6 253:7,8,9 254:8 255:22 256:1,13 258:1,6,14 259:4, 11,18 260:10,17 264:17 267:5,10, 12 269:8,10 281:21 283:11 285:24 286:2 287:14 291:9,11, 12 296:14 298:2,6 303:2 308:3 310:4 318:10 324:22 327:23 328:3,6 329:18 331:22 333:3 334:16 347:17 352:25 357:23 366:8 374:22 379:18 380:25 384:23 385:9,15 386:16 393:4 401:15 402:22 406:21 410:18 413:24 414:3,24 416:7 417:5,14 420:11 434:21 441:10 442:25 444:4,13 445:10 451:20 459:14 460:7,11, 19 461:18 463:8 464:19 465:3,5,12	compare 366:25	complied 316:4	concurrent 253:12
	compared 273:23 422:13	complies 368:21	conditions 300:20
	compel 255:11 308:24 310:21 311:10 324:20 325:8 353:4 469:2 477:5	comply 313:12 315:11 319:18	conduct 290:20
	compelled 385:2	component 416:8 465:6,7	conducted 280:4 286:9 372:21
	compile 352:4 372:2	components 281:1,2 310:18 316:3 438:19 439:16	conducting 326:11
	complaint 253:21 287:1,5 290:11, 12,14 291:16,22 318:14,24 319:1,4 320:6 321:1,7,23 322:13,19 323:12 430:21,24 431:2, 5,18 432:9 433:10,11,14,19, 22	comprehensive 276:18 277:1	conductor 263:24 314:24 315:1 384:4
	complete 258:21 297:24 302:19 303:19 304:19 408:8 471:6	computer 299:19, 23 300:1 389:2 437:19,21 454:6	conductors 326:6, 21,22 371:17,19
	completed 331:2 333:24 460:15	concede 470:5	conducts 444:6
	completely 374:17 414:3,13	concept 309:25 318:1 455:10	confer 478:4
	completeness 278:13 398:18	concepts 276:19	conference 348:4 373:15 409:5 442:5
		conceptual 326:19	conferences 349:5 351:14
		conceptually 341:3 378:22	confidence 330:18
		concern 306:8 350:12 401:23 432:8 471:15,16 472:3	confident 260:2 286:14 395:5
		concerned 267:20 334:9 413:21	confidential 243:24 244:7,8 245:21,24 272:14, 15,21 274:10 475:20 476:1,13 477:9
		concerns 269:2 330:1,2 355:16	confidentiality 273:21 348:6
		concluded 298:3 437:11	
		conclusion	

confines 448:7,17	consumed 256:25 375:10	conversation 251:10 258:14,22 269:7,9 271:5 291:5,8 306:4,11, 19 322:21,22 323:19 335:9 337:21 366:20 371:6 376:18 377:19,21 378:4 379:24,25 385:7 396:2 478:17	261:20 276:6 279:9 284:19 289:21 290:12,23 291:1,7 292:11, 12,14 293:12 298:17 299:4 302:5 309:13 313:14,15 324:8 363:24 366:8 369:2 373:21 376:4,7 378:11 382:19 397:13 400:9 405:24 410:14 412:23 415:17 416:6 421:3,8 424:23 426:16 428:9 430:11,25 445:1 450:11 460:3,4
confirm 372:16,19 373:12	consumers 277:18 300:16 357:24 448:17	conversations 258:24 289:24 290:12,24 304:23 305:8,12 322:18 333:2 334:4,17, 20,21 345:25 346:11,13,14	correction 472:23
confirmed 373:3	contained 288:3	converted 373:10	corrections 244:11 400:2 411:25 412:16 428:2
confused 256:2 257:25 262:21 265:22 288:13 316:24 364:18,23	contemplated 312:16 362:13,25	convoluted 304:17	correctly 251:19 254:20 256:9 263:11 265:4 286:6 302:21 365:3 378:2 413:20 458:9
confusing 261:11 263:9 336:8 353:23	content 322:11 363:22	cool 405:15,17,22	cost 244:14,15 247:24 248:20,22, 24 249:1,17,20,22 250:14 252:2 263:23,24 264:10 265:7,16,19 267:10 273:24 280:23,25 281:4 293:22 294:3,10 295:11 296:1,9 297:18 298:23 299:18,22 301:2, 10,21 304:5,11, 14,18,25 305:3,14 306:7,9 311:13 312:20 313:6
congratulations 423:22	content 322:11 363:22	cooperate 297:19 301:22	
Congress 468:1	contents 380:17 381:7	cooperation 423:13	
consideration 271:7 288:25	context 251:8 338:19 366:16 393:17 434:18 435:1,20,25 436:5,17 438:9 441:17,19 444:5 455:16,17 456:10 457:25 463:1,17 471:9,13 472:1	Coopers 273:1,9, 13	
considerations 329:6	continue 250:12, 13 262:9 310:12 318:6 321:19 323:1 339:12 345:4 432:1 439:15 466:8	coordinator 337:22	
considered 262:18 294:6	continuing 251:1, 4,5 277:14 325:18,25 326:9, 15 327:9,12 330:25 332:3,8,10 355:2,11,17 356:19 379:4,7,13	copier 275:2	
considers 277:15	continued 275:13	copies 337:14	
consistent 280:2, 16 304:25 369:10 437:10 474:11	continuing 251:1, 4,5 277:14 325:18,25 326:9, 15 327:9,12 330:25 332:3,8,10 355:2,11,17 356:19 379:4,7,13	copy 246:4,5,24 247:4,10 274:17, 22 275:3,7 282:5 291:19 294:16,21 295:6 318:23 359:8 412:13 413:16 476:5	
consolidation 335:2	continuous 276:19 387:12 451:25 453:12,14	corporate 360:9	
constant 352:24 357:10	contract 273:8,12	correct 245:3 249:23 258:4	
constitutes 461:10	conveniently 247:13		
constructs 281:7			
construed 442:4			
consultant 305:6 325:16,21			
consume 344:10			

314:9,12,15,17,22 315:7,25 317:13, 22 321:4 326:11 327:5,8,10,12,17 328:4 329:20,23 331:11,14 336:11 340:20 343:20 346:9,17,22 350:14 354:7,13 355:1,2,21 356:12,15 357:24 358:8,14,15 359:21 360:20 361:17,18 362:17 366:11 374:23,24 375:6 378:11,14, 25 379:8,15 383:6 387:19 389:10,25 390:2,5,10 391:8 414:24 435:3,7,24 436:22,25 437:4, 8,19,25 438:6,14, 18,19,22 441:13 443:9 444:9 456:25 464:21,24 465:4,6,11 466:23 470:20 471:1,11, 18 cost-based 343:6 costing 462:17 costly 465:7 costs 252:12 258:16 264:14 265:15 284:4 295:12 297:20 299:11 301:23 312:14 313:1 314:11,15,18 315:4 331:23,24 357:9 361:6 383:3 384:3 388:10 390:22 391:2 396:8,22 426:2 counsel 242:16 256:6 275:22	319:22 333:3 355:8 364:3,10 365:19 452:16 467:9 469:14 477:20 478:4,21 Counsel's 301:14 count 318:24 319:15 365:6 456:17 counterparty 409:1 counting 392:12 477:4 country 370:7 counts 404:20 416:9,12 426:4 454:23 459:11 460:6 couple 248:10 263:17 290:1 304:24 330:11 364:5 366:6 367:18 369:6,7 375:1 379:19 395:14,19 396:1 406:19 407:18 424:8 425:20 433:2,3 456:8 458:10 464:5 467:19 474:13,14 court 249:15 259:24 278:2,5 328:23 361:22 465:19 cover 461:3,5 covered 270:5 308:19 334:5 338:21 covering 361:20 covers 287:5 Cox 267:1 353:14 402:17 410:24	411:7,14 415:10 421:16 423:19 426:12 455:15 476:12 CP 393:10 create 296:7 313:6 445:21 447:11 created 311:14 creating 293:22 294:3 299:12 435:4 437:4 454:4 creation 299:2 461:22 criteria 312:18 394:13 critical 390:16 cross 246:17 282:1 350:15 400:22 413:2 428:13 454:10 cross-exam 281:21 cross-examination 246:19 247:8 282:3 365:2 374:2 400:13 401:3 413:12 415:8 428:25 crossed 367:7 culture 334:16 current 303:17 330:20 438:11 453:11 455:20,21 customer 244:13 248:9 255:4,5 257:2,5,6,7 259:6 261:2 264:15,18 265:10,11 266:1 268:3 270:12,19 276:15 277:17 288:25 289:3,10	327:20,24 328:8, 18,20,21 329:3,4, 7 333:3,8,14,18, 21,24 335:21 340:23 342:20 343:7 344:4,6 350:9 353:7 354:12 358:22 366:12 367:14,20 369:8,11 374:5 375:12 376:21 377:8 388:15 396:15,23 397:10 401:14 402:18 404:10,18,19,20 407:1,24 408:7, 10,21 414:20 416:9,12 417:5,13 425:25 426:4 451:15 454:22,23 455:13 456:17 459:10,11,16 460:6 customer's 333:18 customers 256:15,17 257:3, 12 259:13,14 262:11,12 265:16, 17 267:13,14,15, 18,22 268:15,16, 18 269:21,23 270:13 271:17 280:11 281:9 284:5 328:9,11 329:1,10 333:12, 23 336:13 341:2 342:14 343:2,3,17 344:1,10 350:7,10 351:18 352:12 357:11 370:12,13, 16,23 373:21 374:6 375:11 377:17 382:7 387:8,16 388:17, 20 396:5 401:19
--	---	--	---

406:3 408:24
416:15 417:20,21
418:3 425:3 426:5
448:6 460:16
464:1,7

customers'
370:15

cut 295:25 432:6
451:22

cycle 335:14
406:24 419:14
420:8,9,19,22
424:11,16,18
425:8 426:6

D

dab 368:2

daily 401:14
403:9,17,22,23
405:11,13,23
406:6,11,17,18,
22,23 407:24
409:15

darn 470:11

data 244:13
247:18,19,22
248:4,19 250:5
251:24 253:15
254:2,19,22,25
255:2,5,6 258:5,
10,12,18,19,25
261:2,6,22
262:16,23 266:14,
15 267:6 268:3
270:23 271:3
272:19 276:24
282:13,14,19
296:7,8,15
297:18,21 298:4,
16,17,21 299:3,4,
12,13,14,15,24
300:1 301:21,24
302:9,10,14

303:4,13,24,25
305:4 306:10,16,
24 307:15,21,23
308:1,5,6,9,17,23
309:8,16 310:2,6,
10 311:14 312:15,
20 313:6,11,25
314:2,14,16,19,
20,25 315:1,5
316:6,23 317:2,4,
12 318:24 319:1,
10,20 320:3,4,13,
14,23 324:21
326:4,25 328:16
330:18 331:3
333:4,8,18,21
334:18 335:4,7,8
338:7,25 339:2,
13,20 340:2,4,5,
21 341:18,23,25
342:6,7 344:9
345:17,18 346:24
347:1,12,18,22,23
348:2 349:8,10,
13,16,17,20
350:15 351:19
352:3,7,11,14,25
353:4,8,9,10,18,
19,24 354:4,15
356:15,16 359:1,2
361:5,7,16 362:1
363:4,16,21
364:13,21,24
365:4,6,10,12,14
367:1,3,20,21
368:1 369:6,9,14
371:3 372:7
375:12 376:15,22
377:13,16,21
378:5 381:17
384:18,20,24
385:21 386:5,7,9,
11,13,14,15
387:21 388:22
389:3,19 390:9,
10,25 391:2,7,8,
11,12,15,21

392:13,25 393:8
401:9,20,22
402:3,4,12,20
403:9,18 404:22
406:18,19,20,21
407:3,4,5,6,24,25
408:7,21 409:2,3,
8 410:11 413:21
415:14,15,18,22
418:7,18,23
419:22,23 420:18,
21,25 421:1,7
422:13,14 424:11,
12,14,15,16 426:6
429:14,20 430:22
431:21 432:10,21
434:9 435:4,8,11
437:1,4,6,13,20
440:5,13,17,24
441:2 443:8,9
445:24 447:11
449:11 453:19
454:4,22 457:1,14
458:9,19 459:10,
16 461:14,18,22
462:19 463:4
464:3,22 467:25
476:20

database 437:25

date 250:16,18
285:4,5,6 286:7,8
297:19 301:21
322:1 349:3
380:25 404:3
455:25 458:2
477:22

dated 380:2,25

dates 264:5
323:18 393:17

day 242:3 253:12,
13 335:24 351:4
368:1 370:16
372:7 393:14
395:25 405:10,14,
16,17 424:13,15

426:3 464:20
477:23

days 290:20,23
291:6 308:2,6
321:25 322:10,16,
20 426:1 464:5
467:17

de 389:25 390:22

deadline 324:23
469:12

deal 325:8 335:3
351:17 425:8

dealing 331:25
358:20

deals 318:24
439:19

dealt 402:1

debated 351:25

decade 310:7
346:15 347:4

decade-ish 289:19
357:8

decades 263:17
330:11 350:12
366:6 371:24

December 243:22
399:23 411:21
427:24

decide 300:22
311:13,17,21
383:2,7 433:24
445:10 450:21
451:5,7 452:18
453:12

decides 383:1
434:15

deciding 294:6
312:19

decision 311:24
332:4,7 382:17
450:24,25 451:14

452:2 466:3,18 468:1,4	denied 422:4 474:14,21	describes 435:19	detail 335:15 353:22 372:9 420:1,6,14
decisions 354:16 450:10	department 356:22 429:3,4,6, 12,15 430:16 431:13,16 439:8, 18,20 448:14 449:18 451:3,4	description 291:13	detailed 258:23 261:4 362:21 387:20 418:23
declare 381:4	department's 438:25	design 243:20 248:23,24 249:1, 12 254:9 259:6 267:13,21 276:8, 19 277:16 280:1, 16 284:17 287:22 288:5 294:8 339:8 342:1,2,13 368:4 378:10 379:8 383:18 387:13 418:9 427:21 429:3 439:1,5,11, 14,21 442:23 443:3,10,17,18 444:2,9,12,14,22 445:10 446:6 447:10 451:3,12, 25 461:2 466:1, 16,22	details 336:21 341:9 419:4 467:10
declined 386:9	departments 461:2,4	designated 477:9	determinants 269:11,24,25 270:2,4,7,10 343:10 350:23 351:22 368:6,15, 25 416:8 421:3
declining 281:2	departure 342:8	designation 244:7 245:24 259:10	determination 452:25
deep 329:25 330:13 381:11 465:9	depend 333:10 368:18	designations 259:7 476:1	determine 270:19 326:19 370:22 391:8 417:4 443:13
deeper 383:9	dependent 302:24 409:15	designators 475:20	determined 331:18 378:14 405:2
deeply 354:15	depending 271:23 375:7,8 377:15 463:20	designed 343:6 388:16 448:21 449:14	determines 278:10
default 417:21	depends 256:12 271:17 303:21 376:12 401:20 434:17 435:1	designing 260:11	determining 379:9 437:6 438:8
defer 302:7 312:21 341:8 355:14,17 378:18,21 380:7 389:17 469:18	deployed 279:2	designs 276:15 299:19 343:5 366:13 437:25	develop 282:16 407:22 443:20 464:13
define 373:23 380:5 394:10	deployment 333:25 340:25 342:21 410:8,10 459:15 460:16	desire 381:10,19	developed 327:17
deflected 413:15	depreciation 250:23 379:11 380:10 381:18 382:11	desires 373:1	developing 351:12,21 378:10
degree 437:22	depth 330:3	desk 242:15	development 408:10
delay 472:11	DER 276:16,25 277:17	desperately 284:5	devices 326:6,21 371:18,19
delayed 255:18	derived 375:6	detached 396:15	devote 304:24 330:6
deliver 261:18 267:6 420:8	DERS 336:18		dibs 337:8
deliverability 261:16 358:13 462:20	describe 302:22 403:8 404:22 438:25 439:3		
deliverable 348:23 414:25			
delivered 261:6			
delivery 419:18 462:22			
demand 262:6 269:17,18 279:4 288:10,14 328:8 333:21 393:9			
demands 370:5			

dice 468:7	362:21 409:4	308:20	431:10 458:8 459:12 471:18
dictate 294:14	dig 396:21	discovery 297:19, 22,23 298:11 301:22 302:17,18 306:15,16 317:4, 8,18 388:23 391:12 409:5 440:4,12 441:18, 19 442:2,5,19	discussions 280:2 284:24 285:18 287:2 323:2,5,8,9 328:13 335:7 339:17,21 340:17, 21 346:3 431:1 432:11 457:25
differ 395:8	direct 243:11 252:21 254:1,3, 23,24 266:23 292:24 315:24 318:14,18 319:21 325:23 345:21,22 347:6 353:8,11 359:1,18,22 364:20 367:11,12 368:24 390:17 399:12 411:10 419:3,12,13 427:12 438:18 444:7,8 458:18 462:16 463:4,15 465:5 470:13,15 472:24 476:21	discrimination 382:5	disincentives 368:16
differed 468:18	discriminatory 250:2 266:4 350:3 367:7 382:16 388:4,8	discrimination 382:5	disparities 254:19 281:16 343:16 344:9
difference 250:9 268:13,14,19 322:10 329:10,12, 13 338:15 365:14 374:11,12 393:9, 11 402:19 408:17 463:24 464:17	discuss 242:7 266:11 267:2 275:17 288:9 321:24 366:24 434:7 455:23	discriminatory 250:2 266:4 350:3 367:7 382:16 388:4,8	disputes 297:23 298:12 302:18 306:16
differences 281:9 284:7 336:12 383:3 405:6,21 463:21,22	discussed 254:15, 17 257:18 259:11 268:7 293:24 333:9 351:11 394:24 398:17 472:6	discuss 242:7 266:11 267:2 275:17 288:9 321:24 366:24 434:7 455:23	disrespect 374:16
differential 402:10 403:6 406:3 408:13,24 424:21 464:2,8	discussed 254:15, 17 257:18 259:11 268:7 293:24 333:9 351:11 394:24 398:17 472:6	discuss 242:7 266:11 267:2 275:17 288:9 321:24 366:24 434:7 455:23	dissimilar 258:12
differentials 395:10 438:10 449:4,7	discuss 242:7 266:11 267:2 275:17 288:9 321:24 366:24 434:7 455:23	discuss 242:7 266:11 267:2 275:17 288:9 321:24 366:24 434:7 455:23	distinct 364:18
differentiated 282:10	discuss 242:7 266:11 267:2 275:17 288:9 321:24 366:24 434:7 455:23	discuss 242:7 266:11 267:2 275:17 288:9 321:24 366:24 434:7 455:23	distinction 338:15
differentiation 314:23	discuss 242:7 266:11 267:2 275:17 288:9 321:24 366:24 434:7 455:23	discuss 242:7 266:11 267:2 275:17 288:9 321:24 366:24 434:7 455:23	distinctions 248:12,25 451:18
differently 260:24 266:1 306:21 342:15 344:1 348:10,11,14,17 349:2 350:8,11 351:18 354:18,20 387:8 425:3	discuss 242:7 266:11 267:2 275:17 288:9 321:24 366:24 434:7 455:23	discuss 242:7 266:11 267:2 275:17 288:9 321:24 366:24 434:7 455:23	distributed 276:16 277:8 324:4,11
differing 437:22	discuss 242:7 266:11 267:2 275:17 288:9 321:24 366:24 434:7 455:23	discuss 242:7 266:11 267:2 275:17 288:9 321:24 366:24 434:7 455:23	distribution 252:11 255:9 263:17,20 264:4, 7,22 265:19 283:19 297:18,21, 25 301:21,24 302:9,14,19,23 303:1,20 304:18 305:13,15,21,24 306:6 307:2 308:11,19,20,21 310:2 313:21 314:17 316:1,14, 17 318:4 326:1,5, 10,12 327:24 328:7,12 329:22, 24,25 330:13,24 331:6 332:17
differs 300:23 450:22	discuss 242:7 266:11 267:2 275:17 288:9 321:24 366:24 434:7 455:23	discuss 242:7 266:11 267:2 275:17 288:9 321:24 366:24 434:7 455:23	distribution 252:11 255:9 263:17,20 264:4, 7,22 265:19 283:19 297:18,21, 25 301:21,24 302:9,14,19,23 303:1,20 304:18 305:13,15,21,24 306:6 307:2 308:11,19,20,21 310:2 313:21 314:17 316:1,14, 17 318:4 326:1,5, 10,12 327:24 328:7,12 329:22, 24,25 330:13,24 331:6 332:17
difficult 346:3 365:13 449:2 458:19 464:15	discuss 242:7 266:11 267:2 275:17 288:9 321:24 366:24 434:7 455:23	discuss 242:7 266:11 267:2 275:17 288:9 321:24 366:24 434:7 455:23	distribution 252:11 255:9 263:17,20 264:4, 7,22 265:19 283:19 297:18,21, 25 301:21,24 302:9,14,19,23 303:1,20 304:18 305:13,15,21,24 306:6 307:2 308:11,19,20,21 310:2 313:21 314:17 316:1,14, 17 318:4 326:1,5, 10,12 327:24 328:7,12 329:22, 24,25 330:13,24 331:6 332:17
difficulties 435:22	discuss 242:7 266:11 267:2 275:17 288:9 321:24 366:24 434:7 455:23	discuss 242:7 266:11 267:2 275:17 288:9 321:24 366:24 434:7 455:23	distribution 252:11 255:9 263:17,20 264:4, 7,22 265:19 283:19 297:18,21, 25 301:21,24 302:9,14,19,23 303:1,20 304:18 305:13,15,21,24 306:6 307:2 308:11,19,20,21 310:2 313:21 314:17 316:1,14, 17 318:4 326:1,5, 10,12 327:24 328:7,12 329:22, 24,25 330:13,24 331:6 332:17
difficulty 334:15	discuss 242:7 266:11 267:2 275:17 288:9 321:24 366:24 434:7 455:23	discuss 242:7 266:11 267:2 275:17 288:9 321:24 366:24 434:7 455:23	distribution 252:11 255:9 263:17,20 264:4, 7,22 265:19 283:19 297:18,21, 25 301:21,24 302:9,14,19,23 303:1,20 304:18 305:13,15,21,24 306:6 307:2 308:11,19,20,21 310:2 313:21 314:17 316:1,14, 17 318:4 326:1,5, 10,12 327:24 328:7,12 329:22, 24,25 330:13,24 331:6 332:17
	disagree 283:5,21 284:7 292:19 310:17 320:9 339:24 353:2 380:22 386:16 449:13,16	discuss 242:7 266:11 267:2 275:17 288:9 321:24 366:24 434:7 455:23	distribution 252:11 255:9 263:17,20 264:4, 7,22 265:19 283:19 297:18,21, 25 301:21,24 302:9,14,19,23 303:1,20 304:18 305:13,15,21,24 306:6 307:2 308:11,19,20,21 310:2 313:21 314:17 316:1,14, 17 318:4 326:1,5, 10,12 327:24 328:7,12 329:22, 24,25 330:13,24 331:6 332:17
	disagrees 475:11	discuss 242:7 266:11 267:2 275:17 288:9 321:24 366:24 434:7 455:23	distribution 252:11 255:9 263:17,20 264:4, 7,22 265:19 283:19 297:18,21, 25 301:21,24 302:9,14,19,23 303:1,20 304:18 305:13,15,21,24 306:6 307:2 308:11,19,20,21 310:2 313:21 314:17 316:1,14, 17 318:4 326:1,5, 10,12 327:24 328:7,12 329:22, 24,25 330:13,24 331:6 332:17
	disclaimer 292:11 293:2 430:18	discuss 242:7 266:11 267:2 275:17 288:9 321:24 366:24 434:7 455:23	distribution 252:11 255:9 263:17,20 264:4, 7,22 265:19 283:19 297:18,21, 25 301:21,24 302:9,14,19,23 303:1,20 304:18 305:13,15,21,24 306:6 307:2 308:11,19,20,21 310:2 313:21 314:17 316:1,14, 17 318:4 326:1,5, 10,12 327:24 328:7,12 329:22, 24,25 330:13,24 331:6 332:17
	discovered	discuss 242:7 266:11 267:2 275:17 288:9 321:24 366:24 434:7 455:23	distribution 252:11 255:9 263:17,20 264:4, 7,22 265:19 283:19 297:18,21, 25 301:21,24 302:9,14,19,23 303:1,20 304:18 305:13,15,21,24 306:6 307:2 308:11,19,20,21 310:2 313:21 314:17 316:1,14, 17 318:4 326:1,5, 10,12 327:24 328:7,12 329:22, 24,25 330:13,24 331:6 332:17

339:13,20 340:4 342:6 349:16,20 355:10,25 356:6, 7,11 357:1,2 360:6,7,15 361:6, 10 366:5,14,21 367:21 371:11 372:10,12 376:21 377:4 380:1,12,24 381:4,8,9,11,17 382:14 383:10,14, 21 398:11 429:23	428:3,6 471:6,10 documentation 314:12 documents 244:11 381:1 400:3 Dolges 338:24 dollar 247:23 327:14 328:10 397:8 dollars 298:23 360:2,3 362:17 371:11 403:4 door 322:7 double 426:15 475:5 doubt 253:3 362:24 386:18 dozen 375:2 drafted 367:14 455:24 Dragoo 256:24 257:14,18,22 362:4 363:1 Dragoo's 354:5 draw 312:12 369:25 423:2 drawn 279:11 drill 378:8 driving 453:21 dropping 371:17 DRS 251:18,22 299:4 308:22 316:24 363:8,13 386:10 391:12,13, 24 392:1,7,10,11 due 274:10 319:16 342:9 371:22 457:3 477:4,22	duly 243:9 399:10 411:8 427:10 dumped 332:17 duplicate 391:25 duplicative 392:21 <hr/> E <hr/> eager 276:9 earlier 249:16 269:4 304:20 311:4 322:25 357:14 359:25 364:22 393:13 430:10 436:21,23 460:2,14 477:21 earliest 352:15 early 332:12 339:21 366:20,22 earning 383:5 ease 247:3 460:9 easier 245:17 274:3 295:6 387:24 465:23 471:13 easiest 338:21 easily 402:2 easy 314:9 454:5 EC-2024-0092 291:25 318:9 echo 470:6 471:25 economist 243:19 399:20 Education 260:2 effect 256:8 291:6 371:16 478:25 effective 321:25 effectively 258:16 259:5 260:10	306:21 317:16 331:4 376:10 378:13,24 420:13 effort 251:4 313:12 314:2 315:11 467:22 EFIS 242:10,17 306:25 307:4 412:5 455:3,5 469:14 electric 266:13 279:1 333:4 334:12 338:9,11 342:16 343:17 353:12 408:1,2 425:3 459:22 element 276:20,23 288:14 346:22 388:24 415:23 416:5 elements 250:4 265:25 266:1 281:4 329:23 381:6,7 382:4 387:19 472:12 eliminate 258:16 329:19 350:12 455:5 eliminating 472:1 elimination 330:17 email 246:3,6 475:21,23,25 476:8 477:21 emailed 347:19 emailing 476:15 emails 347:16 embedded 327:12 Empire 268:6 394:25 408:20 employed 243:16
---	--	--	--

249:4 399:17 411:15 427:17,19 employee 423:22 employees 437:22 enact 273:24 encompass 377:14 encourage 409:18 468:9 end 242:15 281:14 289:23 303:8 316:17 330:18 336:19 343:19 350:11,13,16,17 351:4 352:13 353:25 368:1 373:17 387:9 397:21 418:19,21 422:7 443:22 456:13 endeavor 272:15 375:23 ended 309:24 310:12 349:2 ending 353:10 420:4 477:2 ends 467:3,4 energy 256:25 260:6 266:20 276:16 277:8 324:4,11 343:21 344:10 374:7,23 375:10,14 376:4 387:17 393:21,22 394:3,5,17 401:14 405:9,15 408:14 409:14,18,21 enforce 356:7 engaging 340:16 engineer 327:1,2 454:3	engineers 303:2 305:16 328:14 331:17 enhance 276:15 277:16 ensure 249:25 388:7 454:22,23 ensuring 281:8 enter 397:23 entered 247:2 248:15 309:20 381:15 389:5,17 423:6 475:6 entire 464:10 465:11 entirety 465:10 467:17 470:15 472:2,16,17 enumerated 319:20 320:4,13, 14 envisioned 248:15 EO 312:6,7,11 390:11 EO-2024-0002 242:4 345:1 EO-94-199 476:25 equal 342:12 368:3 equally 248:7,8 268:23 equals 373:20 equation 405:19, 20 equipment 387:17 equivalent 396:23 ER-129 477:16 ER-2022-0129 254:23	errata 242:9 469:12 475:9 errors 257:11,21 320:25 essentially 328:3 463:5 establish 297:20 301:23 established 300:17 398:3 449:19 451:7 457:13 estimate 284:3 295:11,18 299:11 314:14,17,22,23 315:7 362:8 364:20 385:12 390:5 437:25 465:11 estimates 296:1 297:18 299:2 301:21 315:25 362:5 389:10 392:24 393:3 406:7,11 414:24 438:19,22 465:4 estimating 299:18,22 evaluate 432:22 439:10 461:2 evening 281:25 413:10 eventually 375:15 Every 244:23 249:7,10,23 250:24 252:21 254:7,13,18 261:19,25 262:5, 13,14,17,25 263:1 264:5 265:7,12, 14,23,25 266:13, 19,24 267:17,19 269:14,15,17,19	272:7,19 273:8,9, 13,22 275:22 278:25 280:22 282:8 283:5,8,10, 15 284:1,23 285:4,17,19 286:7,11,14 287:2,3 288:20 289:5,13,18,23,25 295:10,11 296:1,6 297:17,19 298:16, 21 299:23,25 301:20,22 303:17, 20 305:14 306:12 307:2,5,7 309:7,9, 14,15 311:6 313:11,17,21 315:11 316:4 317:5,10,15 319:22 321:7,24 322:25 323:7,10, 11 326:2 328:22, 25 330:24 332:6,8 333:25 334:19 335:3,5,9,12,18, 21 339:18 340:10, 25 341:17 343:25 345:13 346:7 347:9,23 348:17 351:5 352:11,18, 19 353:8,9 354:1, 4,6 356:7,19 359:2,20 360:6,8, 9 361:5,7 362:14, 24 363:11,16 365:15 367:16 368:8,12 370:8,9 371:10 372:15,21 373:4 374:5,7 376:13 378:9,15 383:21 385:12 387:10 388:16 389:2,6,12,16,19 391:1,7,13,14,22 392:2,8,14,15 394:9,20,23,24 395:5,16 401:22
---	---	--	---

402:5 408:22 409:4 419:9 423:13 424:12,14 426:2 429:23 430:2 432:17 434:8 435:10 437:16 438:2,11 442:12 443:8,14, 20 444:15 454:21 455:1,3,10,18 457:18 458:9,21 459:20 460:15 461:21,23 462:11 463:2 472:14 Evergy's 248:12 263:8 284:17 290:19 309:17,19 310:18 313:10 315:5,24 316:22 323:6 335:7 342:2 344:10 346:21 350:6,10,24,25 359:18,21 369:3 373:1 383:17 387:7 388:5 389:1 432:22 438:11 446:4 464:5,23 everybody's 426:24 467:14 evidence 245:7 246:8 274:14 287:14 296:4 324:14 380:15 381:15 400:12,17 413:1,6 422:8 423:16 428:13,17 443:20 452:11 453:18 469:9 470:9 472:18 475:2 evidentiary 242:3, 5 368:9 471:10 EW 276:9 417:14 EW-2017 279:24 336:16	EW-2017-0245 275:19 276:13 277:9 280:5 324:5,10 475:17 exact 258:10 273:1 276:21 304:6,7 345:12 364:12,19 365:5 378:22 431:20,21 EXAMINATION 243:11 387:1 399:12 411:10 425:21 427:12 460:24 examine 270:7 examined 243:9 399:10 411:8 427:10 examples 259:11, 15,18 297:25 396:2 Excel 392:12 Excellent 375:21 398:23 469:7 472:14 476:10 478:25 exception 249:10 excerpt 365:1 470:25 471:3 exchange 347:25 excluding 373:15 exclusive 271:13 excused 398:24 410:23 426:13 467:4 exhibit 243:24 245:6,7 246:4,8 247:1 272:11 274:4,6,10,12,14 277:3 285:9,13 287:9,12,14,17	324:6,12,14,19 325:9 380:8 389:21 397:19,23 398:4 399:25 400:12,15,17 411:22,24 413:1, 5,6 421:23 422:1, 3,8,10,12 423:14, 16 426:24 427:25 428:12,16,17 468:25 469:3,9, 11,15 470:8,9,12, 14,19,23 472:15, 18,22 475:4,15 476:11,24 477:1, 3,5,8,13 exhibits 397:21 426:22,24 468:19, 20,21,22 472:20 474:24 475:1,6,7 477:6,7,19,25 exist 281:17 282:16,19 283:1 309:16 313:7 328:8 336:6 352:14 440:5,14 441:6,22 442:2,20 445:24 447:12 462:22,23 existed 282:17 existence 328:9 existing 248:12 250:4 254:19 266:5 284:18 310:18 312:25 313:1 342:8 344:9 383:18 387:7,14 388:4,5,16 453:11 473:2 exists 252:5 309:19,20 expand 333:7 461:12	expect 242:20 246:14 306:16 331:15,19 340:18 391:10 395:23 459:17 462:3 expected 287:23 311:12 345:18 346:16,19 362:14, 19 391:6 418:7 440:4,12 expecting 464:19 expend 295:18 298:6 385:12 expenditures 361:10 expense 282:9 283:6,12,16 313:21 316:1,14 361:12,13,14,15 371:17,23 372:10 388:18 expenses 252:12 295:12 314:16,18 361:8 experience 334:11 335:20 440:2,11 461:9 expert 272:7,8 299:17,22 300:2 expertise 299:10, 16 437:18,23 expired 344:23 421:21 explain 321:3 325:19 333:6 369:16 390:14 391:4,23 393:9 explaining 319:21 explains 268:25 409:16 explanation
--	--	--	--

246:24	373:20,24 374:4, 9,11,12,18,20 375:16 405:14,24 406:23 409:17 425:1 437:6,9	favor 446:5	433:24 444:7 457:21 464:20 472:10 475:22 476:21
explicitly 436:10		feasibility 294:11	
expressed 259:13		feature 266:16 394:9	filed 243:21 245:2 253:1,8,20,21,24 254:7,24 255:16 276:8 277:7,8 287:1 290:16,17 306:17 307:14,20 310:21 314:1 318:15 323:12 324:5 346:20 367:13,18 385:10 398:20 399:21,23 411:19 412:3,5, 17,20 427:22,24 431:11 433:10,18 455:3 469:12 474:3 475:16 477:18,25 478:13
extension 314:11		features 388:5	
extent 249:12 256:18 257:23 281:16 284:8 315:24 318:16 325:24 329:14 340:13 347:16,23 387:11 388:14 401:23 461:20 463:10,23 464:8 466:21	factors 375:8 395:8	February 423:24 477:22,24 478:2, 10	
extra 248:10 274:22 297:11	factory 264:15	federal 281:11,15 376:3	
extrapolate 341:7	facts 253:6 287:20 355:4 448:24 452:10	feedback 276:10 289:9,10 290:21 373:9	
eye 289:6 323:5 330:1 478:24	failed 294:19 297:17 301:20	feel 242:20 247:20 255:13 331:3 422:24 452:16 453:7 473:23	
	failing 369:5	feet 327:8	
	failure 290:19	felt 269:10 282:12	files 311:10
	fair 259:3 260:14 270:21 300:5 330:21 364:3 391:6 446:15,18 452:20 457:16	fence 446:4	filing 253:11,25 254:2 266:23 290:1 306:16 310:21 318:18 345:22 347:6 349:3 353:11 359:18 372:17 430:21 431:9 433:22 439:23 458:19 463:4
	fairly 252:22 253:2 262:12 266:16 281:7 282:2 341:6 371:14 396:12	FERC 308:11 372:3,8,9,10 376:3	filings 307:3 456:10 478:25
F	fairness 372:8	fewer 268:17,20 371:22	final 312:10 418:19 423:3
F-E-R-C 376:3	faith 313:12,17 314:2 315:11 316:15	field 251:2,6 252:3 327:15	Finally 280:14
FAC 373:21 374:15,18,20 375:15 395:7,9	fall 346:12,13 347:10 359:23 362:13 371:8 468:25	fifteen 332:25	financially 448:22 449:15
facetious 412:10	falling 425:6	figure 253:18 303:16 313:2 352:2 377:3 402:21,24 404:6 468:1,10	find 267:9 295:23 329:14 347:21 357:21 360:22 368:19 370:25 372:6 375:21
facilities 264:19 265:12,14,17 388:16	falls 381:7	figuring 261:18 317:12	
facilities' 262:6	familiar 272:8	file 242:3,9 290:11 311:5 332:12 344:25 353:8 372:2,3,8,9,10 396:1 411:23	
facility 287:23	familiarity 356:23		
facility's 255:7 264:20	fashion 456:15		
fact 273:1 275:2, 17 317:3 322:17 346:14 354:19 423:3 457:1 461:23	fast 287:12		
factor 244:14 293:23 294:6	fault 261:13		

438:14	444:20,21 445:1, 7,17,18 446:10,13 447:7,8,17 448:1, 13 450:1,2,7,11, 15 451:2,10 452:6,15,20 453:9,16,24 454:2,9,12 460:20 461:1 469:6 470:22,24 472:25 473:18 474:5,10 476:4 477:11	format 253:16 434:22 441:11 462:1	front 247:11 261:12 282:5 291:17 381:2 413:17 439:6 447:9 457:24
finding 457:11		formed 265:5	fruit 389:10
fine 251:9 258:11 321:6 324:2 325:6 342:13 349:19 414:12 476:7		forthcoming 432:12	fruitful 323:4
finger 307:10		forthwith 319:18	fryer 369:20,22, 24,25 370:3 393:14
finish 467:10		forward 242:20 249:23 264:12 281:4 288:4 293:23 296:22 297:13 298:5 301:18 302:11 312:5,10 321:2 335:22 352:23 353:3,5 355:20 366:10 380:20 410:25 418:13 438:12 443:5,19 452:21 456:2 462:10 468:5,11	fuel 244:14 350:23 373:17,19 374:21, 22,24,25 375:5
firm 272:25		foster 373:5	full 250:6 263:20 274:11 278:8 348:1 352:10 366:24 403:20 471:13 476:21
Fischer 242:8,21 245:23 281:22,25 282:4 285:8,11, 14,15 287:8,10,16 290:10 291:24 292:3,4,22 293:11 296:24 297:8 298:1 302:1,4 306:13 309:2,4 311:2,7,8,18,25 312:17 315:20 318:5,7,19,22 319:9,25 320:1, 10,12,18,20 321:10,12,16,19, 20,22 322:14 323:17,22 364:12, 15 379:19,22 381:16 382:9,22, 24 384:11,13 385:3,25 386:1, 20,22 388:2,9 389:1 398:6,8 400:24 401:4 407:11 410:19 415:6,7,9 421:9 422:7 423:9,10 425:17,18 426:9 428:23,24 429:1 430:7,12,14 431:20,25 432:2, 3,8,20 433:4,6,8, 16,17 434:3,5 440:9,10,20 441:16,25 442:14 443:2,14,17,24,25	fit 276:25	found 253:24 474:19	fully 268:4 279:1,2 413:24 414:25 434:12 435:14
	fix 352:17	fourth 310:5 366:15	function 367:2 405:20 466:19
	flagged 259:4 323:23	frame 403:14 456:7	functionalization 326:2 328:2
	flexibility 279:5	frankly 248:23 252:7 279:19 281:6 303:13 307:6 331:20 336:22 348:17 350:20 364:23 367:23 368:21 376:12 380:7 388:24	functionalize 328:1
	flipping 261:13 286:22	fresh 361:13	fundamental 445:22
	floor 242:22 345:3		fundamentally 442:24 444:3 445:9
	flow 292:2 375:13		future 260:11,13 269:13 275:25 288:5 290:8 324:24 339:23 340:19 341:16 354:23,25 356:21 418:3 452:3 478:25
	focus 366:3 415:15		fuzzy 323:14
	focused 248:20		
	focusing 334:25		
	folder 274:19 294:19		
	follow 300:17 353:6 449:19 450:9,17,18,20 476:15		
	font 293:4		
	forced 389:14		
	forego 400:22		
	foremost 325:25		
	forgot 275:10		
	form 306:24,25 307:3 308:11 372:3 373:11 465:17,18,19		

G**gave** 268:3 420:14**general** 260:24
319:22 339:9,24
343:17 347:13
362:21 394:1
415:24 438:9
439:22 444:5
451:13 455:16**generally** 244:23
287:19 300:21
357:2 377:10
434:20 446:21
450:25 457:24**generating** 460:9**gesture** 475:22**gesturing** 361:22**give** 242:17 255:9
256:6,22 258:20
263:22,24 268:15,
19,21 289:13
291:19,24 294:23
311:5 319:14,16
324:22 338:18
348:2 351:13
353:17 357:3
360:23 363:7
364:20 368:8
369:6,8,14 383:7
386:17 390:4
402:17 420:7,11,
14,15,16 421:25
426:4 440:23
443:16 449:6
453:10 454:13
461:24,25 463:11**giving** 253:16
329:6 337:10
362:24 369:12**glad** 441:8**goal** 349:8,9,14,
20,25**God** 473:21**good** 243:6,7
247:6,7 248:2
253:14 260:16
278:10,18 281:22,
24,25 288:6
295:21 299:1
303:25 313:12,17
314:2 315:11
316:15 322:21
325:12 335:4
359:12 364:20,22
367:24 388:24
399:7,8 411:5,6
413:10,11 421:4
427:7,8 452:21
466:23 471:3**gosh** 249:8 470:11**grab** 294:20**grade** 366:16**gradually** 342:18**grand** 248:10
252:10,11 304:22
311:6 346:17
354:7 384:1,2,22**grant** 319:23**granular** 259:6**great** 242:18
294:22 321:1
345:16 346:24
355:6 371:7
401:23 425:8**greater** 314:13**greatness** 424:3**green** 261:15**ground** 252:16
279:6 310:3,16
332:23 357:21
361:20 457:11**grounds** 306:1
397:25 423:11**groupings** 396:12**growth** 308:14**guess** 245:6 250:8
260:22 280:22
299:16,22 300:4
305:1 312:6
321:16 330:12,15
352:15 368:1,17
382:10 386:2
387:13,24 389:25
392:23 396:19
414:20 419:6
434:22 440:23
448:10 454:1
455:6 458:19
462:8 466:2
469:24**guesses** 387:16**guidance** 443:4,16**guys** 254:6 255:15
263:12 468:3**H****Hahn** 246:13
337:1,8,23,25
338:3 344:15
345:3,5,7 351:23
363:25 365:10
376:14 385:5**Hahn's** 337:4
395:3**half** 278:11
304:15,16 306:22
307:4 354:2
392:7,8 397:12**hand** 242:25
318:23 401:25
410:25 427:1
446:4,8 469:1**handed** 430:10**handful** 305:12**handle** 401:22**handled** 312:10**handling** 297:1**hands** 328:23**hanging** 389:10**happen** 247:10
274:22 294:16
317:6,7,15 331:19
459:24**happened** 242:16
269:16 279:2
291:2 364:22**happening** 329:5,
9**happy** 309:25**hard** 332:20
402:21 468:15**Hatcher** 242:2,4,
14,22,25 243:4,25
244:3 245:9,15
246:1,10,18,22
272:13 274:9
277:4 280:9
281:20 285:10,12
287:10 290:5
292:23 293:10
297:5,10,14,16
306:1,3 311:1,12,
22 312:2 315:21
316:11 318:21
319:12 320:9,15,
19 321:10,19
322:3 323:22
324:2,8,16 325:7
337:1,17,19
344:17,22,25
349:23 364:2,7
365:16,23,25
375:17 379:18,23
381:21,24 384:12,
17 385:24 386:22
397:11,20 398:6,
14,20,23 399:5

400:14,19,24 407:13,20 409:24 410:17,20,22 411:4 412:6,10 413:3,8 415:6 421:11,20 422:20 423:9,14,18 424:5,10 425:12, 17,19 426:12,18 427:5 428:14,19, 23 431:25 432:5, 16 433:1,15 434:1 440:9,15 441:15 442:3 443:11,18, 24 444:20,24 445:4,15 446:2,12 447:1,4,7,15,21, 23 448:9 449:24 450:5,8,13 451:9 452:7,12 453:2, 14,19 454:11,17 458:23 460:19,21 466:7 467:3,8 468:13 469:7,11, 17 470:1,7,11 471:3,15 472:3, 13,17,20 473:5, 10,15,20 474:1,8, 11,24 475:3,24 476:10 477:12,18 478:8,20	heard 246:4 252:15 255:23 256:9 274:9 278:16 289:25 311:23 321:12 324:9 337:20 366:25 372:16 400:14 407:8 413:3 416:18 428:14 449:25 470:2 477:6	high 360:2 403:5, 17,23 408:13 417:20,21 424:21 446:6 465:10	478:3
hate 300:7 471:5	hearing 242:3,5, 15 246:6 253:19 255:18,24 274:13 287:13 307:2 319:17 321:2 324:13 330:17 345:11,14,19,21 400:15 407:17 413:5 420:25 424:7 428:16 441:10 454:14 458:9 459:2 464:4 467:12,19 474:25 476:19 478:15	higher 335:23 406:3 464:2,7 470:8	hope 274:19 281:25 282:1 285:22 294:18 307:7 312:4,22 313:8 314:6 320:25 327:19 332:14,23 349:17 355:4,5 357:12 425:7 460:10
head 260:5 343:24 368:2 375:4 407:7 448:14 477:14	hearings 467:23	highlight 471:23	hoped 317:6,15
heading 254:9 296:21 297:12	heat 323:20 405:20	highlighted 295:17	hopeful 320:19
heads 334:6	Heating 260:1	highly 305:10 468:9	hoping 263:12 269:1 286:23
healthy 448:22 449:15	heck 289:7	hire 305:5	hot 409:19
hear 311:22 367:4 381:21 421:24 432:6 462:4 475:11	held 284:25	hiring 454:6	hotter 405:16
	helped 452:12	historic 327:17	hour 273:16 337:10 369:17 370:2,17 393:15 394:15 400:21,25 456:18
	helpful 245:16 293:7 327:16 348:8 356:8 358:4,23 360:1 363:3 381:9 436:15 456:7,11	historically 404:7 405:8 407:1 409:4 422:13	hourly 334:18 335:8 350:15,17 353:18 354:4 369:2,5,11 370:24,25 375:7 397:4 402:6 403:18 404:19,22 405:11 406:1 407:3,4,5 408:11 410:11 414:22 424:19,20 454:22 459:10,15,19 462:2
	hey 255:8 263:22 311:5 336:16 346:16,17 348:2, 21 372:8	history 347:8 461:15,17	hours 267:10 273:19,21 274:2 304:24 333:15 375:10 397:12 403:20 405:14,16 409:21
	Hickman 396:3	hit 347:20 368:2	house 305:5,8 397:7,10 405:16, 17,22
		hitting 254:3 367:3 370:15,17	
		hold 357:10 404:12	
		holding 287:2 470:14 472:21	
		Holsman 246:13	
		honest 316:12 340:25	
		honestly 402:15 407:10	
		Honor 246:23 274:5 291:21 397:16 422:9 425:16 428:22 445:18 471:21	

huge 280:20 330:3
hundred 267:16,
 17,18,19 268:15,
 17,20,21 273:19,
 21 274:2 298:23
 304:24 333:11
 358:5,16 362:17
 369:8

hung 438:2

hunky-dory
 332:21

hurry 281:11
 362:2

hypothetical
 327:10 452:10

hypotheticals
 452:5

I

latan 249:9

idea 250:8 293:14
 310:16 368:5
 371:8 383:23
 405:23 465:3
 466:23

ideal 402:16

Ideally 395:12
 455:20

ideas 289:16

identical 329:10

identified 275:12,
 19,23 276:3,6
 278:18 364:19
 366:12 398:12

identifies 272:25
 277:12

identify 361:6,8
 390:9

identifying 276:13

ignore 280:22
 343:2,4,13

ignoring 344:12
 361:1,2 436:25

imagine 372:6

Immediately
 253:12

imminent 259:23

impact 267:22
 269:20,22 270:19
 288:25 327:20
 329:7 344:4,6
 377:17

impacted 278:15

impacts 261:2
 267:15 270:12
 289:4 329:15,16
 333:12 369:12

impetus 438:4

implement 294:5
 299:19 301:2,10

implementation
 294:10,11 368:3
 408:6

implies 363:1

importance
 244:13 402:23
 456:24

important 248:7,8,
 10,13 250:21
 266:12 325:20
 328:24 339:2
 342:3 360:5 361:9
 379:5 393:6,11
 405:12 408:12
 437:6,9 439:25
 456:1 466:19

imposing 452:15

imprecision 329:8

impression
 364:18 366:4,7

425:24

improper 469:21,
 24 470:5

improvements
 439:13

imprudent 295:18
 296:6 298:3,9
 385:11 422:25
 437:12

imputation 367:22

impute 368:10

in-house 326:12

inability 334:15

inappropriate
 278:15

inclined 471:19

include 245:20,21
 262:12 299:2
 301:15 318:25
 333:20 391:21
 392:22 416:9

included 258:6
 276:7,20 278:23
 279:7 293:15
 298:21 299:6,8
 372:24 392:24
 395:9 420:4 421:7
 433:11 438:23
 444:11 456:19
 462:16 470:19

includes 265:25
 277:14 280:25
 350:7,10 415:19
 430:17 438:18

including 328:14
 408:10 439:21

inconsistent
 293:6

incorporate
 354:16 367:17
 415:23

increase 368:4
 403:1 444:8

increased 357:11

increasing 371:18

incremental
 346:22

increments 369:1

incurred 371:23

independent
 299:11 444:6,15
 445:20,25 466:2,
 17,20,24

independently
 355:12

Indiana 336:20

individual 269:1
 273:16 293:13
 296:3 391:2
 392:24 393:3
 438:19 467:15

individually 362:8
 429:24

induce 343:6

industrial 262:3
 289:16 343:18
 383:5 451:13

industrials 263:6
 264:8

inform 438:7

information
 244:13 249:21,24
 250:10,12,16,18
 251:12,13,24
 252:6 255:5,6,22
 257:16 258:2
 259:8 261:18
 265:15 268:1
 270:7,18 272:16,
 22 276:22 279:15
 281:12 282:16
 283:1 284:17

287:22 288:24 289:10 293:22 294:4 297:24 298:12,13 299:9 302:19,24,25 303:13,16 307:9 313:21 314:13 316:1,2,14 318:11 328:14 329:17,18 330:5,10 334:2, 15,18,19 335:21 338:8,11 339:22 340:24 341:14 342:5,20 346:6,19 347:8,15,24 348:12,13,15 351:20 354:12 357:5 359:20 361:19,21,23 367:5,15,23 368:8,17,18 369:13 372:1,2,25 373:24 374:13 376:22 377:4,9,13 378:16 382:4 384:3 386:7 387:4,11 389:4,10 390:6 393:5 394:18,23 395:20 396:24 397:5,10 402:9 403:15 408:12 416:14 417:11,13 418:10 419:16,18,20 420:15 434:7,9, 19,20 435:4,11, 17,22 436:3,12, 18,19 437:4,7,9 438:5,15 441:10 442:1,12 448:25 449:1,6,8 452:14 454:5 455:2,3,14, 16,20,21,25 456:4,6,9,11,14, 16,18,19,23,25 457:9,22 458:3,18 459:19 460:7,11	461:22,24,25 462:3,4,9,17,21, 22,23 463:5,12 464:1,6,9,23 467:9,24 468:10 469:22 infrastructure 410:14 460:3 inherent 329:8 339:15 inherently 370:10 Initial 478:1 initially 262:4 initiated 254:4 input 375:15 395:6 429:8,9 477:7 inputs 376:7 install 264:14 installation 252:4 installed 326:17 396:15 instance 420:3 instances 339:11 391:15 445:23 456:8 463:9 473:16 instruction 303:22 instructive 357:17 integrated 343:21 375:1 intend 401:17 472:12 intended 287:18 448:5,16 intensive 307:24 intent 343:4 intention 340:12 393:7	interchange 376:9 395:5 interest 259:13 383:15 452:13 457:11 interested 285:18, 24 290:3 interesting 269:7 441:7 interests 300:15 446:25 447:20 interject 316:11 365:17 interlocutory 312:6,9 intern 252:3 internally 334:8 455:23 interpret 251:21 304:1 442:9 474:15 interpretation 354:25 355:4 386:17 422:25 interpreted 354:18,20 356:5 433:3 interpreting 251:19 450:9 interrupt 244:3 292:1 324:1 421:13 451:21 interruption 466:9 interval 369:17 393:21,22 394:4,5 418:6 intervenors 444:10 intrinsic 261:7	introduced 476:18 introducing 257:11 274:4 introduction 269:19 274:6 investment 332:19 372:12 investments 460:8 investor-owned 287:19 involve 277:2 303:1 384:24 involved 264:9 275:11 279:20,21 334:17 370:19 377:21 431:1,10, 14 457:19 involves 431:20 432:9,10 involving 431:15 IOUS 338:9,11 irrelevant 299:8 irrespective 435:3 issue 259:16,17 260:22 263:1,6,7, 9 268:8 269:11 270:16 274:7 276:1 295:9 307:9,22 317:8 322:9,12 327:10 328:3 331:15 339:1 347:12 356:20 365:3 371:15 374:19 402:9 413:25 414:14,18 415:1 437:3 442:6,11 443:15,20,22 455:5 458:10 462:10,14,18 464:10,11 468:2
---	--	--	---

issued 364:13

429:15,19,20

451:12

issues 254:15,17

256:10 288:23

325:24 346:4

347:15 374:17

395:20 402:25

414:3,5,6 415:2

422:17 431:12

443:2,7,12,13

445:18 450:16

457:22 461:13,14

462:11,12

item 247:23

265:15,21 277:15,

23 282:22,23

283:24 284:1

296:3 298:13

313:21,22,23

314:8 315:7,14

318:2 326:20

329:21 331:20

332:24 340:11,17

342:18 347:2

359:24,25 360:13,

16,17,24,25

361:2,6 377:4,9

386:19 393:8

items 244:23

245:1 247:16,19

248:11,19 252:9

269:1 282:22

296:1 297:18

298:13 301:21

302:13 304:21

313:23 315:7

317:21 327:13,14

334:5 338:21

346:8 347:3

355:22 356:14,15

364:24 371:22

376:25 377:3

384:19 388:13

392:25 413:21

426:21 455:7

iterative 353:1

J

January 352:13**job** 300:12 331:3

367:2

jogged 264:24**John** 325:22**joining** 246:15**joins** 474:4**joint** 253:6,24

254:5

Judge 242:2,4,8,

14,22,25 243:4,25

244:3 245:9,15

246:1,10,18,22

247:21 272:13

274:9 277:4

280:9,12 281:20,

22 285:8,10,12

287:8,10 290:5

291:24 292:23

293:10 294:24

297:5,7,8,10,14,

16 306:1,3 311:1,

7,11,12,17,18,21,

22 312:2,19 313:5

315:21 316:11

318:5,19,21

319:12 320:9,15,

19 321:10,19,21

322:3 323:22

324:2,8,16 325:7,

11 336:24 337:1,

14,17,19 344:17,

22,25 349:23

364:2,7 365:16,

17,23,25 375:17

379:18,19,23

381:16,21,24

384:12,17 385:24

386:22 393:13

395:7 397:11,20

398:6,14,20,23

399:5 400:14,19,

24 407:13,18,20

409:24 410:17,19,

20,21,22 411:4

412:6,10 413:3,8

415:6,7 421:11,

20,21 422:4,20

423:9,12,14,18

424:5,10 425:12,

17,19,23,24

426:12,18 427:5

428:14,19,23,24

431:20,25 432:5,

16,20 433:1,15

434:1,4 440:9,15

441:15 442:3

443:6,11,18,24

444:20,21,24

445:4,15 446:2,

10,12 447:1,4,7,

15,21,23 448:2,9

449:24 450:5,8,13

451:2,9 452:7,12,

20 453:2,9,14,19,

25 454:9,11,17

458:23 460:19,21

466:7 467:3,8,13

468:12,13 469:6,

7,11,17 470:1,7,

11 471:3,15

472:3,13,17,20

473:5,10,15,18,20

474:1,8,11,24

475:3,24 476:10

477:4,12,18

478:8,14,20

Judging 475:22**judgment** 331:25

348:25

July 253:7 346:20

347:10

jumping 269:3

339:19

June 253:1,8,11,

24 254:4 256:2

367:12

jurisdiction

336:10

jurisdictions

263:7 394:10

justification 281:1**justness** 382:3

K

Kansas 380:24**KCPL** 264:9

265:24

keeping 386:12**Kerr** 242:22,24

243:6,12 244:2,4,

9 245:6 246:16,17

290:4 292:20

301:25 302:3

305:25 306:2

309:1 310:24

311:15,20 315:18

319:7 320:7

321:9,14,17 322:2

325:2,6 337:14,18

363:8,12,17,19,24

381:13,21,23

382:21,23 384:10,

14,15 385:23

386:24 387:2

397:11,14 398:21,

22 399:7,13

400:12 410:21

411:5,11 412:4,8,

14 413:1 425:19,

20,22 426:10,17

427:6,13 428:12

430:5 431:17,23

432:6,16,17,24

433:13,20 440:7

441:14,23 443:1,

7,23 444:19

445:4,12 447:2,6,

22,24 448:8 449:21,24 450:12, 23 452:5,9 453:18 460:22,25 465:21, 22 466:12,14 467:1 469:20 472:16 473:12,17 474:22 476:7,15 477:16 Kerr's 287:11 key 267:1 Kim 267:1 402:17 410:24 411:7,14 423:18 kind 247:15 248:25 252:4,5 254:18 255:4 260:10 261:3,7 263:15 275:9 277:1 299:12,13, 14,24 303:12 311:11 317:23 331:12,20 340:21 341:13 347:15 348:1,24 350:14 351:9 359:3 389:20 393:5 395:20 396:14,16 402:12 415:25 418:11 430:19 433:12 434:19 436:6 437:20 440:25 446:20 452:2 455:11,19, 24 457:20 462:8 kinds 478:12 king 347:14 kitten 336:15 knew 282:18,25 433:9 knowing 305:2 332:16 352:3,6 knowledge 245:4	336:6 338:13,17 339:3 400:10 412:24 419:17 428:10 Kolkmeyer 246:14 KV 257:6,8 303:12 307:11,12 384:5 KV/240 307:11 kw 369:25 370:3,5 kwh 374:8,9 <hr/> L <hr/> L-A-N-G-E 243:15 L-I-H-E-A-P 259:25 L-U-E-B-B-E-R-T 427:16 L.K. 243:15 292:7 labeled 273:14 277:10 324:21 lack 360:18 389:8 lacking 331:2 lag 266:19,24 267:1 358:21,22 454:25 456:2 457:20 laid 276:5 279:24 314:6 317:25 Lange 242:24 243:8,15 247:6 272:18 277:6 281:23 285:16 292:7 304:3 316:18,25 318:8 337:5,12 345:2,6 349:23 351:13 364:1,9 373:12 375:20 398:24 413:15,23 414:9, 19 416:19 430:2,	10 435:19 436:23 455:14 456:9,24 468:14 476:14,21 Lange's 245:18,20 324:16 470:13,15 472:5 language 278:16 356:9 366:18 378:22 390:7,8,13 391:3 430:18 laptop 397:3,8 large 262:11,12 300:20 305:3,4 333:23 406:25 408:17,24 451:13 largely 303:3 326:3 419:23 larger 258:14 362:5 largest 334:12 late 305:1 322:16 421:21 475:22 477:18 late-filed 325:9 468:22 477:19 latent 379:13 law 281:11,15 311:11 312:19 313:5 319:23 344:25 350:5 448:7,18 Lazar 279:20 280:8 leader 351:10,16 leading 345:22 leads 252:16 261:16 learn 326:25 learned 250:20,21, 24	learning 351:8,9 leave 249:19 256:3 271:11,24 297:22 302:16 310:20 313:3 414:11 leaves 306:14 Lebel 280:7 led 266:17 279:19 left 397:12 legacy 338:25 legal 310:24 311:16,18 320:8, 10 321:14 382:22 433:14,21 441:24, 25 442:4 447:6 451:1 legally 300:19 legislation 332:18, 19 legitimately 263:9 lend 274:24 length 349:11 letter 427:16 letting 468:24 level 273:16,22 279:5 282:10 283:7,17,22 328:22 329:7 338:18 345:10,13 351:21 357:3 358:13 372:9 418:14,15,17 420:9 424:18,19 425:7,8 444:8 446:6 464:12 465:10 levels 370:6 371:17,18 388:3 Liberty 268:6,7
---	---	--	---

333:5 334:1,5 338:20,22 339:21 340:13 394:20,24 408:20,23 light 305:2 336:10 380:25 400:21,24 445:17 446:20 LIHEAP 259:13,24 260:15 liking 310:22 limitations 276:24 limited 347:25 439:18 limits 316:13 lines 275:14 331:8 378:19 440:19 459:8 link 339:2 list 296:3 308:17 320:23 325:2,22 363:13 367:13 376:25 424:8 426:24 455:7 475:12 476:11 listed 389:20 listened 362:4 listening 256:6 306:19 337:20 lists 475:5 literal 250:3 264:13,21 338:23 355:18 365:14 381:1 384:5,7 391:17 396:9 literally 290:7 340:11 341:1 346:20 litigated 259:16,17 269:11 load 266:15	326:20 334:17 335:4,7,8 353:18, 20 354:4 376:11, 12 401:9 402:6 407:4 454:22 459:10,16 loads 370:24 375:7 local 468:2 locked 258:3 long 249:3,4 275:10 304:3 433:6 440:1 457:2 458:24 463:18,19 long-term 275:24 294:8,9 longer 244:8 249:9 327:18 342:12 459:21 looked 252:19,25 254:1 263:18 317:11,21 334:6 335:11 loop 269:23 loss 374:9 losses 374:3,4,19 lost 284:11 lot 245:17 256:2 259:20 262:10 273:23 274:3 282:21 287:3 294:1 299:15 304:10 306:5,18, 19 307:20,22 308:19 322:9,10 329:23 331:23 342:21 347:12 360:6,9,12 361:9, 12,20 362:1 365:2 366:20 372:14 375:19 382:8 384:7 391:24	395:15 396:17 397:9 402:9 405:12 409:16 437:22 439:19,22 440:24 441:19 453:5 457:23 464:16 lots 304:12 348:19 383:14 love 289:4 310:2 473:21 low 314:13 360:3 389:9 403:17,24 448:6,17 Low-income 260:1 lower 308:14 358:9 LPS 342:14 Luckily 351:6 Luebbert 310:1 347:20 421:17 426:14,19 427:1, 9,16 429:2 433:9 434:15 448:9 454:3,13 467:4 476:17 Luebbert's 442:7 lump 295:18 296:2 298:13 313:23 317:9 359:25 360:15 385:12 lumping 283:24 lunch 337:11 344:23 372:21 373:3 376:20 394:22 Lutz 246:25 247:10 252:15 253:14,19 262:16 263:2 264:12 269:7 270:21	283:5,15,21 284:7,10 290:7 298:22 305:10 306:19,20 323:3 327:11 328:22 335:25 336:3 338:5,7 341:23 342:7 345:9,10 346:23 347:19 348:9 349:7 369:6 374:2 386:9 387:3,6 388:21 390:17,19 395:13 409:7 473:16 475:8 477:11 Lutz's 242:10 254:16 261:24 271:16 309:18 312:23 347:6 354:19 357:15 359:18 368:24 388:18 390:19 419:24 422:15 469:13 472:21,24 474:13 477:15 <hr/> M <hr/> made 246:9 257:9 259:7 264:12 274:15 282:15 287:15 291:2 296:12 313:13 315:12,15 324:15 325:15 343:20 348:18 366:19 392:12 398:1 400:18 413:7 418:14 422:3,11 423:17 428:18 432:9 452:25 460:8 464:21 469:10 470:10 472:19 475:2 magic 246:18 349:22
--	---	--	--

mailing 477:24	350:18 352:21	markets 375:1	memory 413:20
maintain 470:4 473:2	354:16 387:24 421:4 444:14 445:8 449:2,7,11, 17	material 340:10	mentioned 305:18 307:14 345:24 356:13 366:1 394:19 395:2 460:14 475:20
maintaining 473:8	manage 401:17 444:18 445:3	math 271:13 272:2 341:7 357:11 397:13	merited 308:12
maintenance 355:2	management 445:11	matrix 361:21	merits 278:14
major 337:12	manager 427:21 429:2 451:2	matter 307:20,25 328:8 358:14 361:24 471:12 476:9	mess 342:25 352:18,20
make 244:11,18 245:19 246:1 247:3,4 248:19 265:5 270:6,17 284:22 291:1 295:6 299:11 327:2 332:6 337:2 342:25 350:13 352:19,22 353:22 354:24 355:20 367:22 375:24 382:18 387:6,16, 18 388:11,21 398:4,7 400:2 406:13,16 407:14 409:12,22 410:11 412:1,16 414:6, 24,25 418:13 421:2 426:24 428:3 433:13 444:23 445:19,22, 25 448:20 449:2, 10,14 450:24,25 451:1,14 452:1 455:22 456:20 463:24 464:16,17 465:8 467:25 468:3 471:13 473:10 474:1 475:5 478:9	managing 444:25 446:6	meaning 378:24	message 470:1
makes 258:4 274:3 301:6 343:14 446:7 464:15	manhours 467:22	meaningful 323:9 333:19	met 322:20
making 268:13 281:10 311:24 337:21 349:21	manner 284:4 317:23 368:21 386:11 434:10 435:12	means 309:6 356:6 358:12 434:24 463:25	meter 257:15 263:25 264:14,17 396:8,14,16,22 410:7
	Mantle 375:3	meant 261:11 364:24 458:8	metered 256:17, 19 257:5,6,12 258:12 341:5,7
	manual 280:1	measure 370:23	metering 256:16 265:16 396:5 410:14 420:3 460:3
	map 452:21	measured 257:8	meters 278:25 314:8 317:13 360:2 384:2 396:6,10 459:21
	Marc 280:7	measuring 370:21	method 403:25
	March 478:11	MECG 269:17 310:5 389:16	methodology 336:4
	mark 272:11 277:3 325:1 384:16	MEEIA 339:9	methods 408:4
	Marke 334:14 475:13	meet 321:24	Metro 262:14,17, 25 295:10 360:9 363:5 365:15 370:9 391:13,22 392:2,8,14
	Marke's 244:6 245:11,20 330:23 476:2	meeting 285:23 286:4,14 288:8 289:4,12,20 290:18,20 291:7 323:13,14 373:6	Metro's 360:7 361:7
	marked 243:23 244:1 247:1 272:13 277:4 285:9 295:5 324:6 399:23,24 411:22 422:2 427:24 476:24 477:13	meetings 286:3 349:4 372:14,15, 17,20 373:13	MGS 329:3,4 342:14
	marked 243:23 244:1 247:1 272:13 277:4 285:9 295:5 324:6 399:23,24 411:22 422:2 427:24 476:24 477:13	meets 394:12	
	market 325:19	MEIAA 368:15 418:16 456:10	
	marketplace 343:22	member 382:2	
		members 293:19	

Michael 267:2 399:9,16 424:24	minutes 261:21 262:14,15,17 263:1 344:17 370:1,2,4 394:15 467:11 478:18	mix 341:11	monthly 455:2,4 456:13,23 457:8
microphone 349:24	mis-numbered 477:4	model 336:20 374:22,23 375:13	months 253:17 261:2 266:13,21 348:23 353:9,10, 11 354:2 409:19 454:25 457:13,18 458:10,11 464:17 467:19
middle 316:22 345:1 357:21	mischaracterization 432:24	modeling 350:24 375:6	moot 256:8,11
midst 335:6 345:2	miscommunicatio n 316:12,21	modernization 275:18 276:4 278:19 279:16 284:19,23,24 286:3 287:2 289:14 291:9,10, 12 293:15 294:5 321:25 322:18 323:2,8 372:22 430:3 432:11,18, 22 452:18,19 453:16,20 475:9	mooted 256:21
Midwestern 403:9, 16	miscommunicatio ns 468:17	modifications 249:7 265:8,9 276:10	morning 242:17 243:6,7 246:12 247:6,7 252:19 281:22,24 294:20 325:11,12 345:25 356:1 383:25 405:18 469:13 472:22
migration 401:19, 23	misheard 468:18	modify 437:19	morphed 359:3
mile 331:14 384:4	misinterpreting 438:3	modifying 299:18	motion 246:4 274:9 308:24 311:10 324:9,20 325:8 400:14 413:4 422:3,4 428:15 469:2 472:10 473:2,5, 11,12,14,15,22,25 474:3,14,21 477:5
miles 252:1 303:5, 6 327:6,8 331:13 357:4,7,9,10	misplacing 470:12	moment 256:4 264:3 271:24 273:3 274:21 323:25 378:9 478:4	motions 310:21 371:7 478:13
million 296:7,14 298:6,23 317:9, 10,17 360:1 362:17 403:2,3 437:12,15	misquoted 455:9	money 251:19 296:20 298:4,9 301:2,10 332:16 467:23	move 242:19 251:9 259:3 261:8,10 263:10 271:12 272:22 274:6,23 284:13 287:8,9 292:22 323:24 324:6 388:13 390:17 398:4 400:22 412:8 423:18 446:11 452:18 453:25
millions 371:10 403:4	misread 471:14	monitoring 417:17	
mind 259:19 264:24 303:3 341:10 357:8 360:5 361:9 379:12 381:23 382:23 384:16 396:2 415:1 426:9 466:10 474:23	misremember 388:22	month 335:14 352:14 354:2 393:18,19,20 394:3,16 406:25 416:14,16,22,23 423:22 424:13,15 426:1,3,5 456:13 458:3,4 463:18, 19,23,25 464:16 467:19	
mine 274:25 294:23	missed 395:14 439:24 466:6		
minimal 344:6	Missouri 243:19 266:13,17 268:2 279:19,21 287:19 288:5 295:10,11 335:3 351:10 372:3 399:19 411:17 427:19		
minimis 389:25 390:23	misspoke 394:22		
minimize 387:15	mistake 392:12		
minimum 333:15 401:13	mistaken 286:25		
minute 259:24 291:20 343:12 365:9 393:16	misunderstanding 339:16 406:15		
	misunderstood 286:10		
	mitigate 266:19		
	mitigating 267:1		

moved 397:18,23	negative 368:7	424:25 425:1 426:7	numbering 325:3
movement 397:18	NERC 370:18	normalize 351:6 352:1 375:12	numbers 245:21, 25 257:10 271:21 307:16 327:18 332:14 363:7 364:10,16 366:19 377:9 383:24
moving 249:23 273:20 353:3,4,5 414:13 442:22 443:18 458:9	net 374:23,24 376:6,8 395:5,6 420:3	normalized 351:21 407:22	numerically 359:11
MRCC 405:3	network 265:20	normals 351:15 405:3	numerous 308:9, 22
multi-jurisdictional 360:10	nice 336:1 370:21	note 242:14 475:14 477:8	
multiple 422:10,22 455:17	Nicholas 396:24 409:2	noted 419:24	<hr/> O <hr/>
multiplied 373:19	night 469:12	notes 372:19 426:23	object 320:7 381:13 382:21 431:17 440:25 441:23 445:13 447:22 452:17 474:6
multiply 273:21 357:10	nit-picking 348:25	notice 253:20 319:16	objected 308:7 380:15 397:24 423:10 450:6
munis 394:9	nod 245:19	noticed 349:10 417:20	objection 245:25 290:4 292:20 305:25 310:24 311:15 312:2 321:9,13 322:2,8 381:22 384:10,12, 14 385:23 397:25 412:12 423:4,13 430:5 432:7 433:4,13 440:7,15 441:1,14 443:1 444:19 445:12,17 447:2,4 448:8 449:21,25 450:23 452:8,10 469:6,7, 23 470:4,17 472:14 473:14 474:13,18
mutually 271:13	non-answer 250:20	Notwithstanding 275:25	objections 242:19 246:6 274:8,12 287:12 324:12
<hr/> N <hr/>	non-case 455:2,4	November 254:1	
N-E-R-C 370:19	non-coincident 262:8,11	NSI 351:21 368:15 376:6 395:2,3	
narrowed 436:6	non-confidential 476:16	number 248:1 256:15,16 267:15 275:19 280:2 285:11 291:22 295:4 297:14 298:22 317:19 325:2,4 328:11 330:5 340:5 342:19 358:6 364:19,21 365:8 372:16 373:12,13 386:19 391:11 392:10 396:7,10 399:25 411:24 417:20,21,23 437:13 440:23 458:16 469:4 477:14	
national 351:10,13	non-historic 327:18	NSI 351:21 368:15 376:6 395:2,3	
nature 281:5 305:7	noncoincident 341:20 393:10,12	numbered 260:23	
NCP 262:6,7,24 393:9,10,20	nonconfidential 477:24		
necessarily 304:13 330:16 333:23 339:25 340:18 352:17 361:19 393:19 396:4 431:8 444:12 448:19 456:12 457:8	nonresidential 288:3 323:11		
needed 341:13,24, 25 342:1 362:23 371:4 376:15 379:10 432:21 456:4	noon 337:10 344:21		
	normal 283:17 403:12 404:6,8,25 405:2,5,6 406:18		
	normalization 343:10 350:23 351:11,14 401:9 402:14,18,22,24 404:10,18,23 405:1,4 406:12 408:4,21 418:16		

400:15 412:6 413:4 428:15 440:17,23 453:5 461:17 468:23,24 469:3,17 472:23	offer 245:6 400:12 413:1 428:12 472:7	414:4 436:18 442:8,23 444:2 446:16 467:15 471:12,14	356:11 432:13 436:9,11 478:2
objective 300:5,9 446:15,18	offered 278:9 295:2 386:9 426:25 470:15	opportunities 276:16 277:17	ordering 279:14
objectives 429:3, 5,9 451:4	offering 380:15	opportunity 278:16 305:17 312:13 343:11 349:12 469:14	orders 281:3 293:8 300:18,19 332:7 342:10 369:14 449:20 450:18,20
obligation 350:5	Office 301:14 355:8	opposed 402:7	organic 300:13
observation 364:9	on-peak 269:17 288:10,13	opposite 342:22 413:22	organization 305:3
observes 248:25	one-hour 370:16	opposition 472:9	original 423:4 474:3
obtain 352:25 391:8 405:3 437:20 438:5	one-time 354:13	optimistic 317:7	originally 423:10 425:10
obtained 403:12, 16	OPC 272:19 310:5 323:24 324:6 330:23 334:14 389:17 473:22 474:2,4 475:12,19	option 368:7 379:5 466:24,25	originates 252:20
obvious 281:7 396:2,12	OPC'S 274:14 324:14	options 288:9 348:12	ostensibly 361:11
occasionally 452:12	open 276:9 279:14 297:22 302:16 306:14 309:14,23 310:12,13,20 313:3 340:21 347:17 348:20 386:12 390:11	order 253:25 257:10 269:16,22, 25 270:1,9,12,14 298:6,16,21 303:22 311:14 312:5,7,9,11 318:10 319:17,18 321:8 324:1 331:7 332:4 341:8,9,18 350:2 355:15,18 356:11 402:25 406:7,12 407:15 422:19 424:23 425:5,11 432:13, 18 437:16 438:6 441:18 443:19 445:21 450:16,22 451:7,12 454:21 458:4 463:14 465:18 466:25 476:25 477:2,20	outcome 345:15
occur 289:8 339:8 347:25 438:10 463:22	open-ended 310:9	ordered 269:13,24 281:2 293:1 300:8 332:9 355:12,19	outlined 275:18 278:20 288:9 389:20
occurred 254:14 276:9 290:24 323:5 345:25 355:23,24 366:16 394:1 418:1 432:12 459:12	opened 322:7		output 390:21
occurrence 313:4	opening 256:6 275:22 444:23		outstanding 298:11 415:2
occurring 346:12 457:25	operate 252:2 303:6,7 357:4 384:4		overhead 303:5 314:24 326:6 371:17,19 384:4
occurs 251:1 327:25 367:16	operates 331:13		overhear 242:16
October 253:25 254:5 319:19	operating 303:11, 12 313:17 357:7		overlap 346:4
odd 259:4	operations 283:17		overlay 269:19
offense 305:9	opinion 250:9 312:19 361:5,7		overrule 433:4

P			
p.m. 408:15,16	participate 367:10 478:8	pay 329:3	period 253:10 254:4 266:15,21 270:24 333:19 353:18,25 354:1,4 375:14 394:11,12 401:15 410:23 416:10 426:13 455:19 456:3,5,6 458:6,12 463:6,17 464:9,18
pages 275:14 324:10,20 359:4,5 375:2 470:19	participates 343:25	paying 248:9 343:3 361:14	periods 266:16,18 270:22,24 339:10 457:9,22
paper 317:5 326:7, 9	participation 375:1	peak 261:21 262:8,11 269:12, 14,18 270:20 341:21 368:25 369:10,11 370:2, 4,8,9,10 393:10, 11,12,24,25 394:2,14 397:5 405:16 417:22	Permission 246:20
papers 297:2 308:10 317:19 328:15 332:13 360:19	parties 278:15 285:18 366:8 434:11 435:14 436:2 440:3 443:11 452:13 468:4 475:25 476:8 478:12,13	peaks 351:21 370:15,16,25	person 326:11 327:4 332:6 335:11 343:8
paragraph 277:13, 14,25 278:8 318:25 320:11,16	parties' 475:4	pejorative 382:6	personal 322:20 468:11 471:14
parameters 435:4	partner 272:25 273:3,16,22	penalties 319:22	personally 322:22 344:2 356:18 358:6,9
paraphrase 271:4 443:19 465:21	parts 294:2 328:25	pending 318:8 319:10 468:20,21	personnel 307:3 326:13 335:10
paraphrasing 378:1	party 249:6 423:7 434:11,24 435:3, 13 436:15 471:8 476:2	people 305:9 356:4 407:8 409:18 429:11	perspective 272:6 289:7 300:4 322:20 448:3,14
pardon 466:5	party's 264:10 426:23	perceive 386:3	persuaded 474:20
part 246:9 253:6 258:3 271:10 274:15 275:19 276:5,19 278:22 279:16 280:15 281:13 287:15 324:15 335:1 347:12 350:18 371:11 387:14 390:16 400:18 413:7 423:17 427:20 428:18 430:18,19 431:21, 23 440:22 441:9 442:21 444:11 459:25 467:12 469:10 470:10,21 472:19 474:18 475:2	passed 394:6	percent 257:12,21 333:17 341:2 343:2 374:7 406:2	pertinent 391:16
participants 288:13 312:13	past 250:11,13 257:24 258:24 269:14 278:18 280:19 300:24 333:22 346:15 390:17 402:4,5,13 406:6 437:1 450:22 458:21 461:16 462:18	percentage 342:13 368:3	phase 249:5 312:5,7
	path 288:4 296:21 297:13 298:5 301:18 302:11 452:2,21 468:5,10	perfect 421:15	phonetic 338:24
	pathway 265:6	perform 255:11 266:25 309:9,15 326:19 355:22 367:1 368:1 378:14 434:25 435:3 440:4	phrase 303:10 331:6 346:9 463:3
	patience 421:22	performed 434:16 440:6	phrased 378:17
	pause 334:22 335:4 337:7 344:16 470:18	performing 250:13 327:5	physics 405:15
		performs 303:2	pick 338:4 458:15
			picked 335:5
			picking 342:5

358:6	17,18 347:7	309:19 310:4	predominantly 277:22 279:11
piece 326:16	348:20 356:8	311:12,23 330:7	preface 371:5
pieces 342:4	375:19 378:25	344:11 353:7	prefer 272:23 322:7 413:14
PISA 332:18 371:13	383:6 395:11,12	356:18 385:10,11	preference 471:6
place 248:2	397:9 417:24	386:5 399:18	preferential 250:2 264:23 350:4
403:13 438:13	422:23 423:3	411:16 427:18	preferred 270:24 331:21
459:21 463:16	430:2,10,17,23	436:16,24 437:10, 14 438:3 450:22	prefiled 301:13
465:13	431:5 433:5 438:5	positions 464:14	prejudicial 423:6, 7 471:9
places 260:16	444:23 445:19	positive 399:25	premarked 243:23 359:10
plan 249:9 275:18, 24 276:4 279:16	446:5 455:10	possibility 258:5, 8,9,13	premise 255:5
391:7 425:4	470:6 473:3	possibly 284:3	prepare 354:21,23 429:23 445:24 447:11
453:17	pointing 259:5 319:9 328:24	296:16 332:25	prepared 243:21 320:5 373:10 399:21 411:19 427:22 475:21
plans 332:19	poker 401:25 409:11	347:20 366:8	prepares 305:14
337:19 389:11	pole 346:17 371:23	421:2 478:22	preparing 293:22 294:4
404:11,19	poles 305:17	potential 297:23	prepay 373:2
plant 282:9 283:6, 12,16 308:9,11, 19,20 314:21	315:1 371:20,21, 22 384:4	302:17 306:15	prescribe 465:16, 18
327:13 332:3,18	policies 280:15	316:12 339:16	presence 424:2
360:3 361:12	300:17 449:19	462:7	present 291:11 448:4,15
371:3,18 374:24	450:9 451:6	potentially 251:12	presentation 285:4,5,6,17 288:12 289:13 293:3 295:2 322:11 373:3,8,11 395:24 396:1 430:2,10 475:9
379:9 380:12	policy 276:3	341:15 345:11	
plausibility 251:23	278:10,19 280:18	352:4 388:13	
play 250:6 342:5	300:8 301:1,3,5,9	power 285:17,24	
played 471:18	429:3,5 430:15	286:11,16 288:4	
plug 351:13	449:22 450:12,13	289:21 291:15	
point 242:12,18	poor 467:18,21	293:16,17,25	
255:22 258:22,25	portion 327:24	294:5 333:23	
270:22 271:10	328:7 401:13	374:24 376:10	
279:1 284:9	453:21 471:22	380:25 430:1,9,17	
285:17,24 286:11, 16,20 288:4	472:4	465:16	
289:21 290:24	portions 359:1	practical 289:11	
291:15 293:16,17, 25 294:6 298:11	posed 273:8	practices 300:24 446:3	
305:9 306:9	413:23 452:24	prays 319:14,16	
320:10 322:8	position 243:17, 18 247:16 251:16, 17,25 258:21	preannounced 344:18	
323:15,21 329:5	260:9 265:21	preceded 470:21	
331:21 333:14	293:6 294:17	precisely 403:15 404:3 409:13	
340:24 342:6,10,	295:7,16,21 296:5	precision 329:7	
	298:10 300:23		

presentations 280:6	price 248:11 264:20,23 272:25 273:9,13,16 277:18 281:9,16 310:17 382:5 388:14	probative 423:5,8	produced 311:14 320:13 437:7
presented 284:22 285:17,23 289:21 291:10,13 292:6, 7,14 293:18,19 328:5 351:13 366:17 396:3 425:2 430:2 432:25 443:15	priced 266:1	problem 251:13 260:20 261:9,21 270:3 276:25 322:23 344:4,12 352:8 355:19 358:11 369:3 471:5	producing 299:12 437:4 438:15 454:4
presenting 439:1, 5 443:3 444:22 447:9	prices 266:5 271:4 303:17 381:6	problematic 462:1,6 464:11	product 330:19
preserve 474:22	pricing 289:17 291:14 373:1 388:4 438:10	problems 267:7	production 299:3 309:8 350:23 374:21,23 375:6 390:22
preserving 473:20	pride 279:22	procedural 253:24 254:6 458:1	productive 323:8 340:17 341:20 348:6 349:6 388:23
presiding 242:5	primarily 248:20 302:8	proceed 297:25 380:20 453:1	professional 250:24
pressing 454:6	primary 252:11 255:9 265:18 307:11 314:17,23 328:18 329:3,13 331:23 374:6 388:17,20 415:25	proceeding 243:22 260:25 309:23 310:8,9 312:14 358:7,10 399:22 411:20 427:23 430:22	professionals 279:21 280:3,7
presubmitted 475:8	printed 363:12	proceedings 242:1	Program 260:2,6 279:12,18
presumption 387:5	prior 259:12 300:19 304:23 312:16,21 345:13, 19,23 349:3 353:11 371:9 453:8 472:5 477:2,13 478:14	proceeds 297:24 302:18	programmer 454:6
presumptively 394:11	priorities 416:3	process 351:8 353:1 354:17 357:13 371:13 389:11 404:23 406:12 407:22,25 409:9	programming 259:21
presuppose 453:4	prioritization 371:14	processes 391:18	programs 260:12 289:17
presupposing 452:25	prioritize 248:16 308:12 336:18 360:2 393:4,5	processing 454:25	progress 389:9
pretend 369:22	priority 308:15 335:23 336:2	Proctor 351:12	prohibitive 314:12 390:10 436:22
pretty 265:24 314:9 331:22 347:7 395:15 450:2	privilege 433:25	produce 296:7,9 298:16,21 299:24 314:22 318:11 321:3 354:11 437:9 440:13 441:5,21 442:1,20 462:21	prohibits 434:11 435:13
previous 300:18 334:13 416:18 446:7 449:20 450:9 451:7 470:13	privileged 346:2		promised 375:17
previously 275:17 338:6 356:13 399:24 422:2 440:6 473:7 475:18 477:25	proactive 349:1		promote 278:10
			promulgated 317:4
			proof 260:11
			proper 408:13
			properly 358:17

property 251:1,4,5 325:18,25 326:10, 15,16 327:9,13 331:1 332:3,9,10 355:11,17 356:20 379:4,7,13	269:11 295:12 297:17,25 300:12 301:20 306:8,10 309:7 313:22 314:15,17 316:1 317:5,16 318:2 328:15 331:18 334:7 338:9,11,18 339:3,5 341:12 346:7 350:2 354:3,15 368:8, 13,14 382:2 385:2 386:19 389:19,22 390:1,2,3,4,9,11, 14 391:1 397:4 399:3 408:20 412:13 416:11 417:11,12 419:4 420:2 425:11 426:2 435:24 436:12,20 440:25 441:2,12 443:8 446:20 448:23 458:3,5,22 464:14 465:23 466:24	455:1,21 466:20 provision 269:4 297:21 301:23 317:2,25 338:23 340:6 350:4 359:24 435:7 465:10 provisions 255:1 350:7,10 397:2 PSC 243:19 336:6 public 246:4 274:1,11 278:10, 19 280:18 299:18 300:16 355:8 399:19 411:17 427:19 440:3 444:18 448:22 449:15 475:15 476:12,13 477:20 pull 372:7 389:6 pulled 439:21 punitively 259:16 punt 245:11 PURPA 280:17,25 336:10 368:22 purported 469:15 purporting 293:7 purports 379:1 purpose 387:13, 14,25 464:25 473:2 purposely 343:13 purposes 260:24 370:7,18 387:5,23 394:7 418:9 pursuant 249:8 pursue 278:19 294:7 300:8 332:4,5 386:13	pursued 280:15 283:9 332:5 pursuing 358:13 387:12 432:14 pursuit 296:3 386:7 push 456:2 pushback 306:5 463:6 pushed 307:23 pushes 463:23 pushing 468:23 put 242:8,14 265:11,13 270:15 272:6 276:1 300:7 331:7,8 334:22 335:4 350:1 374:7 418:4 438:15 458:15 470:18 477:23 puts 375:5 putting 371:21 374:24 383:13 PWC 272:25
proportionally 409:15	provided 247:2 285:7 295:19 308:5 313:22 315:25 316:7,9 340:3,7 341:13, 14,19 345:17 346:21 348:1 358:2 384:24 385:12 394:19 407:5 409:3 414:21 416:13 419:9 430:23 431:6 434:9,10,21 435:11,13 436:24 446:19 456:15,23	Q	
proportionately 361:15	providing 258:2 266:14 277:17 319:20 335:4 341:15 359:3 390:25 391:2 394:23 444:8	quantification 384:25 quarter 370:3 question 251:6,7 254:3 266:8 272:19 273:7 277:20 283:3,25 287:12 290:7 295:10,13 299:21 300:10 301:5 302:12,13 304:15 305:18 307:6,7 309:1 310:8 311:9,19,23 312:1 315:17,19,23	
proposal 288:6,18 289:9 291:10,12 293:16 323:6 413:24 451:25 452:2 453:13,15			
proposals 267:12 288:4 293:24 294:5 414:2 432:22 439:11,14 442:24 443:3 444:2			
propose 340:1,19 438:12 478:5			
proposed 253:24 254:5 269:17,18 275:18 294:7 339:25 442:25 444:3,13			
proposes 444:6			
proposing 267:21 336:5 444:7,15			
propounded 317:7 363:10 384:21			
proposals 293:15			
protective 447:21			
protector 446:24 447:19			
provide 258:7 259:2,8 260:18 262:23 263:4 266:25 268:8			

316:3,13,18
 320:21,23 321:5,
 20 322:12,15,24
 327:19 331:11
 332:15 334:7,21
 341:22 345:12
 347:16 348:7
 358:24 359:14
 363:4,22 364:8,
 12,14,15 365:19
 366:23 369:16
 372:13 373:8
 376:14,16 381:25
 383:12 384:10,15,
 16 385:5,24
 388:25 392:15,18
 401:21,24 403:3,7
 406:9,15 407:25
 413:14,23 414:2,
 22 416:17 419:5
 423:21 425:7,23
 433:18,23 434:18
 435:6 436:4,6,21
 438:24 441:8,17
 442:4,15,17
 443:6,15,21
 444:1,24 445:13,
 16 447:16 448:10,
 11 450:2,8,14
 451:23 452:6,17,
 20,22,24 453:3,6,
 7,22,24 454:4
 455:1 457:5 459:7
 461:4 465:24
 466:13 470:16,17
 474:15

questionable

403:19 416:13

questioning 337:7

345:9 355:7
 357:21 381:14
 403:4 431:18
 439:16

questions 244:21,

25 281:19 300:4
 303:3,15 307:5

314:22 323:21
 324:18 325:10,13
 337:2,4,6 338:2,6,
 14 344:15 345:3
 347:9,19 358:25
 359:23 360:4,12
 361:4 364:1,3,5,6,
 20 375:20 379:16,
 20 384:5,7,23
 386:24 389:7
 391:11 395:3
 397:14 398:8
 400:5,23 407:12,
 16,17,19 410:1,
 16,19,21 412:19
 413:21 415:5
 420:18 421:12,16,
 23 423:19,20
 424:6,7,9 425:15,
 18,20 426:10
 428:5,21 439:9,25
 452:13 454:1,12,
 13,16 458:24,25
 459:1 460:18,22
 467:1 474:16

quick 246:24

249:15 271:13
 291:21 297:1
 323:23 375:24
 379:3 397:17
 410:3,6 426:15
 452:23 466:11
 475:18

quickly 282:2407:7 433:5 457:9
459:4**quo** 330:9,15

378:1,24

quote 307:10,11

462:21 465:16

quotes 367:1

R

raise 242:25 322:5

410:25 427:1

raised 244:23245:1 254:22
355:16 431:12**raises** 270:21**range** 358:16**ranked** 403:25

405:3

RAP 279:12,21,25

280:3,6

rate 243:20

248:23,24 249:1,
 7,9,12,13 250:4
 252:21 254:9,19
 255:18 256:15,17,
 18 257:1,19
 259:17 260:25
 261:24 263:2
 264:10,11 265:10,
 23 266:3,15
 267:13,18,21
 268:4,9,17
 269:15,17 270:8
 275:18,24 276:4,
 8,14,15,19,22,23
 277:16 278:19
 279:16,25 280:15
 282:10 283:12,16,
 23 284:2,5,17,18,
 19,23,24 286:3
 287:2 288:2,3,5,
 14 289:13,18
 290:1 291:9,10,12
 293:15,24 294:5,8
 295:12 299:19
 303:17 304:12
 306:12 307:23
 309:23 310:11,18
 312:25 314:16
 321:7,24 322:1,18
 323:1,7,10,16
 326:1 328:25
 329:2,20 330:8
 331:15 334:18
 335:2 336:1,11

339:6,8,9,10,22,
 23 340:8,20
 341:9,24 342:1,2,
 8,13 343:5,11
 344:9,12 346:1,15
 350:6,15,18,25
 351:4 352:9,10,
 16,18,19,20
 353:19 354:7,12,
 14,21 355:16
 356:21 357:6
 358:17,20,25
 360:25 361:1,2,7,
 8 366:12,13
 367:10,13,16
 368:4,13 370:6
 372:22 373:1,19,
 20 378:9,10,15
 381:6,7 382:4
 383:1,5,18 387:7,
 11,12,17,19
 388:2,5,10,12,15
 389:3 390:18
 395:9,13 396:5
 397:4 402:6,7,16,
 20,25 404:11,19,
 20 406:4 408:1,2,
 24,25 409:6,22
 410:11 415:22
 416:2,10,12,19
 417:10,13,22
 418:7,9,14,15,16,
 17 420:1,2,4,5,6,
 8,15,16 421:3
 422:18 424:12,14,
 15 425:1,4,6,25
 426:2 427:20
 429:3 430:3
 432:11,18,22
 435:21 438:9
 439:1,5,11,14,21,
 22 442:23 443:3,
 9,10,16 444:2,5,8,
 9,10,11,14,22
 445:10 446:6
 447:10 448:21
 449:3,7,8,9,14

451:3,12,25 452:18,19 453:11, 12,14,16,20 454:22,24,25 455:16 457:14,16 458:21 459:10,11, 16,25 460:6 461:2 463:1,21,25 464:5,20 466:1, 15,22 470:13 472:5 475:9 477:1,2	278:12 284:20 287:24 302:6,21 303:21 319:6 320:17 340:10 345:16 362:4 385:15 442:18 455:7 466:10 468:19	354:11 360:18 368:13,20 378:20 382:16 383:2,8 390:24 396:20 435:24 436:12,13, 20 438:6 441:13 448:24	recalling 365:3 recalls 413:20 receive 259:13 268:2 290:20 387:9 417:5 425:25 received 246:8 274:14 286:17 287:14 324:14 374:25 400:17 413:6 422:13 423:16 428:17 469:9 470:9 472:18 475:1 receiving 475:25 476:4 recent 353:17 355:16 395:24 401:18 461:15,17 recently 341:19 355:13 receptive 348:21 recess 344:19,20, 21,23 421:18,19, 20 recited 320:4 recites 319:3 recognition 276:24 312:24 recognizing 260:14 295:25 310:17 367:17 392:12 recollection 270:15 286:5 290:18 334:1,4 355:18,21 365:18 397:1 recommend 298:15,20 350:1 355:9 356:19,24
ratemaking 387:5, 22 393:24 394:1 407:8 453:8 ratepayer 446:24 447:19 rates 250:1 263:18 288:24 294:14 304:6,7,8,9 323:11 327:21 328:21 329:1,4,16 330:7 342:22 343:4,19 349:21 350:2,11,13,17,24 351:18 352:1 367:7 370:8 373:9 379:11 380:6 382:4,16 383:2,4, 5,8 387:14 401:19 402:11 403:6 405:12 408:10,11 417:15 418:20 424:23 448:5,16 463:22 464:2 466:21 rationale 471:7 reach 251:11,20 263:12 271:6 342:18 345:14 reached 252:17 255:14 read 251:17 261:19 277:11,23	readily 409:3 reading 261:20 315:23 reads 278:8 319:13 real 313:1 323:23 421:1 426:15 470:24 realistically 373:14 reality 327:19 393:24 realize 245:17 261:13 385:10 realized 261:10 realm 344:7 realtime 276:11 417:2 456:3 reask 442:17 reason 250:17 253:3 256:5 260:19 293:3 378:6 390:11 433:21,23 441:9 445:23 reasonability 449:3 reasonable 250:1 281:10 289:3 296:4,10 303:18 305:2 329:13 330:7 344:2,3,5 348:18 350:19	reasonableness 344:7 382:3 388:6 reasons 250:19 465:1 470:5 rebut 422:16 rebuttal 243:22,25 245:2 261:24 263:2 271:8 280:21 284:14 296:10 298:8 299:1 309:18 313:9 386:4 390:18,20 399:22 403:8 407:21 411:20,21,23 412:17,20 423:12 427:23 432:4 434:6 438:13,16, 17,23 454:20 463:15 476:12,14, 17,18,23 recall 253:2,13,19, 21 259:15,18 268:9 285:11 286:6,15 288:12 291:18 304:4 314:6 318:13,16 319:3 322:13 334:25 335:9,15 336:21 338:22 340:25 364:11 376:13,18 377:23 378:6,22 379:24, 25 385:7 396:25 398:24 410:8,23 426:14 444:23 459:12 467:5 477:12	

358:7,9 437:16 439:13 442:23 444:2 452:2 455:19 466:1,15 recommendation 278:22 279:7 282:15 300:12 309:12 310:1,2,20 358:1 382:2 436:13 445:25 464:22 466:3,17 recommendations 277:13 278:1,9,20 279:10,11,13,17 436:20 439:1,6 444:11,14 445:8, 20,22 448:21,24 449:2,14,18 455:23 458:5 464:14 recommended 283:9 284:2,19 296:21 297:12 298:5 301:11,18 302:11 356:12 386:12 444:7 451:24 454:21 recommending 301:1,9 309:13 356:24 444:13 recommends 309:6 382:25 reconcile 352:5 reconciled 383:4 reconsider 422:3, 5 record 242:2,9 243:13 246:5,9,11 247:2 253:6 269:9 270:18 274:15 275:15 284:12,22 287:15 291:23 298:14 308:16,25	323:17 324:15 325:25 326:10,15 327:9,13 332:4,9, 10 344:20,22,24 355:11,17 356:20 364:17 376:2 377:2 379:5,7,13 397:18 398:18 399:14 400:18 403:19 410:13 411:12 413:7 422:25 423:7,17 426:25 427:14 428:18 460:2,13 467:10 469:10,25 470:10 472:2,15, 19 473:3,8,23,24 474:25 475:2 477:10 478:17,19, 20,21 records 251:1,4,5 325:18 331:1 340:12,14 360:8 362:15 385:1 391:17 392:4 recovered 255:6 recovery 262:10 277:19 recross 364:5 375:21 421:16 425:13 recross- examination 375:25 379:21 410:2,4 459:3,5 red 261:16 redacted 274:11 redesigns 438:1 redirect 364:5 375:21 386:23 387:1 410:20 421:17 425:13,19, 21 460:21,24	467:3 redo 362:15,17 366:6 465:11 redone 340:14 reduce 361:12 456:1 reduction 374:4 refer 247:18,19 333:8 336:20 374:1 387:12 394:1 415:11 471:22 reference 247:3 325:21 336:9 referenced 251:25 317:18 346:23 422:10,22 456:21, 22 references 266:10 377:5 referencing 422:12 454:18 462:15 referred 244:12 254:25 258:20 317:3 referring 279:4 284:9 290:19 296:2 313:20 315:8 316:3,24 317:2 323:7 329:22 364:25 365:4,5,7 380:14, 16 419:7 424:17 refers 256:14,16 263:11 315:14,15 reflect 251:6 284:12 323:17 325:19 327:18 366:11 421:24 reflected 284:4	308:23 383:17 reflecting 279:17 330:19 reflective 292:15 350:14 reflexive 292:7,13 refuse 463:11 refused 297:19 301:22 regard 258:2 276:12 283:18 340:16 342:13 353:7 367:14 440:12 regional 403:10, 16 407:24 regression 326:19 401:13,17 407:23 408:9 regret 446:7 regularly 339:5 442:11 regulated 287:21 regulatory 266:19 267:1 279:12,17 280:18 311:11 312:19 313:5 344:24 358:21 369:7 376:4 454:25 reinvent 340:11 reiterate 460:5 rejected 422:2 relate 248:11 373:24 392:3 related 242:9 248:24 256:10 281:1 295:22 302:12 317:8 318:17 328:18,19
---	--	---	---

333:21 344:9 371:15 372:24 407:23 408:9 409:10 414:18 431:12 432:15 455:2,4	reluctance 334:14 rely 250:12 326:4 330:10 332:1 368:17 378:20,25 relying 264:4 remain 309:14 remainder 341:6 remaining 404:10, 18 remarks 338:19 remember 342:4 345:12 364:23 365:18,21 477:14 remove 451:17 475:20 removed 379:10 476:1,16 renew 473:21,24 renewables 343:23 reorganize 274:19 repeat 304:16 406:9 422:21 424:13 repetitive 419:23 replaced 244:15 replacing 371:22 report 252:4 277:7 278:21,23 280:4 303:21 312:5,10 317:20 324:4,11 372:4 477:1 reporter 249:16 259:24 278:2,5 328:24 361:22 465:19 reporting 417:14 repository 297:22 302:17 306:15	represent 295:8 326:11,23 327:1 representation 247:13 253:3 332:2 representative 341:6 represented 339:4 representing 285:20 467:16 represents 305:14 reprinted 294:20 reproduced 285:21 request 258:5 261:22 262:16 267:17 280:22 297:20,24 301:23 302:18 308:6 309:15 310:10 314:16,25 315:1 316:6,19,25 326:25 342:1 347:18,22 352:5 358:3 369:6,14 372:5 385:21 386:15 388:9,11, 22 418:7 436:24 441:2 463:12 464:3 471:17 requested 296:8 299:14,20 302:9 303:19 309:8 318:14,16,17 319:2,4,11 320:14 329:17,19 334:3 377:22 386:18 389:3 390:8,10 409:9 418:7,10 464:22 469:1,4 476:20 requesting 249:22 261:5 290:11	299:3,25 318:10 434:11 435:13 requests 247:18 251:24 254:2,22 255:1,2 258:19 270:23 303:4,14 306:17,24 307:15, 21 308:1,5,17 312:20 313:11 314:1,2,14,19,20 315:5 316:18,23 317:3,4,12 324:22 338:7 347:12,24 348:2 355:10 359:4 361:16 362:1 363:5,16,21 364:13,21,24 365:4,6,10,12,14 384:18,20,24 388:12 391:11,12, 16,21 392:13 418:24 419:22 429:15,20 431:21 440:18,24 453:20 461:14,18 require 270:25 309:9 404:11,19 445:21 461:18,21 463:7 465:16 required 244:8 294:4 381:19 382:12 434:12,16, 23 435:2,15,16 436:8,11,14 437:5 441:5,21 requirement 375:14 382:15 403:1 447:10 requirements 280:25 requires 255:10 361:12 376:10 requiring 462:20
--	--	--	---

reread 434:13	279:4 308:23	retail 280:11 376:11	rid 344:5 451:14
research 334:18 335:4,7 407:4 411:18	313:20 315:5 321:11 324:4,11 333:13 335:18 338:12 343:7 344:11 353:15,20 358:3 362:10 369:13 373:10 375:11 384:13 386:10 388:18 395:3 398:7 409:22 419:3,9 420:11,17 425:23 433:16 447:7 475:16	retain 259:8	Riley 272:24
residential 262:1 263:4 271:17 288:2 333:12 343:3,15 352:12 369:18 373:9 383:4 396:15 401:18 402:7 406:3 416:2 417:7,9 448:5,16 451:12 460:16	responses 261:3 313:10 316:22 317:10,17 323:20 326:25 343:10 351:20 368:15 419:2,5,10 462:15 464:4	retained 250:24 272:7 434:10 435:12	Riley's 273:18 473:16 474:17
resolution 251:21 263:12 297:23 302:17 306:15 345:14	responsible 378:10	retention 318:25 359:1 432:10	risk 462:8
resolve 261:17 263:13 309:6 413:25 414:3,5,14 415:1	responsive 278:23 438:17	retirement 326:14, 18 327:3 396:11	RLJ's 247:17
resolved 268:12 414:23 415:4	responsiveness 276:15 277:17 279:6 351:15 358:22	retrieve 338:25	road 452:21 470:8
resource 276:16	rest 255:7 271:12 278:12 432:6	retrospect 252:7 304:20	robust 289:5
Resources 277:8 324:5,12	restate 365:11 385:24 435:6 448:11	return 337:7 383:5	role 300:4 422:18 439:1,3,8,10,13 442:23 443:3 444:1,17,22 445:1,2,11 446:15,23 447:8, 13,18 448:4,15, 19,20,23 449:13 451:4 461:1
respect 305:10 363:22	result 265:9 266:3 346:18 368:9,20 371:13 377:22 405:24 463:8 467:20	returning 337:5 344:24	roles 438:25 446:14
respects 321:8	results 327:16	returns 316:16	roll 468:7
respond 276:10 338:17 342:2 347:23 362:9 445:17 463:10,14		reveal 313:11	room 305:11 321:2 322:5 337:20 464:4 472:6
responded 341:24		revenue 262:10 277:18 403:1,5 406:25 408:17 438:8	roughly 328:6,12 365:12 376:22 457:20,21 459:8
respondents 319:17,18		revenues 351:22 368:5,10,11,14 374:25 402:24 408:13 416:8 418:8 421:3 425:5	round 421:24
response 255:4, 10 258:10 261:22 262:18 263:3,8 270:25 272:19 276:20 277:7		reverse 256:14 408:15	route 331:15,20, 21 332:2
		review 380:11 388:6 429:10,14, 18 430:4,13 458:5 464:13 466:21	routinely 267:12
		reviewed 293:17 429:20 430:1,20 455:24	rows 392:13
		revisit 421:23	RTO 279:5 343:24
		reword 450:14	rule 471:7 474:9
		rewording 445:16	ruled 473:7,19 475:6
			rules 274:10 382:10 475:15

ruling 446:5,7 474:12,19	saver 330:16	seek 319:22	326:12 327:5
run 293:5 301:13 347:13 369:24 370:3 426:23 461:15 462:12	savings 377:22	seeking 270:18 281:13 318:11 359:16 415:22 422:14 436:18 455:11 474:17	328:4,5 329:11, 12,20,23 332:18 343:17 366:11 378:11,15,25 379:8,15 383:6 387:9,10 399:19 411:17 415:19,24 427:19 435:24 444:9 471:1,18
running 286:13 384:3 393:12 397:3	scenario 260:15 311:11 312:18 453:8	seldom 326:24	services 340:20
Rupp 246:12 325:10,11,14 336:24 338:6 365:17 377:20 423:20,21,24 424:1 467:12,13, 15	schedule 246:24 247:11 253:25 254:6 256:15,17 257:1 261:14 350:15 352:13 353:19 368:24 387:11 413:16 419:24 458:1 465:17 478:5,10	self-explanatory 433:12	set 247:23 248:4, 19 265:22 271:3 282:13,14,19 296:8,14 298:4, 16,22 302:10 304:6,7,8,9,11 310:3 314:20 326:17 332:24,25 361:21 385:21 386:5 406:20,21 412:20 413:24 414:2 415:15 418:7 429:3,5,9 437:13 458:1
rush 297:3	scheduled 286:14 373:4	send 245:12 252:3	sets 247:19 271:3 299:4 317:12 329:1 359:2 406:19 419:23 421:7 455:18
S	schedules 256:18 284:5 312:25 350:6 387:7,18,19 388:5	sense 387:18 393:24 398:1 465:8	setting 259:20 312:9 381:5 382:15 451:4 462:8
S-E-R-C 370:20	scheduling 478:22,24	sentence 278:11 295:15 316:15,16 365:7 391:21	settle 478:15
S-T-A-H-L-M-A-N 399:16	science 407:9 437:21	sentences 474:13, 14	settlement 346:2, 4 348:4,7 373:15 468:6 478:10,11
safe 254:21	Scott 467:15	separate 282:22 289:20 302:12 310:1 313:23 314:16,19,25 315:1 420:5 431:18	SGS 262:2 263:5 342:14
sake 249:15 278:13 376:2 377:2 410:13 460:1,13 471:25 473:8,24 477:9	screwed 294:19 356:17	separately 317:22 431:24	shape 375:5,9 406:22
sample 255:4 267:22 268:3,20 333:3,8,18 344:9 361:17 369:9 376:22 377:13,16 406:21 407:6	SCURLOCK 422:9 471:21 472:8	September 253:5, 10 372:18	share 333:13
Sarah 242:24 243:8,15 292:7 345:2	season 463:22,23	SERC 370:19	
satisfied 354:9 405:10 475:25	seasonality 418:4	serial 396:10	
satisfy 356:14,16	seat 243:4	series 361:4	
	secondary 255:9 265:19 303:7,10 307:10 314:24 328:18 329:4,12 331:23 361:6 374:7 415:24	serve 376:11	
	seconds 364:11	served 329:2,3,4 342:17 350:8 374:6 388:17 464:1,7	
	section 302:11 465:15 470:20	service 249:17,20, 23 250:14 265:7 280:23 281:1,4 304:5,11,14 305:15 306:7,9	

471:15	signed 255:20	357:12 387:17	376:17 397:5
shareholders	380:19 389:12	388:15	441:2 449:5,6
300:16	465:2	sizes 265:16,17	sorts 250:6 335:15
Shawn 351:13	significance	326:18	369:11 375:8
shebang 471:19	369:17	slide 287:17 292:5	396:13
sheet 246:19	significant 357:15	373:7	sought 251:12
261:15 375:22	375:15 416:25	slides 288:13	436:19
407:14 469:12	417:3	slightly 353:15	sound 250:20
475:9	signing 253:13	445:16	279:23 455:9
sheets 248:12	343:9 367:9	slow 278:2 308:13	sounded 425:24
476:24	silly 398:17	slower 416:20	sounds 295:24
shelf 389:7	similar 244:5	slowly 272:22	Spanos 250:25
shift 409:19 458:4	295:23 306:17	273:20	325:22
shifted 335:8	336:4 341:4	slurry 440:24	speak 269:9 273:4
shocked 346:20	395:19 402:4	smack 368:2	290:8 292:25
shocking 267:9	408:4 463:13	small 262:12	293:1,7,8 307:16
332:14 360:21	similarly 281:9	308:14 396:16	392:1 452:16,17
short 322:7	336:12 382:7	415:24 417:25	speaking 264:1
410:23 426:13	simpler 387:24	451:13 473:23	314:10 468:16
455:25 457:7	simplifying 375:4	smallest 326:15	speaks 254:10
464:15	simply 471:8	smelter 396:17	269:16 270:14
shorten 282:1	475:25	software 259:20	290:14 292:20
shorter 456:6	single 308:6 441:2	solemnly 243:1	380:16 422:24
464:12 475:13	456:13	399:2 411:1 427:2	434:20
shortfall 367:5	sir 300:25 399:2	solicit 290:20	specific 248:11
shorthand 476:20	427:5	solution 368:12	255:5 278:14
shortly 338:1	sit 313:16 315:10	472:7	300:8 304:10
show 296:18	362:15	solve 251:13	313:19 318:14
showing 308:13	site 333:14	son 373:5	321:16 328:2
327:13	sitting 255:12	sooner 351:8	339:8,9 356:9
side 261:14	275:2 290:15	458:13	414:6 416:4
337:21 343:15,18	situated 281:9	sort 248:14 255:6	435:17 436:21
433:16 445:4	336:12 382:7	259:14 265:6	439:9,16 448:2
sidestep 368:4	situation 276:21	270:13 286:13	450:3,7 473:6
sign 266:2 329:15	279:6 330:20	289:17 300:9	specifically
389:14	343:14 356:3	303:1 305:8,13	243:22 277:15
signals 277:18	435:16	318:1 332:1,8,11,	316:16 365:19
	six-month 457:20	24 334:5 339:15,	383:16 386:12
	size 264:17,18,19	22 346:6 361:19	399:22 411:20
	333:10 350:9		416:2 427:23
			429:18,22,24
			435:7,9 456:17
			459:9 463:1

specimen 258:25 259:1	278:9,19,22 279:7,10 280:15 281:6 285:5,6 286:2 287:1 288:22 289:13 290:11 292:8,16 293:4,19 294:16 297:20,24 298:14, 19 299:2,10 300:5,22 301:1,3, 4,9,11,14,22 302:18 303:19 306:8 309:5,15 310:21 311:10 313:11 318:10 319:1,9,13,15,21 320:2 321:6,7,23 323:1,12,13 324:4,11,19,22 325:24 326:3 329:14,24 330:6 331:2 335:5 336:4,16 338:9 340:1 341:24 343:8 345:2,17 347:14 348:12,14, 19 351:7 352:9 353:11,12,17 354:21,24 355:16, 20 363:5,11,16 366:7,17,25 367:2 369:1 372:15 373:7 374:21 375:5 377:16,22 378:13 380:11,15 381:11 382:2,25 383:21 386:6,10, 18 387:4,10,12 388:3,5,10 389:2, 3,16 391:6 393:4 395:17 397:18,23 399:5 400:17 401:9,13,17 402:17 406:6,11 407:22 408:1,3,8, 22 409:8 413:25 414:4,5,14 419:3	422:6,7,11,15 427:20 429:23,24 430:21,23 431:13 432:8,18 433:9, 15,18,24 434:2 435:18 436:18 437:11,18,22 438:14,22 441:12 442:11 443:3 444:6,18,22 445:2,19 446:14, 15,17,23 447:9, 14,18 448:4,15, 20,23 449:13 450:18,21,24 451:17,19,24 452:18,25 453:7, 12 455:11,18 456:12 463:10 464:21,23 465:13, 25 466:15,20 467:24 469:18,20 470:15 473:1 476:10 477:20	469:4,9 470:6 472:18 473:22 474:20 stage 422:10 423:7 453:1 Stahlman 267:2 398:25 399:1,9,16 400:22 401:1 407:17 410:22 424:24 476:17 stakeholder 373:9 434:22 stakeholders 284:24 285:25 321:24 stale 354:2 458:20 staleness 342:7 staler 458:20 stand 316:3 348:8 399:1 423:3 426:13 standard 423:4 standards 280:17 standpoint 467:17 471:11 stands 260:1 Staples 397:8 staring 375:3 start 248:2 254:5 260:16 287:11 325:10 330:1 345:8 351:19 352:21 364:8 370:11 409:20 422:6 452:18 469:18 470:22 475:7 started 242:7 255:15 468:14 starting 316:22
speculate 385:14			
speculation 290:4 306:2 311:16 385:23 440:7,8,10 450:23			
speculative 311:2			
spell 243:14 280:17 399:15 411:13 427:15			
spelled 394:8 411:14			
spelling 338:24			
spend 251:18 252:10 296:6,14 298:4,9 371:10 437:12			
spending 296:20			
spent 273:23 357:14 467:23			
spin 270:15			
spirit 423:12			
split 255:8 265:18			
spoke 327:1			
spot 458:15			
SPP 343:21 370:17			
spread 304:12			
stable 331:22 371:14			
staff 242:6 243:19 249:1,6,21,24 250:5,10 253:9 254:1,21 256:8 258:18 259:9 261:1,6 264:4,8, 16 265:6,10,12 266:15,25 269:18 270:6,23 277:7			
		staff's 246:8 247:16 251:16,17, 25 254:13 275:18, 23,24 276:4 277:12 279:13,16, 24 284:19 291:4, 16 293:6 295:6,16 296:5 298:8 309:13 312:20 316:23 318:23 325:3 330:17 341:25 349:9 354:1 356:14,16 374:1 376:16 378:25 388:9 389:20 398:4 408:6,8 413:6 415:1 422:18 423:11,16 428:17 432:23 436:18 437:10,14 438:3, 4,5,13,20 442:23 444:1 461:1	

351:7 352:1 403:8	statutory 382:15	strive 446:17,21	383:6,14,21
starts 266:22	stay 279:14	strong 446:24	398:11 429:23
301:19 401:8	362:22 467:10	447:19,21 471:12	435:24 464:24
457:15 464:10	474:11	strongly 391:19	466:2,17 470:20
startup 355:3	step 327:23,25	structure 264:10,	471:2
state 243:13	stepping 445:11	11 265:23,24	studying 281:8
246:11 263:8	stickie 475:3	280:16 288:14	351:20
285:1 297:17	stickies 470:12	303:17 310:18	stuff 441:5 476:16
309:5 313:10	stipulation 247:19	350:25 351:4	subclass 333:10
334:12 336:3,14	248:16 249:6	368:14 383:18	subject 253:20
359:20 399:14	253:4,6,7,10,13	422:18 453:11,12,	307:25 361:24
404:9 411:12	255:1,20 258:11	15	398:5,24 410:23
414:10 427:14	263:4 282:23	structures 276:14	426:13 467:5
434:7 459:22	283:10 299:5	277:16 284:18	subjected 338:14
state's 383:16	309:21 312:16	288:2,3 350:18	subjecting 400:22
stated 257:19	313:13 315:12,16	366:12 463:21	subjective 367:6
276:1 333:2	316:5 317:2,25	struggling 453:2	subjects 422:15
334:1,2 336:5	319:18,19 325:23	studied 371:24	submissions
396:3 397:1	334:10 338:23	studies 249:7,23	455:2,4
414:19 419:13,16	340:6 346:1 347:6	250:14 303:24	submitted 303:4
420:23 424:20	359:24 362:23	306:8 329:8 393:5	subpart 415:19
statement 248:21	364:25 372:18	449:3,10	subparts 384:8
251:16,17,25	380:18 389:5,8,	study 248:15	subscriber 291:14
263:14 276:7	12,14,15,18 390:8	249:19,20 250:3,7	subscription
294:17 295:7,17,	391:3 392:22,23	251:5,24 252:10,	289:16
23 296:6 298:10	397:2 418:22	11 259:6 261:2,4	subsequent
313:19,24 325:15	456:22 465:2,10	263:20 264:4,7,	417:17
384:25 385:10	476:19,20,25	13,22 270:22	subset 365:6
457:16	stipulations 342:9	284:3 297:25	377:18
statements 256:2,	348:20 362:20	302:19,23 303:20,	subsets 259:6,9,
7 295:22 436:24	stop 476:14	25 304:5,11,14,18	10
states 277:25	straight 292:23	305:21,24 306:6,	substantial 301:2,
287:18 292:6	320:21	9,11 308:13	10 460:8
295:17 336:21	straightened	326:12 327:5,15	substantially
stating 274:3	310:6	328:4,5 329:20,24	244:22 300:23
344:24 365:22	strange 269:23	330:24 331:6	339:17 400:7
463:6	strategy 401:25	346:17,18 353:20	412:21 428:7,8
status 330:9,15	stress 272:21	355:10,25 356:6,	450:22 460:15
378:1,23	strike 472:10	7,11 357:2 358:22	
statute 465:24,25	473:2,5,13,15,22,	360:4 366:5,10,	
466:6	25 474:4,14,21	12,14 375:14	
statutes 300:14		380:1,5,10,19,24	
		381:4,8,9,14,17,	
		19 382:11,14	

substantive 467:11	support 341:25 342:1 376:16 382:4	360:6,7 362:6 374:8 375:7 376:7,9 381:11 382:14 389:2 394:4 395:5,6 418:5 454:5 465:12	380:13 381:10,14 391:12 392:10 393:18 394:18 397:21 398:10,16 417:6,7 430:9 434:18 435:25 437:5 449:1 452:5 453:19 456:16,17, 19 457:17 458:12 461:13,23 462:2 464:18 467:23 471:16
substations 360:15	suppose 429:8		
substitute 412:11, 12 476:3	supposed 260:25 261:1 475:23	systems 299:24 300:1 332:17 352:5 354:22 362:6 437:20 455:12 464:23	
subsumes 377:12	surprise 385:9 386:2 439:20		
subtransmission 283:20	surprised 347:9 385:16		
sufficient 371:4 419:2,5 475:21	surprising 385:19		talks 456:24
suggest 470:25 473:12 474:6	surrebuttal 244:24 245:1 280:23 354:5 409:7 422:15 469:21,24 472:24	T	tangentially 254:8
suggested 305:20	survey 252:1	table 362:16 422:1 452:6	tariff 243:20 248:12 281:17 289:17 321:25 427:20 429:2 439:1,5,10,23 447:13 451:3 461:2 476:24
suggesting 310:14 313:4	suspect 275:1 391:20	taking 279:22 280:10 329:12 373:5 470:7 473:12	tariffs 249:14 291:6,13,14 375:2 438:11 439:21 461:3,5,6
suitable 346:24	sustained 397:25 440:21	talk 253:17 270:22 307:13 323:4 343:12 345:18 346:2 355:19 371:2 372:15 373:17 393:8 414:10 415:10 462:7 468:21 478:1	tasked 431:7
sum 295:18 296:2 298:13 301:2,10 317:9 359:25 375:6 385:12 418:6	swear 243:1 399:2 411:1 427:2	talked 267:23 305:15 347:1 349:11 376:23 396:19 419:23 420:25 455:14,15 459:23	technical 258:23 346:4
summaries 280:5	switch 371:2	talking 246:2 249:2 255:15 272:3 282:22 290:3 296:18 297:10 302:1,8 313:25 316:6,8 328:23 329:21 333:9 336:13,15 365:1 368:25	technique 351:12
summarize 314:8	switchers 417:4, 10 418:18		technology 337:21
summarized 276:7	switching 368:23 402:20 417:13 418:1,4		teens 332:12
summarizing 338:10,12 341:25	sworn 243:9 256:7 399:10 411:8 427:10		tells 449:12
summary 285:7	symmetric 436:2 437:3		temperature 297:6 322:5 403:14,23, 24 405:23 406:17, 18 409:16
summation 364:22	system 257:16 261:21 263:17 265:20 299:19,23 302:19,23 315:3 326:2 327:7,25 328:13 329:22,24 330:1,13 357:12		temperatures 403:17,18 405:21
summations 397:4			ten 252:9,11 304:21 308:6,8, 11,18,22 311:6
summed 372:11, 12			
summer 284:25 285:2 409:19			
supply 333:5 334:2			

322:10,16 332:25 371:3 384:1,2,22 467:11	testimony 242:10, 12 243:2,21,22,25 244:6 245:12,18, 20,24 246:25 247:2 252:21 254:1,3,10,23,24 255:23 257:22 261:24 262:4,20 263:3 271:16 272:24 273:4 274:18 276:6 282:5 284:14 286:10,12,18 296:10,13,15,19 298:8 299:1,7,9 301:13,15 305:22 306:6 309:17 312:23 313:10 314:7 315:8,14,25 316:4,9,13,20 318:15,18 324:17 325:17,23 326:24 328:15 330:23 331:6 334:13 335:25 341:10 345:1,15,21,22 346:23 349:10 354:6,18,20 356:2 357:18 358:1 359:1,18,22 360:19 362:4 365:1,3,5,7 366:4, 25 367:11,12 374:19 377:11 378:21 383:9 385:15,20 386:4, 10 390:17,18 398:2,21 399:3, 21,22 401:6 407:21 411:2,19, 20,21 412:17,20 414:8,10,21 415:16 416:18 417:12 418:23 419:4,13 421:13 423:12 427:3,22, 23 429:11 430:24	432:21,25 433:1 434:6,14 435:9, 19,20 436:1 438:18,20,23 443:20 444:7,9,22 447:9 454:19,20 455:23 457:13,23 459:8 461:20 462:7,16 463:15 464:4 465:5 468:16,17 469:13 470:13,16 471:17, 24 472:2,5 473:16 474:17 476:2 477:11,15	361:25 368:16 370:11,21,22 379:12 383:14 387:24 390:22 392:3 395:6 396:11,13,17 405:2 406:1 414:12 429:10 436:10 439:17 441:19,21 442:20 446:21
tend 263:16 348:21			thinking 318:9 334:6 337:10 457:18
tender 245:7 246:17 400:13 413:2 428:13			thinks 254:9 267:6 390:24 436:15
tendered 400:19 413:8 428:19			thought 245:14 261:22 262:5 286:11 306:18 314:20 346:5,11 347:2,7 357:16 388:24 390:2 425:9 457:12 465:4 468:16,17
tens 403:4			thousand 358:5 397:8
term 264:25 331:5 356:2 366:3 376:3,6 381:9 435:14 456:21 458:20		theoretical 436:1	thousand-ish 358:16
termed 323:7 372:22 374:3		theory 371:20 375:13 383:23 409:14	throughput 368:16
terminology 353:14		thermodynamic 405:19	throw 251:4 356:1
terms 265:19 360:3,7 369:7 422:12		thing 246:2 254:18 255:6 259:14 261:3 265:1,5 270:14 305:13 332:1,8,11 335:17 344:8 347:14 348:3,22 360:23 361:9 377:1 379:3 397:6 421:6 453:25	throwing 289:18 370:20 383:12
terribly 266:22 443:19		things 248:4,6 250:6 252:1,17 265:11,13,21 274:23 279:2,3 282:21 288:9 294:12,15 303:5 304:13 306:25 314:8,10 326:13, 14 331:1 332:24 338:5 339:14 340:1 342:25 343:14 348:10,11, 16 350:24 354:22 355:10 356:4	thrown 357:18
test 351:9 353:9, 25 416:9 418:8,12 455:18 457:19 463:14 464:6			tie 374:13
testified 243:9 250:25 282:25 283:5,22 284:21 310:15 343:5 355:8 387:3,23 399:10 409:7 411:8 416:22 427:10 436:23			tied 309:22 310:11 335:19 444:12 446:3
testify 289:12 311:20 437:19			tighter 331:8
testifying 250:22 252:15 313:16 441:14			time 242:17 245:1 249:3 250:5 259:19 263:16,18

<p>264:9 269:19 278:24 281:18,19 292:8 293:5 304:3 309:17 325:22 329:9 330:6,16 332:2 333:19 335:6,21 336:22 342:9,21,24 343:14,21 344:10, 18,22 345:21 346:1,25 347:5 348:20 351:18 352:1,4 353:4,5, 21 354:22 355:1, 3,13 357:15 362:18 367:10,11 368:18 373:5 375:18 377:22 383:16 388:6 393:14,16,20 394:11,12 395:11, 12 396:20 398:1, 17 402:11,18 403:6,14 406:3 408:24 409:17,21 410:1 414:23 415:11 417:15,19, 24 421:11,20,24 440:1 441:4,21 455:22 456:1,3,6, 13 457:1,2,9,15 458:4,18 459:24 460:5 462:15 463:18,19 464:2, 13,18 465:17 467:14,22 475:21 476:5,12 478:24</p> <p>time-based 352:13 404:11,19</p> <p>timeline 252:18 254:14 290:15 336:16,19 349:15</p> <p>timelines 323:14 352:11</p> <p>timeliness 457:12 458:8,10</p>	<p>timely 454:24 456:15</p> <p>times 422:10,23 446:19 455:17</p> <p>timing 266:12 268:9 375:8 414:18 421:14 422:16 463:20 464:12</p> <p>tiny 378:8</p> <p>title 243:18 381:1</p> <p>today 242:2,15 244:25 256:1 257:25 265:6 276:21 288:24 289:2 290:15 291:17 313:16 315:10 341:1 343:23 345:14,19 350:25 351:1 356:24,25 367:17 384:3 395:1 398:2 399:3 400:6 424:25 425:2 428:6 441:9 442:13 452:1 465:1 477:21</p> <p>toe 445:5</p> <p>told 323:3 342:23, 24 346:25 429:24 463:2</p> <p>Tom 396:2</p> <p>tomorrow 352:15</p> <p>ton 346:9,10</p> <p>tool 267:1</p> <p>top 260:4 277:25 403:3 415:12 416:2 477:14</p> <p>topic 255:3 306:11 381:20 444:21</p> <p>topics 287:5 366:1</p>	<p>368:23 384:22 385:4 404:25</p> <p>torn 470:3</p> <p>total 256:14,16 267:17 307:19 363:4,12,13 372:10,11 394:2 405:11</p> <p>totaled 406:24</p> <p>TOU 408:10,11</p> <p>touch 461:19</p> <p>touched 328:22</p> <p>touted 459:18</p> <p>track 264:2</p> <p>transactions 335:6 360:9</p> <p>transfer 405:20</p> <p>transformer 295:12 303:8 314:15 388:10,12, 18</p> <p>transformers 252:4,10 384:1 388:19</p> <p>transition 464:9, 18</p> <p>transmission 283:19</p> <p>treat 350:7,10 387:7</p> <p>treatment 336:12</p> <p>troubling 362:12</p> <p>true 245:3 400:9 403:12 412:23 416:7 428:9 435:5 442:19</p> <p>true-up 416:10 456:5,6 464:11</p>	<p>true-ups 266:18</p> <p>truth 243:2 399:3 411:2 427:3</p> <p>tune 395:16</p> <p>turn 255:13 273:6, 15 284:13 287:17 295:9 301:18 313:9 319:5 401:5 407:14 468:7</p> <p>turned 308:2 323:20 343:24 359:4 393:14</p> <p>turning 275:9 338:20</p> <p>tying 309:25</p> <p>type 263:23,25 271:6 339:13,20 340:4,5 347:14 456:18 468:5,6</p> <p>types 392:25</p> <p>typically 249:19 303:9 326:14 353:10 378:21 393:17 396:14 403:22 409:18 421:12 442:20 455:18</p> <p>typographical 320:25</p> <hr/> <p style="text-align: center;">U</p> <hr/> <p>Uh-huh 359:6</p> <p>ultimate 349:8,9, 14,20,25 382:17 466:3,17</p> <p>Ultimately 383:1,7</p> <p>umbrella 381:8</p> <p>unable 364:20</p> <p>unavailable 373:5</p>
---	---	--	---

unbiased 300:6 446:16,18	unduly 250:2 264:23 266:3 350:3 367:7 382:16 388:7 452:15	453:8 457:2 470:23,24	360:5,10 361:5 363:23 368:13 372:6 375:7 376:10,12 390:24 396:9 408:3 419:19 434:8 435:10 436:3 441:18 444:18 445:11,21,23 447:11 448:22 449:15 462:8,21
unclear 358:12	unfortunate 371:6	updates 263:16 417:17	utility's 332:1 375:13
uncommon 266:22 350:7	unhelpfully 361:22	usable 266:14	utilize 419:20
underground 303:7 314:25	unique 261:15 266:16,24 307:17 363:15,21 365:12 392:11,13	usage 244:13 257:2 266:20 333:19 335:21 340:23 342:20 349:17 353:8 354:12 367:14,20 375:12 376:21 377:9 394:12 396:23 397:10 402:17 404:10,18, 19 409:20 414:22 418:6 424:22 425:6 455:14 456:17	utilized 325:17 326:16
underlying 442:6 474:18	unit 326:14 327:3 396:11	usefulness 258:25	<hr/> V <hr/>
understand 252:18 253:15 254:20 257:14 259:1 260:9 263:11 265:4 266:7 283:2 284:6 289:11 315:16 359:7 370:14 381:16 383:8 397:9 406:10 431:11 435:15 437:3 438:10 442:3 443:23 454:4 464:3	units 326:18	USOA 362:15	vacation 286:9,15 373:6
understanding 244:7 247:15 252:20 266:18 269:8 279:9 282:8,11 332:4 346:7 366:15 369:1 378:13 396:24 407:6 408:3 440:2 473:18 478:23	unjust 350:2	utilities 250:23 266:14 276:21 277:19 279:1 280:6 287:20 305:21 326:3,21 328:1 333:4,6 334:12 338:13,16, 18 339:18 341:11, 14 348:21 355:12 360:11 366:22 370:6,9 376:8 380:11 440:3,12 441:5,21 442:1,19 459:21,22 461:9 462:4 465:16	vague 331:7 447:22,23 448:3 449:21
understood 296:12 351:24 356:10 385:20 389:5,7 433:18	unjustly 250:2 350:3 388:7	utility 266:23 267:20 276:24 278:25 280:18 287:21 289:9 299:18 300:16 326:4,7,8,23 327:1,6 348:25 353:12 354:3,11	vagueness 339:16 449:25
undertake 313:12 315:11 434:12 435:14,23	unlawful 368:21		valuable 390:21
undertaken 391:19	unmute 459:1		values 331:17 332:23
undertaking 330:4	unorthodox 398:4		variation 350:17
	unreasonable 350:3		variations 376:9
	untethered 455:12		varies 326:20
	untimely 457:16		vary 250:5 287:23
	unusual 386:17		vendor 396:10
	unusually 350:9		verification 317:21
	unwilling 323:1		version 244:8 245:21 274:11 286:23 476:13,14
	upcoming 402:10 464:5		versus 250:3 283:19 288:11
	update 263:23,24 266:15,16,18,25 331:1,19 353:24, 25 354:1,4 416:9 455:19 456:3 457:22 458:5,11 463:6,17 464:9 475:19		
	updated 332:3		

307:11 322:4 328:2 343:17 349:17 365:15 367:2 369:2 370:16 371:3 374:8 396:16 436:1 437:3 462:20	voluntarily 389:13 volunteering 245:16 volunteers 315:22	368:15 371:22 375:11,12 401:9 402:13,18,22,23 403:9,12 404:5,6, 8,9,17,23,25 405:1,2,4,5,6,7 406:7,11,12,13 407:22,25 408:4, 9,21 409:8,22 418:16 424:24,25 426:7	381:23 423:13 434:3 441:15 448:8 450:4 453:24 469:23 withhold 462:9 witnesses 242:6 337:11 356:22 366:17 397:12 467:4 word 244:15 249:19 273:18 277:23 288:6,7,8 290:8 292:14 301:5 380:4 389:9 411:24 worded 348:18 362:24 378:18 wording 251:3 339:14 355:15,18 356:3 453:3 words 302:7 304:1 349:22 work 251:20 308:10 313:8 317:5,19 326:7,9 328:15 330:17,19 332:13 335:17 360:19 366:21 417:1 418:5 478:6 worked 255:15 273:19 worker 304:24 workers 305:13 working 334:11 341:15 395:18 409:1 works 421:15 workshop 254:7 280:4 372:22 395:23,24 430:19 workshops
view 248:23 261:21 263:15,19, 25 264:10 285:7 323:7 360:13 367:6 438:5,14 447:12,13 views 263:16 284:23 292:6,8, 14,15,16 461:10 violate 273:20 violated 321:7 violating 281:11, 14 violation 350:4 virial 314:11 visible 307:1 vision 275:24 294:8,9 voice 260:7 volt 257:5 303:11 voltage 252:2,12 257:20 258:12 282:10 283:6,17, 22 303:6,7 314:10,18,24 329:1 331:14 342:17 350:8 357:5,7 360:25 361:1,3 373:20,23 374:3,11,17 387:8 388:3,14 395:7,9 415:23 416:4,10 voltages 257:13 415:20	wait 259:22,24 358:14 waiting 287:11 315:21 384:15 walk 247:14 418:11 walking 357:15 wanted 247:4 251:18 264:3 269:10 310:10 323:25 334:9 363:2 371:12 424:1 426:25 432:6 463:10 465:13 478:16,17 wanting 424:18 war 371:7 warning 364:3 waste 293:4 362:18 383:15 wasted 306:21 Waterhouse 273:1,9,13 watermark 476:16 ways 251:11,23 315:2 317:11 329:16 331:9,10 356:5 382:8 433:2,3 weather 261:3 266:21 343:7,9,10 350:23 351:5,10, 14,15,20,21 352:1 353:15,20 358:22	Webex 454:14 459:2 Wednesday 477:22 weeds 404:4 week 246:7 306:20 324:23 477:21 weeks 290:1,17 323:19 348:5 367:18 416:20 weigh 312:13 421:25 West 262:5,13,25 263:1 265:25 335:3 352:18 360:8 363:5 365:15 391:14 392:2,8,15 West's 295:11 360:6 370:8 391:23 Weststar 335:6,19 wherefore 319:6, 13,14,15 whichever 247:20 white 413:18 wholesale 376:12 wise 350:4 withdraw 304:17 311:7 321:20	

254:13 395:19	years 264:16	
world 343:22	294:14 308:8,11,	
347:18 421:1	18,22 323:15	
worried 408:18	328:5,17 332:21,	
worse 352:22	22,25 333:16	
worth 308:8,18,22	335:20 352:5	
331:25 358:13,18,	371:3,4,7,8,9,12	
21 404:5	380:19 382:11,12	
wrapping 426:20	403:21 404:5,8	
write 288:15	405:3 407:24	
391:21	408:1 440:2 449:9	
writing 448:11	457:19	
477:23	years' 358:21	
written 314:7	yesterday 242:9	
325:23	244:6 245:16	
wrong 258:5	248:18 251:10	
279:4,9 292:14	252:15 256:2,24	
327:13 351:3	257:18 264:12	
353:14 370:10	265:1 269:6	
452:16 463:3	271:16 273:18	
wrote 288:12	274:20 284:13	
367:11	294:19 306:19	
	307:14 312:23	
	327:11 328:22	
	330:22 335:25	
	338:5,7,10 341:22	
	342:8 345:9,10	
	348:8 349:7	
	351:11 355:8	
	374:2 387:3	
	397:17,18,22,23	
X		
XXX 331:18		
Y		
year 248:10		
255:19 267:20		
306:22 328:16		
351:1 352:10		
353:9,25 357:6		
367:16 371:25		
372:2 394:3		
401:15 416:9		
418:8,12 449:9		
455:18 463:14		
464:6		
year's 358:20		
	Z	
	zip 259:14 260:15	
	zoning 468:2	