

BEFORE THE PUBLIC SERVICE COMMISSION OF THE
STATE OF MISSOURI

In the Matter of the)
Application of Evergy Metro,)
Inc. d/b/a Evergy Missouri)
Metro and Evergy Missouri)
West, Inc. d/b/a Evergy)
Missouri West for Approval)
of New and Modified Tariffs)
for Service to Large Load) File No. EO-2025-0154
Customers)

Evidentiary Hearing

October 1, 2025
9:00 a.m.

Governor Office Building
200 Madison Street
Jefferson City, MO 65101

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A P P E A R A N C E S

Judge:

Regulatory Law Judge Karolin Walker

Commission:

Kayla Hahn, Chair

Maida J. Coleman, Commissioner

Glen Kolkmeyer, Commissioner

John P. Mitchell, Commissioner

Staff:

Travis Pringle

Alexandra Klaus

Andrea Hansen

OPC:

John Clizer

Evergy Missouri:

Cole Bailey

James Fischer

Chandler Hiatt

Jacqueline Whipple

Ameren Missouri:

James Lowery

Wendy Tatro

Google:

Andrew Schulte

Renew Missouri:

Nicole Mers

A P P E A R A N C E S (cont.)

Sierra Club:

Bruce Morrison

Data Center Coalition:

Nikhil Vijaykar
Alyssa Greenwald

Velvet Tech Services, LLC

Stephanie Bell

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* * * * *

(Starting time of the hearing: 9:02 a.m.)

JUDGE WALKER: Let's go on the record.
Good morning. I'm glad to see you again. It's
September -- no, it's October 1st, 2025. Our
court reporter is Colin. He is here with
us today.

We're here in the matter of the
application of Evergy Metro Inc. doing business
as Evergy Missouri Metro and Evergy Missouri
West, Incorporated, doing business as Evergy
Missouri West for Approval of New and Modified
Tariffs for Service to Large Load Customers,
and the case number is EO-2025-0154.

My name is Karolin Walker, and I'm the
regulatory law judge presiding over the
hearing. To my right is Commissioner Coleman,
who is joining us in person today. Other
commissioners will be joining us both in person
and online throughout the day. Commissioner
Mitchell is online at the moment.

COMMISSIONER MITCHELL: Yes, good morning,
Judge.

JUDGE WALKER: Good morning. Please --
please silence any cell phones or electronic

1 devices. Are there any preliminary matters
2 anyone needs to discuss? Okay, we'll go ahead
3 and get started. The last witness was Brad
4 Fortson for Staff, and I have the next witness
5 as Amanda.

6 MS. KLAUS: Yes, thank you, Judge. Staff
7 calls Amanda Arandia.

8 (Amanda Arandia sworn.)

9 JUDGE WALKER: Direct examination.

10 DIRECT EXAMINATION OF AMANDA ARANDIA:

11 BY MS. KLAUS:

12 Q Good morning.

13 A Good morning.

14 Q Can you please state and spell your name
15 for the record, please?

16 A Amanda Arandia, A-m-a-n-d-a. Arandia,
17 A-r-a-n-d-i-a.

18 Q By whom are you employed and in what
19 capacity?

20 A Missouri Public Service Commission
21 associate engineer in the Engineering Analysis
22 Department.

23 Q Are you the same Amanda Arandia who
24 contributed the staff recommendation rebuttal report
25 in this case, marked as Staff Exhibit 201?

1 A Yes.

2 Q Are you the same Amanda Arandia who filed
3 surrebuttal testimony in this case marked as Staff
4 Exhibit 203?

5 A Yes.

6 Q Do you have any changes or corrections to
7 your portion of the staff recommendation or
8 surrebuttal testimony in this case?

9 A No.

10 Q If I asked you about the topics in your
11 portion and the same questions in your surrebuttal
12 testimony, would your answers or information be the
13 same or substantially similar to that contained in
14 your portion of the Staff Recommendation and
15 Surrebuttal Testimony?

16 A Yes.

17 Q The information in your portions and
18 surrebuttal is true and accurate to your knowledge
19 and belief?

20 A Yes.

21 Q Judge, we'll offer the Staff
22 Recommendation with our last witness, but I offer
23 the Surrebuttal Testimony of Amanda Arandia marked
24 as Exhibit 203.

25 JUDGE WALKER: Any objections? Hearing

1 none, the testimony will be admitted.
2 (Exhibit 203 marked and admitted onto the hearing
3 record.)

4 MS. KLAUS: Thank you. I tender this
5 witness for cross-examination.

6 JUDGE WALKER: Okay, cross-examination.
7 Office of Public Counsel?

8 MR. CLIZER: Yes, hopefully very briefly.

9 CROSS-EXAMINATION

10 BY MR. CLIZER:

11 Q Good morning.

12 A Good morning.

13 Q Yesterday, there was a conversation
14 between Mr. Lutz on behalf of Evergy and the Chair
15 regarding the renewable energy programs that the
16 company is putting forward as a part of tariff. And
17 at the time, something was said which I thought
18 potentially confused me, and I wished I had asked
19 Mr. Lutz, but I'm just going to ask you instead,
20 maybe help clear up that confusion. There were at
21 least two tariffs that sort -- at least two, that
22 deal with renewals. There's the Renewable Energy
23 Program Rider, which I think is what they're calling
24 Renew, and the Green Solutions Rider. Are you
25 familiar with those two?

1 A Yes.

2 Q Now, the Renewable Energy Rider, that
3 definitely deals with the sale of RECs, which are
4 Renewable Energy Credits for the record; correct?

5 A Correct.

6 Q And I guess the point I got confused on,
7 the second one, the Green Solutions Rider. This is
8 the one that allows a customer to voluntarily
9 subscribe to renewable generation programs; is that
10 right?

11 A Not entirely. It's still yet just another
12 REC sales program. They're just subscribing to it.

13 Q Okay, so it is just another REC sales
14 program?

15 A Yes.

16 Q All right, that I -- I must misunderstood
17 myself then. That's fine. That was it. That was
18 my question. Thank you.

19 JUDGE WALKER: Nucor Steel? So, we have
20 no one here from Nucor Steel here today?
21 Velvet Tech Services?

22 MS. BELL: No questions, Your Honor.

23 JUDGE WALKER: Data Center Coalition?

24 MR. VIJAYKAR: No questions from DCC, Your
25 Honor.

1 JUDGE WALKER: Google?

2 MR. SCHULTE: No questions, thank you,
3 Judge.

4 JUDGE WALKER: Sierra Club?

5 MR. MORRISON: No questions, Judge, thank
6 you.

7 JUDGE WALKER: Renew Missouri?

8 MS. MERS: No questions, thank you.

9 JUDGE WALKER: Ameren Missouri?

10 MR. LOWERY: No question, thank you,
11 Judge.

12 JUDGE WALKER: Evergy?

13 MR. HIATT: No questions, Your Honor.

14 JUDGE WALKER: Are there Commission
15 questions? Hearing none, Redirect?

16 REDIRECT EXAMINATION

17 BY MS. KLAUS:

18 Q Briefly, thank you. Good morning again.

19 A Good morning.

20 Q You were asked some questions by OPC
21 regarding the Green Solutions Program. Do you
22 recall that?

23 A Yes, I do.

24 Q Did you ask any data request regarding
25 this program in connection with this case?

1 A I asked a number of data requests.

2 Q Were they specific to the Green Solution
3 program?

4 MR. HIATT: Objection, this is beyond the
5 scope.

6 JUDGE WALKER: Can you state the question
7 again, please?

8 MS. KLAUS: I was asking if she had asked
9 for more information regarding these programs?

10 THE WITNESS: Yes.

11 JUDGE WALKER: I'm going to overrule the
12 objection.

13 QUESTIONS BY MS. KLAUS:

14 Q Would DR-73 and DR-74 sound right?

15 A Yes.

16 Q And would DR-73 have stated that the same
17 resources be used for EMM as were approved in
18 EMW-CNN -- CCN case, excuse me.

19 A For the Green Solution Connection Program?

20 Q Yes.

21 A Yes.

22 Q In there, in the EMW-CCN case. I believe
23 Ms. Winslow responded, stating the program will
24 first be open to EMW customers, and then if not
25 fully subscribed after 30 days, the unsubscribed

1 portion would be open to EMM customers.

2 MR. HIATT: Objection, this is leading.

3 (Court reporter clarification.)

4 MR. HIATT: Sorry, my name is Chandler
5 Hiatt, C-h-a-n-d-l-e-r, H-i-a-t-t.

6 JUDGE WALKER: Can you please rephrase?

7 MS. KLAUS: Happy to, thank you.

8 QUESTIONS BY MS. KLAUS:

9 Q How did Ms. Winslow describe the program's
10 subscription for EMW?

11 A Are we talking about DR-74 specifically?

12 Q 73, I think.

13 A 73, okay. I have it with me.

14 Q Judge, I do note if we're going to be
15 discussing the content of these DRs, they are marked
16 by the company as confidential.

17 JUDGE WALKER: Okay. We will go in camera
18 for the confidential portion of the testimony.

19 THE WITNESS: Am I okay to respond now?

20 JUDGE WALKER: Yes.

21 MS. KLAUS: No.

22 JUDGE WALKER: Wait a second. Brian will
23 let us know when he is ready. All right.

24 (In camera testimony.)

25 JUDGE WALKER: Is -- are there any

1 objections to excusing this witness? Okay, you
2 may be excused.

3 THE WITNESS: Thank you.

4 JUDGE WALKER: Call your next witness.

5 MS. KLAUS: Judge, Staff's next witness is
6 Brodrick Niemeier, and we will be playing a
7 little bit of attorney musical chairs as Mr.
8 Niemeier comes up to the stand.

9 JUDGE WALKER: We're bringing in the
10 people who left the room for the confidential
11 portion of the hearing. And then we will
12 continue. All right.

13 DIRECT EXAMINATION OF BRODRICK NIEMEIER
14 BY MS. HANSEN

15 Q Good morning, Mr. Niemeier.

16 A Good morning.

17 Q Good morning, Mr. Niemeier.

18 A Good morning.

19 Q Can you please state and spell your name
20 for the record?

21 A Brodrick Niemeier, B-r-o-d-r-i-c-k,
22 N-i-e-m-e-i-e-r.

23 Q By whom are you employed and in what
24 capacity?

25 A I am an associate engineer for the staff

1 of the Missouri Public Service Commission.

2 Q Did you contribute to the Staff
3 Recommendation in this case?

4 A Yes.

5 Q Then did you also prepare a surrebuttal
6 testimony in this case, which has been previously
7 marked as Exhibit 204?

8 A Yes.

9 Q At this time, do you have any corrections
10 to make to your portions of the Staff Recommendation
11 or the Surrebuttal Testimony?

12 A No.

13 Q If I asked you the same questions today
14 within your portions of the Staff Recommendation or
15 the rebuttal -- or your surrebuttal testimony, would
16 your answer be the same or substantially similar?

17 A Yes.

18 Q Are those answers true and correct to the
19 best of your knowledge and belief?

20 A Yes.

21 Q Thank you. At this time, I offer Exhibit
22 204, the public version into the record, and as my
23 colleague said the Staff Report will be offered at a
24 later time.

25 JUDGE WALKER: Do you have a title for

1 this exhibit?

2 MS. HANSEN: It's going to be --

3 JUDGE WALKER: Is it the surrebuttal --

4 MS. HANSEN: Yes, the surrebuttal --

5 JUDGE WALKER: -- of Mr. Niemeier?

6 MS. HANSEN: Yes.

7 JUDGE WALKER: Okay. Are there any
8 objections to the admission of this exhibit?
9 Hearing none, it will be admitted.

10 (Staff Exhibit 204 marked and admitted.)

11 MS. HANSEN: Thank you, Judge. I tender
12 Mr. Niemeier for Cross-examination.

13 JUDGE WALKER: Office of Public Counsel?

14 MR. CLIZER: No questions, thank you.

15 JUDGE WALKER: Velvet Tech Services?

16 MS. BELL: No questions, Your Honor.

17 JUDGE WALKER: Data Center Coalition?

18 MR. VIJAYKAR: No questions, thank you,
19 Your Honor.

20 JUDGE WALKER: Google?

21 MR. SCHULTE: No questions, thank you.

22 JUDGE WALKER: Sierra Club.

23 MR. MORRISON: No questions, thank you.

24 JUDGE WALKER: Renew Missouri?

25 MS. MERS: No questions, thank you.

1 JUDGE WALKER: Ameren Missouri?

2 MR. LOWERY: No, thank you, Your Honor.

3 JUDGE WALKER: Evergy?

4 MS. WHIPPLE: No, thank you.

5 JUDGE WALKER: Redirect? Oh, commission,
6 do you have any questions? There are no
7 commissioner questions.

8 MS. HANSEN: No redirect, thank you.

9 JUDGE WALKER: Does anyone have an
10 objection to this witness being excused? All
11 right, thank you. You may be excused. Please
12 call your next witness.

13 MS. HANSEN: Staff next calls Ms. Claire
14 Eubanks. And my understanding is we're going
15 to be doing a little bit more shuffling.

16 (Claire Eubanks sworn.)

17 JUDGE WALKER: Direct examination?

18 DIRECT EXAMINATION

19 BY MR. PRINGLE:

20 Q Thank you, Judge. Good morning,
21 Ms. Eubanks.

22 A Good morning.

23 Q Can you please state and spell your name
24 for the record?

25 A Claire Eubanks, C-l-a-i-r-e,

1 E-u-b-a-n-k-s.

2 Q And by whom are you employed and in what
3 capacity?

4 A I manage the Engineering Analysis
5 Department and the Industrial Analysis Division for
6 commission staff.

7 Q Are you the same Claire Eubanks who
8 contributed to the Staff Recommendation Rebuttal
9 Report, which has been previously marked as Staff
10 Exhibit 201?

11 A Yes.

12 Q And are you the same Claire Eubanks who
13 also sponsored the surrebuttal testimony, which has
14 been premarked as Staff Exhibit 205?

15 A Yes.

16 Q If I were to ask you the questions within
17 your surrebuttal testimony or ask you questions
18 about your contributions to the Staff Report, would
19 your answers or contribution be the same or
20 substantially similar as they are?

21 A Yes.

22 Q And do you have any additions or
23 corrections to make to either Exhibit 201 or Exhibit
24 205 at this time?

25 A Not at this time, no.

1 Q And is the information that you
2 contributed to Staff Exhibit 201, as well as your
3 surrebuttal testimony in Exhibit 205, true and
4 correct to the best of your belief and knowledge?

5 A Yes.

6 Q Thank you. Ms. Eubanks.

7 MR. PRINGLE: Judge, at this time, we
8 would like to move to enter Staff Exhibit
9 number 205, which is the corrected surrebuttal
10 testimony of Ms. Claire Eubanks. Again,
11 Exhibit 201, we will wait until our final
12 witness to move to enter that.

13 JUDGE WALKER: Are there any objections to
14 the addition of Exhibit 205, the corrected
15 surrebuttal testimony of Claire Eubanks?
16 Hearing none, this would be admitted.

17 (Staff Exhibit 205 marked and admitted.)

18 MR. PRINGLE: Thank you, Judge. And just
19 one moment while I come give you that exhibit.

20 JUDGE WALKER: To my left, Commissioner
21 Coleman has once again left us virtually and
22 joined us in real life.

23 MR. PRINGLE: At this time, Staff now
24 tenders Ms. Eubanks for Cross-examination.

25 JUDGE WALKER: Office of Public Counsel?

1 MR. CLIZER: Hopefully briefly.

2 CROSS-EXAMINATION

3 BY MR. CLIZER:

4 Q Good morning, Ms. Eubanks.

5 A Good morning.

6 Q Do you have a copy of your surrebuttal
7 testimony in front of you?

8 A I do. Let me get to it.

9 Q Take your time. While you're getting to
10 that, you responded in surrebuttal to the
11 recommendations of OPC witness Dr. Marke; is that
12 right?

13 A That's true.

14 Q All right.

15 A All right, I'm there.

16 Q And can you specifically turn to page 5?

17 A Okay.

18 Q Now, if I were to paraphrase the material
19 that lead up to this, it would appear that you were
20 generally supportive of the information that
21 Dr. Marke wanted to solicit in his three recommended
22 reports, but specifically at page 5 at line 8,
23 you're asked the question, does Staff support
24 Dr. Marke's recommendation for a third party to
25 perform PUE, WUE and THD studies, and your response

1 is no. I'm not going to read the rest of that.

2 That is accurate, correct?

3 A That is accurate.

4 Q However, and this is where I want to make
5 sure that I understand your testimony clearly, you
6 still believe that the information that Dr. Marke
7 was seeking is information the Commission should
8 review, correct?

9 A I think that it is information that may be
10 useful for the Commission. I think part of my issue
11 is that he's referencing metrics that don't
12 necessarily apply to customers that aren't data
13 centers, and that's, as we heard yesterday in
14 Staff's opening statements, that's something that
15 Staff is interested in making sure that these large
16 tariffs are reflective of different types of
17 customers besides just data centers.

18 And, so, I think, you know, it's
19 great that he proposed some metrics and some ideas.
20 I think they're worth exploring, you know, Staff's,
21 you know, I think in the stipulation and agreement
22 from the company, there are some indications that
23 Staff and OPC might be able to, if the Commission
24 approves the stipulation, weigh in on reporting.
25 You know, I don't know what that means, quite

1 honestly, because there's, you know, the specific
2 issues Dr. Marke raised are not outlined in that
3 stipulation and agreement in totality, so I don't
4 know how we would make those happen if the
5 Commission approved the stipulation, so.

6 Q Well, as I read your testimony, it appears
7 that you go on to reference a segment from Ameren's
8 proposal that customers would provide information
9 upfront to the Commission whenever they seek to join
10 under a large load tariff; is that accurate?

11 A So, I do have a recommendation that is
12 similar to Ameren's recommendation in their case,
13 and that is that individual customers would -- there
14 would be an approval process. But it's not the
15 customer applying to the Commission. It is, you
16 know, in Ameren's proposal they had a firm service
17 agreement in their tariff, and it would be
18 essentially approval of that customer a case, but
19 not necessarily the customer bringing that forward.

20 Now, in my testimony, I recommended
21 minimum filing requirements that we would like to
22 see in that kind of case, and it included things
23 like reporting requirements for that specific
24 customer to be discussed, so I think I attempted to
25 take what Dr. Marke was recommending, and make it

1 make sense to, you know, Staff's overall position.

2 Q All right, I'm genuinely a little
3 confused, and I want to make sure I get this right.
4 So, what you're describing for the Ameren situation
5 would be the company, the utility, would file before
6 the Commission wherever a load customer comes
7 online, and the utility would file the minimum
8 filing requirements whatever those requirements are?

9 A Yes.

10 Q And your position is that the utility
11 could potential include some of the information that
12 Dr. Marke was seeking as part of those minimum
13 filing requirements at that stage?

14 A I think the utility could have some
15 expectation of what those conversations with their
16 customer would be and what information Staff and
17 OPC -- the Commission orders is interested in. So,
18 I think it's something that could be discussed and
19 included in a case like that.

20 Q And just to be clear, because I want to
21 make sure of this, Staff's position is in support of
22 that minimum filing requirement that Ameren
23 suggested?

24 A Ameren did not suggest minimum filing
25 requirements.

1 Q Okay.

2 A They just suggested, hey, there's going to
3 be a case. The Commission has 90 days to approve
4 it. And, you know, I'm paraphrasing, obviously,
5 but -- but then in response to that, you know, quite
6 honestly in the Evergy case, that wasn't in our --
7 in our direct or rebuttal testimony. It was
8 something I added in surrebuttal testimony based on
9 both discovery in the Ameren case and testimony from
10 Ameren.

11 Q Okay. I just want to make sure this is
12 really clear. Ameren recommended that there be an
13 application process; Staff recommends minimum filing
14 requirements?

15 A Yes.

16 Q Okay. Thank you. That is all my
17 questions?

18 JUDGE WALKER: Velvet Tech Services?

19 MS. BELL: No questions, Your Honor.

20 JUDGE WALKER: Data Service Coalition?

21 MR. VIJAYKAR: No questions, Your Honor.

22 Thank you.

23 JUDGE WALKER: Google?

24 MR. SCHULTE: No questions, thank you.

25 JUDGE WALKER: Sierra Club?

1 MR. MORRISON: No questions, thank you.

2 JUDGE WALKER: Renew Missouri?

3 MS. MERS: No questions, thank you.

4 JUDGE WALKER: Ameren Missouri?

5 MS. TATRO: No questions, thank you.

6 JUDGE WALKER: Everygy.

7 MR. HIATT: No questions, thank you.

8 JUDGE WALKER: Redirect?

9 MR. PRINGLE: Well, are there any bench or
10 Commission questions, Judge Walker?

11 JUDGE WALKER: No Commission questions.

12 MR. PRINGLE: Then I have no redirect, but
13 I did inadvertently give you not the corrected
14 surrebuttal testimony, but the original
15 surrebuttal testimony. So, if I may approach
16 to give you the correct Exhibit.

17 JUDGE WALKER: Yes. Thank you.

18 MR. PRINGLE: Yeah, no Redirect for this
19 witness. Just simply ask that Ms. Eubanks be
20 excused.

21 JUDGE WALKER: Is there an objection to
22 excusing this witness? Hearing none, you may
23 be excused. Okay, please call your next
24 witness.

25 MR. PRINGLE: Thank you, Judge. At this

1 time, Staff calls Mr. J Lubbert to the stand.

2 (J Lubbert sworn.)

3 JUDGE WALKER: You may begin.

4 MR. PRINGLE: Thank you, Judge.

5 DIRECT EXAMINATION

6 QUESTIONS BY MR. PRINGLE:

7 Q Thank you, Judge. Good morning
8 Mr. Lubbert.

9 A Good morning.

10 Q Could you please state and spell your name
11 for the record?

12 A I sure can. My name is J Lubbert. It's
13 the letter J, L-u-e-b-b-e-r-t.

14 Q Thank you, Mr. Lubbert. And by whom are
15 you employed and in what capacity?

16 A I am the manager of the Tariff and Rate
17 Design Department for the Missouri Public Service
18 Staff.

19 Q And are you the same J Lubbert who
20 contributed to the Staff Recommendation Rebuttal
21 Report, which has been pre-marked as Staff Exhibit
22 201?

23 A I am.

24 Q And are you the same J Lubbert, who
25 sponsored the surrebuttal testimony that's been

1 pre-marked as Staff Exhibit 206?

2 A Yes, I am.

3 Q If I were to ask you the same questions
4 within Exhibit 206 or ask you about your
5 contributions to Exhibit 201, would your
6 answers today be the same or substantially similar?

7 A They would be similar. I would make just
8 kind of a brief caveat to that with there has been a
9 lot of kind of moving pieces with SPP, and how
10 they're treating some of these large loads and how
11 they're planning to integrate, so that is kind of
12 subject to change over time. At the time it was
13 written, though, they were accurate as far as I
14 know.

15 Q Okay. And, well, I get based on that
16 answer, do you have corrections or additions to
17 either 201 or 206 at this time?

18 A I don't.

19 Q And is the information contained in
20 Exhibits 201 and 206, true and correct to the best
21 of your belief and knowledge?

22 A I believe so.

23 Q Thank you, Mr. Luebbert. At this time,
24 Staff would move to enter Exhibit 206 onto the
25 record.

1 JUDGE WALKER: Are there objections to the
2 admission of exit -- Exhibit 206, Surrebuttal
3 Testimony of J Luebbert? Hearing none, it will
4 be admitted.

5 (Staff Exhibit 206 marked and admitted.)

6 MR. PRINGLE: Thank you, Judge. And with
7 that, Staff tenders Mr. Luebbert for
8 Cross-examination.

9 JUDGE WALKER: Office of Public Counsel?

10 MR. CLIZER: Yes, thank you.

11 CROSS-EXAMINATION

12 BY MR. CLIZER:

13 Q Good morning, Mr. Luebbert.

14 A Good morning.

15 Q Do you have a copy of the Staff
16 Recommendation in front of you?

17 A I do. I'm not certain that I have all of
18 the attachments actually. I don't --

19 Q That's okay, I'm not referencing
20 attachments.

21 A Okay.

22 Q Am I correct in understanding that you
23 sponsored the test- -- I'm sure the testimony -- the
24 materials from pages 22 to 25, that's what I want to
25 ask you about.

1 A Yes.

2 Q Excellent. All right. You just
3 referenced the SPP, and that's really what I want to
4 zero in on real quick. On page 22, lines 21 through
5 24, you reference the idea of requesting the
6 Commission require separate commercial pricing nodes
7 for Evergy's LLPS customers; do you see that?

8 A I do.

9 Q Now, my understanding of your testimony is
10 you -- that Staff believes that's necessarily to
11 achieve cost causation principles; is that accurate?

12 A I think it's the cleanest way to make sure
13 that costs are isolated. When we look at what those
14 costs are in a future case, I also offered an
15 alternative for the Commission to consider. That I
16 note within the report, won't necessarily resolve
17 all of the issues but would be better than an
18 alternative of not addressing them at all. But
19 realistically, I think the cleanest way is to kind
20 of separate those -- those nodes out, so we can keep
21 just a real clear delineation of what those costs
22 are.

23 Q Just the sake of record, if I were to say
24 the principle of cost causation states to the
25 highest degree possible cost should be allocated to

1 those who cause the cost to be incurred. Would you
2 agree that's a reasonably workable definition of the
3 principle of cost causation?

4 A I think so, but to the highest degree
5 possible, I think you should also -- I would think
6 you also would want to account for what it costs to
7 achieve that information, so there are limitations,
8 but I think for the most part --

9 Q And would you agree with me the principle
10 of the cost causation is one that the Commission has
11 generally tried to follow even before Senate Bill 4;
12 that it's long-standing principle of rate making?

13 A I believe so, and, certainly, you know,
14 part of Staff's recommendation in those cases.

15 Q Now, you already sort of touched on this
16 next point, but my interpretation of the problem
17 between or the difference between the Staff and the
18 company on the SPP pricing node issue specifically
19 was that the company didn't believe it was -- that
20 it could do it. Do you agree with that? Not the --
21 let me rephrase; let me be very careful. Is that
22 interpretation, correct? I'm not asking whether you
23 agree with the company.

24 A Are you asking if my interpretation of the
25 company's response is they can't do it? I'm

1 sorry --

2 Q No, no. I made it confusing. It's my
3 fault. I just want to understand what the
4 difference between the parties are. Is it your
5 interpretation the difference between the parties is
6 whether or not it's possible to do the SPP
7 allocation pricing?

8 A I don't think that Evergy has stated that
9 isn't possible, and I maybe am mistaken on that. I
10 think when I was doing research for my sections of
11 the report, looking through some of the SPP tariffs
12 and the business practice manuals and the other
13 attachments, it appears that SPP -- already -- they
14 already have processes in place for what's
15 considered a nonconforming load. And, so, there are
16 definitions around that.

17 Obviously, as with tariffs within the
18 Commission's jurisdiction, the SPP tariffs are
19 subject to change, and there's been some discussion
20 around that. But I -- the customers that are being
21 contemplated by this case, really, these large load
22 customers that have a potential with high variation,
23 may already -- Evergy may already be required to do
24 some of the reporting that we're proposing here.
25 And, so, if they're -- if they're having to forecast

1 in the day ahead and seven days out for some of
2 these customers, and then on top of that, updating
3 those forecasts in realtime during the day, that
4 realistically is a long way toward what their
5 forecasting requirement likely is for having just a
6 separate node.

7 Q Okay. On that note, the only other line
8 of questioning I want to talk to you about was the
9 day ahead and realtime balance that you just sort of
10 referenced there and which appears on pages 23
11 through 24 of the report.

12 A Okay.

13 Q Now, as I understand it, I'm going to
14 describe how I understand what's happening here and
15 you can tell me if I've got this right. A regional
16 transmission organization, an RTO, like Southwest
17 Power Pool, SPP, it basically looks at load
18 servicing entities and it asks, tomorrow, how much
19 load are you expecting to come on, or how much are
20 you going to have to serve? And the SPP sets the
21 price for generation based on what it expects the
22 next day, and that's the day ahead market. And then
23 the next day actually comes around, and SPP goes
24 back and says how much load actually came on and it
25 sets a realtime price based on the actual load. And

1 that's the difference between those two. Is my
2 layman's description close to being an accurate way
3 to describe this?

4 A It's close but it's more detailed, and I
5 guess as you're thinking about the day ahead, you
6 mentioned kind of setting a price and realistically
7 what -- what SPP is doing is setting a price on the
8 hour. But it is based on those hourly load
9 projections that they've received from the load
10 servicing entity.

11 Q And if I understand what your testimony is
12 correctly, what you are trying to say is that a
13 large load customer could be so big, have so much
14 load, that they could actually cause a significant
15 price variation between the day ahead and the
16 realtime, if those -- if the load predictions are
17 wrong; is that accurate?

18 A Absolutely. And I think when we're --
19 when we're thinking about this, it's important to
20 note this -- these aren't a typical customer. We're
21 talking about the potential for hundreds of
22 megawatts and variation within that load, if it's --
23 if it's not accurately reflected in the forecast,
24 can cause a large deviation. And we've seen -- well
25 --

1 Q That's fine. I'm going to nail down to my
2 last few questions here really quick. On page 24,
3 at lines 17 through 18, you talk about the potential
4 costs was explicitly recognized in the stipulation
5 agreement in case number EO-2019-0244. When you
6 talk about this potential cost, you are referring to
7 that difference between the day ahead and realtime
8 that you just referenced, correct?

9 A Yes, among others.

10 Q And, so, if that was not referenced in
11 this tariff, in the tariff put forward as a result
12 of this case, there would be less protection for
13 customers than what exists in the SIL as it relates
14 to this specific issue, correct?

15 A Based on the company's proposal and the
16 stipulation and agreement, yes, I would agree with
17 that.

18 MR. CLIZER: I have no further questions,
19 thank you.

20 JUDGE WALKER: Velvet Tech Services?

21 MS. BELL: No questions, Your Honor.

22 JUDGE WALKER: Data Center Coalition? Is
23 the Data Center Coalition online? Google?

24 MR. SCHULTE: No questions, thank you.

25 JUDGE WALKER: Sierra Club?

1 MR. MORRISON: No questions, thank you.

2 JUDGE WALKER: Renew Missouri?

3 MS. MERS: No questions, thank you.

4 JUDGE WALKER: Ameren Missouri?

5 MR. LOWERY: No, thank you, Your Honor.

6 JUDGE WALKER: Evergy?

7 MR. HIATT: No, thank you, Your Honor.

8 JUDGE WALKER: Are there Commission
9 questions? Any Redirect?

10 MR. PRINGLE: Yes, Judge, briefly thank
11 you.

12 REDIRECT EXAMINATION

13 QUESTIONS BY MR. PRINGLE:

14 Q Mr. Luebbert, I wanted to follow up on
15 some of the discussion you had with OPC regarding
16 the SPP market. What is -- what is the SPP's
17 recommendation of these large load customers?

18 A Yeah, it's a good question. They've --
19 they develop several working groups to deal with --
20 with the -- just the impact of large load coming
21 online within -- within the SPP footprint. There
22 have been several revision requests for the SPP
23 tariff, and those have gone through separate
24 processes. My understanding that they've -- is that
25 they've identified different types of large loads

1 and how those can impact, and are working on
2 separate revision requests along these lines.

3 I want to say they -- they've
4 delineated between a high impact large load and a
5 conditional high impact large load and then possibly
6 one other type. And I believe staff witness
7 Stahlman had some testimony or attachments. I know
8 that -- I included a bit of discussion with the
9 definition of that nonconforming load which -- which
10 ties right into that revision request.

11 The -- the short answer is SPP is
12 recognizing that we're living in a very dynamic
13 time, and these large loads can have a massive
14 impact on what the market does. I think we have to
15 be cognizant of that as well and make sure that
16 we've got -- we've got a structure in place that
17 makes sure that other ratepayers aren't harmed in
18 the process.

19 Q And with that answer in mind, how does
20 Staff's recommendation attempt to, I guess, follow
21 that guidance from SPP?

22 A Yeah, so I know that there were some
23 discussions yesterday about Staff's approach being
24 novel, and I disagree. I think that Staff's
25 approach to developing a rate structure is really

1 around trying to be transparent and recognizing that
2 large loads aren't all going to be data centers, and
3 making sure that we've got a structure in place
4 within whatever large load tariff gets approved,
5 that reflects cost causation and is flexible for
6 other types of industries outside of a data center.
7 I -- I think we have to be careful in this case to
8 not create a barrier for entry for other types of
9 economic development that aren't the data centers.

10 Q And does SPP recognize that these large
11 load customers are not solely going to be data
12 centers?

13 A I believe so. I mean, I think some of the
14 discussion about variability and load indicates that
15 if you have an advanced manufacturing plant, you
16 could have a large swing that looks different or
17 different types of weather sensitivity that occur,
18 and I think that's an important consideration as we
19 look toward how you try to price the different
20 elements.

21 Q Thank you, Mr. Luebbert. And I also want
22 to follow up on some discussion you had with OPC
23 regarding the imbalances. What could happen if
24 these imbalances aren't treated as a separate
25 charge?

1 A Are you asking me about -- oh, okay. So,
2 the question from OPC, I think, was -- was about the
3 imbalances that occur with day ahead and realtime.
4 And Staff's approach within this case or in our
5 request for -- or the recommendation in this case,
6 is that you can -- you can largely account for that
7 by separating out the commercial pricing nodes of
8 these large load customers from the aggregate of the
9 other customers. And what that would do is
10 alleviate some of the price fluctuation that could
11 occur if Evergy doesn't account for large changes in
12 the expected energy usage from the large load
13 customers being spread onto other customers. So, by
14 separating out those nodes, you can largely
15 alleviate that issue by -- because you are going to
16 account for that as -- as a cost that was caused by
17 that -- that customer.

18 Q How does the separating of those
19 commercial nodes compare to practices already
20 endorsed by SPP?

21 A I think SPP recognizes that -- that can
22 happen. I think the idea behind the nonconforming
23 load lends itself to that. There are -- there
24 are -- there are other entities that will serve,
25 say, a municipality or a wholesale customer, and I

1 think's that that -- that's something that is
2 recognized as a possibility.

3 Q And just for the record, what is a
4 nonconforming load?

5 A I've got that -- I think I've got that
6 defined within the report if you give me just a
7 second. Maybe I didn't have that defined in the
8 report. I can give kind of a high-level view of
9 what that would be, though. Yeah, there it is.
10 Thank you.

11 So, as of the filing of the report,
12 page 30, defines nonconforming load as it's listed
13 in the market protocols for SPP, and I go on to
14 state within that page, that what's required of an
15 asset owner that has to identify how that
16 nonconforming load will be forecasted. Kind of
17 the -- the high level is that it -- for a
18 nonconforming load, there are additional
19 requirements that are in place for the forecasting
20 for that load serving entity.

21 Q And you kind of stated earlier because
22 there were some changes going on with SPP that may
23 be different from what you had in the report and the
24 surrebuttal. Has there been any changes to the
25 definition of a nonconforming load with the SPP

1 since the filing of Staff Report and Surrebuttal?

2 A I don't know that the definition has
3 changed since then. There's been discussion on
4 revision requests for specific instances, but I
5 haven't -- I'm not certain that there's been a
6 change up to date.

7 Q All right, and I also ask you to turn to
8 page seven of the Staff Report, Mr. Luebbert. And
9 were you present yesterday during the
10 cross-examination of Mr. James Busch?

11 A I was.

12 Q And were you present for when he was being
13 asked about the Staff's analysis regarding
14 contradictory policy?

15 A I was.

16 Q What is your understanding of the
17 contradictory policy portion of Staff's
18 recommendation and rebuttal report?

19 A Yeah, I wrote that section about
20 contradictory policy, and I know there was some
21 discussion about the utilities having an energy
22 efficiency program through MEEIA, as well as
23 building -- load building through this large load
24 process and then building generation to serve those
25 loads. And I obviously I believe that. I wrote the

1 testimony on it, but there is a contradicting policy
2 there, because the utilities have built or they've
3 premised the approval of the energy assistance
4 program on the ability to avoid building generation.
5 And they've done so by collecting ratepayer funds
6 premised on them avoiding those costs that won't be
7 avoided.

8 And this -- it's specifically to the
9 capacity issue. That is the biggest issue of kind
10 of the avoidance. The capacity and transmission
11 generation distribution isn't being avoided if the
12 utilities are going to come back and bolster their
13 ability to earn by being able to build new
14 generation and serve new massive loads.

15 Q And how does that contradictory policy
16 play with this request for a large load power
17 service tariff?

18 MR. LOWERY: Your Honor, I'm going to
19 object that this beyond the scope of any
20 cross-examination questions. There was nothing
21 about contradictory policy or building
22 generation when you also saved kilowatt sales
23 through energy efficiency. No -- no questions
24 about that at all.

25 JUDGE WALKER: I agree, sustained.

1 MR. PRINGLE: Thank you, Judge. At this
2 time, I have no further questions for
3 Mr. Luebbert.

4 JUDGE WALKER: Is there any objection to
5 this witness being excused? Thank you. You
6 are excused.

7 THE WITNESS: Thank you all.

8 JUDGE WALKER: Call your next witness.

9 MS. KLAUS: Thank you, Judge. Staff calls
10 Sarah Lange.

11 (Sarah Lange sworn.)

12 DIRECT EXAMINATION

13 BY MS. KLAUS:

14 Q Good morning.

15 A Good morning.

16 Q Can you please state and spell your name
17 for the record?

18 A Sarah Lange, S-a-r-a-h, L-a-n-g-e.

19 Q By whom are you employed and in what
20 capacity?

21 A I am an economist on the Staff of the
22 Missouri Public Service Commission in the tariff and
23 the rate design group.

24 Q Are you the same Sarah Lange who
25 contributed to the Staff Recommendation Rebuttal

1 Report in this case marked as Staff Exhibit 201?

2 A I am.

3 Q Are you the same Sarah Lange who filed
4 surrebuttal testimony, public and confidential, in
5 this case marked as Staff Exhibit 207?

6 A I am.

7 Q Do you have any changes or corrections to
8 your portion of the Staff Recommendation or
9 Surrebuttal Testimony in this case?

10 A I do. On the Staff Recommendation Report,
11 page 2, beginning line 4, that should read, Staff is
12 aware -- or Staff is -- "Staff is only aware of one
13 investor-owned utility retail customer in Missouri's
14 history taking service in excess of 15 megawatts."

15 Q Was that corrected in your surrebuttal
16 testimony?

17 A That was not. There were other errors and
18 typos in my sections of the Staff report that I
19 identified prior to surrebuttal. And I did address
20 those in my surrebuttal testimony. An example of
21 that there was a reference to an offset to rate base
22 being held in perpetuity, and I've addressed that in
23 the updated tariff provided as an attachment to my
24 surrebuttal. So, with the corrections that I made
25 in my surrebuttal, which included some rate errors

1 that were brought to my attention through data
2 requests, I don't have further corrections to make
3 to the report, understanding there were corrections
4 made in the surrebuttal.

5 Q Do you have any changes to your
6 surrebuttal?

7 A I do. Schedule 1 to my surrebuttal, the
8 recommended tariff that page 5, paragraph E,
9 explains the calculations of charges used in lieu of
10 a minimum demand charge. The definition in the
11 tariff is missing a clause that was stated in the
12 testimony, so that tariff should be changed to read
13 under part E, "The demand-to-deviation charge is
14 calculated based on the difference in a given
15 month's demand forecast and the initial service
16 agreement and the current service agreement annual
17 update", and then the new language is, comma,
18 "Except that the difference of plus, slash, minus 5
19 of the service agreement amount are not subject to
20 charge."

21 And I believe we've prepared a clean
22 copy of that to hand out just because there's -- we
23 want to make sure that's understood.

24 Q We do. We do have copies today that we
25 could distribute to show that change if there's

1 interest in that. And would you also be willing to
2 file an errata sheet regarding these changes if the
3 Commission requested?

4 A Yes.

5 Q With those changes, if I asked you about
6 the topics in your portion and the same questions in
7 your surrebuttal testimony, would your answers or
8 information be the same or substantially similar to
9 that contained in your portions of the Staff
10 Recommendation Rebuttal Report and your surrebuttal
11 rebuttal testimony?

12 A They would, as well as to the memorandum
13 that Staff prepared in response to the nonunanimous
14 stipulation and agreement.

15 Q The information in your portions and
16 surrebuttal is true and accurate to your knowledge
17 and belief?

18 A It is.

19 MS. KLAUS: Judge, Ms. Lange is our final
20 witness today. I offer Staff's Exhibit 201,
21 the Staff Recommendation Rebuttal Report in
22 public and confidential versions.

23 JUDGE WALKER: Are there objections to the
24 addition of Exhibit 201, Staff Rebuttal Report
25 and Recommendation? Hearing none, it will be

1 admitted.

2 (Staff Exhibit 201 marked and admitted.)

3 MS. KLAUS: Thank you. I also offer the
4 surrebuttal testimony of Sarah Lange in public
5 and confidential versions, marked as Exhibit
6 207.

7 JUDGE WALKER: Are there objections to the
8 addition of Exhibit 207, the Surrebuttal
9 Testimony of Sarah Lange with corrections?
10 Hearing no objections, it will be admitted.

11 (Staff Exhibit 207 marked and admitted.)

12 MS. KLAUS: Thank you, Judge. We also
13 want to note Ms. Lange's memorandum attached to
14 Staff's Objection to Evergy's Motion for Leave
15 to File Testimony.

16 QUESTIONS BY MS. KLAUS:

17 Q Ms. Lange, you noted concerns with the
18 nonunanimous stipulation, which Mr. Gunn is
19 supporting through a supplemental testimony,
20 correct?

21 MR. LOWERY: Your Honor, I'd like to
22 interpose an objection to the extent required
23 and ask you to reconsider your prior ruling.
24 Ms. Lange has submitted ten pages of single
25 spaced response to Mr. Gunn's testimony that

1 was filed in support of the stipulation on
2 Monday. Ameren Missouri would have no problem
3 at all if Staff wants to mark that as an
4 exhibit and enter it into the record, but
5 there's no reason whatsoever for there to be
6 additional supplement live rebuttal. The
7 rebuttal has already been filed, prepared, ten
8 pages, single spaced. So, there's no reason to
9 have supplemental rebuttal on that issue. It's
10 cumulative and it's not necessary.

11 MS. KLAUS: Your Honor, may I respond,
12 please?

13 JUDGE WALKER: No need. Overruled.

14 MS. KLAUS: May I continue?

15 JUDGE WALKER: Please.

16 MS. KLAUS: Thank you.

17 BY MS. KLAUS:

18 Q You noted some differences in your memo
19 between the Kansas structure and the Missouri
20 structure. More specifically regarding the rates
21 paid and the contributions to overall cost of
22 service. For instance, the Retail Energy Cost
23 Adjustment in cases includes total energy pricing,
24 not the differential from the amount of energy
25 expenses included in base rates as in the Missouri

1 FACs, correct?

2 A Yes, that is one of the differences.

3 MS. KLAUS: Judge, we're going to mark
4 this memo contained with Staff's Objection to
5 Evergy's Motion for Leave to File Testimony in
6 Support of Settlement as Staff Exhibit Number
7 210 and offer it for admission.

8 JUDGE WALKER: Do you have a copy of it
9 for me?

10 MS. KLAUS: Yes.

11 JUDGE WALKER: May I see it?

12 MS. KLAUS: Yes, of course.

13 JUDGE WALKER: Thank you. Has this been
14 filed in EFIS?

15 MS. KLAUS: That is an attachment to the
16 objection filed by Staff yesterday morning,
17 yes.

18 JUDGE WALKER: So, it's already filed in
19 EFIS?

20 MS. KLAUS: It's in EFIS attached to an
21 objection filed yesterday.

22 JUDGE WALKER: Are there any objections to
23 its admission?

24 MR. LOWERY: That's -- that's the document
25 I was referring to before, Judge, so, no.

1 JUDGE WALKER: I realize that now. Thank
2 you. Okay, it will be admitted.

3 (Staff Exhibit 210 marked and admitted.)

4 MS. KLAUS: Thank you. I tender this
5 witness for cross-examination.

6 JUDGE WALKER: Office of Public Counsel?

7 MR. CLIZER: Yes.

8 CROSS-EXAMINATION

9 BY MR. CLIZER:

10 Q Good morning, Ms. Lange.

11 A Good morning.

12 Q You are familiar that Evergy is a member of
13 Regional Transmission Organization or RTO, correct?

14 A Correct.

15 Q And, specifically, they were a member of
16 the Southwest Power Pool or SPP, correct?

17 A Correct.

18 Q You agree with me that being a member of
19 the Southwest Power Pool, Evergy has certain
20 resource adequacy requirements it has to meet,
21 correct?

22 A I believe that any entity that has
23 electronic customers has requirements for resource
24 adequacy, whether they be through NERC or CERC or
25 other entities. There are SPP-specific resource

1 adequacy requirements as well.

2 Q Specifically, they are required to
3 maintain capacity to meet a certain level of
4 capacity consistent with their load, correct?

5 A With adequate reserve, yes.

6 Q Yes. You would agree with me that if a
7 utility like Evergy had sufficient capacity to meet
8 its requirements, and then a new large load customer
9 came onto the system, and additional capacity was
10 required to then serve that customer, any additional
11 generation built to achieve that capacity could be
12 reasonably attributed to that customer?

13 A I -- I do not fully agree with that
14 statement.

15 Q Do you not fully agree with it from a
16 rate-making perspective, or are you saying you
17 cannot attribute additional generation necessary to
18 meet additional load?

19 A Depending on the context and the customer,
20 both. So, if Evergy said we are building this solar
21 project because customer F wants this solar project,
22 I think from a cost allocation perspective, I would
23 probably be looking to allocate the cost of solar
24 project F to that customer. I think from a
25 practical perspective, we are never going to get

1 that statement from Evergy. We are never going to
2 have through the IRP or other entities that clarity
3 that this project is added for this customer. And I
4 think that if that was done, I can't imagine that
5 would it be a prudent thing for that utility to do.
6 And, so, then you get into this -- and that's even
7 before you get to the sort of just complications of
8 administering that, so I apologize.

9 Q Let me --

10 A I may have misunderstood your question.

11 Q -- simplify -- yeah, let me try and
12 simplify. You would agree with me that the addition
13 of large load customers onto Evergy, and that could
14 be Evergy West or Evergy Metro, is more likely than
15 not going to require the company to achieve or
16 require additional generation?

17 A Yes. Absolutely.

18 Q There we go. I want to run through a
19 scenario with you really quick. If Evergy
20 anticipates a large load customer coming onto its
21 system that will require it to secure additional
22 capacity, and it builds generation to meet that
23 additional capacity and places that generation into
24 service and comes in for a rate case before the
25 large load power customer comes online, it is

1 accurate to say that all customers currently on the
2 system, commercial, residential and industrial, will
3 be allocated the cost of that generation?

4 A Unless the Commission were to input
5 revenues or do some other treatment to recognize the
6 situation you've just stated, then, yes, those costs
7 would be reflected in the cost of service and
8 collected from all ratepayers.

9 Q And if the large load customer which had
10 come online and began paying revenues after the
11 rates were set, the revenues associated with that
12 large load customer would not pay down any of the
13 plant costs associated with that generation because
14 they are after rates are set?

15 A Existing rates in Missouri would not be
16 adjusted to reflect additional revenues that have
17 come in after the rate case, I'm discussing base
18 rates here, not rider rates, so I think I agree with
19 the spirit of what you're saying. I think that
20 there's, you know, you get into this discussion of
21 where revenues come in a pool, you know, they're
22 collecting revenue for the same things twice. So,
23 to say that one is paying for it and the other is
24 not paying for it, you can't really do that. You
25 can just say that they're paying for the same thing

1 twice.

2 Q Are you familiar for what is referred to
3 as construction work in process?

4 A Generally, yes.

5 Q And for the sake of the record, I will
6 refer to the construction work in process by it's
7 phonetic acronym CWIP, and that is C-W-I-P. If
8 Evergy is granted or receives CWIP treatment for
9 generation built to serve an additional large load
10 customer, and that cost goes into rates before
11 generation is brought online and before the large
12 load customer is brought online, again, you would
13 agree that all other customers are going to be
14 paying for that generation?

15 A I do agree, and that is a key distinction
16 from the Kansas treatment.

17 Q Would you agree with me that construction
18 work in progress is one way by which a company can
19 mitigate its negative regulatory lag by recovering
20 costs to construct more quickly than it otherwise
21 would?

22 A Cost to construct, as well as I believe
23 carrying costs, yes.

24 Q Would you agree with me that under that
25 scenario, construction work in progress would -- if

1 allowing a company -- let me take a step back.
2 Staff's proposal that would require the Commission
3 or, rather, require Evergy to track revenues
4 associated with a large load customer after it came
5 online after a rate case, creates -- is meant to
6 deal with positive regulatory lag according to your
7 testimony, correct?

8 A It is -- it is two pronged. It is
9 intended to deal with positive regulatory lag, and
10 it's also intended to be direct offset to additional
11 rate base. So, they -- it is both. So, I can't --
12 yeah.

13 Q That's fair. You would agree with me,
14 though, that to an extent allowing that offset of
15 positive regulatory lag would offset the negative
16 regulatory lag associated if the Commission
17 authorized CWIP treatment?

18 A Yes, that's kind of the point. So, we're
19 mitigating the positive regulatory lag, and we're
20 using that mitigated positive regulatory lag to
21 offset the additional rate base that is caused by
22 the additional plant, as well as any CWIP treatment
23 or other treatment that may have entered before the
24 rate was set.

25 Q Your interpretation of Senate Bill 4 is

1 partially why you're addressing this concern,
2 correct? Specifically, the changes made to
3 393.130.7?

4 A Yes, so, I think that the statute
5 requires, first, that we set the right rate, but,
6 second, that that rate is incorporated against the
7 cost caused, so that it benefits other ratepayers.

8 Q A lot of discussion has been held in this
9 docket to compare this tariff to what was authorized
10 in Kansas. Are you familiar with any similar
11 statute in Kansas that requires what Senate Bill 4
12 does, in terms of 393.130.7?

13 A Not to my knowledge.

14 Q I'm going to switch gears on you really
15 quick here. I want to talk about the Economic
16 Development Rider. Now, I think we've already heard
17 some people give their interpretation of the
18 legality of how the Economic Development Rider
19 works. And I'm not going to touch on the legality
20 of it. I want to just touch on the mechanics. Are
21 you familiar with how the Economic Development Rider
22 works mechanically from a ratemaking perspective?

23 A Outside of this case, yes, absolutely.

24 Q And you would agree with me that under the
25 EDR or Economic Development Rider, the impact of any

1 discount has the drive -- the impact of any impact
2 provided by the rider has to be allocated to all
3 classes under an equal uniform adjustment; is that
4 right?

5 A That is correct.

6 Q If the Commission were to adopt what
7 Evergy has proposed, which is to include a secondary
8 rider to attempt to claw back the EDR discount, that
9 second rider would have to mirror the application of
10 the EDR, meaning that it would have to be applied as
11 an equal allocation to all classes in order to truly
12 offset the EDR; is that accurate?

13 A Yes, and that's also where you get a
14 timing difference and this weird loop that appears
15 to result from the proposal as Mr. Lutz was
16 describing it yesterday in conversations with the
17 chair.

18 Q Okay. My next question was going to be
19 whether or not that just fixes the problem, but I
20 think you answered that apparently it doesn't?

21 A It could if you did it right. This is
22 where the details are going to matter. And if you
23 bear with me, I'll try to give an example.

24 If you have a customer who's paying a
25 million dollars, obviously, a lot more than that,

1 but they're paying a million dollars. They get an
2 EDR that knocks their bill down to \$600,000. That
3 means \$400,000 gets socialized to other customers in
4 the next rate case, but you're going to have this
5 timing lag. So, you're going to have in realtime,
6 Evergy isn't getting the \$400,000 from the customer
7 through the EDR; but they're getting at least some
8 portion of that back through -- I forget the name of
9 what they changed it to, but what was the SSR cost
10 recovery component. And, so, then they're not
11 really getting that \$400,000, but then when you get
12 to the rate case, you going to increase rates of
13 everybody by \$400,000, but they're still getting the
14 cost recovery component. And then you get to a
15 point where the EDR has expired for that customer,
16 but if they don't come in for rate case, the other
17 customers are still paying that \$400,000.

18 Now, I used a million because that
19 was easy for me to do the math, but when you look at
20 the size that these customers are expected to be,
21 you know, we're talking millions of dollars. We
22 just need to be sure to get the language right on
23 any approach to deal with sort of negating the EDR
24 or else you end up having other customers pay for a
25 discount that isn't being provided.

1 Q So, I want to touch on that last point.
2 We have to get the language right. If the
3 Commission were to make a determination that the EDR
4 is required by statute, but they wanted to adopt
5 Evergy's proposal, and the Commission issued an
6 order that says that's the path we want to do,
7 please file compliance tariffs that get to that
8 point, then I would assume that you, as Staff, would
9 work with the company to develop the compliance
10 tariffs that resolve your problem in line with what
11 the company proposed, or at least attempt to; is
12 that accurate?

13 A It is. I think that compliance tariffs in
14 this case, based on the company's positions and sort
15 of the level of -- this has not been as smooth of a
16 case as others have been, that I'm not sure how that
17 compliance process is going to go, and I am
18 concerned we're going to end up with some sort of
19 contested compliance tariffs. But, yes, the
20 language has to be made right at some point.

21 Q All right. If I were to look at the
22 actual rates imposed by what we'll call the staff
23 proposal versus the Evergy proposal, would you agree
24 with me that there isn't a tremendous amount of
25 difference in the dollar rates applied at the end of

1 the day between the two proposals, the actual
2 dollars charged?

3 A It is going to depend on the specific
4 customer, okay. So, if you have a customer who --
5 the rates that are in the stipulation and the rates
6 that were in the Evergy initial proposal are going
7 to under recover from customers with coincident
8 demand peaks and usage during extreme pricing
9 events, and they're going to create a barrier to
10 entry that's going to kind of set aside the ability
11 to overrecover from customers, who might not have
12 static month demands or who you have, you know,
13 additional off-peak usage. That said, in general,
14 if I plug in a bunch of different customer profiles,
15 which I have. You know, we didn't develop these
16 rates in a vacuum. And from what I'm looking at for
17 most customers, Staff's EMW rates are on average a
18 little bit below the company's proposal and the stip
19 proposal, and Staff's EMM rates are on average a
20 little bit above what the company has.

21 Q You would agree with me that this overall
22 rate structure is rather complex, correct?

23 A As compared to what?

24 Q Well --

25 A I guess I don't --

1 Q So, if I were to say this is probably one
2 of the most complex tariffs being put forward in
3 Evergy's tariff sheets, you wouldn't agree with that
4 statement?

5 A No, I would point you to the SGS tariff
6 sheet for EMW, and I would talk about the
7 conversations I've had with small business owners
8 trying to understand how annual billing demand and
9 hours use and seasonal energy work for their
10 customers.

11 Q So, in your opinion, this -- never mind.
12 Am I correct in understanding that you, or at a
13 minimum, the team that you work with is responsible
14 for forming class allocation services in rate cases?

15 A Yes.

16 Q And I clarify for the record: is that
17 generally something that falls directly on your
18 shoulder or it directly something you're
19 supervising?

20 A We are working on training some more
21 folks. We had some people who have left staff. And
22 we're working on training more folks, but generally
23 speaking, that's me.

24 Q In your opinion, do you believe that it is
25 workable to perform a cost allocation study with

1 Evergy's tariff?

2 A No. I mean, Evergy's tariff is based on
3 kinds of this arbitrary demand increase of between
4 \$16 -- 16.05 and 15.95 for EMM, and 5.97 and 15.72
5 for EMW. That's not supported by anything, either
6 in the directed stipulation; it's just how they
7 changed the LPS demand charge to settle a case with
8 some signatories. I -- there's no way to carry that
9 through a class cost of service study.

10 Q All right, I have one last line of
11 questioning. Previously, I was talking with
12 Ms. Eubanks about the recommendation for the
13 approval process. Did you listen to any part of
14 that?

15 A Yes.

16 Q And I just -- I want to understand
17 Ameren's recommendation is for an approval process.
18 Does Evergy have the same recommendation for an
19 approval process for large load customers?

20 A Just to be very clear, are you asking the
21 positions of Staff in the case or the positions of
22 utilities in the case?

23 Q I want to understand whether or not the
24 tariff currently before -- sorry, the stipulated
25 tariff before the Commission, does it maintain that

1 same level of approval process regarding -- for
2 large load customers?

3 A It -- it does not have the level of
4 approval process that Ameren proposed, and it does
5 not have the level of approval process that Staff
6 has recommended.

7 Q Is the proposed customer service
8 agreement, would that be part of an approval process
9 as proposed by the company in its stipulated tariff?

10 A Can you show me in the stipulation that
11 they have proposed an approval process?

12 Q I don't think I have a copy of the
13 stipulation in front of me?

14 A Give me a moment. That is --

15 Q I can just withdraw the question,
16 nevermind.

17 A No, no, that's -- I -- that's an important
18 question. I am not recalling that a stipulation
19 involves an approval process.

20 Q Well, I'm sure the parties will correct
21 you, correct me if it's wrong, so we'll just wait
22 for the brief on that. At a minimum then, I would
23 ask if you would agree that under -- that the
24 Commission should have approval of some kind of
25 customer service agreement if one is contemplated,

1 correct?

2 MR. FISCHER: Judge, I think at this point
3 I'm going to interpose an objection. This is
4 Jim Fischer for the court reporter. I think
5 we've entered in an area -- we have two parties
6 that are very much aligned on the tariff issues
7 and imposing the stipulation and agreement in
8 this case. This is additional direct
9 testimony, supplemental direct. It's part of
10 the nature of friendly cross at this point, and
11 I think it's beyond the appropriate
12 cross-examination that's permitted in this --
13 in this proceeding.

14 JUDGE WALKER: Overruled.

15 THE WITNESS: I think that for many
16 reasons, commission approval of contracts of
17 anything of this scale is important. I do
18 think that the less of the contract that is --
19 or the less of the customers' arrangements that
20 are governed by the contract and the more that
21 are actually specified in the tariff, the less
22 important that is. But I still believe that we
23 ought to give the Commission the ability to
24 weigh in on this in some manner.

25 QUESTIONS BY MR. CLIZER:

1 Q All right, I don't want to belabor this
2 any longer, so I'll end with one single last
3 question and then move on. Ms. Lange, do you
4 believe that the addition of large load customers is
5 guaranteed to lower rates for other customers in
6 this state, non-large load customers?

7 A In the capacity position that Evergy, EMM
8 and Missouri West are in today, unless it is a very
9 specifically constituted large load customer that,
10 you know, is able to not use on peak, you know, is
11 not adding to capacity requirements and it is
12 filling in at times when energy is less expensive, I
13 think it would be very unlikely that the addition of
14 a large load customer will improve affordability for
15 other customers, and I think it will exacerbate
16 ongoing problems.

17 MR. CLIZER: I already said that was my
18 last question. Thank you very much.

19 JUDGE WALKER: Cross-examination from
20 Velvet Tech Services?

21 MS. BELL: No questions, Your Honor.

22 JUDGE WALKER: Data Service Coalition?

23 MR. VIJAYKAR: No questions, Your Honor.

24 Thank you.

25 JUDGE WALKER: Google?

1 MR. SCHULTE: No questions, thank you.

2 JUDGE WALKER: Sierra Club?

3 MR. MORRISON: No questions, Judge.

4 JUDGE WALKER: Renew Missouri?

5 MS. MERS: Just very briefly.

6 CROSS-EXAMINATION

7 QUESTIONS BY MS. MERS:

8 Q Hi, Ms. Lange, how are you?

9 A Good, thanks.

10 Q I'm going to pick up where OPC was talking
11 to you; there were some references for peak, so I'd
12 like to get into that just to kind of clarify for
13 the record. So, are you one of the architects of
14 the Staff Time of Use rates that were proposed and
15 used in the last Evergy rate case?

16 A Staff did not recommend what was ordered
17 in the last Evergy case, but Staff has been a
18 proponent of aligning cost of service with revenue
19 recovery through carefully designed time-based
20 rates, correct.

21 Q And the timeframe that was approved by the
22 Commission, did Staff have input into that for peak,
23 off peak, those hours?

24 A So, what the Commission approved as the
25 initial default rate, is no longer the default rate,

1 but what was initially approved as the default rate
2 was the utilities creation, and Staff did not have
3 any input into that development.

4 Q For peak, would you generally agree that
5 it's a time-based differential, and that is the cost
6 difference between setting up on peak and off-peak
7 rates to recognize demand and cost of energy?

8 A Staff to date has not recommended energy
9 rates that reflect any sort of demand component.
10 Staff to date has only recommended time-based rates
11 that reflect the differentials and the cost of
12 energy.

13 Q And just to clarify, though, it's to
14 recognize the demand on the grid, not demand charge
15 in the way that some of the business customers are
16 charged?

17 A I wouldn't really characterize it that
18 way, because LMP's, Location Marginal Prices, have
19 aspects other than demand that sets them. It's
20 the balance of demand and available resources.

21 Q Do you recall the on-peak hours that were
22 set or are current in the Evergy service care price?

23 A Wait until 8:00. You know, if it's
24 looking like the numbers might say 9:00 is fine, but
25 wait until 8:00 is the current end of off peak.

1 Sorry, the current peak.

2 Q And is that 10:00 to 8:00 just to clarify?
3 It starts at 10:00 a.m. or do you -- it is 4:00 to
4 8:00?

5 A So, the true peak, I believe, the high
6 peak, is 4:00 to 8:00. I would want to look -- I
7 deal with these in a lot of jurisdictions, I don't
8 want to give you the wrong numbers on what that is;
9 I do have the time study for current LMPs provided
10 in the Staff report in this case.

11 Q Okay. And the tariff should speak for
12 themselves, so we can go back and check that, but I
13 appreciate that. Is super off peak something that
14 you've seen in jurisdictions as well?

15 A So, this is where terminology gets really
16 confusing. You can have utilities who call it peak,
17 super on peak and off peak, super off peak, off peak
18 and on peak, intermediate, you can use a lot of
19 different languages, but it is not unusual to have a
20 utility that has three parts to their rate, and some
21 of them will call it super off peak.

22 Q Can you briefly explain the -- when
23 setting up the three periods, what is examined and
24 why those are priced differently?

25 A I'm not sure I can do that briefly. I've

1 prepared in this case an analysis very similar to
2 what I do in rate cases. I can't speak to how
3 Evergy has done their analysis that underline those
4 more extreme time-base rates that Staff is not in
5 favor of. But the analysis I did in this case is
6 comparable to what I did -- generally, do in rate
7 cases and it's laid out in the Staff Report.

8 Q Is it fair to, I guess, briefly try to
9 characterize that as generally those periods are
10 designed to address the highest need for energy on
11 the grid and/or the highest market prices that a
12 utility might face?

13 A For which time period?

14 Q For either. Is that the general purpose
15 of having the difference in what you're being
16 charged for on and off peak?

17 A I'm sorry, could you restate that?

18 Q Sure. Would you agree that the purpose of
19 having time differential -- different rates and to
20 have an on-peak charge and an off-peak charge, that
21 do have a difference in what is being charged to
22 customers, is that generally to capture or
23 correspond or recognize the highest need for energy
24 on a particular utility's grid and/or the highest
25 market prices that it might face?

1 MS. KLAUS: I'm going to object this being
2 a compound question and ask that you break it
3 out.

4 JUDGE WALKER: Can you rephrase?

5 MS. MERS: Yes, I can. I can try at
6 least.

7 QUESTIONS BY MS. MERS:

8 Q Would you agree that on peak and off-peak
9 periods, the reason that there is the time
10 differential for what customers are being charged,
11 that one of the reasons in general -- one of the
12 general reasons is to capture or address the highest
13 need for energy on the grid. Not the only reason,
14 but is that one of them?

15 A So for Staff's proposed time-based energy
16 rates today, that has not been one of the reasons.
17 However, that second reason that you stated, has
18 been. We've analyzed the cost differentials. We've
19 only recommended cost-based time-of-use rates to
20 date, at least going back to the -- to the late
21 '70s.

22 Q It is Staff's, I guess, planned pathway to
23 the future that you'd like to drill down on defining
24 on peak and off peak periods to address more of, I
25 guess, to target it better; is that --

1 A Staff has been proposing for a while
2 looking at the winter season and breaking that into
3 a non-summer -- let me start over. Staff has
4 concerns that the non-summer season is not smooth
5 enough in cost at this point, and that breaking into
6 winter and some sort of seasonal distinction for
7 spring and fall is reasonable, especially in light
8 of the severe energy pricing events we have, such as
9 Storm Uri and other sorts of winter extreme pricing
10 events.

11 Q And final question, we've got to wait
12 until 8:00. What have you seen, generally speaking,
13 ours and jurisdictions, for what is super off peak
14 is set up?

15 A So, that has a lot to do with specific
16 regions. So, Missouri on the west side of the
17 state, that is dominated by price dips that are
18 caused by Kansas wind, Oklahoma wind and that has a
19 slightly different time pattern than what we see
20 where we have Illinois and Indiana wind. You know,
21 Missouri is in one time zone, so, you know, we just
22 sort of average in what the others. But, generally,
23 is going to correspond to when you have -- what
24 are -- I think going to be generally caused by times
25 of excess generation.

1 Q And I won't hold you to it, because
2 there's going to be like you said a lot of
3 variations, but would you agree that's usually more
4 in the early, very early, morning hours, very late
5 evening hours, 1:00 to 6:00, 12:00 to 6:00?

6 A In Missouri in particular and in Everyg in
7 particular, I'll defer to the heat maps that I
8 provided in my recommendation. But, yeah, midnight
9 to 6:00, most of the year is when we see that --
10 those very low market prices as compared to what
11 we're seeing in the afternoons and the summer and
12 the mornings and early evenings in the winter.

13 MS. MERS: Okay, thank you for indulging
14 me. That's all I have.

15 JUDGE WALKER: Thank you. We're going to
16 go off the record, adjourn and go off the
17 record until 12:30.

18 (Wherein, a lunch recess was taken.)

19 JUDGE WALKER: So, then I'm going to ask
20 everybody to silence their electronic devices
21 and their phones. We are resuming the hearing
22 for EO-2025-0154. We are at Cross-examination.
23 Ameren, do you have any questions for this
24 witness?

25 MR. LOWERY: I do, thank you, Judge.

CROSS-EXAMINATION

BY MR. LOWERY:

Q Good afternoon, Ms. Lange.

A Good afternoon.

Q I want to make sure the record is clear on the various charges under Staff's proposal as reflected in the Table of Rates in your surrebuttal testimony versus the Table of Rates you had in the Staff Rebuttal Report.

A Okay.

Q Okay. Appendix 2, Schedule 1 -- in page 2 of Schedule 1 of Staff's Rebuttal Report lays out staff charges as of the filing of that report; is that right?

A Yes.

Q And you provided a work paper that underlies those charges. That was your confidential Miscellaneous Work Paper 1; is that right?

A That work paper was subsequently updated. If you are referring to the one I think you are, frankly, I don't necessarily have all the names memorized there. There was definitely a work paper with my rebuttal that calculated the rates that was subsequently updated.

Q Well, I'm going to direct you to --

1 there's a directory on your screen, and it has your
2 name on it. And I'm going to ask you to open up
3 that directory and --

4 MS. KLAUS: Mr. Lowery, will I have an
5 opportunity to see what the witness is looking
6 at?

7 MR. LOWERY: Well, they're her work
8 papers, so I would assume you have --

9 JUDGE WALKER: Hold on one second, please.
10 Brian, we have some technical -- little
11 technical thing going on. Now, you can see
12 these on the screen. Are these the work papers
13 you're talking about?

14 MR. LOWERY: That's the folder I have with
15 documents for this witness, yes.

16 JUDGE WALKER: Okay.

17 MR. CLIZER: Really quick, was there
18 mention that is confidential?

19 MR. LOWERY: Well, yeah. I've actually
20 checked with Evergy. Ms. Lange has labeled it
21 as confidential work paper, but the tab I'm
22 going to ask her about and display, there's no
23 confidential information in that tab; is that
24 correct, Mr. Bailey?

25 MR. BAILEY: That's correct.

1 JUDGE WALKER: All right, thank you all.

2 Mr. Lowery, you may resume.

3 QUESTIONS BY MR. LOWERY:

4 Q So, I understand you -- you provided a
5 work paper that underlies that Staff Rebuttal Report
6 Table of Rates, right? You since replaced it but
7 that was your original work paper, correct?

8 A Correct.

9 Q And it was confidential -- was labeled
10 confidential; it was Miscellaneous Work Paper 1; is
11 that right?

12 A Again, just off the name I -- I file a lot
13 of work papers in a lot of cases.

14 Q Can you open the file that's labeled
15 Confidential Miscellaneous Work Paper 1?

16 A There's three files here labeled
17 Confidential Miscellaneous Work Paper 1.

18 Q I believe the other two have --

19 A Oh.

20 Q -- Review -- Review for Rebuttal in them,
21 do they not?

22 A They do now that I've expanded the --

23 Q Can you open the one that doesn't have
24 Review for Rebuttal in it, please?

25 A Okay.

1 Q Is it open to the Rates -- Rate Elements
2 tab?

3 A It is open to the Rate Elements tab.

4 Q Is that your original work paper that went
5 with the Staff Rebuttal Report that underlies Table
6 1 -- the table -- the Table of Rates in Appendix 2?

7 A I'm not sure how that works with the
8 corrections I offered this morning, but, yes, that
9 ties to what was in the initial filing of the
10 Rebuttal Report.

11 Q Well, if we pull --

12 A I'm assuming that it is what you
13 represented it to be.

14 Q Well, would you like to look at the info
15 on the tab to make sure that that -- that is
16 actually your work paper or do you accept that
17 that --

18 A I accept your representation.

19 Q Okay. If you look at the Table of Rates
20 or, I guess, you called it the Monthly Charges for
21 Service in Staff Rebuttal Report, in Appendix 2
22 Schedule 4, would you agree that the information
23 there --

24 A I'm -- I'm sorry.

25 Q -- is -- I'm sorry.

1 A What are you wanting me to reference?

2 Q Do you have -- do you have the Staff
3 Rebuttal Report in front of you?

4 A I do. It will take me a moment to find
5 it.

6 MR. PRINGLE: Did you say Schedule 4, Mr.
7 Lowery?

8 MR. LOWERY: I said Appendix 2, Schedule
9 4, yes.

10 QUESTIONS BY MR. LOWERY:

11 Q Would you mind, when you get a chance
12 expanding that window, so maybe you can see it on
13 the screen a little bit better, the commissioners
14 can?

15 A And I'm sorry, what -- what appendix?

16 Q Appendix 2, Schedule 4 to the Staff
17 Rebuttal Report in page 4 of 6.

18 A I'm there.

19 Q Would you agree that the work paper that
20 you have pulled out, we have pulled up on the screen
21 there, is the work paper that underlies this table
22 on Appendix 2, Schedule 4, page 4 of 6?

23 A Appendix 2, Schedule 4, page 4 of 6,
24 appears to be my Empire recommendation.

25 Q Bear with me, Judge. I may have grabbed

1 the wrong one here. Could you pull up Schedule 1 of
2 Appendix 2? I do have it here. Schedule 1 of
3 Appendix 2, page 204.

4 A Yes, I'm there.

5 Q And that is your Evergy Rates for Service
6 Table, correct?

7 A That has subsequently been revised, but,
8 yes, this was the rebuttal position.

9 Q As of your rebuttal testimony, this was
10 the table, right?

11 A Correct.

12 Q And the work paper that we have pulled
13 underlies this table; is that right?

14 A I believe so, yes.

15 Q So, I'm going to refer that work paper as
16 the original work paper for the purpose of my
17 questions, okay? As you mentioned, you subsequently
18 revised that work paper after the Data Center
19 Coalition sent you a data request, and you realized
20 that there were, I think what you described, as
21 summation errors in your surrebuttal testimony on
22 that work paper, right?

23 A I defer to the wording in my testimony. I
24 believe I said there were both summation errors and
25 substantive errors. I think there were a couple of

1 lines that I missed.

2 Q You have your surrebuttal testimony there?

3 A I do.

4 Q You're referring to page 1 starting on
5 line 20?

6 A Page 1, line 20, through --

7 Q Page 2, line 2?

8 A Correct.

9 Q That's where you're describing the
10 corrections that were made to that original work
11 paper and a subsequent work paper that was -- the
12 issues were brought to your attention by the DCC,
13 right?

14 A Yes, but it includes summation errors and
15 certain revenue requirements were inadvertently
16 omitted.

17 Q And the revised work paper is also on the
18 computer there in front of you, is it not?

19 A It is there I believe.

20 Q There are two versions of it. One of them
21 is your original work paper, and it's named
22 Confidential Miscellaneous Work Paper Rebuttal Work
23 Paper Reviewing for DR Responses, right?

24 A If that's what you represented to me.

25 Q Can you open that one up, please?

1 A I don't know the mouse is --

2 Q Do you have it open now?

3 A Yes.

4 Q Can I direct your attention to rows 1 to
5 38 and columns A to G of that work paper. Judge, I
6 need to mark an Exhibit, please. It would be
7 Exhibit 705, I believe.

8 JUDGE WALKER: Mr. Lowery, can you give me
9 a title for this Exhibit?

10 MR. LOWERY: It's a printout of --
11 printout of the revised work paper of -- Lange
12 Revised Work Paper.

13 JUDGE WALKER: Thank you.

14 (Exhibit 705 marked.)

15 QUESTIONS BY MR. LOWERY:

16 Q Ms. Lange, can you confirm that --

17 MS. KLAUS: Mr. Lowery, are you marking to
18 quest, or are you marking to offer?

19 MR. LOWERY: Well, I probably will offer
20 it, but for now, I've just marked it.

21 BY MR. LOWERY:

22 Q Ms. Lange, would you confirm that the
23 printout that I've marked as Exhibit 705 for the
24 relevant rows and columns that I just directed your
25 attention to, matches your Confidential

1 Miscellaneous Work Paper 1 Rebuttal Work Paper
2 Reviewing for DR Responses?

3 A For the expedience of time, I'll accept
4 your representation that that's what you've printed.

5 Q Your Honor, I would offer Exhibit 705 at
6 this time.

7 JUDGE WALKER: Are there any objections to
8 the admission of the Exhibit 705, the Revised
9 Work Paper of Sarah Lange? Hearing none, it
10 will be admitted.

11 (Ameren Exhibit 705 admitted.)

12 QUESTIONS BY MR. LOWERY:

13 Q Now, you also have a Schedule 1 -- you
14 also have a Table of Rates in your surrebuttal
15 testimony, right?

16 A I do.

17 Q And I believe that's also in an appendix;
18 is that right?

19 A It should be.

20 Q Or it's in Schedule, I guess, you call it?

21 A Yeah, I believe it's Schedule 1 to my
22 surrebuttal testimony.

23 Q Schedule 1 to your surrebuttal testimony,
24 and that's on page 3 of 6, right, of your
25 surrebuttal to that schedule?

1 A I'll accept your representation as to the
2 pagination.

3 Q Now, you used some of the values from your
4 revised work paper, Exhibit 705, is the work paper
5 that we have pulled up in Excel. You used some of
6 those values from that work paper in this Table of
7 Rates in Schedule 1 to your surrebuttal testimony,
8 did you not?

9 A I believe if what you're representing
10 you've distributed is what you say it is, which I
11 have no reason to doubt that, yes, all of the rates
12 that I am responsible for were developed in that
13 calculation.

14 Q Let's take a look at the Table of Rates in
15 your surrebuttal Schedule 1. For example, the
16 demand charges 1 and 2, you see those in your Table
17 of Rates?

18 A I do.

19 Q They came from cells C1-13 and D1-13 from
20 Exhibit 705, right?

21 A Correct.

22 Q And, similarly, you have for EMW, you have
23 Demand Charge 1 Rates from cell C2 and D2-14 from
24 that revised work paper, right?

25 A I'm sorry, can you say those -- I think --

1 did you just say that's D -- I may have misheard
2 you. D12 and D13?

3 Q That's right.

4 A I may have misheard, sorry.

5 Q And it's actually it's D13 and D14, isn't
6 it?

7 A Yes, I believe you're right.

8 Q So, if we look at the revised work paper,
9 and we look at the Table of Rates and the
10 surrebuttal testimony, and we go line by line, we
11 should see the same values from the work paper as we
12 see in the table; is that right?

13 A No, that is not right.

14 Q Okay. How does it differ?

15 A Well, there are charges that were
16 addressed by Mr. Luebbert, that are not in here.
17 And this -- this version, this, I'm pointing to the
18 work paper version, is the alternative
19 recommendation that was also attached to my
20 surrebuttal testimony that has the time-based energy
21 charges and does not have the optional energy
22 agreement variation that was Staff's primary
23 recommendation as a surrebuttal. And that proposed
24 recommended version had a risk-based energy charge
25 that was a flat rate to address extreme pricing

1 events and other concerns, where customers have the
2 option of taking the service under the optional
3 energy agreement.

4 Q Well, let's back up a minute. In your
5 surrebuttal testimony in Schedule 1, and I'm not
6 talking about the optional agreement; I'm not
7 talking about the Alternative to Energy Charge
8 option that you presented, I'm talking about the
9 energy charge row in your Table of Rates and your
10 surrebuttal, are you with me?

11 A I am not. Which -- which --

12 Q Surrebuttal Testimony --

13 A Yes.

14 Q Schedule 1, page 3.

15 A So, this is the version that contains the
16 optional agreement?

17 Q That's right. But it also contains a row
18 for an energy charge for the non-optional agreement,
19 sort of the base -- the based tariff offering,
20 right?

21 A Correct. The risk-based option.

22 Q And in that -- and that energy charge is
23 \$0.055 for EMM; and it's \$0.053 per kilowatt hour
24 for EMW, right?

25 A Only for those customers who choose that

1 option, correct.

2 Q But if they chose that option, that's
3 their energy rate right?

4 A Correct.

5 Q And the revised work paper -- let's --
6 Exhibit 705. Let's go back to that. The revised
7 work paper for energy charges doesn't reflect this,
8 I guess you're calling a risk-based option, it
9 doesn't reflect this \$0.055 or \$0.053 for EMW,
10 correct?

11 A It does. That's the summer on peak rate.

12 Q Let me direct your attention to Row 2 in
13 Column C and D. The \$0.0789, and I think it's
14 \$0.065; do you see those?

15 A I do.

16 Q How does the energy charge feed into that
17 overall average cost per kilowatt hour?

18 A So, this is the situation we have in every
19 case where we have to decide how clean to make our
20 work papers and how useable to make the work papers
21 for us. This presentation is not particularly
22 helpful to the Commission, because it doesn't
23 include the sorts of language I put around this in
24 testimony, but the relationship between those two is
25 based on an expectation that a customer is not going

1 to choose to pay the higher risk-based flat rate and
2 would instead choose to pay the intermediate rates.
3 I'm sorry, the Optional Energy Agreement rates.

4 So, the Optional Energy Agreement
5 rates, because of how I developed my Energy Chart
6 rates, for a customer with a 100 percent load factor
7 is going to equal out to the same average, assuming
8 that history repeats itself with energy prices.

9 Q So, in other words, this work paper does
10 not model what the average cost per kilowatt hour
11 would be, if the customer chooses the, what I think
12 you called earlier, the risk -- what is it? The
13 risk-based energy charge?

14 A I don't know that we have a particular
15 name for it. But, no, I didn't -- my work papers
16 were designed for my use in preparing my testimony,
17 not for isolated screenshots.

18 Q But if the customer chooses the option
19 that is labeled Energy Charge on your Table of Rates
20 and your surrebuttal testimony, they're not going to
21 pay these differentiated rates, right? They're
22 going to pay either \$0.055 per kilowatt hours at
23 Evergy Metro or \$0.053 at Evergy West, and they're
24 going to pay that 8,760 hours a year, right?

25 A If a customer made the choice to do that,

1 which, frankly, I would hope that they wouldn't,
2 yes, they, would.

3 Q Okay. So, in order to figure out what the
4 cost -- the average cost per kilowatt hour would be
5 for a customer that did that, we've got to replace
6 the energy charge values in rows 16 to 27 in column
7 C and D with \$0.055 for Metro and \$0.053 for West
8 respectively, right?

9 A Sorry, can you state that again? I didn't
10 follow all that.

11 Q In order -- let's break it down by Metro
12 and West. If we want to know what the average cost
13 per kilowatt hour using your work paper would be for
14 a customer that chose the energy charge, the \$0.055
15 rate, if we wanted to know that, and we could figure
16 that out using your work paper, we could replace
17 cell C16 to C27 with \$0.055, and it would
18 recalculate the value in cell C2, would it not?

19 A I am not sure on this particular work
20 paper, but I'll -- if the concern is that a customer
21 chose to pay the \$0.05 rate, instead of doing an
22 Optional Agreement, there -- that -- their rates in
23 general would go up \$0.02ish each.

24 Q Well, let's see how much they would go up.
25 Can you replace the values in C16 to C27 with

1 \$0.055? Can you do that?

2 A I don't know.

3 Q Well, I -- you have the capab- -- you know
4 how to use Excel, right?

5 MS. KLAUS: I'm going to object to that as
6 being argumentative.

7 JUDGE WALKER: Sustained. Can you ask the
8 question a different way, please?

9 QUESTIONS BY MR. LOWERY:

10 Q Are you capable of putting -- inputting
11 \$0.055 in the --

12 MS. KLAUS: Same objection.

13 JUDGE WALKER: Sustained.

14 MR. LOWERY: Well, Judge, I've asked her
15 to do it, and she said she doesn't know if she
16 can do it. You know, I'm not really sure --
17 can you just -- can you just please do that.
18 Can you substitute \$0.055 for the values in
19 those cells?

20 MS. KLAUS: Same objection.

21 JUDGE WALKER: Mr. Lowery, can you
22 rephrase and ask her how or why she would do
23 the calculation.

24 BY MR. LOWERY:

25 Q If we were to put \$0.055 in the cells that

1 just I mentioned instead of the energy charges that
2 you have there, that would mimic -- that would allow
3 you to calculate the average costs per kilowatt hour
4 for an Evergy Metro customer that choose the \$0.055
5 energy rate, right?

6 MS. KLAUS: I'm going to object to
7 assuming facts not in evidence.

8 JUDGE WALKER: Overruled.

9 THE WITNESS: My hesitancy is I don't know
10 how to -- I don't know how the bench wants this
11 reflected, but if I am to put those values in
12 this cell lot, if I can do that, I just wanted
13 to make sure I did that before I messed with
14 apparently a live piece of evidence. I'm not
15 used to manipulating evidence.

16 QUESTIONS BY MR. LOWERY:

17 Q I understand. But I'm asking you to do
18 it, and it will, I guess, be my responsibility to
19 make sure the record is clear.

20 JUDGE WALKER: Do we have the capacity to
21 print the screen when the calculation is
22 complete?

23 MR. LOWERY: Judge, I actually have a
24 written exhibit that will, once she's confirmed
25 the calculation, that will do just that.

1 JUDGE WALKER: Okay, that's perfect.

2 MR. LOWERY: But it has me doing the
3 calculation. I thought the witness needed to
4 do that. You can't take my word for it,
5 obviously, so.

6 JUDGE WALKER: You don't have to explain.

7 THE WITNESS: Yes, that increases it
8 0.1138 and 0.0975, EMM and EMW, respectively.

9 QUESTIONS BY MR. LOWERY:

10 Q Can you make --

11 A Before a customer with a 100 percent load
12 factor. In my -- the way this is setup, you can't
13 modify load factor in here, so that's --

14 Q Understand. I'm having to ask you to make
15 other one change in Column C, I guess it's in two
16 rows, it's in Rows 28 and Rows 29 --

17 MS. KLAUS: I'm going to object that I
18 can't see the changes are being made live in
19 hearing.

20 MR. LOWERY: Well, let me -- let me -- let
21 me mark this exhibit then. It would be Exhibit
22 706.

23 (Ameren Exhibit 706 marked.)

24 JUDGE WALKER: I'm going to overrule the
25 objection. The changes are on the screens,

1 which are quite large. There's three of them.
2 Feel free to move, if you need to. Mr. Lowery,
3 what are you marking this?

4 MR. LOWERY: This is 706.

5 JUDGE WALKER: And do you have --

6 MR. LOWERY: It's -- it's Modified Lange
7 Report.

8 JUDGE WALKER: Perfect. Are you
9 attempting to admit it at this time.

10 MR. LOWERY: I'm going to, but not quite
11 yet.

12 JUDGE WALKER: All right.

13 BY MR. LOWERY:

14 Q So, Ms. Lange, in your surrebuttal table
15 of rates, something else that's different from the
16 rebuttal testimony table of charges, I think you
17 called it there --

18 MR. PRINGLE: Actually, Judge, I'm going
19 to object to any questioning on this document.
20 This does not even actually include the
21 corrections that Ms. Lange just made on the
22 stand earlier, so this has no actual probative
23 value at this time. Specifically, I'm looking
24 at cells -- well C11 and D11. Those were
25 updated by Ms. Lange during Direct Testimony.

1 This has no probative value and should be
2 disregarded.

3 JUDGE WALKER: Overruled.

4 BY MR. LOWERY:

5 Q Your surrebuttal testimony table of rates
6 doesn't have a couple of charges that were in your
7 rebuttal testimony table of charges, I think you
8 called it. Specifically I'm pointing to the load
9 serving charges that you have, I think, in rows 28
10 and 29 of your work paper, right?

11 A Correct, that would be subsumed within
12 that Optional Agreement. And in retrospect, was an
13 oversight that wasn't included with the risk-based
14 charge.

15 Q Well, since you didn't include it in your
16 surrebuttal testimony, can you zero out cells C28
17 and C29? And now -- and calculating the EMM average
18 cost per kilowatt hour for somebody that takes the
19 energy charge, which it would be \$0.055 a kilowatt
20 hour, 8,760 a year. You get an average cost of
21 \$0.1121 per kilowatt hour; is that right?

22 A For Metro, correct.

23 Q Can you please substitute \$0.053 per
24 kilowatt hour for the Evergy Metro energy rates you
25 have on the work paper?

1 A I'm sorry, I don't know what you just
2 asked me to do.

3 Q The energy rate for Evergy Metro customers
4 for a customer that takes the energy charge option,
5 doesn't take the optional one, is \$0.053, right?

6 A Metro?

7 Q I said West.

8 A I'm sorry, it's a lot of numbers and
9 letters.

10 MS. KLAUS: And are you -- just for my
11 clarity, are you talking about the modified
12 exhibit that's been offered, 706, in column D?

13 MR. LOWERY: I am talking about cells D16
14 through 27; I'm asking the witness to
15 substitute her energy rate for Evergy Metro
16 into those cells, just like she did for --
17 excuse me, for Evergy West into those cells.
18 Just like she did for Metro for the five and a
19 half, and if I misspoke --

20 THE WITNESS: There's my confusion. I did
21 that earlier. I thought you wanted me to do
22 that --

23 QUESTIONS BY MR. LOWERY:

24 Q If I said Metro, my apologies. That was
25 my mistake. Can you do that for Evergy West, the

1 \$0.053, please?

2 A I already inputted the 53; that was my
3 confusion.

4 Q I'm sorry. I didn't realize you had done
5 that. Can you also zero out the load servicing
6 charges for Evergy Missouri West, if you haven't
7 already done that.

8 A I already did that.

9 Q Okay. I can't see the screen very well.
10 Thanks. And, so, the average cost for per kilowatt
11 hour for Evergy Metro customers who choose that
12 option, would be \$0.0958 per kilowatt hour, right?

13 A If a customer irrationally chose that
14 option, it would be, correct.

15 Q If they choose that option, that's going
16 to be the number, right?

17 A Correct.

18 Q Your Honor, I would offer Exhibit 706.

19 JUDGE WALKER: Objections?

20 MR. PRINGLE: Yes, Judge. Based on my
21 earlier objection before the questioning
22 started. Again, it doesn't include the
23 corrections that Ms. Lange made on the stand
24 earlier, so this document is -- well, it is
25 more misleading and confusing than anything.

1 JUDGE WALKER: Do you have a more formal
2 objection --

3 MR. PRINGLE: Well, it assumes --

4 JUDGE WALKER: -- than misleading or
5 confusing?

6 MR. PRINGLE: It assumes facts that have
7 been corrected, specifically --

8 JUDGE WALKER: Okay, assumes facts not in
9 evidence?

10 MR. PRINGLE: Correct.

11 JUDGE WALKER: That's perfect. I'm going
12 to admit it and assure you that the Commission
13 will give it the weight it deserves.

14 (Ameren Exhibit 706 admitted.)

15 MR. PRINGLE: Thank you, Judge.

16 BY MR. LOWERY:

17 Q Now, Ms. Lange, in your rebuttal report
18 testimony, and it's page 41 of the Rebuttal Report,
19 you identified an average cost per kilowatt hour for
20 Evergy Metro from your rate --

21 A I'm --

22 Q I'm sorry.

23 A I'm looking up the records.

24 Q Okay. That's fine.

25 A My apologies.

1 Q That's okay.

2 A I never know how many papers to bring up,
3 and I've misplaced everything.

4 Q I tend to go a little faster than I
5 should, so no problem.

6 JUDGE WALKER: Mr. Lowery, do you have the
7 work paper or schedule that you would like the
8 witness to discuss --

9 MR. LOWERY: I do.

10 JUDGE WALKER: -- that you can give her?

11 MR. LOWERY: Well, yes, I do.

12 JUDGE WALKER: You have to look for it as
13 well?

14 MR. LOWERY: I have my copy, but I have to
15 grab another copy. You don't have the Staff
16 Rebuttal Report there, Ms. Lange?

17 THE WITNESS: I do, but I got everything
18 out of order when I pulled out the appendixes
19 earlier.

20 MR. LOWERY: Okay. Maybe I can make it a
21 little faster, Judge. I could just try and
22 show her; is that okay?

23 JUDGE WALKER: Of course.

24 QUESTIONS BY MR. LOWERY:

25 Q Ms. Lange, this is the Staff Rebuttal

1 Report, would you agree, in the Evergy case?

2 A Yes.

3 Q And you had had a -- for your rate design,
4 \$0.0751 for Metro and you had \$0.0573 for EMW?

5 A And those -- those are wrong. That is
6 what I was correcting this morning.

7 Q I understand. But that's what you had as
8 of the time of the rebuttal testimony?

9 A Correct.

10 Q And you said that they were wrong. The
11 numbers you're using now, I believe, are those --
12 are the corollary numbers now for that you are
13 using, the 7.89 and 6.5, respectively?

14 A I don't know. You had me delete those
15 cells or overwrite those cells.

16 Q Well, why don't you just close that file
17 and reopen the work paper, and then your values
18 should be there, right?

19 A 7.89 EMM and 6.5 EMW.

20 Q Can you tell us what the percentage
21 increase is -- can -- can you tell me what the
22 percent increase between 11.21 and 7.89? Do you
23 have your phone or a calculator there?

24 A I have Excel. Sorry, what was the other
25 set of numbers?

1 Q 11.21 versus 7.89?

2 A 11:21?

3 Q Yes?

4 A And 7289.

5 Q No, 7.89. 11.21 --

6 A Oh.

7 Q -- and 7.89. That is expressed in cents
8 per kilowatt.

9 A \$0.0789.

10 Q Yeah, you could use whatever units you
11 want but --

12 A I'm sorry and the question was which
13 direction --

14 Q What's the percentage difference -- what's
15 the percentage increase between 7.89 and 11.21?

16 A So, we've got a \$0.033 difference EMM; a
17 \$0.0139 difference EMW. So, depending on what you
18 want to use as your denominator of the two. I do
19 not like this keyboard. My apologies, Brian, I mean
20 no disrespect. It looks like 42 percent and 21 EMM
21 and EMW, respectively.

22 Q Thank you. So, a little while ago, I
23 think you suggested that a customer who choose to
24 take the energy charge options, the \$0.055 and the
25 \$0.053, you know, would be irrational, I think,

1 that's the word you used; is that right?

2 A Generally, unless they had a very bad load
3 pattern.

4 Q So, under Staff's current proposal in its
5 surrebuttal testimony, customers who would -- in
6 Staff's proposal, its rate design were adopted, a
7 customer is either going to have -- the customer has
8 a choice taking a rate for EMW that, on average, is
9 \$0.01121 or -- excuse me, EMM 11.21 and EMW 9.58 --

10 MS. KLAUS: Object to compound question
11 there. Can we break it out a little?

12 JUDGE WALKER: Overruled. Can you please
13 start over, Mr. Lowery?

14 MR. LOWERY: Sure.

15 JUDGE WALKER: I apologize, but for it to
16 clear be for the record.

17 BY MR. LOWERY:

18 Q So, under Staff's proposed rate design, as
19 of its surrebuttal rebuttal testimony, a customer
20 who would be subject to that tariff, if Staff's
21 tariff were adapted as you've proposed it in
22 surrebuttal, for EMM, that customer has the choice
23 of taking service at what would -- according to your
24 calculations here, if they took service under that
25 number at an average cost of \$0.01121 per kilowatt

1 hour, and they'll know -- they'll know what their
2 bill is going to be because those numbers are set in
3 the tariff, or they can take the optional approach
4 that you given and they're not going to know what
5 their bill would be over time because they're --

6 MS. KLAUS: Same objection.

7 JUDGE WALKER: Can you please wait until
8 he's finished to make an objection?

9 MS. KLAUS: Yes, Judge.

10 JUDGE WALKER: Mr. Lowery, you may
11 continue.

12 BY MR. LOWERY:

13 Q They're not going to know what their
14 energy charges are going to be over time because
15 they're going to be exposed to the market for what
16 their energy charges are, right?

17 A I'm not --

18 MS. KLAUS: Same objection, Judge.

19 JUDGE WALKER: Thank you. Overruled. You
20 may answer, Ms. Lange.

21 THE WITNESS: So, with all due respect,
22 there was a lot of words there, and the first
23 part was referring to my calculations. I would
24 not agree that those calculations are what a
25 given customer would experience because that

1 would be reflective of a 100 percent load
2 factor customer. But a customer has the option
3 to choose a really high energy rate or to take
4 the risk of their load to prevent it from being
5 socialized to other customers. Correct, those
6 are the options.

7 QUESTIONS BY MR. LOWERY:

8 Q But if they take your optional service,
9 just to clarify, I think you probably just said it,
10 if they took the optional service, they are going to
11 be exposed to the market over this term of their
12 service agreement; isn't that right, for energy?

13 A That is right.

14 MR. LOWERY: Those are all my questions,
15 Judge, thank you.

16 JUDGE WALKER: Thank you. Every, do you
17 have any questions?

18 MR. FISCHER: I think -- I think I'll pass
19 at this time. Thank you.

20 JUDGE WALKER: All right, Commission
21 questions? Okay, hearing none, Redirect?

22 REDIRECT EXAMINATION

23 BY MS. KLAUS:

24 Q Yes, Judge. Thank you. Hopefully brief.
25 Let's see, Ms. Lange, we started this morning, so

1 that seems like a while go. We'll see how we can do
2 here. You had a conversation with OPC, and part of
3 that was talking about base rates versus rider rates
4 as a distinction from Kansas treatment. Do you
5 remember that conversation?

6 A Generally, yes.

7 Q What is the distinction there between base
8 rates and rider rates between Missouri and Kansas?

9 A Kansas is different. To get the stuff I
10 remember without my notes, Kansas doesn't have
11 Missouri's EDR. Kansas doesn't have Missouri's
12 Renewable Energy Standard. But what Kansas does
13 have is a CWIP rider and a full pass through FAC.
14 That full pass through FAC eliminates one of the big
15 areas of double recovery that Staff is concerned
16 about under the Missouri Evergy proposal and
17 Missouri stip. But the Kansas stipulation also
18 expressly includes the LLPS customers in existing
19 Kansas riders, which deals with some of that
20 positive regulatory lag Staff was concerned about,
21 and deals with that issue with getting revenues from
22 LLPS customers into the revenue requirement, as
23 opposed to those revenues being retained without
24 being passed into the revenue requirement.

25 Q So, in thinking about the distinction

1 between Missouri and Kansas a little bit more
2 generally, is regulatory treatment a little
3 different in every state?

4 A It can be very different across states.

5 Q Does that need to be accounted for?

6 A Yeah. So, when I and my colleagues were
7 reviewing the LLPS activities in different states,
8 there were a handful of provisions that we were just
9 able to pick up. I think, for example, Ms. Eubanks
10 was able to look at some things that were being done
11 in, I believe, it was Ohio. They seemed reasonable,
12 and I think she was able to make those fit into what
13 we're requesting here, recommending here without,
14 you know, much -- much conflict. But especially as
15 it works around FACs, fuel adjusted clauses, and
16 other sorts of cost recovery, especially as it works
17 around future plant additions, there's a lot of
18 variation among the states, and that made it really
19 difficult.

20 You know, we would see a good thing
21 that's being done, you know, in Georgia, and think,
22 well, how can we make that fit in Missouri. So, you
23 know, through talking with others on Staff,
24 especially, you know, we had a lot of conversations
25 with the accounting department, who are much more

1 familiar with the books and records that pertained
2 to Evergy, then what I see when I do a CCOS and
3 certainly what Mr. Lutz presented in his work papers
4 for his direct testimony, that really got us looking
5 at ways that we could give the Commission, if you
6 will, a series of levers to pull, that when they see
7 these other things that are also happening in other
8 states, if there's things that they want to be more
9 responsive to, you can change how we're doing the
10 generation.

11 If you want to, you know, recognize
12 what's happening in Missouri with the Accelerated
13 Renewable Buyer provision, we have a separate res
14 line item, you know. We try to just put those tools
15 in the Commission's hand for them to craft sorts of
16 tariffs and rates they believe are appropriate,
17 while also trying to be cognizant, you know,
18 Missouri's statutory requirement is size based.

19 A lot of these other states are
20 looking at things targeting either data centers or
21 advanced manufacturing or things more specific. I
22 know the oddball example that I tried to keep in
23 mind through this process is thinking about
24 biofuels, refineries, agricultural processing,
25 metallurgy; you know, things where they might be at

1 500 megawatts a lot of months. They might dip down
2 to 400 megawatts in some months, you know, when
3 that's temperature reasons that they can't do their
4 processes.

5 We didn't want a minimum demand
6 charge to be a barrier to entry, so we talked about,
7 you know, okay, well, how can we right-size demand
8 charges for these customers, recognizing that
9 they're not all going to be data centers or at least
10 to not foreclose it that they only could be data
11 centers that work under the rate structure. And
12 those are just differences that we, as a staff, work
13 together to take into account for Missouri's unique
14 requirements versus the things we're observing in
15 other states.

16 Q And in this conversation with OPC, CWIP
17 was discussed. Do you remember that?

18 A I do.

19 Q And that was listed as somewhat of a
20 distinction from Kansas regulatory treatment
21 compared to Missouri. Are there any differences in
22 regulatory treatments and structures that need to be
23 considered when compared to the Stipulation and
24 Agreement in this case versus the Kansas agreement?

25 A So, the biggest one is definitely that

1 lack of -- I shouldn't say lack. We don't like the
2 way Kansas does things in general, because Missouri
3 is better, you know. But just the way those riders
4 are handled very definitely makes the fuel recovery,
5 the Kansas tariff for their version of the FAC is
6 just fundamentally different than the Missouri
7 version of the tariff.

8 I shouldn't say version of the
9 tariff; they're doing different things, but they're
10 relating to fuel. And then certainly the Kansas
11 stip acknowledging and incorporating those billing
12 determinants coming in from LLPS customers into
13 those others riders, especially CWIP.

14 Q What are some modifications that would
15 make the stipulation and agreement more palpable and
16 mitigate existing ratepayer harm?

17 A I think there's two big problems with the
18 stipulation at the end of the day. Well, three big
19 problems with the stipulation at the end of the day.
20 The first is lack of transparency, and that Evergy
21 and selected customers are unilaterally making
22 decisions about what customers are going to be billed
23 under a variety of riders that do far ranging
24 things, like changing prudent resource planning and
25 allowing one customer to set what resources we're

1 going to have as -- as the utility.

2 The next big issue is that the design
3 of the stipulation, I think, it creates barriers to
4 entry to customers who are not data centers. If you
5 are a customer who is not going to have a
6 month-to-month steady load factor, this really slams
7 the door of Evergy service territories on your
8 business model.

9 The third issue that I think can be
10 more readily addressed is, the way that it doesn't
11 matter -- if an LLPS customer is paying the right
12 rate or the wrong rate, it doesn't matter to
13 regulated ratepayers until that rate -- until that
14 revenue is recovered in -- or reflected, I should
15 say, in a rate case.

16 And, so, the easiest way around that,
17 if you wanted to approve something in line with the
18 company stip would be to order deferrals of all
19 revenues and all expenses associated with that LLPS
20 customer, and we have a big whole fight about it
21 when we get to a rate case.

22 Q You also talked with OPC about rates and
23 rate structure complexity. I believe you mentioned
24 that the realized bills may be similar between
25 Staff's proposed rate structure depending on the

1 customer load; did I get that right?

2 A Yes.

3 Q Could Staff have rolled together some of
4 the components for demand and energy in this
5 proposal?

6 A Yes. I mean, effectively if you take the
7 charges that I recommend, and for this, you know,
8 this is going to go back to that alternative time of
9 use charge where's it broken out more clearly
10 because, you know, the Optional Agreement is
11 different, but if you take each of those charges on
12 that Appendix 4, I believe it was, to my surrebuttal
13 testimony and apply the 20 to 25 percent adder (ph.)
14 to each; we split them out for transparency. We
15 split them out for making future rate cases less
16 complicated. But if you just take those, you could
17 add things together as you saw fit, that does
18 interfere with our more customer friendly minimum
19 demand setup that does sort of take away some of the
20 flexibility on the customer side. But, yeah, you
21 could add those together and come up with a simple
22 demand charge, a simple minimum demand, a customer
23 charge.

24 I mean, we're -- the tariffs are
25 recovering the same things. To say that they're

1 irreconcilably different, or however that's been
2 phrased, is -- is just not accurate.

3 Q What proposals allow for more flexibility
4 in load, Staff or the Stipulation and Agreement
5 Proposal?

6 A Staff, and especially the Optional
7 Agreement for market energy prices.

8 Q You also talked with OPC about the impact
9 of large loads on the rates of other rate classes;
10 do you recall that?

11 A I do.

12 Q How does adding substantial amounts of
13 generation today impact the rates of existing
14 ratepayers?

15 A Well, when you get to a rate case, I would
16 anticipate that Evergy will seek recovery of that
17 additional plant. We have observed that now, and
18 for now, I mean, the last decade or so, it's not
19 reasonable to expect a plant to pay for itself. You
20 know, I think there was a time when you could say if
21 we build this power plant, the sales revenues from
22 it, the capacity contracts from it, will be able to
23 offset fully the increase in cost of service. That
24 isn't the environment we're in today.

25 So, if you add cost of service, and

1 you add revenues that do not offset that cost of
2 service, you're going to have a cost of service
3 increase experience by all customers that it is
4 allocated to. And that will be the case unless you
5 do something like impute revenues or disallow rate
6 bases.

7 Q And are the components included in Staff's
8 proposal similar to cost categories reviewed in
9 class cost of service studies?

10 A Yeah, so, I mean, what those are is -- is,
11 those are -- those line items on Staff's recommended
12 rates are things where I sat down with accountants,
13 Kimball and Karen Lyons, Lisa Ferguson are ones I
14 had the more in-depth conversations with, and we
15 talked about here are the things that are going to
16 change when we add a customer, and there were some
17 smaller ones that we left out.

18 We had a very spirited discussion
19 about cash work in capital and that as that relates
20 to the FAC, and, you know, things that typically are
21 little line items, but, boy, it's, you know, 500
22 percent of existing energy, it becomes a big line
23 item. But, yeah, what Staff's itemized lines are
24 those elements of cost of service that we expect are
25 going to vary with the addition of a large load

1 customer.

2 Q Is Staff opposed to rate structure
3 modification?

4 A I mean, I think -- I think what we put
5 forward is best, but, you know, if you picture some
6 of those, you know, little matrixes where it'll say
7 good, better, best, not okay, you know, that kind of
8 thing, I think there's a lot of -- depending on what
9 the Commission's objective is, there are a lot of
10 things that you can change in the rate structure.
11 But understanding what it is the Commission is
12 trying to achieve, is what does, frankly, complicate
13 that trying to do this work in isolation.

14 Q You had some questions from Renew, mostly
15 regarding time-based rates; do you recall that?

16 A I do.

17 Q And this also included market prices
18 during peak and off-peak periods; did I get that
19 right?

20 A You did.

21 Q Does a flat rate for what would be the
22 largest customers in the state seem reasonable?

23 A It does not. Avoiding confidentiality,
24 there's a reference in the report where we looked at
25 existing data center load and showed what the

1 variation is that those customers have. Avoiding
2 going in camera, I can say the industry trend is
3 that that data center cooling load is coinciding
4 across the board, across the grid, with times of
5 peak demand. So, even though we're filling in
6 periods of low demand, we are exacerbating peaks
7 when we have data centers.

8 Now, when we look at other sorts --
9 and I should say that is absent rate considerations
10 that encourage those customers to do things like
11 precooling. I think that if you had the right rate
12 structure, that the data center could make a
13 cost-based decision to do precooling, to do thermal
14 energy storage, to do a lot of things that they're
15 not going to bother with a flat rate.

16 Now, we get to other usage types,
17 that can get a lot worse or a lot better depending
18 on your perspective. I think I mentioned earlier to
19 Mr. Clizer, the concept of a customer, who is
20 primarily off peak or who is peaking in shoulder
21 months, and that could -- that could do wonders for
22 affordability. But that customer is going to be
23 viewed -- that customer with that profile would not
24 come to Missouri under the stipulation structure,
25 because that high demand charge would be a barrier

1 to their entry.

2 Q So, it's worse if the customers have
3 highly variable load?

4 A The stipulated structure is worse for
5 customers with variable load, is a barrier to entry,
6 but it doesn't reasonably align cost with revenue
7 recovery for customers with a high load. It's kind
8 of the both -- worst of both worlds.

9 Q Does the Staff approach account for the
10 differences in the time-of-energy usage?

11 A It --

12 MR. LOWERY: Your Honor, I'm going to
13 object. All these questions are leading. I've
14 let it go until now, but objection based on
15 leading questions. This is Redirect.

16 JUDGE WALKER: I'm going to sustain. Can
17 you please rephrase your questions?

18 BY MS. KLAUS:

19 Q Can you tell me how the staff approach
20 accounts for the differences in the time-of-energy
21 usage?

22 A So, I hate using all these options, but we
23 tried to just really lay out all the different
24 approaches the Commission could take here. So, the
25 time-based option that I believe is my surrebuttal

1 Appendix 4, uses time-based rates that explicitly
2 does that based on historic average associated with
3 various time periods. It also uses on-peak demand
4 charges that are going to give customers the benefit
5 of not paying as much for usage that isn't on peak.

6 The Optional Agreement approach, I
7 think really -- I wish we would have thought of it
8 sooner and hopefully made all these cases less
9 complicated, it literally aligns market prices of
10 energy with customer compensation. You know, it
11 is -- that customer is -- these are sophisticated
12 customers, who are players in power markets. It
13 takes the utility out as the middleman, and it gives
14 them the ability take advantage of those market
15 protections without having to independently secure
16 capacity the way they would if they were in a
17 wholly -- in a pure wholesale play.

18 Q You had some questions from Ameren in
19 which Mr. Lowery had you work through some
20 miscellaneous work paper calculations and made some
21 manipulations in the cells and items and columns in
22 there. I think during that you had said that work
23 papers are different from what is ultimately placed
24 in testimony. And I just wanted to see if you had
25 anything further to say on that or if I got that

1 correct.

2 MR. LOWERY: Objection, calls for a
3 narrative.

4 MS. KLAUS: Are work papers different from
5 what's filed in testimony?

6 MR. LOWERY: That question is leading.

7 MS. KLAUS: How are work papers different
8 from what's filed in testimony?

9 JUDGE WALKER: Thank you.

10 THE WITNESS: In an ideal world with time
11 to do it, work papers are a clean and concise
12 and beautiful thing that could easily be handed
13 out and distributed to parties, and that is my
14 goal to get there some day. My work papers on
15 this case more than most are sloppy. I am
16 constantly making notes and calculations to
17 myself to do my work.

18 Ideally, we do our work and then we create
19 a new version of work papers. It's what I try
20 to teach folks I'm training to do, but, you
21 know, I don't always get around to it. And, in
22 fact, my filed work papers in this case include
23 notations and calculations that you can set up
24 to do one set of things, but they're not really
25 useful for manipulation to do something else.

1 For example, this work paper is set up
2 using, I believe, it is a 100 percent load
3 factor calculation; where the weight applied to
4 each hour -- or each price is just
5 corresponding the number of hours in the year
6 that that price would be in effect.

7 QUESTIONS BY MS. KLAUS:

8 Q Why would you expect a customer with
9 100 percent load factor not -- to not select the
10 non-alternative energy charge?

11 A If you have a customer that is incredibly
12 risk averse or is doing a cost-plus pass through or
13 something like that, or is real worried about a
14 Storm Uri or a polar vortex or these other extreme
15 pricing events that other ratepayers are still
16 paying for, you know, four and five years later and
17 20 year later -- 15 years later through
18 securitization, you could have a customer who did
19 that. If I were that customer, I would think long
20 and hard about my business model. But you could
21 have a customer who choose to do that, but it sure
22 would be irrational.

23 Q Would all the moving parts in Mr. Lowery's
24 question be a good reason to hold a workshop for
25 this type of case with commission input?

1 A I am kicking myself that I didn't beg and
2 plead for a workshop last January or February.
3 Trying to work through all of the competing goals,
4 the balance of attracting different types of
5 customers and the sorts of considerations that I
6 think different customer interests are after, really
7 made this case so hard for anybody to read the
8 testimony. I -- I really apologize to anyone who
9 has to read my testimony in these cases, because
10 it's like a find-your-own-adventure book.

11 I had to make a flowchart of FAC
12 outcomes for my own benefit, because it has gotten
13 that complicated. If we could get -- if we could
14 have an interlocutory order in this case directing,
15 you know, if this is the result you want, do this,
16 that would help. But if the Commission allows it to
17 be just a series of the semi-formal conversations in
18 a workshop format, getting direct input from the
19 commissioners and the ability to provide candid
20 responses to those commissioners about, you know,
21 that will work, and that's a great idea, or, okay,
22 here are some other things you would need to know
23 about; I think this is a big enough deal to warrant
24 that.

25 Q I think just one final question. If

1 revenue doesn't hit a revenue requirement
2 calculation, can it improve affordability?

3 A If the rates that are LLPS customers
4 pay -- the rate that that LLPS customers pay cannot
5 reduce rates for other ratepayers, whether those are
6 higher or lower than they would have been due to the
7 addition of plant until there's a rate case to
8 recognize them, except that the FAC can go up.

9 So, for that question, until rate
10 case recognition occurs, ratepayers are certainly --
11 legacy ratepayers, captive ratepayers, will be
12 paying higher bills. Whether or not they pay lower
13 bills afterwards depends on what the commission does
14 in a rate case.

15 MS. KLAUS: No further questions, thank
16 you.

17 JUDGE WALKER: Is there any objection to
18 allowing this witness to be excused? Hearing
19 none, Ms. Lange, you are excused. All right,
20 next up on the list we have Ameren Missouri's
21 witness, Robert Dixon.

22 MR. PRINGLE: And, actually, Judge, if you
23 may entertain this, I was hoping to get a brief
24 recess to talk to the other parties about a
25 proposal that could speed things up.

1 JUDGE WALKER: How long do you need?

2 MR. PRINGLE: No more than five or ten
3 minutes.

4 JUDGE WALKER: We'll give you 15.

5 MR. PRINGLE: Oh, thank you so much.

6 JUDGE WALKER: Thank the Commission.

7 (Wherein, a brief recess was taken.)

8 JUDGE WALKER: All right, we're going to
9 go back on the record. Commissioner Kolkmeier
10 has joined us virtually.

11 MR. PRINGLE: And, Judge, before we start
12 with Ameren witnesses, I just wanted to let you
13 know that OPC and Staff has conferred with the
14 other witnesses, none of us -- none of the
15 parties have cross-examination for witnesses
16 Robert Dixon through Jessica Polk Sentell. So,
17 I think we're just going to put them up, do the
18 direct, and if the commissioners have
19 questions, that will be their opportunity, but
20 there will be no cross from parties. And if
21 I'm incorrect, please, someone can correct me.

22 JUDGE WALKER: And I'll try and get that
23 procedure correct. Help me out if I don't.

24 MR. PRINGLE: Will do, Judge.

25 JUDGE WALKER: Please, everyone.

1 (Rob Dixon sworn.)

2 JUDGE WALKER: All right. Ameren
3 Missouri, you may begin.

4 MS. TATRO: Thank you.

5 DIRECT EXAMINATION

6 BY MS. TATRO:

7 Q Good afternoon, could you please state
8 your name and title for the Commission?

9 A Good afternoon, Rob Dixon, R-o-b,
10 D-i-x-o-n. I'm the senior director for Economic
11 Community and Business Development for Ameren
12 Missouri.

13 Q And are you the same Mr. Dixon that
14 filed -- prefilled surrebuttal testimony in this
15 case?

16 A I am.

17 Q Do you have any corrections or additions
18 to make to your testimony?

19 A I do not.

20 Q If I -- if I were to ask you the questions
21 contained within your prefilled testimony, would your
22 answers be the same?

23 A Yes, they would.

24 Q Thank you very much. I move Mr. Dixon's
25 surrebuttal, I believe it is Exhibit Number 700, and

1 tender the witness for cross-examination.

2 JUDGE WALKER: Do you have a copy of
3 Mr. Dixon's surrebuttal?

4 MS. TATRO: I have -- I've already given
5 copies to you.

6 JUDGE WALKER: Oh, that folder.

7 MS. TATRO: Yes, the blue folder.

8 JUDGE WALKER: Mr. Lowery gave it to me,
9 thank you.

10 MS. TATRO: You're welcome.

11 JUDGE WALKER: Is there -- are there any
12 objections to the admission of Exhibit 700,
13 Robert Dixon's Surrebuttal Testimony? Hearing
14 none, it will be admitted.

15 (Ameren Exhibit 700 marked and admitted.)

16 MS. TATRO: I guess I'm tending him for
17 commission questions.

18 JUDGE WALKER: All right. Are there any
19 commission questions?

20 CHAIR HAHN: Yes.

21 QUESTIONS BY THE COMMISSION

22 QUESTIONS BY CHAIR HAHN:

23 Q Good afternoon, Mr. Dixon.

24 A Good afternoon, Chair Hahn.

25 Q I'm going to ask you a little bit about

1 your experience. In your prior role, you were the
2 Director of the Department of Economic Development
3 for the state; is that right?

4 A That's right.

5 Q Okay. Great. In your role as director,
6 what kind of economic development projects did you
7 typically see? Like what kinds of industries?

8 A Missouri has a really diverse industry
9 base. In fact, one of the most diverse in the
10 entire country in terms of the different types of
11 industries. But by in large from economic
12 development perspective, we've worked on anything
13 from manufacturers to logistics. There were food
14 processing companies. A few office-type operations.
15 Really ran the whole gamut. My time as director was
16 before this current wave of large data center boom,
17 so I didn't really experience it when I was a
18 department director, although there were, and still
19 are, many smaller data centers that are operating
20 across the state, but really the bulk of work had
21 been focused on those key industries that Missouri
22 is actively trying to attract to the state.

23 Q Okay. In your testimony -- or in your
24 surrebuttal, I think you highlight the Nucor, GM and
25 the USDA relocation to Kansas City?

1 A Yes.

2 Q So, manufacturing was probably a key
3 component?

4 A Absolutely.

5 Q When Ms. Lange was on the stand, she said
6 that her -- one of Staff's primary concerns to the
7 stipulation and agreement in this case, is that it
8 creates barriers to entry for non-data centers. So,
9 now, you have experience working both with
10 manufacturers like Nucor or GM and also data
11 centers. Can you tell me in your view out of
12 Staff's recommendation compared to that of the
13 stipulation and agreement, do you think it creates
14 barriers to entry for non-data center customers?

15 A I do not. And really the best evidence I
16 have for that is not even my own experience, but
17 really hearing directly from manufacturers, both in
18 the Kansas stipulation and also those parties to the
19 nonunanimous stipulation here. Obviously, Nucor is
20 a part of this case; they, to my understanding, have
21 signed off on the stipulation and have already
22 indicated that would expand, even with the terms of
23 that stipulation. In the Kansas case, we discussed
24 it yesterday, there were multiple manufacturers, as
25 well as large, I believe, larger industrial trade

1 organizations, and the like, that represent a
2 variety of organizations.

3 So, my concern is not barrier entry
4 for manufacturing, because I think their
5 participation in those stipulation and agreements
6 shows that manufacturers are not put off by these
7 terms. The concerns that I have with the Staff
8 proposal really are that it creates a barrier to
9 economic development in Missouri generally. And
10 that is -- we heard it directly from many of the
11 customers or potential customers in today's case and
12 heard it yesterday, and that's the proposal that
13 Staff has put together is far out outside of the
14 norm in the industry right now. And those are
15 competitive factors that they're looking at.

16 They're offering and willing to pay
17 their, you know, their fair share of the costs, but
18 the terms have to be something that are reasonable
19 to them as well as to other customers. And, so, I
20 think that's why from a barrier-entry perspective, I
21 would look out at both proposals, listen to what,
22 you know, the potential customers are saying
23 themselves and look at what could potentially put a
24 barrier to, you know, economic development in
25 Missouri generally.

1 Q Are you aware of other customers generally
2 in the Ameren Missouri economic development pipeline
3 that would prefer the Stipulation and Agreement
4 Tariff, as opposed to the Staff agreement? Have you
5 discussed that with potential customers?

6 A We have not discussed the Staff Agreement
7 with potential manufacturing customers. I do know
8 that based on my experience, data center customers
9 in our pipeline have expressed many of the same
10 concerns that we've heard in this case here. But
11 like I said, generally speaking, what any customer
12 is looking for is the ability to clearly understand
13 what is in their bill, what they're paying for, and
14 we heard it even this afternoon, how complicated and
15 complex the staff proposal is.

16 And if it that's difficult to
17 communicate here in this setting, I really do worry
18 about our ability to sit down and look a
19 manufacturer in the eye and try to help explain that
20 to them and what they would be responsible for
21 paying their costs if they could to Missouri under
22 those terms. But that's my bigger concern about it.

23 CHAIR HAHN: Thank you, appreciate that.

24 I don't have any more questions.

25 JUDGE WALKER: Any other Commission

1 questions? Okay, Redirect?

2 MR. PRINGLE: Recross, actually.

3 JUDGE WALKER: We would like to go through
4 Recross? Okay. All right, Everyg?

5 RECROSS-EXAMINATION

6 QUESTIONS BY MR. FISCHER:

7 Q Mr. Dixon, if the Commission did adopt the
8 Staff's proposal, and particularly the Alternative
9 to Energy Charge Proposal, where you would track the
10 SPP prices, if they would adopt that, would you have
11 the ability to tell a data center if they wanted to
12 move into your service territory what their likely
13 bill would be?

14 A To my understanding, it would be very
15 difficult for us to do that. I would certainly
16 defer to others on the Ameren team who might have
17 deeper perspectives on it. I think the bigger
18 concern overall is you think about what our
19 competitor states are doing, and they are not doing
20 tariff proposals like Staff has proposed.

21 In particular, Kansas is our number
22 one competitor in economic development for Missouri.
23 I submitted testimony to that effect. We looked at
24 who the competitor states are in, you know, to
25 Missouri. Kansas is our biggest competitor. And

1 for Kansas to have potentially adopted a stip in
2 their case, and us to be looking at these mechanisms
3 in Missouri that are so far afield from the industry
4 norm, that's why I would really be concerned with
5 being able to have a conversation like you just
6 outlined.

7 Q Do you think having a workshop just to
8 talk about all the issues related to Staff's
9 proposal would be beneficial?

10 A I understand, I guess, some of the
11 questions behind that or maybe the impulse to do it,
12 but from my perspective, the only ones that are
13 going to benefit from Missouri tapping the brakes or
14 slowing down are those states that we're competing
15 with in economic development. Because as Evergy has
16 submitted in this case, as we've talked in about our
17 case, there are active economic development
18 opportunities that are looking to invest in Missouri
19 right now, and that delay, us slowing down that
20 process, sends a really loud signal to the rest of
21 the country and to potential economic development
22 opportunities, that we're not ready to do business,
23 so I don't think, from that perspective at all, it
24 would be beneficial.

25 Q Have you seen workshops in front of the

1 Commission that tend to linger?

2 A It's my understanding that they do, and I
3 would also suggest there's -- this is my opinion, as
4 you look at other states around the country, they
5 all have relatively similar terms that we're
6 discussing in both Evergy's stip, Ameren Missouri's
7 proposal, that's because I think at the end of the
8 day, those are the types of terms and conditions
9 that provide those protections to customers. Those
10 contract terms provide the revenue certainty; they
11 provide the protections that we're talking about;
12 and they also, at end of the day, are fair to both
13 the large customers and the existing customers.

14 So, if we go through a workshop, for
15 good intent, and we end up relevantly close to where
16 we started, which I think is highly likely based on
17 what is happening across the industry, all we have
18 done is burned time that could have been building
19 things in Missouri, and tax dollars going to our
20 local jurisdictions, and people working. And I
21 don't think it's worth a delay to essentially end up
22 where I think we would end up.

23 MR. FISCHER: Thank you for your
24 testimony. I have no other questions.

25 JUDGE WALKER: Renew Missouri?

1 MS. MERS: Just very, very briefly.

2 RECROSS-EXAMINATION

3 BY MS. MERS:

4 Q Nicole Mers with Renew Missouri. Good
5 afternoon.

6 A Good afternoon.

7 Q In your conversation with Chair Hahn, you
8 were discussing some of the items and terms that
9 attract customers to the state. How important have
10 you seen that renewable choices and riders are?

11 A In my experience in dealing with the new
12 types of large data centers, but as well as existing
13 customers, it's very important to them. Some have,
14 as we have discussed in proceedings previous and in
15 other venues, they do have stringent corporate
16 sustainability targets that they're trying to meet.
17 Some do not, of course. But for those that do, it's
18 absolutely part of their overall evaluation of doing
19 business in our area. I think that's why Evergy
20 brought forward these type of riders. It's why
21 Ameren has brought forward those types of riders.
22 If you're going to do economic development like
23 this, you need to have those types of options, and
24 the way they're structured, I think that does give
25 customers who want that choice those options and

1 certainly those that don't -- don't need to exercise
2 that.

3 Q And in your experience, would you agree
4 that a lot of the other states that have started
5 working on these kind of tariffs offer those kind of
6 programs?

7 A I don't know that I could give you a
8 number of other states, but I do know that other
9 states offer renewable or clean energy-type
10 programming or carbon free. And I absolutely know
11 that that is what these new large customers are
12 looking for as a part of the overall sweep when they
13 evaluate location.

14 MS. MERS: Okay, thank you very much.

15 THE WITNESS: Thank you.

16 JUDGE WALKER: Velvet Tech Services?

17 MS. BELL: No questions, thank you.

18 JUDGE WALKER: Google?

19 MR. SCHULTE: No Recross, thank you.

20 JUDGE WALKER: Data Center Coalition?

21 MR. VIJAYKAR: No, Recross, Your Honor.

22 Thank you.

23 JUDGE WALKER: Sierra Club?

24 MR. MORRISON: No questions, thank you.

25 JUDGE WALKER: The Office of Public

1 Counsel?

2 MR. CLIZER: No questions, thank you.

3 JUDGE WALKER: The Staff of the Missouri
4 Public Service Commission?

5 MR. PRINGLE: Just a few, thank you,
6 Judge.

7 RECROSS-EXAMINATION

8 BY MR. PRINGLE:

9 Q Good afternoon, Mr. Dixon.

10 A Good afternoon.

11 Q And you were talking about the Stipulation
12 and Agreement with Chair Hahn and manufacturing.
13 But isn't Nucor the only manufacturer who signed
14 onto that Stipulation and Agreement?

15 A In this case in Missouri, but we as talked
16 about yesterday, there were many more signatories
17 that were manufacturers in Kansas, and as I
18 understand it, the stip in this case is relatively
19 similar to that case. And, so, I am, you know,
20 making some assumptions, of course, but it does seem
21 reasonable to me to believe that if manufacturers in
22 Kansas were comfortable with that, that
23 manufacturers in Missouri would be comfortable with
24 it. And, again --

25 Q But, I guess, as of today, Nucor is only

1 the manufacturer who signed onto the Missouri stip.

2 A As of today, it appears that to be the
3 case.

4 Q Then also your understanding that if that
5 stipulation and agreement is approved by this
6 Commission, would Nucor be taking service under the
7 LLPS tariff immediately?

8 A You know, I would defer to Evergy or
9 others that are closer to Nucor as a customer.
10 They're not one of our customers.

11 Q And then have you done any kind of
12 analysis on the realized bill for potential
13 customers under the Stipulation and Agreement?

14 A I have not personally, no.

15 Q Have you done any kind of analysis on the
16 realized bills for potential customers under Staff's
17 proposal?

18 A I have not personally, no.

19 Q And at this time, you also talked about
20 the complexity of Staff's proposal. Can you
21 describe the interaction of all riders that have
22 been included in the Evergy Stipulation and
23 Agreement?

24 A I cannot. I don't work for Evergy. I did
25 not develop those programs certainly, but I would

1 defer to those are closer to it.

2 Q And my final question is, I guess in your
3 opinion, you believe that if a stipulation and
4 agreement works in Kansas it will also work in
5 Missouri?

6 A That's not what I said. What I said was
7 Kansas having a stipulation like this that is in
8 line with market is going to make Kansas more
9 competitive for economic development than if
10 Missouri were to adopt Staff's proposal, and I do
11 believe that's the case.

12 Q And, I guess, finally, are you aware is
13 there any kind of large load power service tariff in
14 Iowa?

15 A I'm not aware of Iowa's tariff.

16 Q What about Arkansas?

17 A I'm not aware of Arkansas's tariff.

18 Q And do you believe -- know if there's any
19 in Nebraska?

20 A Again, I'm not an expert on Nebraska's
21 tariffs.

22 MR. PRINGLE: All right. Well, thank you
23 very much, Mr. Dixon, for your time.

24 THE WITNESS: Thank you.

25 JUDGE WALKER: Redirect Examination?

1 MS. TATRO: I have no Redirect, thank you.

2 JUDGE WALKER: Does anyone object to this
3 witness being excused? Mr. Dixon, thank you.
4 You are excused.

5 THE WITNESS: Thank you, Your Honor.
6 Thank you, Chair.

7 JUDGE WALKER: Please call your next
8 witness.

9 MR. LOWERY: Ameren Missouri calls Ajay
10 Arora.

11 (Ajay Arora sworn.)

12 JUDGE WALKER: You may begin.

13 DIRECT EXAMINATION

14 BY MR. LOWERY:

15 Q Could you please state your name for the
16 record and what job title is?

17 A Yes, absolutely. My name is Ajay Arora,
18 it's spelled A-j-a-y. Last name, A-r-o-r-a. And
19 I'm the senior vice president and chief development
20 officer for Ameren Missouri.

21 Q Mr. Arora, did you cause to be prepared
22 for filling in this docket rebuttal testimony and
23 surrebuttal testimony?

24 A I did.

25 Q Do you have any corrections to that

1 testimony today?

2 A I do not.

3 Q If I were to ask you the questions posed
4 in that testimony, both your rebuttal and
5 surrebuttal, would your answers be the same?

6 A They would, yes.

7 Q And are your answers true and correct to
8 the best of your knowledge and belief?

9 A They are, yes.

10 MR. LOWERY: With that, Your Honor, I will
11 move for the admission of Mr. Arora's Rebuttal
12 and Surrebuttal Testimony, which are Exhibits
13 701 and 702 respectively.

14 JUDGE WALKER: Which is which?

15 MR. LOWERY: 701 is Rebuttal. 702 is
16 Surrebuttal.

17 JUDGE WALKER: Let's take them one at a
18 time. 701. Mr. Arora's Rebuttal Testimony,
19 are there any objections? Hearing none, it
20 will be admitted.

21 (Ameren Exhibit 701 marked and admitted.)

22 JUDGE WALKER: And I'm guessing 702 is the
23 --

24 MR. LOWERY: Is the surrebuttal.

25 JUDGE WALKER: Okay. As to Exhibit 702,

1 Ajay Arora's Surrebuttal Testimony, are there
2 any objections? Hearing none, Exhibit 702 will
3 be admitted.

4 (Ameren Exhibit 702 marked and admitted.)

5 MR. LOWERY: And I tender Mr. Arora for
6 cross-examination, or are you wanting me to
7 offer 703 again? 702. Oh, you got 701. I
8 apologize, Your Honor. You have 701 and 702
9 both admitted, correct?

10 JUDGE WALKER: That's correct.

11 MR. LOWERY: Okay, thank you. And I
12 tender Mr. Arora for cross-examination.

13 JUDGE WALKER: Any Commission questions?
14 Hearing none, do you have any Redirect, okay,
15 does anyone have any objection to Mr. Arora
16 being excused? Mr. Arora, hearing no
17 objections, you are excused, thank you. Please
18 call your next witness.

19 MR. LOWERY: We call Steve Wills to the
20 stand.

21 (Steve Wills sworn.)

22 JUDGE WALKER: You may begin.

23 DIRECT EXAMINATION

24 QUESTIONS BY MR. LOWERY:

25 Q Mr. Wills, would you please state your

1 name and job title, please?

2 A Steve Wills, S-t-e-v-e, W-i-l-l-s. And I
3 am the senior director of regulatory affairs for
4 Ameren Missouri.

5 Q Mr. Wills, did you cause to be prepared
6 for filing this docket, rebuttal testimony marked
7 for identification as Exhibit 703 and surrebuttal
8 testimony marked as exhibit 704?

9 A Yes, I did.

10 Q Do you have any corrections to your
11 testimony?

12 A The only correction I have is that in the
13 surrebuttal testimony in the confidential version of
14 that, I had attached some testimony from a prior CCN
15 application of a colleague of mine, Mitch Lansford,
16 and I attached the non -- the public version to the
17 confidential testimony, and I would replace that
18 with the confidential version for my confidential
19 testimony.

20 MR. LOWERY: May I approach, Your Honor?

21 JUDGE WALKER: Yes.

22 QUESTIONS BY MR. LOWERY:

23 Q Mr. Wills, is this the correct version
24 that should have been attached to your confidential
25 testimony?

1 A Yes, it is.

2 MR. LOWERY: Your Honor, if I could, I'd
3 like to mark this as Exhibit 707.

4 (Exhibit 707 marked.)

5 JUDGE WALKER: Is -- now, is this his
6 surrebuttal testimony?

7 MR. LOWERY: This is -- this is, for the
8 record, this is a replacement for Schedule SMW
9 S-1 to his surrebuttal testimony. Because he
10 mistakenly attached the wrong document.

11 JUDGE WALKER: I'm going to give you these
12 exhibits back and ask you to mark the numbers
13 on them, and give them back to me. Can you do
14 that?

15 MR. LOWERY: Yes, there are actual numbers
16 on those.

17 JUDGE WALKER: Where? I can't find them.
18 Well, this one is -- oh, they're right at the
19 top.

20 MR. LOWERY: Yeah, sorry.

21 JUDGE WALKER: No, it's just very small.

22 MR. LOWERY: May I inquire further, Your
23 Honor?

24 JUDGE WALKER: Of course.

25 QUESTIONS BY MR. LOWERY:

1 Q Mr. Wills, you've identified Exhibit 707
2 as the correct Schedule SMW S-1 to your surrebuttal
3 rebuttal testimony, correct?

4 A Correct.

5 Q So, the change you're wanting to make is
6 just to replace the original one that was filed in
7 EFIS with this correct document, correct?

8 A That is correct .

9 Q Do you have any other changes to your
10 testimony?

11 A I do not.

12 Q If I asked you the questions -- I asked
13 you the questions both in your rebuttal and
14 surrebuttal testimony, would your answers be the
15 same here today?

16 A Yes.

17 Q And to the best of your knowledge and
18 belief, are those answers true and correct?

19 A Yes.

20 Q Your Honor, with that, I would offer
21 Exhibit 703?

22 JUDGE WALKER: Are there any objections to
23 Exhibit 703, Steve Wills's Rebuttal Testimony?
24 Hearing no objections, it will be admitted.
25 (Ameren Exhibit 703 marked and admitted.)

1 MR. LOWERY: I would also offer 704 and
2 Exhibit 707 as a replacement for his Schedule
3 SMW-S1 to his Surrebuttal.

4 JUDGE WALKER: Let's do them one at a time
5 for Exhibit 704, Steve Wills' Surrebuttal
6 Testimony, are there any objections to the
7 admission of this exhibit. Hearing none, 704
8 will be admitted.

9 (Ameren Exhibit 704 marked and admitted.)

10 JUDGE WALKER: As to --

11 MR. LOWERY: The -- I'm sorry, go ahead,
12 sorry.

13 JUDGE WALKER: As to Exhibit 707, which is
14 the Replacement for Steve Wills's Surrebuttal
15 Testimony, are there any objections to the
16 admission of this exhibit?

17 MR. CLIZER: Not an objection, just really
18 quick, we are just changing the confidentially
19 level? Nothing else about that is changing; is
20 that right?

21 MR. LOWERY: That's right, John.

22 MR. CLIZER: Yeah, we -- I have no
23 objection. Thank you.

24 JUDGE WALKER: Okay. After that
25 clarification and hearing no objections,

1 Exhibit 707 will be admitted.

2 (Ameren Exhibit 707 admitted.)

3 MR. LOWERY: And I tender Mr. Wills for
4 cross-examination from the bench.

5 JUDGE WALKER: Are there Commission
6 questions? Okay, there are no Commission
7 questions. Any Redirect?

8 MR. LOWERY: No, thank you, Your Honor.

9 JUDGE WALKER: Okay. Is there any
10 objection to Mr. Wills being excused? Hearing
11 none, thank you, Mr. Wills. You are excused.
12 Now, just to clarify, I also have an Exhibit
13 704C, which has neither been offered nor
14 admitted.

15 MR. LOWERY: I guess we marked them
16 separately. I'd offer 704-C as well. It's
17 identical to 704, except it has confidential
18 information in it.

19 JUDGE WALKER: And you want this to be
20 admitted as a confidential version?

21 MR. LOWERY: Yes.

22 JUDGE WALKER: Okay, Exhibit 704-C, Steve
23 Wills' Surrebuttal Testimony Confidential
24 Version. Are there any objections? Hearing
25 none, Exhibit 704-C will be admitted.

1 (Ameren Exhibit 704-C marked and admitted.)

2 JUDGE WALKER: Okay, Ameren Missouri, do
3 you have any further witnesses?

4 MR. LOWERY: We have no further witnesses,
5 Your Honor.

6 JUDGE WALKER: All right, the next witness
7 I have on the list is Carolyn Berry for Google.

8 MR. SCHULTE: Yes, thank you, Judge.
9 Google calls Dr. Carolyn Berry.

10 (Dr. Carolyn Berry sworn.)

11 JUDGE WALKER: You may begin.

12 DIRECT EXAMINATION

13 QUESTIONS BY MR. SCHULTE:

14 Q Good afternoon, Dr. Berry.

15 A Good afternoon.

16 Q Can you please state your name, title and
17 place of employment, please?

18 A Carolyn Berry. C-a-r-o-l-y-n, B-e-r-r-y.
19 I'm a partner at Bates White in economic consulting.

20 Q And what is your business address?

21 A My business address is 2001, K Street,
22 North Building, Suite 500, Washington DC, 20011 --
23 20001.

24 Q Are you the same Carolyn Berry, who filed
25 testimony -- sorry rebuttal testimony in Schedules

1 CB-1 through CB-7 on July 5th, 2025, surrebuttal
2 testimony in Schedule CB-8 on September 12th, 2025;
3 Corrected Surrebuttal Testimony on September 12th,
4 2025; and corrected Scheduled CB-8 on
5 September 15th, 2025?

6 A Yes, I am.

7 Q Beyond the corrections already made to
8 your surrebuttal testimony you filed in EFIS, as was
9 as your Schedule CB-8, do you have any other
10 corrections to make to your testimony at this time?

11 A No, I do not.

12 Q If I asked you the same questions
13 again today as appear in your rebuttal testimony and
14 surrebuttal testimony, would your answers remain the
15 same?

16 A Yes, they would.

17 MR. SCHULTE: Thank you. Dr. Berry's
18 Rebuttal Testimony and Schedules CB-1 through
19 CB-7 has been marked as Exhibit 550.

20 Dr. Berry's Corrected Surrebuttal testimony,
21 along with corrected CB-8 has been marked as
22 Exhibit 551. And hard copies have been
23 provided to the Commission. However, I would
24 note that Schedule CB-6, which is part of
25 Dr. Berry's Rebuttal testimony is an Excel file

1 that is not practical to print due to the size.
2 There is an electronic copy filed through EFIS
3 and so, but we were not able to print that
4 without killing many trees and making it almost
5 impossible to read if we did so. So, I would
6 direct you to the electronic copy of that
7 exhibit. And with those that clarifications, I
8 would move to admit Exhibits 550 and Exhibit
9 551.

10 JUDGE WALKER: Okay, let's take them one
11 at a time for the record. Are there objections
12 to Exhibit 550, Carolyn Berry's Rebuttal
13 Testimony with Schedule CB-1 through CB-7?
14 Hearing no objections, it will be admitted.
15 (Google Exhibit 550 marked and admitted.)

16 JUDGE WALKER: Exhibit 551, Surrebuttal
17 Rebuttal Testimony of Carolyn Berry. Exhibit
18 551 with Schedule CB-8 corrected. Are there
19 any objections to the admission of this
20 exhibit? Hearing none, it will be admitted.
21 (Ameren Exhibit 551 marked and admitted.)

22 MR. SCHULTE: Thank you, Judge. I also
23 just want to note for the record our prefilled
24 exhibit list used incorrect numbers, so if
25 you're relying on our pre-filed exhibit list,

1 those numbers should be 550 and 551. We
2 mistakenly labeled them as 500 and 501. And
3 with that, I would tender the witness for bench
4 questions.

5 JUDGE WALKER: Are there any Commission
6 questions? Any Redirect?

7 MR. SCHULTE: No, thank you, Judge.

8 JUDGE WALKER: Is there any objection to
9 allowing Dr. Berry to be excused? Hearing
10 none, Dr. Berry, you are excused.

11 THE WITNESS: Thank you.

12 JUDGE WALKER: Thank you. The next
13 witness I have is Kevin Higgins for the Data
14 Center Coalition.

15 MS. GREENWALD: That's correct, Data
16 Center Coalition calls Kevin Higgins.

17 JUDGE WALKER: Mr. Higgins, can you raise
18 your right hand? Do you swear to tell the
19 truth, the whole truth and nothing but the
20 truth so help you God? We can't hear you. We
21 still can't hear you.

22 (Court reporter clarification.)

23 JUDGE WALKER: We're going to go off the
24 record and try to solve this technical problem.

25 (Off-the-record discussion.)

1 JUDGE WALKER: We'll go back on the
2 record.

3 (Kevin Higgins sworn.)

4 JUDGE WALKER: All right, okay, Data
5 Center Coalition, you may continue.

6 DIRECT EXAMINATION

7 BY MS. GREENWALD:

8 Q Thank you, Your Honor. Good afternoon,
9 Mr. Higgins, can you please state and spell your
10 name for the record?

11 A My name is Kevin C. Higgins. K-e-v-i-n,
12 middle initial C, H-i-g-g-i-n-s.

13 Q By whom are you employed and in what
14 capacity?

15 A I am a principle in the firm Energy
16 Strategies.

17 Q And on whose benefit are you offering
18 testimony in this proceeding?

19 A I testified on behalf of Data Center
20 Coalition.

21 Q And did you prepare and cause to be filed
22 rebuttal testimony both public and confidential
23 versions which has been premarked as Exhibit 400 and
24 400-C respectively?

25 A Yes.

1 Q Did you prepare and cause to be filed
2 surrebuttal testimony, which been premarked as
3 Exhibit 402?

4 A Yes.

5 Q Are the answers in those testimonies true
6 and accurate to the best of your knowledge as of the
7 time that they were prepared?

8 A Yes.

9 Q And do you have any corrections to make to
10 your prefiled testimony at this time?

11 A No, I do not.

12 Q If I were to ask you the same questions in
13 those testimonies today, would your answers be
14 substantially the same?

15 A Yes.

16 Q Okay. At this time, I move to admit
17 Exhibits 400, 400-C and 402 into the record.

18 JUDGE WALKER: First, can you identify the
19 exhibits one by one and give them a title
20 please?

21 MS. GREENWALD: Yes, Your Honor. Exhibit
22 400 is the Public Version of the Rebuttal
23 Testimony of Kevin Higgins. 400-C is the
24 Confidential Version of the Rebuttal Testimony
25 of Kevin Higgins. And 402 is the Surrebuttal

1 Testimony of Kevin Higgins.

2 JUDGE WALKER: I don't have these
3 exhibits, and I'm reluctant to admit them
4 without having them. I'm assuming they're --
5 are they filed in EFIS?

6 MS. GREENWALD: They are filed in EFIS.
7 We also submitted a prefilled exhibit list and
8 e-mailed the exhibits into the exhibits at
9 psc.mo.gov address.

10 JUDGE WALKER: Can you please e-mail me
11 the exhibits?

12 MS. GREENWALD: Yes.

13 JUDGE WALKER: My e-mail address is
14 karolin.walker@psc.mo.gov. And my first name
15 is spelled K-a-r-o-l-i-n.

16 MS. GREENWALD: Thank you, Your Honor.
17 We'll do that here momentary. And I'm assuming
18 that you will also need the exhibits for the
19 other DCC witnesses, so perhaps we'll just send
20 all those in one e-mail.

21 JUDGE WALKER: Okay. Let's take them one
22 by one. Now, Exhibit -- I know you identified
23 it but I can't write that fast. Exhibit 400 is
24 the public version of Kevin Higgins -- is it
25 rebuttal testimony?

1 MS. GREENWALD: That's correct, Your
2 Honor.

3 JUDGE WALKER: Is there any objections to
4 the admission of Kevin Higgins Public Version
5 of Rebuttal Testimony? Hearing none, Exhibit
6 400 will be admitted.

7 (Data Center Coalition 400 marked and admitted.)

8 JUDGE WALKER: Exhibit 400-C is the
9 confidential version of Kevin Higgins Rebuttal
10 Testimony. Do I hear any objection to the
11 admission of Exhibit 400-C? Hearing no
12 objections, this exhibit will be admitted.

13 (Data Center Coalition Exhibit 400-C marked and
14 admitted.)

15 JUDGE WALKER: And Exhibit 402, are there
16 any objections to the admission of Kevin
17 Higgins Surrebuttal Testimony? Hearing none,
18 it will be admitted.

19 (Data Center Coalition Exhibit 402 marked and
20 admitted.)

21 MS. GREENWALD: Thank you, Your Honor. At
22 this time, I tender the witness for Commission
23 questions.

24 JUDGE WALKER: Are there any Commission
25 questions? Hearing none, I'm assuming you have

1 no Redirect?

2 MS. GREENWALD: No, thank you, Your Honor.

3 JUDGE WALKER: Are there any objections to
4 Mr. Higgins' being finally excused? Hearing
5 none, Mr. Higgins, you are excused.

6 THE WITNESS: Thank you, Your Honor.

7 JUDGE WALKER: Data Center call your next
8 witness, please.

9 MR. VIJAYKAR: Thank you, Your Honor.
10 I'll take over on this one. This is Nikhil
11 Vijaykar, attorney for DCC. DCC next calls to
12 the stand virtually Witness Shana Ramirez, and
13 Ms. Ramirez is on screen, Your Honor.

14 JUDGE WALKER: She's not on my screen.

15 MR. VIJAYKAR: Okay. I see her among --

16 JUDGE WALKER: Oh, I see her. She's much
17 smaller than you.

18 (Shana Ramirez sworn.)

19 JUDGE WALKER: Okay, you may begin.

20 DIRECT EXAMINATION

21 BY MR. VIJAYKAR:

22 Q Okay, thank you, Your Honor. And good
23 afternoon, Ms. Ramirez, can you please state and
24 spell your name for the record?

25 A Yes, Shana Ramirez, S-h-a-n-a,

1 R-a-m-i-r-e-z.

2 Q Thank you, Ms. Ramirez. And by whom are
3 you employed and in what capacity?

4 A I'm the director at Energy and
5 Environmental Economics.

6 Q Ms. Ramirez, on whose behalf do you offer
7 testimony in this proceeding?

8 A The Data Center Coalition.

9 Q Did you prepare and cause to be filed the
10 rebuttal testimony of Shana Ramirez on July 25,
11 2025, which has been marked as DCC Exhibit 401?

12 A Yes.

13 Q Did you subsequently cause to be filed the
14 corrected rebuttal testimony of Shana Ramirez, which
15 accompanied the notice of errata filed on EFIS on
16 August 7th, 2025?

17 A Yes.

18 Q Ms. Ramirez, did you prepare and cause to
19 be filed the surrebuttal testimony of Shana Ramirez
20 on September 12th, 2025 marked as DCC Exhibit 403?

21 A Yes.

22 Q Are the answers in those testimonies true
23 and correct to the best of your knowledge as at the
24 time they were prepared?

25 A Yes.

1 Q Do you have any corrections that you would
2 like to offer to those testimonies at this time?

3 A No, I do not.

4 Q If I asked the same questions today, would
5 your answers be the same?

6 A They would.

7 MR. VIJAYKAR: Okay. Thank you,
8 Ms. Ramirez. Your Honor, I'm going to move for
9 the admission of Ms. Ramirez's exhibits. Based
10 on your back and forth with Ms. Greenwald, I
11 understand that you haven't received copies of
12 the testimony of Ms. Ramirez, although they
13 have been filed on EFIS. Those will be on
14 their way to your inbox shortly, I'm sure.
15 I -- we have marked Ms. Ramirez's rebuttal
16 testimony as Exhibit DCC Exhibit 401, which you
17 heard in my Direct Examination.

18 We actually -- I will move for the
19 admission of Ms. Ramirez's corrected rebuttal
20 testimony. That has not been marked yet, but I
21 would like to mark that as 401, and send that
22 your way as Exhibit 401. If there's some other
23 way you would like me to handle this, please
24 let me know. But I plan to do in a moment here
25 move for the admission of Ms. Ramirez'

1 corrected rebuttal testimony, as well as her
2 surrebuttal testimony.

3 JUDGE WALKER: I think for the record, and
4 so the Commission has all of the information, I
5 would prefer that you admit Exhibit 401, which
6 is Ms. Ramirez's Rebuttal Testimony, and we'll
7 mark Ms. Ramirez's Corrected Rebuttal Testimony
8 as 401-C, if that's acceptable.

9 MR. VIJAYKAR: That's completely
10 acceptable to me. I would just -- I don't want
11 there to be any confusion over that being a
12 confidential version, since we've used C as a
13 marker for other confidential exhibits. If you
14 think it's clear enough, we're of course fine
15 with that. We can also go E, as in Errata
16 Version.

17 JUDGE WALKER: I have no problem with
18 marking it as 401-E.

19 MR. VIJAYKAR: Okay.

20 JUDGE WALKER: If that's what you prefer.

21 MR. VIJAYKAR: Let's do that to avoid any
22 confusion in the record.

23 JUDGE WALKER: Let's take the exhibits s
24 one at a time.

25 MR. VIJAYKAR: Sure.

1 JUDGE WALKER: 401 with be Shana Ramirez's
2 Rebuttal Testimony. Is there objection -- any
3 objection to this Exhibit 401 being admitted?
4 Hearing none, it will be admitted.
5 (Data Center Coalition Exhibit 401 marked and
6 admitted.)

7 JUDGE WALKER: Exhibit 401-E is Shana
8 Ramirez's Corrective Rebuttal Testimony. Are
9 there any objections to the admission of 401?

10 MR. CLIZER: Brief question, and I
11 apologize.

12 JUDGE WALKER: No, don't apologize.

13 MR. CLIZER: This might have been -- this
14 might have been said and I just missed it. Has
15 the corrected version been filed in EFIS, or
16 was it previously filed in EFIS?

17 MR. VIJAYKAR: It has been filed in EFIS.
18 Both redline and clean versions accompanied the
19 notice of errata.

20 MR. CLIZER: Super, I apologize. That was
21 my fault --

22 MR. VIJAYKAR: Not at all.

23 MR. CLIZER: I have -- I have no
24 objection.

25 JUDGE WALKER: Okay, 401-E will be

1 admitted.

2 (Data Center Coalition Exhibit 401-E marked and
3 admitted.)

4 JUDGE WALKER: Exhibit 402 is Shana
5 Ramirez's surrebuttal testimony.

6 MR. VIJAYKAR: Your Honor, just a quick
7 correction to that, that's actually been marked
8 Exhibit 403. 402 is Mr. Higgins's Surrebuttal
9 Testimony.

10 JUDGE WALKER: Thank you. 403, Shana
11 Ramirez's Surrebuttal Testimony. Are there any
12 objections to 403 being offered? Hearing none,
13 it will be admitted.

14 (Data Center Coalition Exhibit 403 marked and
15 admitted.)

16 JUDGE WALKER: And same procedure, the
17 Data Center Coalition is responsible for
18 sending copies of these exhibits to my inbox,
19 so that --

20 MR. VIJAYKAR: Yes, Your Honor.

21 JUDGE WALKER: -- I may put them together.

22 MR. VIJAYKAR: Yes, Your Honor.

23 JUDGE WALKER: Thank you. And let's have
24 a deadline for all of those things. Can you
25 please do that by tomorrow?

1 MR. VIJAYKAR: I expect it will be in your
2 inbox shortly, so definitely earlier than
3 tomorrow.

4 JUDGE WALKER: Thank you. You may
5 continue.

6 MR. VIJAYKAR: Thank you, Your Honor. I
7 have nothing further for the witness or by way
8 of motion, so I tender the witness for
9 Commissioner questions or cross.

10 JUDGE WALKER: Okay, I have no bench
11 questions. Are there commissioner questions?
12 Hearing no commissioner questions, do you have
13 any redirect questions?

14 MR. VIJAYKAR: I do not. Thank you very
15 much, Your Honor.

16 JUDGE WALKER: Is there any objection to
17 Ms. Ramirez being excused as a witness?
18 Hearing no objection, thank you, Ms. Ramirez.
19 You are excused.

20 MR. VIJAYKAR: And Your Honor, that
21 constitutes all of DCC witnesses, thank you for
22 your time.

23 JUDGE WALKER: Okay, Renew Missouri.
24 Jessica Polk Sentell.

25 MS. MERS: Yes, this is Nicole Mers for

1 Renew Missouri, and we call Jessica Polk
2 Sentell to the stand.

3 (Jessica Polk Sentell sworn.)

4 JUDGE WALKER: Thank you. You may
5 proceed.

6 DIRECT EXAMINATION

7 BY MS. MERS:

8 Q Can you please state and spell your name
9 for the record?

10 A Jessica Polk Sentell, J-e-s-s-i-c-a, Polk,
11 P-o-l-k, Sentell, S-e-n-t-e-l-l. There's no hyphen.

12 Q And who are you employed by and in what
13 capacity?

14 A Renew Missouri, and I am the director of
15 Eastern Missouri, but I have ended up doing a lot of
16 policy work in that position.

17 Q And did you prepare or cause to be
18 prepared rebuttal testimony that has been marked as
19 Exhibit 651 of the rebuttal testimony of Jessica
20 Polk Sentell?

21 A Yes.

22 Q Do you have any corrections or changes to
23 that testimony?

24 A I do not.

25 Q And if I asked you those questions today,

1 would your answers be the same?

2 A They would.

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

5 A They are.

6 Q All right. At this time, I would like to
7 offer the Rebuttal Testimony of Jessica Polk
8 Sentell, which is Exhibit 651 into the record.

9 JUDGE WALKER: Exhibit 651, which is the
10 Jessica Polk Sentell's Rebuttal Testimony. Are
11 there any objections? Hearing none, Exhibit
12 651 will be admitted.

13 (Renew Missouri Exhibit 651 marked and admitted.)

14 MS. MERS: I tender the witness for bench
15 questions.

16 JUDGE WALKER: I have no questions. Are
17 there Commission questions? Hearing none, I
18 assume you have no redirect?

19 MS. MERS: I have no none.

20 JUDGE WALKER: Is there -- are there any
21 objections to Jessica Polk Sentell being
22 excused as a witness? Ms. Sentell, thank you.
23 Office of the Public Counsel, I have Lena
24 Mantle as the next witness.

25 MR. CLIZER: That is correct, Your Honor.

1 Office of the Public Counsel will call Lena M.
2 Mantle to the stand.

3 (Lena Mantle sworn.)

4 JUDGE WALKER: You may begin.

5 DIRECT EXAMINATION

6 QUESTIONS BY MR. CLIZER:

7 Q Good morning, Ms. Mantle. Can you please
8 state and spell your name for the record?

9 A Lena M. Mantle, Lena is L-e-n-a. Mantle
10 is M-a-n-t-l-e.

11 Q By whom are you employed and in what
12 capacity?

13 A I'm employed by the Office of the Public
14 Counsel as senior analyst.

15 Q And did you prepare or cause to be
16 prepared testimony, which has been premarked OPC
17 Exhibit 300, the Surrebuttal Rebuttal Testimony of
18 Lena M. Mantle?

19 A Yes.

20 Q Do you have any corrections to make to
21 your testimony?

22 A No.

23 Q If I were to ask you the same questions
24 posed in your testimony today, would your answer be
25 the same or substantially similar?

1 A Yes.

2 Q Your Honor, I would move for the admission
3 of OPC Exhibit 300, the Surrebuttal Testimony of
4 Lena M. Mantle.

5 JUDGE WALKER: Are there any objections to
6 the admission of Exhibit 300, Lena Mantle's
7 Surrebuttal Testimony? Hearing none, it will
8 be admitted.

9 (OPC Exhibit 300 marked and admitted.)

10 MR. CLIZER: Your Honor, I tender the
11 witness for Cross-examination.

12 JUDGE WALKER: Are there any Commission
13 questions?

14 MR. LOWERY: Judge, we haven't waived
15 Cross on this witness.

16 JUDGE WALKER: Oh, you have not?

17 MR. LOWERY: No. It was just through
18 Ms. Sentell.

19 JUDGE WALKER: All right, I'm guessing
20 you'll have some questions. Let me pull up
21 your order. All right, Staff of the Missouri
22 of Public Service Commission, do you have
23 Cross-examination?

24 MR. PRINGLE: No questions, Judge. Thank
25 you.

1 JUDGE WALKER: Data Center Coalition?

2 Data Center Coalition, are you online?

3 MS. GREENWALD: No questions, Your Honor.

4 Thank you.

5 JUDGE WALKER: Velvet Tech Services?

6 MS. BELL: No questions, Your Honor.

7 JUDGE WALKER: Google?

8 MR. SCHULTE: No questions, thank you.

9 JUDGE WALKER: Sierra Club?

10 MR. MORRISON: No questions, Judge. Thank
11 you.

12 JUDGE WALKER: Renew Missouri?

13 MS. MERS: No questions, Judge. Thank
14 you.

15 JUDGE WALKER: Ameren Missouri?

16 MR. LOWERY: Yes, Your Honor. Thank you.

17 CROSS-EXAMINATION

18 BY MR. LOWERY:

19 Q Good afternoon, Ms. Mantle.

20 A Good afternoon.

21 Q Your surrebuttal rebuttal testimony mostly
22 consists of a table, which you've labeled as
23 Schedule LLM-S-3 (sic), that shows what you contend
24 are various scenarios where, in your words, large
25 load customers would be subsidized with the FACs,

1 period, end quote. Is that right?

2 A Schedule LMM-S-3 is four different
3 scenarios, which a large customer and how it affects
4 the FAC, the addition of that large customer.

5 Q You contend that including LLPS customers
6 and Evergy's FAC will cause all customers to pay
7 more for fuel and purchase power costs in their base
8 rates and in their FAC, correct?

9 A In these four scenarios, yes.

10 Q Would you agree with me that the operation
11 of mechanics of the fuel adjustment clause and how
12 it interacts with base rates is complex?

13 A Yes.

14 Q You don't discuss other costs or revenue
15 impacts regarding LLPS that will occur outside the
16 Fuel Adjustment Clause in your testimony, do you?

17 A No, I do not.

18 Q You're familiar with the EMW and EMM Fuel
19 Adjustment Clauses, are you not?

20 A Yes.

21 Q And I can have you check if you don't
22 remember, but if I were to tell you that they are
23 each about 11 pages long, would that sound about
24 right?

25 A That sounds correct.

1 Q And you're familiar with the fact that
2 each of them have a rate sheet, which is the last
3 tariff sheet in each of tariffs, and that rate sheet
4 has about 25 line items to get down to the
5 calculation of what's called a Fuel Adjustment Rate,
6 FAR, which is the rate customers actually pay?

7 A I believe the calculation, the FAR, is
8 about two-thirds of the way down. The last portion
9 of those sheets is actually the FAR rate at
10 different voltage levels.

11 Q Your Honor, at this time, I ask that we
12 take administrative notice of EMW's and EMM's
13 current fuel adjustment clause tariffs which are on
14 file in effect with the Commission?

15 JUDGE WALKER: Do you -- I need an exhibit
16 number.

17 MR. LOWERY: I can you give that. Your
18 Honor, it would be 708 for EMW, and it would be
19 709 for EMM.

20 MR. CLIZER: If I may pose a question, are
21 we asking for administrative notice of just the
22 fuel -- the rate sheet or the entire tariff
23 sheet?

24 MR. LOWERY: The entire tariff sheet. The
25 entire fuel adjustment clause tariff for each

1 of those jurisdictions.

2 MR. CLIZER: Thank you.

3 JUDGE WALKER: And just for the record,
4 these have been filed in EFIS?

5 MR. LOWERY: They have not, but they are
6 on file with the Commission, and under -- under
7 536070, they don't have to be -- the Commission
8 can take official notice of them by reference
9 to them since they're on file with the
10 Commission, is my understanding, Judge.

11 JUDGE WALKER: Okay. 708, the Fuel
12 Adjustment Charge Entire Tariff previously
13 filed with the Commission. Any objections?
14 (Ameren Exhibit 708 marked and admitted.)

15 JUDGE WALKER: Okay, we'll take
16 administrative notice. Exhibit 709, which will
17 be the EMM FAC Entire Tariff previously filed
18 with Commission. Any objection to taking
19 administrative notice? Hearing none, we will
20 take administrative notice.

21 (Ameren Exhibit 709 marked and admitted.)

22 MR. LOWERY: Thank you, Your Honor.

23 QUESTIONS BY MR. LOWERY:

24 Q Ms. Mantle, all of the Missouri -- let me
25 start that over. All of the FAC tariffs for all

1 three, I guess, it's four Missouri electric
2 jurisdictions are substantially similar, are they
3 not?

4 A There are details different in each one,
5 but, yes, we've tried to keep them -- to make them
6 all similar.

7 Q I think you used the phrase "Generally the
8 same" in your white paper, does that sound right?

9 A Yes.

10 Q For clarity from here on if I ask you
11 about Evergy's FAC, I'm just going to be asking you
12 about EMW and EMM collectively, unless I specify
13 definitely, okay?

14 A Okay.

15 Q Their FAC tariffs are quite similar, are
16 they not?

17 A Yes.

18 Q And unless I bring it up when I'm asking
19 you questions about calculations in the FAC, let's
20 just ignore the sharing percentage just to simplify
21 things. Act as if there isn't a five percent
22 sharing, okay? Does that make sense?

23 A Okay.

24 Q Would you agree, and I think Ms. Lange
25 maybe even alluded to this in her testimony today,

1 that Missouri FACs are arguably more complex in
2 Missouri than in some states, because in Missouri,
3 we don't just charge cust- -- we don't just charge
4 customers for all the components tracked in the FAC
5 through the FAC, we also rebase it in every rate
6 case. So, we have fuel and purchase power and net
7 of off-system sales that gets built into base rates,
8 and we also track the changes in those components
9 between rate cases through the FAC, right?

10 A That is how the FAC works in Missouri.

11 Q And in a lot of states, they -- they don't
12 include fuel and purchase power and off-system sales
13 and base rates at all; they just track those
14 components entirely through their fuel adjustment
15 clauses, right?

16 A I'm aware that some states do that. I
17 don't know how many, a majority, but some states do,
18 yes.

19 Q But in those states, you don't have to
20 worry about the interaction between base rates,
21 recoveries for those kinds of components and FAC,
22 because they're all being recovered for the FAC,
23 right? Wouldn't that be right?

24 A When you say they all are being recovered,
25 what are you referring to?

1 Q If all of the fuel and purchase power and
2 net of off-system sales cost and revenues are
3 tracked solely in the FAC in those states, and none
4 of those costs or revenues are included in the
5 termination of base rates, you really don't have to
6 worry about an interaction between base rates and
7 the FACs in those states, right?

8 A That is correct.

9 Q Would you agree that the big buckets --
10 well, let me back up. You know when I use the
11 phrase "net energy costs," you know what I mean,
12 right?

13 A I will assume you mean the lists of -- the
14 numerous things that are included in the FAC costs
15 that are considered -- costs and revenues that are
16 considered in the FAC.

17 Q Hence the word "net", right?

18 A Yes.

19 Q Would you agree that the three big
20 buckets, and there a lot of different market charges
21 and other miscellaneous things, but the three big
22 buckets of net emergency costs tracked in a Missouri
23 fuel adjustment clause, are fuel, are purchase power
24 and some subset of transmission expense associated
25 with purchase power and off-system sales? Would you

1 agree with that?

2 A I would agree with that, but there's one
3 more that has become very, very prominent in the
4 past two or three years, and that would be the
5 transmission congestion rights. And option revenue
6 right revenues have become large for some of our
7 utilities.

8 Q Right, but those whether it's congestion
9 on purchase power or it's congestion associated with
10 off-system sales, those are subsumed within the
11 second bucket purchase power or the third bucket
12 off-system sales, right?

13 A I consider them separately, but if you
14 want to assume that here, I can do that.

15 Q Okay. Great. I'm going to do that. I'm
16 going to refer to those three buckets: fuel purchase
17 power, which includes transmission, and can include
18 those other market, kind of, charges you're talking
19 about that are associated with purchase power. Then
20 off-system sales revenues, and we can also have the
21 same assumption for those, okay?

22 A I'm assuming that you're talking include
23 the load costs in -- as a purchase power cost?

24 Q Well, in Missouri at least, based on the
25 Commission's ruling, we have to get into this

1 discussion about true purchase power or purchase
2 power generally, right?

3 A That is correct.

4 Q So, in Missouri, only, quote, true -- only
5 transmission cost associated with, quote, "true
6 purchase power", end quote, are included in the FAC,
7 right?

8 A Yes.

9 Q So, not all transmission costs associated
10 with all the megawatt hours that are being sold into
11 the market are bought from the market, are included
12 in the FAC, right?

13 A It is only the costs for pure purchase
14 power that are included.

15 Q And, basically, pure purchase power, what
16 Commission had decided was, Missouri utilities,
17 they -- their generators are dispatched; they
18 generate megawatt hours; they sell them into the RTO
19 market; and that's the quantity of megawatt hours in
20 an hour, right?

21 A Yes.

22 Q And then in that same hour, they have a
23 load requirement to serve the retail load, so they
24 buy from the market, whatever the load megawatt
25 hours are in that same hour, right?

1 A Yes.

2 Q And if you would -- you would look across
3 in the way we do it in rate cases in Missouri, based
4 on the Commission's decision, essentially is, if you
5 look across the test year, you look at the net, you
6 know, you look at each 8,760 hours, and you see
7 which hours were net purchases and which hours were
8 net sales, and you come up with -- you do a
9 calculation, and you come up with a percentage of
10 how many of those hours -- I'm not saying it that
11 well. You come up with a ratio that says utility in
12 effect self-supplied to its load the number of
13 megawatt hours that it generated in that period.
14 And even though -- even though it also bought that
15 many hours or more or less back, the Commission
16 says, no, we're going -- we're going -- we're not
17 going to count -- we're going to look at your how
18 much you generated, and we're going to assume that
19 that's self-supply. We're not going to count
20 transmission charges in the FAC for that, right?

21 A In every hour, it is looked at what was
22 generated and what the load requirements were. When
23 the load requirements are greater than the amount
24 generated, that megawatt hours is considered
25 purchase power. And that is summed over the year,

1 divided by the total load, and that's the percentage
2 of transmission cost from the RTO that are included
3 in the FAC.

4 Q You did much a better job of explaining it
5 than I did.

6 A I --

7 Q Thank you.

8 A Okay.

9 Q Now in each rate case, again, generally,
10 for I'm going to call it a good chunk of the net
11 energy costs, the utility and Staff usually, they're
12 usually the only two that run the production cost
13 model, right?

14 A Yes.

15 Q So, in each rate case, for a good chunk of
16 the component of net energy cost, the Staff runs a
17 production cost model, a utility runs a production
18 cost model, and for the components that are in --
19 within that model, we produce an estimated base
20 amount for those components, right? So, we come up
21 with a model base amount for fuel, for purchase
22 power, for all system sales; do we not?

23 A Yes.

24 Q And there are some components that are not
25 modeled that then get added to the fuel purchase

1 power and off-system sales that were modeled to come
2 up with the total base, right?

3 A Yes, and that's where the TCR and AAR are
4 included.

5 Q And, ultimately, the Commission takes
6 those modeled and unmodeled values based on that
7 test year, and it sets what is called a net base
8 energy cost or NBEC, right?

9 A Typically, that's agreed to by the parties
10 and the Commission adopts it, but yes.

11 Q In recent years, or probably for quite a
12 while, parties have been able to come to an
13 agreement on what that is, right? Usually, it's not
14 a litigated issue?

15 A That's correct.

16 Q It used to be pretty hotly litigated as I
17 recall.

18 A It was very.

19 Q You and I have talked about that quite a
20 bit, I think, back in the day probably when you were
21 at Staff, right?

22 A Yes.

23 Q So, that NBEC number, that's built into
24 base rates, and the base rates use the normalized
25 billing units used to set base rates -- well, let me

1 try to give you an example. Let's say the NBEC is
2 \$100 million, and you bill that \$100 million into
3 base, so \$100 million is NBEC in the rate case, are
4 you with me?

5 A So far.

6 Q And using normalized billing units that
7 were otherwise used to set the base rates, the NBEC
8 number is designed to collect, in my example, \$100
9 million of the utility's net energy cost annually,
10 right?

11 A That is correct.

12 Q And once the costs that make up NBEC are
13 baked into base rates, they're no longer tracked in
14 the fuel adjustment clause, right?

15 A The utilities do track those costs, but
16 they are not included in the tariff sheet. We get
17 FAC monthly reports that have those costs.

18 Q Well, let me try to clarify. Let's say in
19 the rate case, we calculated that the net base
20 energy costs were \$100 million, and then we go into
21 an accumulation period after the rate case, and the
22 actual net energy costs are \$120 million. Are you
23 with me on that?

24 A Okay.

25 Q And then through the machinations of Fuel

1 Adjustment Clause, the utility and, again, forget
2 the sharing for a minute, the utility is going to
3 have Fuel Adjustment Clause charges, FAR rates, to
4 collect that \$20 million, right?

5 A Yes.

6 Q But it's not collecting the \$100 million
7 to the Fuel Adjustment Clause. That's already built
8 into base rates, right?

9 A That has already been collected from the
10 customers through the permanent rates.

11 Q Okay. To get the net base energy cost,
12 NBEC, down to the rate level, we divide the NBEC by
13 normalized kilowatt hours that were used to set
14 billing units in the rate case, right? Used to set
15 rates in the rate case, my apologies.

16 A That is how we come up with the base
17 factor.

18 Q Right. The base factor or factor BF in
19 all the tariffs, right?

20 A Yes.

21 Q Evergy's accumulation periods cover 6
22 calendar months; is that right?

23 A They do.

24 Q Sum of the actual net energy cost that
25 were incurred by the utility, in this case, Evergy,

1 during that six calendar months are called ANEC,
2 actual net energy costs; is that right?

3 A That is correct.

4 Q To figure out the over/under recovery, the
5 \$20 million in my example before, what you do is you
6 multiple the base factor by the actual retail load
7 experienced by the utility in that accumulation
8 period, right?

9 A Generally, I'm trying to figure out if
10 jurisdiction allocation, it's done at net system
11 level or at -- after jurisdictional. And in the
12 basic concept is, yes, it's divided by usage.

13 Q And the jurisdiction allocation that
14 you're referring to for Evergy is because Evergy --
15 is that between Kansas and Missouri, or is that
16 between the two Evergy entities?

17 A For Evergy Metro, it's between Kansas,
18 Missouri, and it may have some wholesale load for
19 Evergy Missouri West. They have some wholesale
20 load, and then the retail load.

21 Q But we ignore the jurisdictional
22 allocator, I mean, basically, how I described it is
23 how it's works, right?

24 A Yes.

25 Q Now, in setting the Fuel Adjustment Rate,

1 the FAR, and you mentioned it yourself, there's
2 actually three FARs, because depending on the
3 voltage at which different customers are taking the
4 service, you adjust, I guess, the initial FAR that's
5 calculated to account for those voltage
6 definition -- the voltage -- for losses, I assume is
7 why you doing that; is that right?

8 A Yes, because the fuel is at the net system
9 at generation levels, so therefore you need to bring
10 the usage up to generation level.

11 Q Just to simplify for purposes of my
12 questions, let's just assume we don't have to worry
13 about the losses, and we just have one FAR, even
14 though I know we have three; is that okay?

15 A Okay.

16 Q So, in setting the FAR, what we do is we
17 take a forecast of the utilities expected sales in
18 the recovery period, right?

19 A Yes.

20 Q For Evergy, the recovery period is 12
21 months; is that right?

22 A That is correct.

23 Q We divide the difference in dollars that
24 over/under recovery between ANEC and amount -- and
25 the amount of NBEC that was covered by base rates;

1 we divide that difference by those forecasted sales,
2 and we get a FAR, a new FAR, that's going to apply
3 to recovery period, right?

4 A Yes. That also has true-up amount from
5 the previous.

6 Q Right. There's actually another
7 complication --

8 A Interests and any other type of
9 adjustments the Commission might have.

10 Q Well, just not worry about the true-up or
11 the interest at this point. We'll just talk about
12 the base under/over recovery just for simplicity,
13 okay?

14 A Okay.

15 Q But I take your point, it's a little more
16 complicated. And then that FAR that gets developed,
17 it charged over a 12-month period, right?

18 A That is correct.

19 Q And since the -- you actually already
20 mentioned, so I won't ask you about the true-up
21 because you already mentioned it. So, you would
22 agree that quite a lot goes into figuring out what
23 portions of net energy cost are at based rates; what
24 portions not in base rates; what the NBEC should be
25 using in calculating the Fuel Adjustment Rate,

1 right?

2 A I think those are all calculations that
3 need to be done, that's correct.

4 Q So, let's take a look at your Schedule of
5 LM- -- LLM-S-3, I'm going to ask you to open a work
6 paper. There is a folder with your name there on
7 the computer. You're going to see a file FAC
8 Subsidization, which is what you named your work
9 paper file, right?

10 A I'll take your word for it. It's been a
11 while since I did it.

12 Q As an officer of the court, I promise I'm
13 using your actual work paper. So, you've got --
14 Brian, are you able to project that on the screen,
15 so the commissioners can see it, please? So, in the
16 table in the upper left hand corner, can we agree to
17 call that Table 1, just for shorthand for the rest
18 of my questions?

19 A Yeah, the corner labeled First
20 Accumulation Period with LLPS?

21 Q That's right. Let's just call that Table
22 1. What you're doing there is you're modeling a
23 hypothetical scenario where base rates were set at a
24 rate case, the base factor, the BF set in that rate
25 case was \$0.01183 per kilowatt hour, and then the

1 day after base rates were reset, took effect, which
2 in Table 1 you also assume to be starting -- the
3 start of an accumulation period, on that day, the
4 day after the base rates were set, the first day of
5 the accumulation period, a 384 megawatt of peak
6 large load -- 384 megawatt peak large load customers
7 comes onto the system, and that customer operates at
8 a load factor of 85 percent. That's your
9 assumption, right?

10 A No. My assumption in this is that during
11 that -- during the next -- for the accumulation
12 period, there will be a large load power customer of
13 2 million -- 2 billion -- or is that million?
14 2,000,859,264 --

15 Q 2.9 -- 2.859,000,000 kilowatt hours,
16 right?

17 A Yes. I did not make assumptions as to the
18 load factor or the peak of that customer that those
19 are not important in this calculation, since the FAC
20 does not take into account any of those
21 characteristics.

22 Q Okay. Well, let me simplify it a bit.
23 You took -- I think you took that figure from
24 Staff's Rebuttal Report, staff work papers, right
25 that 2.895?

1 A Yes, I thought it would be easier if we
2 all used the same numbers.

3 Q Well, the record -- the record already
4 reflects this, so I'm not going to ask you point to
5 it, but I want you to assume that on an annual
6 basis, a 348 megawatt customer that operates at
7 85 percent load factor would consume 2.98 -- 2.859
8 billion megawatt hours -- or excuse me, kilowatt
9 hours.

10 A Okay.

11 Q And you did assume that customer came, and
12 if that's the case, then -- and since that's an
13 annual number, then this customer in your Table 1
14 came on the system on day 1 of the accumulation
15 period, and on day 1, after rates were reset,
16 correct?

17 A Mr. Lowery, you're putting much more into
18 this than I did. I don't care whether it started on
19 one -- day one or day 16. The kilowatt hours that
20 it used was the 11 billion there. And -- and -- or
21 that's -- that's what they were projecting for the
22 new load in the recovery period. Oh, wait, no, that
23 is the total. I'm sorry. The large customer was a
24 2.9 billion kilowatt hours. It doesn't make -- in
25 an FAC, it doesn't make any difference whether

1 you're on day 1 or day 16 or day 60 or what day it
2 is. It's just whether ever the kilowatt hours.

3 Q So, you used this 2.85 billion -- 2.859
4 billion megawatt hours -- now, I'm going to mess it
5 up, the kilowatt hour number that you took from
6 Staff, but you don't really know what it represents;
7 is that your testimony?

8 A I don't need to know. I know what it
9 represents in this table. I know what it represents
10 in the table beside it and below it. It's the
11 energy usage of the large load power customer.

12 Q And it's the energy uses -- usage of the
13 large load power customer for what period of time?

14 A This analysis was really done over a
15 year's period. Actually, Evergy both have
16 six-month -- both of them have six-month
17 accumulation periods and 12-month recovery periods.
18 Rather than I tried to take some of the complexities
19 out of this and make it just annual numbers, holding
20 everything the same, except with the base factor of
21 0.183 being the base factor calculated without the
22 load -- large load customer, and usage over the
23 recovery period of 2.9 billion kilowatt hours, and
24 not change the non-large load customer's loads, just
25 to be able to see the real impact of a large load

1 customer coming on that has a higher load expense
2 than what was included in the base factor.

3 There's no need to know what kind of
4 operating characteristics the peak load. None of
5 that is part of the -- of the FAC, and, so, I made
6 no assumptions about that. I just used numbers. I
7 could have used completely different numbers.

8 Q So, are you using an annual number for the
9 LLPS kilowatt hours, right?

10 A Yes.

11 Q For an accumulation period that only lasts
12 six months?

13 A No. In this example, it's an accumulation
14 period of a year.

15 Q Oh, you didn't mimic Evergy's FAC in other
16 words?

17 A No, I was just trying to make it at least
18 complicated as I -- as I could.

19 Q Okay. Ms. Mantle, you're familiar with
20 Evergy Missouri West Securitization Rider, are you
21 not?

22 A It has been a while since I looked at it.

23 Q Well, you were actually a witness in that
24 case, were you not?

25 A I'll take your word for it, probably. As

1 OPC, we are involved in most cases, and I've been in
2 writing testimony for most of those, too.

3 Q Do you recall, roughly, how many dollars
4 of, and I think it was essentially purchase power
5 costs -- well, let me back up. A case arose out of
6 pretty high purchase power costs caused by Winter
7 Storm Uri, right?

8 A Purchase power costs and natural gas
9 costs.

10 Q And natural gas costs for fuel, because
11 they had to run their generators a lot more, right?

12 A They ran their generator more, yes.

13 Q But it arose out of Winter Storm Uri is
14 what happened, right?

15 A It occurred during that time period. I'm
16 not going to say as to what the real cost was.

17 Q And OPC actually opposed the
18 securitization, I think, because of claims of
19 imprudence, right, essentially? That they
20 imprudently occurred some of those costs.

21 A Mr. Lowery, you're stretching me. I'm
22 pretty sure I wrote testimony that remarked on the
23 fact if they had Asbury plant -- or, excuse me, the
24 Sibley Plant running, they would not have had such a
25 large amount that was being charged back to the

1 customers. And if they had had a couple of their
2 little CT running, I do believe I wrote testimony to
3 that effect. I cannot be certain as why OPC -- all
4 the positions we took in that case.

5 Q Do you recall, roughly, how many dollars
6 of fuel purchase power cost were involved that
7 ultimately were securitized, approximately?

8 A No, I don't.

9 Q Would you agree that Schedule SUR -- well,
10 first of all, is Schedule SUR, the securitization
11 rider or schedule that Evergy put in place as a
12 result of that case?

13 A I know there were tariff sheets and a
14 schedule that was put into place. I do not know
15 what it was named.

16 Q Did the tariff sheets that allow for
17 recovery of securitized costs, are they charged on
18 all kilowatt hours of energy supplied to Evergy West
19 customers?

20 A To the best of my recollection, yes.

21 Q Those costs were incurred in roughly 2021;
22 is that right?

23 A February of 2021.

24 Q I'm going to show you what's been --
25 what's been -- we've taken administrative notice of

1 Exhibit 708, which is Evergy West Fuel Adjustment
2 Clause. I'm going to ask you a couple of questions
3 about it.

4 JUDGE WALKER: While the witness is
5 looking at this, Mr. Lowery, just for the
6 record, so it's clear for me, can you take the
7 pages from the FAC Tariff that you want
8 administrative notice of, mark them 708 and
9 709, and load them into EFIS?

10 MR. LOWERY: Absolutely.

11 JUDGE WALKER: Okay. I would appreciate
12 that.

13 MR. LOWERY: Yes, absolutely.

14 BY MR. LOWERY:

15 Q Would you turn to the last page of Exhibit
16 708? And you see that, and this would be an annual
17 number, right, because Evergy West recovery periods
18 are 12 months, do you see the retail load there of
19 9.645 billion kilowatt hours? And your Table 1 has
20 this assumption of an LLPS customer that 2.859
21 billion kilowatt hours coming on, right?

22 A Yes.

23 Q If you add those two numbers together,
24 would you agree you would have about 12.5 billion
25 kilowatt hours of load?

1 A Which two numbers are you talking about.

2 Q The 9.645 billion from the FAC rate sheet,
3 and the 2.895 billion that you used?

4 A Okay.

5 Q About 12:5 billion?

6 A Yes.

7 Q You can use Excel or your phone, but can
8 you calculate what percentage 2.859 billion is of
9 12.5 billion?

10 A It's about 30 percent.

11 Q About 30 percent. Can you go back to the
12 folder with your name on it, and there's a Word
13 document in that folder. And I honestly can't
14 remember what I named it. Maybe there was only one
15 Word document.

16 A There are no Word documents unless it's in
17 the --

18 MR. LOWERY: May I approach, Your Honor?

19 JUDGE WALKER: Of course.

20 QUESTIONS BY MR. LOWERY:

21 Q I think if you minimalized that screen,
22 EFIS is pulled up on the screen. Do you have an
23 EFIS log-in?

24 A Is -- unless it's confidential, I do not
25 need to log in.

1 Q Well, that's true. Can you just search --
2 thank you. Can you just pull up EF, the case
3 EF-2022-0155.

4 A EF-2022-0155?

5 Q I believe that's right. You got the
6 docket sheet there?

7 A Yes.

8 Q Could you click on item 198?

9 A Okay.

10 Q Could you click on the first document
11 there, the letter?

12 A The PDF document?

13 Q Yes. Everyg 2025 SUR Letter.

14 A Is this it, sir?

15 Q I think so. Take a -- take a minute to
16 take a look at it.

17 A Okay.

18 Q That appeared to be a filing where Everyg
19 is filing to change its rider or its Schedule SUR
20 rate that's being charged to recover those
21 securitization costs?

22 A It says that a proposed rate schedule --
23 Adjusted Schedule SUR is being provided with this
24 filing.

25 Q And --

1 MR. CLIZER: Apologies. Is Mr. Lowery,
2 are you intending to make an exhibit of some
3 kind.

4 MR. LOWERY: At this point, I'm just
5 asking some questions.

6 MR. CLIZER: I'm just saying to the extent
7 there's going to be a reference to a document,
8 in the official record, I would prefer that it
9 would just be an exhibit, so just the parties
10 can refer back to it later. Whether that's by
11 administrative notice or otherwise.

12 MR. LOWERY: I mean, I can -- I can short
13 circuit this and ask the Commission to take
14 administrative notice of three different
15 documents in this docket, that be EFIS Item
16 Number 198, which is the one that Ms. Mantle
17 has open; Item EFIS 200, which is the Staff
18 recommendation based on that filing; and EFIS
19 Item number 201 in that docket, which is the
20 Commission's approval of the adjustment, the
21 tariff sheet, that adjusted the rate. And I
22 can certainly submit copies in EFIS in the same
23 way, Judge, if you'd like.

24 JUDGE WALKER: In order take to
25 administrative -- in order to take

1 administrative notice, you need to attach
2 Exhibit numbers to those items, so what would
3 you like them to be?

4 MR. LOWERY: Let's make EFIS Item Number
5 198, 710. Let's make EFIS Item 200 --

6 JUDGE WALKER: Is that the Staff
7 Recommendation?

8 MR. LOWERY: 198 is the Evergy Adjustment
9 Filing. That's 710. 200, the Staff
10 recommendation, which is EFIS Item -- I said
11 200, so that would be Exhibit 711.
12 Exhibit 712, would be the Commission's approval
13 of that adjustment EFIS Item 201.

14 JUDGE WALKER: Let's take them one at a
15 time. Does anyone has an objection to Exhibit
16 710, EFIS 198, Evergy's Adjustment Filing?

17 MR. CLIZER: I guess --

18 JUDGE WALKER: Taking administrative
19 notice?

20 MR. CLIZER: Is it being noticed for the
21 purpose of -- it is being offered to prove what
22 is being said in there or it is being offered
23 for the truth of the matter being asserted in
24 it?

25 MR. LOWERY: Well, it's being offered to

1 establish facts.

2 MR. CLIZER: I understand, and my
3 potential objection would be hearsay to the
4 extent that it's being offered to prove the
5 truth of what's being asserted in those
6 documents. However, if it's simply being
7 offered to establish that those are statements
8 made by the party representing to have made
9 them, I don't have an objection.

10 MR. LOWERY: Well, Judge, if I can get a
11 little latitude, I think I can link this up.

12 JUDGE WALKER: Well, actually, I think I
13 can solve this problem. I'm going to note the
14 hearsay objection for the record. And, again,
15 assure you that the Commission will give this
16 evidence the weight that it deserves. I have
17 every confidence in their competence, not just
18 because they're my bosses. And, so, I'm going
19 to admit 710.

20 (Ameren Exhibit 710 marked and admitted.)

21 JUDGE WALKER: And let's go to 711. Mr.
22 Clizer, do you have the same objection?

23 MR. CLIZER: Yes, and just to short
24 circuit, I will reassert the same objection as
25 all three, but I understand the ruling.

1 JUDGE WALKER: Does anyone else have an
2 objection to 711? I'm going to overrule the
3 hearsay objection and admit 711 and 712, which
4 is the Tariff Sheet that Approves the
5 Commission's Approval of the adjustment in
6 EFIS. Anyone else have an objection? Okay,
7 712 will be admitted for the purposes of
8 administrative notice for 710, 711 and 712.
9 (Ameren Exhibits 711 and 712 marked and admitted.)

10 MR. LOWERY: Thank you, Your Honor.

11 JUDGE WALKER: And also, Mr. Lowery, can
12 you load those pages in EFIS? Those --

13 MR. LOWERY: I absolutely will.

14 JUDGE WALKER: -- specific pages and send
15 them to my e-mail address.

16 MR. LOWERY: We will, yes.

17 JUDGE WALKER: So, I can put together the
18 record.

19 MR. LOWERY: Yes.

20 JUDGE WALKER: I appreciate it.

21 MR. LOWERY: Yes, no problem.

22 QUESTIONS BY MR. LOWERY:

23 Q Ms. Mantle, if you go back to -- go back
24 to the document of -- go back to EFIS Item 198;
25 there were multiple documents underneath it. Would

1 you open that second document? I believe it is -- I
2 think it has work papers in the title. And go to
3 the second page of that PDF. You see those figures?

4 A The Bond and Amortization Schedule?

5 Q Right.

6 A Yes.

7 Q So, that's a bond -- that's an
8 amortization schedule for the secularization bonds
9 issued in that Winter Storm Uri secularization case
10 by Evergy West, right?

11 A That's what it says it is.

12 Q And you can see the principal amount of
13 the bonds at the bottom of the page. 331,227- 127,
14 thousand, right?

15 A At the bottom of the column labeled
16 Principal?

17 Q That's right.

18 A Yeah, I see that.

19 Q And you can see the total payments two
20 columns over going to be \$475 million, roughly,
21 right?

22 A Yes.

23 Q So, we're here today, in I guess the third
24 quarter of 2025, let's assume that this LLPS load,
25 this 2.895 million -- billion kilowatt hours of load

1 comes on 6/1/27, and that customer stays on the
2 system for, you know, 15 years or more. You
3 understand the assumption?

4 A Yes.

5 Q Can you see that these bonds are to be
6 paid off in, it looks like it's 29 payments, I'm not
7 sure why it's not 30, but in 29 payments; and except
8 for the first payment, I don't really know why it
9 was higher than the others, all of the remaining
10 payments starting 6/1/27 through the end, are
11 approximately \$16 million, right?

12 A That's what this table shows.

13 Q And if you got 29 payments and prior to
14 6/1/27, five of them have been made, that means we
15 got 24 left, right?

16 A Yes.

17 Q What's 24 times 16?

18 A I don't have any idea.

19 Q If I told you it was 384, would you accept
20 that?

21 A That seems about right.

22 Q And we're talking about 16 million, so
23 that's \$384 million, right?

24 A Say it again.

25 Q Well, we had 16 -- roughly, \$16 million of

1 payments, 24 of them, through, it looks like, 2038,
2 so 16 million times 24, \$384 million, right?

3 A Yes.

4 Q And you said that such a LLPS customer
5 would be about 30 percent of Evergy West load,
6 right?

7 A The one in the example in my schedule,
8 yes.

9 Q And if I take 30 percent times 384, you
10 could probably do this pretty much in your head,
11 that's about \$115 million, isn't it?

12 A That sounds about right.

13 Q Now, this LLPS customer wasn't on the
14 system in 2021, 2022, 3, 4. Wasn't on the system
15 when the storm, Winter Storm Uri's, costs were
16 incurred, was it?

17 A I believe your hypothetical came on in
18 January of 2027.

19 Q Well, and you certainly don't know of any
20 customer on Evergy West system as of that time, that
21 would have consumed 2.859 billion kilowatt hours in
22 a year, right? Nothing close to that?

23 A I don't know about close to that. But,
24 no, I'm not aware of any customer.

25 Q So, this customer that would come on the

1 system is going to pay \$115 million towards paying
2 off the \$384 million that's left to be paid on these
3 bonds, isn't that right?

4 MR. CLIZER: I'm going to object to
5 assuming facts not in evidence.

6 MR. LOWERY: Well, it's a hypothetical,
7 Judge --

8 JUDGE WALKER: If you could let me rule.

9 MR. LOWERY: I'm sorry.

10 JUDGE WALKER: If I need help, I'll ask.

11 MR. LOWERY: Okay, fair enough.

12 JUDGE WALKER: I often do, I realize. I
13 think within her expertize, she can answer a
14 hypothetical, so I'm going to overrule the
15 objection.

16 MR. CLIZER: I apologize. I didn't
17 actually know it was a hypothetical. So, I
18 would actually withdraw if that was the case,
19 but thank you.

20 JUDGE WALKER: Mr. Lowery, can you
21 clarify. I assumed it was a hypothetical.

22 BY MR. LOWERY:

23 Q If these figures are accurate, that's what
24 that customer would pay, right? I was trying to
25 clarify the question. Yes, Judge, it is.

1 JUDGE WALKER: Thank you.

2 THE WITNESS: If in this hypothetical
3 world, this customer didn't go down the street
4 to the legislature and get the statute changed,
5 yes.

6 QUESTIONS BY MR. LOWERY:

7 Q And if hypothetically, this customer did
8 have to pay 115 million over the next 13 years or
9 so, and that's a long term commitment that they're
10 going to have to pay, right?

11 A Again, hypothetically, if they don't go
12 down to the street and get the legislation to change
13 that, yes.

14 Q Their impact on the FAC, such a customer,
15 is going to be a lot more transient, right? Because
16 once their load is baked into base rates, there
17 won't be any impact on the FAC of the kind you're
18 talking about in Table 1, right?

19 A Not in Table 1, but the table beside it.

20 Q Okay. Let's switch gears and talk about
21 another table. Let me direct your attention to page
22 2, lines 18 to 22, of your surrebuttal testimony.

23 A That was lines 18 through 22?

24 Q Right.

25 A Okay.

1 Q And you say, "Following the first rate
2 case after an LLPS customer is added, if all
3 customers are included in the FAC, the amount of
4 fuel included in the base rates for non-LLPS
5 customers will increase, as well as the FAC base
6 factor. Non-LLPS customers will continue to
7 subsidize the customers through the FAC since the
8 increased FAC costs will be charged to all
9 customers." Did I read that correctly?

10 A Yes, you did.

11 Q And your table 2 is an illustration of the
12 impact from that quote from your perspective, right?

13 A It's actually not the table. Beside the
14 one we're discussing, is the one right below it.

15 Q I'm sorry, I --

16 A Which says after a rate case.

17 Q Yeah, I knew -- I didn't -- I didn't
18 clarify for the record. The table to the bottom
19 left is the one that's the illustration for that
20 quote, right?

21 A That's correct.

22 Q Can we call it Table 2 just for
23 simplicity?

24 A Okay.

25 Q Now. Mathematically adding a load large

1 customer does not automatically mean the base factor
2 will go up, does it?

3 A Yes, it does mean it will go up.

4 Q Well, if the percentage changed in the
5 NBEC, the numerator, is less than the percentage
6 change in the load of the dominator, it wouldn't go
7 up, right?

8 A It goes up, because of the components that
9 you listed in FAC. There's only one of those
10 components that will change because of that large
11 customer, and that will be the cost of the load
12 charged by SPP or by the RTO. The -- the
13 all-systems sales revenues remain the same because
14 the large customer does not make a difference in
15 what power plants are dispatched. So, those
16 revenues are the same. It does not make a
17 difference in the fuel. So, of the cost components,
18 the FACs, as you said before, is many components.

19 It affects one much greater than the
20 other. And, so, for that reason, the -- you can see
21 in Table 2, the base factor there goes up to 0.2003.
22 The only thing that changed between those two, is
23 the cost-to-market cost of that one load customer.
24 The rest of the customers in this table have
25 calculated without that large customer the base

1 factor would be 0.0183.

2 Q Okay, I --

3 A So, that increase is due to that load --
4 that large customer coming on, and every customer
5 here gets charged that same -- that same base factor
6 amount is included in their permanent rates, and
7 then the FAR will be calculated from that amount
8 going forward.

9 Q Well, let me ask you, and I may have asked
10 the wrong question, let me ask to make sure I use
11 the right terminology, mathematically adding a large
12 load customer does not necessarily mean that factor
13 BF goes up, right? Because you have to take into
14 account the change in the denominator, the change in
15 the load from the LLPS customer, as well as the
16 change in the numerator?

17 A The only way that would happen would be if
18 they did not increase costs at all.

19 Q If they did not increase costs at all,
20 you're saying that's the only way that could happen?

21 A For the numerator what -- what I heard you
22 saying was the denominator stayed the -- the number
23 that's on the top stays the same; the kilowatt hours
24 that is charged below is in -- for the calculation
25 of that factor increases.

1 Q Can you open up a file called Copy of BF
2 Change in that directory that has your name on it?

3 A Okay, let me see if I can make that
4 bigger.

5 Q So let me ask a few questions about
6 this -- this, and it is an illustration. It's a
7 hypothetical illustration.

8 You see there's a net-based energy
9 cost in number of dollars without the large load
10 customer, and the next row is a net-based energy
11 cost with the large load customer. And there's four
12 scenarios. One is -- there's three scenarios. One
13 is the net-based energy costs are increased by
14 \$50 million by the load large customer present. The
15 next one is increased by \$52.324 million. And the
16 last one, the NBEC is increased because of the large
17 load customer by \$70 million; do you see that?

18 A Yes.

19 Q And you see in the rows 5 and 6, we've
20 taken your numbers for both the large load -- large
21 customer load and the non-large customer load, and
22 we've added those together to come up in row 7 with
23 the 13.19 billion kilowatt hours, right?

24 A Actually, my non-large load customer
25 amount was 8.193 million. When the large load

1 purchase power was added, that's when we got to the
2 11 million.

3 Q Well, that is the scenario here, right?
4 You're say that when you bring on the large load
5 customer, that you testified a minute ago, that in
6 every instance, mathematically, the base factor will
7 go up. That was your testimony, right, with the
8 large load customer?

9 A Yes, I was responding to you saying that
10 the -- in this spreadsheet that the non-LLC customer
11 load was 11 million, actually, the same as in my
12 example. That is not the same as in my example --

13 Q Okay.

14 A But you are right, that load factor is
15 going up.

16 Q Well, take a look at your Table 2.

17 MR. CLIZER: For the record, which one is
18 Table 2?

19 MR. LOWERY: The bottom left-hand corner
20 of her Schedule 3.

21 THE WITNESS: The one that is labeled
22 After Rate Case.

23 QUESTIONS BY MR. LOWERY:

24 Q So, you're saying that the 11052, includes
25 both the non-LLPS and the LLPS load?

1 A Yes.

2 Q Is that right?

3 A In my example, it really doesn't make any
4 difference.

5 Q Okay. All right. Yep. All right, well,
6 let's assume the BF -- the BF factor does goes up,
7 which is your assumption, right?

8 A Yes.

9 Q Let's go back to your Table 2, and your
10 assumption that it went up. Your Table 2 depicts a
11 situation where that 2.859 billion mega- -- kilowatt
12 hours of large load customer load came onto the
13 system. It caused the BF to go up from \$0.183 to
14 \$0.2003, right? That's what you depicting there?

15 A Yes.

16 Q And I think you said this a minute ago,
17 but the reason the base factor would go up is
18 because you're either going to have more purchase
19 power cost or less off-system sales, because you
20 have additional 2.859 billion kilowatt hours of
21 load, right?

22 A Yes.

23 Q And you said -- you pointed to the
24 wholesale energy cost, which you said was \$0.025 per
25 kilowatt hour, and you looked at that large load

1 customer load, that 2.859 billion kilowatt hours,
2 and that you got \$71 million figure, right? And I'm
3 rounding.

4 A Yes, it should. This shows the actual net
5 energy cost for the large load power customers was
6 \$71,481,600.

7 Q Now, would you agree that when the LLC
8 customer comes on, they'll pay rates under the FAC,
9 that's true, but they'll also Evergy's total retail
10 rate for the service?

11 A You're assuming that no changes are made
12 to the FAC?

13 Q Yeah, under the current FAC. All of my
14 questions are under the current FAC.

15 A Under the current FAC, they would be
16 paying the FAC rate and any overages paid would be
17 returned back the next accumulation or the next
18 accumulation period for -- in the true-up.

19 Q Do you recall, I think you have been all
20 day, I think, or have you not been all day?

21 A Yes, I've been all day.

22 Q Do you recall that, and this was in the
23 Staff Rebuttal Report, and they changed this. I
24 think, initially it was an average per kilowatt hour
25 rate that Staff had come up for Evergy Metro. It

1 was 6.9, and it was -- and under Staff's -- I'm
2 sorry. Goofed it up. Evergy, Evergy's filed
3 position in terms of what the average per kilowatt
4 hour rate would be, according to Staff, was \$0.069
5 per kilowatt hour, and Staff's, and I'm talking
6 Evergy Metro only, and Staff's was \$0.075 per
7 kilowatt hour; does that sound right?

8 A That sounds right.

9 Q So, 2.859 billion kilowatt hour at \$0.069
10 per kilowatt hour is \$197 million; is that right?
11 And if you do need to the calculation, please use
12 Excel or however you'd like to do it to confirm
13 that.

14 A What was the rate again?

15 Q \$0.069 applied to the 2.859 billion
16 kilowatt hours.

17 A That is \$197,289.

18 Q 2.859 billion kilowatt hours times \$0.069
19 per kilowatt hours is \$197 million, isn't it?

20 A I'm sorry, I was using the number in the
21 spreadsheet. That must be megawatt hours?

22 Q Yes, spreadsheet is in megawatt hours.
23 Just ignore the rest. I'm just having you to using
24 Excel to do a calculation. Don't worry about the
25 spreadsheet.

1 A I was trying to avoid typing in numbers.

2 Q Sorry.

3 A So, yes, the number -- if that -- you
4 convert that to kilowatt hours it's \$197,289,216.

5 Q So in round numbers, it's \$197 million; is
6 that fair?

7 A Yes.

8 Q What's the difference between \$197 million
9 and \$71 million?

10 A 126 million.

11 Q So, clearly while the base factor went up
12 in the rate case, and it produced \$71 million of
13 costs within the FAC because of the large load
14 customer's load, the large load customer also was --
15 paid \$197 million in retail revenues, correct?

16 A That would be assuming that what was baked
17 into the rate that you gave me actually included
18 this cost for a base factor consistent with what's
19 in the FAC.

20 Q Well, you don't have any reason to believe
21 that it doesn't, do you?

22 A I don't know how things work in this
23 hypothetical.

24 Q Well, I'm not -- it's not actually a
25 hypothetical in terms of the figures. Staff came up

1 with the \$0.069 figure, right? They're modeling the
2 base rate for Evergy Metro, and base rates in
3 Missouri do include net-based energy costs, right?

4 A Yes, but I don't know what the fuel costs
5 were that were in that rate that was calculated by
6 Staff. That does not necessarily mean that is the
7 fuel cost, but assuming that was, then of the 197
8 million, 71 million would be fuel costs.

9 Q Well, let's back up. You agree that if
10 this customer is paying \$0.069 per kilowatt hours,
11 and this -- that load is 2.859 billion, you agree
12 that they're going to pay base rates totaling 197 in
13 a year, right?

14 A Yes.

15 Q And you've illustrated a \$71 million
16 impact to the FAC because of that same 2.859 billion
17 kilowatt hours of load from the large load customer,
18 right?

19 A Yes, that's how that's calculated.

20 Q The 71 million is happening inside the
21 FAC, and that increased FAC cost by \$71 million,
22 right? That's your point?

23 A I'm sorry, can you ask that question
24 again?

25 Q 71 million is happening inside the FAC.

1 It's an effect within the FAC, right?

2 A That is the actual net energy costs.

3 There's also that customer is paying 5- -- I stand
4 correct. Of the 197, they're paying 57 million in
5 fuel costs in base rates. And that would be the
6 two -- the base factor rate times the kilowatt
7 hours. So, 51 million is the amount in base rates
8 that they were paying. So, the difference between
9 the 57 and 71, is what would flow through the FAC,
10 which is the 14 million.

11 Q The revenue requirement, overall, revenue
12 requirement, fuel and everything else, the revenue
13 requirement went up by \$71 million, right, in your
14 illustration? Because of the large load customer,
15 right?

16 A Yes.

17 Q But the revenues that the utility is
18 receiving, and this is after a rate case, and that
19 large load customer's load is being taken into
20 account in that rate case, right? That's your Table
21 2, right?

22 A That is correct.

23 Q The revenues that were accounted for in
24 setting the overall requirement were 197 million
25 from that customer, right?

1 A The revenues -- the load was used to
2 calculate the fuel and purchase power cost, the net
3 costs. But when it come down to what is in rates,
4 what portion of the rate is due to the base fuel, is
5 not the 25 -- the \$0.025 that was in the fuel model.
6 What it is in their rates is actually the \$0.02, the
7 base factor amount that's brought down due to the
8 fact that the other customers -- it's an average.

9 Q I'm not -- I'm not talking about what's
10 happening within the FAC. The revenue requirement
11 went up \$71 million. In setting rates in that case,
12 the revenues went up by \$71 million -- excuse me.
13 The cost went up \$71 million because of this
14 customer, but in that same case, the billing units
15 used to set base rates, including the 2.85
16 million -- the 2.85 billion kilowatt hours, and it
17 included them paying \$0.06 per kilowatt hours
18 associated with that 2.85 billion kilowatt hours,
19 right?

20 A But when they allocated the cost, the fuel
21 and purchase power cost, the amount that was
22 allocated to this class was 57 million. It was not
23 71 --

24 Q I'm not talking about --

25 A -- so, that is what was in the rates that

1 was calculated. Of that \$0.065, \$0.02 is the amount
2 of fuel, even though they would be incurring \$0.025.
3 That's their average fuel cost is 0.025. What is
4 included in the rates in the design of their rates
5 is \$0.02.

6 Q For fuel?

7 A For net-based --

8 Q For net-based energy costs, right?

9 A And that's the amount that's in their
10 rates.

11 Q For net base --

12 A Of the --

13 Q I'm sorry, were you done?

14 A Of the \$0.065 per kilowatt hour, \$0.02 of
15 it is for fuel, but they incur \$0.025.

16 Q Okay. And that's the \$71 million?

17 A That's how much they incur, but that is
18 not how much -- they're only paying for 57.

19 Q But when the revenue requirement in the
20 case overall is being determined, the assumption is
21 that is \$197 million, and I'm not distinguishing
22 between the fuel component, the net-based energy
23 cost component and all the other components, the
24 assumption used to set that overall revenue
25 requirement in that case, is that they're paying

1 \$197 -- \$197 million of base rate revenues on an
2 annual basis, right?

3 A That's what the rate -- that's the amount
4 the rate would give them, yes.

5 Q And if you didn't have that \$197 million
6 from them, and even if the revenue requirement lower
7 by 71 million because they're not there, so let's
8 say they're not there, and the revenue requirements
9 lower by \$71 million -- let me try it this way.

10 It's true in your hypothetical, in
11 your illustration, that they cost an increase in
12 net-based energy costs in that case, right?

13 A Yes.

14 Q But they also contributed revenues to
15 cover the revenue requirement that was significantly
16 more than the increase in revenue requirement they
17 caused, significantly more the 71 million, right?

18 A Are you asking if their revenues are
19 greater than the cost that they incurred? Greater
20 than their fuel cost is --

21 Q I'm asking you if the revenues they
22 contributed to the calculation of the revenue
23 requirement are greater than the costs that they
24 contributed to the calculation of the revenue
25 requirement, and they are, right?

1 A No. In this case, they're getting a lower
2 fuel cost, because as their fuel -- their market
3 cost is \$0.025. All the other customers are lower,
4 and that's how you -- is \$0.0183.

5 Q When you set base rates -- for purposes of
6 figuring out what we're going to track against in
7 future FAC periods, we do have to set a net-based
8 energy cost and we have to a set base factor, right?

9 A That's correct.

10 Q And that's why we do that. But the only
11 reason we do it is so we know what we compare it to
12 in future FAC periods, right?

13 A That is the amount that's included in base
14 rates.

15 Q Right. But --

16 A It's the amount recovered in base rates.

17 Q I understand that, but once it's built in
18 base rates, with all of the other costs net of
19 whatever revenues are coming in, once it's built
20 into base rates, the customer is just paying a base
21 rate, and the customer isn't distinguishing between
22 which component's fuel, which component was
23 production cost, which proponent (sic) were
24 salaries, which component were pensions, whatever.
25 The customer -- to the customer, the customer is

1 just paying based on this example, the \$0.069 per
2 kilowatt hour, rate?

3 A In base -- through base rates --

4 Q Meaning --

5 A Yes.

6 Q That base factor, the net-base energy
7 costs that gets based -- baked into base rates, it
8 loses its identity, essentially. Just like all the
9 other costs that build up a revenue requirement
10 loses their identity. It keeps an identity for the
11 purposes of comparing it to future FAC adjustments,
12 but from a base rate perspective, it loses its
13 identity, doesn't it?

14 A I disagree with you on that.

15 Q Let me ask you this: holding everything
16 else equal, if the revenue requirement in a rate
17 case goes up to \$71 million related to net-base
18 energy costs, and the revenues from customers go up
19 \$197 million, what's the impact going to be on the
20 revenue requirement? Is the revenue requirement
21 going to be lower by the difference between those
22 two?

23 A So, what you're asking me is, if all other
24 costs stayed the same -- I mean, for that
25 hypothetical, yeah, the 197 -- they make money all

1 of that 197 million but you're --

2 Q Well, the answer to my question is, yes,
3 right? You're saying if all costs -- and it was my
4 hypothetical; everything else stays equal, and there
5 is \$71 million of increase costs, but there were
6 \$197 million of increased revenues, the revenue
7 requirement, overall base rate revenue requirement,
8 is going to go down by that difference, right?

9 A But why would you set rates with revenue
10 that high without revenue requirements? I can't
11 understand why the rates would be \$0.065 if all that
12 it was increasing was the fuel amount. Things don't
13 happen that way.

14 Q Because they're paying for the embedded
15 fixed cost in the system already, right? That 197
16 million is contributing to fixed costs, because
17 there's more billing units in that -- in that case?

18 A So, you're assuming -- so, you're assuming
19 that the utility would just automatically make
20 140 million and its cost not increase, and customers
21 would be okay with setting rates that way?

22 Q The utility is not making more money in
23 that instance.

24 A You said --

25 Q The utility is getting additional revenues

1 from new load to cover the same level of fixed
2 costs, and they need less revenues for all the other
3 customers because of that customer's --

4 A Oh, there's your -- there's your --
5 there's the piece that was missing. I couldn't
6 understand why everything would remain the same.
7 You're saying that everybody else's costs would go
8 down by that okay. Much.

9 Q The allocation -- the 100 -- the other
10 customers don't need to contribute that 197 million
11 to the revenue requirement because this customer has
12 come on the system and contributing that 197, right?

13 A If a customer was being charged that 197
14 million, and they were no other increased costs
15 except for fuel, and, in that hypothetical, which
16 I -- it's very much a hypothetical, yeah, the other
17 customers' rates would go down, because -- but those
18 doesn't mean they're not subsidizing fuel costs
19 going forward.

20 Q I -- I was talking about -- I was talking
21 about the other side of the equation. You've got
22 what -- you have your contention that there's a
23 subsidization going on within the FAC. But in that
24 hypothetical, the other customers are benefiting
25 from that 197 of revenues because they don't have to

1 contribute it to cover the utility's costs, right?

2 A So, the cost that the other customers had
3 been paying, this one customer takes on 197 million
4 of those. So, the utility, just by taking on one
5 customer that -- I guess -- I'm still stuck on cost
6 causation. If it costs that much prior to this one
7 customer coming on, why would it drop this much now?

8 Q Your illustrations don't account for that
9 situation because it's just what's happening inside
10 the FAC, right?

11 A That is correct.

12 Q Let's talk about another issue with Table
13 2. And all the stuff we just talked about is
14 context that for. Table 2 is a representation of
15 the state of FAC. Once a rate case is concluded and
16 that rate case has accounted for the large customer
17 load, right, both the cost and revenue impacts of
18 that load, that large load customer load; is that
19 right?

20 A What I'm struggling with is revenue. It
21 is accounting for the cost?

22 Q The rate case accounted for both the
23 revenues coming from the large load customer and for
24 the cost caused by the large load customer in your
25 Table 2 illustration, because your Table 2

1 illustration assumes we had a rate case, and that
2 large load customer's load was in there, right?

3 A You're taking a bead on what I did, what
4 my intent was for this table, but, yes, that's the
5 way rate cases work.

6 Q Going back to your work paper, I want to
7 direct your attention to the calculation of ANEC
8 that you have. And, again, that ANEC represents
9 those three buckets primarily. The fuel costs, the
10 purchase power cost, offset, off-system sales,
11 right?

12 A Yes.

13 Q The Table 2 scenario, in that scenario,
14 the net base energy costs were calculated to be
15 inclusive of the impact of all customers, including
16 the load large customer, right?

17 A That is correct.

18 Q So, the net-base energy cost in Table 2
19 reflect the -- reflects the net energy cost, the
20 real actual net energy cost for the totality of the
21 retail load, right, at that time?

22 A It is -- it reflects the \$0.02 for every
23 kilowatt hour for all the customers. The 221
24 million. Of that, 57 million would be in the large
25 load customer's -- their rate and 164 million would

1 be on the other customers.

2 Q So, let's look at the calculation of ANEC,
3 the 171.491 -- 481 million. And that's in cell G33,
4 right?

5 A Correct.

6 Q And the formula in that cell is
7 multiplying the values from two other cells, the
8 G31, which is the load and large load -- large load
9 customers, the 2.859 million megawatt (sic) hours,
10 right?

11 A Yes.

12 Q And multiplying that value with the value
13 in G28, \$0.025, right?

14 A That is the cost that customer actually
15 incurred.

16 Q G31, you assume large load, and G28 is the
17 wholesale cost of energy used to serve the large
18 load, right?

19 A Yes.

20 Q Now, let's look at the ANEC that you
21 calculate for the rest of retail customer base, not
22 including the large load. Specifically, the
23 non-LLPS load. Take a look at cell H33, the
24 \$149.851 million. Do you see that?

25 A Yes.

1 Q And the formula in that cell, again, is
2 multiplying two values. It's multiplying that H31
3 and 8.193 million megawatt hours of non-LLPS
4 customer load by G3, from Table 1, the \$0.0183,
5 right?

6 A That's correct. That's correct. That's
7 what their cost would be had that non-customer --
8 that large load customer not been on the system.

9 Q So, H31 is the non-LLPS kilowatt hour
10 usage, so that's being determined similarly to the
11 ANEC for the large load customer so far in so much
12 as it's just using the actual usage for that
13 customer group, the non-LLPS customer, right?

14 A And it's multiplied times the cost that
15 was incurred to meet that kilowatt hours, yes.

16 Q But for the non-LLPS customer, the rate
17 that's being applied to the actual usage in your
18 example is the original base factor prior to that
19 customer coming on the system, right?

20 A That's what the base factor would have
21 been in Table 2 had that non -- had that large load
22 customer not been on the system.

23 Q The base factor in -- determined in the
24 prior case look looked at fuel purchase power and
25 off-system sales in that prior case, right?

1 A Yes, in this example, and this is part of
2 my hypothetical, nothing changed. Those customers
3 used the same. Costs were the same and so forth
4 going forward. The only difference between Table 1
5 and Table 2 is now this large load customer had
6 incurred market costs that average out to \$0.025.

7 Q But after you had a rate case where the
8 large load customer is actually included in that
9 rate case, and that large load customer is also
10 paying for the generation that is reflected in rate
11 base in that rate case, right?

12 A Are you talking now the non-FAC costs, or
13 are you talking --

14 Q Yes.

15 A I --

16 Q Well, there's no production cost in the
17 FAC, right, so I have to be.

18 A I was trying to make sure I understand. I
19 didn't -- this table is not meant to represent any
20 of that. I don't know how that will be calculated.
21 I'm looking solely at the FAC in this example.

22 Q So, after that rate case, we have an
23 accumulation period, and you're calculating ANEC,
24 right? You have to calculate ANEC in that
25 accumulation period compared back to the net energy

1 cost set in that right case, right? That set the
2 BF, right?

3 A Not in that rate case. If you're talking
4 about the non-large load customers, their loads were
5 the same. Their costs were the same as they are --
6 were before there was a large load customer. In
7 this example, to try to show if you have too many
8 moving parts in an example, you don't get -- you
9 can't say what the direct result of any one moving
10 part was.

11 Q Well, let me ask it this way: you have a
12 rate case; you set the base factor; the large load
13 customer is accounted for in that rate case; and
14 then you have an accumulation period in the future,
15 right, and you have whatever level of actual net
16 energy costs. In order to -- in order to figure out
17 what the FAR rate is going to be, you've got to
18 compare the base factor established in that rate
19 case, right? You got to use the base factor
20 established in that rate case, not the base factor
21 established in the prior rate case that has been
22 superceded in that rate case; isn't that right?

23 A But that doesn't mean that -- yes, but
24 that doesn't mean that -- yes, but that does not
25 mean that's what those customers -- the costs those

1 customers -- were incurred to serve those customers.
2 That's what the 1.83 is. It's the FAC -- net FAC
3 costs incurred to meet the non-large load customer's
4 load.

5 Q So, you're calculating a difference --
6 you're calculating a difference in actual net energy
7 costs for the large load customers that you're
8 comparing to a base factor that no longer exists for
9 them, but for the non-LLPS customers, you are
10 calculating an ANEC allocation against the new base
11 factor that does exist at that time, right? You're
12 treating them differently.

13 A No. Both of them, the net-based energy
14 costs are with the base factor. The same base
15 factor from when that rate case happened. What is
16 different is I'm calculating the actual net energy
17 cost to serve the large load customer, which was
18 \$0.025, and, also, what it costs to serve the
19 non-large load customer, which was \$0.0183.

20 In a FAC table, these would not be
21 split out this way. All that would be shown would
22 be this total here. The total kilowatt hours times
23 the base factor. And, in this case, we were bid
24 on -- on the amount -- you know, there's no
25 difference between actual and normalized kilowatt

1 hours again to take out moving parts, so that you
2 can see really what was happening. And these
3 numbers here, the 45,000, those are rounding errors.

4 Q So, let me ask you this --

5 A Well, not errors, but they're rounding
6 differences. So, what -- yes, the large load
7 customers are not paying enough. They don't -- the
8 \$0.02 is not enough cover the cost of their loads.
9 And the other customers are paying more. They're
10 paying the \$0.02, when actually the cost that
11 they're incurring is \$0.018.

12 Q So, the large load customer's load has
13 been built into that revenue requirement? The large
14 load customer is paying costs that include the fuel
15 that's embedded in the base factor, right? The new
16 base factor, which would be the \$0.02, right?

17 A Yes, yes.

18 Q And you're not giving them any credit for
19 having paid a portion of those fuel costs, a portion
20 of that \$0.02, even though that \$0.02 is a part of
21 their base rate that they're paying?

22 A I am looking at the FAC costs. No, I did
23 not take into account that. I did not -- I don't
24 know if they're being subsidized. If they are
25 subsidizing in the non-FAC, I'm looking only at the

1 FAC piece.

2 Q So, back to where we were started, what
3 you looked at in your testimony and all your
4 illustrations, only looked at what's happening
5 within the FAC and ignore what's happening on the
6 other side of equation in terms of base rates,
7 right? You didn't even look at it? You didn't even
8 consider it?

9 A That's correct.

10 JUDGE WALKER: Mr. Lowery, I'm going to
11 stop you for just a minute and sort of take a
12 read. Everyone looks very excited still. I
13 know it's been a long time and very technical
14 testimony. I would make you go forever, but
15 the Chair is more humane.

16 MR. LOWERY: I am just -- I am like on the
17 cusp of being done.

18 JUDGE WALKER: Okay. You're not the only
19 person I'm going to ask. I would also like to
20 ask the Office of Public Counsel if they
21 anticipate a long redirect, and what they
22 anticipate their next witness time would be.

23 MR. CLIZER: I would hope I don't need to
24 spend anywhere near as long as this on the
25 redirect. I'm going to keep it fairly high

1 level. I think I can get that done. As far as
2 my next witness, the direct takes like a five
3 minutes. You have to ask the rest of the
4 parties how long he's going to be up there.

5 JUDGE WALKER: Well, the other rest of the
6 parties is Everyg. Do you anticipate a lot of
7 questions for this witness after Mr. Lowery?

8 MR. FISCHER: No, Your Honor. I think
9 we'll be done.

10 JUDGE WALKER: Okay. I think, Mr. Lowery,
11 you go ahead and finish and then we're probably
12 going to break for the day after that. And
13 then you can do -- we can do Bench and
14 Commission and Redirect tomorrow. And your
15 next witness.

16 MR. CLIZER: That works for the Office --

17 JUDGE WALKER: You think that's agreeable?

18 MR. CLIZER: Sorry, Your Honor --

19 MR. LOWERY: Absolutely.

20 MR. PRINGLE: Fine with Staff.

21 MR. CLIZER: Works for me.

22 JUDGE WALKER: Does it work for you?
23 Okay. Mr. Lowery, I apologize for the
24 interruption.

25 MR. LOWERY: Not a problem. Not a

1 problem.

2 MR. SCHULTE: Just -- can I ask -- can I
3 ask one -- this is Andrew Schulte. Speaking on
4 behalf of Google. Just to clarify, we're
5 almost done with this witness. There's only
6 one witness left?

7 JUDGE WALKER: That's correct.

8 MR. SCHULTE: And if the parties don't
9 have extensive cross, and I don't know if
10 that's the case, but if the parties don't have
11 extensive cross for OPC's second and last
12 witness, then would it be possible to wrap
13 up today, or we're coming back tomorrow?

14 JUDGE WALKER: We're coming back tomorrow.
15 Sorry, Gang. I'm excited to see you tomorrow.

16 BY MR. LOWERY:

17 Q So, Ms. Mantle, in terms of base rates, in
18 terms of the revenue requirement that's being paid
19 through base rates, not any charges through the FAC,
20 isn't it true that once the large load customer load
21 has been accounted for in the rate case, and the
22 revenues that they're paying -- their billing units
23 have been accounted in the rate case, aren't they in
24 the same position in terms of what base rates are
25 recovering as all the other retail customers?

1 A You're making something complex, very
2 complex, and trying to -- I can't say that, because
3 there are many parts to class cost of service and
4 allocating between the classes. And the
5 hypothetical, you know, there will be some increased
6 costs with this large customer.

7 Q I wasn't debating that. I was asking you
8 a much simpler question.

9 A I can't answer -- it's too simple of a
10 question for the amount of work that goes on. I
11 can't say one way or the other.

12 Q So, your answer is you don't know?

13 A Correct.

14 MR. LOWERY: Judge, I told you I was about
15 done. Now I'm done. Thank you.

16 JUDGE WALKER: Okay, I think I'm -- we're
17 changing our plan a little bit. I think we're
18 going to do -- I don't have any bench
19 questions. We're going to do Commission --
20 there are no Commission questions. So -- so, I
21 guess I want a sense of how long your redirect
22 is going to be.

23 MR. CLIZER: Again, I can probably round
24 up the redirect fairly quickly, but I will
25 point out that based on the conversation, my

1 next witness just left. So, I probably can go
2 like run and track him down if you want try to
3 do this --

4 MR. FISCHER: Judge, I doubt there's much
5 cross for Dr. Marke, but we could check the
6 room.

7 JUDGE WALKER: Let's take a ten-minute
8 break, and see if you can get your witness.
9 And we'll come back here in ten minutes.

10 (Wherein, a short recess was taken.)

11 JUDGE WALKER: Okay, we're going to go
12 back on the record. Mr. Lowery, are you
13 finished with your cross?

14 MR. LOWERY: Yes, I am. Thank you, Judge.

15 JUDGE WALKER: Okay, Evergy, do you have
16 any cross for this witness?

17 MR. FISCHER: Thank you, Judge.

18 JUDGE WALKER: Okay. We have no bench
19 questions. I don't think we have any
20 commissioner questions. The chair is -- she's
21 gone virtual. So, she's online.

22 CHAIR HAHN: I'm here.

23 JUDGE WALKER: Yeah, so we'll do Redirect.

24 REDIRECT EXAMINATION

25

1 BY MR. CLIZER:

2 Q All right. Good afternoon again,
3 Ms. Mantle.

4 A Good afternoon.

5 Q So, let's start with the big one, right?
6 You just sat through a very extensive
7 cross-examination that was revolved around a very
8 complex hypothetical from counsel for Ameren. I
9 assume you still recall that, correct?

10 A Yes.

11 Q Yeah. The way I understood it, what
12 Ameren's hypothetical fixated on was the idea that a
13 customer of this size that you had used in your
14 examples could come on, and the only increase to
15 costs for Evergy would be the fuel costs that you
16 were examining the FAC. There would be no other
17 costs. Is that a realistic scenario?

18 A No, it's a very -- especially for Evergy
19 West, because they're going to need -- they've been
20 so close -- well, they haven't had another capacity
21 to meet their capacity requirements. They haven't
22 had the PPAs to meet those PP capacity requirements.
23 They don't have energy to meet their current load,
24 let alone a load of a customer this big. So, the
25 fact -- a large load customer cannot come onto

1 Evergy West's system and not increase costs, in many
2 ways, much more than just load costs. And as far as
3 Evergy Metro, because of a large customer that's
4 coming on in Kansas, it's my understanding that
5 they, too, are going to be needing more capacity.

6 And, so, they cannot serve these
7 large customers without adding additional costs.
8 Just in capital costs and plant, but then also in
9 labor and administrative. Costs are going to
10 increase when you take on a customer that big.

11 Q And all those costs that you're referring
12 to, those would also offset the \$197 million that
13 Mr. Lowery referred to in his cross-examination?
14 That's what you are trying to say?

15 A I'm assuming the 197,000 -- or million
16 would not have been set without an increased cost.
17 When class cost of service -- I mean, when Staff
18 does -- came up with their rate, I'm sure they
19 looked at costs. Ms. Lange said this morning that
20 she went back and pretty much did another class cost
21 of service and looked at all the different costs and
22 then what costs extra would be incurred. So, that
23 wasn't just a hypothetical number made out -- made
24 up. That was number that had costs be behind it.

25 Q So, overall, what is your assessment then

1 of the hypothetical example that you walked through?

2 A I was looking at the FAC, and how these
3 large customers would impact other customers,
4 whether customers would subsidize these large load
5 customers through the FAC, the current design of the
6 FAC. And I was not looking at the fixed costs. I
7 don't know what the extra fixed costs are going to
8 be, the other costs in that base rate. But I do
9 know by the way the FAC base factor is -- is
10 calculated, that non-large load customers costs will
11 increase in the FAC. And they will subsidize the
12 costs of these large customers through the FAC.

13 Q There's been a couple of cases recently
14 concerning Evergy's attempt to secure addition
15 generation for its system. Are you vaguely -- are
16 you familiar with those? I'm going to start there.

17 A I'm assuming you're talking about the
18 certificate of convenience and necessity for
19 combustion turbine and combined cycle --

20 Q Those are what I was referring to --

21 A -- plants?

22 Q -- yes.

23 A Yes.

24 Q Now, please, bear in mind, that I believe
25 the specific numbers are confidential, so I don't

1 want you to ask -- speak specifically to any given
2 numbers. But can you speak generally, what is your
3 observation regarding fixed costs increases related
4 to generation based on your experience with those
5 cases?

6 A Even absent the large load customer,
7 Evergy West's customers' rates are going to
8 increase, and these are being built to meet its
9 current load. It is not being -- they're -- the
10 resource plan, the forecasts piece of it, did not
11 include large loads customers. It did not include
12 forecasting large load customers. It had the
13 current customer, but it did have not this --
14 anywhere the large load customers that were shown in
15 the graph in your opening. And, so, these are being
16 built to meet what they know today, and they will
17 need more if they add additional customers. More
18 generation, more fixed costs.

19 Q You were asked a series of questions
20 related to the calculations of the ANEC and NBEC in
21 what is being described as Table 2, which for the
22 record, is the bottom left of the four tables in
23 your Schedule LMN-S-3, which has labeled at the top
24 After Rate Cases. Do you recall that line of
25 questioning?

1 A Yes.

2 Q And I think you sort of touched on it, but
3 just for the record, can you explain why the
4 calculations for the ANEC and NBEC differ between
5 the LLPS and non-LLPS customers?

6 A The NBEC is calculated in the same way for
7 both sets of customers. It is the base factor of
8 \$0.02 times the kilowatt hours. What is different
9 is the way the actual or the ANEC is calculated.
10 And knowing that the actual costs for the large load
11 market cost is \$0.025, that is how the actual -- the
12 ANEC was calculated for large power.

13 That's the cost to meet that load.
14 Now, the rest of the customers, the cost is the same
15 as what is in the top table prior to when that large
16 load customer came on. Their cost is only \$0.018
17 per kilowatt hour. So, their actual net cost is
18 actually less than what is included in the rates,
19 and what is collected or -- and so you get -- you
20 work through and find out there's a subsidization.
21 The ANEC minus NBEC, the next line down, for the
22 large load customers is positive. That's how much
23 they cost above what was in their base rates.

24 And, likewise, negative number shown
25 under non-LLPS, is the amount that the other

1 customers paid in their base rates above what their
2 costs actually were. So, in effect, the large load
3 customers in this example, where everything else is
4 held constant, the large load customers underpaid by
5 13 million, and the other customers overpaid by
6 13 million.

7 Q You were asked a series of questions to
8 consider the impact a large load customer would have
9 on securitization charges; do you recall that,
10 generally?

11 A Yes.

12 Q Let me start by simply asking whether or
13 not you agree with the mathematical -- the math that
14 was employed in that discussion?

15 A Sitting here, I didn't see anything wrong
16 with it.

17 Q That's fair. Specifically in responding
18 to what you were being asked about, you noted the
19 idea that there was potential for the legislature to
20 change the application of the Securitization
21 Statute. Why did you bring that up?

22 A Because large customers, I've seen it over
23 and over again, I worked in this area for 40-plus
24 years, I've seen when large load customers, and not
25 just the new ones here, but our current large load

1 customers, when legislation is consistently
2 introduced down at the capital that gets them out of
3 paying different parts of costs, they can opt out of
4 the DSIM, I believe there was one that maybe a
5 customer that didn't have to pay securitization; I'm
6 not for sure. But what they tend to do when it
7 looks they there's going to be a big cost, that will
8 have hit their bottom line, they go down to the
9 legislature and get an exemption from having to pay
10 that cost. And the other customers are left paying
11 that cost.

12 Q It's funny you mention the securitization
13 exemption. I'll address that in briefing, though.
14 Unless -- you don't feel terribly familiar with
15 Senate Bill 4, do you?

16 A No, I do not.

17 Q I'll save it for briefing. At the very
18 beginning of the discussion with the
19 cross-examination by Ameren, there was attempt to
20 sort of divide out the cost in the FAC to three
21 buckets. I hope I get them right: it's fuel,
22 purchase power and off-system sales. Do you recall
23 that conversation?

24 A Yes.

25 Q Now, of those three buckets, which are

1 being affected by the addition of a large load
2 customer and how?

3 A The only cost, the only one of those three
4 components that's being affected, is the load -- the
5 purchase power costs. Because Mr. Lowery and I had
6 the conversation about purchase power is the
7 difference between your load and what -- or what you
8 generate and what -- what your requirement is, your
9 load customer requirement, what you generate is not
10 necessarily based on what generation you have. It's
11 bid into the market. SPP dispatches based on what
12 is bid into that market.

13 So, that purchase power is going to
14 increase and that cost will increase. Now,
15 off-system sales won't increase any because of this
16 large customer. All that happens with it is because
17 the generation is being bid into the market, SPP is
18 dispatching that, that should not change
19 dramatically. And, likewise, the fuel cost should
20 be covered by the off-system sales revenues. Fuel
21 cost is when those generation plants are called to
22 run.

23 So, they are not impacted by the fact
24 of a large load customer. It is more a function of
25 SSP dispatching them. That would happen whether

1 there was a large load customer or not. Now,
2 granted, if they bring on new generation, revenues
3 might go up but then other customers are also paying
4 for that revenue, also.

5 Q A simple brief one. At one point in the
6 discussion of your tables in Schedule LMM-S-3, you
7 pointed out how the accumulation period that you
8 used lasted a full year, and this was different from
9 Evergy's existing accumulation period. Does that
10 have an impact on the merit of your calculation?

11 A No, that was done for simplicity.

12 Q In large part, the examination by Ameren
13 appeared to be driving at why they disagreed with
14 your interpretation of a possible subsidy of
15 customers by the FAC. Your recommendation, as I
16 understood it, was to keep them separate, to try and
17 separate LLPS customers from non-LLPS customers.
18 Does that have a negative impact on LLPS customers?

19 A No, it shouldn't. It actually it should
20 just make sure the costs are recovered correctly
21 from both sets of customers. It could be in the
22 future that the non-large customer costs go up, then
23 the large power customers would not then not be
24 subsidizing the non. The only way you can make sure
25 that there is no subsidization is to split the two.

1 MR. CLIZER: I think that will cover me,
2 thank you.

3 JUDGE WALKER: Does anyone have an
4 objection -- does anyone have an objection to
5 this witness being excused? Hearing none,
6 Ms. Mantle, you are excused. Thank you.

7 MR. CLIZER: Does the Commission intend to
8 continue with its original plan of having
9 Dr. Marke take the stand now?

10 JUDGE WALKER: Yes. We'll try and push
11 through until we're done.

12 MR. PRINGLE: And, Judge, just a quick
13 request for myself, I will have to leave at
14 5:00 o'clock for a childhood matter. I hope I
15 can be excused at that time.

16 JUDGE WALKER: Mr. Pringle has a baby, a
17 Pringle princess. Absolutely. And, also, for
18 the record, let's reflect that the attorney
19 from Renew, Renew Missouri, also has left us,
20 and she has waived the -- any objection to
21 evidence that is presented. She said she has
22 no cross-examination questions for the
23 witnesses.

24 MR. PRINGLE: Thank you, Judge.

25 JUDGE WALKER: And Nicole Mers is the name

1 of Renew Missouri's attorney. I assumed
2 everybody -- it seems like everyone knows her.
3 She used to work at the Commission.

4 (Dr. Geoff Marke sworn.)

5 JUDGE WALKER: Please begin.

6 DIRECT EXAMINATION

7 QUESTIONS BY MR. CLIZER:

8 Q Dr. Marke, can you please state and spell
9 your name for the record?

10 A My name is Geoff Marke. And it's
11 G-e-o-f-f, M-a-r-k-e.

12 Q And by whom are you employed and in what
13 capacity?

14 A I'm employed by the Missouri Office of
15 Public Counsel. My position is the chief economist.

16 Q And did you prepare or cause to be
17 prepared what has been prefiled Exhibit marked 301,
18 the Rebuttal Testimony of Geoff Marke and premarked
19 Exhibit 302, the Surrebuttal Testimony of Geoff
20 Marke?

21 A Yes.

22 Q And speaking for both of those
23 testimonies, are the answers that you gave in those
24 testimonies true and correct to the best of your
25 knowledge and belief?

1 A They are.

2 Q I should have asked if you had any
3 corrections.

4 A No corrections.

5 Q If I were to ask you the same
6 questions today, is your answer the same or
7 substantially similar?

8 A Yes.

9 Q Your Honor, I would move for the admission
10 of Exhibit 301, the Rebuttal Testimony of Geoff
11 Marke?

12 JUDGE WALKER: Thank you for doing that
13 one at a time. Exhibit 301, the Rebuttal
14 Testimony of Geoff Marke. Does anyone have an
15 objection to this exhibit being admitted?
16 Okay, hearing no objection, it is will be
17 admitted.

18 (OPC Exhibit 301 marked and admitted.)

19 MR. CLIZER: Your Honor, I would move for
20 the admission of 302, the Surrebuttal Testimony
21 of Geoff Marke.

22 JUDGE WALKER: Exhibit 302, Surrebuttal
23 Testimony of Geoff Marke. Does anyone have an
24 objection to this exhibit being admitted?
25 Hearing no objections, Exhibit 302 will be

1 admitted into the record.

2 (OPC Exhibit 302 marked and admitted.)

3 MR. CLIZER: Your Honor, I tender this
4 witness for cross-examination.

5 JUDGE WALKER: Okay. Data Center
6 Coalition?

7 MS. GREENWALD: No questions. Thank you,
8 Your Honor.

9 MR. CLIZER: Your Honor, I apologize, but
10 I believe that the first list in order would be
11 the Staff of the Public Service Commission.

12 JUDGE WALKER: Oh, I'm so sorry. Thank
13 for that. And, you know, Andrea speak up.

14 MS. HANSEN: Can do.

15 CROSS-EXAMINATION

16 QUESTIONS BY MS. HANSEN:

17 Q All right, thank you very much. Dr.
18 Marke, just a couple of questions for you. You
19 stated in your surrebuttal rebuttal testimony that
20 John Johnson, the CEO of the data center operator,
21 "Data centers have rightly earned a dismal
22 reputation of creating the lowest numbers of jobs
23 per square foot", is that correct?

24 A That's correct.

25 Q Okay. All right, and then the next couple

1 of questions I have from you come from your GM-1
2 Schedule to your surrebuttal rebuttal testimony. Do
3 you have a copy of that with you? If you don't, I
4 can provide you with one.

5 A I should. I do.

6 Q Great. And I'll wait until you get there.

7 A I'm there.

8 Q All right. So, I'm going to direct you to
9 page 2.

10 A Okay, okay.

11 Q And under the heading Land Use
12 Considerations, three paragraphs down, can you read
13 that paragraph for me? It's starts with larger and
14 it ends in adjacent uses. Actually, I'm sorry.
15 It's going to end in "street activity". Can you
16 read that portion for me, please?

17 A Sure. "Larger single-use data centers can
18 be considered a modern industrial warehousing use as
19 they simply -- as they simply warehouse servers and
20 associated infrastructure and contribute little in
21 the way of activity or interaction with surrounding
22 uses. Creating few jobs, data centers do not
23 meaning contribute to create street activity."

24 Q Thank you very much. Then I'm going to
25 direct you over to page 4.

1 A I'm there.

2 Q And one thing that I did forget to mention
3 is that this is -- can you actually go back to the
4 first page. Can you tell me who -- what party this
5 is to?

6 A This is a informational item created by
7 the St. Louis -- the City of St. Louis Planning and
8 Urban Design Agency, specifically it's drafted up by
9 Don Roe, who's the executive director and he's
10 writing it effectively in regards to City of St.
11 Louis Planning Commission.

12 Q All right. Thank you very much. Okay,
13 back to page 4.

14 A I'm there.

15 Q Okay. And then under the heading of
16 Economic Considerations, if you could read the
17 paragraphs starting "at the local economic", and
18 then it ends in "eight hour shifts". Can you please
19 read that portion for me?

20 MS. TATRO: Excuse me. Before you do so,
21 I'd like to launch an objection. She is merely
22 asking him to read into the record, again,
23 something that's already been admitted into the
24 record. There's no cross-examination. It's
25 cumulative, and it should not be allowed.

1 JUDGE WALKER: Overruled.

2 THE WITNESS: "The low economic benefits
3 and impacts of data centers are somewhat
4 unclear at this time. Like any new
5 construction project, the data center's
6 construction will create valuable jobs from the
7 period of construction. However, permanent
8 jobs associated with data centers are very
9 limited. Compared to traditional industrial
10 uses, very large data centers require only a
11 small number of people to secure and manage the
12 building. For example, ten people at any given
13 100,000 square foot facility, where 30 jobs
14 total for individuals working in eight-hour
15 shifts. Staff do not yet know about the fiscal
16 benefits of data centers, e.g. local tax
17 revenue."

18 QUESTIONS BY MS. HANSEN:

19 Q Thank you very much. And then I'm going
20 to direct you over to your rebuttal testimony.

21 A Okay.

22 JUDGE WALKER: Ms. Hansen, I hope you have
23 questions attached these readings. Otherwise,
24 I will rule them as inadmissible.

25 MS. HANSEN: I do not have additional

1 questions.

2 JUDGE WALKER: Okay.

3 MS. HANSEN: I do have questions, though,
4 regarding rebuttal testimony.

5 JUDGE WALKER: Go ahead.

6 QUESTIONS BY MS. HANSEN:

7 Q All right. I'm going to direct you to --
8 let's see, I apologize. One moment.

9 A Take your time.

10 Q All right. In your rebuttal testimony,
11 you discussed stranded assets, correct?

12 A I do.

13 Q You note Evergy's Response to Staff's DR's
14 30 and 106 regarding stranded assets in your
15 rebuttal testimony; is that correct?

16 A That's correct.

17 Q Did Evergy's responses to these DRs
18 alleviate your concerns regarding the potential for
19 stranding assets?

20 A No, they did not.

21 Q Dr. Marke, are you aware of any
22 municipalities, states, countries, regulator bodies
23 or utilities companies that are requiring or
24 suggesting studies and metrics that are similar to
25 the PUE, the WUE and the THD reporting that you

1 discuss in your rebuttal testimony?

2 A I think we're unique. I think my
3 testimony, particularly, I think is unique in that
4 regards. I hadn't seen other regulatory filings
5 that contemplated water usage, power usage,
6 effectiveness, and what the impact is at the local
7 distribution level. But I'd also say there's a
8 relatively small sample size at this point in terms
9 of tariffs that have gone in front of the
10 Commission.

11 And I've been in contact with many
12 different states, many different parties. These
13 were issues that were raised at NARUC. Whether or
14 not I'm the first one to raise this or others, I
15 can't categorially say yes or no, but it is
16 definitely issues that will be raised moving
17 forward, I think, across the board.

18 Q Sorry, can you clarify that. Did you say
19 something that was brought up in NARUC?

20 A Uh, yes.

21 MS. HANSEN: All right, no further
22 questions. Thank you.

23 JUDGE WALKER: Thank you.

24 Cross-examination, the Data Center Coalition?

25 MS. GREENWALD: No questions, thank you,

1 Your Honor.

2 JUDGE WALKER: Velvet Tech Services?

3 MS. BELL: I think I can be loud enough
4 for the court reporter to hear. I'm okay,
5 right, from here?

6 JUDGE WALKER: No. Please come to the
7 podium. We want to hear everything you have to
8 say.

9 CROSS-EXAMINATION

10 QUESTIONS BY MS. BELL:

11 Q Dr. Marke, you're aware that there is
12 currently only one operational hi- -- hyper scale
13 data center in Missouri, correct?

14 A I don't know, to be honest with you. Yes,
15 I'm aware of one, if you say. I will take that.
16 I'm aware of that one.

17 Q Okay. And that hyper scale data center is
18 Velvet Tech, correct?

19 A Yes.

20 Q Okay. In all your research and
21 preparation in this case, you didn't submit a single
22 data request to Velvet Tech Services; is that
23 correct?

24 A I did not.

25 Q And OPC did not, correct?

1 A We did not.

2 MS. BELL: Okay, thank you.

3 JUDGE WALKER: Google.

4 MR. SCHULTE: No questions, thank you.

5 JUDGE WALKER: Sierra Club?

6 MR. MORRISON: No questions, thank you.

7 JUDGE WALKER: Ameren Missouri?

8 MS. TATRO: Thank you. Is it evening?

9 CROSS-EXAMINATION

10 QUESTIONS BY MS. TATRO:

11 Q Good afternoon, Dr. Marke.

12 A Good afternoon.

13 Q I'll ask you a question using the phrase
14 "the regulatory compact", do you know what I mean?

15 A I do.

16 Q You want to define that?

17 A The -- effectively, the agreement between
18 the utility captive customers and commission to
19 provide safe and reliable service.

20 Q And in exchange, the utility gets an
21 exclusive service territory?

22 A That's correct.

23 Q Okay. So, under the regulatory compact
24 and state law, does a utility in Missouri, an IOU in
25 Missouri, have the ability to decide it will not

1 serve a customer because it finds the business
2 objectionable?

3 A I feel like I'm out of my element there as
4 far as that being a legal question.

5 Q To your experience, I will not hold you to
6 a legal standard, but in your experience, what is
7 your understanding?

8 A Can you repeat the question for me?

9 Q Sure. Under the regulatory compact and
10 state law, does a Missouri IOU have the ability to
11 decide it will not serve a customer because it finds
12 the business objectionable?

13 MR. CLIZER: I will object. I know she
14 said she wouldn't hold him to a legal standard,
15 but then she also added the word "under state
16 law", so I'm a little confused. It is a legal
17 question or not?

18 JUDGE WALKER: I assume your objection is
19 calls for a legal conclusion?

20 MR. CLIZER: Yes.

21 JUDGE WALKER: And I will sustain that
22 objection.

23 QUESTIONS BY MS. TATRO:

24 Q Let me try again. Under the regulatory
25 compact and your experience as the Commission, do

1 you believe the utility has the ability to decide it
2 will not serve a customer because it finds a
3 business objectionable?

4 A Generally speaking, no.

5 Q Okay. Do you believe Evergy would be
6 allowed to refuse to provide service to a
7 Chinese-owned corporate farm located in its service
8 territory, even if doing so would be in the best
9 interest for family farms in Missouri?

10 A I don't know.

11 Q Okay. What about the Commission? Do you
12 think the Commission has the ability to make a
13 decision that a particular type of customer should
14 not be served in Missouri?

15 A So, I struggle with that question, and
16 I'll explain why. But what I really struggle with
17 is, I'm not aware of any other situation where, in
18 any industry, let alone the utility industry, where
19 a buyer comes in and is asking to have the supplier
20 invest billions of dollars in capital investment on
21 the hopes that they may come in, that they may
22 operate. And I think that's what gives me pause
23 with answering that in an affirmative.

24 Q So, absent that additional fact, which you
25 presented --

1 A Uh-huh.

2 Q How would you -- if you -- if that was not
3 part of the equation, how would you answer that
4 question?

5 A If a customer was not imposing additional
6 costs of that magnitude, I don't think that would be
7 an issue.

8 Q If Evergy had a new customer coming online
9 that was 40 megawatts, so below the 100 megawatt
10 threshold, and it needed additional power to serve
11 that customer, so there are additional costs being
12 imposed --

13 A Yes.

14 Q Would the Commission have the authority,
15 as you understand it, to tell Evergy they're not
16 allowed to serve that customer?

17 A I don't know.

18 Q Okay. So, we've been talking about
19 393.130.7, which came from Senate Bill 4. Are you
20 familiar with the language in statute?

21 A I am. I don't think I can quote it for
22 verbatim, but I am familiar.

23 Q All right. As you understand that
24 statute, does it give the Commission -- does it
25 change the Commission's authority about whether or

1 not it can allow service to data centers in the
2 State of Missouri?

3 A I guess I'm confused. I don't think
4 anybody is taking that position that we're saying
5 don't provide --

6 Q Well, that's not -- that is the question
7 I'm asking you, and I'd like you to answer it.

8 A 393.130.7?

9 Q Uh-huh.

10 A Is there -- and just -- I'm going to
11 paraphrase what I've heard. Is there anything within
12 that language there that is prohibiting or directing
13 the Commission to prohibit customers from taking
14 service?

15 Q Or would allow the Commission to prohibit?

16 A I don't read it in that manner.

17 Q Okay. As you look at the statute
18 393.130.7, does it give the Commission authority to
19 approve or deny citing decisions by a data center?

20 A No.

21 Q How about does it give the Commission
22 authority to issue or enforces environmental
23 regulations?

24 MR. CLIZER: I'll guess I'll just object
25 at this point regarding calls for legal

1 conclusion.

2 MS. TATRO: As he understands the statute.

3 THE WITNESS: I think that's a --

4 JUDGE WALKER: Sustained.

5 THE WITNESS: I think that's open to
6 interpretation --

7 JUDGE WALKER: Sustained --

8 THE WITNESS: Oh, sorry.

9 JUDGE WALKER: -- means you don't have to
10 answer the question.

11 THE WITNESS: I was in the zone.

12 JUDGE WALKER: I'm sure she'll rephrase so
13 you can answer it.

14 THE WITNESS: Okay.

15 JUDGE WALKER: Just give her a minute.

16 QUESTIONS BY MS. TATRO:

17 Q So, you're familiar with this statute?

18 A Yes.

19 Q And as you read the statute, do you
20 believe it allows the Commission to order
21 enforcement of any environmental regulation,
22 environmental restriction?

23 A In the highlighted section of that
24 statute, and I'll just repeat it for the sake of the
25 record, "The schedules should reasonably ensure

1 each -- should reasonably ensure such customer's
2 rates will reflect the customer's representative
3 share of the cost incurred to serve the customers
4 and prevent over customer classes rates from
5 reflecting any unjust or unreasonable cost arising
6 from service to such customers."

7 In the past, we have taken positions,
8 and I am -- I am reading the term cost here, I
9 think, appropriately in that if there are potential
10 environmental costs or anything else that would
11 effectively throw -- roll through rates affecting
12 customers. I feel like that would impact that.

13 Q Do you have the statute in front of you?

14 A I do.

15 Q All right. So, the sentence you just read
16 (sic) starts with the words "the schedules"?

17 A Okay.

18 Q What is the schedules? Would you agree
19 that's a tariff?

20 A I would.

21 Q And do we include external costs in rates
22 in tariffs?

23 A Do we include external costs in tariffs?
24 I can't categorially say one way or the other. We
25 have a lot of tariffs.

1 Q You're familiar with revenue requirements?

2 A I am.

3 Q And how they're determined?

4 A Uh-huh.

5 Q So, it takes the utility expenses, puts
6 those in whatever the year or loan representative
7 amount would be, correct?

8 A Correct.

9 Q Takes capital investments?

10 A Uh-huh.

11 Q That are in service, adds that to mix
12 times the return and depreciation? Where are the
13 costs, these external costs, let's say, the water
14 costs, if the utility is not paying that costs, how
15 does it end up in the revenue requirement?

16 A I think we're talking over each other, and
17 I think it's on my end, misinterpretation. When I
18 think of the tariff, I think of the tariff sheet
19 encompassing everything that governs that utility.
20 In terms of extraneities or external costs that
21 could be incurred because of actions taken or not
22 taken, I don't know if I categorially say that it
23 doesn't include something like that through MEEIA or
24 some other additional charge. If we're talking
25 about a specific customer class, I think you are

1 correct.

2 Q All right. Go back to the tariff -- or
3 I'm sorry, the statute, please.

4 A I'm there.

5 Q "The schedule should reasonably ensure
6 that customers' rates", now here it's talking about
7 the data center customer or the large load customer,
8 correct?

9 A Correct.

10 Q Would that rate include these external
11 costs?

12 A It could.

13 Q Can you name me a single time that has
14 happened in Missouri?

15 A I mean, I provided, like, plenty of
16 examples within my context of my concerns about this
17 tariff that could arise that would generate costs.
18 The total harmonic distortion is an example of such
19 a factor.

20 Q So, OPC's proposal here would be to add
21 into the large load customer rate a dollar amount
22 representing the harm from harmonic disturbance?

23 A I hope there is no harm. I mean,
24 that's -- that is not part of --

25 Q I really need you to answer the question,

1 okay? Does a rate -- is OPC's proposal here --
2 OPC's proposal here that the customers rate, and
3 we've agree that's the large load customer rate that
4 is in the tariff, should include some dollar amount
5 to represent the harm of harmonic convergence --

6 A No.

7 Q -- disturbance? No?

8 A No, there's nothing in my testimony that
9 explicitly states that.

10 Q Okay, so let's go back to the statute?

11 A Okay.

12 Q The statute -- the cost is limited to
13 what's reflect in rates, correct?

14 A Correct.

15 MR. CLIZER: I'll object to -- nevermind,
16 I think he's already answered before I could
17 object.

18 JUDGE WALKER: Well, let's get the
19 objection on the record.

20 MR. CLIZER: I will object for calling a
21 legal conclusion.

22 JUDGE WALKER: And I sustain that
23 objection. Mr. Marke is not a lawyer in my
24 understanding.

25 THE WITNESS: That's true.

1 MS. TATRO: May I respond?

2 JUDGE WALKER: No. Sorry.

3 QUESTIONS BY MS. TATRO:

4 Q All right, Mr. Marke, you are familiar
5 with how rates are set?

6 A Yes.

7 Q You're familiar with what costs are
8 included in rates?

9 A Yes.

10 Q How does a cost that is not paid by the
11 utility end up in a tariffed rate?

12 A Hmm. I don't know. I have to think about
13 that.

14 Q I'm happy to give you a moment.

15 A Okay. I don't know.

16 Q Well, let me give you an example.

17 A Okay.

18 Q If Google is fined for violating the Clean
19 Water Act, would that be a cost that could end up
20 rate for that class, in the utility tariffed rate?

21 A No. No.

22 Q Apologies, I missed your answer. All
23 right. So, does not to indicate to you that when it
24 uses the word "cost" in the statute it's talking
25 about the cost used to set the rate for that large

1 load class?

2 MR. CLIZER: I'll object for calling for a
3 legal conclusion.

4 JUDGE WALKER: Sustained.

5 MS. TATRO: He's already testified to what
6 costs he thinks should be included.

7 JUDGE WALKER: If you would like to ask a
8 different question, that would be fine.

9 MS. TATRO: All right.

10 JUDGE WALKER: Can everyone hear me now.

11 MR. CLIZER: Yes, now.

12 JUDGE WALKER: Thank you. Sorry about
13 that.

14 QUESTIONS BY MS. TATRO:

15 Q Given that it's your opinion that the
16 fines Google will not end up in the utility's
17 tariffed rate, and, so, the next part of the statute
18 talks about representative shares of the cost
19 incurred to serve the customer. As you understand
20 it, is Google's fine a cost incurred to serve the
21 customer incurred by the utility?

22 MR. CLIZER: I will object, again, on
23 calling for a legal conclusion.

24 JUDGE WALKER: Sustained.

25 QUESTIONS BY MS. TATRO:

1 Q In your understanding of rate-making --
2 okay, I'm going to end there on that one. Not done
3 asking questions. On page 3 of your surrebuttal --

4 A I'm there.

5 Q Thank you. So, on line 18, is where you
6 start this discussion about job creation levels of a
7 data center. And then it continues on to the top of
8 page 4, and you compare it to job creation of Sam's
9 Club; is that right?

10 A That's correct.

11 Q Are the two mutually exclusive?

12 A No.

13 Q So, we can have a data center, and we can
14 also have a new Sam's Club?

15 A Yes, you can.

16 Q Okay. Now, you've heard in the hearing
17 room today that Staff proposes using a workshop
18 process to flush out a tariff for large load
19 customers, correct?

20 A Correct.

21 Q Does OPC support that request?

22 A Yes.

23 Q Do you know of a time where the Commission
24 has used a workshop process to write a tariff?

25 A None come to mind.

1 Q Have you participated in commission
2 workshops?

3 A I have.

4 Q Frequently?

5 A I would say frequently.

6 Q I'm going to mark 713 being the docket
7 sheet for Case Number AW-2020-0148, and also I would
8 like to mark 714 for the docket sheet of
9 EW-2015-0105.

10 (Ameren Exhibits 713 and 714 marked.)

11 JUDGE WALKER: This is a docket sheet from
12 EFIS; is that correct?

13 MS. TATRO: It is.

14 MR. CLIZER: Can I get the numbers, which
15 referred to which again.

16 MS. TATRO: I believe 713 is AW-2020-0148.
17 And 714 is EW-2015-0105.

18 MR. CLIZER: Thank you.

19 JUDGE WALKER: Okay, I have 113 as
20 EW-2015-0105, is that -- are they opposite?

21 MS. TATRO: I'm happy to switch, so we
22 will make the one that ends in 0105, 13, and
23 the one that ends in 1048, 714.

24 JUDGE WALKER: Thank you.

25 MS. TATRO: Absolutely. I may have said

1 it backwards.

2 JUDGE WALKER: I don't think so. I think
3 I just wrote it down.

4 QUESTIONS BY MS. TATRO:

5 Q So, Mr. Marke, have you had the
6 opportunity to look at those?

7 A I have.

8 Q And do they look like docket sheets that
9 from come from EFIS?

10 A Yes, they do.

11 Q I expect you don't remember the Docket
12 sheet, so starting with 713, I expect you don't
13 remember what the docket sheet for EW-2015-0105
14 looks like. Would you like to pull that up on EFIS
15 to confirm that is accurate, or will you my word
16 that is the docket sheet from that case?

17 A I can accept that.

18 Q All right. Can you tell me when this
19 docket was open -- well, first of all, this was --
20 can you look at the style of the case, and tell us
21 what it was --

22 A Sure, this is --

23 Q What the case was.

24 A It's a matter of the working docket to
25 review the Commission's MEEIA rules.

1 Q So, it was a workshop?

2 A It was, yeah.

3 Q A working docket?

4 A Yes.

5 MR. CLIZER: Just really quick for the
6 sake of record, MEEIA?

7 THE WITNESS: The Missouri Energy
8 Efficiency Investment Act.

9 MR. CLIZER: Sorry.

10 JUDGE WALKER: And let me just clarify for
11 the record, these are the complete docket
12 sheets --

13 MS. TATRO: Yes.

14 JUDGE WALKER: -- for these cases.

15 MS. TATRO: Yes.

16 JUDGE WALKER: Okay. Thank you.

17 QUESTIONS BY MS. TATRO:

18 Q So, when the -- I just want to make sure
19 we're on the same page. It says working docket. In
20 your mind, that's the same as a workshop?

21 A It is, yes.

22 Q All right. When was this workshop opened?

23 A It looks it was opened on 10/24/2014.

24 Q Okay. When did it close.

25 A It looks 8/17/2015.

1 Q So, you agree with that me that took about
2 ten months?

3 A Yes.

4 Q Okay. Now, look at the second number,
5 714. Again, do you accept this is a true and
6 accurate representation of the docket sheet for this
7 case from EFIS?

8 A Yes, this was -- we made the motion for
9 this docket so, yes.

10 Q All right. Tell me what the style this
11 case is, please.

12 A It's in the Matter of a Working Case to
13 Consider a Proposed Residential Customer
14 Disconnection Data Reporting Rule.

15 Q And, again, it's a workshop?

16 A It was.

17 Q Okay. And when was this workshop opened?

18 A 11/15/2019.

19 Q And has this one been closed?

20 A It has.

21 Q Okay. When was it closed?

22 A 12/01/2022.

23 Q So, how long was that workshop opened?

24 A A little over two years.

25 Q So, workshops can last a significant

1 amount of time?

2 A They can. I would say there were some
3 unusual circumstances surrounding the AW-2020
4 docket.

5 Q But it would be safe to say that workshops
6 often takes multiple months?

7 A They could.

8 Q Okay, so how would you envision a workshop
9 happening. Would there be general meetings to flesh
10 out what the issues are?

11 A I'm so glad you asked. What I want more
12 than anything out of this, and the thing that I
13 struggle with moving forward, because the issue is
14 not about us not saying no to a tariff. We're going
15 to put together a tariff. Like that's the
16 directive. It's what goes into that tariff. And to
17 me, the critical point behind is the data centers
18 themselves. This is unique load. This is a unique
19 industry. This is a unique point in time. And my
20 testimony --

21 MS. TATRO: Your Honor -- Your Honor, I
22 asked the witness what -- how this would work.
23 He's not being responsive. Would you ask him
24 to respond to my question, please?

25 JUDGE WALKER: Actually, I will let him

1 finish what he's doing. And then you can file
2 an objection to the witness you asked a
3 question of.

4 MS. TATRO: Thank you.

5 JUDGE WALKER: Please finish.

6 THE WITNESS: So, I what would recommend
7 to the Commission, and how I would envision it
8 happening is right now you've got a group of --
9 you've got a concentrated group of subject
10 matter experts opining on a utility tariff.

11 The key issue behind the economic
12 development and moving forward in this industry
13 really from my vantage point and my testimony
14 in both rebuttal and surrebuttal speak at
15 length to this, is over -- to put real bluntly,
16 it's what trillion dollar problem are solving?
17 What is AI -- how is AI and the data centers
18 associated with it, going to make a profit?
19 This is critically important, because the
20 success of AI and the continued support of
21 being able to support all of the infrastructure
22 and the cap that we are proposed or envisioning
23 moving forward here, is dependent on that.

24 And there are so many issues with that,
25 and I don't think Dr. Carolyn Berry or

1 literally any of the other witnesses are in a
2 position to testify to that point. What I
3 would recommend is having the Data Coalition
4 experts, and I say by experts, I mean,
5 management, come in and explain how you're
6 going to cover your costs. How this -- this
7 makes sense for Missouri. Right now, that's
8 the thing giving me pause with giving my full
9 endorsement on -- on business as usual economic
10 development tariffs.

11 JUDGE WALKER: I actually find that to be
12 responsive, so I'm going to overrule that
13 objection. But feel free to ask another
14 question to clarify what he said.

15 QUESTIONS BY MS. TATRO:

16 Q Thank you, Your Honor, but I believe I
17 will move on. After the workshop process is over,
18 Dr. Marke --

19 A Yes.

20 Q -- then would you agree utilities have to
21 file a tariff to implement the result?

22 A Yes.

23 Q And how long does a tariff process take?

24 A It can vary.

25 Q So, a tariff can take multiple months?

1 A The hope would be the workshop process
2 itself would help bring parties together and make
3 sense of this issue. That's the hope.

4 Q It doesn't necessarily mean the workshop
5 process will bring around consensus, correct?

6 A That's true.

7 Q If there is not consensus, there still
8 could be a fight over the tariff?

9 A That is true.

10 Q And, so, that process also can take
11 multiple months?

12 A Sure.

13 Q Okay. So, Dr. Marke, in your testimony,
14 you spend a substantial number of pages in both your
15 rebuttal and surrebuttal listing potential risks
16 associated with data centers, right?

17 A That's correct.

18 Q And I think on your surrebuttal on page 9,
19 line 11 and 12, you use the phrase that these risks
20 are, quote "horrible outcomes"?

21 A I'm sorry page 9 and what lines?

22 Q 11 and 12.

23 JUDGE WALKER: While he's looking at that,
24 do you intend to admit Exhibit 13 and 14?

25 MS. TATRO: I don't think I need to. He

1 gave what I needed on the stand, so thank you.

2 JUDGE WALKER: Okay.

3 MS. TATRO: I appreciate the question, so
4 I don't forget.

5 THE WITNESS: Could -- I'm going to ask
6 you to repeat that question.

7 QUESTIONS BY MS. TATRO:

8 Q Did you use the -- did you describe these
9 risks as, quote "horrible outcomes"?

10 A I think in my testimony literally says on
11 11, that "There are many of AI's function is a
12 speculative black box of both wonderful and horrible
13 outcomes". I don't think I just focused on horrible
14 outcomes.

15 Q All right, just a moment. Okay, I accept
16 your answer, thank you. Does the State of Missouri,
17 to your knowledge, use data centers to process its
18 information?

19 A Yes.

20 Q Do any of the IOUs in the State of
21 Missouri use data centers to process information?

22 A Yes.

23 Q So, there are other uses other than AI?

24 A Yes.

25 Q Okay. Is it your contention that a data

1 center located with Evergy's service territory will
2 be the tipping point for one of the items on your
3 list of horrible outcomes?

4 A Can you repeat that for me, please?

5 Q Sure. Is it your contention that a data
6 center located within Evergy's service territory
7 will be the tipping point for any one of the items
8 of your list of horrible outcomes?

9 A My list of horrible outcomes. Can you --
10 what is my list of horrible outcomes specifically?

11 Q All of the outcomes that you -- the risks
12 you discussed from AI.

13 A So, yes.

14 Q When I say "list", I don't mean to imply a
15 specific list, but throughout your testimony you
16 list. So, my question is, is your contention that
17 adding a data center in Evergy's service territory
18 is what causes that risk to happen?

19 A I don't know if I can answer that. If
20 I -- if I couch it is the risk is that we put a data
21 center and that customer ceases to exist, ala
22 WorldCom, like they just no longer there, yes,
23 that -- that would be a tipping point for a utility
24 that today doesn't have enough generation to cover
25 its load.

1 Q How about when you discuss the tech
2 bubble, the AI bubble. Is that caused -- is a
3 future failure caused by the data center being
4 located in Evergy's service territory?

5 A As an aggregate, it helps -- it could help
6 contribute to, I mean, it is helping fuel what
7 some -- some analysts believe is an AI bubble right
8 now.

9 Q I didn't ask if it fueled. I asked if it
10 was the tipping point that caused the harm.

11 A Hmm. I guess I would say tipping point
12 for who. So, when we talk about data centers,
13 there's, you know, there's two flavors, is how I
14 would print it out. You've got sort of a vertically
15 integrated closed system data center. Somebody like
16 a Google is going to build their own data center.
17 They're managing it. They're dealing with it. Then
18 you've got these other data centers. You've got --
19 and it's a coalition of data centers, to a certain
20 extent. Some of it includes larger ones like Meta.
21 But that essentially functions as like an apartment
22 where different groups are taking up service within
23 that data center.

24 Now, the concern here is that we went
25 to great lengths in the open of showing two graphs,

1 you know, that Evergy had put out in terms of, you
2 know, what they're existing investment is in
3 generation, what they're planned investment is over
4 the next five years. And what you see it's
5 effectively we're going to build a second utility
6 that supports it.

7 What's lost in that translation is
8 the fundamentals that support that first generation,
9 and those fundamentals are all based off of fixed
10 costs being spread out amongst a lot of customers,
11 captive customers, this is the regulatory compact.
12 It's not competition. So, we've got this whole
13 building that's setup to go ahead and ensure that
14 we're providing the safe and reliable service that
15 fills that great bar.

16 That second bar is the problem,
17 because that second bar is full of competitors.
18 It's competition. So, whether or not AI succeeds as
19 a whole, like understand like they're each competing
20 against each other. So, the idea that open AI might
21 exist in another year, because they're incorporating
22 circular financing and, you know, any number of
23 other financial actions that, you know, raise some
24 eyebrows, is plausible to me. And if that customer
25 is taking that -- if that's that the associated

1 customer with that, yeah, it could have a potential
2 impact.

3 Q Do you agree with me that if Google
4 decides not to build a data center in Missouri,
5 because it doesn't like the tariff for whatever --

6 A Okay.

7 Q -- the reason is, it is likely to go build
8 it somewhere else?

9 A I've got a lot say to say on that, but
10 if -- all right, so the question is: if the Google
11 doesn't like their tariff, they'll build it
12 somewhere else. I guess at the end of the day, I
13 can't speak for Google.

14 Q Okay.

15 A There's a number of factors that go into
16 determining why they cite in particular locations.

17 Q Do you believe that preventing data
18 centers being located in Evergy's service territory
19 would prevent any of the -- strike that question.

20 All right, so now Mr. -- or
21 Dr. Marke, sorry, apologies. Your rebuttal
22 testimony has 42 citations to articles from outside
23 sources out of total 49. Does that sound right?
24 I'm not counting citation to and those types of
25 things.

1 A I'll take your word for it. There's a few
2 citations.

3 Q Yes. And, similarly, your surrebuttal
4 contains 55 citations to articles or treatises from
5 outside sources out of; 60 does that sound right?

6 A That sounds about right.

7 Q How did you locate that information. Did
8 you go to the public library?

9 A No, I used the internet.

10 Q Okay. What search engine did you use?

11 A Google.

12 Q Did any of the results support data center
13 expansion or data centers as a good thing?

14 A Sure.

15 Q Okay. How do you suppose those searches
16 were powered?

17 A How do I -- you mean what generation is
18 powering that?

19 Q No, do you suppose a data center was
20 involved in processing your search --

21 A Data centers are involved in all of that.
22 They're -- yeah.

23 Q All right. So, you used data centers to
24 power your data centers are dangerous or horrible
25 testimony in that case, right --

1 A So, data centers have been around for
2 quite a while. We're not talking about the same
3 sort of data centers, and I think it's -- I think
4 it's incorrect to go ahead and paint it as if it is.
5 Data centers -- we've -- everything that we do on
6 our phones, all of it is functioning through a data
7 center. This happened well before the advent of AI,
8 and if AI never materializes or if it continues to
9 move forward, you're still going to have that
10 function.

11 Now, it is going to -- there's many
12 questions then whether or not you can continue to
13 scale at the same level; whether or not you're able
14 to go ahead and provide the same revenues to support
15 a continued build out of that CapEx. And, again,
16 with the utilities, we have the regulatory compact.
17 Everybody agreed we're all going to go ahead and pay
18 into the system. We're going to cover it, and
19 you're not going to have deal with competition,
20 competition on the other side. That to me -- I
21 mean, at a minimum, that's a problem. Let alone the
22 glaring of, again, the finances behind it.

23 Q Would you agree with me that a data center
24 provides the physical infrastructure like servers
25 and storage and networking equipment that stores and

1 processes the data generated through the use of
2 internet?

3 A Yes.

4 Q And certainly that happened when you did
5 these searches for your testimony?

6 A No doubt.

7 Q Okay. You put in a query; the request
8 travels to a data center; and the servers perform
9 their magic, the necessary actions to deliver a
10 result back to you, right?

11 A At a much reduced energy output than it
12 does on the AI side, yes.

13 Q I didn't ask you about AI.

14 A Well, I thought that -- you're right, it
15 was the internet.

16 Q But that description of a data center is
17 true, regardless of whether it's -- I'm not sure how
18 to phrase the historical data centers that you say
19 are different than the new data centers --

20 A It's the size.

21 Q It's the size.

22 A It's the size.

23 Q But they function the same?

24 A I would -- I don't know if I would agree
25 with that. I mean, it's -- if you mean function the

1 same it's a warehouse that stores PP units, it's a
2 different set of -- it's a different processing
3 element, but I'm not going to be argumentative. I
4 would agree.

5 MS. TATRO: Okay. I have no further
6 questions.

7 JUDGE WALKER: Everyy, do you have
8 questions of this witness?

9 MR. FISCHER: No, thank you, Judge.

10 JUDGE WALKER: Okay, I don't have any
11 bench questions. I hear no Commission
12 questions. So, we will go to Redirect.

13 REDIRECT EXAMINATION

14 BY MR. CLIZER:

15 Q Thank you, Your Honor. I know it's
16 getting late, so I will try and make this fast.
17 We'll see how it goes. Let's start with the
18 discussion you had for counsel from Ameren. There
19 was obviously a lot of emphasis pushed on the fact
20 that, you know, you've had data centers for a while,
21 and you even used data centers to write part of your
22 testimony through the internet. So, simple
23 question, is the data center bill that we're seeing
24 right now, that's powering this tariff, business as
25 usual?

1 A It is not. This is -- this is -- I mean,
2 again, I -- when we put forward that that is a
3 legacy-defining issue, that's not done just glibly.
4 Like, this is -- this has a -- has the potential to
5 have serious ramifications on the entire Missouri
6 economy moving forward. And I think more questions
7 need to be asked about that. This is -- framing it
8 as, well, we've always had data centers, and we're
9 always going to need the internet, I think it is
10 grossly negligent as to what is in front of the
11 Commission at this point.

12 Q Is the scale of the data center that have
13 come before now comparable to the scale of data
14 centers that we're seeing build that's driving this
15 tariff?

16 A Not at all. A sliver if you were to see
17 it on a pie.

18 Q You were asked a question that basically
19 got to the point that if Google doesn't like the
20 tariff and will decide to build somewhere else; I
21 know you said you can't speak for Google, but,
22 speaking generally, how will this tariff affect the
23 decisions like that moving forward?

24 A Google has an incentive to build out as
25 quickly as possible to go ahead and utilize the GP

1 units they bought from NVIDIA to go ahead and move
2 forward. They are in an active competition with
3 every other AI group that's out there. They are
4 building large language models that are predicated
5 on more and intense energy.

6 The problem with it is it does not
7 scale linearly. So, just yesterday, a report came
8 on out that looked at how much energy effectively a
9 video uses. So, just an AI-generated video, a three
10 second AI-generated video. What I mean by it's not
11 scaling linearly, the next three seconds actually
12 costs four times the amount of energy. And this is
13 a problem as you -- as the AI becomes more and more
14 sophisticated with each iterative version that comes
15 on out there, you've effectively have to build out
16 more and more CapEx. You've got to build out more
17 investment, more data centers and necessarily that
18 means you got to build out more transmission lines.
19 More generation, more distribution costs.

20 All -- I mean, at some point, if
21 you're an investor, you've got to step back and say,
22 well, I want my money back. I want some sort of
23 return on my investment. My fear right now is that
24 the valuation of these systems do not -- does not
25 match the market reality or the demand that's

1 actually being realized. And this is, quite
2 frankly, it's reenforced by the MIT study that I
3 cited, you know. Where 95 -- effectively, MIT
4 looked at seven hundred different AI-ventured
5 activities. 95 percent of them couldn't show either
6 no gains in money or losses. It is a challenge.

7 And I think it's significantly unique
8 compared to other bubbles that we've experienced.
9 It shares similar characteristics to the Dot Com
10 bubble or the Housing Crisis, the railroads, even
11 the utilities in, you know, when that busted. All
12 of those are shared elements with what's going on
13 here, but the one that is singularly unique is, I'm
14 still struggling to see what million -- trillion,
15 multiple trillion dollar investment problem you're
16 solving for at the end of the day.

17 Q Thank you. You were asked several
18 questions regarding sort of the tipping point.
19 Whether the data center built in Missouri would be
20 the tipping point. Do you recall that?

21 A I do.

22 Q If we allow CapEx build by utilities to
23 serve data centers in Missouri, does it have to be
24 the data center in Missouri that is the typing point
25 for something to go wrong?

1 A Oh, no. Yeah, I personally think you're
2 starting to see that already on the East and West
3 coast now. So, all the more reason to tread
4 carefully and slow this process down.

5 Q You were asked a line of questions
6 regarding working dockets and showing some exhibits
7 regarding that. I know you already discussed how
8 you would envision a working docket looking in this
9 case. But with regard to timing, are there any
10 recommendations you can make to the Commission to
11 directly address the issue of timing on working
12 dockets?

13 A I mean, the Commission can make it what
14 they want to make it. This doesn't need to be a
15 prolonged working docket. I think what both Staff
16 and -- well, I can't speak for staff. I'll speak
17 for myself. I mean, what I would envision is just
18 an open dialogue, and, right now, that quite
19 frankly, hasn't happened.

20 You know, but hope springs eternal.
21 The Ameren docket is going on simultaneously as
22 this. It's the same party there's another round of
23 testimony in one month. By all means, I would
24 encourage the data centers, Google, all the
25 utilities to ask -- answer some of the questions

1 that I posed in the Evergy surrebuttal. I -- prove
2 me wrong. We want economic development. I'd love
3 for everything to move forward as is, but I don't
4 want to be put a position where we screwed up things
5 so bad that my predecessor takes over my job is
6 dealt with a mess.

7 Q You were asked --

8 A Successor, sorry.

9 Q You were asked a question regarding your
10 testimony about comparing Sam's Club to a data
11 center, and whether they were mutually exclusive.
12 Do you recall that line of questioning?

13 A I do.

14 Q Could one have an impact on the other,
15 even if they're not mutually exclusive? Or how
16 could one have an impact on the other?

17 A Oh, well, of course, they could. The
18 point in this -- of course, they're not mutually
19 exclusive. You can have a data center, and you can
20 have Sam's Club, so we can have both. The Sam's
21 Club, if rates raise for -- for customer captive
22 customers in Missouri, that has a direct impact on
23 the economy as a whole. That means the items you
24 buy at Sam's will be more expensive. Everything.
25 The lights that we use. Every other industry will

1 be impacted if the overall cost of providing that
2 service increases, and it is socialized out.

3 Q You were asked a line of questioning that
4 kind of attempted to deal with the existing statute,
5 and I'm going to stay very clear of asking anything
6 regarding the language in the statute. But during
7 that discussion, we had this idea of costs and the
8 impact that it could have on an utility. Could --
9 I'm going to use total harmonic distortion as the
10 first one. Could a utility incur a cost if total
11 harmonic distortion caused a problem?

12 A Yes.

13 Q More specifically, I'm sorry, how could a
14 utility incur a cost?

15 A Replacing substations, regrounding
16 distribution lines. Any number of things. Working
17 on the voltage itself, and ensuring that that's
18 proper, you know. Making the -- this isn't like an
19 investment happening in a vacuum. Like there's a
20 huge spotlight on AI, on data centers and everything
21 associated with that. And part of the -- to put
22 bluntly, like getting the hearts and minds of
23 consumers, but just the population at large, you're
24 starting to see that pushback. You're starting to
25 see questions about what the impact is on water;

1 what the impact is on my utility bills.

2 We've got empirical evidence to
3 suggest that when data centers are highly
4 concentrated, they make everybody else's power in
5 the surrounding area worst. I haven't seen any
6 convincing evidence to suggest otherwise, but I
7 think it would be naive to assume that, knowing this
8 information, would be negligent on my part not to go
9 ahead and be proactive in trying to address that on
10 the front end. That's what a prudent utility should
11 be doing.

12 Q Let's look at the other two. Let's talk
13 about water. If a data center is built but they
14 don't have the water to service it and it shuts
15 down, would that have a cost -- how could that have
16 a cost impact on a utility?

17 A Ameren's really good about providing tours
18 to their plants, you know. I tried to take them. I
19 try to take my son with me as much as I can. It's a
20 great experience.

21 We went to the Callaway plant, and
22 one of the things that really stuck with me in the
23 Callaway Plant, if you look at it, it's right next
24 to the Missouri River; it's depended on that. When
25 that Missouri River gets too darn low, they

1 affectively have to contact the lock and dam system,
2 the US Corp, Army Corp. of Engineers and ensure that
3 they have another water to meet that nuclear load.

4 We're talking -- it is difficult to
5 really gauge how much of water impact we're talking
6 about here, because the size and scope of these data
7 centers varies greatly. So, but a large --
8 depending on how that data center is structured and
9 depending on its cooling system that is in there, it
10 could use copious amounts of water. And Missouri is
11 a Riparian water right state, all right? Which is
12 different than Kansas, which is one reason right
13 there Missouri should be more attractive than
14 Kansas. For that reason alone, we've got an upper
15 hand on them. But there's more. But that's, I
16 mean, that's affectively it. So, it could have an
17 impact on the ability to provide safe and reliable
18 service? Yes, it could. Could it have a
19 secondarily impact on the local economy? Yes, it
20 could. It could have a tertiary impact on the
21 environment as a whole. All of these things. And
22 we're not all -- we're asking is to monitor it.

23 Q Without needing to go too deep into the
24 weeds, does that same also hold true for your third
25 one, the power efficiency --

1 A It does.

2 Q -- deficiency?

3 A It does.

4 Q I'm going to assume you're familiar with
5 the Evergy Stipulation Tariff, right?

6 A I am familiar with it.

7 Q Is cost the only component in that tariff?

8 A No.

9 Q You were asked a series of questions
10 about whether or not the Commission should be able
11 to deny service to a particular customer type; do
12 you recall that?

13 A Yes.

14 Q Is the OPC's position in this case -- is
15 that the OPC's position in this case?

16 A It is not. Were we -- there's nowhere in
17 my testimony or Ms. Mantle's that I'm aware of,
18 where we sat there and said stop -- don't serve
19 these data customers. That's not what we're saying.

20 Q If Evergy literally couldn't supply enough
21 energy, could it deny service to a new customer?

22 A Yes. In my opinion, it would be the -- it
23 would be negligent to do that. In -- it bears just
24 one point, and I'll be really quick on this. That
25 generation we're bringing on, is not going to be

1 here until 2030. So, we've got an off-ramp of about
2 four years here where we're awfully exposed to the
3 market. So, all that discussion that Mr. Lowery had
4 about securitization costs, I hope that's the last
5 time we talk about securitization, because you got a
6 good -- we have a long time to make sure we're not
7 exposed to volatile market prices. And that --
8 that's a reality whether or not a data center ever
9 shows up in Missouri or not.

10 Q With regard to the question opposed by
11 Velvet Tech Services, regarding the DR -- well, let
12 ask me instead; do you recall the question posed to
13 you by Velvet Tech Service regarding the DRs?

14 A Right, did I ask Metta DR.

15 Q Right.

16 A Right.

17 Q Do you rely exclusively on DRs?

18 A No. I geek out on this stuff. I love my
19 job. Beyond just testimony and discovery, I talk to
20 a lot of different groups. I make an active
21 effort -- every one of my issues, I reached out to
22 third-parties. I did sanity checks to make sure, am
23 I aligned here? Am I off-base? The recommendations
24 that OPC put out here, we don't have any
25 recommendations that hasn't been approved some

1 commission in the United States already today.
2 There's nothing out here that we're the outlier on.

3 Q Did you speak to any of the other
4 intervenors in this case?

5 A Oh, yes.

6 Q You were asked a question regarding the
7 sort of three studies that you are requesting by
8 Staff, and whether or not those were in other
9 states. Do you recall that line of questioning?

10 A I do. I do recall that line of
11 questioning.

12 Q Whether or not they've been imposed by
13 commissions, have they've been addressed by other
14 entities?

15 A I mean, the easiest answer, yes. Other
16 entities have addressed this. The harmonic issues
17 is an issue that many different entities are
18 wrestling with right now, not least of which is the
19 data centers themselves. Those conversations are
20 happening, you know, at a federal level, at the
21 NARUC level, like all of it.

22 As far as power usage, as far as
23 water effectiveness scores, but the easiest,
24 quickest example would be the municipalities
25 themselves. When St. Charles says, we don't like

1 this, like we're concerned about this, and we're
2 concerned about the lack of transparency associated
3 with this, to me, that's a problem. This -- having
4 this dialogue -- having -- putting this out here
5 should be in the data center's best interest. We're
6 just saying the quiet part out loud.

7 Q I think I have just one last question.
8 You were asked a question from Staff regarding your
9 DR response you received to your question about
10 stranded investments. Do you recall that question
11 --

12 A I do.

13 Q -- from Staff? And you were asked
14 effectively whether or not it quelled your concerns
15 regarding stranded investments; do you recall?

16 A I do.

17 Q All right. Just simply, can you provide a
18 short general overview of what those concerns are
19 regarding stranded investments?

20 A I -- you know, I joke and say that -- our
21 office bats about 300. You know, we lose about
22 70 percent of the stuff that we take in front of the
23 Commission, and I get that. It's -- we lost a lot
24 of stranded investments arguments. I can point to
25 each one of our electric utilities that has -- not

1 Metro, but the other ones that has prematurely
2 stranded an investment. A large scale power
3 investment. Some by choice; some by not, you know,
4 it's been enforced upon them.

5 In those situations, particularly on
6 the west side of the state, it has caused rates to
7 increase. It's caused knock-on effects in terms of
8 price volatility associated Winter Storm Uri or just
9 a volatile market prices. And because we haven't
10 built anything for years, and we waited until --
11 until this boom effectively, now, we're paying a 60
12 percent premium that for everything that we're
13 putting out there. That's -- I struggle with how
14 customers are going to be able to absorb that, and I
15 think it's a very easy to point the finger at data
16 centers being the problem behind that. That's what
17 you're seeing in effectively the press print on a
18 daily basis right now. In particular, as it relates
19 to PJO. There's unique situations there that make
20 that admittedly. But sometimes the perception
21 becomes a reality.

22 Q I guess I lied about that last question.
23 Sorry, one follow up there. What is it about this
24 docket that raises a greater specter for stranded
25 investments in your mind?

1 A It's the data centers themselves, and it
2 goes back to my initial point. I am concerned about
3 the long-term viability about putting of all chips
4 into an industry that hasn't shown to make a profit
5 it three years into its process. And, again, it's
6 the analogy that I gave, and, you know, I honestly
7 came up with that analogy just sitting here today.
8 I'll be going by surrebuttal, and I'll do a
9 better job of articulating that in the Ameren case.

10 MR. CLIZER: All right, that was my last
11 question. I have nothing further. Thank you,
12 Your Honor.

13 JUDGE WALKER: Is there any objection to
14 excusing Mr. Marke? Hearing none, you are
15 excused. Thank you.

16 THE WITNESS: Thank you, Judge.

17 JUDGE WALKER: At this point, I'm going
18 close the record for testimony. I want to talk
19 to you all about a few issues. One, is in the
20 procedural schedule, the transcript will be
21 finished by October 8th, but the procedural
22 schedule, which I ordered May 13th of 2025,
23 says that initial briefs are due October 18th.
24 I want to know if the parties still have a
25 consensus that they can finish the briefs on a

1 case this size within this timeframe. And let
2 me just tell you, I would rather you ask for
3 more time upfront than come to me for a
4 continuance later.

5 MR. CLIZER: Your Honor?

6 JUDGE WALKER: Yes.

7 MR. CLIZER: I might be wrong, but my
8 calendar is saying October 18th is a Saturday.
9 Is that accurate? I would, at a minimal, I
10 would just ask that we don't have a filing due
11 on a weekend. I don't know. That's kind of
12 annoying. Could we -- it is possible to push
13 it to the 24th?

14 JUDGE WALKER: You guys don't work on
15 weekends? I worked all weekend.

16 MR. CLIZER: I don't enjoy working the
17 weekends.

18 JUDGE WALKER: Yeah. Can't you turn it
19 in by Friday?

20 MR. CLIZER: Given that the hearing --
21 sorry, given that the transcript doesn't appear
22 ready until the 8th, I personally would ask to
23 push it the 24th, and push the reply briefs,
24 subsequently.

25 MS. KLAUS: Would the reply brief be the

1 31st then? Is that how we had it? Was it a
2 seven day or a ten day?

3 MR. CLIZER: Let's make the reply brief
4 November 7th. How about that?

5 JUDGE WALKER: All right, is there any
6 objection to --

7 MS. TATRO: I'm sorry, I didn't hear his
8 date, and I'm asking him to repeat that. So, I
9 don't have the answer yet for you, sorry.

10 JUDGE WALKER: Okay. His dates are the
11 24th for the initial brief, and November 7th
12 for the reply brief.

13 MR. FISCHER: Judge, Judge, we have a
14 problem I think with that. Because we have a
15 hearing involving a Crossroads Plant that first
16 week of November, and I just point out: we've
17 had a procedural schedule for a long time.
18 We've only had a two-day hearing. I think we
19 can address it based on the original schedule.

20 JUDGE WALKER: Well, I can assure you the
21 Commission will be writing a decision based on
22 all of the evidence, which is voluminous. So,
23 you know, if you have another date proposed for
24 the procedural schedule --

25 MR. CLIZER: When is the reply brief

1 currently do?

2 JUDGE WALKER: October 25th.

3 MR. CLIZER: Yeah, again, can we at a
4 minimum move them off the Saturday to the
5 following Monday? Like that's -- so the 20th
6 and the 27th? That seem reasonable to
7 everybody?

8 JUDGE WALKER: Does anyone have an
9 objection for the initial brief on the 20th,
10 and the reply brief on the 27th, which backs it
11 up two days for each party? Okay, hearing no
12 objection, I'm going to move the procedural
13 schedule for the initial briefs will be due
14 October 20th. The reply brief will be due
15 October 27th. I will issue an order in the
16 next few days regarding the procedural
17 schedule. In terms of exhibits, the exhibits
18 will be loaded in EFIS with the transcript.

19 I'm not going to make you stay here and go
20 through them all. If there is something
21 missing or a mistake in EFIS, I expect you to
22 contact me and tell me. I will not be angry.
23 I will be grateful.

24 When you contact me, add every single
25 party in. I don't want to be in the position

1 of having any ex parte contact about anything.
2 So, just send me an e-mail with your concern or
3 objection and CC everybody.

4 Does anyone else have any other issues
5 they would like to address before we adjourn?
6 Okay, hearing none, I want to tell you all I
7 appreciate very much all of the attorneys and
8 the witnesses in this room. I appreciate your
9 patience, and I appreciate the help that
10 everyone gave me. This is a big hearing, and
11 it's -- this is relatively new to me.

12 MR. FISCHER: Judge, we appreciate you
13 staying late tonight, too, thank you.

14 JUDGE WALKER: I don't have a princess
15 like Travis.

16 COMMISSIONER COLEMAN: Thank me for
17 staying late. I did want to mention that this
18 not only was a big important case, but her
19 very, very first case.

20 JUDGE WALKER: Here.

21 COMMISSIONER COLEMAN: So, we thank you
22 for the support.

23 JUDGE WALKER: I have presided over
24 thousands of cases --

25 COMMISSIONER COLEMAN: We don't care

1 about those --

2 JUDGE WALKER: -- in court in St. Louis.

3 All right. We're adjourned. We'll go off the
4 record.

5 (Ending time of the hearing: 5:51 p.m.)

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1 I, Colin Wallis, in and for the State of
2 Missouri do hereby certify that the witness
3 whose testimony appears in the foregoing
4 Examination Under Oath was duly sworn by me;
5 that the testimony of the said witness was
6 taken by me to the best of my ability and
7 thereafter reduced to typewriting under my
8 direction; that I am neither counsel for,
9 related to, nor employed by any of the parties
10 to the action in which this examination was
11 taken, and further that I am not relative or
12 employee of any attorney or counsel employed by
13 the parties thereto, nor financially or
14 otherwise interested in the outcome of the
15 action.



17 within and for the State of Missouri
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