

In the Matter of:

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

ET-2021-0151, VOL. II

October 13, 2021



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BEFORE THE PUBLIC SERVICE COMMISSION

STATE OF MISSOURI

TRANSCRIPT OF PROCEEDINGS

EVIDENTIARY HEARING

October 13, 2021

HEARING VIA WEBEX

TRANSCRIBED FROM AUDIO RECORDING

Volume 2

In The Matter of the Application)
Of Evergy Metro, Inc. d/b/a Evergy)
Missouri Metro for Approval of a) File No. ET-2021-0151
Transportation Electrification)
Program)

PAUL GRAHAM, Presiding
REGULATORY LAW JUDGE.
Ryan Silvey,
CHAIRMAN,
Scott T. Rupp,
Maida J. Coleman,
Jason R. Holsman,
Glen Kolkmeyer,
COMMISSIONERS.

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FOR: Office Of Public Counsel

1 JUDGE GRAHAM: We are on the record. It's 8:39,
2 Day 2 in this case and I believe -- do any of the -- before I go
3 to the next witness, whom I show is Darrin Ives on the behalf of
4 Evergy, is there any other preliminary matter that anyone wishes
5 to address at this point? I will say we're still looking into
6 the tariff issue, which one or ones that we want brought in, so
7 you needn't bring that question up now. Are there any other
8 preliminary matters?

9 MR. HALSO: Your Honor, this is Joe Halso.

10 JUDGE GRAHAM: Yes, sir?

11 MR. HALSO: Go ahead, David.

12 MR. CLIZER: Joe, I'm going to defer to you.

13 MR. HALSO: Thank you. Your Honor, this is Joe
14 Halso with Sierra Club and NRDC, just one procedural matter.
15 After Mr. Ives, we'd like to take Mr. Baumhefner, Sierra Club
16 and NRDC's witness ahead of ChargePoint's witness to accommodate
17 some scheduling constraints. ChargePoint has kindly agreed to
18 swap witness order. I wanted to bring that swap-a-roo to your
19 attention and the parties before we started in case there's any
20 concern.

21 JUDGE GRAHAM: I don't think it -- let me ask
22 this first of all: A couple of you have talked. Are there any
23 other objections to this reordering of witnesses? Okay.
24 Hearing none, I'm going to go ahead and allow that. It may be
25 -- I'm going to ask this: I'm going to ask for the rest of the

1 day if the witnesses are getting swapped around that they remain
2 available in the event that this causes some heartburn here at
3 the Commission. Because of the COVID and so forth, there are a
4 lot of participants here working online and reordering witnesses
5 may -- may cause some issues or problems at my end. But so that
6 you can get a quick ruling on this and that you can move
7 forward, what we will do is this, you can take your order --
8 your witness out of order but the witnesses who are being
9 reordered, until further notice, must be kept available for the
10 balance of the hearing today. Okay? Somebody acknowledge they
11 heard me?

12 MR. HALSO: Thank you, Judge.

13 JUDGE GRAHAM: Okay. Thank you. All right.
14 Any other preliminary matters?

15 MR. CLIZER: Judge Graham, this is Clizer with
16 OPC. The OPC has a concern regarding the order of witness --
17 sorry, order of cross-examination in the prefiled list of issues
18 for ChargePoint and Sierra Club. But I would be more than
19 willing to take that up when it comes times for those witnesses.
20 I just wanted to --

21 JUDGE GRAHAM: Okay. Well, thank you.

22 MR. CLIZER: -- register it now.

23 JUDGE GRAHAM: Thanks for the heads up.
24 Anything else? Any other preliminary wit-- any other
25 preliminary issue that needs to be discussed? Okay. I believe

1 Everygy's next witness is Darrin Ives, if you want to present him
2 and have him spell his name and so on, then I will administer
3 the oath.

4 MR. FISCHER: Yes, Judge. This is Jim Fischer
5 for purposes of the court reporter. I would call Darrin Ives to
6 the witness stand.

7 JUDGE GRAHAM: All right. Are you there,
8 Mr. Ives?

9 MR. STEINER: I'm here, Judge. Can you hear me?

10 JUDGE GRAHAM: I can hear you very well. If you
11 will go ahead --

12 THE WITNESS: Great.

13 JUDGE GRAHAM: -- and spell out your -- I will
14 administer the oath.

15 THE WITNESS: Sure. My name is Darrin,
16 D-A-R-R-I-N, last name is Ives, I-V-E-S.

17 JUDGE GRAHAM: All right, Mr. Ives, if you will
18 raise your right hand, I will administer the oath.

19 (Witness sworn.)

20 JUDGE GRAHAM: You may proceed, Counsel.
21 DARRIN IVES, having first been duly sworn, testifies as follows:

22 DIRECT EXAMINATION BY MR. FISCHER:

23 Q. Mr. Ives, please state your name and address for
24 the record?

25 A. My name is Darrin Ives. My address is 1200

1 main, Kansas City, Missouri 64105.

2 Q. Are you the same Darrin Ives that caused to be
3 filed in this case a report, which we call the Evergy
4 transportation electrification portfolio report filing, several
5 sections which I believe were authored by you?

6 A. I am.

7 Q. And those sections were 4.7.2, cost recovery;
8 and 4.7.3, applicable request for variances; is that right?

9 A. That's correct.

10 Q. And you also caused to be filed surrebuttal
11 testimony, which has been marked Exhibit 4; is that correct?

12 A. That is correct.

13 Q. Do you have any changes or corrections that need
14 to be made to your sections of the report or your surrebuttal
15 testimony?

16 A. I do not.

17 Q. If I were to ask you the questions that are
18 contained in your surrebuttal testimony today, would those
19 answers be the same and are they true and accurate to the best
20 of your knowledge and belief?

21 A. Yes, they are.

22 MR. FISCHER: Judge, with that then I would move
23 for the admission of Exhibit 4 and tender Mr. Ives for
24 cross-examination.

25 (WHEREIN; Evergy Exhibit 4 was offered into

1 evidence.)

2 JUDGE GRAHAM: First of all, do I hear any
3 objections to Exhibit Number 4? All right, no objections being
4 heard let the record reflect that Exhibit Number 4 has been
5 received into evidence.

6 (WHEREIN; Every Exhibit 4 was received into
7 evidence.)

8 JUDGE GRAHAM: First witness -- or, the first
9 party that I have with respect to the order of cross-examination
10 for this witness is ChargePoint. Does ChargePoint have any
11 questions?

12 MR. DUNBAR: Yes, Your Honor. Just a few.
13 Thank you.

14 JUDGE GRAHAM: Go ahead and proceed, sir.

15 MR. DUNBAR: Thank you.

16 CROSS-EXAMINATION BY MR. DUNBAR:

17 Q. Good morning, Mr. Ives.

18 A. Good morning, Mr. Dunbar.

19 JUDGE GRAHAM: Just a minute, Counsel. Please
20 identify yourself.

21 MR. DUNBAR: Apologies. My name is Scott
22 Dunbar, D-U-N-B-A-R, counsel for ChargePoint.

23 JUDGE GRAHAM: Thank you. Go ahead, Mr. Dunbar.

24 MR. DUNBAR: Thank you.

25 BY MR. DUNBAR:

1 Q. Good morning, Mr. Ives.

2 A. Good morning.

3 Q. Did you hear the testimony of Mr. Voris
4 yesterday afternoon?

5 A. I did.

6 Q. And did you hear my discussion with him about
7 the proposed requirement that customers participate in the
8 demand response programs if they sign up for the commercial
9 rebate program that Evergy's proposed in this case?

10 A. I did.

11 Q. And is it Evergy's position that Evergy would
12 file a proposal with the Commission for Commission approval
13 outlining what that demand response program would look like
14 before it began calling demand response events for EV charging
15 station site hosts?

16 A. Not necessarily. If you look at the tariff
17 that's proposed in the application, it's got some language in
18 there about that being a requirement of participants in the
19 program. We've talked a lot, you know, over the course of
20 yesterday about a number of things that might be built out in
21 that program in terms of demand response events and guardrails
22 and things like that. I think it's possible that we could do
23 that in program documentation rather than the tariff. If we did
24 that, I think, you know, it certainly makes sense that we would
25 -- we would put that together. We would share that with

1 parties. We would have understanding of what that program
2 documentation looks like that would be shared with participants
3 and would be part of what they were aware of as they were
4 signing up.

5 All that said, Mr. Dunbar, I mean, I think if --
6 if there were changes to the tariff out of an order in this
7 case, you know, Commission decision, the tariffs will be updated
8 and filed and, you know, ultimately approved by the Commission.
9 So, if there were things that the Commission wanted to see in
10 the tariff, those would certainly be items that would -- would
11 get reviewed and approved by the Commission.

12 Q. Okay. So that's helpful. Thank you. It sounds
13 like from your answer that if the demands response program for
14 EV charging stations could be implemented through programmatic
15 documentation, then you would share -- you would share that
16 information with the Commission parties, but not seek Commission
17 approval. But if the program required tariff changes, then you
18 would seek Commission approval. Do I have that right?

19 A. Yeah. I think that's right.

20 Q. Okay. And can you -- can you help me understand
21 a little bit what would determine whether the program were
22 implemented through programmatic design rather than tariff
23 changes? What would -- what would be the determinative factor
24 as to which path you take there?

25 A. Yeah, so -- so a couple of things, right. I

1 mean, first and foremost the Commission direction on specificity
2 and a tariff is something that's always, you know, incredibly
3 relevant to final tariff design and approval. You know, from my
4 perspective there are a number of things you put together
5 whether it's, you know, marketing materials, program specific
6 design, things like that that you work on that are more
7 programmatic and don't need to be part of a tariff and create
8 complexity if, you know, you've always got the requirement to
9 make a tariff update when you're working through program design
10 changes.

11 So my preference would probably be to develop
12 it, share it, and work with the parties and not put that type of
13 detail into tariff or you always run the risk that you could
14 become out of compliance with the tariff as your program
15 evolves.

16 Q. Okay. And -- and what -- what sort of -- what
17 sort of implementation details would require tariff changes? Is
18 that -- would that only be if you are offering an additional
19 payment for participation in demand response events or something
20 like that? Can you help give us an idea?

21 A. Yeah. You know, I think that's right. It's a
22 little bit nebulous from my perspective. I mean, parties often
23 have views and perspectives on, you know, what would be in the
24 tariff versus what would be a programmatic type set of the
25 documentations. I don't know that there's a hard and fast, but

1 certainly if there were, you know, specific things that would
2 impact payments or rates or things like that, I would think -- I
3 would think those would be more inclined to make their way into
4 a tariff.

5 Q. Okay. Okay. That's helpful, Mr. Ives. We
6 certainly appreciate you saying that Evergy would share the
7 details of the program with the parties and with the Commission
8 for feedback even if you are not seeking formal Commission
9 approval. Can we consider that a commitment, that Evergy would
10 share those details of the demand response program before
11 implementing it with all of the parties to this case?

12 A. Yeah. Yeah. I mean I -- I'm not in charge of
13 the program, but I think that makes sense. Knowing the
14 discussions that we've had and, you know, some of the things
15 that we've been talking about over the last few weeks on, you
16 know, designing of the program.

17 Q. Okay. Great. Thank you so much. As I think
18 you know, ChargePoint is -- we are fine with the concept but
19 details matter, so we appreciate that commitment, so thank you.

20 MR. DUNBAR: That's all the questions I have.
21 Thank you, Mr. Ives. Thank you, Judge Graham.

22 THE WITNESS: Thank you.

23 JUDGE GRAHAM: Thank you very much. Thank you
24 very much.

25 Does Renew Missouri have any questions for the

1 witness?

2 MR. OPITZ: First of all, this is Tim Opitz on
3 behalf of Renew Missouri and I do not have any questions. Thank
4 you.

5 JUDGE GRAHAM: Thank you. Thank you, Mr. Opitz.
6 Does NRDC and Sierra Club or one of the other
7 have questions for the witness?

8 MR. HALSO: Judge, this is Joe Halso speaking on
9 behalf of both parties and we do not have questions of Mr. Ives.
10 Thank you.

11 JUDGE GRAHAM: Okay. I excused counsel for MECG
12 yesterday during the hearing. I don't know if he is back in the
13 hearing today. We didn't get that clarified. Is MECG here
14 today? All right, we'll proceed to that --

15 UNIDENTIFIED SPEAKER: You're on mute, David.

16 JUDGE GRAHAM: Well, there must be quite a
17 delay. Everyone's delayed in answering me, but that is somewhat
18 troubling because it in can end up with us stepping on each
19 other.

20 UNIDENTIFIED SPEAKER: Your Honor, I think
21 Mr. Woodsmall was on mute. He was trying to speak it looked
22 like.

23 JUDGE GRAHAM: Oh, okay. Well, Mr. Woodsmall,
24 are you there?

25 MR. CLIZER: Judge, John Clizer with OPC --

1 THE WITNESS: Mr. Ives of --

2 JUDGE GRAHAM: I'm sorry.

3 MR. CLIZER: It would appear that Mr. Woodsmall
4 is attempting to dial in now. We can see him on the WebEx. He
5 is present, but he seems to be attempting to connect at this
6 moment.

7 JUDGE GRAHAM: Yeah. Well, if the parties don't
8 have a problem, we are going to -- he may have questions and I
9 am going to permit him to ask his questions, of course, but
10 let's move on to the Office of Public Counsel while
11 Mr. Woodsmall gets online here.

12 Mr. Clizer, do you have any questions for this
13 witness?

14 MR. CLIZER: I do have questions, Your Honor.

15 JUDGE GRAHAM: Okay. Why don't you go ahead and
16 state your name for the record and then proceed.

17 MR. CLIZER: Thank you. John Clizer, J-O-H-N,
18 C-L-I-Z-E-R, on behalf of the Missouri Office of the Public
19 Counsel.

20 JUDGE GRAHAM: You may proceed, sir.

21 CROSS-EXAMINATION BY MR. CLIZER:

22 Q. Good morning, Mr. Ives.

23 A. Good morning, Mr. Clizer.

24 Q. I'm going to attempt to do this somewhat slowly,
25 but still try to get through this quickly. Let's start with a

1 relatively simple question. You would agree with me, would you
2 not, that there is some cost incurred in building an electric
3 vehicle charging station?

4 A. I would agree there is cost incurred in building
5 a charging station, yes.

6 Q. Yes. And if the Commission were to determine
7 it's prudent to build a charging station, it must have
8 determined that some costs were prudently incurred. Correct?

9 A. No. I don't believe that is what we mean or
10 have received from decisional prudent standpoint in the past. I
11 wouldn't agree with that.

12 Q. So you believe that if the Commission were to
13 determine it was decisionally prudent to build these charging
14 stations, they could still disallow all costs related to the
15 charging station?

16 A. It is a possibility, Mr. Clizer. I think what
17 we're asking for with decisional prudence is that the one answer
18 the Commission won't use when we bring constructed charging
19 stations back in for requested recovery is that utilities should
20 not be building charging stations. That's the request.

21 Q. Does that include whether or not it's cost
22 effective for Evergy to have built a particular charging
23 station?

24 A. No. That's a cost and management prudence
25 decision that comes at the time that we bring the constructed

1 assets in for requested recovery.

2 Q. Is the location where a charging station is
3 built part of decisional prudence?

4 A. I would think that if the Commission did not
5 like a location when we brought it in, that would be a factor in
6 their determination at the time of requested recovery. I mean
7 again, I just want to be -- I want to be really clear. What
8 we're asking and what we're not, Mr. Clizer, because I've said
9 on the stand in front of this Commission where they've said they
10 didn't want the utility to be in the charging station business.
11 And if that is the answer that the Commission wants to give in
12 this proceeding, I want to know it before we construct
13 additional charging stations so that we don't get that answer
14 from them post investment.

15 If the utility can be involved to do the types
16 of things that we have laid out in our program, then I want to
17 be able to help in that hybrid approach, bring charging to our
18 service territory on the limited scale that we've proposed.

19 Q. But questions regarding, for example, market
20 saturation, availability of federal funding, those would all be
21 issues that you believe would be worth taking up at a later
22 prudence review even if the Commission grants decisional
23 prudence as you have requested?

24 A. I think so. We might have different
25 interpretation of market saturation, but that would probably be

1 for that point in time.

2 Q. Would you agree that the decision as to whether
3 investment costs are recovered at plant or through an expense or
4 through other mechanisms is an issue that is not involved in
5 decisional prudence?

6 A. Yeah. I would agree with that, Mr. Clizer.

7 Q. I apologize. I did not mean to speak over you.
8 I was going to attempt to rephrase that as I realized it was
9 slightly poorly worded?

10 A. That's okay. If I didn't answer -- if I didn't
11 answer the right question let's try it again.

12 Q. Even if the Commission were to grant decisional
13 prudence as you have requested, the question of whether or not
14 the plant should be included in rate base as opposed to expense
15 or through some other mechanism would still be a question for
16 the Commission at a later rate case. Would you agree with that
17 statement?

18 A. I think that would be in the Commission's
19 purview. I mean, I think it is invested asset but that would be
20 in their purview at that time.

21 Q. Thank you very much, Mr. Ives. That was all of
22 my questions.

23 A. Thank you, Mr. Clizer.

24 JUDGE GRAHAM: This is Judge Graham again.
25 Mr. Woodsmall, have you joined us?

1 MR. WOODSMALL: Yes, Your Honor. Can you hear
2 me now?

3 JUDGE GRAHAM: I can hear you now, sir. Are
4 you --

5 MR. WOODSMALL: I'm sorry. I apologize. Yes.
6 Two very quick questions, again. David Woodsmall for MECG.

7 JUDGE GRAHAM: Wait a minute, please. We've got
8 some real difficulties, technical at our end this morning and so
9 let's not -- don't mean to step on you right away. I do
10 appreciate your coming in, but please state your full name
11 before you start so that we have a record on that. And every
12 time anybody speaks up, they need to identify themselves.

13 Mr. Woodsmall, go ahead and identify yourself
14 and you may proceed now with your cross-examination.

15 MR. WOODSMALL: Good morning. David Woodsmall
16 for MECG. Two or three very quick questions.

17 CROSS-EXAMINATION BY MR. WOODSMALL:

18 Q. Mr. Ives, I see that you are the vice president
19 of regulatory affairs for Evergy; is that correct?

20 A. I am.

21 Q. So you would be familiar with the timing of rate
22 cases; is that true?

23 A. Yeah. I'm generally familiar to the extent that
24 time in rate cases.

25 Q. And would you agree that Evergy has announced or

1 made known its intentions to filing a rate case in January '22;
2 is that correct?

3 A. That's correct. You may know this,
4 Mr. Woodsmall, but that will be at the end of our four-year
5 timeline in order to continue to retain our fuel adjustment
6 clause.

7 Q. You anticipated my next question. That is all I
8 had. Thank you, sir.

9 A. Yep. Thank you.

10 JUDGE GRAHAM: All right. Thank you very much,
11 Mr. Woodsmall. I think we now will return to Staff.

12 MS. MERS: Nicole Mers from Staff. Just one
13 very be brief question.

14 CROSS-EXAMINATION BY MS. MERS:

15 Q. Good morning, Mr. Ives.

16 A. Good morning, Ms. Mers.

17 Q. So in discussions with ChargePoint you said you
18 were willing to provide program details after the hearing. If
19 that happens and there is a dispute among the parties about what
20 or what is not included, how would that get resolved?

21 A. I think ultimately if we had a dispute on a
22 programmatic design, I assume at some point somebody would take
23 that in front of the Commission.

24 Q. As a separate case, you believe as the hearing
25 in this one would be over?

1 A. Yeah. You might beyond my legal expertise on
2 case structure.

3 Q. Okay. I appreciate the attempt. That is all I
4 had. Thank you.

5 A. Thank you.

6 JUDGE GRAHAM: Thank you very much. Are there
7 any questions from the commissioners?

8 COMMISSIONER RUPP: No, thank you, Judge. That
9 was Commissioner Rupp, by the way.

10 COMMISSIONER HOLSMAN: No questions, Judge.
11 Commissioner Holsman, by the way.

12 JUDGE GRAHAM: All right. Thank you very much.

13 CHAIRMAN SILVEY: No questions, Judge. This is
14 Chairman Silvey.

15 JUDGE GRAHAM: All right. I have a number of
16 questions for the witness.

17 QUESTIONS BY JUDGE GRAHAM:

18 Q. To begin with, Mr. Ives, are you familiar with
19 the stipulation that was entered into Kansas in the matter of
20 the application of Evergy Metro, Inc., Evergy Kansas Central,
21 and Evergy Kansas South for approval of a transportation
22 electrification portfolio? Are you familiar with that docket in
23 that case?

24 A. I am familiar with that docket and generally
25 familiar with that agreement.

1 Q. Okay. And I don't want to tax your memory here
2 but I'm going to read out a case number and if that sounds
3 correct or if your counsel will know that correct or -- for
4 purposes of the record, that's fine. If you don't know, that's
5 fine, too. I'm showing that's Kansas docket Number
6 21EKME-320-TAR. Does that case number sound right, and if not
7 just say so. If you don't know just say so.

8 A. I am not 100 percent sure, Judge. But that does
9 sound right. It's been a few weeks.

10 Q. Okay. Now, my understanding and correct me if
11 I'm wrong, is that the --(audio cut out) did go ahead and enter
12 an order approving a nonunanimous stipulation in that case. Is
13 that your understanding as well?

14 A. I don't think we have an order in that docket
15 yet. We have a -- we had a partial nonunanimous stipulation
16 with parties, went to hearing on one issue, and I think we've
17 briefed the issue in Kansas. But we don't yet have an order.

18 Q. I see. So that case is up in the air and is
19 still being developed?

20 A. Yeah. I think it's -- I think it's in the
21 briefing and commission deliberation phase at this stage.

22 Q. All right. But certain matters in the
23 nonunanimous stipulation has been filed in that case as a matter
24 of public record; is that your understanding?

25 A. Yes. That's correct.

1 Q. Would you be comfortable and would you be able
2 to describe the differences between that nonunanimous
3 stipulation, which as I understand it at least Evergy has agreed
4 to, how is it different from the proposal that you have
5 presented here in Missouri? Are you able to say?

6 A. Yeah. I think -- I think structurally it is
7 very similar. Our application was very well aligned between
8 Kansas and Missouri from programs and tariffs. We had, I think
9 -- I think the developer rebate program on the residential side
10 was not agreed to by the parties in Kansas. And the one item
11 that we took to hearing that was not in the settlement agreement
12 was the decisional prudence on the level of -- the clean charge
13 network. And there were some -- there were some nuance changes
14 from our application on PISA programs and things like that from
15 a budget perspective but generally I think the remainder of the
16 structure was intact.

17 Q. I understand that there is an ebb and flow in
18 litigation and so off and so on in that regard and sometimes
19 things don't turn out the same way in different jurisdictions
20 even though company's intentions may be the same in both places.
21 But my aunt may I ask, sir, if you know, why Evergy did not
22 submit the same proposal in Missouri that was submitted in
23 Kansas?

24 A. I -- I think it's essentially the same and I
25 would tell you -- without going into specifics of settlement

1 discussions with parties, I mean, we did have a perspective that
2 provided some modifications to what our application position was
3 in this case. And, you know, for probably a host of reasons,
4 you know, we weren't able to come to a nonunanimous or partial
5 agreement with parties. But again, I think, speaking for Kansas
6 we had a fair amount of support in Kansas for a substantial
7 number of the programs and tariffs that we brought forward. And
8 we were -- we were arguing around size and implementation of the
9 programs not as much whether or not they should move forward in
10 Kansas, at least with the parties that signed on.

11 Q. Okay. I have one more question about that
12 Kansas case and I'll move on to some other areas. But this one
13 is a little more specific if you can answer this. It's my
14 understanding in reviewing that nonunanimous stipulation that
15 the rebate for participants in the time of use program is \$500
16 and for nonparticipants it is \$250. Are you able to tell us why
17 the difference?

18 A. Yeah. That was position that parties brought to
19 the negotiation on an interest in differentiating the rebate
20 based upon whether or not people opted in to the available time
21 of use rate or not.

22 Q. Okay. Thank you. Now turning to some other
23 matters. If you can answer this, that's fine. According to a
24 recent Ernst and Young study global electrical or EV sales are
25 estimated to reach estimated to reach a majority status over

1 internal combustion engines by 2033 to 2036 in the United
2 States. Does Evergy have a timeframe in mind that its planning
3 around and analyzing its proposals around a timeframe in mind
4 when -- when the switch over to EV sales will reach the majority
5 in this country?

6 A. Yeah. That's a great question, Judge. I don't
7 know that we have a specific timeframe. It is probably better
8 for the program design folks, but in general I don't know that
9 we have a specific timeframe developed upon switch over to
10 majority. But we certainly pay a lot of attention to the
11 automaker investment and plans, and model rollouts. Pay
12 attention to, you know studies by -- that are numerous out there
13 like the one you cite. There's one out there that is fairly
14 recent from Deloitte that indicates that, you know compound
15 annual growth rate of adoption's going to be in the range of 30
16 percent a year moving forward.

17 So we certainly believe, which was why we
18 brought the program forward, that it makes sense to continue to
19 evaluate and assess and implement programs to help us understand
20 what we know is coming, gather data, you know, work through this
21 so that we can do the overall service to mobile customers in an
22 as efficient and effective way as we can.

23 You know, this program in and of itself is not
24 an endgame. Right. It is a five-year program that is the next
25 step in the process that is going to help us just be that much

1 smarter and gather that much more information and put forward
2 the next plan as adoption continues to ramp up.

3 Q. Okay. I'm going to tax you a little bit here.
4 I'm going to refer to Mr. Caisley's direct and if you have an
5 issue or problem let me know. But on Page 6 Lines 10 through 13
6 of Mr. Caisley's direct he states: Evergy's request for TE
7 pilot program and rates to support EV adoption enable off-peak
8 charging, educate customer and other key stakeholders and
9 information, Evergy's future efforts to maximize the benefits of
10 TE to all customers. Can you explain, Mr. Ives, how this
11 program will support EV adoption?

12 A. Yeah. I think we talked about it a lot. Right.
13 I mean, the simple answer for me is when you are a mobile
14 customer or you're looking to become a mobile customer, drive
15 TE, one of the factors that's under consideration for you is how
16 easy and how comfortable am I going to be fueling my vehicle. I
17 am about to spend 20, \$30,000 in a multi-year investment and if
18 one of my top concerns is I don't know where I am going to get
19 my electricity once I am away from home, it might be easier for
20 you to make that type of investment decision in an internal
21 combustion vehicle engine. So to me that is the primary way
22 it's going to help adopt EV is it reduces range anxiety.

23 You know, we do a lot and we presented probably
24 several in this proceeding customer surveys and polls and, you
25 know, research, and range anxiety is always in the top two

1 concerns of customers when they are thinking about purchasing an
2 electric vehicle.

3 Q. Can you tell us how an increased installation of
4 200-V outlet installations or how an increased installation of
5 240-V outlets will translate to increased transportation
6 electrification?

7 A. Yes. On the 240-volt, you know, we've got two
8 versions there, right. We've got the developer program. We
9 spent some time talking yesterday about our belief that a little
10 bit of work with developers to start to incident them to make
11 them this a standard in their new home development has the
12 potential to cascade across developers who want to provide the
13 same level of service. It makes it easier for folks that want
14 an EV to know how and where they are going to charge their EV
15 while they're at home, which is always in every study listed as
16 a primary charging location for EVs.

17 And the same is true a little bit, although, you
18 know, on the residential customer 240 outlet that we are putting
19 in, you have to demonstrate that you have a car. But if you
20 know about the program and you're looking to get a car, you
21 might be able to weave that altogether and feel comfortable that
22 you can charge your car at home in two hours or three hours
23 versus nine or ten hours if you're only charging at Level 1
24 while you are at home. So it's you know --

25 Q. All right.

1 A. -- part of our program, Judge, my perspective is
2 it's about the education. It's the website work. It's the work
3 with the dealerships. I think Mr. Caisley talked about a number
4 of those things yesterday and being a resource for all of that
5 information -- and information that is informed by experience
6 we're seeing and gathering on changing charging behaviors and
7 things like that that it will help our customers become more
8 comfortable in their transition to electric vehicles.

9 Q. Okay. Some questions concerning regulatory
10 asset. Did Evergy work with its shareholders when designing the
11 pilot program as it was submitted in the application?

12 A. No. That's not -- that's not a function of
13 shareholders for a regulated utility.

14 Q. Okay. Fair enough. Why shouldn't the Company
15 and its shareholders bear some of the risk in the pilot instead
16 of just the ratepayers?

17 A. Yeah. I've got some testimony on this, I think,
18 in my surrebuttal but you know, I have a pretty strong belief
19 that, you know, provision of service to customers and in this
20 case were talking about mobile customers, is paid for by
21 customers. Shareholders' responsibilities in the regulated
22 environment are to provide the capital resources to make the
23 investment, you know, provide the equity, provide the debt if
24 you are a debt holder in our organization to fund that work.
25 But customers pay for their service. I don't think it is

1 appropriate to share for the provision of general service to
2 customers.

3 Q. Questions concerning Residential Customer EV
4 Outlet Rebates. Missouri had a statute authorizing a state tax
5 credit program for EV charging infrastructure installation which
6 expired in 2018. Wouldn't it be better for the legislature to
7 revise that tax credit, which was in Section 135.710 RSMo than
8 to ask ratepayers to pay for a rebate program. Do you have an
9 answer to that?

10 A. Yeah. So a couple things. Right. You know,
11 Mr. Caisley spoke yesterday about our continued dialogue with
12 legislators across states that we work in on looking for more
13 states support for EV charging infrastructure and what we know
14 is coming with EVs. The legislative process can sometimes be
15 relatively complicated. You know, when legislation is passed --
16 and I will use the example of the solar rebates that were
17 provided for rooftop solar a number of years ago. Very good
18 legislation that ended up making more opportunities available
19 for people to have a distributed generation on the rooftop. But
20 at the end of the day the rebates that Evergy paid consistent
21 with that legislation were borne by customers. So just because
22 it is legislation does not mean that it is not a cost to serve
23 customers that ultimately ends up being recovered in customer
24 rates.

25 Q. Thank you. The Office of Public Counsel

1 recommends participants should be required to sign up for the
2 Company's existing whole house opt-in time of use rates. Given
3 net meter customers cannot currently participate in the
4 Company's time of use rates, what could or should be done to
5 avoid unduly discriminating against non-metered customers? Can
6 you answer that?

7 A. Yeah. So Mr. Caisley spoke a little bit about
8 this yesterday and you know, I would say it this way: You know,
9 we may have a little bit of a fundamental difference with
10 certain parties on what the right approach is for addressing TOU
11 in the state of Missouri. I mean, there's certainly some
12 parties that think mandatory TOU is a quick solution to change
13 behaviors of customers in the state. We tend to disagree with
14 that, tend to believe as Mr. Caisley cited, that, you know, more
15 customer choice and more options for customers to adopt into
16 rates that fit their lifestyle and fit how they use our system
17 is a better way to engage and interact with customers on how
18 they take service from us.

19 You know, that said, we have been doing work
20 with the piloted TOU rate, you know. We were in and gave a
21 presentation a couple of weeks ago now demonstrating that, you
22 know, we had quite a bit of success compared to the targets that
23 were laid out for that program. Have done a preliminary
24 evaluation and measurement report that we shared with parties
25 that has led us to some things that we will likely bring forward

1 in our next rate case.

2 You know, one example of that would be that
3 whole house rate you're speaking about is a three-part TOU rate
4 which may not be the best solution for an EV driver that has
5 other things going on at their house. We are looking at based
6 on some of the results that we had from our pilot of proposing a
7 two-part rate that may be a better fit for an EV driver than our
8 existing rate. Also looking at the availability of TOU that we
9 might be able to bring forward as an option for that net
10 metering customer specifically to address some of the things
11 you're talking about.

12 Though -- I guess I would just say were not at
13 the finish line, you know. Five years ago probably we generally
14 had one available rate for residential customers and it had been
15 that way for decades. We are in a transition phase of more
16 rates and more choice for customers in large part unlocked by
17 technology and investments that this commission has allowed us
18 to make. But it's a journey that we're still on.

19 Q. All right. You may not have heard me at the
20 beginning because of-- because you weren't testifying yet and it
21 really hasn't been significant yet in your testimony but because
22 of some issues we are having creating our record here, I'm
23 asking all persons including witnesses to spell out the words
24 that are indicated by abbreviations. You've used TOU and EV and
25 we all know what those mean, but you meant by EV, electrical

1 vehicle; and TOU, you meant time of use; is that correct?

2 A. Yes. I did hear that. I apologize. We are an
3 acronym heavy industry and I get caught sometimes.

4 Q. Those are the actual words in the industry,
5 aren't they?

6 A. More often than not.

7 Q. Questions now concerning Developer EV Outlet --
8 there I did it -- Electrical Vehicle Outlet Rebate --

9 COMMISSIONER HOLSMAN: Judge, this is
10 Commissioner Holsman, I have a question.

11 JUDGE GRAHAM: Yes, sir. Go ahead Commissioner
12 Holsman.

13 COMMISSIONER HOLSMAN: Thank you.

14 QUESTIONS BY COMMISSIONER HOLSMAN:

15 Q. Can you talk a little bit about the process when
16 a third party wants to install a charging station for the public
17 use in your territory? When Tesla decides or any third party
18 that's not affiliated with utility wants to put in stations at a
19 grocery store or a gas station or anywhere, what's the process
20 for them to do that? Do they contact the utility first and can
21 you say no and do you look at that as competition for this
22 program in the long run? Can you talk a little bit about your
23 interactions with third-party charging stations?

24 A. Yes. Thanks, Commissioner. Yeah, so a little
25 bit -- and maybe there's -- maybe there's somebody better on our

1 team better that could have, but let me give it a shot. I'll
2 start at the end on competition. Absolutely don't see it as
3 competition for this program. You know, we think it's
4 complementary. We've been very clear for years now, even back
5 when we started putting in the CCN in 2015, that we did not want
6 to be and did not believe we should be the sole provider of
7 charging infrastructure in our service territory. But we did
8 believe it was important to get this process started and get a
9 backbone in and we still believe it's important to make sure
10 that things are getting done in the best form for the system and
11 in the most equitable way to serve customers across our
12 territory.

13 You know, when customers want to put in a
14 charging station, if they need line extension or additional
15 connections, for sure they will have to talk to us to do that.
16 I mean, I think about like if you are going to put it out at the
17 end of your parking lot, you probably don't have a line that's
18 coming out of the ground at the end of your parking lot. You
19 may need to work with us to go through that. If you're putting
20 it behind your meter in a place that you don't need anything
21 other than an electrician to come in and make a connection, then
22 maybe we don't know that you put a charging station at your
23 property and are beginning to having increase load at your store
24 or at your area from stations. I don't think there's any
25 mandate that they have to do.

1 And I think you have one more question
2 Commissioner. I think your question was would we say no and I
3 think the answer to that is no. We have an obligation to serve
4 and if people want to put service in, we will find a way to make
5 that work. We may coordinate with them and try and collaborate
6 on better solutions or better outcomes or, you know, better way
7 to do it. But I think if they say they want we will ultimately
8 provide the service. Does that answer your question,
9 Commissioner?

10 JUDGE GRAHAM: We may have lost our connection
11 there. For clarification, you said CCN in there. You meant
12 clean charge network; is that right?

13 E WITNESS: Yes. I'm sorry. I am the first
14 witness on this new rule and I'm not doing very very well.

15 JUDGE GRAHAM: You are getting it, aren't you.

16 THE WITNESS: Clean charge network.

17 JUDGE GRAHAM: It's not a certificate of
18 convenience in this entity. All right.

19 THE WITNESS: Correct.

20 QUESTIONS JUDGE GRAHAM:

21 Q. Now given the increase in electrical vehicle
22 adoption and the reality that developers incorporate amenities
23 like electrical vehicle charging to meet customer demands and
24 move units, is it more likely than not in your opinion that new
25 homes are already built with Level 2 capable electrical outlets

1 in garages or accessible to outside walls?

2 A. I don't think that is the experience of our team
3 at this point or we wouldn't be bringing the program forward.
4 You know, after -- I have to remind parties that this is a
5 relatively small program. It may be a few hundred developer
6 outlets. So, you know, we're not trying to make sure that we
7 fund the market to do that. We're trying to get more connection
8 with the developers and more dialogue with them in a way that
9 hopefully does make that the standard to build to.

10 Q. Yeah, I had some questions yesterday concerning
11 the type of information which Evergy is going to track in this
12 program. I'd like to follow-up with you on some of these
13 questions. Generally speaking, what type of information will
14 Evergy be tracking with this program?

15 A. Yeah, so a couple of things. I mean, I think we
16 talked yesterday about some of the basics, right, in terms of
17 the things we'll be tracking around EV owners that accept our
18 residential rebates, right. We'll know they have a car. We'll
19 know the type of car they have. We'll be able to begin to
20 evaluate the disaggregated AMI data based on that knowledge to
21 chart and graph their charging patterns. We'll be able to
22 identify if our education and communication to them is moving
23 their charging patterns voluntarily to the timeframes that are
24 better for system utilization, which will then in turn help us
25 to re-target education and communication to the extent we are

1 not seeing that type of move.

2 And all of that information will be summarized
3 to be able to come back and see how effective our opt-in, you
4 know, do the right thing for yourself and for the grid based on
5 our education and our marketing materials, how well that's
6 working so that will lead to informing future tariffs or rate
7 design or offerings that we might need to make if -- if we're
8 not having the success we hope -- we hoped to on managing the
9 system impacts.

10 Q. Yeah.

11 A. That certainly for the residential side. The
12 same holds true, I think, on the rebate for the commercial side.
13 I mean, we're going to have smart charters out there so we'll be
14 able to see charging patterns and use just like we do on our
15 Clean Charge Network today so we can evaluate how well customers
16 are getting their service met as a mobile customer, as they
17 drive through the territory. So I think a lot of it is going to
18 be the charging data. It certainly helps us be smarter about
19 the specific vehicles and the location of vehicles in our
20 territory based on, at least, participants in the program in
21 addition to the, you know, the EPRI generated reports that we
22 receive that they give us, you know, all electric and hybrid
23 vehicles numbers that Mr. Voris spoke about yesterday.

24 Q. Yeah. I've got a series of questions here and I
25 think that you actually now responded to a substantial extent to

1 them, but if you have something specific to add to that answer
2 with respect to these questions please -- well, we will take
3 them one by one. How will Evergy know that the developer -- the
4 developer rebate worked on the basis of information and
5 feedback?

6 A. So a lot of it is through collaboration and
7 discussion with the developers as we roll out the program to
8 them, I think. We'll get to understand where they are applying
9 those rebates and putting those in. Ultimately, when we know
10 when they're at we can do the AMI disaggregation work that we
11 are building so we can tell that if there are cars there
12 utilizing that port, hopefully through the developer
13 collaboration, we'll also be able to determine whether it's
14 becoming more of a standard for developers to put outlets into
15 garages as they also watch the same things we watch, I'm sure,
16 about the automakers and the adoption curves expected for EVs.

17 Q. Yes. Thank you. You may have -- you may have
18 given that answer to this question, but if you have something to
19 add on I'm going to ask the question this way: How will the
20 Company keep track of whether a future homeowner chooses to
21 upgrade the developer installed prewired outlet and/or purchase
22 an electric vehicle and starts charging it at home?

23 A. Yeah, so a couple of things. I mean, you know,
24 the hope would be if the developer preinstalls is the 240 outlet
25 that we're providing a rebate and proposing for, there won't be

1 a need for the -- for an upgrade of that outlet. Right. It
2 will be there and it will be ready for somebody to plug-in their
3 electric vehicle and do Level 2 charging. And I think, you
4 know, it goes back to the work we are doing on the technology,
5 the disaggregation of the AMI data to be able to look, you know,
6 at those homes and see if we are seeing the types of loads that
7 are reflective of an electric vehicle. You know, that
8 disaggregation work it's a little bit of a learning model where
9 the more experience we have with that program seeing charging
10 patterns, the more it's going to identify potential charging
11 patterns when we apply it to a new house or a new residence.

12 Q. Okay.

13 COMMISSIONER HOLSMAN: Judge -- Judge, can you
14 hear me?

15 JUDGE GRAHAM: Yes, sir.

16 COMMISSIONER HOLSMAN: I want to follow up on
17 that specific question. I actually had more follow-ups on my
18 previous one, but for whatever reason I could hear you, but you
19 couldn't hear me.

20 JUDGE GRAHAM: Commissioner, I am assuming that
21 this is Commissioner Holsman?

22 COMMISSIONER HOLSMAN: Yes. Yes, this is
23 Commissioner Holsman. Sorry.

24 JUDGE GRAHAM: Okay. Go ahead.

25 QUESTIONS BY COMMISSIONER HOLSMAN:

1 Q. So on the developer rebate, is there an amperage
2 or wire gauge specification requirement, you know, the 10-gauge
3 or 8-gauge wired? When the homeowner installs they have to
4 decide what their battery management system is going to require
5 for their charging level in that different vehicles will accept
6 different loads. For example, the Tesla will, I believe, max
7 out at a 42 amp, but you could put a 60-amp outlet and/or -- I
8 think down to 6-gauge wire to actually charge that, but that
9 might not be appropriate for a plug-in hybrid, you know, that
10 has a much smaller battery. Is there -- is there a requirement
11 on the developer side to have a minimum gauge and a minimum
12 amperage to qualify other than just the 240 outlet?

13 A. Yeah. So I'll give you my recovering accountant
14 answer. I think -- I think I've heard the folks in the program,
15 Mr. Voris in particular, indicate that, you know, it's a 40 to
16 50 amp is where we are providing rebates for outlets. There are
17 cars, to your point, that can make bigger pulls on the system
18 and we are not -- we're not providing rebates for outlets that
19 allow that to occur. We're leaving it ended at 40 to 50 amp
20 range.

21 Q. Okay. If I could go take us back, if you can
22 hear me now because, again, I could hear you, but you couldn't
23 hear me. To that previous question about third-party,
24 third-party installers. I have a billing question about that.
25 So it's -- let's say -- I'm going to use Tesla because this is a

1 particular example. If Tesla decides they're going to put an
2 eight-station charging platform in your service territory, now
3 each station should could pull up to 400, you know, kilowatts
4 per hour, a tremendous amount of electricity to charge in a
5 super fast time, which might be very different than a normal
6 Level 2 charger that you might find at a grocery store through a
7 ChargePoint or another provider. When the billing time comes, I
8 assume that Tesla -- you'd charge Tesla or for the power and
9 they turn around and charge the end-user. Is there any
10 constrictions on their mark ups if Tesla decided that they were
11 going to triple the electricity cost to the end consumer?
12 They're buying, I assume, at a wholesale rate from you. Are
13 there any provisions in place in either statute or in your own,
14 you know, your own regulation guidelines that would prevent a
15 third-party user from exorbitant end-user fees or charges for
16 the power you are providing at a wholesale rate?

17 A. Well, the short answer to that is not that I am
18 aware of because there are a lot of different ways to charge.
19 Right. I mean, they can charge by time. They could charge by
20 utilizing the space. I mean, there's a number of ways they
21 could do it. You are correct. We have a tariffed rate that we
22 charge the host or the provider, but we don't really have
23 visibility unless it's -- you know, unless it's connected to our
24 Clean Charge Network system that, you know, what's coming out of
25 that to the end use mobile customer.

1 Q. And do you ever worry about load? I mean, if
2 you have all eight of those stations going at the same time, I'd
3 imagine that there is a pretty significant draw for that use. I
4 mean, is there a factor that goes into placement of those larger
5 stations and will you have that concern in the future if there
6 is a proliferation of heavy use stations throughout your
7 territory? Do you have a plan or an idea to monitor how much
8 you're actually taking from which part of the grid?

9 A. Yeah. I mean, that's a pretty complicated
10 question. Right. But I think the short answer is yes. I mean,
11 if -- if we had a -- to use your example, a Tesla bank coming in
12 at, you know, at eight fast charge Tesla ports coming on it,
13 we'd be engaged with them on the infrastructure in place to
14 support that bank and provide them the energy they need for that
15 load. So we'd know, kind of, the system requirement and needs
16 at the time they came to us in that situation. It's not as
17 clear when you get to, you know, a one-off or one or two Level 2
18 chargers at the back of a convenience store or something like
19 that, for sure.

20 But yeah, I think -- I mean, that's of part of
21 what we're trying to do with the program here to create rebates
22 for third-party commercial installers as well as continue to
23 target some of the things that we have with our requested cap
24 increase on our Clean Charge Network. We continue to gather
25 data, we continue to see usage characteristics on the sites

1 whether it's our Clean Charge Network or whether it's the -- the
2 new third-party chargers that participate in rebates from us and
3 hopefully -- hopefully we would mitigate that moving forward as
4 much as we are able to.

5 But to your point, you look at the hockey stick
6 potential for car adoption, you extrapolate that to likely
7 needed charging infrastructure past our five-year window. We
8 think what we proposed will probably help us get through the
9 next five. But you look past that and we're all going to have
10 to continue to pay a lot of attention to the buildout and the
11 impacts of the system as this takes effect. It has a potential
12 to be transformational on -- on the grid.

13 Q. Okay. My last question here: You know, it's
14 pretty evident to me that the developers who use the -- and the
15 homeowners who use this in their homes, you know, having the
16 outlets establish you're going to be able to pick whatever
17 actual charger that your vehicle's going to require and the
18 interconnectivity that you need. But when you're out and about
19 and you're in public, is there any consideration, especially
20 with your own charging network, for proprietary interconnected
21 requirements? As each maker of automobiles have different
22 portals that they require, I know Tesla is a different, you know
23 charging portal then Chrysler. You know, one of the concerns
24 with folks who are stepping into the EV market is are they going
25 to have access to the diversity of the proprietary for the

1 end-use charging applications and have you given any
2 consideration to the fact that in your own network -- I
3 understand you cannot control third-party networks and what
4 opportunities they are providing -- but in your own network, how
5 do you intend to deal with the number of manufacturers who may
6 have proprietary interconnectivity connectors?

7 A. Yeah. So this may be over simplified, but you
8 know, I believe that by and large there are two primary
9 different connections. It's Tesla and it's kind of everybody
10 else. And, you know, we are paying attention to that and trying
11 to make sure that our network has the ability to serve the
12 different plugs or ports. It's going to be interesting. Right.
13 I mean, Tesla has announced that they intend to open up their
14 proprietary charging stations to charging for other vehicles
15 besides Tesla. So Tesla's gonna have to solve for some of that
16 as well. Right. Making their platform more available or at
17 least making it more readily available for people to have an
18 adapter to put on the Tesla port and convert it for what they
19 need for their cars.

20 Q. Okay. So as we look out five years with what
21 this pilot is proposing, I predict that five years from now the
22 battery technology is going to evolve to a place where we could
23 see that become a power plant, a reverse power share with the
24 home. And that leads us into questions back towards the net
25 metering where if you are on a time of use and you're getting

1 your power at one rate at night, then you're discharging it from
2 your vehicle in the day, do you have any -- have you guys gone
3 through any policies that are going to be around when these
4 batteries get to the point where they can power share at a peak
5 time?

6 A. Yeah. You know, my perspective -- and I am not
7 as close to it as the folks that designed the programs, but a
8 lot of discussion in that space has been for years. Right.
9 About vehicle to grid and ability to use those cars as an
10 additional battery resource and just really not there yet. But
11 we've gotta be thinking about it. Not just us. Right. I mean,
12 the industry has got to think about it and think about how
13 that's going to impact the grid. I mean, we've talked for years
14 about the difficulties on the grid when you're bringing power
15 back onto the grid and you've brought it more two-way and was --
16 we talk about a lot about was solar or we did in years past.
17 You're going to have some of the same implications, not only
18 from a rate design standpoint, but making sure that that home
19 system or whatever it's going to be, can handle that flow back
20 from the battery into the house the same way that is taking
21 power out of the house to the battery.

22 So no doubt, we've all got to continue to focus
23 on that evolution. Because I agree with you, I don't know if
24 it's five years but I think there's a time in the relatively
25 quick future where, you know, vehicle to grid is going to be a

1 lot more prevalent.

2 COMMISSIONER HOLSMAN: Thank you very much.
3 Those are my questions. Thank you.

4 THE WITNESS: Thank you, Commissioner.

5 JUDGE GRAHAM: Thank you, Commissioner.

6 QUESTIONS BY JUDGE GRAHAM:

7 Q. Picking up at my end, Mr. Ives, does Evergy have
8 plans to ascertain what motivated a homeowner whether living in
9 a developer prewired home or seeking the rebate themselves to go
10 electric, what motivated them to go electric and get an
11 electrical vehicle?

12 A. Yeah. I think that's -- absolutely. I think
13 Mr. Voris may have alluded to this yesterday. I mean, you know,
14 folks that participate in rebates and participate in our
15 programs if adopted are kind of going to be in a lab, right. I
16 mean, we are going to be asking those people to answer questions
17 and do studies and they are going to be aware that we're going
18 to be analyzing their disaggregated AMI data for their usage
19 patterns. So yes, absolutely. That will be part of our program
20 is to understand behaviors and understand things that were
21 informative to their decision.

22 Q. Has an analysis been conducted to determine an
23 expected timeframe between when a home is prewired to be
24 electrical vehicle capable and when the owner actually goes
25 electric?

1 A. Yeah. So if you'll recall on the residential
2 rebate, not the developer, that you're required to demonstrate
3 that you have a vehicle to get the rebate to install that 240
4 outlet. So that will be -- the car will already be there.
5 Right. On the developer, certainly we're going to continue to
6 evaluate the areas where developers have accepted rebates and
7 installed them. I'm not aware of a specific analysis that
8 indicates how quickly somebody's going to move into that house
9 and going to have an electric vehicle. But certainly, that'll
10 be -- that will be part of our use case. Right. And we'll be
11 able to look at that AMI data and start to make some
12 assessments. If people do move in their -- and we understand
13 they have a car, we'll be able to start asking them some of the
14 specific questions about whether it was informative to their
15 decision or whether it was just nice to have because they really
16 wanted to be in the neighborhood.

17 Q. Okay. So some questions concerning the report,
18 which was filed with the application?

19 A. Okay.

20 Q. You're familiar with -- you are familiar with
21 that report I take it. Right?

22 A. I --

23 Q. I believe you are --

24 A. Yes, I am.

25 Q. Okay. Well, on 24 it states: By tracking

1 electrical vehicle ready home addresses, Evergy expects to have
2 the ability to anticipate where electrical vehicle charging may
3 occur on the system, which can -- which can enable further load
4 analysis to support future grid management activities. There is
5 that statement in the report at Page 24. I've got some
6 questions. First, can you elaborate on what information besides
7 address will be captured and how specifically that information
8 will be used?

9 A. Yeah. So maybe a better question for Mr. Voris
10 when he was up, but I think the short answer is -- I mean, in
11 large part it's going to continue to come back to a couple of
12 things. It's going to continue to come back to some of that
13 disaggregated analysis on the AMI data so we can tell how load
14 is hitting the system specific in that EV-ready home. Is it
15 happening in off-peak? Is it happening in a targeted, you know,
16 two- or three-hour charging pattern or is it happening over a
17 longer time? And then certainly once we -- once we know an
18 address and once we know that there are electric vehicles, I
19 mean, we can start to think about what that means for commercial
20 charging as well when you start to have a penetration in a
21 certain area and we'll be able to analyze the data from those
22 smart commercial chargers that -- that are either on our Clean
23 Charge Network or took a rebate from the commercial rebate
24 program so we can see if we are getting increased charging in
25 that area of the network, which could have longer-term, you

1 know, load analysis or load impacts on the system that we need
2 to think about and address.

3 Q. And you --

4 A. Again, that's my non-engineering accountant
5 answer.

6 Q. Are you familiar with the acronym PV?

7 A. PV?

8 Q. Yes, P as in Paul and V as in Victor?

9 A. I believe it is photovoltaic.

10 Q. Okay. That's -- there you go. Thank you. I
11 think it is too. Well, I'll come back to that in a second. As
12 a follow-up on your last answer, will the information that you
13 receive and get as you track this program continue to be
14 collected after the pilot program ceases?

15 A. Will the information be continued to be
16 collected?

17 Q. Yes?

18 A. Yes. I mean, the beauty of -- the beauty of
19 using the existing infrastructure we have with the AMI and the
20 technology systems to evaluate the disaggregated data and
21 continuing that process as long as that customer's at that
22 premises and still has a car we are going to continue to be able
23 to collect that data and evaluate what's going on. So yeah,
24 absolutely.

25 Q. Okay. Tell me one more time, now, because I'm

1 slow, what PV stands for? This is not a test. I just really
2 need to have you tell me again?

3 A. I believe it is photovoltaic.

4 Q. Yeah. Photovoltaic, P-H-O-T-O-V-O-L-T-A-I-C?

5 A. Voltaic, I think. V-O-L-A-C-I-C, probably.

6 Q. Well, similar to photovoltaic penetration, are
7 there levels or thresholds under which electrical vehicle
8 adoption can be helpful or over which can become harmful to the
9 system? Are you in a position to address that question?

10 A. Yeah, I mean at a high level I would say, you
11 know, sure. You know, our premise is that if we can be
12 successful bringing load onto the system in a constructive way
13 through education and through and through our work and people
14 use Level 2 chargers -- (audio cut out)-- Mr. Voris said the
15 trickle charger or the Level 1 charger, then we can have more
16 influence on when that load comes onto the system to charge.

17 Our system as, you are aware, is built to peak
18 demand and load. So that means other than that design peak
19 every other hour on the system is underutilized to some degree.
20 So if we can move the load into that underutilized system
21 increasing overall system utilization, that means we get more
22 kilowatt hours ourselves off of existing infrastructure. That's
23 a good thing. We run into problems is when we start to get
24 enough penetration that we get heavy load on a particular
25 circuit or a particular area of our business and we have to go

1 out and make an additional investment. Right. Another
2 distribution investment. Our belief and you heard this
3 yesterday is, you know, we are probably not there now and we're
4 probably not there over the next five years, but as adoption
5 rates continue to move up that hockey stick approach, there
6 probably will be pockets where that will happen and we will have
7 to make system investments.

8 Hopefully, we're as ahead of it as we can be
9 with our marketing and our education and the data that we've
10 been analyzing through our program so that we can mitigate it to
11 the best of our ability. But you know, you add the type of load
12 that some are projecting for transportation electrification,
13 it's going to add system requirements over the long-term.

14 Q. Has Evergy considered whether it needs to
15 develop a process to cap the number of rebate requests from a
16 specific developer were sought within a particular development
17 area?

18 A. Yeah. We haven't. I think maybe one of the
19 witness spoke about this a little bit yesterday. I mean, we
20 just don't have that many developer rebates in the plan. I
21 mean, it's probably hundreds not thousands, so we don't think
22 that there's any material impact. We think the impact is going
23 to be from the developer relationship and the dialogue and
24 education with the developers. And I think the same is going to
25 be true in the residential rebate because you have to have a car

1 to get the residential rebate, it's not likely that we're going
2 to over saturate any particular neighborhood or subdivision, at
3 least in this --

4 Q. Well --

5 A. -- this initial program that we've laid out.

6 Q. I think my question presupposed and you -- I
7 think maybe you have addressed its presupposition so tell me if
8 you have. But the presupposition was that a high concentration
9 of rebates could drive the need for system improvements and
10 incremental infrastructure investments that could have otherwise
11 been avoided without the rebates. Have you addressed that and
12 basically told me that the Company does not think there's going
13 to be an overconcentration of rebates?

14 A. Yeah. You're right. We don't think that the
15 size of the programs that we put over the five-year plan that
16 that's a reasonable or likely outcome of -- of the programs as
17 designed.

18 Q. Okay. Now some questions concerning Commercial
19 Elective Vehicle Charge Rebates by site type. First, in
20 Appendix A to Evergy's report in its application -- you're
21 familiar with Appendix A of the report, I assume. Correct?

22 A. It has been a long time since May, but I will
23 turn to it here.

24 Q. All right. While you're turning -- and if you
25 can't answer a question, that's fine. Just let me know.

1 A. Yeah. Fair enough. I'm here.

2 Q. Okay. You're there. Under this section for
3 Commercial Electric Vehicle Charger Rebate the objective states
4 that: This program will also allow Evergy to better understand
5 where electrical vehicle charging is occurring on the system,
6 which will enable further load analysis and customer targeting.
7 Now, given the amount of commercial electrical vehicle charging
8 that already exists in Evergy services -- or Evergy's service
9 area outside of the program such as this, explain how Evergy
10 currently does load analysis and customer targeting for those
11 chargers? Can you do that?

12 A. Yeah. So -- I'll give you a high-level answer,
13 probably -- probably Ms. Winslow or Mr. Voris would have been
14 great for that. Can you still hear?

15 Q. Yes. Can you hear me?

16 A. Okay. It was -- yeah, I can. It was really --
17 it was really quiet for a minute. I thought maybe I lost
18 connection.

19 Q. Your fine.

20 A. But we certainly, you know -- every charger that
21 we've put in in the Clean Charge Network is, you know, is a
22 smart charger that provides us all that information on number of
23 sessions that occur at a station and amount of charge that
24 occurs during each session, lets us gather and analyze trends
25 and approaches and things. I mean, you know, I was just looking

1 last night at a report that showed that we had had higher
2 utilization on our Clean Charge Network over the last four
3 months than we've had since we put that program in place back in
4 2015. So we get that information quite frequently and it
5 certainly helps us understand where people are driving their
6 electrical vehicles and where their pinch points are, right,
7 where they feel like they need to stop and top off their battery
8 or charge a little bit from a range anxiety standpoint, whether
9 it is a workplace or whether it's a, you know, a grocery store
10 or anyplace else.

11 So we have all of that data available from that
12 network to analyze and assess what's going on in our service
13 territory related to public charging.

14 Q. In Appendix A of the application references in
15 the implementation strategies section that customers must
16 provide Evergy with access to usage/utilization data, install
17 stations in dedicated electrical vehicle parking spaces and
18 agree to future demand response capabilities. Can you explain
19 what the Company means by agree to future demand response
20 capabilities?

21 A. Sure. That's part of the discussion that I
22 think Mr. Voris had and I did as well today with Mr. Dunbar from
23 ChargePoint that, you know, part of -- I'll call it the price of
24 admission to get a rebate from us for a commercial charging
25 station will be that that station needs to be a smart charger,

1 that the installer needs to agree to give us the information,
2 they have to have a dedicated location to put that charger so
3 that it can be utilized efficiently and effectively. And then
4 lastly, similar to our Clean Charge Network, it needs to -- that
5 station needs to participate in demand response events should we
6 call them, similar to how we have folks on our thermostat
7 program that participate in demand response events when called.

8 We talked about with, Mr. Dunbar, that we need
9 to put that programmatic approach to demand response in place
10 and as part of those materials that those developers will agree
11 to and sign up for when they take that rebate so they understand
12 the guardrails around it, what a demand response event looks
13 like and what the duration might be and, you know, what their
14 opportunities are to opt out of a particular event if -- if they
15 need to for a given reason.

16 You know, the other thing that I think
17 Mr. Caisley might've talked about when he was on the stand
18 yesterday is, you know, our approach to demand response from
19 charging stations is not intended to be just shut them off. We
20 have the ability and we've tested it on our Clean Charge Network
21 to ratchet back the load that comes through those stations to
22 where they will provide about 50 percent of what they're capable
23 of providing in demand response events, which is important
24 because if people are stopping with range anxiety and their
25 batteries almost gone, they still need the opportunity to charge

1 and it will just be at a reduced clip if that makes sense.

2 Q. Now, does the statement that you've made that
3 I've quoted out to you in Appendix A of your application, does
4 that statement mean that the customer may participate in any
5 demand side aggregators program or is it limited to only to
6 Evergy's program or programs?

7 A. Yeah. Our approach would be that if they are
8 taken a rebate from Evergy that they would participate in our
9 called demand response events with that station or at least
10 participate in the program. They may opt out of that particular
11 event we called, but they participate in our program.

12 Q. Well, as a follow-up to that question as it
13 occurs to me here, will Evergy be acquiring, collecting,
14 analyzing, processing information based upon these -- these
15 programs?

16 A. Absolutely. Absolutely. I mean, the intent is
17 to do it just like the stations that we're installing from the
18 Clean Charge Network, utilize that data from that smart charger
19 that accepted a rebate from us so that we can analyze, collect,
20 and have that in addition to the data that we have from our
21 Clean Charge Network.

22 Q. Okay. So you would not be able to acquire that
23 information that way if they were participating and other demand
24 side aggregators program. Have I said that right?

25 A. Well, I think we -- you know, if they -- if they

1 didn't -- if they didn't agree to provide us that data, which
2 will be a condition of getting the rebate from us, we would have
3 no way to gather it at the level that they will have it.

4 Q. All right.

5 A. Is somebody goes out and just installs their own
6 charger of their own volition without a rebate.

7 Q. The implementation strategy for the Commercial
8 Electrical Vehicle Charger Rebate Program in Appendix A of
9 Evergy's application it says: The Company will issue an FRI.
10 Now, is that a request for information? Is that the meaning of
11 that act acronym FRI?

12 A. That is correct.

13 Q. A request for -- okay. I'm going to restate the
14 question now I've run into that. While I'm at it, before I get
15 down the line, what does DCFC stand for?

16 A. I've got a little help here so DC fast charger.

17 Q. I'm looking myself here. I think that is the
18 definition I see, too. Yeah. About direct-current fast
19 charger?

20 A. That's even better.

21 Q. Well, it's different substantially, isn't it.
22 Okay. But we are going to you DCFC to mean direct-current fast
23 charger with this question. So the implementation strategy for
24 the Commercial Electrical Vehicle Charger Rebate Program in
25 Appendix A of Evergy's application says: The company will issue

1 a request for information to develop a list of qualified Level 2
2 and direct-current fast charging chargers meeting technical
3 specifications. Can you describe what the technical
4 specifications will be? Are you in a position to do that?

5 A. Yeah, I probably can't give you an answer
6 beyond, kind of, the information that's in the parentheses right
7 after that. The network, ENERGY STAR certified, Level 2, safety
8 certification. I think Mr. Voris and Mr. Dunbar might've talked
9 about a list of eligible chargers yesterday a little bit that
10 would be developed to your point, but you --

11 Q. Okay.

12 A. -- taxed me to the end of my technical
13 abilities.

14 Q. Well, I wanted to see where they were. Now, the
15 seriousness here though, the statement I read out to you in
16 paraphrasing Appendix A, referred to a request for information.
17 It indicates the Company will issue this request for
18 information. So my question is: Is there a draft for the
19 request for inquiry? That is what the definition -- (audio cut
20 out)?

21 A. Judge, you were cutting out a little bit. I
22 don't know if it's me and my connection.

23 Q. No. I don't think it's just you. Well, it may
24 be one of us but I am hearing some background buzz now. Can you
25 hear me okay?

1 A. I can now, yes. Thank you. I think you asked
2 about a draft of -- that might be available of the RFI to
3 develop a list of qualified stations.

4 Q. Yes. That's what I asked.

5 A. Yeah. I am not aware that there is a draft in
6 hand today. I think generally we have a pretty good sense of
7 what will be included in there, as I am sure folks like
8 ChargePoint do as well, because we have a fair amount experience
9 with the Clean Charge Network. But I don't think we have put
10 that in place yet.

11 (WHEREIN; audio cut in with laughter.)

12 BY JUDGE GRAHAM:

13 Q. Okay. Somebody -- something is cutting in. Are
14 you there anymore?

15 A. I am still here. Yeah.

16 Q. Okay. Well, the background noise is gone and so
17 is the laughter. I thought it was a dog barking for a minute.

18 A. I didn't think my answer was that funny, but
19 maybe it was.

20 Q. I don't know. I didn't either. RFI if it's
21 actually in progress or a request for inquiry might be able to
22 tell us where we stand on these technical specifications. Let
23 me ask this question. I think I've got your answer, but here it
24 is. Do you know what the technical requirements for demand
25 response capabilities will be for the L2, for the Level 2 for

1 the direct-current fast charger that we were talking about? Do
2 you know what those technical --

3 A. I think from a demand response standpoint it's
4 just going to be developing the guardrails on the program and,
5 you know, like I mentioned, I think, you know, our plan would be
6 to be able to ramp down those smart chargers up to 50 percent of
7 their capacity from a charging standpoint. I don't think
8 there's any other technical specifications other than, you know,
9 folks -- which is going to be a requirement, that they're going
10 to have to install a smart charger they're going to have to
11 agree to share information and participate in our demand
12 response program.

13 Q. Okay. How will the enrollment timing work for
14 the program and what all will Evergy consider when evaluating
15 applications? Are you able to answer that question?

16 A. Yeah. I'm not sure there is a specific answer
17 to timing. You know, I think we'll get it -- when we get a
18 Commission order and we know what the programs are going to look
19 like and what our capabilities are going to be, you know, we'll
20 start thinking about our rollout of marketing and communication
21 and begin to accept applications for those rebates. Generally,
22 when we have a program like this, you know, they are first
23 come/first serve when people contact us and have met the
24 criteria. And it will be -- it will be as quick as people find
25 value and interest in our programs.

1 Q. Some questions concerning the electric transit
2 service rate. How does the electric transit service two-period
3 time of use rate off-peak period that starts at 6:00 p.m. help
4 shift electrical vehicle charging to off-peak times for Evergy's
5 load?

6 A. Yeah. So -- so we have a transit rate in place
7 in Kansas, so we have a little bit of -- at least in one of our
8 territories over there at this stage. So we have a little bit
9 of experience in, you know -- what this two-part rate in that
10 timeframe really kind of aligns to is, kind of, what makes sense
11 and what works for the depots for the Metro bus companies and
12 folks. You know, it -- it takes quite a bit of time to gather
13 and charge for, you know, a good size vehicle like that. So a
14 significant amount of that 12 hours is going to be in the
15 off-peak period. So there may be a little bit of overlap in the
16 early part of that window, but I think the two-part has been
17 found to make a lot of sense for that type of -- that type of
18 operation.

19 Q. Okay. Some questions concerning the business
20 electrical vehicle charging service rate. Can you explain what
21 the quote, facility demand, close quote, charge is and how it is
22 calculated for a given customer?

23 A. Yeah. So you may be --

24 Q. Let me --

25 A. You may be beyond my expertise, sir. That

1 might've been -- that might've been better question for Brad
2 Lutz.

3 Q. Okay. You may -- you may have to give me the
4 same answer to this subpart, but is that different from, quote,
5 the demand charge? The distinction is between the facility
6 demand charge and demand charge. Are you not in a position to
7 address the difference?

8 A. Yeah. I'm probably not comfortable going
9 through that dialogue. I apologize.

10 Q. No. That is fine. Do you -- are you able to
11 tell us what is meant by, quote, managed charging, close quote?

12 A. Yeah. I mean, in general managed charging is
13 the concept of, you know, getting the charging to the timeframe
14 that's going to be more beneficial to the system and align with
15 system capacity versus, I guess, the inverse would be unmanaged
16 charging where I'll call it the Level 1 trickle effect where
17 somebody just plugs in and lets it run for, you know, ten hours,
18 kind of regardless of what the timeframe is.

19 Q. And one more question along those lines and just
20 tell me if you are not the witness, but how does the removal of
21 a demand charge with the retention of a facility demand charge
22 work to incentivize managed charging? Are you able to address
23 that issue?

24 A. Yeah. That's probably not me either.

25 Q. Okay. Changing direction. Questions concerning

1 customer education and program administration. What are the
2 expected costs per year for education and administration? Are
3 you able to say?

4 A. Cost per year?

5 Q. Yes, sir?

6 A. Yeah, well, you know, it's 1.6 million over the
7 five-year program. You know, I don't know that it is as simple
8 to divide that by five. It is probably a little more
9 complicated because you probably have some upfront development
10 costs and a few things that will get you off the ground, right.
11 But, you know, in Metro is 1.1 million and it's a couple hundred
12 thousand dollars a year if you just straight line it. It's
13 600,000 in, you know, Missouri West. You know, it's 120,000 a
14 year if you just straight line that.

15 Q. Other parties in this case have expressed
16 concerns about a lack of evidence, as they characterize it or
17 argue, of how the education and marketing will help customers
18 participate in, quote, managed charging or how the rebate
19 program helps customers join in a managed charging program. Can
20 you describe what the Company plans to do for customer education
21 and how the rebate program ties in with that?

22 A. Yes. I think that kind of goes back, Judge, to
23 our, I'll call it, fundamental disagreement with certain parties
24 in Missouri as to whether, you know, mandatory time of use rates
25 is the only way to move behavior. I'll call it the stick

1 approach. That, you know, whether it works for you or not,
2 whether it is your dollar or not, you're going -- you're going
3 to start being on a time of use rate. You know, we think and
4 we've been working through this with our three-part time of use
5 whole house rate pilot that education and marketing and dialogue
6 with customer utilization of website material, utilization of,
7 you know, social media, all of the touch points for customers
8 will move people to rates that benefit them. It won't move
9 people that a three-part time of rate use doesn't work for
10 because, to Mr. Caisley's point, are -- you know, they work
11 overnight need to be home during the day or they've got five
12 kids and a set of grandparents living at the house all day long
13 and can't shift behavior in enough -- just because they are
14 mandated to a rate.

15 But we hope to have other options and other
16 alternatives for those customers. We've talked about today the
17 preliminary results of the study that we brought forward to
18 parties and another final report that comes out in at the end of
19 the year that will inform what we move forward on in that rate
20 case in January of this next year, that Mr. Woodsmall and I
21 discussed. Whether that brings to light a two-part time of use
22 rate or time of use available to net metering customers or other
23 things, hoping to use our technology and our capabilities to
24 provide this service to customers the way they'd like to have
25 their bills and service provided to them. So it's a long

1 answer. I don't know if I answered your question but I think it
2 is about education and outreach and using all channels available
3 to us to touch customers and inform them of -- of the benefits
4 of moving their power usage to the off-peak times to the extent
5 they are able to.

6 Q. Thank you.

7 CHAIRMAN SILVEY: Judge, this is Chairman
8 Silvey. I'd like to ask a question on that point.

9 JUDGE GRAHAM: Go ahead, Commissioner.

10 CHAIRMAN SILVEY: Thank you, Judge.

11 QUESTIONS BY CHAIRMAN SILVEY:

12 Q. Thank you, Mr. Ives. This issue had came up
13 yesterday during Mr. Caisley's testimony as well. And I
14 understand the position that the Company is saying as far as
15 being opposed to mandating time of use rates. But I'm trying to
16 understand, does the Company see -- does the Company treat
17 mandated time of use rates for everyone the same as mandated
18 time of use rates in exchange for participation in an incentive
19 program? Because I see -- I feel like those are two different
20 equations?

21 A. Yes. I thought about that a little bit,
22 Chairman, after you -- after you had that dialogue with
23 Mr. Caisley yesterday. And I think -- I think my answer to this
24 is going to sound really wishy-washy, right, is maybe. I mean,
25 we are asking for several things from people to take these

1 rebates in terms of ability to utilize information, ability to
2 participate in our lab room study, right, that was the term that
3 was thrown around yesterday on how we are going to benefit from
4 the deployment of outlets or charging stations based on these
5 rebates. So does it make sense to ask for another thing? Maybe
6 for some customers, right, maybe that will be a no-brainer. For
7 the EV driver that happens to have a set of grandparents and
8 five kids under the age of eight at home and they can't change
9 their behavior, it might be a real disincentive for them to make
10 that electric vehicle purchase if the only way they can do it is
11 to go on that mandatory three-part time of use rate.

12 I'm hoping our information gathered will help us
13 to continue to evolve our design. And if we ultimately don't
14 move them through education and marketing, then we'll have, you
15 know -- like we've talked about net metering time of use or
16 two-part rate time of use or things that can meet everybody
17 where they are at instead of a one-size-fits-all approach of
18 what we have right now.

19 Q. Okay. So exploring that idea of possible rates
20 in the future, once -- if the Commission were to approve this
21 program, is it then unamendable for the next five years, like,
22 you couldn't come back in and seek changes? Like, if it started
23 out mandated mandating time of use rate that is there and then
24 in the intervening five years, multiple other rates are
25 developed, would you be unable to ask to amend this program to

1 include those other rates?

2 A. No. I don't think it's unamendable. I mean, I
3 think we could put them on and I think we could ultimately
4 create additional opportunities if there are future rates
5 available. I come back to -- I'm not sure that the mandatory
6 rate that we have right now won't dissuade people to purchase an
7 EV that may be otherwise would. And I'm not excited about
8 dissuading customers from making an election and a large
9 investment like that because of something that we're mandating.

10 Q. Okay. But just so we're clear, their decision
11 to purchase an EV is not predicated whether they have a TOU.
12 Their ability to get an incentive to install the charger might
13 be. But that doesn't keep them from buying an electric car.

14 A. Well, I think there are lots of things. I mean,
15 we talked it about yesterday. Right. I mean, there are lots of
16 things that create barriers to make an election to buy an EV
17 compared to an internal engine combustion. Range anxiety is
18 one. Whether you've got to go on a rate that might not be
19 beneficial to your house if you bring home an electric vehicle,
20 could be one. Price point -- price point is one. So it could
21 -- it could bear on it for sure.

22 Q. Okay. I guess I just see it as a -- as a fairly
23 easy equation to figure out whether switching to that rate by
24 mandate saves me more than \$500 that I would get an incentive or
25 not. I don't know that I totally believe it plays into the

1 bigger picture of leaving a combustion engine for an EV. But
2 okay. Thank you. Thank you, Mr. Ives.

3 CHAIRMAN SILVEY: Thank you, Judge.

4 JUDGE GRAHAM: Thank you.

5 COMMISSIONER RUPP: Judge, this is Commissioner
6 Rupp. This is Commissioner Rupp. I'd like to chime in on a
7 question please.

8 JUDGE GRAHAM: Yeah, please proceed,
9 Commissioner.

10 COMMISSIONER RUPP: Thank you.

11 QUESTIONS BY COMMISSIONER RUPP:

12 Q. Thank you. Good morning, Mr. Ives.

13 A. Good morning, Commissioner Rupp.

14 Q. If this question has been asked, I apologize. I
15 don't remember hearing it. But, the EV time of use rate has a
16 6:00 p.m. to 6:00 a.m. off-peak rate, but that seems to conflict
17 with your guys's current system peak which lasts until 8:00 p.m.
18 Could you clarify the difference there?

19 A. Yeah. I wish -- I wish we had one of our
20 program developers on with you but in short, I believe it is
21 intended to be a fairly simple straightforward two-part rate for
22 electric transit only. You know, it's not -- not a typical
23 broad distribution EV rate and it's kind of developed based upon
24 dialogue with those transit authorities on what timing works
25 best for them for when buses get back to and are likely

1 available for charging at their depots. So it's -- it may not
2 be perfect, it has a little bit of overlap but it fits what
3 works for them and those buses are going to charge for, you
4 know, a fairly lengthy period of time. I think it's from
5 dialogue with -- dialogue with customers that kind of -- kind of
6 driven us to set that where it is. You know, the good part
7 about that is we have a little bit of history with a transit
8 rate in one of our Kansas service territories. So we're already
9 gathering some information on what those impacts look like.
10 We'll have more here if the Commission approves these tariffs
11 and these rates. And if it's causing a problem, we'll be able
12 to tweak it as we move forward and evaluate actual data on
13 utilization on the tariff.

14 Q. All right. You guys did such a great job with
15 Wait Until 8:00 that you don't think there's a messaging
16 conflict there?

17 A. I don't think so because it's so limited to the
18 electric transit service.

19 Q. Okay. All right.

20 COMMISSIONER RUPP: Thank you, Judge.

21 JUDGE GRAHAM: Thank you, Commissioner.

22 QUESTIONS BY JUDGE GRAHAM:

23 Q. Some questions concerning regulatory
24 consideration. Every wants to create a regulatory asset with
25 the program costs, but is Every asking to retain additional

1 revenue for the program until it is set into rates as a way of
2 capturing carrying costs?

3 A. Yeah. I would say -- I would say -- the way I
4 would phrase it is a regulatory asset picks up the incremental
5 costs of the programs that would be approved in the order.
6 That's correct. You think about incremental revenue, I'm not
7 sure how you measure that. It's a little bit of a debate that
8 we probably have about -- we've had a lot of discussion about
9 utilization of the Clean Charge Network particular yesterday. I
10 don't believe that utilization is an effective measure for
11 identifying and considering the success of a charging station
12 put out to deal with range anxiety for a mobile customer. I
13 also don't believe a backward look of cars in place today is
14 instructive to whether or not you should put a station in or
15 not. I think you have to build a system that meets the needs of
16 customers moving forward, not just looking backwards. But all
17 that said -- gosh I just lost my train of thought.

18 Q. Let me repeat --

19 A. Yeah. Can you help me -- can you help me with
20 the second part of that question.

21 Q. Sure. Let me re--- restate the global question.
22 I'll move to this subpart of that question and maybe we can
23 figure it out together. Everyy wants to regulatory asset in the
24 program costs. I asked is Everyy asking to retain additional
25 revenue from the program until it set up into rates as a --

1 A. Yeah.

2 Q. -- as a way of recapturing. And you've
3 addressed that. Have you address that?

4 A. Yeah. I think the second part of that answer
5 would be if somebody is charging at a station that got put in
6 place from a rebate for a commercial third-party station or if
7 they're charging at their residential -- their residential
8 outlet, they already have a car. Right? I mean that's a
9 requirement to be charging. So they are charging somewhere so
10 you can't just say that the revenue at that new station is
11 incremental. It's just revenue that has created an easing of
12 range anxiety and given somebody a different opportunity to
13 charge their vehicle and relieve that anxiety than what they had
14 before the station went in. But it is not incremental revenue
15 to the system, that's why we didn't include revenue.

16 Q. Okay. You may have gotten at this one. Can you
17 explain how all that would work and what additional revenue it
18 would be captured from? And you may have just gone at that.
19 Can you --

20 A. Yeah, I don't -- yes. Two things. I don't
21 think it's additional revenue because again, if the car's in the
22 territory it's charging somewhere. The station was just put in
23 place because it adds options for mobile customers in the
24 territory. You know, the same is true, I think, when you talk
25 about revenue on a charging station. And it goes back to the

1 utilization question, Judge. I think there are prevalent
2 studies, throughout all of the materials that have been put
3 forward in this docket that, you know, upwards of 80 percent of
4 charging gets done at home. And if you're only looking at the
5 revenue on the charging station but the ability to alleviate
6 range anxiety has brought more cars into the territory, some of
7 that home charging revenue is attributable to reducing range
8 anxiety and having services available for customers. And nobody
9 wants to give any credit for that.

10 Q. Would Evergy still be tracking the revenue as
11 part of the regulatory asset request?

12 A. Well, so we certainly know the revenues that
13 come onto the charging station because they're smart chargers
14 and we know how many sessions are there and we know how many,
15 you know, kilowatt hours are pulled off that system. We know
16 our tariff rate. But again, you know, our point would be that
17 it's not an incremental revenue but we'll certainly know the
18 utilization of the station.

19 Q. Are you in a position to say when this
20 commission has ever authorized this kind of request in the past?

21 A. I think the Commission has authorized -- I don't
22 have all of in front of me, but multitudes of regulatory assets
23 for new pilot programs or costs or things that have come in play
24 over time. It is not an uncommon treatment.

25 Q. Okay. I'm going to go all the way of the way

1 back to where I started with you when. And I asked you some
2 questions about the Kansas stipulation. I have one more
3 question about that. I know that's a work in progress is what
4 you told me. That I had --

5 A. The stipulation is not, but the order is.

6 Q. Okay. I'd asked you why Evergy decided to
7 include an option for time of use rates that actually decrease
8 the rates of those customers who did not opt-in to the time of
9 use rates. Do you remember me asking you about that, the
10 difference was 500 versus 250. Do you remember my questions on
11 that?

12 A. I do remember that.

13 Q. I just have one more question if you can answer
14 it. With respect to the Kansas deal, the stipulation agreement,
15 plan, program, how long are the customers required to have the
16 time of use rates?

17 A. I'm trying to remember. I think it's -- I think
18 it is a one-year commitment to be on that rate before you can
19 cycle off to something else. And what I can't remember is
20 whether there is a period of time before you can come back. I
21 don't remember, but it works both ways. But I believe it is a
22 one-year commitment.

23 Q. Okay.

24 JUDGE GRAHAM: Those are the questions that I
25 have. Several commissioners, I think we had three commissioners

1 jump in and ask questions. Based on the questions the
2 commissioners have asked and the ones that I have asked, is
3 there cross-examination from anyone? I'm going to open it up.
4 Let's do it this way: Does ChargePoint have further
5 cross-examination.

6 MR. DUNBAR: No. Thank you, Your Honor.

7 JUDGE GRAHAM: Okay. Does Renew Missouri have
8 further cross-examination?

9 MR. OPITZ: No thank you, Judge.

10 JUDGE GRAHAM: Dose NRDC or Sierra Club have any
11 further cross-examination?

12 MR. HALSO. Yes. Just a few questions, Judge.

13 JUDGE GRAHAM: Tell me your name again, please.

14 MR. HALSO: This is Joe Halso for NRDC and
15 Sierra Club.

16 JUDGE GRAHAM: You may proceed.

17 RE CROSS EXAMINATION BY MR. HALSO:

18 Q. Thank you, Judge. Mr. Ives, you are present for
19 Mr. Voris's testimony yesterday; is that right?

20 A. I was.

21 Q. Okay. Did you hear the colloquy that I had with
22 Mr. Voris about them demand response requirements for customers
23 receiving commercial rebates?

24 A. Yes.

25 Q. Okay.

1 A. If you have a specific question, you might be
2 able to tune me in, but I was present for that.

3 Q. I will set you up. I'll represent to you that
4 in that discussion I had with Mr. Voris, he confirmed the
5 Company's position that it expects recipients of commercial
6 rebates to participate in future demand response programs, but
7 not to participate in every single demand response event called
8 pursuant to those demand response programs. Is that your
9 understanding of the Company's position?

10 A. Yes, it is. I thought I mentioned that there
11 would be some guardrails and likely some level of events that
12 people would be able to opt out of. But that is my
13 understanding and belief.

14 Q. Thank you. I appreciate that clarification.

15 MR. HALSO: Nothing further, Judge.

16 JUDGE GRAHAM: Thank you, very much. Does MECG
17 -- does Mr. Woodsmall have any cross-examination?

18 MR. WOODSMALL: Just one question, Your Honor.
19 David Woodsmall for MECG.

20 RE CROSS EXAMINATION MR. WOODSMALL:

21 Q. Going back to the immediate question that you
22 just received, what would happen if a customer took a rebate but
23 then didn't respond, didn't participate in any demand response
24 events? Would you go back and get the rebate? What would
25 happened?

1 A. Yeah. So I don't have that detailed program
2 design put together yet, Mr. Woodsmall. But I think, you know,
3 you can be assured of a couple of things; there will be -- there
4 will be some expectations and some parameters that will be laid
5 out that people will have to sign -- sign up that they agree
6 with those in order to participate. I don't know what the final
7 design will be if somebody just thumbs their nose at us and says
8 thanks for the money but we're not going do what we told you we
9 do.

10 Q. Okay. Thanks.

11 JUDGE GRAHAM: Are those your questions,
12 Mr. Woodsmall?

13 MR. WOODSMALL: Yes, Your Honor. Nothing
14 further, thank you.

15 JUDGE GRAHAM: All right. Thank you. Does the
16 Office of Public Counsel have some cross-examination?

17 MR. CLIZER: Yes we do, Your Honor.

18 JUDGE GRAHAM: You may proceed.

19 MR. CLIZER: Once again this is John Clizer for
20 the Office of Public Counsel.

21 RE-CROSS EXAMINATION BY MR. CLIZER:

22 Q. Good morning again, Mr. Ives. First question
23 relates to the discussion you were having with the judge at the
24 very end regarding the accounting. Do you recall that
25 discussion?

1 A. Yes, I do.

2 Q. I just want to make sure this is clear. The
3 accounting treatment that the Company is requesting, does that
4 include additional plant investment for the CCN expansion or is
5 that just for the rebate programs?

6 A. It is just the rebate. The only request that we
7 have in this docket for the investment for the Clean Charge
8 Network is to raise the cap from levels that are in the tariffs
9 and hopefully get a policy decision from the Commission on
10 decisional prudence which, you know, as I think you and I
11 discussed earlier would mean from my perspective that the
12 Commission wouldn't carte blanche disallow Clean Charge Network
13 investment because the utility made the investment.

14 Q. All right. So just to verify again, actual
15 plant investment related to the Clean Charge Network expansion
16 would not be included in the accounting request that the Company
17 is making here?

18 A. That's correct.

19 Q. And as to that second thing you actually talked
20 about, it sounds -- am I correct in saying that it's the
21 Company's desire to have a policy statement by the Commission
22 with regard to --

23 A. Yeah, so --

24 Q. I apologize.

25 A. No. No. So you're right. I've had this

1 discussion on the stand in the Kansas proceeding. I mean, you
2 know, sometimes people get hung up on the word decisional
3 prudence. I mean I'd call it a policy direction. I'd call it
4 direction from the Commission, any number of things. But what
5 we really can't have happened from my perspective and I think
6 Mr. Caisley echoes it in his testimony, is make a decision to
7 invest in charging station infrastructure invested in and owned
8 by the utility that then the Commission and parties would come
9 back in post-investment and say utilities shouldn't be investing
10 in charging stations, you can't recover these dollars because
11 you shouldn't be in that line of investment. I just need to
12 know that now so that if that is the Commission's belief, I
13 don't go spend the money and then ultimately ask my shareholders
14 to foot the bill for service to customers.

15 Q. All right. From my perspective as a lawyer,
16 right, my problem is the idea is that prudence in this world can
17 be something of a term of art and have special legal
18 significance. So even if the current Commission weren't to use
19 the word decisional prudence but made it very clear that its
20 policy was to support transportation electrification, do you
21 feel like that would meet your goal?

22 A. I think it depends on how that is put out. My
23 concern there obviously is that that leaves the door open for a
24 lot of parties to potentially come in and argue that the utility
25 shouldn't be making an investment in infrastructure. I think

1 decisional prudence -- and I agree it is a term of art even as a
2 nonattorney. But I've seen it used. This commission as well as
3 others have given decisional prudence. We've got a case cited
4 in our -- my testimony I believe around the comprehensive energy
5 plan. So it's not impossible to do it and still assess
6 management and costs, and the other factors at the time that the
7 investments come in.

8 Q. All right. I think we might disagree there, but
9 I am not going to press that any further. Thank you for that
10 response.

11 My next question concerns kind of the discussion
12 we were having on what revenue might be included in the
13 accounting. Do you recall that question first of all?

14 A. I recall -- I recall an accounting discussion
15 that did ask about whether or not we were including revenues or
16 not.

17 Q. Right. And I believe that you had stated
18 something to the effect that there are a large number of
19 vehicles charging at home that's not being taken into account.
20 Is it a fairly accurate description or do you recall that?

21 A. Yeah. I think what I said is there are numerous
22 studies probably layered in the materials in this proceeding
23 that indicate that upwards of 80 percent of electric vehicle
24 charging happens at home.

25 Q. Right. My question to you is can you cite to me

1 anywhere in the file's application where Evergy identifies how
2 many additional electric vehicles have been induced or
3 encouraged because of its existing Clean Charge Network?

4 A. I can't cite that specifically. I can certainly
5 tell you -- and Mr. Caisley had this discussion yesterday, that,
6 you know, the IHS market, the information handling services
7 markets information that we rely upon, that EPRI relies upon,
8 showed for a number of quarters that we were in the top growth
9 Metropolitan areas in the country, if not Number 1, in the top
10 three or five post Clean Charge Network. We weren't before.
11 And St. Louis and many others that don't have that
12 infrastructure haven't been. But to tie it down to each
13 individual car purchasers personal decision, I don't have that
14 information for you.

15 Q. Thank you. I'd like to move on to another
16 question. This one you can have to think back a little further.
17 It was a little earlier on. It was the first line of
18 questioning that you received from Commissioner Holsman. And
19 you were asked a question regarding third-party EV electric
20 vehicle charging infrastructure developers. Do recall from the
21 get-go what I am referring to there?

22 A. I recall some third-party EV developer rebate
23 questions. I'll tune in as you dig down.

24 Q. Fair enough. Do you recall stating that Evergy
25 does not consider itself competing with third-party electric

1 vehicle charging developers?

2 A. Absolutely.

3 Q. Now -- if you were a third-party electric
4 vehicle charging developer, would you consider a Clean Charge
5 Network nearby that's providing the same service in competition
6 with you?

7 A. I think I would -- I think I would consider it.
8 I don't sit in that seat. Right. But I think I would consider
9 it supportive of the type of infrastructure that's going to be
10 necessary to allow me to put in my commercial charging station
11 so that I'm -- I get the type of volume and traffic that I
12 expect to get. I've heard it said a number of times and I think
13 Mr. Fischer even referred to a commission order that said look,
14 it's going to take everybody to meet what's coming with electric
15 vehicles. I mean, it's going to take municipalities, states,
16 utilities, developers, and I think you have a developer in this
17 docket that has been supportive of utility involvement.

18 Q. We'll get to that in a second. Let me try this
19 different way. If you want to gas station and there is another
20 gas station across the street, is that other gas station across
21 the street your competition?

22 A. Yeah, at some level unless it's your sister
23 company.

24 Q. All right. If I own electric vehicle charging
25 station and there is another electric vehicle charging station

1 across the street owned by a different company, is that my
2 competition?

3 A. I guess it depends on what your purpose is with
4 the charging station. We have a number of people that put them
5 into workplace as an employee benefit, or put them at their
6 Kohl's or their Target or whatever as a benefit to bring
7 customers in for other reasons. So it is impossible to answer
8 that on just that one assumption.

9 Q. If as a third-party developer of an electric
10 vehicle charging station, my goal is to make money and another
11 charging station exist in close proximity that is offering the
12 same service, am I competing with that other charging station to
13 make money?

14 A. Same answer. I mean, tell me where it's at. Is
15 it at Kohl's? Tell me what the host's primary reason is for
16 putting that station is and we could probably have a better
17 discussion.

18 Q. To make money. To make a profit. That is the
19 purpose?

20 A. And maybe at Target their objective to make
21 money is to have more people in their store and sell more of
22 their goods by providing incentive electric charging. Still
23 making money. Your question, I can't answer.

24 Q. If you are EVGo and your business model is to
25 make money by selling electricity through charging stations, you

1 would agree that each other charging station is a competitor to
2 you?

3 A. That can be, yes. If you're standalone facility
4 and you're solely built to sell electricity then other stations
5 could be and you'll probably consider that in your location that
6 you build.

7 Q. Do you happen to know what percentage of the EV
8 charger market in the Greater Kansas City Metro area is
9 currently controlled by Kansas City -- KCPL -- Evergy my
10 apologies?

11 A. Are you trying -- are you trying to ask me how
12 many charging ports are in the Metro area that are part of the
13 Clean Charge Network compared to how many charging ports are in
14 the area overall?

15 Q. Yes?

16 A. I don't know that. I would tell you that it's
17 -- I would guess it's probably two-thirds of the ports. But we
18 don't have 100 percent visibility to charging ports that are put
19 in by third parties if they just put in a dumb charger and
20 they've done it on the backside of their service. I can't
21 answer that.

22 Q. Do you recall --

23 A. Are you there, Mr. Clizer?

24 Q. I do. I apologize. Do you recall, Mr. Ives,
25 receiving a question from the judge regarding legislation and

1 what affect that legislation might have on the developer rebate
2 program?

3 A. I can't remember the specific title of it, but
4 the legislation that expired?

5 Q. Correct?

6 A. Yes, I remember a question on that.

7 Q. Would it also be possible that codes and
8 standards enacted by municipalities or similar government
9 institutions could also require EV charging outlet -- or EV
10 charging compatible outlets?

11 A. Yeah. I think anything is possible, Mr. Clizer.
12 I think it's going to take -- I said it earlier. I think it's
13 going to take municipalities, codes, states, feds, utilities,
14 third parties to meet what's coming.

15 Q. Has Evergy set forth to work with any
16 municipality or other state or local government agency to modify
17 codes and standards to require the 240-volt outlet or otherwise
18 EV compatible outlets in garages or homes?

19 A. I don't know the answer to that, Mr. Clizer,
20 about codes and standards. I know we have a lot of discussions
21 with legislators and folks about legislation and other things
22 like that. But that's -- that's probably a better question for
23 somebody in our products and services and program design area
24 than me.

25 Q. All right. Thank you, Mr. Ives.

1 MR. CLIZER: I have one last point, Your Honor.
2 But it's not a question to Mr. Ives. It's actually a request
3 for the Commission.

4 JUDGE GRAHAM: Is this the time to make that
5 request or can we move on with this witness?

6 MR. CLIZER: Well, the question is the
7 Commission has questioned Mr. Ives considerably about the
8 stipulation and agreement that was entered into in Kansas. And
9 the OPC would either request that the Commission take official
10 administrative notice of that stipulation or that we somehow
11 move it into the record so that it's complete. I wanted to
12 bring it up here --

13 JUDGE GRAHAM: Well --

14 MR. CLIZER: Sorry. Go ahead.

15 JUDGE GRAHAM: Why don't you work on that in
16 your mind and make a request. I will say this that I do not
17 know that a commission or administrative body in the state of
18 Missouri can officially notice -- actually just officially
19 notice anything coming out of administrative body of Kansas.
20 But with that said, go to work on it, figure it out. I'm sure
21 we could do something if it is properly tendered to us. Are you
22 done with your questions for this witness?

23 MR. CLIZER: Well, Your Honor, on that note it
24 could be fairly easy to introduce the stipulation if Mr. Ives
25 were to lay the foundation for it. I will concede questioning

1 now if the Commission would be able to allow him to be made
2 available to submit that on the record later. Is that an
3 agreeable --

4 JUDGE GRAHAM: Well, we may not even -- the way
5 to address that is to the other parties. Do you have the
6 document?

7 MR. CLIZER: No, but I am sure I can get it
8 relatively quickly. Otherwise I'm sure Evergy could probably
9 make it available.

10 JUDGE GRAHAM: Let's do it this way: Counsel
11 for Evergy can we keep this witness available and ready to
12 return ready today if we need him to return for any purpose like
13 this to lay a foundation for the tendering of an exhibit? Can
14 we do that, Mr. Fischer?

15 MR. FISCHER: This is Jim Fischer. Mr. Ives
16 will be available throughout the rest of the hearing.

17 JUDGE GRAHAM: Okay. Fine. Then Mr. Clizer,
18 are you done with your questions?

19 MR. CLIZER: Yes, I am. Thank you.

20 JUDGE GRAHAM: Okay. Does Staff have any
21 questions?

22 MS. MERS: Yes. Just a few. This is Nicole
23 Mers With Staff.

24 RE-CROSS EXAMINATION BY MS. MERS:

25 Q. Hello again, Mr. Ives?

1 A. Hello.

2 Q. So you kind of touched on this with counsel for
3 OPC, so you may not be able to answer, but I thought I'd try
4 again. You were asked by both from OPC and Commissioner Holsman
5 about third-party providers. Do you have any guess to how many
6 are currently in your service territory?

7 A. Stations or providers or both?

8 Q. Yeah, both, if you would have the information?

9 A. Yeah. I probably shouldn't lead you on because
10 I really don't have the information. It's kind of the same
11 answer though. I mean, what I don't know is the -- I'll call
12 them the dumb chargers, the things that people can install, kind
13 of, on their facility or their property without -- without
14 having an interaction with us. So it's really hard for me to
15 speculate whether that's -- (audio cutout) -- right, I don't
16 know the answer to that.

17 Q. Would you be able to approximate then the number
18 of smart chargers, the ones that would interact with your
19 systems that are owned by third parties?

20 A. Yeah. I'm gonna give you a really loose answer
21 because I've read of a lot of things over the course of the last
22 month and for some reason, you know, in our territory I've got a
23 number of like 13 or 1,400 in mind which, you know, we would
24 have 900 or 1,000 of those. You know, you could probably get a
25 more definitive answer from, you know -- or could have gotten

1 one from Mr. Voris or one of those folks. But that's the best I
2 have and it's based on just a limited recollection of something
3 I read in the last few weeks.

4 Q. Sure. Very understandable. And just to clarify
5 I might misunderstood you, but when you said 1,300 to 1,400, is
6 that inclusive of the 900 to 1,000 with Evergy --

7 A. Yeah. Yes.

8 Q. -- or is that in addition to -- okay.

9 A. It would be inclusive of.

10 Q. Sure. So does Evergy have an appropriate market
11 share it believes the IOU you should have compared to third
12 parties?

13 A. I would say time will tell, Ms. Mers. I don't
14 think were even close to what the market share's going to be for
15 charging if you -- if you believe the vehicle adoption rates
16 that are in all of the studies in this docket. I think we have
17 today is a very scattered backbone that hopefully will bring
18 more third-party charging in to meet the longer-term needs.

19 Q. All right. The judge also asked you about the
20 data that Evergy will be collecting and you stated that AMI
21 disaggregation can continue after the pilot. Does that mean AMI
22 disaggregation can be out done outside of these programs?

23 A. Yeah, sure. We use AMI data all the time.
24 Right. As our disaggregation model gets further built out and
25 gets better at its predictive capabilities, it will have more

1 uses for us beyond just what we're learning with, which is the
2 starting population from the programs.

3 Q. Sure. And then in response to another question
4 from the judge you mentioned that you didn't believe the
5 utilization rate of the Clean Charge Network was an effective
6 measure of success. And then you also went on to state that the
7 number of electric vehicles adopted wasn't an effective measure
8 of success. To Evergy what would be a qualifiable quantifiable
9 and objective measure of success of these programs?

10 A. Yeah, so that's a great question, Ms. Mers. I
11 think -- I think it is much harder to put a discrete, quantified
12 objective on what you're trying to do with charging stations for
13 service to a mobile customer. Trying to create options and
14 opportunities for them to be able to charge where they need to
15 charge, when they happen to be at that area. I don't think
16 utilization means nearly the same thing in mobile charging
17 service as it does in static resident or business service.

18 And I certainly don't believe, to your point,
19 and I said it before that look back EVs on the road gets any
20 accurate indication of what you should be planning for over the
21 next five years for charging station infrastructure. I think
22 you have to look at the multitude of studies that are out there
23 and all the information in the automotive investment arena
24 around EVs to try and inform yourself on what good looks like
25 for mobile service customers.

1 Q. So then, if utilization isn't the correct method
2 because of mobile customers, then does that mean that stranded
3 costs shouldn't be something considered when evaluating this
4 program in Evergy's opinion?

5 A. I think you always consider stranded costs. I
6 guess the question is how you evaluate what's stranded for a
7 backbone network that's intended to be available for the needs
8 at the moment for a mobile customer. I think it's very
9 different than what stranded assets look like for static
10 infrastructure that goes out into a field and nobody's there. I
11 think those are very different dynamics.

12 Q. Okay. Thank you. One final question just for
13 clarification. So you were asked a question from Mr. Woodsmall
14 about the, I guess, guardrails as we keep referring to them, for
15 the demand response conditions. Were you here for my
16 conversation yesterday with Mr. Voris on that topic?

17 A. I was.

18 Q. And did you hear him state that he thought that,
19 you know, to summarize but some sort of repercussion for not
20 participating is important because there's the rebate at stake
21 and that the Company could commit to implementing that. Is that
22 still Evergy's position?

23 A. Yes. I heard that. You know, I think it
24 depends what it is, Ms. Mers. You know, I think one way that
25 you design a program for those types of guardrails is you say,

1 you know, you can opt out up to three events a year or five
2 events a year. And I think that's the ramification that the
3 customer then knows that when they used their list of opt-outs
4 that are available to them, they don't get to opt out anymore.
5 They will get called --

6 Q. Okay.

7 A. That doesn't take necessarily to my point. For
8 Mr. Woodsmall's question that you've got have a clawback or a
9 financial penalty. You might just need some very hard rules on
10 what's possible.

11 Q. Okay. So then if you wouldn't think of a
12 clawback or a financial penalty if they would refuse or go over
13 the allotted number of opt-outs, would it be then the Company
14 gives them no choice that they are not allowed to switch out --
15 I'm -- I'm -- bear with me as an attorney trying to explain the
16 engineering capabilities of a how a demand response works. But
17 it would be something required or forced upon the utility -- not
18 utility -- the customer that they would not be able to not
19 participate if they had exceeded the number?

20 A. You and I are going to have a tough conversation
21 because you're an attorney asking a recovered accountant
22 questions about engineering design on a program. But all of
23 that said, you know, I think it comes through the collaboration
24 with the person that's taking the rebate and the specificity in
25 the programmatic design and the program documents that are made

1 available to them when they accept. And hopefully people that
2 want to partner with us will be good partners.

3 All that said, you know, I would think that
4 there would be a way to identify when somebody has kind of hit
5 the extent of their opt-outs and they wouldn't be able to opt
6 out for the remainder of that term.

7 Q. Okay. Thank you for that.

8 A. Yeah.

9 MS. MERS: I have nothing further.

10 E WITNESS: Thank you.

11 JUDGE GRAHAM: Sorry. You say you have nothing
12 further?

13 MS. MERS: Yes, sir. I did.

14 JUDGE GRAHAM: All right. Thank you very much.
15 We're going to take a break but only after we get done with
16 redirect. Mr. Fischer, do you have some redirect for the
17 witness.

18 MR. FISCHER: Judge, we have covered a lot of
19 ground. I have some redirect. I'm happy to proceed, but I
20 would ask my witness or others whether they need a break after
21 being two and half hours of being on the stand.

22 JUDGE GRAHAM: Well, it's been close to two and
23 a half hours. That's go ahead and take a break. I was waiting
24 for a request. I was telling you when I would, but I am not
25 working as hard as you are. Can we be back in 15 minutes? Give

1 you 15 minutes?

2 MR. FISCHER: Yes, sir.

3 JUDGE GRAHAM: We will adjourn until 15 minutes.
4 Let's pick it up at 11:25. Okay? We are off the record.

5 (OFF THE RECORD.)

6 JUDGE GRAHAM: -- the record Mr. Clizer made an
7 informal off-the-record request that we take up at this time
8 OPC's Exhibit Number 203, which you will all need to confirm
9 this one way or the other, that he has emailed to all of the
10 parties. It appears to be the stipulation of the motion to
11 approve and so forth from the Kansas jurisdiction that we were
12 referring to. But first of all, before we take that up, I want
13 to know from Mr. Fischer, would you prefer to go ahead and
14 finish your redirect of this witness? Do you have any objection
15 to Mr. Clizer tendering this exhibit at this time? That is my
16 question.

17 (WHEREIN; OPC Exhibit 203 was offered into the
18 record.)

19 MR. FISCHER: You know, Judge, I have not
20 received it, but the company does not have an objection to
21 entering that into the record. That will be just fine from our
22 perspective.

23 JUDGE GRAHAM: Okay. I think you've jumped to
24 the final question as to whether or any objections. But you
25 have not received it? I would feel more comfortable --

1 MR. FISCHER: I think my co-counsel has. I
2 think it's just a question of -- I have a different server is
3 all. I'm sure I'll -- I have a copy somewhere I'm sure.

4 JUDGE GRAHAM: Well --

5 MR. FISCHER: We have a copy now, Judge. We do.

6 JUDGE GRAHAM: Okay. This is being offered now,
7 Mr. Clizer, as Exhibit 203; is that right?

8 MR. CLIZER: That would be the correct exhibit
9 number.

10 JUDGE GRAHAM: Okay. Then I'm going to state
11 for the record the title of the document is before the State
12 Corporation Commission state of Kansas. This is in the matter
13 of the application of Evergy Metro, Inc., Evergy Metro Kansas
14 Central, Inc., and Evergy Kansas South, Inc. for approval of
15 transportation electrification portfolio, Docket number
16 21EKME320TAR and the face document is entitled Motion to Approve
17 Nonunanimous Partial Settlement agreement. This document has
18 attachments, Attachment A is entitled Nonunanimous Partial
19 Settlement Agreement. It seems to have more than one attachment
20 or maybe that is just the way it's titled. Okay. Got it. I'm
21 just scrolling down through it. And that's the only attachment.
22 Okay. Are there any objections to OPC's Exhibit 203? Hearing
23 none --

24 MR. FISCHER: No objection.

25 JUDGE CLARK: Hearing none, the record will

1 reflect that Exhibit 203 is admitted into the record.

2 (WHEREIN; OPC Exhibit 203 was received into
3 evidence.)

4 JUDGE GRAHAM: Now, Mr. Fischer, you've got some
5 redirect for your witness, Mr. Ives?

6 MR. FISCHER: Yes, sir.

7 JUDGE GRAHAM: You may proceed.

8 MR. FISCHER: Thank You, Judge. While we're
9 talking about the Kansas stipulation I'd like to give my witness
10 the opportunity to comment on that stipulation as it might
11 relate to this case.

12 REDIRECT EXAMINATION BY MR. FISCHER:

13 Q. Mr. Ives, do you have any comments that you'd
14 like to convey to the Commission about how the stipulation in
15 Kansas might relate to our position here and any similarities or
16 dissimilarities?

17 A. Yeah, so, Mr. Fischer, I talked about this a
18 little bit. I talked this about a little bit when we were
19 having questioning earlier. Our application started out very
20 similar in terms of program design, what we were trying to
21 accomplish in Kansas compared to Missouri. We ended up in a
22 partial unanimous settlement that I mentioned was substantially
23 the programs that we have laid out in the application with some
24 negotiated outcomes on budget and an negotiated outcome as we've
25 talked about what the judge on the rebate at the residential

1 being at a 500 level in Kansas for those that opt into the TOU
2 rate and then move into 250 for those that don't. It certainly
3 a design that made sense to us from the standpoint that the
4 parties did not move to a mandated TOU design, but certainly
5 created some opportunities for an incentive to adopt or opt into
6 our TOU rate in Kansas. That gives us another opportunity for
7 learning opportunities in Kansas. You know, who adopts, who
8 doesn't, the people that don't adopt the TOU we can measure to
9 see if they are still able to change their behaviors after
10 getting the education and the materials from us even if they
11 don't adopt a TOU because it's a whole house rate that might not
12 work for them otherwise. So there are a lot of good facets to
13 that settlement that we were able to achieve in Kansas.

14 MR. FISCHER: (Audio cut out) -- is that right?

15 THE WITNESS: (Audio cutting out).

16 JUDGE GRAHAM: Hold it. You are cutting out,
17 both of you. Am I cutting out? Are you hearing me?

18 MR. CLIZER: Judge, you are coming in clear.
19 John Clizer from OPC.

20 THE WITNESS: I think it's because we are in the
21 same room.

22 JUDGE GRAHAM: Okay. Well, both of you cut out
23 on the last brief exchange. In fact, I couldn't really make it
24 out. But go ahead if you think you need to repeat the last
25 question and answer.

1 MR. FISCHER: I can move into the other room
2 here.

3 MR. STEINER: You can mute after you ask the
4 questions.

5 MR. FISCHER: Okay. What I am going to try to
6 do is I will mute my computer after I've asked the question and
7 wait for my witness to answer and then I will come back on. Is
8 that all right?

9 JUDGE GRAHAM: Sure.

10 BY MR. FISCHER:

11 Q. Thank you. I'll try to make this technology
12 work. Mr. Ives, I think my question was that in Kansas there
13 was not a stipulated agreement regarding the Clean Charge
14 Network expansion; is that right? And can you explain what the
15 status of that issue is in Kansas? And I am now on mute.

16 A. Yes, I can. You know, in Kansas we had a very
17 similar request to what we have in Missouri. We actually had
18 additional clean charge investment in Kansas because of our
19 Kansas potential territory that hasn't participated at the level
20 of the Clean Charge Network as our other jurisdictions. All
21 that said, we had similar discussions about decisional prudence
22 in front of the Commission over there in terms of what we are
23 asking for is a policy decision that lets us know very clearly
24 from the Commission that we will not get an investment in
25 utility invested and owned charging stations disallowed in the

1 future solely on the basis that the Commission were to determine
2 the utilities shouldn't be building charging stations. The same
3 discussion we had here in Missouri.

4 But otherwise parties met made their case on the
5 Clean Charge Network in front of the Kansas commission and it's
6 one of the items in addition to whether or not they approve the
7 non-unanimous settlement that will be addressed in their final
8 order.

9 Q. Mr. Ives, there was also a question from the
10 regulatory law judge about other decisions regarding regulatory
11 assets and the treatment. And I believe you answered fairly
12 broadly that there are many, many. I'd like to cite you to your
13 Page 32 of the report where you're talking about cost recovery.
14 And is it correct that there you indicate that this commission
15 previously found this approach also benefits ratepayers because
16 by tracking and deferring the program costs associated -- audio
17 cut out -- incentives and education, educational and
18 administrative costs, it serves to sync up the cost of the
19 program with the benefits or revenues of the added load and
20 provides a, quote, smoother patter of rate impacts to
21 ratepayers. And you cite to an Ameren order; is that correct?

22 A. That's correct, Mr. Fischer. I appreciate you
23 drawing me to what I should've point out directly, but yes. I
24 mean, the Commission did make that decision in the recent Ameren
25 order. I think it was in ET-2018-0132, which is cited on Page

1 32, as you mentioned. There are numerous others as well, but
2 that's a very specific example that I should have mentioned to
3 the judge. Thanks.

4 Q. You were also asked a question, I believe, from
5 the judge regarding when the Company believes that EV charging
6 -- or EV vehicles may be the majority of the vehicles on the
7 road and you indicated that you really didn't have a projection.
8 I you comfortable with the forecast that you have made in the
9 past related to the EV adoptions in Kansas City?

10 A. Yes. You know, I think Mr. Caisley testified to
11 this in his testimony, at least his written testimony. But you
12 know, we started this process with the Clean Charge Network back
13 in 2015. We had some EPRI assessments and our updated EPRI
14 assessment is showing that, you know, with the pandemic and
15 everything going on we're about one year behind what those early
16 EPRI adoption curves look like, so pacing well. It gives me
17 comfort that the current EPRI analysis is reasonable for the
18 analysis that we did.

19 But we also do numerous other looks
20 including looking at DOE's projections for both, you know, hybrid
21 and all electric vehicles and they seem to line up pretty well
22 with our EPRI assessments and the information that they use from
23 information handling service markets or IHS markets, which
24 informs, kind of, our projections and our numbers.

25 Q. Mr. Ives, is Evergy comfortable with the current

1 estimates that they have of the EV -- the number of EVs in the
2 Missouri area and Kansas City?

3 A. Yes. Absolutely. I think -- I think the
4 current numbers have us at about 3,600 in the Missouri territory
5 and about 10,000 overall Evergy-wide at the end of June. I'm
6 comfortable that that's in good shape and I know Mr. Caisley
7 testified, I think yesterday, that -- or maybe Mr. Voris that
8 when you -- when you look at that and you compare us to the
9 St. Louis market and you put it on a per capita basis, as
10 anybody should, that we are six to 10 percent ahead from an
11 adoption rate. I might have cited that in my earlier answer
12 today, but I think recent information shows that in our service
13 territory over the last nine months we've experienced growth of
14 20 to 30 percent, depending on the jurisdiction that you're in.
15 So in line with a lot of the studies and things that have been
16 cited.

17 Q. Mr. Ives, you also had a number of questions
18 about the kinds of things that Evergy hopes to learn from the
19 pilot projects. At a high level, do you have any doubt that the
20 pilot projects that Evergy is proposing in this case are
21 designed to advance Evergy's operational knowledge of deploying
22 such technologies?

23 A. No, not at all. I mean, that is one of the
24 biggest things that we're attempting to get out of this program.
25 The way it's designed is to continue to get information,

1 continue to learn about charging patterns and impacts on our
2 system so that we can be prepared for the continued EV adoption
3 that we're talking about. Just a circle back to where we
4 started, I think that is part of what worked well in the partial
5 nonunanimous settlement that we got in Kansas. We got the
6 majority of the programs and the tariffs that we had set out
7 there which will create that education and learning opportunity
8 for us as we implement it in Kansas assuming the Commission
9 approves our nonunanimous agreement.

10 Q. Mr. Ives, you are also asked some questions
11 related to, I think, whether the current Clean Charge Network
12 has -- has encouraged the development of EV adoption in Kansas
13 City. Do you recall those questions?

14 A. I do.

15 Q. Are you aware that the Commission addressed that
16 topic in the Ameren Charge Ahead order as well?

17 A. I do remember there was language in that order,
18 Mr. Fischer. I think in that order they indicated that the
19 Company's Clean Charge Network had been effective in spring
20 growth and the EV adoption rate in the Kansas City area
21 statistics show that the Kansas City area was in the top two or
22 three cities nationwide for EV growth during 2016 and had the
23 highest EV growth rate in the United States for the fourth
24 quarter of '16 and the first quarter of 2017. And I think
25 that's consistent with some of the discussion I had, and maybe

1 Mr. Caisley had, earlier in this proceeding about our results in
2 the early stages of implementing the Clean Charge Network?

3 MR. FISCHER: Judge, if I could just have
4 a moment I think we've covered a lot of territory, but I think
5 we might be done.

6 JUDGE GRAHAM: All right.

7 BY MR. FISCHER:

8 Q. There was a -- there was a number of references
9 to AMI disaggregation work. Could you explain for the record
10 what that means? What you're doing there?

11 A. Yeah. Sure. So I will give an attempt. It's
12 really about utilizing the meter information data that we get
13 from our automated meter infrastructure to do some analytics and
14 be able to look at patterns and trends and utilization of the
15 system. It's a process that -- I think I've alluded to this a
16 little bit -- it will be a learning process so as we put more
17 information through it from individuals that take rebates for
18 our residential 240 outlet and things like that, it will
19 continue to learn and develop and become a better -- a better
20 analytical tool for us that will ultimately be able to apply out
21 talk more than just those areas where we know we have EVs, but
22 we'll be able to use it to predict whether we have EVs based
23 upon usage patterns that are happening in different parts of our
24 service territory.

25 JUDGE GRAHAM: Hello? Is someone speaking?

1 MR. FISCHER: I'm sorry, Judge. I might have
2 been muted. I think that concludes my redirect testimony. I
3 may not have asked for the admission of Exhibit Number 4, which
4 is the surrebuttal testimony for Mr. Ives. If I failed to ask
5 for admission I ask that the Commission to admit that exhibit at
6 this time. Thank you.

7 JUDGE GRAHAM: I don't recall that you did
8 either. Is there any objection to Exhibit Number 4? Hearing
9 none, that exhibit will be admitted, Exhibit Number 4 is
10 admitted. I noted that in the last couple of minutes or so
11 Mr. Steiner emailed some exhibits to everyone including me. Was
12 there something that you expected me to do with those at this
13 time or was that just Mr. Steiner patching me and on something?
14 Hello?

15 MR. STEINER: Judge, this is Roger Steiner. Can
16 you hear me?

17 JUDGE GRAHAM: Yes.

18 MR. STEINER: I think when we thought this was
19 going to be a live hearing I brought two copies of all exhibits.
20 We're virtual, so I just wanted to -- the exhibits that have
21 been admitted, those are the copies of the exhibits that have
22 been admitted. Exhibit 1 has the two additional appendices that
23 were filed, I believe on May 16th. So I just wanted to get that
24 out to the parties that those are the exhibits that have been
25 admitted.

1 JUDGE GRAHAM: Okay. There isn't any action,
2 then, that I was being asked to take at this time. Okay.

3 MR. STEINER: No.

4 JUDGE GRAHAM: I believe we are completed with
5 that witness and we are at the end of Evergy's case; is that
6 right? I did want to return to the question of this -- of the
7 tariff sheets before we allow Evergy to rest. I believe that
8 was the last witness for Evergy; is that correct, Mr. Steiner or
9 Mr. Fischer?

10 MR. STEINER: That's right.

11 JUDGE GRAHAM: Okay. The tariff sheets -- and I
12 can send something out on this if need be. But the tariff
13 sheets that the Commission intends to take official notice of --
14 and it would not hurt at all if you actual sent them into us as
15 exhibits at some point -- one for Evergy Missouri Metro
16 residential service schedule are, PSCMO Number 7, 10th version
17 revised sheets 5, 5A, 5B, 5C. That's the first sheet we want
18 for Evergy Missouri Metro. We want it in the record.

19 The next is also for Evergy Missouri Metro,
20 residential time of use schedule PSC MO Number 7, first
21 version, revised sheet 7 and 7A.

22 Then for Evergy Missouri West, residential
23 service schedule MORG PSC MO Number 1, original sheets 146
24 through 146.2.

25 And last for Evergy Missouri West, residential

1 time of use schedule MORT PSC MO Number 1 original sheets 146.5
2 and 146.6. All right. We took a 15-minute break. It's 11:49.
3 We are going to take a lunch break at some point, but I believe
4 that we should go ahead and start with Max Baumhefner. I
5 believe that there was an agreement this morning that we would
6 take some witnesses out of order and that he would be
7 testifying. Am I correct?

8 MR. HALSO: That's right, Your Honor. This is
9 Joe Halso for Sierra Club and NRDC. You've got that right.

10 JUDGE GRAHAM: All right. Is he ready to
11 testify?

12 MR. HALSO: He is, yes. NRDC and Sierra Club
13 call Max Baumhefner.

14 JUDGE GRAHAM: All right. Mr. Baumhefner, why
15 don't you state your full name and spell it and I will
16 administer the oath and pass you to the attorney for
17 examination.

18 THE WITNESS: Thank you, Your Honor. My name is
19 Max Baumhefner, B, as in boy, A-U-M-H-E-F-N-E-R.

20 JUDGE GRAHAM: Thank you. Mr. Baumhefner, will
21 you raise your right hand and I will administer the oath.

22 (Witness sworn.)

23 JUDGE GRAHAM: Counsel, you may proceed.

24 MR. HALSO: Thank you, Your Honor.

25 MAX BAUMHEFNER, having first been duly sworn, testifies as

1 follows:

2 DIRECT EXAMINATION BY MR. HALSO:

3 Q. Good morning, Mr. Baumhefner.

4 A. Good morning, Mr. Halso.

5 Q. Will you state your name one more time for the
6 record, please?

7 A. Max Baumhefner.

8 Q. And please state your title and employer.

9 A. Senior attorney Natural Resources Defense
10 Council.

11 Q. Mr. Baumhefner, did you prepare or cause to be
12 prepared Exhibit Number 700, the surrebuttal testimony of Max
13 Baumhefner submitted in this case on behalf of NRDC and Sierra
14 Club?

15 A. I did.

16 Q. Do you have any changes or corrections to your
17 testimony?

18 A. I do not.

19 Q. If I asked you the same questions today would
20 your answers be the same as your prefiled surrebuttal testimony?

21 A. They would.

22 Q. And those answers are true and correct to the
23 best of your knowledge and belief?

24 A. They are.

25 Q. All right. Thank you, Mr. Baumhefner.

1 MR. HALSO: Your Honor, at this time I'd move to
2 admit Exhibit 700, the surrebuttal testimony of Max Baumhefner.

3 (WHEREIN; Sierra Club/NRDC Exhibit 700 was
4 offered into evidence.)

5 JUDGE GRAHAM: All right. Are there any
6 objections to Exhibit 700, the surrebuttal of witness Max
7 Baumhefner? Hearing none, the Commission will receive into
8 evidence of record Exhibit Number 700 -- 700 or 701?

9 MR. HALSO: 700, Your Honor, on the dot.

10 JUDGE CLARK: Okay. 700. Exhibit 700 is
11 received into evidence.

12 (WHEREIN; Sierra Club/NRDC Exhibit 700 was
13 received into evidence.)

14 JUDGE GRAHAM: The order of cross that I have is
15 as follows. Staff, do you have cross-examination for
16 Mr. Baumhefner?

17 MS. MERS: I do not, thank you.

18 JUDGE GRAHAM: Does the Office of Public Counsel
19 have cross-examination for Mr. Baumhefner's?

20 MR. CLIZER: Your Honor, I do not have cross at
21 this time. I would note that I believe that the order of cross
22 for some reason has become inverted. I know that is correct
23 with accordance with what was filed in the case. Normally,
24 however, cross goes from least adverse to most adverse and I
25 would argue that the OPC and Staff are the most adverse with

1 regard to this witness. I have the same concern regarding the
2 ChargePoint order of cross. However, at this point in time I do
3 not have any cross.

4 JUDGE GRAHAM: Does MECG have cross-examination
5 for this witness?

6 MR. WOODSMALL: Your Honor, we agree with
7 Mr. Clizer's point, but at this time we don't have any cross.
8 Thank you.

9 JUDGE GRAHAM: Does ChargePoint have any
10 cross-examination for this witness?

11 MR. DUNBAR: I do, Your Honor. Just a few
12 questions.

13 JUDGE GRAHAM: You may proceed. State your name
14 please.

15 MR. DUNBAR: Certainly. For the record my name
16 is Scott Dunbar, counsel for ChargePoint.

17 CROSS-EXAMINATION BY MR. DUNBAR:

18 Q. Good morning, Mr. Baumhefner. It's good to see
19 you again?

20 A. Good morning.

21 Q. Would you please turn to Page 20 of your
22 surrebuttal testimony and let me know when you're there?

23 A. I'm there.

24 Q. And just to set the table here, this is your
25 discussion of the commercial rebate program. Right? On this

1 page of your testimony?

2 A. This is a portion of my discussion of the
3 commercial rebate program, yes.

4 Q. Your --

5 A. Right. The reporting requirements.

6 Q. Right. Thank you. So you're not discussing the
7 Clean Charge Network or the residential program. You're
8 discussing the commercial rebate program on this page. Correct?

9 A. Correct.

10 Q. And there are on Line 10 you recommend that
11 Evergy should report to the Commission, quote, prices paid by
12 drivers at locations where fees are collected from drivers, end
13 quote. Do you see that there?

14 A. I do.

15 Q. Mr. Baumhefner, is it your understanding that
16 site hosts are not regulated by this commission?

17 A. It is. But this provision doesn't require
18 regulation. It's just a condition upon receipt of a utility
19 customer funded rebate.

20 Q. A condition that you're proposing. Correct?
21 Not that Evergy is proposed?

22 A. Yeah. Evergy has listed a number of reporting
23 requirements and I understood that your client's objection to
24 some of them was related to a lack of specificity, so I was
25 offering some specificity based on comparable reporting

1 requirements that are enumerated in Footnote 42 there for
2 similar utility programs across the United States.

3 Q. And under your recommendation would site hosts
4 need to report their prices any time they changed their prices
5 for charging?

6 A. I think that would be a reasonable
7 interpretation of that.

8 Q. Are you aware of any limitation on site hosts'
9 ability to change their prices from time to time if it suits
10 their business needs?

11 A. No. I'm supposing the site hosts would like to
12 provide some stability.

13 Q. Sure. And is it your -- you're aware,
14 Mr. Baumhefner, that Evergy has proposed -- well excuse me, not
15 proposed. Evergy operates the Clean Charge Network in its
16 service territory. Correct?

17 A. I am.

18 Q. And would you agree -- I know there was some
19 discussion with Evergy's witnesses about this -- but would you
20 agree that commercial site hosts who offer charging services to
21 the public in Evergy's service territory would be competing, at
22 least in part, for EV drivers with Evergy's Clean Charge Network
23 chargers?

24 A. I think that at this point there's sort of a
25 dearth of charging infrastructure, so I think customers will go

1 wherever is convenient, where they can. And I think questions
2 -- the line of questioning with respect to whether or not Evergy
3 owns charging station are in competition with independent
4 charging stations is probably best directed at Evergy.

5 Q. Well, you're an expert on this industry. You
6 don't feel qualified to opine on whether charging stations that
7 provide similar services in a similar geographic area compete
8 with one another?

9 MR. HALSO: Your Honor, I think this question
10 has been asked and answered.

11 MR. DUNBAR: That's fine.

12 JUDGE GRAHAM: I'm gonna -- I'm sorry. What did
13 you say, counsel, in response to the objection?

14 MR. HALSO: I'm happy to withdraw it, Your
15 Honor.

16 JUDGE GRAHAM: All right. Go ahead. You may
17 proceed.

18 MR. HALSO: Your Honor, that's actually all I
19 have. I just wanted to ask Mr. Baumhefner those few points, but
20 I also did want to thank him for his testimony. Most of it we
21 agree with and appreciate him participating in this proceeding.
22 So I just wanted to offer that thanks. That's all I have.

23 JUDGE GRAHAM: All right. Does Renew Missouri
24 have any questions, cross-examination for Mr. Max Baumhefner?

25 MR. OPITZ: No thank you, Judge.

1 JUDGE GRAHAM: Does Everygy have cross for this
2 witness?

3 MR. FISCHER: This is Jim Fischer. We don't.
4 No. Thank you, Judge.

5 JUDGE GRAHAM: Do any of the commissioners have
6 questions for Mr. Baumhefner? I have a few. Your
7 surrebuttal --

8 THE WITNESS: I'm glad to hear it, Your Honor.
9 I was -- I didn't want to put on a tie for no reason.

10 JUDGE GRAHAM: I'm sorry. Who is this speaking?

11 THE WITNESS: I'm sorry. That is witness
12 Baumhefner noting that I'm glad to hear that you have some
13 questions. I put on a tie and it took a while to remember how.

14 QUESTIONS BY JUDGE GRAHAM:

15 Q. Well, I appreciate knowing that. I think a
16 number of us are sitting here wearing ties and no one can see
17 them. Your rebuttal testimony includes mention of Xcel
18 Colorado's transportation electrification program. You also
19 offer a recommendation pertaining to time of use rates. I'm
20 going to ask you to elaborate on the following questions with
21 respect to that introduction. The Office of Public Counsel and
22 Staff recommended that participants should be required to sign
23 up for Everygy's existing whole house opt-in time of use rates.
24 Do you have an opinion about the minimum length of time a
25 participant should be enrolled? For example six, 12, 18 months

1 or some other period. Do you have an opinion of that question?

2 A. I don't have a hard opinion with respect to that
3 question, Your Honor. I think it might make sense to align that
4 time period with other similar time restrictions that are
5 operative in the power sector for how long customers need to
6 remain on a rate when they switch from one to another. And I
7 think stipulating that it be at least six months would probably
8 make sense. My suspicion is that most customers once they're
9 taking service on those rates will not opt out of them. I think
10 the consumer research so shows the EV drivers who take service
11 on time of use rates enjoy the fuel cost savings those can
12 provide and are very responsive to those pricing of their
13 charging on off-peak hours.

14 Q. Did you listen in yesterday to Evergy's witness
15 Mr. Voris? Did you hear his testimony?

16 A. I did not, Your Honor.

17 Q. Okay. Between that -- well, I don't know how
18 you could do this, but let me ask you: Are you familiar with
19 whatever he filed in this case?

20 A. Yes, I am, Your Honor.

21 Q. He was asked some questions about it Xcel
22 Colorado's residential managed charging pilot program. Are you
23 aware -- are you familiar with any of the answers that he's
24 given at any point? I'm simply going to ask if you have any
25 reaction or observations about his comments on the program

1 generally. And if you do not, for whatever reason, you can just
2 tell me you don't have any comments.

3 A. I understand that there was cross-examination
4 yesterday, the distinction between requiring customers to
5 participate in a demand response program and requiring them to
6 participate in advance in particular demand response events was
7 brought up. But if your line of questioning speaks to a
8 different subject matter from yesterday's hearing, I apologize,
9 I didn't --

10 Q. That's fine. That's fine. Let me ask this
11 question. Apparently Xcel Colorado's pilot program includes
12 enrolling time of use group and a non-time of use group of
13 customers to study the differences between those in their
14 residential charging pilot. Is there merit to utilizing a
15 similar approach here? Do you have an opinion on that?

16 A. Yes, I do, Your Honor. We actually counseled
17 Xcel to create that control group. At this point in time I'm
18 not sure that it's necessary to replicate that experiment. It's
19 been done over and over again and as I note in my testimony
20 people are people and cars are cars and it's pretty clear from
21 countless programs at this point that those who are not on time
22 of use rates will not charge during off-peak hours. They'll
23 charge as soon as, you know, they get home. And I would do the
24 same if I had no reason to do otherwise. But that those
25 customers who are given a reason to charge during off-peak hours

1 will.

2 And I do cite some real-world evidence in my
3 testimony to respect of contrasting load profiles in the
4 Dallas-Fort Worth area with those in San Diego where it's clear
5 that in Dallas, EV customers are, you know, charging around 6:00
6 p.m. when they get home from work and pretty much done charging
7 a little after midnight. Whereas, EV customers in San Diego gas
8 and electric service territory who are required to take service
9 on a time of use rate as a condition receiving a free Level 2
10 charging station, charge almost exclusively after midnight when
11 the grid is significantly underutilized and there's plenty to
12 bear capacity.

13 Q. If the Commission were to approve an electrical
14 vehicle pilot program here, what would be useful data or metrics
15 for this commission and the stakeholders to get from the pilot
16 and what terms or requirements for the pilot would help get that
17 information? Are you able to address that question?

18 A. I am. And on Page 20 I speak to some reporting
19 requirements that are specific to the Commercial EV Charging
20 Rebate Program relating to charger utilization and load profiles
21 differentiated by segment so you can see how charging looks in
22 different use cases and by rate choice so you can see what the
23 impact of those price signals are upon charging load profiles,
24 as well as prices paid by drivers at locations where fees are
25 charged for charging. Given that my testimony also includes

1 demonstrative evidence that the single biggest reason people buy
2 electric vehicles is to save money on fuel. And for -- the
3 premise of this program is to spur additional EV purchases, so
4 the Commission should know whether or not it's delivering upon
5 single biggest motivator of EV purchase decisions.

6 Q. All right. Thank you very much. That's all the
7 questions that I have.

8 JUDGE GRAHAM: Is there recross from any party
9 or from the parties based on my questions? I can run through
10 the list, but does anybody have recross that they would like to
11 exercise? All right, is there redirect for this witness?

12 MR. HALSO: Just a few questions, Judge. And
13 again, this is Joe Halso for Sierra Club/NRDC.

14 JUDGE GRAHAM: You may proceed.

15 MR. HALSO: Thank you.

16 REDIRECT EXAMINATION BY MR. HALSO:

17 Q. Mr. Baumhefner, Judge Graham asked you about
18 your recommendation that customers receiving the companies
19 residential rebate agree to take service on a time of use rate.
20 You recall those questions. Right?

21 A. I do.

22 Q. Okay. Am I correct that you have been engaged
23 in jurisdictions across the country in the design of utility
24 transportation electrification programs like the residential
25 rebate program proposed hereby Evergy?

1 A. For the entirety of my 11-year career at NRDC.

2 Q. Okay. Is requiring customers participating in a
3 residential rebate program to take service on a time of use rate
4 or enroll in another load management program a common element of
5 those programs you worked on in other jurisdictions?

6 A. It is. I would describe it as an industry best
7 practice.

8 Q. Okay. You were asked by ChargePoint's counsel a
9 little bit about data collection for those customers receiving
10 commercial rebates. You recall those questions. Yes?

11 A. I do.

12 Q. Okay. You explained to Judge Graham why it's
13 important to collect data on prices charged to drivers at EV
14 charging stations where fees are levied for the EV charging
15 service. Again, is it your understanding that that has been a
16 common term of participation in utility driven transportation
17 electrification programs approved across the United States?

18 A. Yes, for the same reason that it's important to
19 see if the investments of utility customer funds are helping
20 customers realize the fuel cost savings motivating the EV
21 purchases.

22 Q. Okay.

23 MR. HALSO: I think that's all I have, Your
24 Honor. Thank you.

25 JUDGE GRAHAM: All right. Well, thank you very

1 much, Mr. Baumhefner. We appreciate your testimony. We're
2 going to take an hour break here, but before we do I just want
3 to make sure who our next witness is. Is our next witness
4 Justin Wilson for ChargePoint? Is that where we are going to
5 pick up?

6 MR. DUNBAR: Your Honor, this is Scott Dunbar on
7 behalf of ChargePoint. That is our understanding and Justin
8 Wilson will be ready to go right after our lunch break assuming
9 it works for you.

10 JUDGE GRAHAM: All right. Well, that works for
11 me. Let's come back and be ready to start at 1:15. And we are
12 adjourned and off the record.

13 (OFF THE RECORD.)

14 JUDGE GRAHAM: Justin D Wilson. Is ChargePoint
15 there and ready to go?

16 MR. DUNBAR: Yes, Your Honor. This is Scott
17 Dunbar. Counsel for ChargePoint and Justin Wilson is on the
18 line so we will go ahead and call him, please.

19 JUDGE GRAHAM: All right.

20 MR. CLIZER: Your Honor, this is -- this is --

21 JUDGE GRAHAM: Go ahead.

22 MR. CLIZER: -- John Clizer with OPC. I
23 apologize. I'd like to take up one matter. I mentioned this at
24 the very beginning of the day. I would like to formally request
25 that the Commission invert or reverse the order for cross for

1 this witness. I believe that is more in line with how cross is
2 meant to be handled. I'd like to take that up now.

3 JUDGE GRAHAM: Well, are we going to do this
4 with other witnesses, too, Mr. Clizer? We have a -- we had an
5 order here -- are we have order here -- we have position
6 statements and so forth that set out the order of witnesses. I
7 noted that after you made the objection with respect to the last
8 witness that you actually didn't have any examination for that
9 witness. So is this going to be coming up again this afternoon?
10 Because I'm going to --

11 MR. CLIZER: No, Your Honor.

12 JUDGE GRAHAM: Okay.

13 MR. WOODSMALL: Your Honor, this is Dave
14 Woodsmall and we would agree with that. I mean, that notion of
15 making the order of cross follow the order of adversity, if you
16 will, is reflected in Everygy's witnesses, Staff witnesses, OPC's
17 witnesses. I think this was a -- just something that was
18 overlooked. And while we can't say that we have any cross,
19 certainly cross from parties that are more friendly to this
20 witness may stimulate some cross on my part. So this would be
21 the only time for the rest of this hearing that I would be
22 making that motion as well.

23 JUDGE GRAHAM: Is there any objection to
24 reordering cross-examination with respect to Justin Wilson?

25 MR. DUNBAR: No objection for ChargePoint, Your

1 Honor.

2 JUDGE GRAHAM: What is the proposed order of
3 cross-examination?

4 MR. CLIZER: The exact reverse of what is
5 currently listed.

6 JUDGE GRAHAM: So Evergy goes first and Staff's
7 last; is that correct?

8 MR. CLIZER: Yes.

9 JUDGE GRAHAM: Any objections to that ordering
10 of witnesses, just reverse of what was filed in EFIS and agreed
11 to by all of the parties? Any objection to that? Hearing none,
12 we will reorder. So you may proceed with direct examination of
13 Justin D Wilson. Just have him state his name and spell it and
14 then I will administer the oath.

15 MR. DUNBAR: Certainly. Mr. Wilson, would you
16 please state your name and spell your last name for the record.

17 THE WITNESS: Justin Wilson, last name is
18 spelled W-I-L-S-O-N.

19 JUDGE GRAHAM: All right. Mr. Wilson, if you'll
20 raise your right hand I'll administer the oath.

21 (Witness sworn.)

22 JUDGE GRAHAM: Counsel, you may proceed.

23 MR. DUNBAR: Thank you, Judge Graham.

24 JUSTIN D. WILSON, having first been duly sworn, testifies as
25 follows:

1 DIRECT EXAMINATION BY MR. DUNBAR:

2 Q. Good afternoon, Mr. Wilson.

3 A. Good afternoon.

4 Q. Mr. Wilson, did you cause to be filed into the
5 record of this proceeding the rebuttal testimony of Justin D.
6 Wilson, which I will represent to you has been premarked as
7 Exhibit 900 as well as surrebuttal testimony of Justin D.
8 Wilson, which I will also represent to you has been premarked as
9 Exhibit 901?

10 A. Yes.

11 Q. And if I were to ask you the same questions in
12 those two sets of testimonies today, would your answers be the
13 same?

14 A. Yes.

15 Q. And do you have any corrections that you need to
16 make to either of those documents today?

17 A. No.

18 Q. Thank you.

19 MR. DUNBAR: Judge Graham, Mr. Wilson is
20 available for cross-examination and I would move into the record
21 of this proceeding exhibits what has been premarked as Exhibit
22 900 and 901, please.

23 (WHEREIN; ChargePoint Exhibits 900 and 901 were
24 offered into evidence.)

25 JUDGE GRAHAM: First of all, are there any

1 objections to the admission of Exhibits 900 and 901? Hearing
2 none, those Exhibits 900 and 901 are admitted into evidence.

3 (WHEREIN; ChargePoint Exhibits 900 and 901 were
4 received into evidence.)

5 JUDGE GRAHAM: Does Evergy have
6 cross-examination for this witness?

7 MR. FISCHER: No thank you, Judge. This is Jim
8 Fischer.

9 JUDGE GRAHAM: Does Renew Missouri have any
10 cross-examination for this witness?

11 MR. OPITZ: No thank you, Judge.

12 JUDGE GRAHAM: Does NRDC or Sierra Club have
13 cross for this witness?

14 MR. HALSO: No, we do not, Your Honor.

15 JUDGE GRAHAM: Does MECG have cross for this
16 witness?

17 MR. WOODSMALL: No thank you, Your Honor.

18 JUDGE GRAHAM: Does the Office of Public Counsel
19 have cross-examination for this witness?

20 MR. CLIZER: No. Thank you, Your Honor. I
21 apologize for the previous request as it was not necessary.

22 JUDGE GRAHAM: Does Staff have any
23 cross-examination for this witness?

24 MS. MERS: Staff does not. Thank you.

25 JUDGE GRAHAM: I have some questions.

1 QUESTIONS BY JUDGE GRAHAM:

2 Q. Mr. Wilson, can you please describe for the
3 record the various ways an EV owner, an electrical vehicle owner
4 can charge from home and the type of equipment or outlets that
5 would be needed for the various options?

6 A. Yeah. Let me just take some notes so I make
7 sure I address your whole question. So I believe that there's
8 two primary ways that an EV driver can charge from home and
9 they're not equal. I would say and I will describe both of
10 those. The first way that some EV owners will choose to drive
11 is using what is called a Level 1 charging experience. And so
12 that's essentially taking an adapter that will plug into the
13 vehicle and plugging that into a normal everyday wall outlet, a
14 110, I believe. I'm not an engineer, but I believe that's how
15 we refer to those. And that experience, you know, it's called
16 Level 1 and it can also be called a trickle or a slow charge.
17 And that's going to be putting a couple of miles of range per
18 hour into the vehicle. That's an experience that, you know, can
19 get people by especially if they have a short commute, maybe
20 they don't drive every day.

21 Many -- what we are seeing is that many
22 customers or many EV drivers really prefer what's referred to as
23 a Level 2 charge. And so that is using a 240-volt circuit,
24 something in the range of anywhere between 30 and 40 amps.
25 Excuse me, I believe 30 -- they're getting a little bit above 50

1 amps at this point in time in the breaker box. And that's going
2 to provide, you know, somewhere in the range of ten to 15 mph of
3 charge to the vehicle. And I think there's a couple of reasons
4 that EV drivers prefer this experience. You know, one is, you
5 know, that under most normal circumstances you would be able to
6 completely replenish an EV's battery back to full every single
7 day. So if you are a person who commutes, you know, 25 miles
8 each way to an office, which I've done in past positions, and
9 then you've also got, you know, to take the kids to soccer
10 practice or run an errand across town, you're actually driving a
11 lot more than you might realize. So being able to get that full
12 recharge every evening when the car's at home can provide a lot
13 of security for EV drivers who that's their primary way of
14 charging. I'd be happy to answer any additional questions that
15 you might have on that.

16 Q. Thank you. Every witness Chuck Caisley
17 mentioned that electric vehicles can come with their own
18 charging cables. Can you explain why an electrical vehicle
19 owner would want to install a charging unit in his or her home
20 instead of using a NEMA, an N-E-M-A outlet and the charging
21 cable?

22 A. Yeah. There's a couple of reasons. So one, I
23 would say -- and I know there's been may be some debate over the
24 course of this hearing over, you know, whether, you know,
25 plugged vehicles come with what types of cords. And so I think

1 there's a range of that. I don't think it's a standard practice
2 that vehicles come with any one type of cord whether that be a
3 Level 1 or a Level 2 enabled cord so to speak. You know, so I
4 think, you know, on that initial front just from the charging
5 power perspective, just what we just discussed. EV owners may
6 be wanting to have a higher powered charge that will enable them
7 to refuel their vehicle with more miles overnight. You know,
8 with regard to using a charging cable versus a charging station,
9 there can be additional ways as well.

10 So, you know, in particular with a lot of
11 charging stations, not all, are what we would call smart or
12 network enabled. They connect to Wi-Fi or some other means to
13 the Internet and they enable users to do a variety of things.
14 They enable a user to schedule charging. They enable a user to
15 connect, you know, that charging station. There are services
16 that provide, kind of, integrations with utility rate structures
17 to maximize, you know, opportunities to charge off-peak. It
18 enables you through the app on your phone, in the case of
19 ChargePoint's phone charging unit at no cost to that resident,
20 the ability to monitor the state of charge in their vehicle.
21 Those are just a couple of reasons.

22 I think, you know, additionally if you are part
23 of a charging network or maybe you've got a preferred charging
24 network, you're not using it exclusively, but using it a lot for
25 your charging, you know, having that app on your phone could

1 really allow you to track your expenses and understand your
2 fueling requirements over time. So that's an additional reason
3 that folks may want Level 2 smart charging station at home.

4 Q. Okay. Thank you. Evergy's witness Nick Voris
5 mentioned that certain automakers may, in the future, be
6 offering the ability for electrical vehicle owners to share
7 vehicle telemetric data with utilities that could allow car
8 owners to participate in demand response programs. The question
9 I have is why isn't it reasonable to just allow a rebate for the
10 NEMA outlets if that is where the technology is going? Do you
11 have --

12 A. I would say -- pardon me, Judge?

13 Q. -- an answer? I just asked if you had an
14 opinion or an answer on that?

15 A. I certainly have an opinion. So, you know, what
16 we see in looking at utility home charging programs across the
17 country is looking at what's available today versus what might
18 be available at some point in time that we don't know about in
19 the future. And we know that there are utility-enabled programs
20 that allow a smart network charger at home to participate. The
21 utility can monitor the charging. The utility can do demand
22 response and schedule charging coordination. Those are active
23 today in multiple jurisdictions across the US.

24 What we don't see is a full-scale islet that's
25 been operating for any number of years and wildly across various

1 automakers, the telematics side of things. So, you know, part
2 of my answer is we've got a record. We've got established
3 experience with charger-based smart charging programs that
4 utilities can take advantage of. We don't have that same record
5 with anything related to vehicle telematics.

6 Q. Okay. Thank you. This morning an exhibit was
7 received into evidence. I believe it was Exhibit Number 203,
8 the Kansas nonunanimous agreement involving Evergy. In the
9 Kansas nonunanimous agreement that was received into evidence
10 and mentioned, and discussed by the parties this morning, some
11 of the parties agreed to offering a lower rebate to residential
12 customers who do not sign up for the time of use rate. This was
13 discussed this morning. What are your thoughts about such a
14 structure to accommodate both customers who time of use rates
15 work for their household versus those who it does not work for?

16 A. And my apologies. I was not around for that
17 discussion this morning. I would note that ChargePoint was not
18 a party to that settlement but I will speak in broad terms about
19 differentiated rebates --

20 Q. Good.

21 A. -- and home charging rates. I think in general
22 what I would offer is that you know, it's important to provide
23 customers options that can fit with their lifestyle. And, you
24 know, I feel like I am a testament to that some in my past life
25 where, you know, I didn't have a normal 8:00 to 5:00 job and so

1 my charging schedule, if I would have gone back in time, could
2 have been hard to participate in certain rigid TOU-based, you
3 know, programs. So I think it's -- I think where -- I think
4 that's important for, you know, policymakers and implementers to
5 consider is that, you know, even especially today in a largely,
6 you know, more flexible world where people may be able to choose
7 their own work hours a little bit more, you know, it's important
8 to provide people with options.

9 What I would say is that, you know, step back
10 and think towards the goals of the filing as well. If the goal
11 is really to expand vehicle electrification, you know, from
12 ChargePoint's perspective the best use of that would be to make
13 sure those rebates that the charging stations are smart
14 networked and would be able to participate in any programs in
15 the future that the utility might offer, rather than maybe
16 offering different incentives at this point in time.

17 That said, we've supported rebate -- or rebates
18 on residential applications tied to taking service on specific
19 rates. That's a case-by-case basis. We have to make sure that,
20 you know, those rates are going -- those residential rates are
21 going to one, you know, I think largely align with what you can
22 anticipate customers to be at home, the vast majority of those
23 customers are going to give enough time during the evening
24 hours, generally, for a car to get, you know, its full recharge.
25 And then, you know, I think that it's important that the

1 customers have the opportunity to opt out of any requirements on
2 the residential side because they may not really understand
3 exactly the impact of going onto mandatory -- in particular
4 mandatory time of use or peak pricing, rate schemes, when they
5 move over to electrification. We want to make sure that
6 residential customers aren't put on the spot, you know, have to
7 make a decision and live with that for a long period of time.
8 We need some optionality for residential customers to opt out of
9 those.

10 Q. Thank you. If the Commission were to approve an
11 electrical vehicle pilot program, what would be useful data or
12 metrics for the Commission and stakeholders to get from the
13 pilot and what terms or requirements of the pilot would help get
14 that information?

15 A. And if I could, Judge, maybe ask a clarifying
16 question. I know there's been some back and forth for
17 specifically as it relates to the commercial rebate program. Is
18 that what you are referring to?

19 Q. Well, that specifically would be a subpart of
20 it. Just, You know, from the point of view of what useful data
21 and metrics the Commission would want to get back from the pilot
22 in terms of looking forward and -- for purposes of electrical
23 vehicles or electrification going forward in the future, what in
24 your mind or your opinion are the kind of data or metrics that
25 we would be looking here? You don't need to -- you don't need

1 to narrow it too much. What is it that you want to know you
2 that could get back from this pilot program? What do you want
3 back?

4 A. Yeah. Yeah. I think it's a great question. I
5 will segment it a little bit between the residential and the
6 commercial side because I do think they are different animals a
7 little bit. So on the residential side, I mean, obviously the
8 number of participants, you know, and if you -- if there is a
9 decision, you know, to kind of, you know, bifurcate so to speak,
10 you know, the residential program into two tiers of rebates and
11 those sorts of things, just, you know, really understanding what
12 residential customers are gravitating towards I think would be
13 really important. I think understanding -- I don't think you
14 have to get super specific, but the general location, maybe ZIP
15 code plus four level, locational data on where customers are
16 choosing to participate in this program and where those EVs are
17 on the system.

18 You know, in the case if you are using smart
19 networked home chargers, you know, ChargePoint has the ability
20 to share data with utilities and you can get very granular data
21 on, you know, when that charging is occurring, you know, over
22 what period of time, when somebody plugs in, I believe when
23 somebody actually starts to charge. So a good level of granular
24 data that can be gained through the smart networked home
25 chargers. And I think the Commission needs to consider how

1 important getting that data in this pilot at this time is.
2 That's real world data that we can provide to the utilities and
3 not based on an algorithm or model, real-world data.

4 On the commercial side -- I think this is a
5 little bit trickier. On the commercial side, you know, what we
6 do have is we've got -- we've got utility owned and operated
7 stations as well as a rebate program that would incentivize
8 third-party owned and operated stations. You know, what I -- I
9 believe is that all -- on the rebate program I think the
10 reporting requirements, obviously, it's good to know where those
11 stations are being located, you know, may be what type of site
12 host that is. Is it a grocery store, if it's a retail fueling
13 establishment, if it's a, you know, a retail store like a Target
14 or a Walmart. Those sorts of -- or if it's a workplace. Those
15 sorts of applications.

16 Beyond that, I think the utility should be able
17 to get the data it needs from the electric meter it has
18 installed. I think what -- you know, what we have in particular
19 with the, you know, if -- if the participants in the commercial
20 rebate program are going to be charging customers a fee for that
21 charging service, there is a -- there is some competition
22 between the utility and that third-party operating that charging
23 service. And so I think it's important it to recognize that,
24 you know, requiring a high level of granular data beyond the
25 electric meter that somebody would be in competition with the

1 utility, you know, understanding the implications of that.
2 That's a -- we don't have a lot of examples of competitors in
3 the free market handing over, you know, business sensitive
4 information to other competitors. And so I think the Commission
5 should at this point in time rely on that load level data from
6 the utility meter in the commercial program rather than ask, you
7 know, businesses who may view themselves as being in competition
8 with the Clean Charge Network to turn over that sensitive
9 business information to the utility.

10 Q. You've used what I may take may be a term of
11 art. I've heard a couple of times during the hearing, but
12 you've referred to granular data. What is granular data?

13 A. Yeah. So it may not be -- it may not -- each
14 person may have their home definition of granular data. I'll
15 tell you mine. So what I think of granular data when it relates
16 to electrical vehicle charging stations I would call it the
17 number of sessions per day. So let's take -- let's -- maybe the
18 best way to think about it is with a hypothetical. In this
19 hypothetical let's say you've got a retail fueling
20 establishment, something like a QuickTrip or something like that
21 and they've got three or four, you know, DC fast chargers out
22 there.

23 The utility can get the data from the meter
24 itself, but those three different fast chargers can operate very
25 independently. And so, you know, I think the granular data that

1 I would think would be very sensitive would be the number of
2 charging sessions a day, the load profiles beyond -- you know,
3 for just those charging stations, the price that's paid to
4 charge those vehicles. I'm trying to think of other things that
5 could be. You know, any sort of power-sharing that may take
6 place between the charging stations and any customer information
7 as well. Any information that, you know -- you know, a
8 hypothetical participant in this program may, you know, have
9 from the customers that are using that EV charging service.

10 Q. All right. Thank you. It has been established
11 that a similar transportation electrification program was
12 submitted in Kansas and the Kansas Corporation Commission in a
13 stipulation that has been filed in that case -- this refers back
14 to an earlier question I asked you. Could you speak to your
15 thoughts on why Evergy did not simply submit the same proposal
16 in Missouri?

17 MR. FISCHER: Judge, I think I'm -- this is Jim
18 Fischer. I think I'm going to object to that. I don't think
19 this witness is qualified why Evergy didn't do anything in
20 Kansas.

21 JUDGE GRAHAM: All right. I'm going to sustain
22 your objection against my question. A couple more, though, that
23 will not require, I don't think, that kind of an answer.

24 BY JUDGE GRAHAM:

25 Q. And if the witness is not in a position to say

1 this is fine, but can this witness describe the difference
2 between the Missouri proposal and the Kansas stipulation as it
3 pertains to what he thinks of the two?

4 A. I can --

5 Q. And again --

6 A. I can attempt to --

7 Q. Go ahead.

8 A. I would say that my recollection may focus on
9 things that might be more important to ChargePoint and, you
10 know, so I don't want to presume that my thoughts on the
11 differences are a complete set, so to speak. There may be
12 things that we didn't focus on that may be very important to
13 other parties. You know, broadly my recollection -- and I did
14 not review that -- that document prior to coming in today -- is
15 that there are really two issues. One was, I believe that in
16 the stipulation agreement in Kansas the rebate for new
17 construction, the, so to speak, prewiring was not a part of that
18 stipulation. That was removed by the parties and Evergy.

19 And the second, I believe that the decisions
20 about the specific -- the Clean Charge Network were left to be
21 sorted out by the Commission and not part of that stipulation.
22 That's my recollection. I would request that we'd be able to
23 clean any of that up, you know, in a final brief and kind of,
24 subject to check.

25 Q. All right. I went ahead and disallowed my own

1 question speculating on why Evergy did or did not submit the
2 same proposal in Missouri. But I'm going to ask you this:
3 Could you share with us why ChargePoint who was a party in that
4 Kansas case did not sign on to, but also did not oppose the
5 nonunanimous stipulation? Are you in a position to tell us
6 that?

7 A. Yeah. I think I can comment on it. I have the
8 same caveat, I didn't go back and, you know, kind of frame my
9 preparation for this hearing kind of comparing the two. But I
10 would say one of the more important issues, again, for
11 ChargePoint is making sure that we are incentivizing the right
12 infrastructure to be deployed. And this comes back to the
13 conversation we had about the residential -- the residential
14 program that is being proposed. We think it's very important
15 that the rebate be conditioned on three qualifications for
16 charging equipment being installed.

17 So one, we think an actual -- in addition to the
18 outlet, so to speak, but an actual smart charging station be
19 required to be installed. And again, we think that we've got,
20 you know, a robust record of evidence from other states that,
21 you know -- the utility will be able to implement programs as
22 soon as it chooses to utilize the capabilities and smart
23 charging equipment.

24 Second, we think that that charging equipment
25 that would need to be installed also needs to be ENERGY STAR

1 certified. And so, you know we are talking about beneficial
2 electrification or that's a term we used in a lot of other
3 proceedings and states and we want to make sure that if we're
4 putting devices in somebody's garage that they are not wasting
5 energy. Right? That the whole goal of beneficial
6 electrification is to use that energy very, very wisely and so
7 we be making sure that the chargers required to be installed
8 should be ENERGY STAR certified. And there's a lot of different
9 makes and models of ENERGY STAR certified chargers out there.

10 And then finally, we think that the charging
11 equipment should be required to be certified by a nationally
12 recognized testing lab, RTL. And so the Underwriters Laboratory
13 often referred to as UL is one of the nationally recognized
14 testing laboratories. It is probably maybe the premier one, but
15 there are others out there. And that's a -- they go through and
16 they do checks to make sure that this charging equipment is
17 going to stand up to wear and tear and is generally safe to be
18 installed in customers' homes and we think that's very important
19 to make sure that, you know, when a customer goes out that they
20 are taking advantage of this rebate that they go and they find a
21 good high-quality charger that's going to stand the test of time
22 and be safe in their home.

23 Q. Thank you. I'm gonna return one more time to
24 the question that I asked and the question was objected to and I
25 sustained the objection to my own question. That question asked

1 you could you speak to your thoughts on why Evergy did not
2 simply submit the same proposal in Missouri? I determined that
3 I should have not asked that question because it is simply asked
4 you to surmise and speculate. I'm gonna restate the question.
5 Do you know why Evergy did not simply submit the same proposal
6 in Missouri that it submitted in Kansas?

7 MR. FISCHER: Judge, this is Jim Fischer. I
8 just hesitate to object to one of the judge's questions but I
9 did want to clarify that I think it is based on the incorrect
10 premise because Evergy did provide very similar proposals in
11 Missouri and Kansas. In Kansas we were able to reach a
12 settlement, which is rec-- which is embodied in the stipulation
13 and agreement. But the initial position of the Company in both
14 Kansas and Missouri are very similar. We just could not reach a
15 settlement here in Missouri.

16 JUDGE GRAHAM: Mr. Fischer, I'm going over --
17 you've made an objection there. I'm going to overrule this one.
18 Your witness earlier today, Evergy's witness, I believe,
19 testified in response to similar questions as to what you just
20 stated as counsel that I believe his answer was that in the mind
21 of Evergy that the differences between the proposals were not
22 sufficiently significant for this commission to take into
23 consideration. I think that was the theme at least of his
24 testimony. You may disagree or Evergy may disagree, but I want
25 to see what this witness and -- this party, as I understand it,

1 was involved in that proceeding and I want to know what he knows
2 about the differences in these programs and if he knows why
3 Evergy did not submit the same proposal here. And if he doesn't
4 have an answer for that, he can tell me.

5 MR. FISCHER: I apologize for the interruption,
6 Judge. I'll clarify it on further cross.

7 JUDGE GRAHAM: Yes. You will have the
8 opportunity to cross. I am gonna let them commissioners -- or
9 ask the commissioners to ask questions first.

10 BY JUDGE GRAHAM:

11 Q. But can you speak to my question or do I need to
12 restate it for you, Mr. Wilson?

13 A. If you could restate the question in front of me
14 now, that would be helpful.

15 Q. All right. Do you know why Evergy did not
16 simply submit the same proposal in Missouri that it submitted in
17 Kansas?

18 A. So if we are talking about the initial proposal
19 that Evergy submitted, I do believe that those two proposals
20 from my review of them are substantially, if not identical --
21 more or less identical, with the exception of the rates, which,
22 you know, have to be different. The rate issues kind of really
23 have to be different between the two service territories.

24 Q. All right. Thank you very much. Mr. Fischer
25 should be pleased with that answer. Okay. A final question,

1 could you share with us do you know why ChargePoint, a party in
2 the Kansas case, did not sign onto -- well, but also did not
3 oppose the nonunanimous stipulation?

4 A. Yeah.

5 Q. And by --

6 A. Pretty similar to --

7 Q. I'm sorry. Who's speaking, please?

8 A. I'm sorry. There might be a delay on our end,
9 Judge. That is Justin the ChargePoint witness.

10 Q. All right. I think I've asked that question.
11 I'm getting some feedback here that's causing me some problems
12 on the technical side of it. That concludes my own questions as
13 judge. Do any of the commissioners have questions of
14 Mr. Wilson? I don't hear any. Okay. Is there recross at this
15 point based on the questions that I've asked?

16 MR. CLIZER: Yes, Your Honor.

17 JUDGE GRAHAM: Who is speaking please?

18 MR. CLIZER: I believe that both Jim Fischer for
19 Everygy and John Clizer spoke up. This is Clizer speaking now.
20 I will defer to Mr. Fischer.

21 MR. FISCHER: I was just going -- I didn't know
22 that anybody else would have recross, but I do have one or two
23 questions.

24 JUDGE GRAHAM: Go ahead.

25 RECROSS EXAMINATION BY MR. FISCHER:

1 Q. Mr. Wilson, just to clarify the situation in
2 Kansas versus Missouri, as I understand your testimony you're
3 indicating that Evergy did submit very similar proposals in both
4 the Kansas proceeding and the Missouri proceeding; is that
5 correct?

6 A. That's correct.

7 Q. And in Kansas there were negotiations and based
8 on those negotiations, the parties were willing to compromise
9 and entered into a partial settlement, which is embodied in that
10 Kansas stipulation and agreement. Is that -- is that your
11 understanding?

12 A. I believe it was a subset of all of the parties
13 so I believe some parties were able to get their issues
14 addressed and enter into that stipulation or partial settlement.

15 Q. Was that subset of parties include both the
16 Kansas Corporation Commission staff and the consumer advocate
17 known as CURB in Kansas?

18 A. I don't recall. I apologize, I don't recall the
19 whole set of signatories to that. I couldn't say with
20 certainty.

21 Q. I think the stipulation will speak for itself on
22 that point. But here in Missouri, is it your understanding that
23 there were negotiations to try to find a compromise or common
24 ground in this case?

25 A. Is my understanding there was some level of

1 discussion. Yeah.

2 Q. And is it obviously correct that no settlement
3 was filed in Missouri, unlike Kansas?

4 A. That's my understanding. Yes.

5 Q. When you were discussing with the judge, I
6 think, I may not have totally understood your context but when
7 ChargePoint provides data to a utility, do you normally -- does
8 the Company charge for that data?

9 A. Yeah. It's part of -- on the commercial side of
10 things it's wrapped up in -- I think it's generally called a
11 master level of service agreement, you know, that -- you know,
12 does everything from, you know, it's the payment processing, you
13 know, the ongoing kind of functionality provided through
14 software to the stations. On the residential side there are
15 some data sharing charges as well.

16 MR. FISCHER: Judge, that's all the questions I
17 have. Thank you very much, Mr. Wilson.

18 THE WITNESS: Thank you.

19 MR. WOODSMALL: Your Honor, this is Dave
20 Woodsmall. I have a couple of questions as well.

21 JUDGE GRAHAM: Okay. I think your next. Since
22 I'm going in reverse order on this, let me make sure. Does
23 Renew Missouri or NRDC or Sierra Club have any cross-exam -- or
24 recross examination? Okay. I don't hear anything from them.
25 Go ahead Mr. Woodsmall. I believe you're next.

1 MR. WOODSMALL: Thank you, Your Honor. David
2 Woodsmall for MEGC.

3 RECROSS EXAMINATION BY MR. WOODSMALL:

4 Q. You were asked some questions from the Bench and
5 by Mr. Fischer about a settlement in Kansas. Do you recall
6 those?

7 A. Yes.

8 Q. And that a settlement was reached in Kansas but
9 a settlement wasn't reached in Missouri; is that correct?

10 A. I would characterize it as a partial settlement
11 or stipulation just for clarification purposes. But, yes it is
12 my understanding that was reached by some subset of parties in
13 Kansas but not any subset of parties or all parties in Missouri.

14 Q. To complete the comparison are you familiar that
15 -- are you aware that a settlement was reached in the Ameren
16 electrification case?

17 A. In Missouri --

18 Q. Yes?

19 A. -- I assume? That was not recently; is that
20 correct?

21 Q. I think it has been within the last year or so?

22 A. I -- I was not aware of that and I don't think
23 -- myself did not have participation in that case.

24 Q. Okay. Let's shift to one that I think you are
25 familiar with. Are you aware that a settlement is imminent in

1 the Empire case which ChargePoint participated in?

2 A. I would not characterize from ChargePoint's
3 perspective our participation in a settlement as imminent.

4 Q. Okay. Thank you. No further questions.

5 JUDGE GRAHAM: All right. Mr. Clizer, does the
6 Office of Public Counsel have any cross -- recross?

7 MR. CLIZER: Yes, we do. Thank you, Your Honor.

8 JUDGE GRAHAM: You may proceed.

9 RE CROSS EXAMINATION BY MR. CLIZER:

10 Q. Good afternoon, Mr. Wilson.

11 A. Good afternoon.

12 Q. One of the first questions you were asked from
13 the judge regarding the difference between a Level 1 and a Level
14 2 charger, do you recall that?

15 A. I do.

16 Q. And a part of your answer to that question you
17 had discussed sort of the average amount of usage an EV can
18 receive on a regular basis. Do you recall that?

19 A. I think I was trying to articulate between those
20 two and I didn't have any references in front of me broadly.
21 The amount of, so to speak, miles you could get back into the
22 battery of the vehicle if that is what you are referring to.

23 Q. That is. Can you tell me what the average range
24 for commercial EV -- not commercial. Sorry. Let me start over.
25 Can you tell me what the average range for an EV is today?

1 A. A new EV or kind of all EVs on the road, just
2 for clarification?

3 Q. Let's start with a new EV?

4 A. Yeah. So just generally speaking I think that
5 we see ranges for EVs, you know, in the 200- to 300-mile range
6 on a pretty regular basis. You know, there are certainly models
7 that have a range less than that and there are certainly models
8 that range more than that. But somewhere between the two and
9 the 300 seems to be a spot that many of the automakers are
10 aiming towards.

11 Q. Thank you. In addition, you were asked a
12 question -- well, I'm gonna start with the question regarding
13 the stipulation in Kansas. Obviously, we've been talking about
14 that quite a bit. You were asked a question by the judge
15 regarding the \$250 versus \$500 rebate for the residential rebate
16 program. Do you recall that?

17 A. Yes.

18 Q. Now, to be clear: ChargePoint's position is
19 that the Commission should approve a \$500 flat rebate on all
20 customers. Correct? Or all customers that participate in the
21 rebate, let me clarify?

22 A. I would -- I would have in addition to that,
23 ChargePoint's position is that rebates should be contingent in
24 addition to the terms that Evergy has provided on the
25 participant installing a networked or smart EV charger, that

1 charger being both ENERGY STAR and certified by a national -- a
2 nationally recognized testing laboratory.

3 Q. That is perfect because that was actually my
4 exact next question. So ChargePoint's position is that the
5 Commission should approve a program that requires -- not
6 requires that would rebate up to \$500 for the installation of a
7 smart charger being the specifications you just listed?

8 A. That's correct.

9 Q. Is that correct? And ChargePoint as a company
10 manufactures smart chargers meeting the specifications?

11 A. We are one of many companies that do. Yes.

12 Q. But you would be a company that would
13 potentially profit from this rebate if you're chargers were
14 purchased using this money. Correct?

15 A. As would any other company that meets those
16 specifications, yes.

17 Q. But you would agree with me that your company
18 stands to have a direct financial incentive if this program is
19 ordered as you proposed?

20 A. I think our company would benefit as our
21 chargers meet those specifications and we've laid out the
22 rationale for why we think those are good specifications.

23 Q. Thank you.

24 MR. CLIZER: No further questions.

25 JUDGE GRAHAM: Thank you. Any further cross

1 from Staff?

2 MS. MERS: No thank you, Judge.

3 JUDGE GRAHAM: All right. Thank you very much.

4 And thank you, Mr. Wilson. I believe that we are ready for
5 Staff's first witness. Sarah L. K. Lange. Am I correct?

6 MR. DUNBAR: Your Honor, this is Scott Dunbar
7 with ChargePoint. I did have some different brief recross if
8 that's all right.

9 JUDGE GRAHAM: I'm sorry. Redirect, you mean?

10 MR. DUNBAR: Yes.

11 JUDGE GRAHAM: Well, let's do -- I beg your
12 pardon. Go ahead, sir.

13 MR. DUNBAR: Thanks So much. It shouldn't take
14 too long.

15 REDIRECT EXAMINATION BY MR. DUNBAR:

16 Q. Mr. Wilson, I think all of my questions relate
17 to our recommendations regarding specifications for chargers
18 that should -- excuse me. Let me say that again. The general
19 topic that I'd like to ask you about is our recommendations that
20 Everygy require customers to install chargers that meets certain
21 specifications that you've described in order to get a rebate
22 for the residential program.

23 The judge asked you about some of the reasons
24 that customers might want to install a smart charger that is
25 ENERGY STAR certified and UL certified. Or actually, I believe

1 he only asked you about why a customer might want a smart
2 charger. Can you talk about why a customer might want a charger
3 that is ENERGY STAR certified and certified for safety by UL,
4 Underwriters Laboratory, or another nationally recognized
5 testing laboratory?

6 A. Sure. You know. ENERGY STAR devices use less
7 energy, essentially in standby mode and that's important. You
8 know, we see -- I think there's different, you know, terms that
9 might be applied to that to that to, you know, have parasitic
10 load or kind of unnecessary load when an appliance isn't, you
11 know, actually performing the main function that it's designed
12 to do. And ENERGY STAR products are kind of designed to perform
13 at a top level among all of their peers for energy efficiency.
14 And so I think many customers, you know, whether they are
15 walking up and down the aisle at a Home Depot or Lowe's, you
16 know, looking to buy, you know, any number of appliances
17 including EV chargers look for the ENERGY STAR certified label.

18 From a, you know, public policy perspective if
19 we are incentivizing customers to adopt, you know, any sort of
20 appliance on the grid, I think it is important to make sure
21 that, you know, we're putting that energy to the use that it is
22 designed to, not necessarily just a kind of standby mode
23 operation. And so, you know, doing ENERGY STAR certification
24 requirement is an easy way that utilities can implement these
25 programs and ensure that customers are getting -- we been having

1 a little discussion about savings but by getting that energy
2 savings that they are expecting.

3 On a nationally recognized testing lab -- or you
4 know, ChargePoint use Underwriters Laboratory, UL, you know,
5 it's about the robustness of the products. It's about, you
6 know, I think quality for lack of a better term. And so
7 customers who are looking for products can be assured with that
8 UL certification that those products are performing as they are
9 intended to do and are safe and reliable products that they can
10 place in their homes.

11 Q. Great. Thanks. And focusing on our
12 recommendation for -- that Evergy require charges to be smart,
13 -- is someone trying to speak up? Maybe it is just background.

14 JUDGE GRAHAM: No.

15 MR. DUNBAR: I'm sorry, Judge?

16 JUDGE GRAHAM: No. No. I was just responding.
17 I don't believe anyone was speaking up. We seem to have some
18 feedback once in a while though. Proceed.

19 MR. DUNBAR: Okay. Thank you.

20 BY MR. DUNBAR:

21 Q. Turning back to our recommendation that in the
22 residential program that Evergy requires customers to install
23 smart chargers, again, you talked a little bit to the judge
24 about why a customer might want a smart charger. Can you also
25 describe why a utility might want customers to install smart

1 chargers as opposed to chargers that do not have smart or
2 network capabilities?

3 A. Yeah. And my response I'll say, you know, I
4 think by utility could also apply to a utility commission and
5 other stakeholders. I think it is very clear access to data.
6 You know, on the residential side of things there is still
7 things to learn about charging behavior and, you know, that
8 real-world data and not based on the algorithm and not based on,
9 you know, a set of assumptions but that real-world data from the
10 charging stations can provide a lot of insights on the
11 residential side of things.

12 I think in addition to that, you know, we have
13 established programs that, you know, encourage working with the
14 utility to get customers to shift their loads to those most
15 optimal off-peak times or participate in demand response events
16 as needed and called by the utility or other grid planners. And
17 I think installing that infrastructure today, even if we don't
18 know exactly how are going to use it, it is really important.
19 And what makes that all possible really is the interaction with
20 the ability to connect to the Internet and to connect to cloud
21 services. We think that's really critical.

22 Q. Great. I'd like to ask you a couple of
23 questions about -- with regard to the topics that OCA counsel
24 asked you about. I know you are an expert on EV charging
25 industry and your focus is there, but you discussed that --

1 excuse me. OCA counsel asked you about average range of EVs and
2 -- and then he asked you to focus on new EVs and you said that
3 new EVs are generally in the range of 200- to 300-mile range
4 batteries but there are some certain vehicles that have greater
5 range or less range. Do you recall that discussion?

6 A. I do.

7 Q. Are there -- well, could you talk for a moment
8 about whether used EVs that are either currently on the road or
9 maybe in that used vehicle sales market and whether they have
10 ranges that are greater or less than that 200- to 300-mile range
11 you described for new EVs?

12 A. Yes. So, you know, a lot of -- a lot of new
13 vehicles, you know, I think a Nissan Leaf is a good exam is a
14 example, a prevalent example that many customers across the US
15 are buying that has a range of less than 200 miles off the lot
16 today, as well as, you know, older EVs from a number of
17 manufacturers that have ranges that are less than 200 miles.
18 And while -- why that is important consideration is -- I think
19 of it as moving -- I think of it of running a deficit throughout
20 the week. And so if you don't have the right equipment at home
21 to be able to, in particular for those vehicles, to refill them
22 completely up each and every day, you know, kind of what happens
23 is you start to accumulate a deficit from what you were actually
24 planning.

25 And so, you know, that extra unplanned event on

1 Monday coupled with, you know, an extra unplanned event on
2 Wednesday, then you start to have real range anxiety, real
3 anxiety about is your home charger going to keep up with you
4 because you haven't been a-- you had to ride power to get that
5 electric vehicle up to its state of charge. And so, you know,
6 again even though the full battery pack, you know, for an
7 electric vehicle may be pretty robust to enable long-term trips,
8 it's important that customers have the confidence in their
9 charging preference. And for a lot of people that is home
10 charging for a number of different reasons to make sure that
11 they are not going to get themselves into what I would call a
12 deficit scenario before they have time to completely recharge
13 their vehicle.

14 Q. And can public charging help alleviate that
15 deficit issue that you just described as well as Level 2
16 charging at home?

17 A. It can help. But it may not always be
18 practical. So you know, there may not be charging stations at
19 the soccer field or the baseball field. And so it's important,
20 I think both. I think the public charging network is very, very
21 important, but I think, you know, encouraging home charging
22 provides a lot of benefits as well.

23 Somebody, you know, who might be running around
24 and there's a public charger but it's nine o'clock at night
25 might not want to go and sit at that public charger at nine

1 o'clock at night. They would use it, you know, at 9:00 a.m. in
2 the morning just fine. But in this particular scenario maybe
3 they need to charge at night. So I think it's a both/and. It's
4 a belt and suspenders approach.

5 Q. And generally speaking, if you know, would it be
6 fair to say that are either new EVs with lower -- lower battery
7 ranges which -- I'll say smaller batteries -- as well as used
8 EVs with shorter ranges, do those vehicles tend to be more
9 expensive or less expensive than new EVs in the 200+ mile range?

10 A. I think on average, they would be less
11 expensive.

12 Q. Okay. And then OCA counsel also asked you some
13 questions about whether ChargePoint would stand to benefit from
14 our proposed recommended requirements for the residential
15 program. And I think you said this, but I think it bears
16 emphasizing, would other -- would other charging company make
17 charges that would qualify for the program if the Commission
18 adopted the specifications we recommended?

19 A. Yeah. I think many other charging companies
20 would qualify under those three basic recommendations that we've
21 made.

22 Q. And have other states that have utility
23 transportation electrification programs -- have any other states
24 that you know of adopted the same or similar minimum
25 requirements for the utility residential charging programs?

1 A. Yes. They have and I believe -- subject to
2 test. It has been a little bit since I've looked at that, but I
3 know like Colorado, you know, program was referenced earlier and
4 mostly sent recently in Colorado that was part of what the
5 Commission approved here in Colorado, those three requirements.

6 Q. And is it fair to say that other states have
7 also proposed -- let me rephrase. Is it fair to say that it's
8 also common practice for utilities to create a list of
9 prequalified chargers that customers can choose from in order to
10 receive a rebate?

11 A. Yes. I've seen it in a few different states.

12 Q. And did Evergy propose to require similar
13 specifications as we recommended for its residential program?

14 MR. CLIZER: I'm gonna object as this seems to
15 be outside the scope of redirect at this point.

16 JUDGE GRAHAM: What is your response to that
17 objection?

18 MR. DUNBAR: Well, Your Honor, OCA counsel I
19 think, it is fair to say, insinuated that we were really only
20 making these recommendations because they would benefit
21 ChargePoint and I just think we need the opportunity to unpack
22 that a little bit to show that these are actually fairly common
23 standards and that Evergy itself has proposed them for its
24 commercial program.

25 JUDGE GRAHAM: That objection will be overruled.

1 You may proceed.

2 MR. DUNBAR: Would you like me to restate the
3 question, Mr. Wilson?

4 THE WITNESS: That would be helpful. Thank you.

5 BY MR. DUNBAR:

6 Q. Did -- as far as you understand Evergy's
7 proposal, did Evergy propose for its commercial program to
8 establish a list of prequalified chargers that customers could
9 choose from that would meet the same specifications we've
10 recommended for the residential program?

11 A. I'd have to go back and align them. I know that
12 -- there on the commercial side smart networked is definitively
13 one of those -- one of those qualifications. I believe that UL
14 or nationally recognized lab testing is. I'd have to double
15 check on the ENERGY STAR. I just don't particularly recall
16 that.

17 Q. Okay. Thank you.

18 MR. DUNBAR: That's all I have, Judge. Thank
19 you very much.

20 JUDGE GRAHAM: Okay. Thank you very much. I
21 believe that now concludes the testimony of this witness. Thank
22 you very much, Mr. Wilson. Are we were ready to proceed with
23 the Staff witnesses?

24 MS. MERS: Yes, Your Honor. Staff would call
25 Sarah Lange to the stand.

1 JUDGE GRAHAM: Okay. If she'll state and spell
2 her full name I will administer the oath.

3 THE WITNESS: Sarah L. K. Lange, S-A-R-A-H, L,
4 K, L-A-N-G-E.

5 JUDGE GRAHAM: Thank you, Ms. Lange. Would you
6 please raise your right hand and I will administer the oath.

7 (Witness sworn.)

8 JUDGE GRAHAM: Counsel, you may proceed. State
9 your name, Counsel. I'm pretty sure I know who you are, but for
10 the record.

11 MS. MERS: Sure. This is Nicole Mers, counsel
12 for Staff.

13 SARAH LANGE, having first been duly sworn, testifies as follows:

14 DIRECT EXAMINATION BY MS. MERS:

15 Q. Ms. Lange, can you please state where you are
16 employed and in what capacity?

17 A. I believe I am known as an economist in what I
18 believe now known as the tariff and rate design group
19 department, Commission staff.

20 Q. Okay. Are you the same Sarah Lange who prepared
21 or caused to be prepared the portions of the Staff rebuttal
22 report that has been marked Exhibit 100 in public and
23 confidential form?

24 A. Yes.

25 Q. And you have any corrections to your testimony?

1 A. Not that I'm aware of at this time.

2 Q. With that in mind, if I asked you those
3 questions today would your answers be the same?

4 A. I believe I would draft the same portions. I
5 don't believe it's in question and answer format, but yes.

6 Q. Thank you for clarifying that. And is the
7 information in that document true and correct to the best of
8 your knowledge and belief?

9 A. Yes.

10 MS. MERS: All right. I will save offering the
11 report until the final witness has participated, taken the
12 stand, Your Honor. But I will go ahead and tender Ms. Lange for
13 cross.

14 JUDGE GRAHAM: All right. Does the Office of
15 Public Counsel have cross-examination?

16 MR. CLIZER: We do, Your Honor.

17 JUDGE GRAHAM: You may proceed.

18 MR. CLIZER: And for the record, it is John
19 Clizer for the Office of Public Counsel.

20 JUDGE GRAHAM: Thank you.

21 REDIRECT EXAMINATION BY MR. CLIZER:

22 Q. Good afternoon, Ms. Lange.

23 A. Good afternoon.

24 Q. Do you have a copy of Mr. Caisley's surrebuttal
25 testimony?

1 A. I think I can get it in short order here. You
2 said surrebuttal. Right?

3 Q. Correct?

4 A. Sorry. My Internet is lagging now that I'm
5 streaming. Okay. I should get here. Yes, I have it.

6 Q. Can you go to Page 5 for me?

7 A. I'm there.

8 Q. Would you agree with me that at Lines 13 through
9 16 it says: If the Commission imposes a utility's hands-off
10 policy as Staff and OPC recommended then deployment potentially
11 occurs in a manner that causes the utility to incur additional
12 costs and puts upward pressures on customer rates?

13 A. I think you read that correctly, yes.

14 Q. Do you agree with that statement?

15 A. Well, I wouldn't characterize what Staff and OPC
16 or certainly Staff -- I can't really speak for OPC -- I would
17 not characterize as a hands-off policy. The direction that
18 Staff has been advocating for with regard to EV charging that to
19 the extent the utility is offering incentives and programs, I
20 think the utility absolutely has to be hands-on. I think it was
21 Chairman Silvey speaking to that effect earlier that, you know,
22 if you're gonna -- if you're going to offer that incentive, that
23 it makes sense that you offer that incentive in conjunction with
24 a well-designed and robust program to guide load shapes. So I
25 think to that extent, I disagree that he's characterized -- I

1 believe he has mischaracterized Staff's position in
2 Mr. Caisley's testimony.

3 I would agree that deployment can occur in a
4 manner that causes additional system costs and causes rates to
5 go up. And I think that deployment can occur in a -- yeah, --
6 sorry. I'm stating the same thing twice there.

7 Q. Actually you touched on my next question, which
8 is has the Company done anything in this proposal that would
9 prevent that -- those additional costs that you just mentioned?

10 A. I think this proposal exacerbates costs. It has
11 no -- it has no features to cause customers to charge in a way
12 that doesn't cause increased SPP and energy costs. And it does
13 include provisions that, you know, will offset the cost of
14 customers placing infrastructure in costly locations. And that
15 infrastructure is then socialized to all customers with PISA
16 costs imposes as well.

17 Q. You would agree that there is nothing in this
18 application that will prevent third parties from building in
19 places that will result in additional distribution costs?

20 A. I mean, by the nature of applying an incentive
21 that reduces the overall cost in, technically would encourage
22 it. It would remove that barrier to the extent that it exists
23 through the pricing of the line extension tariff. Reduce that
24 barrier, not remove.

25 Q. Could you turn to Page 20 of Mr. Caisley's

1 surrebuttal?

2 A. I'm there.

3 Q. Can you read to yourself -- I'm not gonna bother
4 reading them into the record, Lines 13 through 19? You do not
5 have to read it out loud.

6 A. I have read those words.

7 Q. Would you agree with me that at the very last
8 end he says: DSM and TE are symbiotic not optional? And for
9 the record, I'll point out that DSM means demand side management
10 and TE means transportation electrification.

11 A. I'm sorry. Could you repeat the question?

12 Q. That was a long question. Would you agree with
13 me that at Lines 18 and 19 it says DSM and TE are symbiotic not
14 oppositional?

15 A. I agree that is what he says.

16 Q. Do you agree with that statement?

17 A. I think that there is the potential for that to
18 be a true statement. I have not seen evidence that that is true
19 as applied to Evergy's MEEIA programs and has applied to
20 Evergy's proposal that is before the Commission. Whether that
21 can be made true --

22 Q. Would you --

23 A. I'm sorry. Go ahead.

24 Q. Would you agree with me that if EV customers --
25 I'm sorry. Electric vehicle customers -- electric vehicle

1 owning customers -- let me start this whole question over.
2 Would you agree with me that customers who own electric vehicles
3 who fail to charge at off-peak hours will incur additional
4 costs?

5 A. I think that not charging off-peak isn't the
6 same as charging on-peak. So I wouldn't agree with the
7 statement as you phrased it.

8 Q. So customers charging on-peak would occur
9 additional costs?

10 A. That would be the expectation, you know,
11 utilities are lumpy. So I think that if it is on-peak, there's
12 definitely some SPP monthly fees that are assessed based on that
13 on-peak that would immediately flow through the FAC or at least
14 a portion of them through the FAC under my current
15 understanding. There might be longer-term costs like, you know,
16 the need to upgrade distribution infrastructure. You know,
17 there may be generation needs that -- that are longer-term that
18 aren't going to change just because of one customer on one day
19 but in the aggregate that would be the impact. Yes.

20 Q. Were you able to attend the hearing yesterday to
21 hear Mr. Caisley testify?

22 A. I -- I was able to be on. I did have some
23 difficulty hearing everything that was said but I think I heard
24 a lot of it.

25 Q. If the Commission were to determine that the

1 number of vehicles affected by the residential rebate would be
2 so small that people charging on-peak will have no effect, would
3 this conversely also mean that the program is unlikely to
4 produce cost-benefits that would justify its implementation?

5 A. I think that this program is unlikely to produce
6 cost-benefits that would justify its implementation. And I
7 think that is demonstrable. You know, the sizing of it -- if
8 you dial down the cost and dialed down the deployment, you know,
9 I agree. The residential program doesn't hit a huge number of
10 customers, but I don't know why you would want to add unmanaged
11 load of even those few customers in excess of what is already
12 being added organically. And I apologize, I may not have
13 answered your question in there.

14 Q. No. That's fine. I'm just going to move on.
15 We've talked about cost benefit a little bit. Have you seen
16 anything in this application that shows that getting one person
17 to switch charging behavior is worth the \$500 rebate that the
18 Company proposes for the residential rebate program?

19 A. Well, using -- using rough numbers -- I had the
20 opportunity during the last witness to do a little scribbling
21 because -- I'm sorry, Mr. Ives, not the last witness. Some
22 things just caught me as kind of off. Looking at a -- looking
23 at a high-end charging scenario, a customer who drives their EV
24 a lot, who charges a lot, there's about \$200 of revenue at stake
25 there. I'm sorry about \$200 of net revenue. You have a little

1 bit over 300 in potential revenue on a residential rate and a
2 little over 100, \$120 of energy cost if they didn't add any
3 capacity costs or SPP costs or anything like that.

4 So you're playing with around \$200 per customer.
5 So, you know, per year and that's assuming a high level of usage
6 and a high charge rate of residential as opposed to LPS or
7 something like that. So it's hard to think of a design where
8 under the current -- under the recovery framework they're
9 looking at. You know, if the utility wanted to say we're going
10 to put \$200 of shareholder funds back this year because we think
11 we are going to be out for four years, and then that's going to
12 give us \$200 of recovery. You know, that is something they
13 could look at. But then if you shift that over to a time of use
14 rate where you're trying to manage that charging, you know,
15 that's good because you are encouraging that charging to occur
16 off-peak instead of on-peak which is going to reduce your
17 potential costs there. But it's also going to reduce your
18 revenue potential. And I mean if you are looking at a margin of
19 only, you know, 1/10 of a cent or something like that in your
20 time of use rate over your marginal energy cost, which is where
21 I think a lot of time of use rates are or will be soon, you
22 know, then you're looking at maybe \$20 per customer.

23 So you have potential for a benefit in changing
24 the shape of charging to reduce the potential for charging
25 that's going to occur anyway to have that occur off-peak instead

1 of off on-peak. But it's hard to see a viable way forward of
2 looking at EV charging as a revenue opportunity or a rate
3 separation technique.

4 Q. That was a very interesting answer. I was not
5 expecting that.

6 A. I apologize. I am on a number of cold
7 medications today. And I enjoy talking about energy rates.

8 Q. With regard to the time of use, because that's
9 been thrown around a lot, has the Company explained to you how
10 it intends to get people who would accept the residential rebate
11 to adopt time of use rates?

12 A. No. I've -- I've requested that information a
13 number of times. We were told that it will be education. We
14 were asked what that education would be and we are told that it
15 will be developed. We asked when and we were told that it would
16 be developed when the program was approved. And so, you know,
17 to evaluate whether I think, you know, a technique is likely to
18 succeed without knowing what that technique is, is not something
19 I'm capable of doing in a way that I can provide a
20 recommendation to the Commission.

21 Q. If the Company were to require mandatory
22 residential time of use rates, do you feel that this program
23 would still be necessary?

24 A. I think that you can do something like this
25 program that would be a good idea in addition to that, but I

1 think that just going -- for what the Company says they're
2 trying to accomplish with this filing, just moving the needle on
3 where we are on aligning cost causation by time of day with
4 revenue recovery by time of day, I think would move the needle
5 on lot further than this program would.

6 Q. Is your understanding that the residential
7 rebate program is designed to encourage EV adoption?

8 A. That was my initial understanding. The Company
9 has clarified that it is not. The Company has clarified that it
10 is intended to target existing EV customers, not spur additional
11 growth and that under their projections it will reduce energy
12 consumed by those EV customers because of a reduction and losses
13 experienced through the charger and they then reached the
14 conclusion that customers will choose to charge in a manner that
15 is cost beneficial to the system through education. And again,
16 we don't know what that education is or could be. And frankly,
17 if that kind of education exists, I don't know what you would
18 only eliminate to those customers who choose to get an EV. It
19 seems like that be a good idea for everybody.

20 Q. Thank you, Ms. Lange. Can you pull up the
21 testimony of Evergy witness Voris?

22 A. -- reached the conclusion that customers -- you
23 said surrebuttal of Voris?

24 Q. Surrebuttal of Voris, yes.

25 A. Okay.

1 Q. I'm going to preface this by saying that I
2 wasn't sure if this was a question best directed to you or to
3 Ms. Eubanks. So if you feel like Ms. Eubanks or any other Staff
4 witness is better equipped please just let me know?

5 A. Sure.

6 Q. Can you turn to Page 5?

7 A. I'm there.

8 Q. Would you agree with me that Mr. Voris states
9 that Evergy's continued modest investment in the CCN benefits
10 all customers by -- and I'm going to skip to Line 17 -- continue
11 to reduce range anxiety, increase EV adoption, and -- I'm just
12 gonna leave it off there.

13 A. I agree that is what it says.

14 Q. All right. I have a series of questions
15 regarding EV adoption.

16 A. Sorry. Go ahead.

17 Q. Okay. Based on the application Evergy has
18 presented, do we know how many EVs would need to be adopted to
19 justify a single charging station?

20 A. I can -- without doing additional math from what
21 Evergy has presented, no. That math can be done, but they have
22 not broken Dean things down in that manner.

23 Q. We also therefore wouldn't know how many EVs
24 would need to be adopted in order to justify the entire program.
25 Correct?

1 A. No. I mean, that's the math that I was just
2 suggesting that even under the, you know -- the best assumptions
3 putting things in Evergy's favor, if you look -- if you assume
4 that they -- if you assume that they enable 5,000 vehicles with
5 the entire program, under customers using above average amounts
6 of charging at the highest residential -- the highest rate
7 schedule residential, it would take about 20 years to pay off
8 the program.

9 MR. DUNBAR: Your Honor --

10 THE WITNESS: And that's not including ROR.

11 JUDGE GRAHAM: Are other people speaking?

12 MR. DUNBAR: Your Honor, this is Scott Dunbar,
13 counsel for ChargePoint. I certainly did not mean to cut the
14 witness off. But I'd like to register an objection. I feel
15 that Mr. Clizer is asking essentially lots of friendly cross and
16 we've got a lot of witnesses to get through. It seems that he
17 simply asking Ms. Lange to say things that support the OPC's
18 position and not actually cross-examining her. Given that time
19 is limited, I would just request that he be directed to ask
20 cross-examination questions and not friendly cross.

21 JUDGE GRAHAM: I'm not going to -- just a minute
22 now who is speaking, please?

23 MR. FISCHER: I was about to -- this is Jim
24 Fischer. I was about to join in the objection, Judge.

25 JUDGE GRAHAM: All right. Well, at this point I

1 am going to overrule the objection but at this point I'm going
2 to caution that I intend to finish this hearing today and I
3 intend to go until it is finished today. So I'll permit the
4 cross as it's being developed to continue for a bit. With that
5 caveat, you may proceed, Mr. Clizer.

6 MR. CLIZER: Thank you, Your Honor.

7 BY MR. CLIZER:

8 Q. Ms. Lange, just to ensure that these proceedings
9 move as quickly as possible please try and keep your answers a
10 little shorter so we can get through the rest of the day if you
11 would, please. That's for Claire.

12 Could you turn to Page 21 of Mr. Voris's
13 testimony?

14 A. I'm there.

15 Q. Could you read page -- Lines 12 through 16?

16 A. Aw yes, the sticker.

17 Q. Do you agree that the sticker is sufficient?

18 A. I -- having only learned about the sticker in
19 the surrebuttal, since it wasn't something that we were able to
20 discuss during technical conferences or have any understanding
21 of prior to surrebuttal, I cannot recommend a sticker as
22 sufficient for whatever it is the sticker is supposed to do.

23 Q. Mr. Voris further says at Lines 14 and 16:
24 Additionally, new homeowners will receive information about the
25 purpose of the installed outlet benefits of the Level 2 EV

1 charging an optional TOU rates. Would you agree with that?

2 A. That's what he says.

3 Q. Has Evergy indicated how they will give that
4 information to the new homeowners?

5 A. Absolutely not.

6 Q. Can you find the testimony of Evergy witness
7 Nelson for me?

8 A. I'm there.

9 Q. Can you turn to Page 13 for me?

10 A. I am there.

11 Q. Would you agree with me that at the beginning
12 and end of Line 4 it reads: A overview of Staff's workpapers
13 show that Staff projected a scenario chose to place all the
14 charging for all rebate recipients in the highest priced hour of
15 the day. Would you agree that I've read that correctly?

16 A. You have read that correctly.

17 Q. Would you agree with me that on Page 14
18 beginning of Line 8 it also reads: Put another way, Staff
19 assumes that all rebate recipients simultaneously charge during
20 the most expensive hour. And I'm not going to bother reading
21 the rest of it because I don't think it's necessary to my
22 question.

23 A. Yes.

24 Q. Do you agree that your assumption requires that
25 the -- is based on customers charging at the highest priced

1 hour?

2 A. As a consequence of my imposition of the Level 2
3 charging capability on the load shape provided by Evergy and
4 their request, that they depicted as unmanaged charging, that is
5 the impact of what occurs when I follow their load shape with
6 their new charging capability.

7 MR. CLIZER: If you give me one second, Judge.
8 I think I might be nearly done. Just one second. I believe I
9 have one last question.

10 BY MR. CLIZER:

11 Q. Ms. Lange, are you familiar with OPC's proposal
12 to cap commercial rebates at 20 percent?

13 A. I am familiar that that is their proposal. I'm
14 not sure of a lot of details with that.

15 Q. Has Staff indicated an opposition to that
16 proposal?

17 A. I think we opposed the programs to which it
18 would be applied as they are currently constituted. I think we
19 came out in our position statement and said that we support that
20 to the effect -- to the extent that the programs do go forward,
21 but if we did not, I personally would recommend to management
22 that we take position if the programs go forward as constituted.

23 Q. Thank you.

24 MR. CLIZER: Thank you. That was all my
25 questions.

1 JUDGE GRAHAM: Thank you. Does Mr. Woodsmall
2 having a cross on behalf of MECG?

3 MR. WOODSMALL: No questions, Your Honor.

4 JUDGE GRAHAM: Do Sierra Club and NRDC have
5 cross for this witness?

6 MR. HALSO: No questions, Your Honor.

7 JUDGE GRAHAM: Does Renew Missouri have cross
8 for Ms. Lange?

9 MR. OPITZ: No thank you, Judge.

10 JUDGE GRAHAM: ChargePoint, do you have cross?

11 MR. DUNBAR: No questions. Thank you.

12 JUDGE GRAHAM: Does Evergy have cross
13 examination for this witness?

14 MR. FISCHER: Judge, this is Jim Fischer. I do
15 have a few brief questions for Ms. Lange.

16 JUDGE GRAHAM: Proceed please.

17 CROSS-EXAMINATION BY MR. FISCHER:

18 Q. Ms. Lange, I'm sorry you're not feeling well
19 today. I intend to be brief, but in the event they you need to
20 take a break for any reason, will you let me know and we'll ask
21 for a recess?

22 A. Of course.

23 Q. Okay. You were one of the primary authors of
24 the Staff rebuttal report that was filed in August of this year;
25 is that right?

1 A. I am the witness responsible for several pages.
2 I'm not sure what you mean by primary authors.

3 Q. Well, did you serve in the role as case
4 coordinator and the Staff's investigation?

5 A. No.

6 Q. Would you describe to the Commission what you
7 understand the term range anxiety to mean?

8 A. I think range anxiety is a term that is used to
9 describe an apprehension to utilize an electric vehicle if
10 you're unsure of availability of charging infrastructure once
11 you're underway. I believe similar language is supplied to
12 hydrogen situations and CNG as well.

13 Q. Do you think that range anxiety will affect the
14 pace of electrification of the transportation sector?

15 A. Will or has?

16 Q. Well, either one?

17 A. I mean, I think that -- I guess to be brief,
18 yes, but with nuance.

19 Q. So you agree that range anxiety can be a major
20 issue in the electrification of the transportation sector?

21 A. I don't think that is what I said, but I guess I
22 would generally agree with that statement.

23 Q. Okay. I believe you were the author of the
24 recommendations in the summary section of the report, Staff's
25 report beginning on Page 1; is that right?

1 A. I think so.

2 Q. Do you have that report in front of you?

3 A. I'm getting it.

4 Q. Thank you. I would like to ask you while you're
5 getting it to just go to the first page and I will ask about
6 Line 7.

7 A. I'm there.

8 Q. Is it correct that you are recommending the
9 Commission issue an order rejecting the Company's application
10 for the approval of a portfolio transportation electrification
11 programs variances from the Commission rules, authority to defer
12 program costs and a finding of prudence of the expansion of the
13 Clean Charge Network -- (audio cut out)?

14 A. I'm sorry you cut off at the end.

15 Q. I was just trying to read that. That you were
16 recommending that the Commission reject the Company's
17 application regarding the portfolio of transportation
18 electrification programs for starters; also the variances of the
19 Commission rules; thirdly, the authority to defer program costs
20 and a finding of prudence on the expansion of the Clean Charge
21 Network; is that right?

22 A. I think that mischaracterizes my role in regard
23 of the development of the contents contained in that paragraph
24 and I think it also omits the portion of the paragraph in which
25 we recommend or did not oppose increasing the Clean Charge

1 Network stations to include the 50 stations contemplated in the
2 streetlight corridor program pending development of the adoption
3 of appropriate pilot metrics and learning objectives specific to
4 Evergy.

5 Q. I was going to ask you about that section next.
6 Because you don't oppose increasing the cap on the Clean Charge
7 Network stations for Evergy Missouri Metro to include 50
8 stations contemplated by the streetlight corridor pilot program;
9 is that right?

10 A. I'm thrown by if we're -- who "you" is in this.
11 I find it kind of ironic that Evergy provided a pamphlet as
12 their direct testimony that we're getting this line of
13 questioning. But to clarify, I authored the summary, which
14 reflected the recommendations of other witnesses including
15 myself, if that seems to be what you're having difficulty
16 understanding there.

17 Q. You're saying this was the Staff's position, not
18 your own personal position?

19 A. I am saying the summary paragraph summarizes the
20 105-page report.

21 Q. And you authored that. Correct?

22 A. I authored the paragraph that summarize the
23 105-page report.

24 Q. And those are your recommendations; is that
25 right?

1 A. I don't disagree with those recommendations but
2 on some of those recommendations I am summarizing a
3 recommendation provided by or discussed in greater detail by
4 other members of Staff, which is a body of people.

5 Q. Well, did you have final approval of the
6 language that was used for the sections that you drafted?

7 A. Are you inquiring as to our legal review
8 process?

9 Q. No. I'm asking whether you had final approval
10 of the language that you drafted?

11 A. I did agree to the language that is drafted or
12 that is presented for which I am a witness, which includes a
13 summarization.

14 Q. So the answer to my question is yes. Right?

15 A. I'm deeply confused by your question as part of
16 my inability to answer it directly. I feel there is something I
17 must be missing.

18 Q. Okay. Let me ask it this way: I'd like you to
19 look at Staff's -- Page 1 beginning Line 7. Is it correct that
20 Staff is recommending the Commission issue an order rejecting
21 the Company's application for approval of a portfolio of
22 transportation electrification programs, variances from
23 Commission rules, authority to defer program costs, and a
24 finding of the prudence of the expansion of the Clean Charge
25 Network?

1 A. Well, you skipped three or four lines in there,
2 but yes that is a portion of what Staff recommends, or that
3 Staff summarizes as its recommendation of that paragraph. Yes.

4 Q. And you were the primary author of those
5 recommendations. Correct?

6 A. No. I have explained this multiple times.

7 MS. MERS: Yes, and I'd like to object.

8 JUDGE GRAHAM: Is an objection being made?

9 MS. MERS: Yes. I was trying, as staff counsel
10 Nicole Mers here. Yes. I believe this has been asked and
11 answered and Ms. Lange has explained that simply what happens
12 for the ease of readership --

13 JUDGE GRAHAM: The question has been asked and
14 answered and is sustained.

15 MS. MERS: Thank you.

16 JUDGE GRAHAM: Counsel, you've made your point
17 with the Commission.

18 MR. FISCHER: Okay. I will move along, Judge.
19 I'm sorry if I didn't understand her answer.

20 JUDGE GRAHAM: You made your point. Let's move
21 on.

22 BY MR. FISCHER:

23 Q. Okay. Regarding the section where you say the
24 Staff does not oppose increasing the cap on the Clean Charge
25 Network for Evergy Missouri Metro to include 50 stations

1 contemplated in the streetlight corridor pilot program, I
2 believe the Staff report indicates that the estimated budget for
3 this pilot program is \$800,000; is that correct?

4 A. I don't know. I think that if it's in there,
5 it's in there. I don't have that section in front of me.

6 Q. Okay. Is it your understanding that the
7 streetlight corridor pilot program would be partially funded by
8 a Department of Energy grant?

9 A. I have very limited understanding of the
10 streetlight pilot program, how that works, whether it's DOE
11 money or an entity that DOE gets the money to, I frankly --
12 Claire Eubanks would be a better witness to discuss that with.

13 Q. Okay. We can talk to her about that. If it
14 includes a budgeted amount of only \$800,000, would you agree
15 that that would not be expected to significantly impact the
16 bills of Evergy's customers at that level?

17 A. I -- I am not comfortable opining outside of
18 rate case as to what does and does not constitute a significant
19 impact to customer bills because the cost allocation of that
20 could impact some customers a very significantly and some
21 customers minimally or not at all.

22 Q. So based on your rate case experience, you're
23 not comfortable suggesting that an \$800,000 expenditure for --
24 especially if it was a rate based item, would not have a
25 significant impact on customers as a whole?

1 A. Well, it's not billed to customers as a whole.
2 It ends up being part of a revenue requirement that gets
3 allocated or assigned and is paid by customers in particular.
4 And so for a small group of customers to pick up an \$800,000
5 capital item could be very significant; to be spread out over a
6 lot of customers may be less significant.

7 Q. Okay. Let me ask you this question: Have you
8 read the surrebuttal testimony of Mr. Ives in this case?

9 A. I think I have skimmed it at some time.

10 Q. Did you happen to skim or review the area where
11 he testified that the cost of all of Evergy's pilot programs
12 would be between \$1 and \$2 per year for typical residential
13 customer?

14 A. I believe that if he asserts that, he asserts
15 that. I don't know what the question was there. No, I don't
16 recall reading that.

17 MS. MERS: This is counsel for Staff. It could
18 be helpful if a page number could be provided for us to turn to.

19 MR. FISCHER: All right. I'll do that. Thank
20 you.

21 BY MR. FISCHER:

22 Q. Ms. Lange, will you turn to Page 19, Line 14 of
23 Mr. Ives surrebuttal testimony?

24 A. Page 19, line what?

25 Q. Well, it begins on Line 13 and goes through Line

1 15.

2 A. Well actually, it looks like it begins -- I'm
3 sorry. His explanation starts earlier.

4 Q. Yeah. I was just going to ask you about the
5 sentence that says: Viewing this in dollars for the residential
6 class, based on an average monthly usage of 899 KWH, the bill
7 impact would be approximately in the \$1 to \$2 range per year for
8 Missouri residential customers. Did you see that? Did I read
9 that correctly?

10 A. You read an incorrect assumption very correctly,
11 yes.

12 Q. Okay. Does an annual amount, does that annual
13 amount of a \$1 to \$2 for a typical residential customers seem
14 excessive to you?

15 A. That amount is a result of a facially
16 unreasonable calculation and so, yes, it seems unreasonable
17 because it is based on any number of on erroneous assumptions
18 and unreasonable assumptions.

19 Q. If the Commission disagreed and found that that
20 was the appropriate impact on residential customers, would you
21 consider that to be an excessive amount for customers to pay for
22 encouraging electrification of the transportation industry?

23 A. That is not my role, so I don't have an opinion
24 on such things.

25 Q. Does Staff have an opinion about the level of

1 expenditures for Evergy's portfolio of transportation
2 electrifications that Staff would find to be reasonable and
3 acceptable?

4 A. A level that might be cost justified if it was
5 developed in a way that encouraged prudent management of
6 expected growing load.

7 Q. I'm asking, do you have a level of expenditures
8 that you would find reasonable and acceptable for this case?

9 A. Sure. If we had reliable data in which to input
10 into a reasonable formula and reasonable assumptions under
11 pinning it, we could do the math and we could calculate what
12 would be a reasonable level to expend that would not be cost
13 detrimental to -- to determine what would prudently manage
14 expected growing load.

15 Q. Well, what would be a --

16 A. In the absence of that --

17 Q. What would be a reasonable and acceptable level
18 to Staff in this case?

19 A. I would need numbers the Company is unable or
20 unwilling to provide to develop that.

21 Q. So at this point, the Commission staff doesn't
22 have a suggestion to the Commission about what would be a
23 reasonable level for a budget for a portfolio of electrification
24 transportation electrification programs?

25 A. For sure we do, based on the evidence projected

1 in the case or produced in the case that number would be zero
2 except for that amount that we recommend go forward with the
3 streetlighting pilot.

4 Q. And let me ask you that: Why are you
5 differentiating that program from others?

6 A. I was not the witness primarily responsible for
7 the review, however, based on my understanding that program was
8 found to have public policy ramifications that it's my
9 understanding -- Claire Eubanks would be the better witness to
10 discuss this with -- that justified proceeding with that
11 program.

12 Q. Is it your understanding that one of the factors
13 was that there is a US -- a United States Department of Energy
14 grant that helps fund it --

15 A. I know next --

16 Q. -- and so it lowers the impact on customers?

17 A. I know next to nothing about that program.

18 Q. Okay. Is it correct that you were also the
19 author of the section of the Staff rebuttal report that begins
20 on Page 5, which it discusses the residential focused rebate
21 programs?

22 A. I have to get back to the report but that sounds
23 correct.

24 Q. Let's turn to Page 15.

25 A. I'm not -- I am not back in the report yet.

1 Q. I'm sorry.

2 A. I'm going to --

3 Q. Take your time.

4 A. I'm going to Ives testimony and close that out.
5 It's on a different section in the EFIS. Okay. What page are
6 you looking at?

7 Q. I was looking at Page 15, beginning at Line 15.
8 I think you actually begin discussing the residential focus
9 program on Page 5, but I was going to ask you to go to Page 15
10 at Line 5 where I think you state that you cannot recommend
11 approval of this program; is that right?

12 A. Page 15 -- Page 15, Line 5 is J. Luebbert's
13 section talking about avoided costs.

14 Q. I must have a bad page reference. Let's go back
15 to Page 5. That's where you begin talking about the residential
16 focus rebate programs and that is your section; is that right?

17 A. The majority of it is. There is the
18 interspersed portion from J. Luebbert regarding capacity and
19 perhaps another section from Robin Kliethermes. I don't recall.
20 It is as is labeled in the document. I don't know why we would
21 not just defer to the document labeling.

22 Q. Well, I think -- if you go to Page 12, that's
23 where it ends with your name. So is it correct that from Page
24 5, Line 8 on Page 12, that's your section; is that right?

25 A. If that is what the document says. I'll lose my

1 spot if I try to verify that so you may just want to proceed
2 with your question.

3 Q. Yes. Let's just get through it. As I
4 understand the Staff's position and your position authoring that
5 section, you're not recommending approval of the residential
6 focused rebate programs, are you?

7 A. In the form Evergy designed them, no, we are
8 not.

9 Q. And you're also the author, are you not, of the
10 section on commercial rebate programs, I think beginning on Page
11 16 of the Staff report?

12 A. I am the author of the portions that my name is
13 on. It's 105 pages. I don't know what you want me to do here
14 in the time provided.

15 Q. I'm asking you on Page 16, you begin speaking of
16 the commercial rebate programs; is that right?

17 A. Yeah. My name is right before that. Let me
18 make sure this is my section or not.

19 Q. If you go to Page 19 at the bottom --

20 A. Yes. Yes, it is.

21 Q. -- Sarah L. K. Lange. Is that your section?

22 A. Again, as -- I am comfortable with as we
23 designated the sections in the report that is in EFIS and Staff
24 will be offering. I thought we were trying to expedite things,
25 but --

1 Q. I'm sorry. I must be talking past you Sarah.
2 I'm trying to -- understand I don't want to ask questions
3 outside your area, but I thought you were the author of that
4 section?

5 A. Yeah. I am. I'm just saying, if you ask me the
6 name of a section of the document we wrote three months ago, I
7 have to look, you know. I'm comfortable deferring to whatever
8 is in the report. And if you get into an area that's not mine I
9 can let you know. It seems a lot more --

10 Q. I appreciate that. Let me just try to get to
11 the bottom line. It is it correct that you are not recommending
12 to the Commission the approval of the Company's commercial
13 rebate program?

14 A. Staff is not recommending approval of that
15 program and I authored that section. I don't know if there is a
16 distinction you're trying to make there, but to the extent there
17 is it is Staff's recommendation that I am presenting. Correct.

18 Q. Okay. Is it correct that you and Staff are
19 recommending the Commission reject the Company's commercial
20 rebate program?

21 A. Yes.

22 Q. And you and Staff are not supporting Evergy's
23 proposed time of use rates in this case either; is that right?

24 A. I -- I -- that is. Could you restate that
25 question?

1 Q. Let me just ask it. The Staff is not supporting
2 Evergy's proposed time of use rates in this case; is that right?

3 A. Staff is not supporting promulgation of unlawful
4 tariffs.

5 Q. That was not my question.

6 A. And tariffs based on unreasonable assumption. I
7 think your question -- I'm not sure what your question was.

8 Q. My question was straightforward, that Staff is
9 not supporting Evergy's proposed time of use rates in this case;
10 is that right?

11 A. Staff is not recommending promulgation of
12 Evergy's proposed tariffs in this case.

13 Q. Thank you. Is it correct that you -- is it
14 correct to conclude that Staff -- that you and Staff are
15 recommending the rejection of all aspects of Evergy's proposal
16 with the exception that Staff is not opposed to increasing the
17 cap on the Clean Charge Network to include 50 stations
18 contemplated by the street --

19 A. I'm sorry. Are you just asking me the content
20 of that first paragraph again? Yes. Staff's recommendation is
21 what you've read a number of times now. Have we lost audio?

22 JUDGE GRAHAM: No.

23 BY MR. FISCHER:

24 Q. Okay. Sarah, can you hear me now? I'm sorry.

25 A. Yes.

1 Q. Okay. I'm sorry. My question was just whether
2 the Staff is recommending the rejection of all aspects of
3 Evergy's proposal except for the streetlight corridor program?

4 A. Yes.

5 Q. With the exception of that Streetlight EV
6 Charging Pilot Program, would it be correct to conclude that you
7 personally don't think the Company's proposal are very good
8 ideas?

9 A. I think that there are good ideas that are
10 possible on this front. I think the tariffs before the
11 Commission and the evidence before the Commission do not rise to
12 a level where Staff can recommend their promulgation.

13 Q. I really didn't ask you that question. I just
14 asked you don't think these are very good ideas. Right?

15 A. Well, it depends on what the "this" is.

16 Q. This is the Evergy --

17 A. If the "this" is the concept of managing
18 developing EV load, that's a wonderful idea. If the concept of
19 "this" is Evergy's proposal as it exists in the record Evergy
20 has provided, no, that's a terrible idea.

21 Q. So that's how you would characterize the
22 Company's proposal in this case, a terrible idea?

23 A. As it is constituted, yes. We've tried to
24 indicate those concerns to the Company. We've tried to resolve
25 those concerns and those efforts have been fruitless. What is

1 left is the idea of an idea and guide rails that may be
2 developed and other things we've heard in surrebuttal testimony
3 and at this hearing for the first time that could be the
4 starting point of a reasonable program, but are just not found
5 in the program as requested to be promulgated and are not yet
6 developed to the point they need to be to move forward.

7 Q. So that is how you would characterize the
8 program is as a terrible idea and it's not well-developed, and
9 it might have a starting point but we are a long way from
10 getting there?

11 A. Yeah. That is a good characterization.

12 Q. Did you happen to hear the opening statement
13 that I gave on yesterday?

14 A. I could not be for all of it, but I think I
15 heard quite a bit of it.

16 Q. Okay. Did you happen to hear me quote from the
17 Commission's report and order in the 2015 KCPL rate case? Do
18 you remember that?

19 A. I -- I think I do.

20 Q. I'd like to -- I hoped to be an person. I could
21 have given you a copy of it. I might be able to put it on my
22 screen but maybe it would be easier to just let me read it to
23 you and ask you a couple questions about it, if that's all
24 right?

25 A. Are we asking questions about the content of a

1 report and order in a different case?

2 Q. Yes.

3 A. I just want to be clear.

4 Q. Yeah. It's on Page 75 of the report and order
5 in the 2015 KCPL rate case. And on that page the Commission
6 stated: KCPL's proposed Clean Charge Network is an important
7 first step in creating infrastructure to serve the increasing
8 number of customers who choose to purchase electric vehicles and
9 the Commission commends KCPL for its efforts to anticipate this
10 future demand and for its commitment to environmental
11 sustainability. I'd just like to ask you a couple of questions
12 about that?

13 A. This is from the '15 case. Correct?

14 Q. That's correct.

15 A. Okay.

16 MS. MERS: This is counsel for Staff, Nicole
17 Mers. Is there any way to have Everygy agree email that to Sarah
18 at the very least? I think I'm a little uncomfortable with her
19 not having a document in front of her and I do realize that of
20 course, this is a, you know, an odd situation that we are not
21 used to and we thought we were going to be in person. But just
22 so she can have in front of her, I think that that would be a
23 little more fair.

24 BY MR. FISCHER:

25 Q. Sarah, I've tried to share the paragraph that I

1 just quoted. Can you see that or do you have it on your screen?

2 A. I have to close out of what I'm in to get to
3 that. No. I see you. That said, depending on what your
4 questions are let's just proceed and I will let you know if
5 you're asking something I can't answer without seeing the quote.

6 JUDGE GRAHAM: Proceed, Mr. Fischer.

7 MR. FISCHER: Okay. I'll do that, Judge. Thank
8 you.

9 BY MR. FISCHER:

10 Q. Ms. Lange, do you agree with the Commission when
11 it is stated that the Clean Charge Network was an important step
12 in creating an infrastructure to serve the increasing number of
13 customers who choose to purchase electric vehicles?

14 A. I agree that the Commission made that conclusion
15 as part of its order in a 2015 rate case.

16 Q. But do you agree --

17 A. But the context --

18 Q. Do you agree that the Clean Charge Network was
19 an important first step in creating an infrastructure to serve
20 the increasing number of customers who choose to purchase
21 electric vehicles?

22 A. From what I recall, the circumstances in place
23 in 2015, especially as it related to elective vehicle charging
24 and especially as it related to what I believe were some
25 third-party buy-in into that buildout, yes. I agree. That was

1 -- that was a first step in 2015.

2 Q. And do you think Evergy should have been
3 committed in 2015 for its efforts to anticipate the future
4 demand for electric vehicles and for its commitment to
5 environmental sustainability?

6 A. I personally am not one to recommend commending
7 anybody. I think it causes arrogance one way or the other. But
8 I agree that is what the Commission found.

9 Q. But do you think it was a good idea for KCPL in
10 2015 to begin the Clean Charge Network construction?

11 A. I don't recall Staff's position in that case and
12 I am not sure how I could possibly be relevant to this time in
13 this case, but I just can say I don't recall Staff's position in
14 that case.

15 Q. Do you have a fundamentally different view of
16 the Commission's expressed view in that 2015 report and order
17 regarding the advisability of beginning the Clean Charge Network
18 in 2015?

19 A. I don't have a view on it.

20 Q. Let me ask you this: From your personal
21 perspective, what do you think is the second step in creating
22 infrastructure to serve the increasing number of customers who
23 choose to purchase electric vehicles in the coming decade?

24 A. I'm sorry. Could you repeat that? I just want
25 to make sure I got all the elements in there.

1 Q. I'm just asking from your personal perspective
2 what is the second step in creating an infrastructure to serve
3 the increasing numbers of customers who are choosing to purchase
4 electric vehicles?

5 A. I think the second step has already occurred.
6 We did significant work to KCPL and GMO current, Evergy, line
7 extension tariffs in I think it was 2019/2018 timeframe. I
8 think maybe the third step was repealing the removal of Evergy
9 and KCPL's time of use options and getting those time of use
10 optional rates back in. I think probably the third step is
11 going to be getting rid of the hours used rate design that
12 discourages third-party charging. I think we've got any number
13 of steps and how those get ordered, you know, as a sequence I
14 should say, is just going to depend on what comes before the
15 Commission and when. Evergy drives that process and timing, not
16 so much Staff.

17 Q. So from your perspective, the next step as I
18 understood it of things that have not happened is getting rid of
19 the hours use charge. That's the next step for electrification
20 transportation industry?

21 A. I think that we have an Evergy rate case coming
22 up real soon and I think that rate structure needs to be
23 seriously evaluated, and removing that barrier is something that
24 I can get my hands around and don't have to wait for a Company
25 filings to do.

1 Q. I understand we'll be talking about rate design
2 in the next rate case, but is that the next step for bringing on
3 electrification in the transportation industry in your view?

4 A. Well, I think it optimistic scenario if Evergy
5 takes the input from this case, goes back to the drawing board
6 and puts forth a more robust and reasonable attempt to guide the
7 growth of expected electric vehicle load in the service
8 territory, I would expect that that will probably be a little
9 bit off sequence of the next rate case, so yeah. I think we
10 will be looking at a rate case filing before will be looking at
11 additional electrical vehicle filings.

12 Q. Let me put the question this way, I guess: What
13 recommendations would you have for the Commission at this point
14 to take the next step, whatever that would be to encourage the
15 electrification of the transportation industry?

16 A. And I assume you mean in Evergy's service
17 territory?

18 Q. Yeah. Let's start there.

19 A. I think for Evergy the next thing to do is to
20 tackle rate structure and rate design, get some good cost
21 causational time of use rates in place for everybody, get some
22 options that encourage EV charging off-peak in place for those
23 people that opt into it, and fix the commercial and industrial
24 rate structures to remove the disincentive for third-party
25 competition, while making sure the costs are recovered.

1 Q. Did you happen to read the surrebuttal testimony
2 of Chuck Paisley in this case?

3 A. Some of it.

4 Q. Did you happen to read the section where he
5 described, I think it was 45 states and the District of Columbia
6 that were entering orders related to transportation
7 electrification?

8 A. I will take your word for it. I don't recall
9 that in particular.

10 Q. With many states taking steps to encourage the
11 electrification of the transportation industry, other than rate
12 design, which will be addressed in a rate case, what
13 recommendation does the staff has for the Commission to
14 encourage and ensure that adequate facilities are built to
15 service electric vehicles in the coming decade?

16 A. Well, Staff cannot make the Company do something
17 it doesn't want to do. So we have to wait for an opportunity
18 for the Company and Staff to work productively, you know, if
19 it's something Staff's going to have input in. I can't get into
20 the details of negotiations with other entities or utilities,
21 but I think I can say based on a notice of agreement in
22 principle that's been filed in the Empire case, that, you know,
23 we have some -- getting input from the Company and providing our
24 input to the Company, I'm optimistic and excited about the kind
25 of programs that can be developed to manage charging and incent

1 off-peak charging and discourage on-peak charging and encourage,
2 you know, real optimization of batteries, you know, as a
3 resource for not just that EV driver. And I probably better
4 stop there before I'm stepping into other stipulations. But I
5 think there's a lot of interesting things that can be done that
6 on that front lean toward manage charging.

7 Q. Ms. Lange, I'm not asking you to get into any
8 settlement discussions. That's off -- off -- not in my question
9 at all. I just wondered what recommendations would you have for
10 the Commission in this case to ensure that there are adequate
11 facilities in western Missouri to serve the increasing numbers
12 of electric vehicles that are going to be coming on in the next
13 decade?

14 A. I don't think that is the question before the
15 Commission in this case, so I can't answer that.

16 Q. Staff does not have any recommendations in that
17 regard?

18 A. I'm sorry. Could you repeat that question
19 because as phrased it made no sense, or as I heard it, I should
20 say.

21 Q. Does Staff have any -- does Staff have any
22 recommendations to the Commission in this case to ensure that
23 there will be adequate facilities in western Missouri to serve
24 increasing numbers of electric vehicles in the next decade?

25 A. Staff's job in this case --

1 MR. CLIZER: This is John Clizer with OPC. I'd
2 like to object. I don't feel like this is the proper place for
3 this. The question at hand here is the adequacy of KCPL's
4 application. We shouldn't be asking for Staff recommendation as
5 to future possible decisions.

6 JUDGE GRAHAM: Mr. Fischer, what is your
7 response to the objection?

8 MR. FISCHER: My response to the objection,
9 Judge, is we are trying to move forward on electric vehicle --
10 electrification of the transportation industry. The Company has
11 a proposal in front of the Commission that's true, but I'm also
12 -- the Staff has rejected virtually all of it. I'm asking what
13 would be their recommendation on how to proceed in the future
14 for the Commission.

15 JUDGE GRAHAM: That's not a question before the
16 Commission in this proceeding and I'm going to sustain the
17 objection.

18 MR. FISCHER: Okay. I'll move on then, Judge.
19 Thank you.

20 BY MR. FISCHER:

21 Q. From Staff's perspective, what is the level of
22 spending that Everygy be should be considering to encourage and
23 promote the electrification of the transportation industry?

24 A. A level that is cost justified and a dollar
25 value cannot be provided to that in the abstract. I should say

1 cost justified and prudent. You could have something that is
2 cost justified but imprudent and vice versa.

3 Q. Is it your understanding, Ms. Lange, that public
4 utilities like Evergy do have an obligation to provide adequate
5 electric facilities to meet the needs of their customers in
6 their service areas?

7 A. I think you have varied the phrasing from the
8 typical safe and adequate service. And so to the extent that
9 you are assigning any legal import to that different phrasing, I
10 can can't provide an opinion.

11 Q. I was referencing Section 393.130 (1).

12 A. And how is that section worded?

13 Q. Well, I don't have it right in front of me, but
14 it basically says that we have an obligation to provide adequate
15 facilities to meet the needs of our customers. Isn't that your
16 understanding of what our obligations are as a public utility?

17 A. I similarly do not have that statute in front of
18 me and I'm not sure what facilities would mean in the context of
19 that statute. As it pertains to -- I'm sorry, I don't think I
20 can answer the question you've attempted to ask.

21 Q. Okay. Let me ask you a different one then. Is
22 it your understanding that one of the purposes of regulation is
23 to ensure that public utilities provide adequate facilities to
24 meet the needs of the public?

25 A. I don't know. That -- that is a phrasing I am

1 not familiar with.

2 MR. FISCHER: Thank you, Ms. Lange. I think
3 that's all I have. Thanks for your patience and I hope you feel
4 better soon. Thank you.

5 THE WITNESS: Everybody, get vaccinated and this
6 will go away.

7 MR. FISCHER: I agree with you.

8 JUDGE GRAHAM: Are there questions --

9 MR. FISCHER: Thank you, Judge. That's all that
10 -- that is all the cross I have at this time.

11 JUDGE GRAHAM: Thank you. Are there any
12 questions from the commissioners? All right. Ms. Lange, do you
13 need about five or ten-minute break? I have a number of
14 questions. Do you want to take a little break?

15 THE WITNESS: No. Let's just get done. It's
16 going to be a long night.

17 QUESTIONS BY JUDGE GRAHAM:

18 Q. Let's start out with this one then, Ms. Lange.
19 Is it Lange? Everyone knows you, but me. Is it Lange?

20 A. It is Lange, but I know who you're talking to.

21 Q. Well, to begin with if there is another witness
22 who can better respond to a question I ask immediately, let me
23 know and we will move on. Second, I think you used SPP as an
24 acronym in much of your earlier cross-examination responses.
25 Just so we're clear, what -- because of the problems we're

1 having in developing a record here, what does SPP stand for?

2 A. SPP is Southwest Power Pool, and I probably also
3 used IM, which is integrated market.

4 Q. Okay. Thank you. Now, if the Commission were
5 -- this is a hypothetical -- but it comes from the position
6 statement on issue 1B that Staff presented to us. So if the
7 Commission were to support the Residential EV Outlet Program,
8 why doesn't Staff support ChargePoint's recommended
9 modifications to the program to require rebates be based on
10 either the purchase of an EV charging unit or NEMA outlet? And
11 again, if you want to defer to another witness let me know.

12 A. I am probably the best witness for that. And if
13 somebody disagrees, I hope they get an opportunity.

14 Q. Okay.

15 A. I would -- we kind of -- we went -- we had a
16 little discussion on this internally when it did come up. You
17 know, I think Evergy makes the point that some EVs do not need
18 to have a specific charger and I think ChargePoint makes a good
19 point that, you know, you could have chargers that are direct
20 hardwired. Frankly, this is one of those things that in a
21 well-designed, well-thought-out, well-vetted program you would
22 write a tariff that picks up those contingencies that says, you
23 know, when you're asking for that EV registration show what the
24 vehicle is, show if it has an onboard charger. If you know
25 that's one of those vehicles that has an onboard charger, you

1 wouldn't require an onboard charger. And if you know, because
2 you're processing the rebate, that you're going to have a
3 charger installed that you have the option of direct wiring it
4 rather than paying an additional ten, 20 bucks for a junction
5 box that nobody's going to be using. You know, I think that is
6 a good illustration of a very simple thing that has just not
7 been captured in these tariffs.

8 Q. Okay. Given the Staff agrees with the Office of
9 Public Counsel that participants should be required to sign up
10 for the Company's existing whole house opt-in time of use rates,
11 should participants be required to sign up for the opt-in time
12 of use rates for a minimum period?

13 A. Yes. And again, I think that's one of those --
14 I'm sorry. Go ahead.

15 Q. Well, what amount of time would you recommend?
16 Six months? 12 months? Or 18 months? Or just, do you have any
17 parameter in mind?

18 A. Sure. What I would look at just as a starting
19 point, would want to get input from other parties, but what I
20 would recommend would be to start with the concept of you need
21 to stay on it for five years and each year that you aren't on
22 it, you refund a hundred dollars back on the rebate. That seems
23 like something that would be fairly easy to administer, fairly
24 easy to understand.

25 Q. Okay. I'm going to refer now to my room next

1 question to the Kansas nonunanimous agreement that's been the
2 subject of some conversation today. And if, again, this a
3 question that should be fielded to another witness, I'm sure
4 you'll let me know. In the Kansas nonunanimous agreement that
5 filed and mentioned by the party this morning -- actually
6 admitted into evidence and mentioned by the parties this
7 morning, some of the parties agreed to offering a lower rebate
8 to residential customers who do not sign up for the time of use
9 rates. What, if any, are Staff's thoughts about such a
10 structure to accommodate those customers who TOU rates work in
11 their household versus those for whom such rates would not work.
12 Do you have answer for that or is that something I should ask
13 someone else?

14 A. I have an answer for that in the way you've
15 asked it. I don't know a great deal about the stipulation but I
16 think I can answer that question. It's a Catch-22 on the time
17 of use rates and EV charging, is that you're looking at the
18 margin that customer's going to produce as part of your cost
19 benefit. And if you aren't on time of use using Evergy's rates
20 and a generous charging assumption that customer might generate
21 about \$200 of net revenue a year. On time of use rates and a
22 generous charging assumption that customer might generate about
23 \$20 of net revenue a year.

24 So you really have to question what is the
25 purpose of the program. If the purpose of the program is to

1 generate additional revenues, it's a bad idea. It's not going
2 to make money especially once you consider all of the overhead
3 and administrative costs that go an addition to the rebate. But
4 if you're looking at it as a way to manage load, there is a
5 level to where maybe it makes sense to shift those customers,
6 you know, to give them basically a cash incentive to get on the
7 time of use rates. So to me, having that time of use rate
8 justify part-- I misspoke there. For me, that time of use is a
9 bare minimum to having the program so a lower level of
10 incentive, you know, that actually -- the lower level of
11 incentive and off of time of use might help you from a cost
12 benefit standpoint, but it's not going to help you from a
13 reasonable utilization of the -- the reasonable management of
14 the charging load going forward standpoint.

15 So if I were the Kansas Commission staff and I
16 agreed to that provision I might agree to it on the basis of
17 well, if we're getting those customers on that are not on time
18 of use it's going to bring in more revenue. And if we're
19 getting those customers on time of use, that's going to
20 contribute to improving load shape. So I can see how in the
21 totality of stipulation a party would get there, but that's not
22 where we are. That's not the proposal before the Commission
23 that the we're required to provide a recommendation on today.

24 Q. Given net meter customers -- (audio cut out) and
25 the Company's time of use rate, what could or should be done to

1 avoid unduly discriminating against net metered customers? Is
2 that a question --

3 A. Yes. I could field that. That problem should
4 be addressed as promptly as possible. You know, if you look at
5 the time of deployment of this program, even if you ordered it
6 today and the time the Commission is going to have opportunity
7 to address that question in the next rate case, yeah, there's a
8 month or two that they would be out in the cold there. Ideally,
9 we would like to see more specific time of use rates with the
10 critical peak component preferably and with some V to G thrown
11 in, vehicle to grid, components thrown in, and with maybe some
12 super off-peak thrown in. You know, I think that if we were
13 actually going forward with the program like this it would be
14 for a much more comprehensive managed charging rate and that
15 would have to happen in a rate case and that would give us an
16 opportunity to address some of these issues with net metering
17 customers.

18 Q. Do you have any thoughts about a pilot program
19 enrolling a time of use group and a non-time of use group of
20 customers to study the differences between those in their
21 residential charging pilot?

22 A. You know, I think it was maybe the Sierra Club
23 witness who said it earlier. It's been done. If there was a
24 really specific question we wanted to address, maybe. But it
25 would have to be a very specific question with a very specific

1 ascertainable answer and other than that, we just know that
2 customers charge when it is convenient for them and their
3 equipment. And, you know, there's some variation in that across
4 geography and across use case scenarios, but I think that the
5 need of a pilot to answer that question is not an unknown answer
6 where we are here near the end of 2021.

7 Q. Okay. Aside from anything you've already
8 mentioned, if the Commission were to approve an electrical
9 vehicle pilot program, what would be useful data or metrics for
10 the Commission and stakeholders to get from the pilot and what
11 terms or requirements for the pilot would help get that
12 information? Are you in a position to answer that?

13 A. I can try. And where I struggle with that is
14 under the program as proposed, essentially nothing. There's
15 essentially nothing to study and learn here other than that
16 people like getting money. But, you know, if we were to design
17 a robust, you know, managed charging portfolio maybe where we
18 could address some of the -- a different rate perhaps for usage
19 through a utility managed charger. If we could employ some
20 vehicle to grid provisions that potentially deal with some of
21 those issues that Commissioner Holsman was asking about with
22 arbitrage and energy banking, I think there's some really
23 interesting things that we could study and learn and, you know,
24 see what we could do to put us in the year 2021 in a better
25 position with regard to electrical vehicle charging than where

1 the state of Missouri was in 1960 with regard to residential
2 air-conditioning.

3 You know, I think we've got a great opportunity
4 right now and maybe for the next couple of years to really, you
5 know, lay the groundwork for how charging needs to fit into the
6 system and for how customers, you know, are able to respond to
7 energy price signals and either obtain savings or avoid, you
8 know, the revenue responsibility for the cost they impose. So I
9 think that if we were to start with, you know, kind of a
10 Greenfield proposal in lieu of whatever Evergy has provided and
11 build from it or take some of the lessons learned around the
12 state or around the region, I think that we could find some
13 things out that would help shape electric vehicle charging going
14 forward.

15 Q. Okay. A question that you may want to defer to
16 another staff member on, but for the transportation network
17 proposal, does Staff have any recommendations on conditions or
18 requirements that should be added to ensure Evergy works with
19 rideshare providers?

20 A. That is probably -- I think that is probably a
21 question for another witness. I'm struggling to recall if that
22 would be Claire Eubanks or Robin Kliethermes. And then in the
23 off chance it is my section and I am forgetting it, I would say
24 that there need to be parameters for that. At this point there
25 is nothing out there, there's nothing in the tariff, there are

1 no program designs, program provisions that have been of made
2 available for Staff to review or comment on. So in the absence
3 of knowing what they are, yes. There do need to be terms and
4 conditions for that.

5 Q. Another question you may want to defer to
6 another staff member on, for the highway corridor program are
7 there locations, requirements or conditions that should be added
8 to a pilot program to avoid redundancy with sites selected by
9 Electrify America or DNR's VW settlement program. Can you
10 answer that question?

11 A. On 90 percent of that I would say I defer to
12 Claire Eubanks. I would comment that minimization of additional
13 distribution buildout needs to be a consideration, maybe not the
14 overwhelming consideration, but it needs to be a factor to avoid
15 that buildout as opposed to as encouraging that buildout which
16 is the case with the current program in PISA accounting.

17 Q. Okay. Final series of questions that you may
18 want to defer to somebody else on, but under Evergy's proposal
19 for the transit and business electrical vehicle charging service
20 rate, it describes the, quote, the rate removes the demand
21 charge while retaining a small local facility demand charge to
22 incentivize managed charging, end of quote. Are you in a
23 position to explain what the, quote, facility demand charge is
24 and how it's calculated for a given customer? Are you able to
25 address that point?

1 A. For that specific question I can tell you that
2 under Evergy's existing tariff the facilities demand charge is
3 based on -- it's an annual number. If you pardon me, I actually
4 had that tariff pulled up a minute ago because I was trying to
5 look up a rate. It is an annual number based on either the
6 summer peak. I think there's a provision for percentages of
7 off-peak usage. This is in their existing tariff for the
8 termination of demand. That is not what that says, facilities
9 demand. So the current definition in the promulgated Evergy
10 Metro tariff -- I think I'm pulling from medium general service,
11 if that matters, is facilities demand shall be the equal of the
12 higher of A, the highest monthly maximum demand occurring in the
13 last 12 months including the current month or B, the minimum
14 demand. And then there is an exception for the church and
15 school rate. So that's not going to hop in. There's a
16 provision for on peak demand. Okay. I apologize.

17 Some of the utilities have this a little bit
18 different, but it looks like for Evergy it may just be the
19 highest maximum demand in the prior 12 months or the minimum
20 demand. And I am looking on sheet MOPSC Number 7, second
21 revised sheet, 10B, which I believe is among the packet that you
22 requested from Mr. Steiner this morning.

23 Q. Okay. If the Commission approves any part of
24 the rebate programs, would it be appropriate for the Commission
25 to impose an evaluation measurement and verification, and EM&V

1 requirement similar to the Kansas stipulation, if you are aware
2 or if you are able to answer that question?

3 A. I can't speak to exactly what was done in
4 Kansas. I can say that EM&V in general -- as we've learned more
5 about what is the evaluated, measured, and verified is somewhat
6 disappointing in that it is seldom as rigorous as it sounds, so
7 it's easy to throw a lot of money at EM&V and not really be any
8 more knowledgeable than you were before it. So I think that we
9 would need to see what the specific EM&V proposal is before we
10 could say that is a good idea or not a good idea to expend those
11 funds.

12 Q. Okay. I am going to back up. I asked and you
13 answered my question, can you explain what the, quote, facility
14 demand charge is and you gave me an answer. I want to follow up
15 with that question or on that question. Can you speak to how
16 that's different from a demand charge? And I distinguish
17 between quote, facility demand charge and, quote, demand charge
18 and how that -- can you address that?

19 A. I can. So a demand charge is going to be based
20 on the highest 15 minutes of use during that month and a
21 facilities charge, depending on how you calculate it, is
22 typically during the year typically looking -- or I shouldn't
23 say typically -- some facilities charges are targeted toward
24 on-peak usage during months with potential for being causative
25 of a system peak. So a facilities charge tends to be an annual

1 number and a monthly demand charge or maximum demand charge
2 tends to be a monthly number, but you can have different designs
3 of each whether you're capturing on-peak usage or some utilities
4 will say something like the higher of the on-peak usage or 50
5 percent of the off-peak usage. There's different formulas in
6 use by different facilities and there is some flexibility in how
7 you want to structure that if you were designing a new tariff.

8 Q. Okay. One final question for you. How --
9 (audio cut out) removal of a demand charge while maintaining the
10 facility charge incentivized managed charging? Do have an
11 answer for that opinion?

12 A. Yeah. I'm struggling with the way to even begin
13 to make it brief and I know my answers haven't been brief. This
14 actually relates back to the hours use question I was discussing
15 with Mr. Fischer as well. So when you have a demand charge that
16 is trying to allocate generation and transmission capacity
17 related costs to a customer, if that customer is using at a time
18 that is not causative of those costs, it's going to over
19 allocate those costs to that customer. So what you can end up
20 with -- and especially this is compounded by hours use which
21 effectively distills the demand charge back to the energy
22 billing as well.

23 What you can end up with is a customer is going
24 to pay a lot, no matter when they use the energy, so they may as
25 well use the energy whenever they would like. You could remove

1 the demand charge in a way that would, I guess, remove too much
2 of those costs from allocation of that customer. It really gets
3 down to how you want to design that rate, how you want to
4 structure that rate, and how you want to bill across customer
5 classes. So just removing a charge is necessarily going to
6 cause customers to pay less but it's how you reallocate that
7 charge to what you are require covering those charges from.
8 Robin did a deep dive on how exactly they did that. I'm sorry.
9 Ms. Robin Kliethermes did a deep dive on how exactly Evergy
10 proposed to do that in their rate tariffs that are part of this
11 case. So she may be able to answer more specific questions if
12 you have it as it pertains to those rate tariffs themselves.

13 JUDGE GRAHAM: Okay. Now, on the basis of the
14 questions to Ms. Lange, is there any recross of this witness?
15 And I may have a couple of more questions for this witness. At
16 this time, I would like to hand the witness back to the parties
17 for possible recross. Have I lost everybody except Ms. Lange?

18 MR. WOODSMALL: We're here. No questions, Your
19 Honor.

20 MR. CLIZER: No, Your Honor.

21 JUDGE GRAHAM: No cross from anybody? Okay. Is
22 there redirect for this witness?

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

24 JUDGE GRAHAM: You may proceed.

25 MS. MERS: All right.

1 JUDGE GRAHAM: There is the echo of my own voice
2 like I have a second mic open or something.

3 MS. MERS: I'm sorry, Your Honor. I didn't hear
4 the echo.

5 JUDGE GRAHAM: Okay. Well, I don't hear it now,
6 so I think we're fine.

7 MS. MERS: Okay. Well, that's good. And this
8 is Nicole Mers for Staff to reintroduce myself for the record.

9 REDIRECT EXAMINATION BY MS. MERS:

10 Q. Ms. Lange, I'm going to try to take you
11 back to the beginning when you were discussing with counsel for
12 OPC. Do you recall a conversation you had about Mr. Caisley's
13 testimony on Page 20 about demand-side management and
14 transportation electrification could be symbiotic and not
15 oppositional?

16 A. Yes, generally.

17 Q. Could you explain how you believe those could be
18 aligned?

19 A. Well, those could be aligned if you integrated
20 some, you know, kind of basic load management techniques. You
21 know, if you're looking at doing critical peak pricing that is a
22 way to avoid causative transmission and generation costs. But
23 it may not be a way to avoid causative distribution costs. If
24 you're looking at off-peak charging or super off-peak rate or,
25 you know, incentives for allowing the utility to maybe push

1 energy into your battery and take energy out at a very high
2 level of development, you know, you're looking at ways that
3 you're able to spread existing distribution costs over a greater
4 number as well as existing transmission and generator generation
5 costs over a greater number of kilowatt hours. But it all has
6 to be very mindful of what costs you may be causing and what
7 costs you may be avoiding and done with an understanding that
8 sometimes the cost is imposing an additional cost is greater
9 than the cost of avoiding that margin and that's sometimes
10 called the shadow price versus the marginal price.

11 Q. And you were also asked by counsel for OPC about
12 Mr. Caisley's testimony on the record yesterday. He asked if
13 you had heard Mr. Caisley statement about -- a question about
14 concerns about additions to peak that his response was the
15 amount of charging induced would be too small that there wasn't
16 a large probability of it causing negative cost impacts. Do you
17 recall that testimony and that line of questioning?

18 A. Generally, yes.

19 Q. Okay. Can you explain how the same small amount
20 of charging that if added to peak would not cause negative cost
21 impacts, if subtracted from peak conversely would cause the
22 large benefit as Evergy is claiming?

23 A. I don't understand that assertion to the extent
24 it appears that Evergy is making that assertion. In fact, I
25 would expect it to be the opposite. Generally, adding demand is

1 going to give you the potential for additional distribution
2 facility, additional transmission facilities, and additional
3 generation requirements whereas removing that demand will not
4 necessarily cause you to go out and dig up distribution lines or
5 do other things to peel down that invested cost.

6 Q. Okay. Could you explain why -- I guess,
7 basically, just why you wouldn't agree that the program is
8 designed to not add to peak?

9 A. The program is not designed to not add to peak.
10 The program just says here is some money, you know, go install,
11 you know, 240 plugs, 220 plugs, or go install charging
12 infrastructure. It doesn't address management except in some
13 very vague references and testimony to education that we haven't
14 seen yet and that presumably could be done outside of the
15 program.

16 Q. Thank you for clarifying. I did misspeak when I
17 said adding to peak. I'm sorry. Is somebody else speaking?
18 Okay. You were also asked by Mr. Clizer about education methods
19 to produce results. Have you been part of Evergy's time of use
20 pilot stakeholder meetings?

21 A. I have been in attendance at them.

22 Q. Could you explain your takeaways of the findings
23 regarding EV drivers and education?

24 A. My understanding is that Evergy said that EV
25 drivers have not been responsive to their attempts to manage

1 usage.

2 Q. Okay. And you were also asked if you had seen
3 any education materials and I believe you said no. To confirm,
4 there's been nothing you've seen explaining how the education
5 and findings in that case have been used in this case?

6 A. Correct. In fact, during the technical
7 conferences when I questioned the person that Evergy had
8 identified as their education, you know, expert, or the person
9 who would be responsible for developing the education, my
10 understanding was they said they had nothing at this point and
11 they would develop it at some point to be determined after
12 approval.

13 Q. Okay. And you were also asked by Mr. Clizer
14 about Mr. Nelson's, Evergy's witness, surrebuttal testimony
15 where he discusses your load shapes. Do you recall that
16 conversation?

17 A. I do.

18 Q. Can you explain how you developed your load
19 shapes and how you supported them?

20 A. I took -- and I think I mentioned this in the
21 report, although I think Evergy witness states that I don't, I
22 simply took their load shape -- I should say Evergy's load
23 shape, which they presented as their own managed charging
24 scenario, and I took the load of the EV that they were using. I
25 did adjust it as they did to have more energy in there for Level

1 1 charging and less energy in there for Level 2 charging. I set
2 up caps for either the -- I think it's 6.6 KW per hour that they
3 talk about in model or the more unlimited charging that is
4 actually what their tariff addresses and I put that energy
5 requirement into their load shape with the cap of either 6.6 KW
6 or I think I put in 19 KW as is consistent with their model and
7 I think as is consistent with I believe it was Mr. Voris's
8 testimony today that left their own customers come home and plug
9 in around 5:00 or 6:00 which the Commissioner astutely noted is
10 consistent with the time of Evergy's peak which we often see in
11 the five o'clock, six o'clock and seven o'clock hours of the
12 evening.

13 Q. So you actually were more favorable in accepting
14 some of the assumptions Evergy made because -- can you explain
15 what actual variations in charging demand could occur under
16 their program?

17 A. Well, sure. Their program doesn't include any
18 limitation on Level 2 charging. And, I believe, their tariff
19 and certainly the general industry literature describes Level 2
20 charging as up to, I believe 20 KW, 19.9 KW maybe. But at any
21 rate -- actually their rate -- at that rate that is far in
22 excess of what they've modeled which is in the more modest, kind
23 of, 6 to 7 KW range, I think.

24 Q. Okay. Now turning to your conversations with
25 Evergy's counsel, Mr. Fischer. One of the things he asked you

1 was to define range anxiety. And in your response you mentioned
2 that there are nuances that need to be considered when you are
3 evaluating the impacts of ranges anxiety. Could you elaborate
4 on what those nuances are?

5 A. I think it just depends on the specific
6 discussion that is at hand. You know, I think that the range
7 anxiety that you may have from a small-scale, you know, suburban
8 driver of an EV who is using it to commute to work are going to
9 be different than the sort of considerations you are going to
10 have an a delivery fleet or, you know, taking a use case of
11 something like a home health agency or a delivery entity or, you
12 know, a kind of -- I forget what the popular term is now -- a
13 gig worker who might be working for, you know, doing driving on
14 behalf of Uber or, you know, delivering food or something like
15 that. I think that each of those use cases have a very
16 different application of range anxiety and especially when you
17 get into, you know, larger more sophisticated commercial
18 customer or the customer.

19 You know, I think that what their concerns are
20 very different and frankly whether if it is a one vehicle or two
21 vehicle household is very different. You know, we've thought
22 about an EV purchase, that certainly would make sense for our
23 daily commute and I think we often get ripped about at work. We
24 have a number of very old, very dirty industrial -- ice vehicles
25 that we can rely on on the weekends or longer trips if they were

1 needed. So I think that, you know, what you are trying to
2 target, whether it is a suburban single vehicle consumer versus,
3 you know, every electric vehicle potential owner in the world,
4 you know, I think that those universes cause the discussion
5 around range anxiety to look different.

6 Q. Okay. And then we kind of devolved into some
7 confusion about Staff's report and how it might have been
8 structured and written. So just to clarify for the record, the
9 first five pages are simply a summary of the entirety of the
10 105-page report, not any particular staff person's view, just
11 someone needed to write it. Is that your understanding of how
12 that summary came about?

13 A. Yeah. And I don't necessarily disagree with
14 anything in there. Nothing comes to mind that I disagree with,
15 but I was -- I was frankly confused by Mr. Fischer's questioning
16 as to whether there was something more significant to authorship
17 than what I am familiar with, as to what he was asking.

18 Q. Okay. And you were also asked by Mr. Fischer
19 about the bill impacts that Mr. Ives provided in testimony. Do
20 you recall that conversation?

21 A. Yes. They're wildly unreliable.

22 Q. Okay. That was my first question. You got that
23 out of the way. Do you have a figure you would believe that
24 would be a more appropriate bill impact?

25 A. I don't have that math done, but I think the

1 first mistake he makes is to apply these is a dollar per KWH
2 figure. In my experience these sort of rebates are almost never
3 allocated on energy and certainly any of the infrastructure
4 costs they cause are going to be, you know, part of the
5 distribution system. So where the rebates themselves go, you
6 know -- if the Company wants to commit to doing that on energy
7 that's one thing, but that is not what I would expect. But as
8 far as the costs that they are going to cause, you know, the
9 line extensions that they'll cause, the, you know, 30 to 50 --
10 or 30 to 50,000 per site distribution costs, you know, those are
11 going to be part of the distribution system. The distribution
12 system in Evergy's cases is -- I shouldn't say
13 disproportionately because it's, you know, based on a
14 calculation but it is allocated more to the residential and SGS
15 classes than not and so I would expect that residential
16 customers would bear disproportionate amount of that and SGS
17 customers would bear disproportionate amount of that total
18 expenditure and especially as the, kind of, the unbudgeted
19 external cost of line extensions and distribution infrastructure
20 are factored in.

21 And then of course any causative costs to
22 growing peak again are largely -- I shouldn't say largely, those
23 tend to be allocated in the absence of a specific EV charging
24 classes, those tend to be allocated to lower load factor
25 customers such as residential and SGS. So again, I would expect

1 them to pick up a disproportionate share of those costs as well.
2 So at this time, I don't know what the impact would be. In
3 large part, it would depend to the extent which that \$20 million
4 -- or that \$12 million actually becomes more like 20 million or
5 30 million once distribution costs and other supportive
6 infrastructure and additional capacity and transmission costs
7 are accounted for.

8 Q. Okay. And I believe another conversation you
9 had with Mr. Fischer was about time of use rates. And if we
10 were -- I don't believe hours of use rates came up. Would Staff
11 be opposed to an EV time of use rate or any of the ones
12 mentioned by Counsel if they had been proposed in the upcoming
13 rate case?

14 A. You know, it depends on the justification for
15 those. I think Robin Kliethermes can go into pretty good detail
16 about how the assumptions that underlie the rates they've
17 developed aren't terribly reasonable. She might characterize
18 them as more unreasonable. You know, in a rate case is the
19 place to look at rates. It's right there in the name, if you
20 will. But yeah, I mean, on time of use in general I think Staff
21 is, you know, very interested in mandatory time of use for all
22 customers to get that cost alignment out there and improving
23 from where it is today. And I think that a targeted rate to
24 maybe induce greater off-peak charging or maybe pushed down
25 against the building of on-peak charging, you know, bearing in

1 mind that we have the laundry line of cases that prohibit
2 end-use ratemaking or I should say specific end-use rates, you
3 know, bearing that in mind, yeah. We would be very interested
4 in kind of refining the rate offerings to help shape that load
5 in a way that is less cost causative and to greater align it
6 with cost causation.

7 Q. Okay. And you were also asked by Mr. Fischer
8 about Mr. Caisley's surrebuttal and about the many states that
9 have EV programs. Do recall that conversation?

10 A. I do.

11 Q. And were you here for the testimony of NRDC and
12 Sierra Club's witness this morning?

13 A. A lot of it. I don't know if I caught it all.

14 Q. Okay. Did you catch the portion where he
15 mentioned time of use as a industry best practice?

16 A. Yeah.

17 Q. Would you agree with that?

18 A. Oh, absolutely.

19 Q. Okay.

20 A. For EV -- it is exactly as it was termed as
21 Chairman Silvey said, if you're going to be putting these
22 dollars out there, you know, to say, hey if you want this
23 incentive you have to agree to this, you know, shaped rate,
24 that's just basic.

25 Q. Okay.

1 MS. MERS: Your Honor, that's all the questions
2 I have, but I would like to ask if we could take official notice
3 of the report and order that Mr. Fischer was referencing.
4 Unfortunately, I am not sure if the whole case number was
5 mentioned or perhaps I just didn't hear it. I caught that it
6 was 2015 but just for context I think having that whole report
7 and order taken notice of would be helpful.

8 JUDGE GRAHAM: Well, first of all let's inquire.
9 Are there objections to taking official notice of the entire
10 report and order even though I don't think we can cite a case
11 number at this point? But just the notion of taking official
12 notice of an entire report and order, are there objections to
13 that?

14 MR. WOODSMALL: Your Honor, if it helps, this
15 David Woodsmall, the case number is ER-2016-0285.

16 JUDGE GRAHAM: Thank you, Mr. Woodsmall. Now,
17 we have a case number. Are there objections to officially
18 noticing the entire report and order?

19 MR. FISCHER: Judge, this is Jim Fischer.

20 JUDGE GRAHAM: Go ahead, Mr. Fischer.

21 MR. FISCHER: I was actually quoting from -- we
22 called it the 2015 rate case. It was actually -- the case
23 number was ER-2014-0370. It was dated September 2nd, 2015.
24 That was Page 75 is where the quote that I talked with the Staff
25 witness about. So I don't have any objecting to taking the

1 official notice of that whole report and order or just the part
2 on the Clean Charge Network for that matter.

3 MR. WOODSMALL: I'm sorry, Your Honor. 2016 was
4 incorrect. My apologies.

5 JUDGE GRAHAM: That's fine. That's fine. In
6 any event, I'm going to take that request under advisement
7 because of the idea that we are being asked to officially notice
8 an entire report and order. I'm just not going to rule on that
9 now.

10 MS. MERS: Judge, if it helps, I am fine with
11 Mr. Fischer's suggestion of just taking the portion involved of
12 the charging stations as the only portion that we take official
13 notice of. I think that that would provide the context needed.
14 I'm not sure the rulings on other issues would be helpful. But
15 as long as the entirety of the findings of fact and discussion
16 on the Clean Charge Network can be referenced, you know, I can
17 agree to that.

18 JUDGE GRAHAM: Well, that is --

19 MR. FISCHER: I believe those --

20 JUDGE GRAHAM: Go ahead, Mr. Fischer.

21 MR. FISCHER: I was just going to give you the
22 page numbers, Judge, for that. The findings of fact related to
23 the Clean Charge Network in that report and order started on
24 Page 74 and they go through the middle of Page 76.

25 JUDGE GRAHAM: And that's what the parties are

1 asking the Commission to take official notice of? Just those
2 portions?

3 MS. MERS: Staff --

4 MR. FISCHER: I wouldn't have objection to that.

5 MS. MERS: Yes.

6 JUDGE GRAHAM: I'm sorry?

7 MS. MERS: Yes, Staff can agree to limit it to
8 that portion.

9 JUDGE GRAHAM: Okay. Without tipping my hand,
10 I'm still going to say that I will take that under advisement.
11 But thank you very much for limiting the request. All right.

12 So we are done with this witness? Shall we --
13 now, before we go on I'm gonna take a five-minute break here
14 before we pick up with who I believe is the next witness Claire
15 Eubanks. But I want to know how many -- I show that we've got
16 five witnesses to go. How long -- does anybody have an
17 objection -- let me go this way first.

18 Does anyone have an objection to going on for as
19 long as it takes in getting this done tonight?

20 MR. CLIZER: Your Honor, as much as I hate to
21 say it, I believe that my witness might have to attend to family
22 business.

23 JUDGE GRAHAM: And that is Mr. Clizer?

24 MR. CLIZER: This is Clizer with OPC. I
25 apologize. Clizer from OPC.

1 JUDGE GRAHAM: Do you have any sense of how long
2 his testimony will be, Mr. Clizer?

3 MR. CLIZER: Well, the offering of his testimony
4 -- the direct portion will be relatively short. It will be the
5 other parties who determined the length of cross.

6 JUDGE GRAHAM: Mr. Fischer, I'm sure you looked
7 at his testimony. Well, let me cut to the chase. Is there an
8 objection to taking him out of order and taking OPC's witness
9 right now? And that question is first of all for you,
10 Mr. Clizer.

11 MR. CLIZER: I have no objection -- I apologize.
12 I did not mean to speak over you. The OPC does not object to
13 taking Dr. Marke out of order.

14 JUDGE GRAHAM: What about other parties?

15 MR. WOODSMALL: No objection.

16 MR. FISCHER: Everyy has no --

17 JUDGE GRAHAM: Anyone --

18 MR. FISCHER: Everyy has no objection, Judge.

19 MS. MERS: You know, I think that we could take
20 him before most of our other witnesses, but I do believe that
21 Claire Eubanks does also have conflicts. So I'm not sure we
22 could agree to have him go before her, unfortunately. Sorry to
23 be difficult.

24 JUDGE CLARK: Okay.

25 MR. FISCHER: Judge, Everyy can waive on Claire

1 Eubanks if that helps, too.

2 JUDGE GRAHAM: You mean waive cross?

3 MR. FISCHER: Yes.

4 JUDGE GRAHAM: Mr. Fischer, did I understand you
5 therefore to mean that you would waive cross on Mr. Marke? You
6 didn't say that, did you?

7 MR. FISCHER: I did not say that. I said I
8 would waive cross on Claire Eubanks.

9 JUDGE CLARK: That's what I -- all I heard was
10 the word "too" waive on her "too" and I thought --

11 MR. FISCHER: I'm sorry.

12 JUDGE CLARK: Okay. Well, let's take a
13 five-minute break. And I'll tell you what, Staff and OPC can
14 confer on the question of who goes first, Ms. Eubanks or
15 Mr. Marke. And then we'll see what we've got on that. Why
16 don't we come back, let's take a ten-minute break. Why don't
17 you be back here at 4:17.

18 MR. FISCHER: Judge?

19 JUDGE GRAHAM: Is somebody trying to say
20 something to me?

21 MR. FISCHER: Judge, before -- yes. I'm sorry,
22 Judge.

23 JUDGE GRAHAM: Go ahead.

24 MR. FISCHER: I was talking over you. I wanted
25 to just mention one other item. We've had quite a bit of

1 discussion about the Kansas stipulation and agreement, which was
2 marked I think as 2003 (sic). There was a subsequent part of
3 that stipulation was that the Company was to supply additional
4 detail to the staff regarding the breakdown of items contained
5 in their marketing and customer education budget. That -- there
6 was a subsequent filing then that became a part of that and I
7 wanted to -- to make sure the record was complete, I was going
8 to ask that that subsequent filing that became part of the
9 agreement, basically, be admitted. And it was circulated to the
10 other parties as Exhibit 8.

11 And I was just going ask if that be entered into
12 the record. And if anybody had questions about it we could take
13 it as the hearing goes along.

14 (WHEREIN; Everyg Exhibit 8 was offered into
15 evidence.)

16 JUDGE GRAHAM: Why don't we take that up after
17 the break. Let's take a break.

18 MR. FISCHER: Okay. Thank you.

19 JUDGE GRAHAM: Why don't we be back here at
20 4:20. Okay. We're off the record.

21 (OFF THE RECORD.)

22 JUDGE GRAHAM: -- for all of the parties in
23 question, so we are going to adjourn today. We've got court
24 reporter issues that are ongoing. Tomorrow is not an option.
25 It may not have been an option for anybody else either, but we

1 are going to make this a stopping point and the Commission will
2 issue some orders and we'll see about getting a third day
3 scheduled on this ASAP. Are there any other matters, though
4 that need to be cleaned up before we leave today with respect to
5 exhibits? I might as well ask folks to do an inventory. Has
6 everyone offered at this point all of the exhibits that they
7 intended to be offered here? Is there anything we can clean up
8 in that regard?

9 MS. CARTER: Judge, this is Diana Carter with
10 Empire. My comments actually have nothing to do with exhibits.
11 Just related to what you said about tomorrow not being a good
12 day in case it is about the fact that we have -- that there is
13 and Empire complaint case hearing. To my knowledge there are
14 only two or three witnesses in that case and so it should be
15 done -- it should be done in the morning if that was the issue.

16 JUDGE GRAHAM: It was not, but it is good to
17 suddenly hear from you. I thought I had excused your
18 appearance. Have you been present the entire hearing?

19 MS. CARTER: I have been present the entire time
20 but my presence was excused because I didn't want you to have
21 asked me each time about cross. I didn't have cross for anyone.

22 JUDGE CLARK: Okay. We've had unexcused
23 presence through the whole time, or an excuse presence. Thank
24 you very much. No. In seriousness Ms. Carter, your case or the
25 case of Empire is not the issue.

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Anything else that I can take up at this time before I let you go and adjourn? All right. With that, we are adjourned and we'll issue an order and get this thing back on track ASAP. Thank you very much for your work today and yesterday. Bye bye.

(OFF THE RECORD.)

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CERTIFICATE OF REPORTER

I, Lisa M. Banks, CCR within and for the State of Missouri, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn by me; that the testimony of said witness was taken by me to the best of my ability and thereafter reduced to typewriting under my direction; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken, and further, that I am not a relative or employee of any attorney or counsel employed by the parties thereto, nor financially or otherwise interested in the outcome of the action.



Lisa M. Banks, CCR No. 1081

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