

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

STATE OF MISSOURI

PUBLIC SERVICE COMMISSION

TRANSCRIPT OF PROCEEDINGS

Prehearing Conference

September 19, 2013

Jefferson City, Missouri

Volume I

In the Matter of Kansas City)
Power & Light Company's Request) File No.
For Variance from Portions of) ET-2014-0027
4 CSR 240-20.065)

In the Matter of KCP&L Greater)
Missouri Operations Company's) File No.
Request for Variance from) ET-2014-0028
Portions of 4 CSR 240-20.065)

KIM S. BURTON, presiding,
REGULATORY LAW JUDGE

REPORTED BY:

Patricia A. Stewart
RMR, RPR, CCR 401
Midwest Litigation Services
3432 West Truman Boulevard, Suite 207
Jefferson City, Missouri 65101
(573) 636-7551

1 APPEARANCES:
2
3 FOR KCP&L AND KCP&L GREATER MISSOURI OPERATIONS COMPANY
4 (TELEPHONICALLY):
5 Roger W. Steiner
6 1200 Main Street
7 Kansas City, Missouri 64105
8 816-556-2314
9
10 FOR MISSOURI DIVISION OF ENERGY:
11 Jeremy Knee, Assistant Attorney General
12 Missouri Attorney General's Office
13 P. O. Box 899
14 Jefferson City, Missouri 65101
15 (573) 751-8795
16
17 FOR MISSOURI SOLAR ENERGY INDUSTRIES ASSOCIATION
18 (TELEPHONICALLY):
19 Wendy Shoemyer
20 210 East Love
21 Mexico, Missouri 65265
22 (573) 581-8373
23
24 FOR OFFICE OF THE PUBLIC COUNSEL (TELEPHONICALLY)
25 Lewis Mills, Public Counsel
P. O. Box 2230
Jefferson City, Missouri 65102
(573) 751-5558

FOR STAFF OF THE MISSOURI PUBLIC SERVICE COMMISSION:
Robert S. Berlin, Senior Counsel
P. O. Box 360
Jefferson City, Missouri 65102
(573) 526-7779

1 P R O C E E D I N G S

2 JUDGE BURTON: Today is September 19, 2013,
3 and the time I'm showing is currently two o'clock --
4 2:03 actually in the p.m.

5 My name is Kim Burton. I'm the regulatory
6 law judge that is assigned to the two matters in
7 question.

8 We have before us File No. ET-2014-0027 in
9 the matter of Kansas City Power & Light Company's
10 Request for Variance from Portions of 4 CSR 240-20.065,
11 as well as File No. ET-2014-0028 in the matter of KCP&L
12 Greater Missouri Operations Company's Request for
13 Variance from Portions of 4 CSR 240-20.065.

14 Now, at this point I would ask that the
15 parties go ahead and state their name on the record and
16 provide your address for the court reporter.

17 We'll go ahead and begin with KCP&L.

18 MR. STEINER: This is Roger W. Steiner,
19 1200 Main Street, Kansas City, Missouri 64105, appearing
20 for KCP&L and KCP&L Greater Missouri Operations Company.

21 JUDGE BURTON: Mr. Steiner, could you also
22 provide your phone number?

23 MR. STEINER: 816-556-2314.

24 JUDGE BURTON: Okay. And on behalf of the
25 Staff of the Missouri Public Service Commission.

1 MR. BERLIN: Thank you, Judge.

2 Let the record reflect that Robert S. Berlin
3 is appearing on behalf of the Staff of the Missouri
4 Public Service Commission. Our address is Post Office
5 Box 360, Jefferson City, Missouri 65102.

6 JUDGE BURTON: And on behalf of the Office of
7 Public Counsel.

8 MR. MILLS: On behalf of the Office of Public
9 Counsel and the public, my name is Lewis Mills. My
10 address is Post Office Box 2230, Jefferson City,
11 Missouri 65102, and my telephone number is 573-751-1304.

12 JUDGE BURTON: And on behalf of Missouri
13 Solar Energy Industries Association.

14 MS. SHOEMYER: This is Wendy Shoemyer on
15 behalf of Missouri Solar Energy Industries Association.
16 My address here is 210 East Love, Mexico, Missouri
17 65265, and Phone No. 573-581-8373.

18 JUDGE BURTON: Okay. On behalf of
19 Brightergy, LLC.

20 MR. BERLIN: Judge, no attorney for
21 Brightergy but we do have a representative.

22 JUDGE BURTON: Okay. A representative.

23 MS. BROWN: Susan Brown with Brightergy.
24 We're at 1617 Main, Kansas City, Missouri 64108,
25 816-877-6760.

1 JUDGE BURTON: Okay. And we have it on
2 record as intervening party as the Missouri Department
3 of Natural Resources.

4 MR. KNEE: That's correct.

5 Jeremy Knee, Assistant Attorney General,
6 appearing on behalf of the Division of Energy, which is
7 now a part of the Department of Economic Development,
8 and initially intervened in this case as the Department
9 of Natural Resources. It's the same entity. I think
10 for clarity we'll call it the Missouri Division of
11 Energy.

12 The address will be P. O. Box 899,
13 Jefferson City, Missouri 65102, and the phone number is
14 573-751-8795.

15 JUDGE BURTON: Are there any other parties
16 that I've missed?

17 Okay. Hearing none, I'll go ahead and
18 address first the issue of we do have two separate file
19 numbers here, but because we had the same entities
20 involved, I went ahead and just decided to have one
21 prehearing conference.

22 Now, it will be up to the parties to decide,
23 you know, if we progress to the hearing stage or to the
24 evidentiary stage, whether or not they want to go ahead
25 and have the two separate files, have the same

1 deadlines, have the same hearing and we can resolve the
2 same matters at the same time or if they want to submit
3 separate schedules.

4 Okay? So it doesn't make a difference to me.
5 The parties can go ahead and decide on that. I don't
6 know if you've had an opportunity to address this issue
7 beforehand, but after we go off the record, be my guest
8 to discuss away.

9 Now, the main reason we have this prehearing
10 conference is so that the parties can get together and
11 kind of discuss and see if they can reach a settlement
12 on some of the issues that are in dispute.

13 Now, Mr. Steiner, we do have obviously your
14 application for clarification, reconsideration and/or
15 rehearing for Kansas City Power & Light Company and for
16 GMO that's still on the record as being filed.

17 No response has been submitted as far as any
18 responses for the motions from any of the parties within
19 the ten days that is allowed by regulation.

20 Before the Commission decides to go ahead and
21 rule on that, I'm going to allow the parties to
22 hopefully discuss the matter today, see if you can reach
23 a settlement on some of the issues, and if you want to,
24 go ahead and submit a settlement agreement to the
25 Commission as far as what issues are in dispute or what

1 issues the parties can concur on. All right?

2 Now, I'm looking at a timeframe here, and for
3 those parties that are on the line, you obviously don't
4 have the calendar in front of you, but I have provided a
5 paper copy of the hearing schedule from now through the
6 end of December, so that if we do progress to the
7 hearing stages, you can take a look at this to see what
8 dates would work for a possible hearing.

9 So you'll be able to discuss that with the
10 parties that are on the line, Mr. Mills, Ms. Shoemyer
11 and Mr. Steiner as well.

12 But I'm also looking at a deadline for the
13 parties to go ahead and submit to me a status report as
14 far as any settlement discussions that you might have
15 today after we go off the record, as well as a proposed
16 procedural schedule.

17 And if it comes down to a procedural
18 schedule, I would ask the parties to submit deadlines
19 for any data requests, discovery issues for the taking
20 of different stages of evidentiary testimony but also
21 for any addressing of position statements, issues of
22 witnesses and cross-examination orders.

23 Okay. Is there anything else that the
24 parties need to say before I suggest that we go ahead
25 and say one week from now I would like to have that

1 status report and proposed procedural schedule to me?

2 MR. BERLIN: Judge, just a clarifying
3 question.

4 Can it be a status report or does it also
5 have to be a proposed procedural schedule?

6 And the reason I ask is because we are
7 working on these issues and trying to get them resolved.
8 So it may be a possibility we might file a status report
9 at that point in time, recognizing that we won't have a
10 need for a procedural schedule.

11 JUDGE BURTON: That is absolutely fine with
12 me. If the parties decide that you need a little bit
13 more time to see if you can work out an agreement,
14 that's acceptable.

15 Please just let me know in the status report
16 and a suggested date that the parties can agree to say,
17 okay, by this timeframe we'll either give you a final
18 status report or a proposed procedural schedule.

19 I realize we have a deadline right now that
20 we're looking at the law date for -- I believe it's
21 December 26 for both of these tariffs. I also realize
22 that these tariffs were suspended for 120 days, and we
23 can suspend it for a little bit more if we need to to
24 kind of ensure that we have sufficient time for the
25 parties to say let's see what we can do as far as

1 working on a settlement and, you know, worst case we'll
2 still have enough time for a full hearing and evidence
3 without stressing everyone out too much around the
4 holidays.

5 Is there anything else before I go ahead and
6 take this off the record?

7 MR. STEINER: I don't believe there is
8 anything else, Judge.

9 JUDGE BURTON: Okay.

10 Mr. Mills, Ms. Shoemyer, do you have anything
11 else?

12 MR. MILLS: No, not at this time. Thank you.

13 JUDGE BURTON: Okay. Well, then in that case
14 we'll go ahead and go off the record and thank you very
15 much and good luck.

16 WHEREIN, the prehearing conference concluded
17 at 2:12 p.m.

18

19

20

21

22

23

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CERTIFICATE OF REPORTER

I, Patricia A. Stewart, RMR, RPR, CCR, a
Certified Court Reporter in the State of Missouri, do
hereby certify that the testimony that appears in the
foregoing transcript was taken by me to the best of my
ability and thereafter reduced to typewriting by me;
that I am neither counsel for, related to, nor employed
by any of the parties to the action in which this
hearing was taken, and further that I am not a relative
or employee of any attorney or counsel employed by the
parties thereto, nor financially or otherwise interested
in the outcome of the action.

Patricia A. Stewart
CCR No. 401

<p style="text-align: center;">A</p> <p>ability 10:7 able 7:9 absolutely 8:11 acceptable 8:14 action 10:9,13 address 3:16 4:4 4:10,16 5:12,18 6:6 addressing 7:21 agree 8:16 agreement 6:24 8:13 ahead 3:15,17 5:17,20,24 6:5 6:20,24 7:13,24 9:5,14 allow 6:21 allowed 6:19 and/or 6:14 APPEARANC... 2:1 appearing 3:19 4:3 5:6 appears 10:5 application 6:14 assigned 3:6 Assistant 2:7 5:5 Association 2:10 4:13,15 attorney 2:7,7 4:20 5:5 10:11</p> <hr/> <p style="text-align: center;">B</p> <p>behalf 3:24 4:3,6 4:8,12,15,18 5:6 believe 8:20 9:7 Berlin 2:18 4:1,2 4:20 8:2 best 10:6 bit 8:12,23 Boulevard 1:23 Box 2:8,15,18 4:5 4:10 5:12 Brightergy 4:19 4:21,23</p>	<p>Brown 4:23,23 Burton 1:15 3:2 3:5,21,24 4:6 4:12,18,22 5:1 5:15 8:11 9:9 9:13</p> <hr/> <p style="text-align: center;">C</p> <p>C 3:1 calendar 7:4 call 5:10 case 5:8 9:1,13 CCR 1:22 10:3 10:18 CERTIFICATE 10:1 Certified 10:4 certify 10:5 City 1:7,10,23 2:4,8,16,19 3:9 3:19 4:5,10,24 5:13 6:15 clarification 6:14 clarifying 8:2 clarity 5:10 comes 7:17 Commission 1:2 2:17 3:25 4:4 6:20,25 Company 2:2 3:20 6:15 Company's 1:10 1:13 3:9,12 concluded 9:16 concur 7:1 conference 1:5 5:21 6:10 9:16 copy 7:5 correct 5:4 counsel 2:14,15 2:18 4:7,9 10:8 10:11 court 3:16 10:4 cross-examinat... 7:22 CSR 1:11,14 3:10,13</p>	<p>currently 3:3</p> <hr/> <p style="text-align: center;">D</p> <p>D 3:1 data 7:19 date 8:16,20 dates 7:8 days 6:19 8:22 deadline 7:12 8:19 deadlines 6:1 7:18 December 7:6 8:21 decide 5:22 6:5 8:12 decided 5:20 decides 6:20 Department 5:2 5:7,8 Development 5:7 difference 6:4 different 7:20 discovery 7:19 discuss 6:8,11,22 7:9 discussions 7:14 dispute 6:12,25 Division 2:6 5:6 5:10</p> <hr/> <p style="text-align: center;">E</p> <p>E 3:1,1 East 2:12 4:16 Economic 5:7 either 8:17 employed 10:8 10:11 employee 10:11 Energy 2:6,10 4:13,15 5:6,11 ensure 8:24 entities 5:19 entity 5:9 ET-2014-0027 1:11 3:8 ET-2014-0028</p>	<p>1:13 3:11 evidence 9:2 evidentiary 5:24 7:20</p> <hr/> <p style="text-align: center;">F</p> <p>far 6:17,25 7:14 8:25 file 1:10,13 3:8 3:11 5:18 8:8 filed 6:16 files 5:25 final 8:17 financially 10:12 fine 8:11 first 5:18 foregoing 10:6 front 7:4 full 9:2 further 10:10</p> <hr/> <p style="text-align: center;">G</p> <p>G 3:1 General 2:7 5:5 General's 2:7 give 8:17 GMO 6:16 go 3:15,17 5:17 5:24 6:5,7,20 6:24 7:13,15,24 9:5,14,14 going 6:21 good 9:15 Greater 1:12 2:2 3:12,20 guest 6:7</p> <hr/> <p style="text-align: center;">H</p> <p>hearing 5:17,23 6:1 7:5,7,8 9:2 10:10 holidays 9:4 hopefully 6:22</p> <hr/> <p style="text-align: center;">I</p> <p>Industries 2:10 4:13,15 initially 5:8</p>	<p>interested 10:12 intervened 5:8 intervening 5:2 involved 5:20 issue 5:18 6:6 issues 6:12,23,25 7:1,19,21 8:7</p> <hr/> <p style="text-align: center;">J</p> <p>Jefferson 1:7,23 2:8,16,19 4:5 4:10 5:13 Jeremy 2:7 5:5 judge 1:16 3:2,6 3:21,24 4:1,6 4:12,18,20,22 5:1,15 8:2,11 9:8,9,13</p> <hr/> <p style="text-align: center;">K</p> <p>Kansas 1:10 2:4 3:9,19 4:24 6:15 KCP&L 1:12 2:2 2:2 3:11,17,20 3:20 Kim 1:15 3:5 kind 6:11 8:24 Knee 2:7 5:4,5 know 5:23 6:6 8:15 9:1</p> <hr/> <p style="text-align: center;">L</p> <p>law 1:16 3:6 8:20 let's 8:25 Lewis 2:15 4:9 Light 1:10 3:9 6:15 line 7:3,10 Litigation 1:22 little 8:12,23 LLC 4:19 look 7:7 looking 7:2,12 8:20 Love 2:12 4:16 luck 9:15</p>
---	---	---	---	--

<p style="text-align: center;">M</p> <p>main 2:4 3:19 4:24 6:9</p> <p>matter 1:10,12 3:9,11 6:22</p> <p>matters 3:6 6:2</p> <p>Mexico 2:12 4:16</p> <p>Midwest 1:22</p> <p>Mills 2:15 4:8,9 7:10 9:10,12</p> <p>missed 5:16</p> <p>Missouri 1:1,7 1:13,23 2:2,4,6 2:7,8,10,12,16 2:17,19 3:12,19 3:20,25 4:3,5 4:11,12,15,16 4:24 5:2,10,13 10:4</p> <p>motions 6:18</p> <hr/> <p style="text-align: center;">N</p> <p>N 3:1</p> <p>name 3:5,15 4:9</p> <p>Natural 5:3,9</p> <p>need 7:24 8:10 8:12,23</p> <p>neither 10:8</p> <p>number 3:22 4:11 5:13</p> <p>numbers 5:19</p> <hr/> <p style="text-align: center;">O</p> <p>O 2:8,15,18 3:1 5:12</p> <p>obviously 6:13 7:3</p> <p>Office 2:7,14 4:4 4:6,8,10</p> <p>okay 3:24 4:18 4:22 5:1,17 6:4 7:23 8:17 9:9 9:13</p> <p>Operations 1:13 2:2 3:12,20</p> <p>opportunity 6:6</p> <p>orders 7:22</p>	<p>outcome 10:13</p> <p>o'clock 3:3</p> <hr/> <p style="text-align: center;">P</p> <p>P 2:8,15,18 3:1 5:12</p> <p>paper 7:5</p> <p>part 5:7</p> <p>parties 3:15 5:15 5:22 6:5,10,18 6:21 7:1,3,10 7:13,18,24 8:12 8:16,25 10:9,12</p> <p>party 5:2</p> <p>Patricia 1:21 10:3,17</p> <p>phone 3:22 4:17 5:13</p> <p>Please 8:15</p> <p>point 3:14 8:9</p> <p>Portions 1:11,14 3:10,13</p> <p>position 7:21</p> <p>possibility 8:8</p> <p>possible 7:8</p> <p>Post 4:4,10</p> <p>Power 1:10 3:9 6:15</p> <p>prehearing 1:5 5:21 6:9 9:16</p> <p>presiding 1:15</p> <p>procedural 7:16 7:17 8:1,5,10 8:18</p> <p>PROCEEDIN... 1:3</p> <p>progress 5:23 7:6</p> <p>proposed 7:15 8:1,5,18</p> <p>provide 3:16,22</p> <p>provided 7:4</p> <p>public 1:2 2:14 2:15,17 3:25 4:4,7,8,9</p> <p>p.m 3:4 9:17</p> <hr/> <p style="text-align: center;">Q</p>	<p>question 3:7 8:3</p> <hr/> <p style="text-align: center;">R</p> <p>R 3:1</p> <p>reach 6:11,22</p> <p>realize 8:19,21</p> <p>reason 6:9 8:6</p> <p>recognizing 8:9</p> <p>reconsideration 6:14</p> <p>record 3:15 4:2 5:2 6:7,16 7:15 9:6,14</p> <p>reduced 10:7</p> <p>reflect 4:2</p> <p>regulation 6:19</p> <p>regulatory 1:16 3:5</p> <p>rehearing 6:15</p> <p>related 10:8</p> <p>relative 10:10</p> <p>report 7:13 8:1,4 8:8,15,18</p> <p>REPORTED 1:20</p> <p>reporter 3:16 10:1,4</p> <p>representative 4:21,22</p> <p>Request 1:10,13 3:10,12</p> <p>requests 7:19</p> <p>resolve 6:1</p> <p>resolved 8:7</p> <p>Resources 5:3,9</p> <p>response 6:17</p> <p>responses 6:18</p> <p>right 7:1 8:19</p> <p>RMR 1:22 10:3</p> <p>Robert 2:18 4:2</p> <p>Roger 2:3 3:18</p> <p>RPR 1:22 10:3</p> <p>rule 6:21</p> <hr/> <p style="text-align: center;">S</p> <p>S 1:15 2:18 3:1 4:2</p>	<p>schedule 7:5,16 7:18 8:1,5,10 8:18</p> <p>schedules 6:3</p> <p>see 6:11,22 7:7 8:13,25</p> <p>Senior 2:18</p> <p>separate 5:18,25 6:3</p> <p>September 1:6 3:2</p> <p>Service 1:2 2:17 3:25 4:4</p> <p>Services 1:22</p> <p>settlement 6:11 6:23,24 7:14 9:1</p> <p>Shoemyer 2:11 4:14,14 7:10 9:10</p> <p>showing 3:3</p> <p>Solar 2:10 4:13 4:15</p> <p>Staff 2:17 3:25 4:3</p> <p>stage 5:23,24</p> <p>stages 7:7,20</p> <p>state 1:1 3:15 10:4</p> <p>statements 7:21</p> <p>status 7:13 8:1,4 8:8,15,18</p> <p>Steiner 2:3 3:18 3:18,21,23 6:13 7:11 9:7</p> <p>Stewart 1:21 10:3,17</p> <p>Street 2:4 3:19</p> <p>stressing 9:3</p> <p>submit 6:2,24 7:13,18</p> <p>submitted 6:17</p> <p>sufficient 8:24</p> <p>suggest 7:24</p> <p>suggested 8:16</p> <p>Suite 1:23</p> <p>Susan 4:23</p>	<p>suspend 8:23</p> <p>suspended 8:22</p> <hr/> <p style="text-align: center;">T</p> <p>take 7:7 9:6</p> <p>taken 10:6,10</p> <p>tariffs 8:21,22</p> <p>telephone 4:11</p> <p>TELEPHONL... 2:3,11,14</p> <p>ten 6:19</p> <p>testimony 7:20 10:5</p> <p>thank 4:1 9:12 9:14</p> <p>thereto 10:12</p> <p>think 5:9</p> <p>time 3:3 6:2 8:9 8:13,24 9:2,12</p> <p>timeframe 7:2 8:17</p> <p>today 3:2 6:22 7:15</p> <p>transcript 1:3 10:6</p> <p>Truman 1:23</p> <p>trying 8:7</p> <p>two 3:3,6 5:18,25</p> <p>typewriting 10:7</p> <hr/> <p style="text-align: center;">V</p> <p>Variance 1:11,13 3:10,13</p> <p>Volume 1:8</p> <hr/> <p style="text-align: center;">W</p> <p>W 2:3 3:18</p> <p>want 5:24 6:2,23</p> <p>week 7:25</p> <p>Wendy 2:11 4:14</p> <p>went 5:20</p> <p>West 1:23</p> <p>we'll 3:17 5:10 8:17 9:1,14</p> <p>we're 4:24 8:20</p> <p>witnesses 7:22</p> <p>work 7:8 8:13</p>
--	--	---	---	---

PREHEARING CONFERENCE 9/19/2013

<p>working 8:7 9:1 worst 9:1</p> <hr/> <p>1</p> <p>120 8:22 1200 2:4 3:19 1617 4:24 19 1:6 3:2</p> <hr/> <p>2</p> <p>2:03 3:4 2:12 9:17 2013 1:6 3:2 207 1:23 210 2:12 4:16 2230 2:15 4:10 240-20.065 1:11 1:14 3:10,13 26 8:21</p> <hr/> <p>3</p> <p>3432 1:23 360 2:18 4:5</p> <hr/> <p>4</p> <p>4 1:11,14 3:10,13 401 1:22 10:18</p> <hr/> <p>5</p> <p>526-7779 2:19 573 1:24 2:9,13 2:16,19 573-581-8373 4:17 573-751-1304 4:11 573-751-8795 5:14 581-8373 2:13</p> <hr/> <p>6</p> <p>636-7551 1:24 64105 2:4 3:19 64108 4:24 65101 1:23 2:8 65102 2:16,19 4:5,11 5:13 65265 2:12 4:17</p>	<hr/> <p>7</p> <p>751-5558 2:16 751-8795 2:9</p> <hr/> <p>8</p> <p>816-556-2314 2:5 3:23 816-877-6760 4:25 899 2:8 5:12</p>			
---	---	--	--	--