

BEFORE THE PUBLIC SERVICE COMMISSION

STATE OF MISSOURI

TRANSCRIPT OF PROCEEDINGS

EVIDENTIARY HEARING

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

Tuesday, January 30, 2024
10:00 a.m. - 5:06 p.m.

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

VOLUME 3
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CHARLES HATCHER, Presiding
Senior Regulatory Law Judge

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

Commissioners

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Beverly Jean Bentch, RPR, CCR #640

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1 The following proceedings began at 10:00 a.m.:

2 JUDGE HATCHER: Good morning, everyone. This
3 is Judge Hatcher. This is the Public Service Commission.
4 We are here on a Tuesday at 10:00 a.m. This is January
5 30, 2024.

6 Let's go on the record. I'll restate the date
7 for the record. It is January 30, 2024. This is File
8 No. EO-2024-0002. This is the evidentiary hearing in
9 front of the Missouri Public Service Commission regarding
10 Evergy's customer data.

11 Let's go ahead and get introductions of counsel
12 going. For Evergy.

13 MR. FISCHER: Thank you, Judge. On behalf of
14 Evergy, let the record reflect the appearance of Roger
15 Steiner and James Fischer. Our contact information is in
16 the file.

17 JUDGE HATCHER: Thank you. And for MEEG.

18 MR. OPITZ: Good morning, Your Honor. Tim
19 Opitz on behalf of the Midwest Energy Consumers Group or
20 MEEG.

21 JUDGE HATCHER: Thank you. I'm going in the
22 order of opening statements just to help me remember that
23 order. For Office of Public Counsel.

24 MR. CLIZER: Good morning, Your Honor. John
25 Clizer and Anna Martin on behalf of the Missouri Office

1 of the Public Counsel.

2 JUDGE HATCHER: And Staff.

3 MS. KERR: Carolyn Kerr and Whitney Scurlock on
4 behalf of the Missouri Public Service Commission.

5 JUDGE HATCHER: Thank you. Quick reminder.
6 Please mute your phones. Also, if you're on WebEx either
7 on a phone or via computer, please go ahead and mute
8 yourself. If you're on a phone, that is *6 to mute and
9 unmute yourself.

10 Let's get into some preliminary matters. I
11 have a list of five very quick things. Office of Public
12 Counsel, you had an objection -- you had a filing
13 regarding confidentiality. Every responded with a
14 filing. Does that take care of your concern?

15 MS. MARTIN: I believe so. I did -- Because
16 the numbers were no longer confidential, I didn't know if
17 we would have to do anything regarding going in camera or
18 anything. We do not, correct?

19 JUDGE HATCHER: I'm going to wait on your
20 second question. Do you have any objections? Do you
21 still want to pursue your confidentiality objection that
22 you filed?

23 MS. MARTIN: If the information is public, then
24 okay.

25 JUDGE HATCHER: They responded. I just need a

1 yes or no. I don't mean to push you on this, but it's
2 just a filing.

3 MS. MARTIN: One moment. I apologize. I
4 believe we are okay.

5 JUDGE HATCHER: Excellent. Exhibits. My
6 normal announcements about exhibits, I, this particular
7 Judge, will take responsibility for the prefiled
8 exhibits. I appreciate the printouts that were brought
9 for any other parties, be no need to produce any paper
10 copies of prefiled exhibits. My method of taking care of
11 any errors that parties want to correct in testimony is
12 typically an errata sheet with its own exhibit number
13 just to make it easier for the record and easier for
14 everyone to cross reference.

15 We don't have any late-filed exhibit requests
16 yet. The deadline I typically file for that is a week or
17 two after our hearing conclusion. I also since we're on
18 exhibits, I want to make sure that I acknowledge in past
19 cases I've gotten requests to have the exhibits both a
20 list and the physical exhibits entered into EFIS soon.

21 I endeavored to meet that challenge with this
22 case. I have traditionally produced a Notice of Exhibits
23 Admitted within a couple days of the hearing conclusion.
24 That will happen again. This case I am going to make all
25 reasonable efforts to get the actual physical exhibits

1 into EFIS and that will be before the transcripts, which
2 is typically when I wait to file those exhibits. Any
3 other issues or questions on exhibits? Excellent.

4 I would just like to throw this out there. I
5 do not expect an answer. But in testimony in our
6 discovery conference and in the parties' various
7 pleadings we have referred to the requests for customer
8 data sometimes as data requests. I'm not here to pick a
9 name that we want to call whatever the customer data
10 requests are. I just want to point out that we will be
11 clarifying that in any report and order that comes out
12 that a data request is one thing and this is not it.

13 Okay. Two last things. Staff's motion to
14 strike. You had a motion filed on last Friday for two
15 witnesses. Do you still want to proceed with that
16 motion?

17 MS. KERR: Yes.

18 JUDGE HATCHER: Evergy has responded to their
19 motion. They objected to testimony of Witness Lutz was a
20 couple lines and the testimony was arguably rhetorical.
21 As I recall, it asked a question and then sought some
22 Commission advice. The Commission can take that
23 testimony for what it's worth and it will deny Staff's
24 motion to strike those couple sentences.

25 The second objection was to the entire

1 testimony of Sean Riley, his direct testimony, as that it
2 was not related to the purpose of stipulated docket.
3 Every responded that it was, in fact, related to the
4 purposes of the docket in explaining how all this
5 information worked in conjunction with each piece.

6 The Commission is not persuaded by Staff's
7 arguments to strike the testimony of Sean Riley. Staff's
8 motion is denied.

9 Opening statements. My last announcement.
10 Does anyone have any statements, opening statements, that
11 they expect without Commissioner questions to go over 45
12 minutes? It's a serious question. No, no. Excellent.

13 Let's get to opening statements then. Every.
14 Go ahead.

15 I would like to state for the record we have in
16 attendance Chairman Scott Rupp, R-u-p-p. We have in
17 attendance Commissioner Hahn, H-a-h-n. On the WebEx we
18 also have Commissioner Kolkmeyer, K-o-l-k-m-e-y-e-r.

19 Mr. Fischer, the floor is yours. Thank you.

20 MR. FISCHER: Thank you very much, Judge. Let
21 me see if my little power point is going to work. Looks
22 like it will work. Thank you very much, Brian.

23 May it please the Commission. My name is Jim
24 Fischer, and Roger Steiner and I will be representing
25 Everyg Missouri Metro and Everyg Missouri West today in

1 what's a very unique proceeding I think.

2 This proceeding emanates from Evergy's 2022
3 rate case. In that case, Staff Witness Sarah Lange filed
4 testimony requesting that the Commission order Evergy to
5 produce a massive amount of data, which she apparently
6 wanted to use for future rate design issues. The Company
7 offered rebuttal testimony challenging that position and
8 that need.

9 The long list of data that Ms. Lange requested
10 the Company produce is listed in her testimony in the
11 last rate case and it's also listed in the direct
12 testimony of Brad Lutz in this case pages 3 through 5,
13 and I believe it's also now part of our Joint Statement
14 of Facts. It has a stipulation attached to it.

15 I'm going to discuss in a moment the type of
16 data that's being requested by Ms. Lange. But before we
17 do that, let's look at that stipulation that was part of
18 the rate case. In order to resolve this issue in the
19 last rate case, Evergy, Staff and other parties agreed to
20 the following:

21 Prior to July 1, 2023, the Company will
22 identify and produce data requested in the direct
23 testimony of Sarah Lange. If the requested data is not
24 available or cost-prohibitive to produce, the Company
25 will file a motion to establish an E0 docket. In that

1 docket, the Company will provide the reason why it cannot
2 provide the requested data and its individual estimate of
3 the cost to provide each set of requested data, for the
4 further consideration of the parties and the Commission.

5 This stipulation was approved by the
6 Commission, and then on June 30, 2023, Evergy filed a
7 motion to establish this case when the Company determined
8 that the data that was not available and would be
9 cost-prohibitive to create and produce. The purpose of
10 that motion was to request the opening of the E0 docket,
11 as Evergy agreed to do in the rate case stipulation so
12 that Evergy could provide in detail the reasons why the
13 requested data is not available and the cost-prohibitive
14 nature of it to produce. The Commission granted the
15 motion and opened the case. So here we are.

16 On November 1, 2023, Evergy filed the testimony
17 of Brad Lutz and Julie Dragoo which explained in detail
18 the reasons why this data is not available and provided
19 estimates of the costs of producing the data.

20 I believe the Commission is very familiar with
21 Brad Lutz since he's been involved in rate design cases
22 involving Evergy companies and their predecessor
23 companies for about 20 years now. Julie Dragoo is the
24 Senior Director of Strategy and Support for Evergy. She
25 explains the Company systems, detailing the data

1 relationships and providing further support for the cost
2 estimates detailed in Mr. Lutz's testimony. She has
3 responsibility for many of the Company's systems related
4 to these data retention requests.

5 Evergy also filed the testimony of Mr. Sean
6 Riley, a partner with Price Waterhouse Coopers LLP. As
7 an expert in utility accounting, he offers insights into
8 industry practices and confirmation that Evergy is
9 following normal practice with the systems and data
10 management.

11 He also offers reactions to select Staff data
12 retention requests, and more specifically Mr. Riley
13 testifies that the regulated utilities have evolved in a
14 consistent manner as a result of shared best practices
15 regarding the use of technology, systems, processes and
16 controls for the purpose of operating as efficiently,
17 reliably and effectively as possible for the benefit of
18 all the utility stakeholders.

19 Mr. Riley testifies that the Company's use of a
20 billing system and an accounting asset tracking system as
21 core systems fed by and linked with metering systems,
22 work management systems, and even data warehouse systems
23 are quite typical in the industry. He also points out
24 that the Uniform System of Accounts requires consistency
25 so that regulators can determine reasonable cost-based

1 revenue requirements ensuring consistency between
2 utilities and that Evergy's responses to the data
3 availability and deliverability in this case are
4 reasonable based upon what Mr. Riley has observed across
5 the country.

6 But perhaps most importantly Mr. Riley
7 testifies that based on his experience working with
8 utilities --

9 JUDGE HATCHER: I would like to remind our
10 online listeners to please mute your phone. That's *6 if
11 you're on a phone or on a computer there should be a mute
12 button down at the bottom of your screen. My apologies,
13 Mr. Fischer. Go ahead.

14 MR. FISCHER: Not a problem. Thank you, Judge.
15 As I was saying, perhaps most importantly Mr. Riley
16 testifies that based upon his experience working with
17 utilities across the United States he's not aware of
18 distribution cost data existing in a format requested by
19 Staff that could be provided to immediately satisfy
20 Staff's requests for costs by rate code.

21 I'd encourage you very much to ask Mr. Riley
22 questions about his experience with regard to other
23 utility systems across the country and the industry's
24 ability to deliver the kind of granular data that's being
25 requested by Ms. Lange in this case.

1 Okay. Let's go to the issues. The Company is
2 seeking a focus consideration of the data requested by
3 Staff and the Commission's direction on how rate design
4 should be supported on a going-forward basis. Now, from
5 Evergy's perspective, there are four primary issues to be
6 decided in the case. The first one is should the
7 Commission order Evergy to create and produce the data
8 requested by Staff. The second is what is the expected
9 cost of creation and production of the data requested by
10 Staff.

11 The third issue is should the Commission order
12 the deferral of all costs associated with the creation
13 and production of data for the possible recovery in a
14 future rate case. And should the Commission -- The
15 fourth one would be should the Commission provide
16 guidance concerning rate design proposal development, and
17 the Company's obligation to support the data needs of
18 Staff when the data needs are beyond the needs of the
19 Company and not associated with the Company's proposals.

20 Now, before I address those specific issues,
21 I'd like to explain a little bit of background about the
22 case. It's important to note that much of the data
23 requested by Staff in this proceeding appears to be
24 designed at least in part to support their long-term
25 vision of electric rate design for the future. However,

1 the Commission has not adopted the Staff's long-term
2 vision for rate design for Evergy and as far as I know
3 the Commission has not adopted that as a policy for the
4 state of Missouri.

5 Nevertheless, Staff is requesting that the
6 Company expend large sums of money, devote many manhours
7 of effort and utilize a large amount of information,
8 technology and resources to provide data to support their
9 long-term view for rate design.

10 Evergy respectfully suggests that it's
11 inappropriate for the Commission to require the creation
12 and production of the data requested by Staff in this
13 case since the Commission has not determined that this
14 enormous effort is required or cost beneficial for future
15 rate cases or electric rate design cases.

16 Now, on the topic of rate modernization, since
17 the conclusion of the last rate case, the Company and
18 Staff have had two meetings to explore this topic and the
19 Company has participated in the initial nonresidential
20 rate design workshops held by Ameren resulting from
21 Ameren's rate cases File Nos. ER-2021-0240 and
22 ER-2022-0337. Regarding the meetings between Evergy and
23 Staff, these resulted from the Company's most recent rate
24 cases and included Mr. Opitz as a representative of the
25 industrial customers.

1 Staff Witness Lange provided a detailed
2 walk-through of her vision of the residential and
3 nonresidential plan for Company's consideration.

4 The details shared by Staff have been considered within
5 the proposals being finalized for the upcoming Evergy
6 West rate case, which we expect to be filing shortly.

7 At this point, it's expected that the proposals
8 will be made by the Company to adjust nonresidential
9 customer charges and facility charges. It's expected
10 that testimony will be offered concerning reactive
11 demand, on-peak demand charges and the hours-use energy
12 charge structures, but Evergy will not suggest material
13 changes to the existing rate structure. And to be clear,
14 the Company will not be supporting the adoption of
15 voltage and infrastructure specific customer and facility
16 charges without regard to class.

17 It's expected that these proposals will be
18 fully examined in a future rate case and additional views
19 may be offered by other intervening parties, particularly
20 representatives of industrial customers. The Company
21 therefore recommends that the Commission decline to order
22 sweeping changes in this case to the Company's computer
23 systems and accounting systems. But simply put, it's
24 inappropriate to require the creation and production of
25 the data requested by Staff since the Commission has not

1 endorsed and approved Staff's long-term plan for electric
2 rate design in Missouri especially at the substantial
3 cost that would be required to create and produce such
4 data.

5 Evergy does not believe that the creation and
6 production of the data requested by Staff will be
7 required to process the upcoming Evergy West rate case or
8 other rate cases in the future. Certainly the Commission
9 has processed dozens of electric rate cases and electric
10 rate design cases without the need for this type of
11 granular data and the expansion of the time of use rates
12 does not mandate this radical change or approach for
13 Evergy and its customers.

14 Okay. Regarding the second issue, estimates of
15 the cost of creating and producing the data requested by
16 Staff. That is contained in the exhibit attached to
17 Mr. Lutz's direct testimony. It's also attached to
18 Evergy's position statement. And the direct testimony of
19 Mr. Lutz and Evergy's position statement discusses the
20 ten sets of data -- I'll call them sets of data here,
21 Judge -- that were originally identified in Ms. Lange's
22 testimony in the last rate case.

23 The cost information was initially classified
24 as confidential since it would be quite useful to vendors
25 in the future that might be bidding on projects to modify

1 the Company's systems to create and produce the data
2 requested by the Commission Staff. But for the
3 convenience of the Commission and the parties to this
4 case, Evergy has declassified that cost information to
5 make it easier to discuss it in this case without going
6 in camera.

7 The information on the next two slides
8 summarizes the cost to create and produce the information
9 in each of the individual sets of data. We've said
10 they're data requests, Judge, but what we're talking
11 about are the sets of data that were originally in Sarah
12 Lange's testimony in the rate case and now we've talked
13 about it in that way in this case.

14 The cost associated with the first five sets of
15 data are summarized on this particular slide. The first
16 set is by far the most costly and deals with distribution
17 system data by rate code and by voltage level. Evergy
18 has estimated that it would take 5 to \$10 million for the
19 design phase and another 75 to \$100 million for the
20 implementation phase to create and produce the
21 information requested by Ms. Lange in the first set of
22 data.

23 The second set of data is estimated to require
24 140 hours of labor and \$21,000 to complete, plus ongoing
25 maintenance. The third set of data is estimated to

1 require the same level of effort as the second set of
2 data. The fourth set of data is estimated to require 360
3 hours of labor and \$54,000 to complete, plus ongoing
4 maintenance. Data Request No. 5, or the fifth set of
5 data, is somewhat more difficult to specify, but Evergy
6 has estimated the design phase would cost a million
7 dollars to \$10 million and the implementation phase would
8 cost a minimum of 2.75 million to 20 million. Now, Julie
9 Dragoo can explain why there's a range of estimates on DR
10 5 and I think that would be a topic worth inquiring with
11 her about.

12 The next slide I've addressed the estimates for
13 the remaining DRs. I won't go through all those DR
14 requests in this brief opening statement. I would like
15 to highlight a few of Staff's requests for data at a high
16 level. I think I'd like to focus first on the first set
17 of data since this data request is the most problematic
18 for the Company and the most expensive for consumers.

19 This set of data appears to address cost
20 allocation data for distribution plant. Let me just go
21 to that one. The first set of data asks that we identify
22 and provide the data required to determine: Transformer
23 costs and expenses by rate code; primary distribution
24 costs and expenses by voltage; secondary distribution
25 costs and expenses by voltage; primary voltage service

1 drop costs and expenses; line extension costs, expenses,
2 and contributions by rate code and voltage; and meter
3 costs by voltage and rate code.

4 This first set of data is perhaps the most
5 problematic in this case and it's by far the most
6 expensive to create and produce. Neither capital
7 investments nor maintenance expenses are currently
8 tracked by voltage class or by rate code, and that's a
9 critical point. Evergy's computer systems and accounting
10 processes are not capable of creating and producing the
11 requested data by voltage level or by rate code unless we
12 spend multi million dollars, which 80 to \$100 million is
13 what the estimate is and that's about ten times what was
14 spent to implement the Commission's order on time of use
15 rates in the last rate case.

16 Evergy estimates the cost of complying with
17 this first set of data is 5 to 10 million for the design
18 phase and another 75 to 100 million for the
19 implementation phase. Operationally, many of these
20 facilities are shared by customers on different rates and
21 receiving service at different voltages. Certainly our
22 distribution system is a shared system. Some customers
23 are on different rate plans and they're on different
24 voltages. I think that's a critical point. I'd
25 encourage you again to ask Julie or Brad about that issue

1 particularly.

2 Data Request No. 8c(1) is also related to the
3 first data request since it requests that this same
4 information be provided to Staff upon request. In other
5 words, any time Staff wants to request it, Evergy would
6 have to go through the time and expense to create and
7 produce it. We don't think this is a reasonable
8 approach. Upon request of Staff is a very open-ended
9 requirement especially after seeing the unbridled
10 approach to discovery that the Staff took in this case.

11 At this time the Commission should reject the
12 Staff's recommendation to change the cost accounting
13 approach for distribution infrastructure and related data
14 requests. That would be particularly Data Requests 1 and
15 8c(1). It's simply not cost effective to change the
16 Company's computer and accounting processes to
17 accommodate this granular approach to create and develop
18 data by rate code and by voltage level merely to change
19 the way we have historically allocated distribution
20 plant.

21 Based upon what I read in the Staff's position
22 statement, I believe even Staff may finally be agreeing
23 that it would be imprudent to spend 80 to \$100 million on
24 this particular request.

25 Data Requests No. 9 and 10 are also

1 problematic. Data Request 9 states develop the
2 determinants for assessment of an on-peak demand charge
3 to replace the current monthly billing demand charge and
4 for potential implementation for customers not currently
5 subject to a demand charge. Data Request 10 asks Evergy
6 to begin to retain and study data related to reactive
7 demand requirements for each rate code, which would
8 include residential I think, and sample customers within
9 each rate code.

10 The Commission should reject Data Requests 9
11 and 10. Deployment of an on-peak demand charge or
12 changes to reactive demand charges have not been ordered
13 for the Company by the Commission nor explored in any
14 detail as a part of a recent rate case for the Company.

15 Configuration would be needed to create
16 reporting for the collection of hourly kW during any peak
17 period identified as Data Request No. 9 would require.
18 This request is not practical or needed. More extreme
19 changes would be needed to obtain what's known as KVAR,
20 K-V-A-R, data for the reactive demand data request if the
21 data is expected beyond those rates that are included in
22 the reactive demand charges today.

23 As explained by Mr. Lutz's schedule, billing
24 determinants are being retained for rates for reactive
25 demand where that's a component of the rate, and Staff's

1 request for Data Requests No. 9 and 10 are just not
2 necessary.

3 Let's go to the remaining data requests. We
4 would request that the Commission provide guidance
5 concerning each of the remaining data requests. As
6 explained in the direct testimony of Julie Dragoo, Evergy
7 recommends the Commission reject as unreasonable Data
8 Requests 5 and 6 and to assess the subparts of Data
9 Request No. 8 as separate requests and to reject as
10 unreasonable the subparts to the data requests that are
11 impacted by DR 1 and 5. I'd ask that you ask her
12 questions about that recommendation because it is fairly
13 technical.

14 For the other data requests, it's important for
15 the Commission to understand Evergy's position with
16 regard to the data requests and to acknowledge the level
17 of costs associated with providing the new and different
18 levels of data. The Company is certainly willing to work
19 with the Staff to further develop requirements that would
20 refine the cost estimates and timing for the other data
21 requests. But a major part of those conversations needs
22 to be to align Staff's expectations on the format and the
23 frequency of sharing that data.

24 Now, the data requests that we're asking for
25 specific guidance on are listed at the bottom: 2, 3, 4,

1 7, 8a, 8b, 8c2, 8c3, 8c4 and 8c5. If the Commission
2 decides to order the development of any of this granular
3 data demanded by Staff, or requested by Staff, it must
4 provide the Company with a means for recovering the cost
5 of complying with that order.

6 In conclusion, let me address the last major
7 issue. The Commission should provide guidance to the
8 Company and the Staff on the Company's obligation to
9 support the data needs of Staff when the data needs are
10 beyond the needs of the Company and not associated with
11 the Company's proposals. This data support represents
12 incremental work for the Company often performed in place
13 of the Company's operational work.

14 Staff is seeking in this case comprehensive
15 access to customer data possibly made available at all
16 times and at a level of detail beyond the Company's need
17 for purposes of supporting their own independent
18 recommendations for rate design. The Company is seeking
19 to have the Company create data and do analysis merely so
20 Staff can develop its own rate design proposals which may
21 not be supported by the Company or consistent with any
22 industry practices. They're seeking data access outside
23 of a general rate case in the name of reducing regulatory
24 lag.

25 They're not seeking to affirm the Company's

1 rate design proposals but instead to pursue rate design
2 plans in spite of the Company's recommendations. The
3 data requests by Staff to support these independent
4 proposals have grown considerably and have moved beyond
5 the data granularity and frequency the Company maintains
6 for its own operational and ratemaking purposes, and as a
7 result these requests would compel the Company to devote
8 incremental efforts taxing a wide cross-section of
9 corporate resources to be able to provide the information
10 they're requesting.

11 Everygy does not believe the Staff's approach is
12 reasonable or appropriate. Relatively recently Staff has
13 begun to offer rate design recommendations in general
14 rate proceedings that are based solely on their views
15 that are offered as an alternative to the Company's rate
16 design recommendations. Prior to that time, Staff rate
17 design recommendations have consisted of proposed
18 variations of the Company's rate design proposals. And
19 that approach allowed for manageable rate design
20 outcomes. However, under the newer Staff approach, both
21 the Company and Staff expend considerable effort to
22 develop and support their respective proposals, then the
23 Commission has to choose between them, or in the case of
24 the last Company's rate case issued an order implementing
25 a different or hybrid design.

1 Under the competing proposal approach, Staff is
2 blurring the lines between oversight and management. And
3 I think this puts the Commission in an increasingly
4 difficult position. Now, from the Company's perspective,
5 the Staff has a different role from the Company.
6 Consistent with case law, the Company manages the
7 business and the Staff aids the Commission in providing
8 its regulatory oversight provided by statute.

9 The Commission in turn regulates the Company to
10 ensure the customers receive safe and adequate utility
11 services at just and reasonable rates. In exercising
12 this regulation, the Commission based that policy or
13 expectations for the Company to meet, and under these
14 roles it's not necessary that Staff have symmetric access
15 to the Company's information systems and the Staff should
16 not be dictating especially over the objections of the
17 Company the rate design that is being offered by the
18 Company to its customers.

19 Staff should not be dictating to the Company
20 how it manages its business and what analysis is required
21 to do irrespective of the cost of the analysis or the
22 cost to create new data. Therefore, the Company should
23 not be required to expend significant sums to support a
24 Staff proposed rate design which may be radically
25 different from the status quo in which the Commission

1 hasn't approved. With that, I will take your questions.
2 I'm happy to direct your questions to the appropriate
3 expert who's probably the one that's going to answer it.
4 If you have questions, let me know.

5 JUDGE HATCHER: Thank you, Mr. Fischer. Are
6 there any Commissioner questions for Mr. Fischer?
7 Hearing none. Thank you, sir. I'd like to invite
8 Mr. Opitz if he has an opening statement.

9 And while he is on his way, I'd also like to
10 announce for the record and for our listening and
11 in-person audience the presence all five Commissioners
12 now. We have been joined by Commissioner Maida Coleman,
13 M-a-i-d-a, Coleman, C-o-l-e-m-a-n, and Commissioner Jason
14 Holsman, H-o-l-s-m-a-n.

15 Mr. Opitz. The floor is yours. Go ahead.

16 MR. OPITZ: May it please the Commission. My
17 name is Tim Opitz on behalf of the Midwest Energy
18 Consumers Group or MECG. MECG was a signatory to the
19 stipulation that is at the core of this case. We
20 intervened. We have a concern about the cost of
21 complying and whether the Company has, in fact, complied
22 with what it agreed to do. I just want to mention a few
23 points and I won't take up too much time.

24 But the first is to reiterate our concern about
25 the cost estimates that the Company has put forward and

1 whether there is a need to incur that cost, whether there
2 is any benefit to incur that cost, and whether there is
3 any desire from customers to incur that cost. It's
4 MECG's view that none of those criteria have been
5 satisfied in this case and so it would be unreasonable to
6 require the Company to incur those costs.

7 The second point I want to make is that the
8 Company is asking if it is ordered to incur these costs
9 to compile and update its systems and incur these many
10 millions of dollars of expense to in effect get a
11 regulatory asset to defer that cost to a future rate
12 case.

13 I would urge the Commission if it does choose
14 to order this data compilation to not order regulatory
15 asset, at least not at this time. Missouri Commission
16 practice has established when deferral is necessary. The
17 courts have upheld that. I don't think we have enough
18 information to show that that's been met, especially
19 given that there is a rate case I expect any day that's
20 been noticed. So any costs incurred may or may not incur
21 within the test year period.

22 And then the last point I want to address is
23 essentially the last point that the Company made about
24 getting guidance from the Commission. While I am always
25 supportive of hearing the Commission's thoughts, and in

1 many cases MCEG takes that back and considers your
2 criticisms or your concerns in adjusting our positions in
3 subsequent cases. I'm not able to fully endorse what I
4 think the Company is suggesting to say it's inappropriate
5 for Staff to be doing this at all. MCEG has its own
6 allocation and rate design differences with what Staff is
7 doing, but in this particular case our concern is about
8 the cost that would ultimately be incurred, whether
9 there's any benefit to incurring that, and whether the
10 Company has complied with its agreements.

11 So I would ask you to avoid issuing any broad
12 mandates prohibiting Staff from looking at these sorts of
13 things in the future, but I would just say in conclusion,
14 you know, I think what you need to do here is find that
15 the Company complied with its agreement, don't order them
16 to incur these costs. And if you do order them to incur
17 any portion of these costs, don't establish a regulatory
18 asset for that, at least not in this case. That's all I
19 have to add.

20 JUDGE HATCHER: Thank you. Are there any
21 Commissioner questions for Mr. Opitz? Hearing none.
22 Thank you, sir.

23 MR. OPITZ: Thank you. That will bring us to
24 the Office of the Public Counsel.

25 Mr. Clizer, the floor is yours.

1 MR. CLIZER: Thank you. If it would please the
2 Commission. So what is this case about?

3 To answer the question simply, this case is
4 about whether or not your Staff will be given access to
5 information that it believes is necessary to fulfill its
6 duty. Stated another way, this case is an opportunity
7 for this Commission to help prepare its Staff to provide
8 the Commission with the fact-based recommendations that
9 the Commission should expect from its Staff in cases
10 moving forward.

11 What this case is not about are the false
12 claims that Evergy has made both in its position
13 statement and its opening. Specifically, this case is
14 not about an attempt by the Commission Staff to leverage
15 an undisclosed long-term vision of electric rate design,
16 nor does this case represent a blurring of the lines
17 between regulatory oversight and company management.

18 And while I would prefer to address what this
19 case is about instead of those, I feel it's necessary to
20 at least address those issues because they were brought
21 up recently in Evergy's opening. Let's start with the
22 idea that Staff is invading the province of Company
23 management.

24 If there is exactly one thing that this
25 Commission is actually tasked with doing, it is fixing

1 the rates to be charged for utility services. Now, when
2 we talk about fixing rates, that incorporates three
3 ideas. First it's coming up with the revenue
4 requirement, which is how much the Company is allowed to
5 earn over a given year. Second, you have to divvy up
6 that revenue requirement among the different classes. We
7 call that cost allocation. And then the third one is the
8 rate design element, which is figuring out how to design
9 the actual rate to allow each individual class to recover
10 its allocated portion of the revenue requirement.

11 Now, the issues in this case predominantly
12 focus on that second idea, the concept of cost
13 allocation. And it needs to be clear that cost
14 allocation is something that is addressed in every case
15 that comes up before the Commission. In fact, we've had
16 cases where the only issue in front of the Commission was
17 cost allocation. It's somewhat ironic that, the
18 representative from MEGC just mentioned this, but I don't
19 know if you recall a little while back we had an Ameren
20 case where literally the only issue in front of the
21 Commission was whether or not you should have one or two
22 competing cost allocation methodologies. The Company
23 really didn't have a stake in that fight. It was really
24 just Staff, OPC and MEGC fighting.

25 So this idea that you can have it's Company

1 versus Staff when it comes to that, that's not true.
2 Staff needs to be able to put forward the recommendation
3 on cost allocation and rate design because sometimes it's
4 intervenors who are the ones challenging the positions,
5 not necessarily the Company.

6 That brings us to the second point. You know,
7 contrary to what Evergy would have you believe, this is
8 not something new. Right? This is not Staff coming up
9 with something whole cloth that they've never put before
10 the Commission. It's actually the exact opposite.

11 If you can go back more than five years to
12 Staff's rather lengthy report on distributed energy
13 resources filed in April 2018 in Case EW-2017-0245 and
14 find the genesis of Staff's data requests in this case.
15 And the Commission I should point out issued an order in
16 that case that Staff's recommendations, quote, promoted
17 good public policy.

18 So given the history, Staff has been nothing
19 but up front and clear with both the Commission and
20 Evergy about its approach to rate design and its attempts
21 to integrate existing practices with the advancement of
22 new technology and ideas and I think brings us to the
23 heart of the matter.

24 This case exists because your Staff, your
25 independent loyal to no one but you Staff is saying it

1 needs this information to do its job. And they're saying
2 that because the information they relied upon in the past
3 has either become outdated or will no longer work with
4 the more recent changes to how utility rates are
5 regulated.

6 As of right now, the lack of data that Staff is
7 seeking is making it substantially harder to perform
8 weather normalization, get billing determinants, or
9 properly gauge the appropriate through-put disincentive
10 for Evergy's MEEIA. And that is the Missouri Energy
11 Efficiency Investment Act for the reporter.

12 These problems are explained in the testimony
13 of Staff Witnesses Kim Cox, J Luebbert and Michael
14 Stahlman. However, the problems do not end there.
15 Moving forward, this lack of information is also going to
16 make it very difficult to implement things like
17 distributed energy resources, or DERs, which I will refer
18 to as "Durrs." As a reminder to the Commission, DERs are
19 small scale energy resources usually situated near the
20 sites of electric use like rooftop solar, combined heat
21 and power, or battery storage. It's still a somewhat
22 evolving, somewhat new, but still quickly developing
23 issue in rate making across the United States.

24 More importantly, the information that Staff is
25 trying to elicit here will become increasingly vital

1 moving forward when it comes to properly setting rates
2 for customers who make use of DERs. So resolving this
3 case in favor of Staff will therefore serve to benefit
4 not only the existing programs and rates but will also
5 help develop proper pricing for new and emerging
6 technologies.

7 Another point that I want to ask the Commission
8 to consider is to stop and really think about who is
9 making this request and why. Again, this is your Staff
10 asking for information. Right? It's not like Staff
11 suddenly woke up one day and said to itself I think I'm
12 going to go massively increase my workload for no reason.
13 They have a good reason for asking for this. They
14 legitimately believe that this information is necessary
15 to do what you expect them to do, and I can't think of
16 any reason why you would doubt that thought.

17 Moreover, your Staff has been eminently
18 reasonable and patient with both its requests and its
19 method for obtaining this information. As was mentioned,
20 they settled the last rate case so they wouldn't have to
21 bring this issue in front of you. They tried their best
22 to work with the Company to get to an agreement that
23 could work to get the information in a way that was cost
24 effective and made sense. They've been out more than 500
25 days since that disagreement trying to figure out a way

1 to make this work.

2 So it should be clear that your Staff has taken
3 every effort to reach a workable solution. I also want
4 to stress that your Staff has had some better degree of
5 success with other utilities. They have managed to work
6 somewhat with Ameren and Empire to get closer to getting
7 the information that they feel like they need, which just
8 reinforces how reasonable this information actually is.

9 Instead the Commission needs to recognize
10 what's truly unreasonable in this case is Evergy's cost
11 estimates for what it thinks it's going to cost these to
12 get this information. To be frank, Evergy in our opinion
13 simply hasn't put forward a good faith effort in trying
14 to come up with how much these things are going to cost.
15 I say that primarily because the Company has not provided
16 any testimony to explain how it developed these numbers
17 in a satisfactory way.

18 For example, the OPC sent a data request to the
19 Company that basically said hey, can we get an itemized
20 list that breaks down this hundred million dollars or
21 these various manhours. The Company's response was
22 basically no, that's not possible, we didn't come up with
23 those requests in a way that allows them to be itemized.

24 So this all leaves us in a mess. Right? And
25 that's why we're here. That's why we're having this

1 hearing. How do we get out of this mess? What is our
2 escape route from this quagmire? The simple answer is
3 the one that I think I interpret from the testimony of
4 Ms. Lange on Staff is that the Commission should keep
5 this docket open in order to allow the parties to work
6 towards a solution.

7 I think it's telling, I think, that no party as
8 of yet has actually put forward that they should be
9 making those investments. I think that the end goal here
10 from all parties is to try and work to a way with getting
11 this information that doesn't require making that hundred
12 million dollar investments and I'm sure Staff will
13 correct me if I'm wrong on that front.

14 So what would that do? Well, it requires
15 Everygy to provide the information that it says it can at
16 a reasonable cost. I think you'll agree that if you
17 looked at that thing there were a couple that were
18 20,000, couple that were 50,000. Okay. That's
19 reasonable for this kind of company.

20 And then for the others, the really big ones,
21 we just need to work together to try and find a solution
22 that will allow this information or something similar to
23 this information to come in without needing to make those
24 hundred million dollars investments. And to do that we
25 need to keep this docket open and keep the parties

1 working on it.

2 What happens if the Commission says no to
3 Staff? What happens if you just shut down Staff at this
4 end? Again, the future programs the Commission might be
5 interested in such as distributed energy resources will
6 become significantly more difficult to price correctly.
7 Moreover, any data on important topics like rate
8 switching between available rate options and the impact
9 individual rate classes have on the Company's revenue
10 requirement are going to become more unreliable, more
11 difficult to determine.

12 For all these reasons, I urge the Commission to
13 listen to and support its Staff as they do their best to
14 do their duty to this Commission.

15 As one final point, I want to touch very
16 briefly on why the OPC is here. The simple answer is
17 that we believe that a strong independent Staff is an
18 asset to this Commission, to customers and quite frankly
19 to the Company itself. And so we decided to support
20 Staff.

21 The OPC has provided its own witness, Dr. Geoff
22 Marke, who's had years of experience in regulation and
23 can help to provide additional background to this case,
24 the relative positions of the parties, and the importance
25 this information has moving forward. I strongly

1 encourage the Commission to ask Dr. Marke any questions
2 you might have and explicitly ask the Commission to ask
3 Dr. Marke any of the same questions that you would pose
4 to Staff or Company witnesses. And that will be my
5 close. With that, I'll ask if there are any questions.

6 JUDGE HATCHER: Thank you. Chairman Rupp, go
7 ahead.

8 CHAIRMAN RUPP: Appreciate it, Mr. Clizer. You
9 made a comment that Ameren and Empire has worked with
10 Staff so that they would have access to better data or
11 however you might have phrased that. Can you expand on
12 that, please?

13 MR. CLIZER: Unfortunately I cannot. That is a
14 question that I would pose to the Company directly if you
15 want more information. And I'll be clear my
16 understanding is that they are in the process of
17 discussions, so I don't know how much of that will be
18 covered by confidentiality, but my understanding is that
19 they are working.

20 JUDGE HATCHER: Commissioner Hahn.

21 COMMISSIONER HAHN: Thank you, Mr. Clizer. You
22 mentioned that the docket as presented by Staff Witness
23 Lange in her testimony should remain open to try to work
24 through the cost prohibitive data, but from my
25 understanding of reading the testimony of Evergy

1 witnesses is that the data can't be produced, the cost
2 prohibitive data, because the systems don't actually work
3 together. So if a system has to be created to merge the
4 data, then that does have a cost. What would OPC's
5 position be then?

6 MR. CLIZER: I want to make sure I understand
7 your question correctly. Is it saying that if it truly
8 is the only way that we could spend a hundred million
9 dollars was to get this information what should we do at
10 that point?

11 COMMISSIONER HAHN: Yes.

12 MR. CLIZER: Honestly, I'm going to have to
13 defer that to my expert. I'm not entirely sure what our
14 position would be on that. So I would need to think more
15 on it. My personal belief is that I think that there is
16 some way that we could achieve some kind of workable
17 solution that would be beneficial to both, not both, but
18 all parties. So call me an optimist if you will, but I'm
19 holding out hope.

20 JUDGE HATCHER: Thank you, Mr. Clizer. Ms.
21 Kerr for opening statements.

22 MS. KERR: Thank you.

23 JUDGE HATCHER: The floor is yours. Go ahead.

24 MS. KERR: Thank you. May it please the
25 Commission. My name is Carolyn Kerr and I'm an attorney

1 with the Staff Counsel's Office of the Missouri Public
2 Service Commission.

3 We're here today because back in August of '22,
4 or 2022, Evergy Missouri Metro and Evergy Missouri West,
5 together Evergy, signed onto a Stipulation and Agreement
6 agreeing to identify and provide data, including
7 information to study distribution system costs, customer
8 and usage information, and some sample customer and rate
9 design information. Specifically, Evergy agreed it would
10 provide the information that had been set out in Staff
11 Witness Sarah Lange's direct testimony in that prior rate
12 case by July 1, 2023. But if that specific requested
13 data was not available or cost-prohibitive to produce,
14 Evergy would file an E0 docket to explain the reasons why
15 it cannot provide the requested data and give its
16 individual estimate of the cost to provide each set of
17 requested data for the Staff and the Commission's
18 consideration.

19 Now, before I get into the actions or inactions
20 of Evergy and what data or cost estimates have or have
21 not been yet provided, I have a copy of the data
22 commitments set forth in Ms. Lange's testimony. If I
23 could approach.

24 And this is basically what Mr. Fischer had had
25 up on the screen earlier.

1 MR. FISCHER: Counsel, could we have a copy of
2 that?

3 JUDGE HATCHER: There's extra. I've got to
4 tell you, Ms. Kerr, I'm a little uncomfortable with
5 having some exhibits during your opening. Is this going
6 to be admitted?

7 MS. KERR: It's just for demonstrative.

8 JUDGE HATCHER: Let's go ahead and make sure
9 all the counsel get a copy. Ms. Kerr, do you have a
10 copy?

11 MS. KERR: I have a copy. Now, that just sets
12 out the paragraph in the Stipulation and Agreement and
13 specifically sets out the paragraphs of the requested
14 data just for your reference. And like I said, the
15 parties are likely to reference this list many times and
16 may refer to the requested data by paragraph number.
17 Just having that list in front of you I thought just
18 might help.

19 The reason that list was included in Ms.
20 Lange's testimony and the reason for Staff signing onto
21 the Stipulation and Agreement, and thus, the reason this
22 case even exists, and why we're having a hearing today is
23 because Staff did not have that information it needed in
24 that rate case to do a meaningful Class Cost of Service
25 or CCOS study. Evergy's inability to provide customer

1 count and customer usage information that was less than
2 six months to a year old also gave Staff many concerns
3 throughout several rate cases.

4 There are other, narrower items on that list
5 too, so I can start with those smaller pieces. There's
6 an item asking Evergy to provide sample customers to
7 Staff so it can estimate bill impacts in rate cases.
8 There's also a request for Evergy to study determinants
9 for on-peak demand charges, something the industrial
10 intervenors have been asking for, and something that many
11 or most of the co-ops in the state already do. Those
12 on-peak demand charges are also being looked at by other
13 companies, and their studies are showing some real
14 progress. Another provision involves reactive demand
15 charge, which is an incredibly complex engineering issue,
16 but what the stipulation commitment relates to relative
17 to the reactive demand charge portion of the data is
18 really just reporting the meter reads, where available.

19 There are a few other things that take up a lot
20 of room on the list but may actually be moot at this
21 point because Evergy's metering and billing systems
22 account for them internally, or they are already
23 addressed with the rate codes. They are the need for
24 customer and usage information to be split out by
25 voltage, and for the adjustments to be applied to meter

1 data. While Evergy's testimony is unclear, at this point
2 we think items 2a, 3a, 4a and 5 are moot, in that they're
3 already handled internally.

4 Now, the bulk of the information Evergy agreed
5 to provide can be divided primarily into two categories:
6 distribution data and customer usage data.

7 With regard to the distribution data, the last
8 time a close look was given to distribution system costs
9 was over 30 years ago, back in the 1990s, when
10 significant work went into aligning the price signals of
11 the rate structure that Evergy is still using today.
12 Well, it's time to study it again because (1) it's not
13 been studied since then, and (2) the distribution systems
14 today look very different than they did back in 1994, and
15 as a result, the manner of calculating the costs to
16 distribute that power has changed. In the last rate
17 cases, Evergy was unable to answer Staff's questions on
18 how to estimate the cost of the secondary distribution
19 system to exclude from the bills of customers at primary
20 and secondary voltage systems, or to study the existing
21 price differentials in Evergy's existing tariffs.

22 Distribution system components are in the field
23 for decades, but, the system as it existed in the '90s
24 largely no longer exists. It is now time to get an
25 updated understanding of the cost of the secondary

1 distribution system versus the primary distribution
2 system, and to do a check of the existing Evergy rate
3 structures which charge customers within a class
4 different customer and facilities' charges based on their
5 sizes. Staff was disappointed that Evergy's direct
6 testimony failed to give a line by line cost estimate for
7 processes within the first stipulation provision, because
8 that cost estimate could have helped Staff find common
9 ground alternatives that Evergy could agree to.

10 The biggest pieces of information we need to
11 complete the puzzle are reasonable approximations of the
12 cost of running those primary and secondary lines, but we
13 need this docket for resolution of discovery disputes to
14 continue to develop alternative data for a distribution
15 system study. The Staff and the Commission should be
16 able to rely on information that's reliable, current, and
17 accurate. This requires open and productive dialogue and
18 cooperation from Evergy.

19 With regard to customer usage data, we need to
20 start with the basic understanding of two terms which
21 will be used throughout this case: rate class and rate
22 code. The rate classes are customer groups like
23 residential, small general service, medium general
24 service, large power service, and lighting. The rate
25 codes are the actual sets of rates that each customer

1 group pays. For example, residential default low
2 differential time of use or TOU and Residential Two
3 Period TOU. Each of those is a rate code, which will be
4 defined in Evergy's tariff, and they usually have
5 identifiers that are some letters and numbers like RPKA
6 or R-TOU-3.

7 I have a handout that I can use for
8 demonstrative purposes just that will be used later on
9 throughout the testimony. Do you want me to hand that
10 out?

11 JUDGE HATCHER: Yes, we're here now. Go ahead.

12 MS. KERR: That sheet uses the minimum general
13 service or MGS rate class that Evergy Metro as an example
14 for what we mean when we're talking about rate codes.
15 This is Evergy Metro MGS rate class-rate codes and rate
16 element pricing. This shows how the rate class is the
17 first category, which then includes the rate schedule
18 which is broken down into rate codes and they have
19 different prices based on the voltage at which the
20 customer takes service, and assumptions about the usage
21 profile of the customers. That's the level of data that
22 was the subject of the Stipulation and Agreement-the rate
23 code level, where rate prices are set.

24 This is the information that Staff is
25 requesting. That will be used -- That will be referred

1 to during some of the testimony later today and tomorrow.
2 According to the Stipulation and Agreement, with regard
3 to the customer usage data, Evergy committed to provide
4 hourly usage by rate code and the customer count
5 information needed to calculate average hourly usage for
6 customers on each rate code. In recent rate cases,
7 Evergy has only provided class level hourly usage and
8 only information for a time period that ended months to a
9 year before the rate case was even filed. One of the
10 most important uses of hourly load information is to
11 study the responses of customers to weather during the
12 study period, so that Staff can estimate what customer
13 bills would have been had the weather been, quote,
14 normal.

15 Weather normalization is not a new concept, and
16 in the past we have weather normalized all residential
17 customers lumped together. However, with residential
18 time-based time of use rates, we think and hope that all
19 residential customers will not respond the same to the
20 weather. In other words, Staff cannot assume that a
21 customer who pays a penny extra for using energy at 8:00
22 instead of 9:00 will react to a hot evening the same way
23 that a customer who pays 35 cents extra for that peak
24 energy will react. But without the hourly data, Staff
25 could treat that 1 cent customer's usage the same as that

1 35 cent customer usage, and will end up giving the
2 Commission the wrong answer. That would be unacceptable.
3 For the rate case Evergy West has noticed it will file in
4 the next month or so, Evergy's data request responses in
5 this case state that Evergy intends to use usage from
6 July of 2022 to June of 2023. That data will be almost a
7 full year out of date before Staff even files its direct
8 testimony. That means that any concerns or issues with
9 how to normalize and annualize time of use bills will
10 have to be dealt with in the true-up. That is not
11 reasonable, and it shouldn't be acceptable to the
12 Commission.

13 In the Stipulation and Agreement, Evergy not
14 only agreed to provide this customer and usage data, but
15 it also agreed to provide the information to Staff upon
16 request. Staff is not requesting this information for
17 its own edification, but to actually perform its duties.
18 To properly do its calculations, Staff will need hourly
19 customer and usage data by rate code for the test period,
20 the update, and the true-up in each rate case. It may
21 also be needed from time to time for MEEIA cases or other
22 things of that nature. In recent cases, Staff's update
23 period selection has been dictated by Evergy's ability to
24 provide billing data, and Evergy's delivery is months
25 behind that of other Missouri utilities.

1 Section 386.762(1), RSMo, states, the Public
2 Service Commission shall have the authority to review,
3 inspect and audit books, accounts and other records kept
4 by a utility or affiliate for the sole purpose of
5 ensuring compliance with Section 386.754 through 386.764
6 and make findings available to the Commission. When Ms.
7 Lange testified at Evergy's last rate case and asked for
8 customer usage data, including rate code and customer
9 count information and distribution data, among other
10 material, she had every right to do so. And she and
11 Staff had every right to expect the Company to provide
12 it.

13 Evergy has an obligation under the stipulation
14 and under the statute to comply with Staff's request for
15 data. Evergy signed a stipulation to provide very
16 specific data, and if it couldn't provide that
17 information, it agreed to explain what it would take to
18 get that data. Staff is disappointed that Evergy's
19 direct filing was not very clear on exactly what data
20 Evergy can provide and at what costs, but we will try to
21 clarify that during this hearing.

22 If you have any concerns or questions about
23 what any of this information is, how it would be used, or
24 why Staff is asking for it, please ask one of Staff's
25 four witnesses who each prefiled testimony. They are

1 Sarah Lange, Michael Stahlman, Kim Cox and J Luebbert.

2 Sarah Lange will testify and can answer your
3 questions about distribution cost studies and what
4 information is needed to review the reasonableness of
5 current tariffed rates, or to facilitate rate
6 modernization. She can also address the overall
7 framework of the 2022 Stipulation and Agreement and
8 Evergy's lack of progress on deliverability of customer
9 and usage data, since these issues first arose
10 approximately 10 years ago. You may be aware the issue
11 of deliverability of AMI load data has come up in prior
12 rate cases, stipulations, and a rate design docket.

13 At this point, her specific recommendations are
14 to leave this docket open for more discovery and to try
15 to resolve remaining discovery disputes, as Staff
16 continues to request information to complete distribution
17 system and demand charge studies, and to use this docket
18 as a means to resolve areas where Evergy asserts it
19 cannot provide requested data because production of this
20 data would require it to perform additional analysis.
21 The Commission should also order Evergy to produce
22 on-peak period demand determinants by rate code for
23 non-residential rate schedules and be ordered to define
24 up to five sets of on-peak demand periods for this study.

25 Michael Stahlman will testify and is available

1 to answer questions about the need for data to properly
2 weather normalize revenues and determine system peaks,
3 and how that is changing. He recommends the Commission
4 order Evergy to provide any usable hourly customer usage
5 information by rate code along with the customer count
6 information, which is needed to study the responses of
7 customers to weather, and to create the load information
8 that is necessary to produce fuel and purchased power
9 modeling, and to estimate class level demands for cost
10 allocation methods used by all parties to rate cases.

11 Kim Cox will testify regarding the need for
12 data for rate case billing determinants and the revenues
13 derived from them. She will recommend the Commission
14 order Evergy to provide the data requested dealing with
15 customer count and customer usage information, or at
16 least retain that information so that is available for
17 use in the future general rate cases.

18 J Luebbert will testify about the problems with
19 having limited access to Company system data to compile
20 information to help Staff develop recommendations
21 concerning fundamental issues in rate cases, which lead
22 to information asymmetry between what data the Company
23 has and what the Staff and the Commission has. As such,
24 he recommends the Commission order Evergy to ensure the
25 Company provides Staff access to actual hourly customer

1 load data and accurate customer counts by rate code in a
2 timely manner to avoid months of regulatory lag when
3 processing rate cases. He also recommends keeping this
4 docket open to resolve discovery disputes and to resolve
5 issues where Evergy asserts that it cannot provide the
6 requested data.

7 I'll be happy to answer any of your questions.
8 Thank you.

9 JUDGE HATCHER: Thank you. Chairman Rupp.

10 CHAIRMAN RUPP: Thank you. Appreciate your
11 opening. You made the statement that Evergy's delivery
12 of data is months behind other Missouri utilities. Can
13 you expand on that or can you tell me who to ask?

14 MS. KERR: I think the best person to ask would
15 be our witnesses either Sarah Lange or Kim Cox or J
16 Luebbert.

17 JUDGE HATCHER: Are there any other
18 Commissioner questions? The Judge has a quick question.

19 MS. KERR: Sure.

20 JUDGE HATCHER: Can you go back to your
21 citation of a statute.

22 MS. KERR: Sure.

23 JUDGE HATCHER: You said that Staff has the
24 authority under 386 and I missed the last three numbers.

25 MS. KERR: 762.

1 JUDGE HATCHER: Would it surprise you to learn
2 that that statute directs the Staff the authority to
3 review compliance if a utility is providing HVAC
4 services? I'm looking at 386.754 through 386.764. The
5 heading which for those listening is not legally binding
6 but it is put in there by the Revised Missouri Statutes.
7 It says utility companies-HVAC services. Can you
8 respond?

9 MS. KERR: If I got the citation --

10 JUDGE HATCHER: Okay. No problem. I totally
11 understand.

12 MS. KERR: I know --

13 JUDGE HATCHER: If you do have a citation of
14 the law, let's make sure and put that in our briefs.

15 MS. KERR: Sure.

16 JUDGE HATCHER: Excellent. Thank you, Ms.
17 Kerr. I think we are done with opening statements, and
18 we'll go ahead and move on to our first witness. My
19 understanding is that will be Sean Riley.

20 MR. STEINER: Company calls Sean Riley, yes.

21 JUDGE HATCHER: Thank you, Mr. Riley. Let me
22 swear you in before we get started. Please raise your
23 right hand. Do you solemnly swear or affirm that you
24 will tell the whole truth during your testimony?

25 THE WITNESS: I do.

1 JUDGE HATCHER: Thank you. And Everyg, the
2 witness is yours.

3 SEAN RILEY,
4 having been first duly sworn, was examined and testified
5 as follows:

6 DIRECT EXAMINATION

7 BY MR. STEINER:

8 Q. Please state your name for the record.

9 A. Sean Patrick Riley.

10 Q. Mr. Riley, where do you work?

11 A. Price Waterhouse Coopers.

12 Q. What is your position there?

13 A. I'm a partner.

14 Q. Mr. Riley, did you cause to be created what's
15 been marked as Exhibit 5, which is your direct testimony
16 in this case?

17 JUDGE HATCHER: And I just want to remind
18 counsel and witness to make sure and speak closely to the
19 microphone for the benefit of our court reporter. Thank
20 you.

21 THE WITNESS: That is correct.

22 BY MR. STEINER:

23 Q. Do you have any changes or corrections to that
24 testimony?

25 A. I do not.

1 Q. Are the answers in the testimony true and
2 correct to the best of your knowledge, ability and
3 belief?

4 A. Yes.

5 MR. STEINER: Your Honor, I'd move for the
6 admission of Exhibit 5 and tender this witness for
7 cross-examination.

8 JUDGE HATCHER: Okay. This is our first
9 exhibit. Just an information announcement to the parties
10 and to those listening. I tend to go very fast through
11 these. If there are multiple questions, I will combine
12 them. I am looking for objections. Because of the way
13 the Commission does file its testimony, all the parties
14 have had at least a few weeks, if not months, to review
15 and those objections would have been filed already.

16 Yes, Ms. Kerr.

17 MS. KERR: Staff objects to the filing of this
18 testimony.

19 JUDGE HATCHER: Excellent. Thank you. Can you
20 state your reason?

21 MS. KERR: We had filed our motion to strike
22 and we'd use the same reasoning.

23 JUDGE HATCHER: Thank you. That motion has
24 already been denied. We will stick with that, but we'll
25 make sure and add it onto the record. Everyy, your

1 witness.

2 MR. STEINER: I wasn't sure. Was it entered?
3 Was the exhibit admitted?

4 JUDGE HATCHER: You're right. It has not been.
5 I got done with my quick announcement and then got
6 sidetracked. Okay. You've heard the submission Exhibit
7 No. 5. Are there any objections besides Ms. Kerr's which
8 we have already dealt with? Hearing none. It is so
9 admitted.

10 (COMPANY'S EXHIBIT 5 WAS RECEIVED INTO EVIDENCE
11 AND MADE A PART OF THIS RECORD.)

12 MR. STEINER: Thank you. I would tender this
13 witness for cross-examination.

14 JUDGE HATCHER: Thank you, sir. For
15 cross-examination, we go first to Mr. Opitz.

16 MR. OPITZ: No cross, Your Honor.

17 JUDGE HATCHER: And Public Counsel.

18 MR. CLIZER: No questions, Your Honor. Thank
19 you.

20 JUDGE HATCHER: And Staff.

21 CROSS-EXAMINATION

22 BY MS. KERR:

23 Q. You've been paid separately for your testimony
24 today?

25 A. I will be.

1 Q. And how much will you be paid for your
2 testimony today?

3 A. It's going to be dependent on how much time is
4 incurred. I don't have that calculation. We haven't
5 done that calculation as yet.

6 Q. Is it hourly?

7 A. It is.

8 Q. How much hourly?

9 A. It depends on the level of staff working on the
10 job but, so it really depends anywhere from \$200 an hour
11 to \$700 an hour. Somewhere in there is my recollection.

12 MS. KERR: Okay. Thank you. No further
13 questions.

14 JUDGE HATCHER: Thank you.

15 MS. KERR: I do have a couple others.

16 JUDGE HATCHER: You're good. Go ahead.

17 BY MS. KERR:

18 Q. How many hours have you put in so far?

19 A. I don't have that. It would be difficult to
20 guess.

21 Q. Do you have an estimate?

22 A. 100, 80 to 100 my guess.

23 MS. KERR: Thank you.

24 JUDGE HATCHER: Thank you. That takes us to
25 Commissioner questions for Mr. Sean Riley. Any

1 Commissioner questions? Hearing none. The Judge does
2 have a couple.

3 QUESTIONS

4 BY JUDGE HATCHER:

5 Q. Does Price Waterhouse Coopers perform the
6 financial statement audit of Energy?

7 A. Of Evergy?

8 Q. I'm sorry. Of Evergy, yes.

9 A. No.

10 Q. Do you know if the FERC, that's Federal Energy
11 Regulatory Commission, USOA, that's Uniform System of
12 Accounts, do you know if the FERC USOA requires electric
13 utility use of a specific rate design methodology?

14 A. Of a specific, no.

15 Q. Can you tell me your experience with writing
16 computer software code or generating report queries from
17 utility customer data and billing software?

18 A. Certainly. I have zero, zero experience.

19 Q. Are you familiar with the National Association
20 of Regulatory Utility Commissioners, that's NARUC, are
21 you familiar with the NARUC 1992 Electric Utility Cost
22 Allocation Manual?

23 A. Yes.

24 JUDGE HATCHER: Thank you. I believe that ends
25 all the questions from the bench. That will take us to

1 recross-examination and we go back to MCEG. Mr. Opitz.

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

3 JUDGE HATCHER: Office of the Public Counsel.

4 MR. CLIZER: None. Thank you, Your Honor.

5 JUDGE HATCHER: Staff.

6 MS. KERR: None.

7 JUDGE HATCHER: And redirect. Company.

8 MR. STEINER: No redirect, Your Honor.

9 JUDGE HATCHER: Thank you. Mr. Riley, you are
10 excused from the witness stand subject to recall.

11 Perhaps now is a good time to discuss Mr. Riley's travel
12 plans. Please don't be very specific. I'm just wanting
13 to know if you're going to be around tomorrow.

14 **THE WITNESS: That is my plan.**

15 JUDGE HATCHER: Excellent. You're excused
16 subject to recall. Thank you, sir.

17 **THE WITNESS: Thank you.**

18 JUDGE HATCHER: For those listening and for
19 everyone in the audience, we are doing the subject to
20 recall in this case because we are taking the witnesses
21 one at a time and not according to issue which is
22 typically how the Commission would have arranged this.
23 So we're making sure that you're available for any
24 follow-up questions.

25 **THE WITNESS: I am.**

1 JUDGE HATCHER: Thank you. Let's go ahead and
2 have Everygy call up their next witness.

3 MR. FISCHER: Thank you, Judge. Company would
4 call Julie Dragoo.

5 JUDGE HATCHER: Ms. Dragoo, please raise your
6 right hand. Do you solemnly swear or affirm that you
7 will tell the whole truth during your testimony?

8 **THE WITNESS: I do.**

9 JUDGE HATCHER: Thank you. Everygy, your
10 witness.

11 JULIE DRAGOO,
12 having been first duly sworn, was examined and testified
13 as follows:

14 DIRECT EXAMINATION

15 BY MR. FISCHER:

16 Q. Please state your name and address for the
17 record and your position at the Company.

18 **A. My name is Julie Dragoo. I work at the Company**
19 **headquarters at 1200 Main in Kansas City, Missouri, and**
20 **my position is Senior Director of Customer Strategy and**
21 **Support.**

22 Q. Did you cause to be filed in this case direct
23 testimony which I'll tell you has been marked as Exhibit
24 1 and surrebuttal testimony which has been marked as
25 Exhibit 2?

1 **A. Yes.**

2 Q. Do you have any changes or corrections that you
3 know that need to be made to those pieces of testimony?

4 **A. I do not.**

5 Q. If I were to ask you the questions that are
6 contained in those Exhibit 1 and 2, would your answers be
7 the same?

8 **A. Yes.**

9 Q. And are they true, to the best of your
10 knowledge and belief?

11 **A. Yes.**

12 MR. FISCHER: Judge, I would move for the
13 admission of Exhibits 1 and 2 and tender the witness.

14 JUDGE HATCHER: Thank you. Pursuant to my
15 first announcement, you have heard the motion for the two
16 exhibits. Are there any objections to the admission of
17 Exhibit 1 and 2? Hearing none. They are both so
18 admitted.

19 (COMPANY EXHIBITS 1 AND 2 WERE RECEIVED INTO
20 EVIDENCE AND MADE A PART OF THIS RECORD.)

21 JUDGE HATCHER: And I believe you tendered the
22 witness. That takes us to Mr. Opitz.

23 MR. OPITZ: No cross, Your Honor.

24 JUDGE HATCHER: OPC.

25 MR. CLIZER: No questions. Thank you, Your

1 Honor .

2 JUDGE HATCHER: Staff.

3 MS. KERR: Yes, thank you. Morning.

4 **THE WITNESS: Good morning.**

5 CROSS-EXAMINATION

6 BY MS. KERR:

7 Q. Now, you reference on page 6 of your direct
8 testimony -- make sure I'm on the same page too.
9 Actually it's page 6 of your surrebuttal.

10 **A. Okay.**

11 Q. Sorry. You reference, quote, Data Requests No.
12 4 and No. 5, but you're actually referring to the items
13 in the stipulation rather than data requests --

14 **A. Yes.**

15 Q. -- sent by the parties, right?

16 **A. Yes, the detail from Brad Lutz's feasibility**
17 **assessment and his table.**

18 Q. Okay. So we can refer to those as something
19 else for clarity?

20 **A. Sure.**

21 Q. So when you're talking about the Stipulation
22 and Agreement items, you're talking about stipulation
23 Items No. 4 or No. 5, right?

24 **A. Yes.**

25 Q. Okay. So throughout your testimony that's what

1 you're describing?

2 **A. Correct.**

3 Q. So with regard to the program or database
4 changes required to obtain the sum of hourly meter reads
5 by rate code or what's listed as Item No. 3 --

6 **A. Is it Item No. 3? Let me get to the right**
7 **page.**

8 Q. So if we're talking about Item 3 on the
9 stipulation.

10 JUDGE HATCHER: I'm going to interrupt. I see
11 that we have reached actual testimony and we are talking
12 about a piece of paper that has no foundation and is not
13 entered as evidence. I understand it's a demonstrative
14 exhibit, but I would really, really like to have it
15 marked so that we can all refer to this document because
16 I've also just now heard you refer to it as stipulation,
17 which I don't recall there being more than one paragraph
18 that's applicable here in the actual stipulation. It was
19 attached and it was in Ms. Lange's testimony, but you're
20 referring to the original nine or so questions, right?
21 Go ahead.

22 MS. KERR: It's how Mr. Lutz was referring to
23 them as well.

24 JUDGE HATCHER: No, no, I'm good with the
25 reference. I'm following along. I want to make sure

1 that the record follows along so that in a couple weeks
2 or a couple months as we're all writing.

3 MS. KERR: Okay. That's fine. I can just have
4 it marked as an exhibit. Whatever exhibit number we're
5 on.

6 JUDGE HATCHER: That's okay. I've got 204 is
7 the next I have for Staff.

8 MS. KERR: 204.

9 JUDGE HATCHER: This is unusual. So I want to
10 make sure and bring this to the Company's attention.
11 This is an unmarked two pieces of paper. I'm fine
12 accepting it because I know what we're talking about.

13 MR. FISCHER: Judge, this just reflects the
14 stipulation on the data retention paragraph and then I
15 think it reflects the information that Ms. Lange
16 requested in the original case and is now subject -- it's
17 in Brad Lutz's testimony. I have no objection to this.

18 JUDGE HATCHER: We've all read it a hundred
19 times, but I just want to make sure because nobody has
20 done a word comparison of these photocopied papers. So
21 that's all.

22 MR. FISCHER: I'll take Staff's word that
23 that's it.

24 JUDGE HATCHER: Excellent. Any other
25 objections? So admitted. That is Exhibit 204. I

1 apologize for the interruption. Thank you both for
2 helping me clarify and clear that up.

3 MS. KERR: No, I'm sorry if I was causing some
4 confusion with that. Okay. So it's Exhibit 204?

5 JUDGE HATCHER: Yes.

6 (STAFF EXHIBIT 204 WAS RECEIVED INTO EVIDENCE
7 AND MADE A PART OF THIS RECORD.)

8 BY MS. KERR:

9 Q. Do you have a copy of what's been marked 204?

10 A. Yes.

11 Q. Okay. I'm sorry about that. So if you look at
12 stipulation Item No. 3?

13 A. Okay.

14 Q. So with regard to the program or database
15 changes required to obtain the sum of hourly meter reads
16 by rate code, what did you know in July of '23 that you
17 didn't know back in August of '22?

18 A. So I just want to be real clear that I'm
19 answering the correct question because Item No. 3 is
20 discussing the number of customers served on a rate
21 schedule and I think you're asking about hourly data.

22 Q. For customer accounts, the number of customers
23 by rate code, what did you know in July of '23 that you
24 didn't know in August of '22?

25 A. So maybe start again with the question just so

1 that I'm clear on what it is you're asking. Maybe I can
2 repeat it. Are you trying to understand what we know
3 differently now than we knew in August of 2022 about
4 providing the count of customers by rate code?

5 Q. Yes.

6 A. So from my perspective, I wasn't involved in
7 the conversations in August of 2022, so I can't say what
8 was known differently then than now. From my
9 perspective, we've said in this docket here that this is
10 available data and could be provided.

11 Q. All right. I'll move on then. If the
12 Commission ordered you to provide a report of how many
13 customers were on each rate code for each week of every
14 month in the past year, would Evergy be able to provide
15 that? Could you do that?

16 A. That is not something that we have evaluated,
17 so I wouldn't be able to answer that question right now.
18 A weekly count by rate code.

19 Q. A report of how many customers were on each
20 rate code for each week of every month for 2023.

21 A. This would be a depends conversation on what it
22 is we're really trying to get after. So as discussed in
23 my testimony, there's a variety of ways customers can be
24 counted as though just to make sure we would need to know
25 what is the expectation of that customer count by rate

1 code, right? Is it customers who have been billed on
2 that rate code? Is it customers who are just on that
3 rate code but maybe have not been billed? So it would
4 need to be further defined.

5 Q. So if they were billed, could you provide that?

6 A. Yes.

7 Q. If the Commission ordered you to provide a
8 report of the customer usage at each applicable voltage
9 for each rate code by hour for the past year, could you
10 provide it?

11 A. Is that effectively the question in Item No. 4?

12 Q. I believe so.

13 A. What would be the frequency? The answer is as
14 in our testimony the data is available and could be
15 provided.

16 Q. Each rate code by hour. You could?

17 A. Assuming that we have the time to build the
18 information, test it, all of the things.

19 Q. I'm sorry?

20 A. Yes. In our testimony, it says it could be
21 provided.

22 Q. How long would it take?

23 A. I believe we have the estimate in there for
24 Item No. 4.

25 Q. How many months would it take to produce it?

1 **A. I don't have a month number, I have it by**
2 **hours, and based on the assumptions that we have made to**
3 **provide this estimate.**

4 Q. And do you know how much it would cost?

5 **A. If we have roughly 360 hours, around 54,000.**

6 Q. If the customers were on a rate code but not
7 billed, can Evergy provide the customer counts for 2023?

8 **A. By what time frame? Yes.**

9 Q. Weekly?

10 **A. That is not something we have discussed**
11 **internally. So I would want to make sure I didn't commit**
12 **to that with this estimate.**

13 MS. KERR: May I approach? I'm going to hand
14 you 205?

15 JUDGE HATCHER: Yes. We're on 205.

16 BY MS. KERR:

17 Q. I'm going to hand you what's been marked
18 Exhibit 205. That's Evergy's response to a data request
19 in ER-2022-0129. It was Evergy's response to Data
20 Request No. 250.1. In that case Evergy provided class
21 level hourly loads, correct?

22 **A. State the question again. Class, at the class**
23 **hourly loads?**

24 Q. In that case, Evergy provided class level
25 hourly loads, correct?

1 **A. Correct.**

2 Q. And Evergy represented those loads were derived
3 from summing AMI meter data, correct?

4 **A. Correct.**

5 Q. This response states that no voltage or loss
6 adjustments were applied to the hourly load by rate class
7 data, correct?

8 **A. This is not a DR that I am familiar with, so**
9 **that is what it says, yes.**

10 MR. FISCHER: Judge, I think Brad Lutz is the
11 signatory to that. He could probably answer that.

12 MS. KERR: I'd just ask to offer and admit it.

13 JUDGE HATCHER: This exhibit?

14 MS. KERR: I'll ask Brad Lutz those questions
15 then.

16 JUDGE HATCHER: Did you want to --

17 MS. KERR: I would ask that that exhibit be
18 admitted.

19 JUDGE HATCHER: You've heard the request.
20 Exhibit 205 purports to be the response to DR 0250.1.
21 Are there any objections?

22 MR. FISCHER: No objection.

23 JUDGE HATCHER: Hearing none. So admitted.

24 (STAFF EXHIBIT 205 WAS RECEIVED INTO EVIDENCE
25 AND MADE A PART OF THIS RECORD.)

1 JUDGE HATCHER: Are there any further Staff
2 questions?

3 MS. KERR: No, not at this point.

4 JUDGE HATCHER: Thank you. That will take us
5 to Commissioner questions. Are there any Commissioner
6 questions? Commissioner Holsman.

7 COMMISSIONER HOLSMAN: Thank you. Thank you.
8 Morning.

9 QUESTIONS

10 BY COMMISSIONER HOLSMAN:

11 Q. I just want to sort of get a little better
12 understanding from a macro perspective. So your role is
13 in the IT side helping develop the systems that would
14 potentially create the data that could comply with this
15 request?

16 A. So I actually serve in the customer
17 organization, but I have the teams that support the data
18 analytics, I have the teams that do the configuration of
19 the systems and do IT-ish work, but we are not in the IT
20 organization.

21 Q. Okay. As I'm looking at the testimony that
22 Brad Lutz provided that sort of outlined what was
23 available, what was, you know, plausible, and then what
24 was complex or difficult, would you be involved in
25 determining which of those levels that was created out?

1 **A. Yes.**

2 Q. Based on your response to the last Staff
3 question, is anything possible with time and money? I
4 mean, is any of these systems could be done if you had
5 unlimited resources and unlimited time to accomplish the
6 requests?

7 **A. Sure, yes.**

8 Q. Okay. So then it's a matter of determining the
9 cost benefit analysis of putting that effort into the new
10 systems because the way I read Mr. Lutz's testimony there
11 are just some that the way that you currently are
12 collecting data it's not designed to produce that end
13 result which is what's being requested?

14 **A. Correct.**

15 Q. So then the real question becomes what of the
16 requests are critical to the ongoing work of Staff?

17 **A. Yes.**

18 Q. Okay. That's what I wanted to try to get to.
19 I think I'll have more questions for Mr. Lutz about which
20 ones.

21 Are there any of these requests that you would
22 consider to be, even though they're in the realm of
23 cost/time plausibility that are just not feasible?

24 **A. Data Request No. 1.**

25 Q. Data Request No. 1. Because of the cost

1 associated with it? Is that a confidential cost?

2 MR. FISCHER: No.

3 BY COMMISSIONER HOLSMAN:

4 Q. No. So we're looking 80 to \$100 million for
5 No. 1?

6 A. Yeah. I think the way you have to look at that
7 from our perspective is just this is an ask that's never
8 been made before. So we had to kind of take a look at
9 all the different sort of transformational type efforts
10 that we've done in the past and what that might cost.
11 Without a defined scope of work, it's really difficult to
12 get much granular than this number.

13 COMMISSIONER HOLSMAN: Okay. All right. Thank
14 you so much. Thank you, Judge.

15 JUDGE HATCHER: Thank you, Commissioner. Are
16 there any other Commissioner questions for Ms. Dragoo?
17 Commissioner Hahn.

18 COMMISSIONER HAHN: Thank you, Judge.

19 QUESTIONS

20 BY COMMISSIONER HAHN:

21 Q. I can't remember whose testimony I read it in
22 but also in Mr. Lutz's testimony it does say that some of
23 the data is available and that in one of the testimonies,
24 I can't remember which one, but if the Commission is
25 interested in that particular set of data that we should

1 order it. Is that still -- Have you provided any
2 additional data to Staff since that testimony or if it is
3 available, would Evergy's position be that we still need
4 to order it?

5 **A. Yes. So our position here is that this has**
6 **been looked at collectively. So at the point we're at**
7 **now we have not provided the specific requests.**

8 COMMISSIONER HAHN: Okay. Thank you.

9 JUDGE HATCHER: Thank you. Are there any other
10 Commissioner questions? Hearing none. The Judge does
11 have a few.

12 QUESTIONS

13 BY JUDGE HATCHER:

14 Q. Does Evergy currently track line transformer
15 costs and expenses?

16 **A. I'm going to leave that to Mr. Lutz.**

17 Q. Okay. I'm going to go ahead and run through
18 these just to make sure. Primary distribution costs and
19 expenses?

20 **A. Mr. Lutz.**

21 Q. Secondary distribution costs and expenses?

22 **A. Mr. Lutz.**

23 Q. Primary voltage service drop costs and
24 expenses?

25 **A. Mr. Lutz.**

1 Q. Line extension costs, expenses and
2 contribution?

3 A. Mr. Lutz.

4 Q. And meter costs?

5 A. Mr. Lutz.

6 Q. How about voltage class or rate code, questions
7 involving those two terms?

8 A. As it relates to the asks in this, potentially,
9 yeah, I can probably answer some of those.

10 Q. Besides capital investments and maintenance
11 expenses which are tracked by voltage class and rate
12 code, according to Mr. Lutz, are there other costs or
13 expenses that are tracked in categories by voltage class
14 or rate code? I'll give you some examples. Operating
15 expenses and costs, regional transmission organization
16 fees and expenses.

17 A. Mr. Lutz.

18 Q. We were so close. And last, my last question,
19 if Evergy does not track those -- If Evergy does not
20 track those costs by rate code or voltage, how does it
21 determine if it is recouping the appropriate revenue from
22 those customers?

23 A. Mr. Lutz.

24 JUDGE HATCHER: We took a try. Thank you.
25 That does take us to recross-examination. Let me find my

1 cheat sheet. I believe that goes to Mr. Opitz.

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

3 JUDGE HATCHER: And then Public Counsel.

4 MS. MARTIN: One moment.

5 MR. CLIZER: Sorry, Your Honor. No questions.

6 JUDGE HATCHER: Thank you. That will take us
7 to Staff.

8 MS. KERR: Yes.

9 RECROSS-EXAMINATION

10 BY MS. KERR:

11 Q. So you told Commissioner Holsman that it was
12 difficult to estimate costs without a defined scope of
13 work. What action did Evergy take to define that scope
14 of work for Stipulation Item 1?

15 A. As I mentioned to Mr. Holsman, Evergy had to
16 look at this as a holistic tops down estimate because
17 there weren't refined business requirements, right, so it
18 was difficult to do a bottoms up estimate without
19 specific items to describe how our systems would need to
20 work to make this data available.

21 Q. Did Evergy consider looking at the items listed
22 in Stipulation Item 1 item by item?

23 A. No, we did not.

24 MS. KERR: Okay. Thank you.

25 JUDGE HATCHER: Thank you, Ms. Kerr. I believe

1 that takes us to redirect.

2 MR. FISCHER: Yes, Judge, a few questions.

3 REDIRECT EXAMINATION

4 BY MR. FISCHER:

5 Q. Ms. Dragoo, you were asked about your role at
6 the Company and the cost benefit analysis. Would you
7 explain what your involvement was and what did you do to
8 estimate the cost particularly of the data requests in 1
9 that are most problematic?

10 A. Yeah, absolutely. So as mentioned, my team
11 works on a lot of transformational projects. I have the
12 project delivery team for the customer organization. So
13 we have worked on our large projects in the past and so
14 we have a familiarity of what these large
15 transformational type of projects would cost. So we took
16 that expertise along with the knowledge that this would
17 be a really new concept in the industry. So there
18 weren't any industry benchmarks for us to attempt to use
19 to say well, it could cost about this much, right, it
20 would be a brand new review of scope of requirements of
21 that kind of thing.

22 In addition, it's not just change in systems,
23 right, so it's a people, process, technology. This would
24 be a huge organizational change management effort for
25 Evergy.

1 Q. Would you explain the difference between I
2 think what you referred to a tops down or a bottoms up
3 approach?

4 A. Sure. So again, tops down is a high level
5 estimate, so how we first look at projects at Evergy is
6 really kind of here's the shirt size, and I think I
7 mentioned that in my testimony, right, is it small,
8 medium, large, extra large and then that gives us the way
9 to say okay, this is an extra large effort, we need to
10 spend some time to do the benefit analysis of what this
11 project brings to the Company before we go and spend the
12 money.

13 Once those things are decided, then we would
14 take the approach of a bottoms up estimate and we would
15 say okay, now we really need to go and define exactly
16 what it is we're trying to accomplish with a solution and
17 write business requirements, define and design how that's
18 going to work, and that's what it would take to really
19 hone in on a very specific estimate.

20 Q. Would you explain from your perspective why
21 it's problematic to make these changes to capture by
22 voltage and by rate code?

23 A. Absolutely. So the way our systems work today,
24 they're set up specifically for that individual process.
25 So you think about our billing system that would have

1 rates, including rate codes, our MDM is going to have the
2 usage that then flows to the billing system for billing.
3 But our work management systems, our property accounting
4 systems, even our PeopleSoft do not track customer level
5 information into those systems. They're looking at those
6 assets, they're looking at the, you know, creating our
7 financial statements and those are not tied to a voltage
8 or rate code.

9 Q. Commissioner Hahn asked you some questions I
10 think about some of the data is available. Are you the
11 witness or should I ask Brad Lutz to go through what is
12 available and what we think we've already done or do you
13 have some aspects?

14 A. I can have some aspects with that, particularly
15 with the billing.

16 Q. Would you go through that with the Commissioner
17 --

18 A. Sure.

19 Q. -- or with me for the Commissioner?

20 A. So if we start with No. 2, do you just want to
21 go through this list?

22 Q. Yeah, that would be great.

23 A. Yeah, absolutely. I think I explained a little
24 bit about No. 1 just now. No. 2 is the total number of
25 customers served by the rate schedule. We have said that

1 this is data that we have that we have available that we
2 can track. It is not tracked in the fashion that is
3 asked for in this request or item, whichever way we want
4 to describe it at this point.

5 Q. So it's not available in exactly the format
6 Staff asked for but it is available?

7 A. Yes. And we did notice also just in the, you
8 know, the rebuttal and in some other data requests that
9 the asks continue to expand, particularly for this
10 particular ask so customer count by rate code has also
11 now become by billing cycle. And so while we put an
12 estimate forth here, if we continue to work with others
13 on this particular item, we would have to reevaluate this
14 ask or this estimate.

15 No. 3 is very similar to No. 2, but I believe
16 this is the one that just is asking for customers that
17 don't have interval data or do have interval data. So
18 it's a very similar ask. If worked in tandem I think
19 would not -- we estimated these individually. If worked
20 at the same time could be a reduction in these two items.

21 No. 4, that is the hourly usage summed by rate
22 code. That is information that could be made available.
23 It is not information that we have readily available
24 because it's not an analysis that we as a company have
25 done. We do store the data. We have the interval

1 information for our customer usage --

2 THE COURT REPORTER: Are you saying interval?

3 THE WITNESS: Interval, yes, hourly, yes,
4 interval. And so we do have the information. It would
5 take some effort to build the system, build the data,
6 define the requirements of how we would put this all
7 together and sum it by rate code.

8 No. 5, if we were to go through this one, I
9 think, you know, originally we believed this to be a
10 different ask which we assumed was any adjustment to any
11 kind of usage would need to be sort of a realtime update
12 and so thus the larger estimate. We believe through
13 rebuttal, surrebuttal and some data requests this is
14 specific to voltage adjustments and should be available
15 just through our regular metering and billing
16 information.

17 BY MR. FISCHER:

18 Q. So your estimate that you've included in your
19 original testimony would be less for that?

20 A. Absolutely.

21 Q. Okay. Is it available today?

22 A. Yes. Not in the format asked, just to be real
23 clear. It would be in the same qualification as like No.
24 4. We'd have to work to put that all together.

25 Q. Go ahead with your list.

1 A. Yes. I'm having a hard time, so I'm going to
2 put this a little closer to my face. No. 6, this is the
3 request that is the from time to time the Commission may
4 ask for additional information. We marked this red with
5 complex delivery. It's really hard to predict what might
6 be asked. So it's hard to give an estimate on what it
7 might cost or what it might take for an ask that we don't
8 know what it is.

9 No. 7, this relates to interval data being
10 retained for a minimum of 14 months. We don't believe
11 this is applicable. We don't think it's a request other
12 than just a statement to retain and this is happening at
13 Evergy and is occurring right now.

14 No. 8, eight retain individual hourly data for
15 use in providing bill comparison tools for customers to
16 compare rate alternatives. Again, we are retaining the
17 individual hourly data. This is for use with customers
18 and their rate compare information. Right now we're on
19 applicable meters and applicable rates. So we don't
20 believe this is an ask as much as a yes, Evergy is
21 retaining this information.

22 8b, retain coincident peak determinants. I'm
23 going to let Mr. Lutz cover this one. I believe 8c is
24 related to part one which we covered and we'll let Brad
25 Lutz cover that one. 8c2, a minimum of 12 months of data

1 described in parts 2 through 5. Again, for the
2 individual items, those should be available providing
3 additional months worth. Again the estimate to build
4 those diastases. 8c3, I would just -- I would package c,
5 8c3 and 8c4, these are requests for individual customer
6 samples. Again, we have the data, we are storing the
7 data, we use the data. The deliverability is such that
8 it would need to be limited based on the hourly data and
9 a small sample size. So no more than a hundred and it
10 would be this cost estimate every time to build that
11 report since it would be a new set of customers most
12 likely.

13 And then I will say 8d, this is 36 months. We
14 discussed looking at the individual items above, right.
15 So assuming that does not include Item No. 1 for places
16 where we have 36 months of data stored in our data hub,
17 which I mentioned in my testimony, that would be
18 available. And then I'll let Brad speak to No. 9.

19 Q. Judge Hatcher asked you about a number of areas
20 that you said should be discussed with Brad Lutz related
21 to line transformers, primary distribution, secondary.
22 Do you recall that?

23 A. Yes.

24 Q. Are those costs -- Are those areas particularly
25 important for Data Request No. 1 rather than customer

1 usage or data requests?

2 A. Yes.

3 Q. Ms. Dragoo, do you in your work with your
4 group, can you explain what groups you worked with to
5 come up with the cost estimates?

6 A. Yes. In particular for the items that are
7 related to the billing and usage information, those would
8 be the folks working specifically on my teams, the
9 systems who support that team, the data analytics team
10 who work in that data on a regular basis, our IT partners
11 who also manage the data warehouses and the data hub.
12 For the estimates related to Item No. 1 around
13 distribution by rate code and voltage, we used a large
14 cross-section of Company experts from our distribution
15 systems support teams, our accounting support teams, the
16 experts.

17 MS. KERR: I'm going to object. I think we're
18 going past what we've discussed in direct and cross.

19 JUDGE HATCHER: Response?

20 MR. FISCHER: Judge, I'm just following up on
21 the cost estimate process that was discussed with the
22 Judges, or with the Commissioners, I'm sorry, and she's
23 explaining how that was developed and who was involved.

24 JUDGE HATCHER: Yeah, I'm going to overrule
25 that.

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

2 THE WITNESS: So a large cross-section of that
3 experts. Experts with the systems, experts with our
4 accounting practices, experts with our accounting
5 systems, a wide variety of folks.

6 BY MR. FISCHER:

7 Q. Do you believe those folks that you worked with
8 in developing those were operating in good faith?

9 A. 100 percent.

10 MR. FISCHER: That's all I have, Judge.

11 JUDGE HATCHER: Thank you. And I would notice
12 that it is just a few minutes before the noon hour. We
13 will be taking a lunch break before we get to Mr. Lutz's
14 testimony. Ms. Dragoo, I want to ask about your travel
15 plans. Please don't give me any details. Are you going
16 to be available for recall tomorrow?

17 THE WITNESS: Yes.

18 JUDGE HATCHER: Thank you. You are excused
19 from the witness stand subject to recall. Let's take our
20 lunch break. Are there any pressing announcements we've
21 got to get taken care of in the next 30 seconds? Seeing
22 none. Let's go to lunch, return here at 1:00, at 1:00.
23 We're off the record.

24 (The noon recess was taken.)

25 JUDGE HATCHER: All right. Let's go back on

1 the record the hour of lunch recess having expired. We
2 are on the Company witnesses.

3 MR. FISCHER: Mr. Brad Lutz is our next one.

4 JUDGE HATCHER: Thank you. Mr. Lutz, come on
5 down.

6 MS. KERR: If I could just --

7 JUDGE HATCHER: Go ahead.

8 MS. KERR: This is Carolyn Kerr. During my
9 opening you had asked about the statute that I had cited.
10 And I just wanted to update that, if I could, before. Do
11 you want me to do that now?

12 JUDGE HATCHER: No. I'm sorry. Opening
13 statements are over. Let's move on to witnesses. You
14 can put that in your brief. Thank you.

15 MS. KERR: Okay. Thank you.

16 JUDGE HATCHER: My turn. Let me see where I'm
17 at. Please raise your right hand. Mr. Lutz, do you
18 solemnly swear or affirm that you will tell the whole
19 truth during your testimony?

20 **THE WITNESS: I do.**

21 JUDGE HATCHER: Thank you, sir. Every, your
22 witness.

23 BRAD LUTZ,
24 having been first duly sworn, was examined and testified
25 as follows:

DIRECT EXAMINATION

BY MR. FISCHER:

Q. Please state your name and address for the record.

A. My name is Brad Lutz. My work address is 1200 Main Street, Kansas City, Missouri.

Q. Are you the same Brad Lutz that caused to be filed direct testimony and surrebuttal testimony in this case?

A. I am.

Q. And I believe your direct has been marked as Exhibit 3 and your surrebuttal as Exhibit 4.

A. Okay.

Q. Do you have any changes or corrections you need to make?

A. I do. For my surrebuttal.

Q. Okay. Would you go to your surrebuttal and identify your changes.

A. Yes. These will occur on page 26 of my surrebuttal. These were the result of an exchange with Staff of Data Request 210. And my correction would begin on line 10, page 26. Instead of referring to confirm the Company response as appropriate satisfying the data request, I would instead point that row to the equivalent line on page 25, row 7, and then for row 20 also on page

1 **26 related to Item 8d.**

2 Q. Well, before you do that, would you read what
3 it should be for the record?

4 A. Yes. So begin on line 10, page 26.

5 THE COURT REPORTER: Can you read punctuation
6 also.

7 THE WITNESS: Okay. Line 10 currently says for
8 Data Request No. 8b, confirm the Company response as
9 appropriate, satisfying the data request. That should
10 instead say for Data Request 8b, the Commission should
11 reject this item. And then secondly on row 20, page 26,
12 it currently says for Data Request No. 8d, confirm the
13 Company response as appropriate satisfying the data
14 request. It should say for Data Request No. 8d, confirm
15 appropriateness of the data requested and approve
16 regulatory treatment for prompt company recovery of
17 expenditures to deliver the data requested. And again I
18 would refer to Data Request 210 as being the basis for
19 that change.

20 BY MR. FISCHER:

21 Q. Are there any other changes?

22 A. No, sir.

23 Q. If I were to ask you with those changes in
24 mind, if I ask you the questions today, would your
25 answers be the same?

1 **A. They would.**

2 Q. And are they true and accurate to the best of
3 your knowledge and belief?

4 **A. They are.**

5 MR. FISCHER: Judge, with that I would move for
6 the admission of the two exhibits and tender the witness
7 for cross.

8 JUDGE HATCHER: Before I take up those two
9 motions, I would like to request an --

10 MR. FISCHER: Errata.

11 JUDGE HATCHER: Yes, please, as an exhibit just
12 with those changes. We'll set a due date for a week or
13 two. We'll discuss that at some other point after the
14 hearing. And let me get your number.

15 MR. FISCHER: 4 and 5, I think.

16 JUDGE HATCHER: 6 will be the errata sheet for
17 Lutz. And I will include that in my notice of orders
18 given during the hearing. Mr. Clizer.

19 MR. CLIZER: Sorry. I was waiting for you to
20 call for objections.

21 JUDGE HATCHER: Okay. You heard the motion
22 from the Company. Exhibits 3 and 4, we'll take them
23 together. Are there any parties with objections?
24 Mr. Clizer, do you have an objection?

25 MR. CLIZER: Yes. As I was following along

1 with the corrections being made, it appeared to me that
2 they were not actually corrections but rather updates,
3 and therefore I would object to the updates being made.
4 I would posit that I am willing to wait for the errata
5 sheet to be filed and to file my objections
6 correspondingly then, because I want to verify it, but
7 otherwise those don't appear to be corrections. I don't
8 object to the body of the testimony otherwise.

9 JUDGE HATCHER: Understood. I had the same
10 concern. I would rather deal with it now rather than
11 delay it until afterwards.

12 MR. FISCHER: Judge, if I ask him would his
13 answers be the same today as they were when he filed it,
14 his answer will be no, because they're not correct today.
15 And that's what we're trying to update.

16 JUDGE HATCHER: Correct. Are you correcting or
17 changing position? If you're changing position, I think
18 we let in his testimony, we don't have any objections and
19 then we're certainly going to come back to redirect.

20 MR. FISCHER: We can do it that way. That will
21 be fine.

22 JUDGE HATCHER: Go ahead.

23 MR. CLIZER: Redirect would not be a cure in
24 this situation because the principal problem is that the
25 other parties, Staff and myself and MECG, have not had an

1 opportunity to really digest the nature of the change
2 being made. So for example -- I don't need to provide an
3 example. I think you get my point.

4 MR. FISCHER: Judge, could I ask just another
5 question to Mr. Lutz.

6 BY MR. FISCHER:

7 Q. What's the nature -- Why are you making this
8 change and what's the nature of it?

9 A. The section that is being updated is a summary
10 of the Company positions in that testimony and in the
11 data request exchanges with Staff it was highlighted that
12 the improper summary was reflected. So this would change
13 that language to reflect our position offered in that
14 testimony.

15 JUDGE HATCHER: To reflect your existing
16 position that was a typo in the summary, or is this from
17 Staff's DRs after you submitted your testimony?

18 THE WITNESS: It definitely occurred after.

19 JUDGE HATCHER: Okay. Not a correction. I
20 would like to find a path forward so that we can take his
21 testimony and then --

22 MR. CLIZER: Really quick. Let me -- So just
23 repeat really quick. What were the changes? You don't
24 have to do it -- which two of those letters on page 26?

25 MS. SCURLOCK: Your Honor, perhaps if we could

1 have the errata sheet by the end of the day and we could
2 hold admitting testimony at this stage. If we do have
3 another day of hearing tomorrow, perhaps the parties
4 could review the changes overnight.

5 JUDGE HATCHER: That sounds like a path
6 forward. Any objection? Everyy.

7 MR. STEINER: It may be filed tomorrow morning.
8 We can certainly get it put together.

9 JUDGE HATCHER: Tomorrow morning is the offer
10 on the table.

11 MR. CLIZER: This is for just the errata sheet?

12 MS. SCURLOCK: By tomorrow morning perhaps by
13 8:00 a.m. at least giving us a couple hours before the
14 hearing is scheduled to start.

15 JUDGE HATCHER: We've got a correction on that
16 one too.

17 MR. STEINER: 8:00 a.m. is fine.

18 MR. CLIZER: With that then, are you -- So I
19 didn't object to the actual body of the testimony.
20 That's going to be offered and accepted. Is that the
21 case?

22 JUDGE HATCHER: I'm going to ask at 8:05-ish
23 tomorrow morning is how I understand. I'll take nods.
24 Okay, yes, we're going to do that. Let's go ahead with
25 Mr. Lutz's testimony then and we will hold the admission

1 of his direct and surrebuttal and errata sheet and ask
2 tomorrow morning. Excellent. Everyg, your witness.

3 MR. FISCHER: Well, I move for admission of
4 both exhibits. You're going to hold both until tomorrow.
5 I can do that and tender the witness at this time.

6 JUDGE HATCHER: So tendered. Let's go to the
7 cheat sheet for cross-examination. I believe that is
8 going to be Mr. Opitz.

9 MR. OPITZ: Good afternoon, Mr. Lutz.

10 **THE WITNESS: Good afternoon.**

11 **CROSS-EXAMINATION**

12 BY MR. OPITZ:

13 Q. Is it fair to say that the Company's position
14 as outlined in your testimony is that the core of Staff's
15 -- it has concerns that the core of Staff's requests in
16 this case extend beyond what is necessary in the
17 Company's operations to provide service to customers?

18 A. **Generally, yes, in that the requests in many**
19 **ways have asked for things that are not operationally**
20 **available.**

21 Q. So were you in the room for opening statements
22 this morning?

23 A. **I was.**

24 Q. And do you recall counsel for Office of Public
25 Counsel talking about the three core functions of the

1 Public Service Commission I guess when designing rates or
2 looking at a rate case?

3 **A. I do.**

4 Q. At a high level, that was looking at the
5 revenue requirement, looking at the cost allocation, and
6 then looking at rate design, correct?

7 **A. Correct.**

8 Q. In your experience, the Company's been able to
9 develop revenue requirements without the information
10 requested by Staff in this case, correct?

11 **A. That is correct.**

12 Q. And the Company's been able to perform class
13 cost of service studies without the information requested
14 by Staff in this case, correct?

15 **A. Also correct, yes.**

16 Q. And the Company has been able to develop rates
17 for each class without developing or compiling the
18 information that Staff is requesting in this case,
19 correct?

20 **A. That is correct.**

21 Q. And you've been able, you, Evergy has been able
22 to bill customers without the information that Staff is
23 requesting you compile in this case, correct?

24 **A. That is correct.**

25 Q. And one of the arguments for, I guess that was

1 outlined by the Staff for the reasons they need this data
2 is because they need to develop throughput disincentive
3 information; am I summarizing that correctly?

4 **A. That is one.**

5 Q. Evergy has been able to develop energy
6 efficiency charges without this information requested by
7 Staff?

8 **A. Yes, thus far, yes.**

9 Q. They've been able to develop fuel adjustment
10 clause charges without the information requested by
11 Staff?

12 **A. Yes.**

13 Q. You've been able to develop RESRAM charges
14 without the information developed by Staff?

15 **A. Yes.**

16 Q. You've been able to develop, although I don't
17 think implement yet, securitization charges without the
18 information requested by Staff, correct?

19 **A. Yes, with your caveat.**

20 Q. And Evergy also has at least in the past couple
21 rate cases previewed that it has a rate modernization
22 plan; is that correct?

23 **A. That is correct.**

24 Q. And that's to touch on how rates look for
25 customers in the future; is that right?

1 **A. Correct.**

2 Q. And within those cases, the Company has been
3 willing to consider alternative proposals for rate
4 designs by the parties especially taking into account
5 customer preferences or customer choices. Would you
6 agree with that?

7 MS. SCURLOCK: I'm going to object to that.
8 I'm not sure how that's relevant to the information in
9 this case. And the counsel also referenced a case. I'm
10 not sure what case he's referencing.

11 JUDGE HATCHER: Mr. Opitz.

12 MR. OPITZ: Sure. Whether the Company is able
13 to or has been able to develop these I think gets to some
14 of the core of what this case is about. I mean, what
15 this information is going to be used for. The Staff's
16 testimony and the Company's testimony touches on while
17 this information is or is not needed for various aspects
18 of either allocating costs or designing rates. And then
19 as to the second point -- so I think it's relevant there.

20 As to the second point when I referenced, I
21 think I referenced the case I was talking about rate
22 cases, I'm going to try to remember the case numbers but
23 I believe two rate cases ago was 0185 and I think the
24 most recent one was 0135 and 0136. Those would be ER
25 docket numbers.

1 MR. FISCHER: Judge, if I could weigh in too.
2 I agree with Mr. Opitz. I think this goes to the heart
3 of one of the issues in the case is rate modernization,
4 what data do you need to go forward and what's going on
5 in that area right now.

6 MS. SCURLOCK: With all due respect, I think
7 Mr. Opitz has made his point. I think that this
8 particular question has extended beyond the scope of what
9 we've specifically been referencing in the testimony in
10 this case.

11 JUDGE HATCHER: Mr. Opitz.

12 MR. OPITZ: I guess can I clarify what question
13 you're referring to that you believe is beyond the scope
14 of the testimony.

15 MS. KERR: Can I have the court reporter read
16 back Mr. Opitz's last question. I apologize for making
17 you do extra work.

18 (The last question was read back by the court
19 reporter.)

20 JUDGE HATCHER: Okay. The question is on the
21 table. Mr. Opitz, did you want to go ahead and withdraw
22 that question is what I thought you were going to say?

23 MR. OPITZ: No, I think that question stands
24 that, you know, the Company has taken into account
25 customer preferences in its past rate cases.

1 JUDGE HATCHER: Can you tell me how taking into
2 account customer preferences in its previous rate cases
3 relate to the requests for data from the Company?

4 MR. OPITZ: Certainly. The Staff in its
5 testimony and its statements here has suggested reasons
6 why this information is available, and I think among
7 those are that they have inadequate information to do
8 their job as they see it, and I think the Company's
9 willingness to consider customer preferences that are
10 raised in rate cases cuts against any need for the
11 creation of this additional data, additional systems to
12 prepare and provide this data.

13 MS. SCURLOCK: And I will renew my objection
14 that I do not believe that the customer -- that the
15 Staff's job in a rate case is to consider customer
16 preferences. I believe it is to evaluate the data and
17 provide the best recommendation that takes into account
18 all factors.

19 JUDGE HATCHER: I'm siding with Staff on this.
20 The question talking about customer preferences certainly
21 is a valuable one in that context, but here the only
22 customer preferences I have seen in testimony has been
23 whether customers would prefer or not to pay for the
24 request. Objection sustained. The question is -- Go
25 ahead. Your next question.

1 MR. OPITZ: Everything else I had went along
2 those lines. So I'll just finish there, Your Honor.

3 JUDGE HATCHER: Thank you. All right. Let's
4 move to Office of Public Counsel.

5 MR. CLIZER: Thank you, Your Honor. Good
6 morning, Mr. -- Good afternoon, Mr. Lutz.

7 **THE WITNESS: Good afternoon.**

8 MR. CLIZER: I always get that messed up. How
9 are you doing?

10 **THE WITNESS: I'm okay. How are you?**

11 MR. CLIZER: I'm good. Hopefully I'll keep
12 this relatively brief. Your Honor, I'd like to mark an
13 exhibit. I believe it should be 301.

14 JUDGE HATCHER: Yes, 301. Your Honor, while
15 this is in the process of being handed out, I will alert
16 you I'm going to do these three in quick succession and
17 then move for their admission at the end to save time.

18 **CROSS-EXAMINATION**

19 **BY MR. CLIZER:**

20 Q. All right. While she's getting that handed
21 out, Mr. Lutz, you would agree with me that this is the
22 Company's response to OPC Data Request 1, correct?

23 **A. Correct.**

24 MR. CLIZER: All right. Like I said, I'm going
25 to keep moving right ahead. So I'll mark the second

1 exhibit which would be 302.

2 JUDGE HATCHER: Mr. Clizer, just for
3 identification purposes, how do you see that this is DR
4 1?

5 MR. CLIZER: Yes, Your Honor, it is actually
6 Question 1 which is directly under --

7 JUDGE HATCHER: I see the Question 1.

8 MR. CLIZER: That's literally -- It's just DR 1
9 because it's literally Question 1.

10 JUDGE HATCHER: Gotcha. Thank you.

11 MR. CLIZER: That is confusing though.

12 JUDGE HATCHER: Exhibit 302 so marked as DR 2.

13 MR. CLIZER: Yes. And while I'm at it, I will
14 go ahead and just mark the Exhibit OPC 303 which will be
15 DR 3.

16 JUDGE HATCHER: So marked.

17 MR. CLIZER: And if counsel will afford me, I
18 will speed things along. I think there isn't going to be
19 much objection to this.

20 BY MR. CLIZER:

21 Q. Mr. Lutz, would you agree with me that OPC
22 marked Exhibit 302, which is the Evergy's response to OPC
23 Data Request 2?

24 A. It is.

25 Q. And can you also agree with me that what has

1 been marked OPC Exhibit 303 is the Company's response to
2 OPC Data Request 3?

3 **A. It is.**

4 MR. CLIZER: Thank you. All right. Your
5 Honor, I would move for the admission of these three
6 exhibits.

7 JUDGE HATCHER: You've heard the question.
8 I'll combine all three. Are there any objections to 301,
9 302, 303? Hearing none. They are all so admitted.

10 MR. CLIZER: Thank you.

11 (OPC'S EXHIBITS 301, 302 AND 303 WERE RECEIVED
12 INTO EVIDENCE AND MADE A PART OF THIS RECORD.)
13 BY MR. CLIZER:

14 Q. I'm not actually going to ask you about those.
15 I needed them on the record. You were the one to lay a
16 foundation.

17 **A. Okay.**

18 Q. Just very briefly, would you agree with me that
19 in any traditional rate case there are multiple parties
20 who take an interest in the question of rate design?

21 **A. Yes, I would.**

22 Q. And that would include intervenors such as the
23 Office of Public Counsel, MEGC, or any other party that
24 might have an interest in that?

25 **A. I agree with that.**

1 Q. And you would agree with me that those other
2 parties will occasionally put forward their own rate
3 design proposals in whole or in part?

4 A. Yes.

5 MR. CLIZER: I have no further questions.
6 Thank you.

7 JUDGE HATCHER: Thank you, Mr. Clizer. That
8 will take us to Staff.

9 MS. SCURLOCK: Thank you, Your Honor.

10 THE WITNESS: Thank you.

11 CROSS-EXAMINATION

12 BY MS. SCURLOCK:

13 Q. Mr. Lutz, I just handed you a copy of Ms. Sarah
14 Lange's direct testimony that was filed in ER-2022-0129
15 and 0130. I have also provided a copy of that to the
16 Commissioners and the Judge, the court reporter and the
17 remaining counsel. Would you agree that that is a copy
18 of what I have handed you?

19 A. That's what the title states, yes.

20 Q. Thank you. So the Commission approved the
21 Stipulation and Agreement that was filed in 0129 and 0130
22 and that included a provision that stated the Company
23 will identify and provide the data requested in the
24 direct testimony of Sarah Lange along with some more
25 provisions that was actually referenced by your counsel

1 in his opening this morning; is that correct?

2 **A. That is correct.**

3 Q. And the testimony that is referred to is the
4 testimony that you are now holding; is that correct?

5 **A. I presume so. I mean, it seems to be the same.**

6 Q. Taking my word for it that it is a copy of what
7 was filed in EFIS in that case?

8 **A. Yes, ma'am.**

9 MS. SCURLOCK: Thank you. I would like to move
10 for the admission of Ms. Lange's testimony from the rate
11 case 0129 and 0130 at this time.

12 JUDGE HATCHER: Thank you. I have 206 as
13 Staff's next exhibit number. Hearing no corrections.
14 And this is the direct testimony of Sarah Lange from the
15 previous Evergy rate cases plural ER-2022-0129 and 0130.
16 You've heard the motion. Are there any objections to the
17 admission? Mr. Fischer.

18 MR. FISCHER: Judge, I would not have an
19 objection to the introduction of an excerpt from this
20 testimony that relates to this case. There's much
21 information here that's not relevant, and I would object
22 to the introduction of that testimony.

23 MS. SCURLOCK: I would argue that the testimony
24 in its entirety explains why it was referenced in the
25 Stipulation and Agreement and what the issues in the

1 heart of this docket that we are now arguing this hearing
2 in are regarding.

3 JUDGE HATCHER: Perhaps you could point out one
4 example that does not fall within pages whatever it is,
5 62 to 64. Can you cite one example within this testimony
6 outside of the portion that is specific to the data being
7 requested?

8 MR. FISCHER: Judge, I just flipped to 29. It
9 says what's your recommendation acknowledging extreme
10 pricing events. That's not relevant at all to this case.
11 Now, her testimony where she does explain what she wants,
12 that's clearly relevant. That excerpt would not be a
13 problem.

14 MS. SCURLOCK: It would be hard to cherry pick.
15 I mean, looking right here at page 25 we talk about the
16 class cost of service studies and the interclass revenue
17 responsibilities which I believe is involved in this
18 case. And again this case is borne out of the
19 conversations in that rate case.

20 JUDGE HATCHER: But you're not asking for every
21 piece of testimony from the rate case to be admitted.

22 MS. SCURLOCK: I mean, we could make that
23 offer, but I assumed that Ms. Lange's was the most
24 relevant being as that it's referenced in the Stipulation
25 and Agreement.

1 MR. FISCHER: Judge, she can ask my witness a
2 question about something in it and that would be perhaps
3 relevant; but just to introduce a piece of testimony from
4 another docket that clearly addresses many, many other
5 topics other than what's relevant to this case is not
6 proper.

7 JUDGE HATCHER: I am coming down on
8 Mr. Fischer's side. I'll give everybody one more chance.
9 The quick quote I saw on page 25 is complaining about the
10 lack of information, no detail about what information is
11 being sought or why it's not available which is to me the
12 gravamen of the case.

13 MS. SCURLOCK: Well, I am going to ask
14 questions about this throughout the course of the
15 cross-examination. I will offer the testimony again at
16 the end, if that's acceptable.

17 JUDGE HATCHER: Yes. Let's see what the
18 questions fall on what pages. Excellent. Let's go
19 ahead.

20 BY MS. SCURLOCK:

21 Q. Everygy has raised concerns about the quantity
22 of data requests that were requested in this docket; is
23 that correct?

24 A. The quantity of requests?

25 Q. The number of data requests.

1 **A. Oh, yes, I'm sorry, I was conflating it with**
2 **the data requested. Sorry.**

3 Q. No, the actual number of data requests.

4 **A. Over 200 data requests, is that the reference?**

5 Q. I believe that is correct. Would you trust me
6 if I told you that 87 of those data requests are
7 duplicative because of the unique qualities of Evergy
8 Metro and Evergy West?

9 **A. No, I would agree with that. The caveat to**
10 **that is is we still have to process each one regardless**
11 **of the duplicative question.**

12 Q. Thank you, Mr. Lutz. Staff does acknowledge
13 that. But you do acknowledge that just as you said, you
14 have to process each one differently but also each
15 division has its own separate books, records, costs, and
16 so forth, correct?

17 **A. From an accounting perspective, yes, but in**
18 **many ways we operate similar.**

19 Q. But accounting is really what we're getting at
20 the heart of here, correct?

21 **A. For Data Request 1, I believe, yes.**

22 Q. Okay. Thank you. Some of the -- Let's talk
23 about a few of the data requests.

24 MS. SCURLOCK: I'm going to go ahead and see
25 that a copy is handed around here. Regarding Staff's

1 Data Request 176.

2 **THE WITNESS: Thank you, Sarah.**

3 MS. SCURLOCK: I'm going to give you an
4 opportunity to get that and take a look at it.

5 BY MS. SCURLOCK:

6 Q. That request asked if Evergy was able to
7 determine on a given day the total number of customers
8 served on that day by Evergy Metro, Evergy West, and to
9 please explain the process taken that would determine the
10 total number of customers served on a given day; is that
11 correct?

12 A. Yes. That appears to be the nature of the
13 question.

14 Q. And Evergy responded that yes, it could
15 determine the customers served for the two divisions on a
16 given day but stated that a query would need to be
17 developed in order to pull the desired type of customers
18 by rate code, customer class or any other characteristics
19 for the two divisions to perform a count function; is
20 that also correct?

21 A. It is correct.

22 Q. So given the identified person at Evergy, if we
23 were to ask them to provide a list of the number of
24 customers on each rate code each day for the last year,
25 365 days, how long -- what is the absolute earliest day

1 that you think Evergy could give us that information?

2 A. I don't have an answer for that other than to
3 point back to the data sets, maybe I'll use that
4 differentiation, the data sets that we responded to under
5 BDL-1 and there's a close equivalent for item 2 and maybe
6 item 3 is where we provided estimates for something
7 similar.

8 Q. So Evergy could provide that alternate
9 information that it's identified in your schedule?

10 A. Yeah. The key issue being is that the data is
11 available. It's not a question about the data. But it's
12 about the details of how it's delivered and how is it
13 exported out of the operational systems and made ready
14 for the purposes of Staff.

15 Q. Okay. What would be the earliest time frame
16 that Evergy believes it could provide that alternate
17 information?

18 A. The best I could offer would be what's in
19 BDL-1. I don't have any kind of expectation for what
20 that would be based on this question alone.

21 Q. Okay. So the level of detail we could expect
22 is what is already in your Schedule BDL-1?

23 A. That's all I would offer here much like when
24 Julie was up here earlier. There's details. We would
25 have to look through those details to determine if there

1 was anything problematic in the request to know for sure
2 what that timing would be.

3 Q. Okay.

4 A. So I have to defer to the ones that we've
5 offered in the prefiled testimony.

6 Q. Okay. Would the cost that it would take to
7 produce what is located in BDL-1 now be the same as the
8 costs that we would expect say a year from now?

9 A. I hesitate because there's a lot of issues that
10 could be caught up in that to complicate it, but I would
11 say generally it should be similar.

12 Q. Okay. And does Evergy believe that it could
13 produce a list like that say in an update period for a
14 rate case?

15 A. Right. Now, you bring up an important context
16 around rate cases. The rate case itself has set out very
17 specific parameters around the use of a test year, update
18 periods, true-up periods, and the Company is aware of
19 those and plans for those in its execution of a rate
20 case. So something done in that context is definitely
21 more achievable because the Company has anticipated that
22 and take steps to deliver that information.

23 Q. Okay. If Staff chose the update period, would
24 that change your answer?

25 A. As long as there was some time for us to

1 prepare for it I think that we could be flexible on
2 information like this which is related to customer
3 billing. The items in, say, data set 2, 3, 4 from BDL-1
4 that are customer related, I think we have more
5 opportunity to find what you need there.

6 Q. Okay. Thank you. And Schedule BDL-1, since
7 we've referenced it so many times, that's attached to
8 your direct testimony?

9 A. Correct.

10 MS. SCURLOCK: Thank you. Just for everyone's
11 edification. I am going to go ahead and hand around
12 another DR response. This is DR, Staff's DR 177.

13 BY MS. SCURLOCK:

14 Q. And just to be clear, this DR request
15 identifies the same questions that I've just asked you
16 but it asks you based on the volume of energy sold in a
17 given hour to retail customers would Evergy be able --
18 Are your answers the same or do they differ based on the
19 volume of energy?

20 A. No, the answers are the same.

21 MS. SCURLOCK: Okay. Thank you. I would go
22 ahead and offer both DR 176 and DR 177 that includes
23 Staff's question as well as the Company's response.

24 JUDGE HATCHER: I have marked Data Request 0176
25 as Exhibit 207 and I have marked Data Request 0177 as

1 Exhibit 208. You've heard the question. I'll combine
2 them both into one. Are there any objections to the
3 admission of Exhibit 207 or 208? Hearing none. They're
4 so admitted.

5 MS. SCURLOCK: Thank you.

6 (STAFF EXHIBITS 207 AND 208 WERE RECEIVED INTO
7 EVIDENCE AND MADE A PART OF THIS RECORD.)

8 BY MS. SCURLOCK:

9 Q. I am now going to, by me I mean Ms. Lange,
10 thank you for your assistance, hand around a copy of
11 Staff's DR 197. And this request regards Evergy's
12 statement that it intends to file a rate case for Evergy
13 Missouri West in the near -- I would say the near future
14 in 2024 and asks if the TOU transition intends to be
15 reflected in that filing. And Evergy responded that the
16 residential customers on TOU rates would be included but
17 they expect it to be of minimal impact and not to result
18 in significant changes in the Company's supporting
19 documentation along with some other responses; is that
20 correct?

21 A. That sounds like my testimony, correct. That's
22 not this data request.

23 JUDGE HATCHER: Yes, I have the same question.

24 MS. SCURLOCK: I'm sorry. Yes, I'm sorry, your
25 testimony is quoted at the beginning of the data request,

1 but yes, it references that.

2 **THE WITNESS: Okay.**

3 BY MS. SCURLOCK:

4 Q. Can Evergy produce class level hourly data for
5 a period that is more recent than July of 2022 to June of
6 2023 for use in the future rate case?

7 **A. Could you repeat those dates, please.**

8 Q. Absolutely. It is July of 2022 to June of
9 2023.

10 **A. Can the Company produce data?**

11 Q. Class level hourly data.

12 **A. Newer?**

13 Q. Newer than July -- than June of 2023?

14 **A. Yes.**

15 Q. So if Staff were to request the data for July
16 of 2023, say to January of 2024, would Evergy be able to
17 provide that?

18 **A. Sorry. Say those dates one more time.**

19 Q. July of 2023 to January of 2024 also for class
20 level hourly load data.

21 **A. Class level, yes, I believe we would.**

22 Q. Do you know how long it would take?

23 **A. That's what I was going to say. I would prefer**
24 **that it not occur within the context of like discovery,**
25 **if there was some way to know about that early in the**

1 process. I mean, that allows us to fit that in around
2 other operational needs, but yes, I think class level
3 data is achievable through January of 2024.

4 Q. What would be the earliest date that you would
5 expect you would be able to produce it?

6 A. I don't know the answer to that.

7 Q. Okay.

8 A. Again, maybe, I don't know if this is helpful,
9 but I mean, the balance here is that the Company has to
10 consider these data requests from Staff in the context of
11 other things and we have to make sure that we're in a
12 sense keeping the lights on and still achieving these
13 asks. So there's a balancing that has to take place
14 within our teams. The people that Julie mentioned and
15 all of the people that work with her are conducting
16 billing and doing the day in and day out business of the
17 company. So that's where the time is valuable to make
18 sure that we can get it delivered when you need it but
19 also in a time that can work for us.

20 Q. Absolutely. I mean, I think everyone
21 acknowledges that we all have jobs to do.

22 A. Sure.

23 Q. It doesn't always center on Evergy data.

24 A. Right, right. I guess what I'm trying to move
25 outside of is the discovery process has often been a

1 constraint to this dialogue between us because so much of
2 it has occurred within the data request process and its
3 timing and that just is a constraint that's difficult for
4 us collectively to navigate. So if we can do things
5 outside of discovery, I think then there's much more
6 opportunity to reach some kind of a good solution.

7 Q. So the Company might be open to the idea of
8 having a docket such as this one to further that effort?

9 A. Well, with a number of caveats. I mean, this
10 docket itself is problematic for ongoing discussion and
11 detailing out what we do here. For example, the
12 discovery terms that are established for this case are
13 just not sustainable. We agreed to accelerated
14 turnaround because of procedural schedule limitations.
15 That can't persist. Things like that are problematic for
16 this docket being the vehicle going forward. I do agree
17 we need some means, some method. I accept that that the
18 only way we're going to resolve this is for us to
19 continue to talk through it and work it out. It's just a
20 matter of getting the right guidance and the right
21 information to help lead us to an answer.

22 Q. Can I ask you what Evergy's preferred route
23 would be.

24 A. Yeah. I mean, it's complicated certainly, and
25 forgive me for having to ramble through this just a

1 little bit, because we have this E0 docket that we have
2 to resolve. This has been created and kind of has a life
3 of its own. But I think Staff would support me in this
4 that the solution is not in these ten data requests or
5 data sets. The solution is something additional,
6 something different that we've maybe collectively now
7 have new understanding about each other and what we can
8 do and what we can deliver. So I think that the solution
9 can be similar to this but it can't be constrained by the
10 construct of the E0 and these ten items. It would have
11 to be some kind of a proceeding but separate from this.

12 Q. Thank you. I'm going to go ahead and proceed
13 on but certainly food for thought. I'm going to go ahead
14 and hand out another data request response. This is
15 Staff's DR 213.

16 And this DR specifically asks about the
17 timeliness of the data that's been provided by Evergy and
18 relied upon by Evergy in the past general rate cases.

19 A. I maybe recharacterize slightly. I think that
20 this is just expressing the dates that were set for the
21 periods. I don't know that it discusses timeliness per
22 se.

23 Q. Well, it discusses the dates that were set --

24 A. Yes.

25 Q. -- the test year.

1 **A. Yes.**

2 Q. Particularly based on Evergy's data
3 availability.

4 **A. Maybe that's -- I'm uncertain about that. I**
5 **was under the impression that these dates were largely**
6 **set at the beginning of a rate proceeding through**
7 **interactions with the parties to set what would be the**
8 **checkpoints, if you will, or the touch points for the**
9 **timing.**

10 Q. Well, that actually goes to my first question
11 about that. The customer and usage information that was
12 used in the 2022 rate cases was July of 2020 through June
13 of 2021; is that correct?

14 **A. For the -- I'm sorry.**

15 Q. For the pair of rate cases that are referenced
16 specifically in this docket ER-2022-0129, 0130.

17 **A. So you're referring to the test year being the**
18 **12 months ended June 30, 2021?**

19 Q. Correct.

20 **A. Correct, yes, I agree with that.**

21 Q. Okay. But that data was over one year old when
22 the rate case was filed, correct?

23 **A. No, the filing date was six months later.**

24 Q. When the direct testimony was filed though?

25 **A. The Company's direct testimony?**

1 Q. The Company's direct testimony, yes.

2 A. Was filed on January 7, the first column, which
3 was about six months later. Am I reading --

4 Q. The oldest data would have been 18 months old
5 at that point. So July of 2020, correct?

6 A. Yes, I believe that's been our convention
7 through at least the number of rate cases that I've been
8 associated with since about 2005 is the test year is
9 historic and usually follows roughly about six months
10 earlier than the filing date for the Company testimony.
11 So I think that this, and if you look at the list of
12 these cases, you'll see similar behaviors.

13 Q. That's actually, yes, the 2016 and 2018 cases
14 trended about six to eight months of data?

15 A. Yes.

16 MR. FISCHER: Your Honor, if I could just
17 interrupt. I think I'm going to interpose an objection
18 to this line of questioning on the grounds of relevance
19 to this case. I don't understand, and maybe Staff
20 counsel can clarify, why this is relevant to the current
21 problem.

22 MS. SCURLOCK: So Staff is asking for the data
23 that it is asking for moving forward. We are trying to
24 obtain the relevant data in order to make our best
25 recommendations in future rate cases and we have concerns

1 about the timeliness of what is being provided
2 historically and that is part of the reason for our asks
3 that are at the heart of this case.

4 JUDGE HATCHER: The objection is overruled.
5 You can go ahead and answer the question.

6 MS. SCURLOCK: Thank you.

7 BY MS. SCURLOCK:

8 Q. And actually the last thing I wanted to verify
9 about that is the update and true-up periods only are in
10 regards to billing data; is that correct?

11 A. Yes, to the extent that it supports the
12 revenues associated with the rate case filing.

13 Q. Okay.

14 A. Now, I mean, just to be clear here, the intent
15 of these is to update the Company case.

16 Q. Correct.

17 A. Now, what I wanted to be careful is because the
18 issues here in here are often more about updating the
19 Staff's case. The data retention issues are around
20 Staff's data, not the Company's position.

21 Q. What is usually provided in the update period
22 is what updates the Company's position?

23 A. Correct. So all of our commitments here are
24 related to our proposals and our case. The stuff that's
25 here is more addressing Staff's position.

1 Q. Thank you. Moving on, do you have a copy of
2 your direct that was filed in this case?

3 A. I do.

4 Q. We've already said it many times. If you could
5 turn to your Schedule BDL-1.

6 A. Yes, I'm there.

7 Q. Can you tell me did you provide any work papers
8 to support the cost estimates that are identified in that
9 schedule?

10 A. No, because of the top down nature of what the
11 approach was used there were no work papers that would be
12 considered in a classical sense where you might have
13 itemized costs similar to Mr. Clizer's data requests that
14 he gave me. Those were seeking an itemized build up,
15 ground up estimate. The Company did not do that. So
16 there were no work papers in that form.

17 Q. Okay. And the Company does not have that to
18 date either, correct?

19 A. Correct, correct, this being a transformational
20 level project similar to what Julie Dragoo was talking
21 about. It required a different approach to produce the
22 estimate.

23 Q. Okay. Thank you. And do you have a copy of
24 your surrebuttal as well?

25 A. I do.

1 Q. All right. And on page 4 of your surrebuttal,
2 at lines 14 to 16 you state that you trust that Staff and
3 Evergy took appropriate care in recent Evergy rate cases
4 to make sure that data and assumptions used in those
5 cases was appropriate; is that correct?

6 A. That's what I said, yes.

7 Q. Thank you. Going back to Ms. Lange's direct
8 that I provided you at the beginning of my questioning,
9 if you could go to page 25 of her testimony.

10 A. I'm there.

11 Q. Through page 36, line 6, that testimony is Ms.
12 Lange's description of how she did not find the data
13 appropriate to conduct a reliable class cost of service
14 study; agreed?

15 A. Correct, that's the testimony here.

16 Q. Thank you. And then referring back to your
17 direct testimony, I apologize make you keep switching
18 through documents.

19 A. I'm okay.

20 Q. At page 23 of your direct, you reference an
21 excerpt from the Commission's Report and Order that was
22 issued in ER-2022-0337?

23 A. I do.

24 Q. And I am going to go ahead and hand around a
25 copy of that very quickly so that we can have that in

1 front of us.

2 MS. SCURLOCK: I apologize, Your Honor, I might
3 need to take a brief recess to get a copy of that.

4 JUDGE HATCHER: We're needing paper copies to
5 distribute to counsel and the witness?

6 MS. SCURLOCK: Yes. I need a copy for the
7 witness. I apologize.

8 MR. CLIZER: Your Honor, while she's in the
9 middle of working on that, I might have missed the
10 thread. Was question 0213 marked?

11 JUDGE HATCHER: I have not announced it. I've
12 marked it as Exhibit 210.

13 (STAFF EXHIBIT 210 WAS MARKED FOR
14 IDENTIFICATION.)

15 JUDGE HATCHER: I'm waiting for a motion. I'm
16 also waiting for a motion on 209. Given her past
17 practice, she seems to question the witnesses and then
18 move for 207 and 208 jointly.

19 MR. CLIZER: Perfectly fine. I wanted to make
20 sure I had the numbers right, because I thought I had
21 missed them. That was all.

22 MS. SCURLOCK: I apologize. I will go ahead
23 and move for the admission of 209 and 210 at this time.
24 I do have that 207 and 208 were admitted; is that
25 correct, Judge?

1 JUDGE HATCHER: Yes.

2 MS. SCURLOCK: Thank you.

3 JUDGE HATCHER: I'm letting the Company
4 attorneys consult for just a second. Go ahead.

5 MR. FISCHER: Judge, I don't have an objection
6 to it. I will have some follow up on redirect.

7 JUDGE HATCHER: Okay. I'll ask my official
8 question. You've heard the motion on Exhibits 209 and
9 210 being DR 197 and DR 213 respectively. Are there any
10 objections? Hearing none. They are both so admitted.

11 (STAFF EXHIBITS 209 AND 210 WERE RECEIVED INTO
12 EVIDENCE AND MADE A PART OF THIS RECORD.)

13 MS. SCURLOCK: And I apologize. We are
14 retrieving a copy of the -- but I will go ahead and I
15 will move on from there.

16 BY MS. SCURLOCK:

17 Q. Going back to your surrebuttal testimony, at
18 page 16 you state I believe it is worthwhile to note that
19 there are two distinct groupings of data requests driven
20 by purpose. One set associated with obtaining data to
21 support rate design and a second set to support cost
22 allocation numerically based on the presentation in
23 Schedule BDL-1. I would characterize Data Requests No. 1
24 and No. 8c as related to cost allocation and the
25 remainder related to rate design; is that correct?

1 **A. That is correct.**

2 Q. For clarification, I know we've said this
3 multiple times, but they are referenced as data requests
4 in your testimony but they are actually the specific
5 provisions of the Stipulation and Agreement from 0129 and
6 0130, correct?

7 **A. Yeah, the reference to 1 and 8c1 are for those**
8 **data sets, yes.**

9 Q. Thank you. So your testimony would be that you
10 characterize Items 2, 3, 4, 5, 6, 7, the remainder of 8,
11 9 and 10 as rate design allocated, correct?

12 **A. Correct. I would offer maybe a little bit of a**
13 **distinction for 9 and maybe 9 and 10 depending on the**
14 **context of how it's referenced. The critical peak and**
15 **the reactive demand, I might isolate those in the costs**
16 **related as being forward looking. As well I think**
17 **there's some distinction that's worthy of those two as**
18 **compared to the remainder, but generally yes, I'd agree**
19 **with what you just said.**

20 Q. Okay. Thank you. I actually -- I'm not sure
21 if you have a copy of your rebuttal testimony from the
22 0129 and 0130 dockets.

23 **A. I do not.**

24 Q. That's fine. I can hand that around.

25 **A. Thank you.**

1 Q. And if you could turn to page 20 of this
2 testimony.

3 A. I'm there.

4 Q. Thank you. And if you could go ahead and
5 recite beginning at line 12 the question that is seen
6 there.

7 A. Yes. It says what is your position concerning
8 the Staff recommendation to retain data related to
9 on-peak demand charges and reactive demand? And it says
10 I support the intent of these recommendations but must
11 clarify that the Company will study these only where
12 those rate -- study only those rates where a reactive
13 demand charge is part of the current design or demand
14 charge could be added without material configuration of
15 customization of the Company metering or billing systems.
16 Should I keep going?

17 Q. No. Yeah, I'm sorry. Yes, please.

18 A. The Staff recommendation appears inclusive of
19 all rate codes. Demand charges are not commonly
20 associated with residential customers. Reactive demand
21 is not commonly associated with residential or small
22 commercial and industrial customers. To devote study to
23 those customer rates would not be practical with this
24 initial effort.

25 Q. Thank you. And you did not provide -- Evergy

1 did not provide a study of on-peak demand or reactive
2 demand determinants prior to July 1 of -- prior to this
3 date for rates where a reactive demand charge is part of
4 the current design or demand charge could be added
5 without material configuration or customization of the
6 Company's metering or billing systems, correct?

7 **A. Would you repeat that question.**

8 Q. Absolutely. Evergy has not provided a study of
9 the on-peak demand or reactive demand determinants for
10 those rates where a reactive demand charge is part of the
11 current design or a demand charge could be added without
12 material configuration or customization of the Company's
13 metering or billing systems?

14 **A. The Company has provided the determinants and**
15 **proof of revenues related to those, but no study beyond**
16 **that has been offered.**

17 Q. And what date was that provided for?

18 **A. It would have been in the course of the rate**
19 **case.**

20 Q. The 2022 rate cases, correct?

21 **A. Correct, the context of this testimony.**

22 Q. Okay. When did Evergy decide not to study the
23 reactive demand and on-peak demand determinants as is
24 referenced?

25 **A. Decide not to study. I don't understand the**

1 **question.**

2 Q. So in your testimony that you just recited from
3 you said to devote study effort to those customer rates
4 would not be practical with this initial effort.

5 A. **Yes, I was just reacting to Staff's proposal**
6 **to do such studies. It was rebuttal testimony.**

7 Q. Okay. So it's not a formal Evergy decision not
8 to study those things. It was just --

9 A. **In the context of this case, I would say that.**

10 Q. Okay. Thank you. Other than the testimony
11 then, Evergy has not communicated anything about
12 regarding not performing these studies, correct?

13 A. **The only thing that's been said since this**
14 **testimony was a reference made in my surrebuttal, I**
15 **believe. I spoke to it just very briefly I think in**
16 **these testimonies as justification or my concerns around**
17 **Data Request 9 or data set 9.**

18 Q. So the rebuttal in this docket in 0002?

19 A. **The surrebuttal.**

20 Q. I'm sorry. The surrebuttal?

21 A. **Yes.**

22 Q. Yes, the surrebuttal in this docket.

23 A. **Yes, yes.**

24 Q. Thank you.

25 A. **And that was the nature of my comment a moment**

1 ago about these being somewhat forward looking, because
2 these are issues that are still I would consider pending
3 in our jurisdiction. The proposal to institute
4 coincident peak demand or reactive demand charges have
5 not been yet made for Evergy.

6 Q. Out of curiosity though, Evergy Kansas Metro
7 residential customers do have an optional rate with an
8 on-peak demand charge; is that correct?

9 A. Yes. That came to us through our changes in
10 the net metering laws that occurred in the Kansas
11 jurisdictions that gave us opportunities to propose
12 different rates for customers. One of the other rates
13 came to us through our merger with Weststar. It was a
14 preexisting demand rate that came over from Weststar.

15 MS. SCURLOCK: Okay. Thank you. I will go
16 ahead and offer Mr. Lutz's testimony from the 0129, 0130
17 case. This is his rebuttal testimony.

18 JUDGE HATCHER: Mr. Fischer.

19 MR. FISCHER: Judge, I'm not sure it's all that
20 relevant, but I'm not going to object if they want to put
21 our position in the record. That's fine.

22 JUDGE HATCHER: Mr. Clizer.

23 MR. CLIZER: This document as labeled as
24 confidential. Am I understanding correctly that the
25 exhibit is being offered as confidential?

1 MS. SCURLOCK: Yes. This would be offered as a
2 confidential exhibit based on the testimony that was
3 identified as confidential at the time of its filing.

4 JUDGE HATCHER: Okay. I'll go ahead and ask
5 Exhibit 211, which is the entirety of Mr. Lutz's rebuttal
6 testimony from Evergy's prior rate case, which is File
7 No. ER-2022-0129 and 0130. Are there any objections to
8 the admission of Exhibit 211? Hearing none. So
9 admitted.

10 (STAFF EXHIBIT 211 WAS RECEIVED INTO EVIDENCE
11 AND MADE A PART OF THIS RECORD.)

12 BY MS. SCURLOCK:

13 Q. Are all of Evergy Missouri Metro's customers
14 AMI metered?

15 A. Yeah. The vast majority. There's only a small
16 number that have exercised volunteer opt out.

17 Q. Is that in regards to the residential customers
18 or?

19 A. No, I believe that all of our customers, all
20 classes have some level of AMI.

21 Q. Okay. So are all of your large power customers
22 AMI metered?

23 A. Yes. For the purpose of delivery of the meter
24 reads for billing, yes.

25 Q. Okay. And large general service?

1 **A. Yes.**

2 Q. Okay. That includes medium general service,
3 small general service?

4 **A. Yeah, to the extent those classes exist. Our**
5 **Missouri West jurisdiction does not have a medium class,**
6 **for example.**

7 Q. Correct. And then residential customers,
8 anyone other than those who have opted out?

9 **A. Correct.**

10 Q. That's correct. Are the lighting customers at
11 all AMI metered?

12 **A. It depends. Our lighting schedules we have**
13 **metered and unmetered. So it would depend on that**
14 **character of service. To the extent they were metered,**
15 **they would be through the AMI process.**

16 Q. Okay. Do you have any idea on the number on
17 that?

18 **A. Oh, no.**

19 Q. Okay. And like you said, Evergy West, it would
20 be large power, large general service, small general
21 service and then residential customers who haven't opted
22 out?

23 **A. Correct.**

24 Q. Okay. The same for the lighting customers on
25 the West side?

1 **A. Yes.**

2 Q. Okay. Now, what I just listed there are not
3 rate classes per se, but your tariffs do reference rates
4 by rate schedules and rate codes; is that correct?

5 **A. Correct.**

6 Q. Okay. So Evergy Metro's medium general service
7 class has two rate schedules MGS and MGA?

8 **A. Yes.**

9 Q. Okay. I am going to hand around the relevant
10 tariff sheets for those two rate schedules.

11 **A. Thank you.**

12 Q. I'm offering you these again with the caveat
13 that I am certifying that these are the currently
14 effective tariff sheets for the MGS and MGA rate
15 schedules for Evergy Missouri Metro?

16 **A. Yes.**

17 Q. And then I should have just handed this out
18 immediately. This is actually what was provided at the
19 beginning but just for reference. This is the Evergy
20 Metro MGS rate class, rate codes and rate element pricing
21 table. And then on the back it is the Evergy Metro MGS
22 rate class, rate code pricing comparison.

23 I do not believe that this has been admitted.
24 It was offered at the beginning. I'm not offering it at
25 this minute, but I am going to ask a series of questions

1 regarding it.

2 So what I've handed around here at the top has
3 a table with the heading Class and under that it says MGS
4 and that shows the two Evergy Missouri Metro rate
5 schedules that fall under the MGS rate class and provides
6 rate codes, rate description and the tariff sheet on
7 which that information is found. Do you accept that this
8 is accurately the reflective tariff and then the table
9 that represents that?

10 **A. I would accept that.**

11 Q. Okay. Then there's also a second table that
12 provides all of the rate elements in the MGS rate
13 structure and the pricing for each rate code. Do you
14 accept that?

15 **A. On the back side?**

16 Q. Yes.

17 **A. Yes.**

18 Q. Okay. And on the back side there are four
19 tables?

20 **A. Correct.**

21 Q. The top left level shows the prices for each
22 rate element in 1MGSE and 1MGSE rate codes and then
23 provides the dollar difference and percentage difference,
24 and so on. Do you see that?

25 **A. I do.**

1 Q. Okay. And looking at the tables on the left
2 side, those compare a secondary service rate to a primary
3 service rate. The top is general service at each voltage
4 and the bottom is for all electric service at each
5 voltage; is that correct?

6 A. Yes, it is.

7 Q. Okay. So if I was a customer using 205 kW
8 demand, then I would pay \$112.65 no matter whether I'm
9 served at secondary or primary voltage and whether I'm
10 general service or all electric as long as I am an MGS
11 class customer; is that correct?

12 A. Say that 205. I'm trying to find that number.

13 Q. Absolutely. So if I'm a customer using 205 kW
14 demand.

15 A. Okay.

16 Q. The charge is \$112.65?

17 A. For the customer charge.

18 Q. The customer charge, correct.

19 A. Yes. That's for billing, metering and the
20 sort, yes.

21 Q. That's regardless of being at secondary
22 voltage, primary voltage, general service or all
23 electric?

24 A. Yes.

25 Q. Okay. And now I'm going to hand around the

1 Stipulation and Agreement that was entered into in Case
2 No. E0-94-199 fondly referred to as the '90s case already
3 I think a few times in this docket. I'm happy to report
4 that we are not questioning about the entire 40-page
5 document. But appendix -- So this document is dated
6 effective July 9 of 1996. And on page 21 of the overall
7 packet, that's Appendix A to the order, and that would be
8 the Stipulation and Agreement that was entered into in
9 that case and approved by that order. So footnote 2 on
10 that page says a summary of rate design changes is
11 attached as Appendix A. Wait a minute. I apologize. I
12 am actually referencing what is listed as page 8 of this
13 packet. And it is page 4 of the original Stipulation and
14 Agreement that was filed in this case and on that page.
15 There is a footnote 2 that says a summary of Rate Design
16 Changes is attached as Appendix A. This summary is
17 intended as the Commission Staff's and KCPL's explanation
18 of the various rate design changes and is not necessarily
19 agreed to by other parties to this proceeding. Do you
20 see where I'm referencing that?

21 **A. I see where you're at.**

22 **Q.** And KCPL refers to your predecessor, correct?

23 **A. Correct.**

24 **Q.** Okay. So now if you will turn to Appendix A
25 that's referenced, which is at page 21 of the packet,

1 there is a title there Features of the New Commercial and
2 Industrial Tariffs. And there's a section on that page
3 listed Unbundled Charges. Do you agree that this section
4 was describing the rate structure of the commercial and
5 industrial or C&I classes of KCPL in the mid '90s when
6 this took effect?

7 **A. That appears to be the case, yes.**

8 Q. And these elements are actually still found in
9 the rate structure of the C&I classes at Evergy Missouri
10 Metro and Evergy Missouri West today; is that correct?

11 **A. I believe that's true.**

12 Q. Okay. And can you please read aloud the
13 statement on customer charges which is the second full
14 paragraph there on that page 21?

15 **A. It begins customer charges, which recover the**
16 **costs associated with meter reading, billing, customer**
17 **assistance, and facilities on the customers' premises,**
18 **will be implemented for all customers. These charges**
19 **will be specific to both tariff and the customer size.**

20 Q. Thank you. So now going back to the Evergy
21 Metro MGS Rate Class/Rate Code Pricing Comparison
22 document that I handed around, and that's what is
23 currently in effect for Evergy, correct, for Evergy
24 Metro?

25 **A. The pricing that you see here?**

1 Q. Yes, the Rate Code Pricing Comparison table.

2 A. I accept that.

3 Q. Okay. For all of the MGS rate codes, the
4 customer is paying a customer charge that's determined by
5 their annual demand and the fact that they are an MGS
6 rate schedule customer, correct?

7 A. Yes.

8 Q. Okay. What facilities on a customer's premises
9 are supposed to be covered in those customer charge -- in
10 that customer charge? Would that be meters,
11 transformers?

12 A. Based again on the excerpt that you had me
13 read, it does not say specifically in the excerpt that
14 was read, because all of these things would have been
15 outside of the location like meter reading, billing,
16 customer assistance. Sorry. I see it now. The
17 facilities on the customer premise. So for me that would
18 be the metering for that respective customer. I
19 apologize.

20 Q. Okay. Thank you. Can you tell me about
21 transformers for metering. Would that be included?

22 A. Are you referring to the transformers that
23 provide service or specialized transformers like current
24 transformers or potential transformers that might be used
25 in the execution of the metering?

1 Q. For both, if you can.

2 A. Well, the former, the transformer that provides
3 service to the individual location in my opinion would
4 not be part of these unbundled charges. That transformer
5 sits further into the grid if you will and potentially
6 could be poles away from where the customer is located,
7 but there are specialized equipment that's used in
8 conjunction with the meter to allow for metering that
9 could be incorporated in those unbundled charges.

10 Q. And those would be CT and PT transformers?

11 A. Yeah, the current transformer, potential
12 transformer were the two things I have referred to, yes.

13 Q. Okay. Thank you. I just want to make sure
14 it's clear. Do you know what FERC accounts would hold
15 each type of those?

16 A. No, I do not.

17 Q. Okay. Evergy has not filed testimony on cost
18 of service for the customer charge reference by that in
19 the 2022 cases or any of the other rate cases going back
20 to 2006; is that correct?

21 A. Testimony?

22 Q. Testimony.

23 A. I would agree there's no testimony, but I would
24 have to point out that within the cost of service studies
25 there were specific allocators and allocator studies that

1 were offered to support those that would have explored
2 those costs.

3 Q. Okay. Do you know when the last time those
4 would have been studied and provided in the cost of
5 service study?

6 A. Yeah, for each case. So the most recent would
7 be under the ER-2022-0129, 0130 cases. That would have
8 been the most recent. But in my experience, that
9 information has been provided with every cost of service
10 study that we've performed. It underlies the allocation
11 of the metering costs within that study.

12 Q. Would that have been broken down by the
13 transformer size?

14 A. Not transformer. It would have looked at the
15 metering that would have been going for those particular
16 customer classes. We would work directly with our
17 metering team to determine what are the common metering
18 components that we would use and that helps derive the
19 customer charge that we would propose.

20 Q. Were those done by the class level or by the
21 size level that's identified in the MGS tariff?

22 A. I would have to just say with the class.
23 There's some blending because the metering folks out in
24 the field do not see the execution of putting a meter and
25 that equipment into the field in the same way we do for

1 **ratemaking and regulatory purposes. So there's a little**
2 **bit of a gray, but generally I would say class is the**
3 **right way to look at that.**

4 Q. Okay. Thank you. And can you please go back
5 to the tariff sheets, the Evergy Metro tariff sheet 10e?

6 A. **Yes.**

7 Q. And it is titled metering at different
8 voltages?

9 A. **Yes.**

10 Q. That says that Evergy Metro may install
11 metering equipment on the secondary side of a primary
12 voltage customer's transformer and then the Company can
13 install compensation metering equipment but if they
14 don't, the metered usage will be increased by 2.34
15 percent when the bill is calculated; is that correct?

16 A. **Correct.**

17 Q. And is that 2.34 percent an approximation of
18 the loss in energy that occurs due to the transformation
19 of voltage often referred to as line losses?

20 A. **I hesitate to draw it that plainly. So I would**
21 **probably say no out of caution.**

22 Q. Okay. That same tariff provision does
23 reference that the Company may also at its option install
24 metering equipment on the primary side of the transformer
25 for a secondary voltage customer. In this case, the

1 customer's metered demand in energy shall be decreased by
2 2.29 percent or alternatively compensation metering may
3 be installed. So that 2.29 percent, would you be willing
4 to reference that as a line loss or same caveat?

5 A. Let me characterize it this way. I think what
6 is happening here, what you're seeing in these tariffs
7 are legacy conditions that have been maintained that over
8 time metering has different capabilities and maybe modern
9 metering would not need to be adjusted in these ways
10 because of its advances. And we've retained these on our
11 tariffs with the caveat that the Company may use these if
12 necessary. And what I mean there is if by chance there's
13 metering that's older or something that's still out in
14 the field and being used, we have this ability to
15 compensate for that deployment in the field but it's not
16 necessarily inherent that all metering would be subject
17 to this adjustment.

18 Q. Okay. Thank you. I believe you've answered my
19 question. But the caveat there that you just provided is
20 only in regards to my reference to line losses, not to
21 the customer charges, correct?

22 A. Can you say that again. I need to connect the
23 two.

24 Q. Your hesitation is in my reference to the
25 percentages being attributed to line losses. The

1 customer charge is still correct?

2 **A. Right. Line losses are generally attributed to**
3 **energy or one of the other components on the bill, not a**
4 **customer charge.**

5 Q. Right. Thank you. Okay. Referencing back to
6 the Evergy Metro MGS Rate Class Pricing Comparison Table,
7 the energy charges that are listed in the tables on the
8 left side, the percentage differences for those energy
9 charges for customers served at secondary versus the
10 customers served at primary range from that 2.29 percent
11 and the 2.34 percent that are stated in the tariff for
12 metering at different voltages; is that correct?

13 **A. Yes, I believe I see that close.**

14 Q. Okay.

15 **A. Yes.**

16 Q. Okay. Thank you. That's all I have. Okay.
17 Going back to the 1996 order, again I'm sorry for pulling
18 back.

19 **A. You're okay.**

20 Q. Going to page 21 of that order. There's a
21 heading on that page called Voltage Distinctions?

22 **A. Yes.**

23 Q. And it includes the statement the levels of the
24 demand and energy charges reflect the differences in
25 losses at various delivery voltage levels; is that

1 correct?

2 **A. Correct.**

3 Q. Would you expect the non-summer tail block
4 difference from line loss percentage is intentional or
5 attributable to rounding in relation to that statement?

6 **A. The non-summer tail block for the energy charge**
7 **--**

8 Q. Yes.

9 **A. -- to be rounding. Sorry. I'm coming back to**
10 **rounding. Can you restate your question one more time.**

11 Q. That element is slightly less than the
12 approximate 2 percent values of the other two. Do you
13 believe that that is intentional?

14 **A. Oh, that -- It's difficult to say, because in**
15 **the practice of ratemaking you often have remainders or**
16 **small values that you have to account for and they could**
17 **appear anywhere. A tail block is a common place where**
18 **that might occur. So I could acknowledge that but I**
19 **can't say for certain that that's the reason, but it's a**
20 **plausible justification for why there's a variance.**

21 Q. Okay. Thank you. Shifting now to the two
22 tables that are on the right side of that sheet. These
23 compare the pricing of rate elements for secondary
24 customers on general service rate codes versus secondary
25 customers on the all electric rate code that's at the top

1 table; is that correct?

2 **A. Yes.**

3 Q. And then the bottom table compares the pricing
4 of rate elements for primary customers on the general
5 service rate code versus the primary customers on the all
6 electric rate code on the bottom table; is that correct?

7 **A. Correct.**

8 Q. Focusing on the energy charges still, the
9 summer energy charges are identical in each table; is
10 that correct?

11 **A. Yes. The summer?**

12 Q. The summer energy charges, yes.

13 **A. For 1MGSE versus MGSF? Say again how you're**
14 **looking.**

15 Q. Yes. For 1MGSE versus 1MGSEF.

16 **A. I see, for example, the first block of the**
17 **energy charge is .10953 and then below that in the bottom**
18 **right quarter I see .01691. I see two different numbers.**
19 **Am I in the wrong place? I'm on the back.**

20 Q. I think you're referencing the non-summer, but
21 let me verify real quick.

22 **A. I'm looking at the first 180 hour block of**
23 **summer.**

24 Q. Okay. Yes, there is a slight difference. But
25 then looking at the non-summer energy charges for all

1 electric customers, those are about 12 to 16 percent
2 different than the general service customers. Do you see
3 that?

4 A. I do.

5 Q. Okay. And now going back to the 1996 order on
6 the 21st page again, under Unbundled Charges, it states
7 all tariffs will have energy charges based on the
8 customer's hours use (monthly load factor). These
9 charges, which recover time of use costs, provide price
10 incentives to customers to improve their load factor. Do
11 you agree with that statement?

12 MR. FISCHER: Judge, I think I'm going to
13 interpose an objection. He's being asked for a long time
14 now to interpret a document that even predates his time
15 at the Company. That goes back about 20 years. This is
16 27 years ago and he's being asked to interpret what was
17 being said at that time, how it relates to our current
18 charges which are a subject of rate cases rather than the
19 question of should the Staff's data be produced and what
20 cost is it and should there be an AAO to account for that
21 and should the Commission be giving us guidance on how to
22 prepare rate design. This is just totally irrelevant to
23 the case and I'm going to object to any further
24 questioning along this line.

25 MS. SCURLOCK: Your Honor, Mr. Lutz has

1 admitted that the rates that are referenced in this are
2 still engrained in the C&I customers' rates to this day.
3 And with all due respect, the reason why Staff is here
4 asking for this data, the point of this case is because
5 we are trying to get updated data and some of this data
6 is stale to the degree of the mid '90s.

7 MR. FISCHER: Which is their long-term view of
8 rate design.

9 JUDGE HATCHER: The '90s case is not at issue
10 here, and I don't know that Staff has a complaint or has
11 any allegation that there's been any violation of this
12 agreement. Can you tell me why we're --

13 MS. SCURLOCK: Ms. Lange references the 1990s
14 case in her testimony. It is relevant to the data that
15 we're asking for here and some of the studies that we
16 reference in our request for this case.

17 DR 1 actually points back to that 1990
18 stipulation.

19 JUDGE HATCHER: Mr. Fischer.

20 MR. FISCHER: Well, I would say if they thought
21 it was relevant, it could have been attached to their
22 testimony.

23 JUDGE HATCHER: That seems like a good point
24 since we're just now hearing about it and we're midway
25 through day one of the actual hearing.

1 MS. SCURLOCK: It was referenced in testimony.
2 I intended to offer it here. I can't turn back time and
3 attach it to testimony at this stage. I thought it would
4 be sufficient as an exhibit.

5 JUDGE HATCHER: Seems like a risky strategy.
6 I'll take it under advisement. Do you have any more
7 questions on Exhibit -- and I also need to stop and talk
8 about our exhibit numbering. I think I might have
9 mislabeled a couple. But first let's finish up on
10 Mr. Fischer's objection. Exhibit 213, Staff, did you
11 have any further questions on this?

12 MS. SCURLOCK: The only question that I -- The
13 only remaining question I had was that the statement does
14 say that it recovers time of use costs; is that correct?

15 THE WITNESS: It says that, but I would caution
16 everyone about the context because time of use that we
17 talk about today is different than the time of use that
18 an hours use is designed to recover. There's a lot of
19 distinction there that we should be cautious about. I
20 mean, what I would also point out, I mean, I'm not sure
21 where you were going, but we have to acknowledge that
22 there's been a lot of rate case activity between the 1990
23 and the current pricing like especially in this all
24 electric example we had intervenors that challenged the
25 existence of those rates and they were specifically

1 frozen and made unavailable to customers due to a
2 customer's intervention a few years back and steps were
3 taken to purposefully increase those prices at a higher
4 percentage than any other rates. So relationships that
5 you might see today are not because of the 1990 effort
6 but are because of things that happened in between the
7 1990 establishment of the rate and all of those rate
8 proceedings that affected change on it to where we are
9 today. So that's an important distinction to keep in
10 mind, too, the Commission action ultimately resulted in
11 some of these changes that you're seeing today.

12 BY MS. SCURLOCK:

13 Q. Can you tell me what the difference is between
14 the time of use that's referenced here and the time of
15 use as we know it today?

16 A. Correct, yes. This is what's called hours use
17 which is a different approach of dealing with time. And
18 if you looked at the tariff that you provided me, the
19 medium general service tariff, there is a section that
20 talks about the determination of hours use, and really
21 what it is is a relationship between the demand and the
22 energy of that customer and in a sense what it's doing is
23 it's just looking at how that customer utilizes energy
24 across the billing period to determine a load factor of
25 sorts and providing advantageous pricing to higher load

1 factor customers. It's not looking at hours of a day
2 like if you think of our residential rates where it looks
3 from 4:00 to 8:00 p.m. That's not occurring in hours
4 use. Hours use is a relationship measure where true time
5 of use as we look at it today is looking at hour blocks
6 associated with the clock.

7 Q. Okay. So there is a change in the type of
8 analysis used for the time of use today than there was in
9 the '90s?

10 A. Right. So the phrasing for time of use could
11 be misleading in today's context because we've used time
12 of use to refer to what we're doing in the residential
13 space today where we have specific hours of peak,
14 off-peak, super off-peak. That's not what we're talking
15 about with hours use. It's entirely different. So I
16 would just caution that difference.

17 Q. Then I will move on from that exhibit.

18 MS. SCURLOCK: I would offer the exhibit but I
19 imagine that we're going to run into the same discussion
20 that we just had.

21 JUDGE HATCHER: No, let's take just a second
22 because this is a good stopping point for me to square up
23 my numbering and then we'll get to whether you want to
24 offer that or not.

25 MS. SCURLOCK: Okay.

1 JUDGE HATCHER: Okay. I have -- I'm going to
2 start at 210 and I'm going to move forward from there.
3 For Exhibit 210, I have DR 213. For Exhibit 210, I have
4 DR 213. And it has been admitted.

5 MS. SCURLOCK: That's correct. That's what we
6 have.

7 JUDGE HATCHER: For 211, I have tariff sheets,
8 which I'll need a copy of, and I have that that has been
9 admitted.

10 MS. SCURLOCK: We have 211 marked as Mr. Lutz's
11 rebuttal in the 0129/0130 case.

12 JUDGE HATCHER: Excellent. Because I also have
13 211 as Mr. Lutz's rebuttal. There's my numbering. Thank
14 you.

15 MS. SCURLOCK: Actually we have 212 as the
16 tariff sheets.

17 JUDGE HATCHER: 212 is the tariff sheets. Mr.
18 Lutz's is 211 and has been admitted. 212 is the tariff
19 sheets. Does that make 213 --

20 MS. SCURLOCK: -- the 1994 order.

21 JUDGE HATCHER: What happened to the rate
22 codes?

23 MS. SCURLOCK: The rate codes were actually
24 offered at the beginning by Ms. Kerr. They have been
25 identified as 205. I apologize. I tried to clarify that

1 when I was handing them out.

2 MR. STEINER: That's how we have, Your Honor.
3 We don't have that the rate codes were ever admitted.

4 MS. SCURLOCK: They were not admitted, but they
5 were offered and labeled at that time to our
6 understanding.

7 MR. STEINER: We have Exhibit 205 as DR 205.

8 MS. KERR: I did not offer that.

9 JUDGE HATCHER: That's correct. Ms. Kerr never
10 offered that.

11 MS. KERR: I just handed that out as a
12 demonstrative piece of evidence.

13 MS. SCURLOCK: Okay. Then I would go ahead and
14 number that now.

15 JUDGE HATCHER: Excellent. I am going to I
16 believe we have all labeled as No. 213 the order
17 approving stipulation --

18 MS. SCURLOCK: Yes.

19 JUDGE HATCHER: -- that we may or may not be
20 getting objections on.

21 MS. SCURLOCK: Yes.

22 JUDGE HATCHER: So that makes 214 --

23 MS. SCURLOCK: The rate codes 214.

24 JUDGE HATCHER: -- the rate codes. Excellent.
25 I'm going to take 212 and 214. What I expect not to get

1 any objections, not to lean on anybody. Are there any
2 objections to the admission of Exhibit 212 and 214?
3 These are tariff sheets and rate codes. Hearing none.
4 So admitted.

5 (STAFF EXHIBITS 212 AND 214 WERE RECEIVED INTO
6 EVIDENCE AND MADE A PART OF THIS RECORD.)

7 JUDGE HATCHER: Staff counsel, please make sure
8 I get a paper copy of your tariff sheets. Thank you.
9 Never mind. I've got them.

10 MS. SCURLOCK: I was going to say I believe I
11 did offer them around. I know. It was very rapid
12 succession.

13 JUDGE HATCHER: No, no, you did. I misplaced
14 mine. We got that taken care of. Never mind on that.
15 So now we are at Exhibit 213, which is the 1996
16 Stipulation and Agreement. Staff.

17 MS. SCURLOCK: I would offer it for admission
18 because it was referenced in testimony and it has been
19 identified as having items in it that are still in the
20 rate structure of Evergy to this day which is what we are
21 discussing in this case.

22 JUDGE HATCHER: Are there any objections?

23 MR. FISCHER: Yes, Judge. I would object on
24 relevance grounds. She has been able to cross-examine on
25 anything that she thought was pertinent. This entire

1 document, although I signed it 27 years ago, I don't
2 think it's relevant for this case.

3 JUDGE HATCHER: Mr. Clizer.

4 MR. CLIZER: I would also join with Staff, and
5 the reason I'm making this is because based on the body
6 of testimony that has occurred just now, I anticipate
7 that I might have cross-examination of Ms. Lange when she
8 takes the stand relevant to this document. So even if it
9 were to be denied here, if there's a possibility it would
10 come up again, I just want it to be cleaner.
11 Specifically it would appear that Staff's argument is
12 that they are basing current rate design on a 20-year-old
13 document and we need to get that fixed. That appears to
14 be the relevance of the whole point.

15 JUDGE HATCHER: Company's objection is upheld.
16 This is a 27 plus year old document. This has not been
17 mentioned as a relevant issue in this case except for
18 whatever mention was made that this was cited in
19 testimony. Denied. Let's move on.

20 MS. SCURLOCK: I apologize, Judge. If I could
21 have just one minute.

22 JUDGE HATCHER: Go ahead.

23 MS. SCURLOCK: Okay. Moving on.

24 BY MS. SCURLOCK:

25 Q. Considering the differences in demand charged

1 in Evergy's currently tariffed rates for customers that
2 are on the general service rate versus all electric,
3 whether an MGS customer is served at primary or secondary
4 voltage, an all electric customer will pay a non-summer
5 demand charge that's around 41 to 42 percent higher than
6 a general service MGS customer based on what we looked at
7 here; is that correct?

8 **A. Can I just take your word for that. You want**
9 **to point out where that 40 percent number is occurring?**

10 Q. That is based on the tariff pages that we have
11 been referencing.

12 **A. Which ones? The medium?**

13 Q. Yes.

14 **A. Are you looking at the medium specifically?**

15 Q. Yes. That is on the rate code pricing
16 comparison tables the bottom right quadrant, that's
17 looking under schedule MGS rates for primary service
18 compared to schedule MGA rates for primary service.

19 **A. Got it. I see that.**

20 Q. Under demand charge.

21 MR. FISCHER: What's your exhibit number,
22 Counsel? I'm sorry.

23 MS. SCURLOCK: That is 214.

24 MR. FISCHER: 214. Thanks.

25 **THE WITNESS: Just please note that any time**

1 you're referring to the all electrics, those are the ones
2 that were subject to the freeze and the special treatment
3 that occurred after that freeze. So I would just urge
4 caution in using that as a comparison.

5 BY MS. SCURLOCK:

6 Q. Okay. So they're paying 41 to 42 percent more
7 because of a special treatment that occurred after a rate
8 freeze?

9 A. Right. I would contend that when that came up
10 before the Commission, the party that brought it forward
11 asserted that there were discounts associated with
12 heating and those needed to be rectified and so
13 subsequent cases the heating rates were increased
14 dramatically higher than the non-electric rates that I'm
15 sure upset this balance that you're starting to explore.

16 I mean, just carefully, too, I mean, the other
17 part is is that the demand charges are carrying the bulk
18 of the generation capacity costs that the Company is
19 experiencing. So I think that I would offer is part of
20 the reason for the difference as well.

21 Q. Okay. So hypothetically if a customer had a
22 500 kW demand and the difference in the demand charge was
23 about 90 cents per kW, then that would equate to about a
24 \$450 per month difference?

25 A. If I can subject to check accept your math, I

1 **acknowledge a difference.**

2 Q. Okay. And then given that equation, that would
3 equate to about \$3,600 over eight months?

4 A. Okay.

5 Q. Okay.

6 A. Sorry. But if I'm following the line of
7 questions, I'm sensing that there was some desire to
8 equate some of that to distribution costs. Am I?

9 Q. We're honestly just trying to understand what's
10 in the tariffs.

11 A. Okay.

12 Q. So based on some of what you've already
13 testified, the last time that Evergy did a study for the
14 all electric rate schedules that was distinct from the
15 general service rate schedules would have been for direct
16 testimony in ER-2009-0089?

17 A. Can I ask that you clarify what you mean by
18 study. I think there's been some significance attached
19 to that word and I want to make sure that I answer in the
20 right context. What is the nature of a study that you're
21 describing?

22 Q. The last time that Evergy looked separately by
23 classes for the all electric versus the other rate
24 customers.

25 A. Under that definition, I mean, it's difficult

1 -- it's difficult to say because I could offer that in
2 each of our rate cases we provide cost information that
3 could be used to analyze those relationships, but it's
4 been my observation that that is seldom done, seldom
5 looked at. The cost study information by class is given
6 but it's not utilized in the ratemaking. So to say we
7 study it, I would offer to some degree of your definition
8 we study it in every rate case.

9 Q. When would be the last time that Evergy had
10 separate hourly or demand data for all electric versus
11 the general service?

12 A. If you're simply looking for the determinants
13 for it, it's available in every rate case and the proof
14 of revenue that we provide.

15 Q. That's based on hourly load?

16 A. It's based on the measure for the tariff
17 billing. So if it's based on a coincident or
18 non-coincident peak, or an hours use, or kW hour, it
19 would be on those bases. It depends on the element.

20 Q. But not by hourly load, by a different
21 measurement or at the class level of demand?

22 A. I think that's fair. I have to be careful.
23 We're starting to really get into the weeds about how you
24 break apart the rates and the pricing, and there's a
25 disconnect often between the way the cost studies might

1 reflect it versus the way we execute in the case because
2 of policy considerations, impact, concerns for
3 gradualism. All of those things factor in and mitigate
4 the data, mitigate the detail that we might offer in a
5 cost of service study.

6 Q. So essentially the data that's being provided
7 is based on a -- So essentially billing data and hourly
8 load data would be two completely separate things; is
9 that correct?

10 A. Correct. There could be there's going to be
11 data offered usually in the form of demands,
12 non-coincident demands in the cost of service study and
13 the billing determinants might be something different.
14 That's true. It depends on the allocation methods that
15 are applied to those accounts.

16 Q. Okay. Thank you. Okay. So then continuing to
17 look at the rate code pricing comparison document, which
18 is Exhibit 214, there's a difference in the facility's
19 demand charge of 17.13 percent where a primary customer
20 has a discount of 55.2 cents from the facility's charge
21 of a secondary customer. Do you see that?

22 A. 15. Is it on this sheet again?

23 Q. Yes.

24 A. Okay. And the number is 15?

25 Q. The number is 17.13.

1 **A. Okay. I'm with you now, yes.**

2 Q. Okay. Is that -- Okay. To start, that would
3 be less than the -- wait a minute. For a customer with a
4 500 kW annual demand, that would be a difference of \$276
5 a month. Does that sound correct?

6 **A. I'll accept it.**

7 Q. Okay. That would equate to \$3,312 per year.
8 But that's less than the \$3,600 difference in billing
9 demand charges for an all electric customer that we
10 referenced just a bit ago, correct?

11 **A. I'll again accept that. I'm starting to lose**
12 **track of the numbers.**

13 Q. Is that 17.13 discount because it's Evergy's
14 position that customers who take service at primary
15 should pay rates that are designed to recover costs
16 associated with the secondary distribution system?

17 MR. FISCHER: I think that's a misstatement of
18 our position, Judge. If you can answer it.

19 **THE WITNESS: I would not say that. I mean --**
20 **Your questions are assigning very specific costs to**
21 **pricing that historically has not been linked to cost.**
22 **Our pricing that we establish on our tariff sheets are**
23 **not aligned specifically to costs. They're informed by**
24 **cost studies. At the end of the day, there's a**
25 **disconnect between the costs that we incur and the**

1 pricing that we put on our tariff sheets. I know you're
2 trying to make relationships and generally those
3 relationships are there for the purpose maybe of
4 clarifying a cost, but I would hesitate to ever say that
5 they are perfectly aligned because of the ratemaking
6 process and the way that we go about assigning the
7 revenue requirements to these items. So I could only
8 offer in generalities what these costs should align to.

9 Q. Okay. So you can't speak to the 17 percent?

10 A. As being specific to any cost, correct, I would
11 not offer that. I would say that it's the intention that
12 the facility's charge is covering those costs of local
13 facilities for that customer, but the ratemaking process,
14 the way we settle cases, apply revenue requirements will
15 serve to break that relationship over time.

16 Q. Okay. Thank you. Now, I've been referencing
17 the MGS code specifically at Evergy Missouri Metro for
18 these examples. As we said earlier, Evergy West does not
19 have a comparable MGS class or MGS rate codes, correct?

20 A. Correct.

21 Q. And the large power service classes at West do
22 not have an all electric subschedule, do they?

23 A. Correct.

24 Q. Okay. And the small general service classes at
25 West don't have demand charges; is that correct?

1 **A. I think that is correct. I only pause because**
2 **the small general service class is the most noisy of all**
3 **of the classes and we have differences across all four of**
4 **our jurisdictions. I would accept that.**

5 Q. Okay. But other than the main distinctions
6 that I've just identified, the general relationship
7 between Every Metro's medium general service would be
8 more or less consistent with the commercial and
9 industrial classes for Metro and West. Would that be
10 fair to say?

11 **A. Yes.**

12 Q. Thank you. All right. Moving to a new
13 subject.

14 JUDGE HATCHER: Excuse me. Just hearing your
15 comment that you're moving to a new subject. I would
16 interject that it's been about two hours since we came
17 back from lunch. I am looking for a breaking point to
18 give everybody in the room a chance to stretch their legs
19 and then we'll be coming back. Is this a good stopping
20 point for you?

21 MS. SCURLOCK: Yes. This would be great.
22 Thank you.

23 JUDGE HATCHER: Excellent. Let's take a
24 recess. Let's come back at 3:05, 3:05. We are off the
25 record.

1 (A recess was taken.)

2 JUDGE HATCHER: All right. Let's go back on
3 the record the time of recess having expired. Before we
4 get started, Ms. Lange, if you could search for on your
5 desk the tariff sheets, Exhibit 212. Just throw a paper
6 copy at me sometime in the next couple of hours. And
7 speaking of the next couple hours, let's talk about our
8 end time for today. I am thinking about five-ish.
9 Everyone, lots of people here in the building
10 participating as witnesses, as counsel, and as all types
11 of other stakeholders here have things to do in the
12 evening. They have kids that have schedules. So I am
13 wanting to make sure and be respectful of that.

14 We also have a two-day hearing and I want to
15 make sure that the parties get the opportunity to put all
16 of their witnesses on. Any objections to ending at or
17 around five o'clock? I'll revisit that around five
18 o'clock. Okay. Let's go ahead and get started. We are
19 at cross-examination of Staff of Every Witness Lutz.
20 Following this will be Commissioner and bench questions,
21 recross and then redirect. Staff, your witness.

22 MS. SCURLOCK: Thank you. Judge, during the
23 break I handed a copy to you and to Mr. Lutz of the
24 Report and Order that was issued in Case No.
25 ER-2022-0337. I referenced that earlier.

1 BY MS. SCURLOCK:

2 Q. Mr. Lutz, in your direct testimony at page 23
3 you reference this page 48 of this order. Do you agree
4 with that statement?

5 A. Yes.

6 Q. Okay. On page 23 of this report and order,
7 there's a heading titled decision, and if you could look
8 at that paragraph which continues on to page 24.

9 A. Yes.

10 Q. So that language discusses the Commission's
11 finding in that case that the Company and Staff CCOS
12 studies were not suitable for allocating Ameren
13 Missouri's revenue requirement, and it states the
14 Commission finds none of the parties' CCOSs suitable for
15 setting rates that are just and reasonable in this rate
16 case. The Commission finds Staff's concerns about Ameren
17 Missouri's CCOSs credible. The Commission finds Staff's
18 CCOS insufficient for allocating class revenue
19 responsibilities because Staff was unable to obtain the
20 necessary information to complete more than an interim
21 step towards its goal of rate modernization. Do you see
22 that paragraph?

23 A. I do see that paragraph.

24 MS. SCURLOCK: Okay. I would ask the
25 Commission to go ahead and take notice of the Report and

1 Order or at the very least of the pages referenced here
2 and the page that is referenced in Mr. Lutz's testimony.

3 JUDGE HATCHER: The Commission's preference has
4 not been to simply take note of it. It has been to make
5 sure that it has an exhibit number. And although the
6 Commission has the power to just recognize and take note
7 of this Report and Order, I would like to go ahead and
8 ask for objections just to cover some bases. I have
9 Exhibit 215 as the next Staff number.

10 MR. STEINER: Your Honor, we haven't seen the
11 exhibit.

12 MR. FISCHER: We just got it.

13 MR. STEINER: Sorry.

14 MR. FISCHER: Counsel, is this different than
15 what's referenced on page 23 of surrebuttal testimony of
16 Ms. Lange, or I'm sorry, of Brad Lutz where he quotes
17 from ER-2022-0337?

18 MS. SCURLOCK: Yes. This is a different
19 section than what was referenced. Mr. Lutz does have the
20 full document that includes the portion that he
21 referenced.

22 MR. STEINER: May I approach the bench and see
23 what he has?

24 MR. CLIZER: Your Honor, while we're in the
25 process of this, based on your previous statement, are

1 you anticipating the document to be filed as an exhibit
2 at some point? You've given it a number.

3 JUDGE HATCHER: If I don't get any objections,
4 if it's admitted onto the record, then yes, it would be
5 an exhibit, yes, it would be filed in EFIS in total, if
6 that is the motion that passes.

7 MR. CLIZER: Thank you.

8 MR. FISCHER: Judge, I don't have an objection
9 if you want to make it an exhibit or just take notice,
10 whatever is your practice today.

11 JUDGE HATCHER: The exhibit number only because
12 taking notice can be hard to cite.

13 MS. SCURLOCK: That's fine. We can offer it as
14 an exhibit. That would be 215.

15 JUDGE HATCHER: Exhibit 215. You heard the
16 motion by Staff. Are there any objections? Hearing
17 none. So admitted.

18 (STAFF EXHIBIT 215 WAS RECEIVED INTO EVIDENCE
19 AND MADE A PART OF THIS RECORD.)

20 JUDGE HATCHER: 215 is the Report and Order
21 from 0337.

22 MS. SCURLOCK: Thank you.

23 BY MS. SCURLOCK:

24 Q. Mr. Lutz, looking at your surrebuttal
25 testimony, page 4.

1 **A. I am there.**

2 Q. You state that since all of those prior cases
3 were examined by the Commission and the rates were found
4 to be just and reasonable, I disagree with the assertion
5 that past approaches were flawed or based on
6 unsubstantiated assumptions or that provisions of the
7 data requested by Staff will now correct some historic
8 error; is that correct?

9 **A. That is what I say, yes.**

10 Q. Okay. But you do agree that the portion of the
11 order in ER-2022-0337 specifically references a data
12 shortfall?

13 MR. FISCHER: Judge, I'm going to object. I
14 think that's talking about Ameren. It's not talking
15 about Evergy at all.

16 MS. SCURLOCK: However, Mr. Lutz did reference
17 this order specifically in his testimony.

18 MR. FISCHER: Not in that segment.

19 MS. SCURLOCK: However, taking a portion of an
20 order out of context, you kind of assume upon yourself
21 that the entirety of the order may be used to fulfill
22 that context.

23 JUDGE HATCHER: It does seem like we're getting
24 a little far afield, but I'm going to allow it. What was
25 the question? The question was -- I'm sorry. The

1 objection was that this was Ameren.

2 MR. FISCHER: Not relevant to this case.

3 JUDGE HATCHER: Right. But your question, your
4 underlying question was does he acknowledge that a lack
5 of data was cited in the Ameren case?

6 MS. SCURLOCK: Correct. In light of his
7 statement in his testimony referencing that since prior
8 cases were examined by the Commission and the rates were
9 found to be just and reasonable, I disagree that past
10 approaches were flawed or based on unsubstantiated
11 assumptions.

12 JUDGE HATCHER: I don't hear an objection to
13 the question and I'll allow it. Go ahead.

14 THE WITNESS: Okay. I agree that the statement
15 was made about the data, but I would go on to say at the
16 end of page 23 that the Commission went ahead and took
17 steps to allocate the -- Let's see. The agreement
18 allocated the customer classes on an equal percentage
19 basis. So an alternate outcome was achieved and found to
20 be acceptable to the Commission resulting in just and
21 reasonable rates. So just because the data was
22 insufficient didn't impede the Commission in exercising
23 its role in putting just and reasonable rates together.
24 So back to my testimony, that's what I'm saying is that
25 the Commission in its authority has looked at the record,

1 looked at everything and despite data, issues or
2 questions, they can still establish just and reasonable
3 rates without having perfect cost data, studies,
4 whatever. They exercise their authority and analyze it
5 in a different context, if you will, but it's still a
6 just and reasonable rate. So for it to be asserted that
7 these are unsubstantiated is I think a bit of a reach.

8 Q. Mr. Lutz, when you say "everything," that
9 includes all of the data that's provided by all of the
10 parties including Staff, correct?

11 A. Correct. Everybody will have a different
12 opinion that they bring to the Commission for their
13 consideration.

14 Q. Thank you. That is all I have on that matter.
15 If it were entirely up to Evergy, when do you anticipate
16 that Evergy would do the programming to be able to add
17 AMI metered customer usage by rate code to know how much
18 energy customers on what's currently identified as RTOU2
19 or the summer peak time-based rate plan were using at say
20 6:00 p.m. in July versus how much energy customers on the
21 RPKA, or default time-based rate plan, might use in that
22 same hour?

23 A. I'm going to ask you to ask that one more time.

24 Q. That is fine. I can do that. When do you
25 anticipate that Evergy would do the programming that

1 would allow it to be able to determine based on AMI
2 metered customer usage by rate code to know how much
3 energy a customer on the summer peak time-based rate plan
4 and the default time-based rate plan would have used for
5 the same hour say at 6:00 p.m. in the middle of July?

6 A. Okay. There's a lot there. For me to answer
7 that question, I would have to establish or describe that
8 the hours are not important to the proof of revenue
9 process; that when we are establishing the revenue
10 requirement and apportioning it to the customers, we're
11 looking at the billing determinants for those respective
12 rate codes. So how many kW hours occurred in the peak,
13 how many in the off peak, how many in the super off peak,
14 and those are multiplied times the rate to generate the
15 revenue that that design would produce. It does not
16 require the hour within that.

17 Q. So Evergy would not anticipate looking at that?

18 A. We would need -- There would have to be a need
19 for identifying the hour. Now, up to this point in our
20 experience doing time of use rates, the hour detail is
21 most beneficial when trying to determine the periods, if
22 there's a need for the period to move around; but to just
23 exercise the application of a revenue requirement within
24 a rate case, the hourly data is not needed. So I would
25 say we would probably not estimate a time for that

1 **program.**

2 Q. Okay. When you say "period," you mean the
3 periods of different rates based on time of use?

4 A. **Correct.**

5 Q. Okay.

6 A. **Correct.**

7 Q. Given in that same vein, do you think that
8 Evergy would do the programming to be able to determine
9 how many customers were on summer peak time-based rate on
10 that date versus how many were on the default time-based
11 rate to be able to compare usage per customer?

12 A. **And is the question again about programming?**

13 Q. Yes, but given strictly based on Evergy's
14 timeline, not including Staff's ask.

15 A. **I don't know that I can offer when we would do
16 programming to achieve those details.**

17 Q. Does entirely based on Evergy's expectations do
18 you think you would ever look at hourly usage data?

19 A. **Certainly, certainly. I mean, I think like I
20 -- sorry. Like I described a moment ago, there are times
21 when it's necessary to go below the billing determinants
22 to get more information. But at this point and in the
23 context of the residential rates, those are just now
24 freshly deployed. We aren't looking to change those
25 hourly periods today.**

1 Q. And that wouldn't be by rate code if you were
2 looking at that?

3 A. By then, yes, I would say at some point in the
4 future there could be a need to look at hourly usage by
5 rate code. In today's ratemaking, what we're doing at
6 the moment, class data is more than sufficient to achieve
7 an outcome in a rate case.

8 Q. Okay. And you don't know when that would be.
9 It would be based on as yet undetermined factors?

10 A. Right. There's a lot of variables as far as
11 when a case might occur or when changes might be needed.

12 Q. Okay. Can you tell me what the low end
13 ballpark range would be to build a mile of a new primary
14 voltage line overhead?

15 A. Nope.

16 Q. Okay. Do you know who at the Company would be
17 able to answer that question?

18 A. Well, we attempted to try to learn this through
19 the discovery process and our other interactions with
20 Staff, and the answer that I got from the people I
21 consulted was there are too many variables to determine.
22 That, you know, if you're talking about urban, if you're
23 talking about rural, there's a lot of variables that
24 could come into play that could greatly affect that
25 number.

1 Q. But Every might be able to with a
2 collaborative effort determine alternatives based on a
3 narrowed definition of that data?

4 A. Certainly. But every assumption then
5 potentially limits the result or influences the result.
6 I mean, that's part of the reason in our cost of service
7 studies you see the allocation methods that are there is
8 that there just isn't a precise clean way in many of
9 these contexts to assign the costs. So allocations are
10 used as a proxy to get those costs to the respective
11 classes.

12 Q. Okay. And would the answer be the same for the
13 miles of primary overhead line and primary underground
14 line?

15 A. Yes.

16 Q. Do you think that a study could be done to look
17 at the costs of the secondary system versus the primary
18 system and then any other voltage distinctions that
19 appear in Every's tariffs using either the relative
20 marginal costs or the relative embedded costs?

21 A. Again, depending on your definition of study, I
22 would offer that there is a level of that that occurs
23 within our normal cost of service process and that
24 efforts could be made to extend that to provide even more
25 granularity within that cost of service data. So

1 depending again on how you qualify what is a study, some
2 of that exists today.

3 Q. Do you know if that's by relative marginal cost
4 or relative embedded cost?

5 A. Generally embedded cost is what you're going to
6 see. The Company has loadings, for example, that it has
7 to account for in its pricing of those. So yeah, it's
8 generally not a marginal cost.

9 Q. Okay. And do you know if that's by primary or
10 if it's more specifically like 34 KV versus 14 KV?

11 A. No. In that case, there's the real potential
12 you'll start commingling voltages. What we'll do is we
13 seek to provide service to a customer or a group of
14 customers with the particular project. It's not done on
15 a voltage basis. It's done to achieve a service. We're
16 trying to provide energy. So it could include primary.
17 It could include secondary. It could include higher
18 voltages that might happen to be on the same pole.

19 There's too many variables concerning how we execute the
20 construction of the distribution grid to assign those
21 costs precisely to a given voltage or to a rate code.

22 Q. Okay. And then going back to the customer
23 charges that we were referencing that would vary by
24 annual demand, do you have someone that would be able to
25 reference the kind of data that you have about costs for

1 metering a 500 kW customer versus a 50 kW customer or say
2 a 1,500 kW customer?

3 A. Yeah. The data is available. Often times in
4 our cost of service studies there is some level of that
5 data available.

6 Q. Okay. So there would be somebody that we could
7 work with on that?

8 A. Right. But again, I caution that you can't be
9 certain that you're going to be able to give it in a by
10 voltage or by rate code form. That's the factor that
11 really changes things for us.

12 Q. Would that be simpler if we didn't ask for it
13 by rate code?

14 A. Yeah. I mean, yes. I mean, the way we do
15 things now are generally at the jurisdictional level and
16 then allocated to classes. If something can be done at
17 that level, it links with data that's already available
18 in the class cost of service processes and it avoids a
19 lot of the problems with mass property, say like poles,
20 you know, things that aren't accounted for uniquely in
21 our system accounting like the testimony of Sean Riley
22 referred to.

23 Q. So also limiting it to the customer size as
24 opposed to customer class would make it more possible?

25 A. Class is where I would prefer to start, just

1 **that's where things are most normally divided in our cost**
2 **analysis.**

3 Q. Okay. Thank you. And then finally I am going
4 to ask Ms. Lange to hand out there are data request
5 responses that were provided to Staff's Data Requests 207
6 and 206. If you could honestly just verify for me that
7 this looks to be the appropriate questions that were
8 asked in both 207 and 206 and Evergy's responses to such.

9 A. **Yes, they are.**

10 MS. SCURLOCK: Then I would go ahead and offer
11 these two data requests into evidence. One concerns
12 interval meter reading data. The other concerns customer
13 account data. And that would be Staff's Exhibits 216 and
14 217. I apologize. I can actually give you my copy in
15 just a minute if that will help.

16 JUDGE HATCHER: Let's go on.

17 MS. SCURLOCK: I will offer those into
18 evidence. If you need me to provide more. Mr. Lutz has
19 verified them. I have them identified as 207 being
20 Exhibit 216, but let me know if that's confusing.

21 JUDGE HATCHER: Okay. I have the motion for
22 the admission of Exhibit 216, which is Data Request 206,
23 and Exhibit 217, which is Data Request 0207. You've
24 heard the motion. Are there any objections? Both are so
25 admitted. Go ahead.

1 MS. SCURLOCK: Thank you.

2 (STAFF EXHIBITS 216 AND 217 WERE RECEIVED INTO
3 EVIDENCE AND MADE A PART OF THIS RECORD.)

4 BY MS. SCURLOCK:

5 Q. Finally, Mr. Lutz, earlier the counsel asked
6 Everyg Witness Ms. Dragoo about the DR response to
7 Staff's 250.1 that was asked in the rate case
8 ER-2022-0129. And Everyg's response in that case was
9 that no voltage or loss adjustments were applied to the
10 hourly load by rate class data provided in response to DR
11 250a. The data provided represents the direct
12 measurements on the customer meters. And Ms. Dragoo said
13 that she would recommend you for an explanation of that.

14 A. **Sorry. I was looking at these two and then you**
15 **asked me about a different one.**

16 MR. FISCHER: Which exhibit number? I'm sorry.

17 MS. SCURLOCK: That was offered as 204.

18 MR. FISCHER: Thank you.

19 MS. SCURLOCK: And I believe that was received
20 into evidence. Yeah, it was offered as 205. Sorry.
21 Staff's numbers have also now gotten confused.

22 MR. CLIZER: For the record, this would be
23 Staff DR 0250.1? Sorry.

24 JUDGE HATCHER: Yes, that's what I have for
25 Exhibit 205 is DR 0250.1.

1 MS. SCURLOCK: That is correct. That is what
2 I'm referencing.

3 THE WITNESS: Okay. I think I've finally
4 caught it.

5 MS. SCURLOCK: Then that is actually all I have
6 is just to refer that to Mr. Lutz. I guess it was
7 admitted. I apologize. I did not realize it was
8 admitted. I just knew it was deferred to Mr. Lutz. I
9 wanted to ensure that it did get admitted.

10 JUDGE HATCHER: Let's just do it one more time
11 just for giggles to make sure.

12 MS. SCURLOCK: Okay. Then I just wanted to
13 offer 0250 identified as Exhibit 205.

14 JUDGE HATCHER: Any objections to the admission
15 of Exhibit 205?

16 MR. FISCHER: No objection, Judge.

17 JUDGE HATCHER: Hearing none. So admitted.

18 MS. SCURLOCK: That is it.

19 JUDGE HATCHER: Thank you. That takes care of
20 cross-examination. Now we will go to Commissioner
21 questions. Are there any Commissioner questions?
22 Chairman Rupp.

23 CHAIRMAN RUPP: Good afternoon.

24 THE WITNESS: Good afternoon.

25 QUESTIONS

1 BY CHAIRMAN RUPP:

2 Q. How does it feel to be the guy?

3 A. Not great, if I'm honest.

4 Q. Well, I'm going to pile on to that.

5 A. Feel free.

6 Q. What is the estimate of cost to provide line
7 transformer cost and expenses by rate code?

8 A. What is it? In our operational perspective, I
9 don't have an equivalent. This is more related to what
10 has been asked for by Staff. In our operations, that
11 would be commingled with projects and other line
12 extension work that we might be doing. So it's a
13 reflection of Staff's approach for answering questions
14 about distribution costs.

15 Q. So that's what it would be used for, right, but
16 you don't an estimate of the costs to generate that
17 information?

18 A. Oh, with respect to data set 1, is that the
19 context of the question?

20 Q. Yes.

21 A. Yes. The concern there is that much of the
22 data that is being looked for, for example, transformer
23 costs by rate code or something like that is not present
24 in our accounting systems or our work management systems
25 to even offer. So it's not an attribute that we track

1 **operationally and cannot turn around and offer it as**
2 **requested.**

3 Q. Would that data be valuable to anyone at a
4 standalone or is there other data it would need to be
5 compiled with to be useful?

6 A. **I think it would have to be compiled with other**
7 **data to be useful.**

8 Q. Is that something that the Company would find
9 useful and needful in the future?

10 A. **Only to the extent that there was concern about**
11 **the current approaches used to recover costs or price**
12 **those elements in our rates.**

13 Q. To your knowledge, has any other state adopted
14 a similar methodology to what Staff is generally
15 proposing to use?

16 A. **For data set 1, no. And that was part of the**
17 **purpose of seeking out help from Mr. Riley to make sure**
18 **that we looked at that and looked for anything that might**
19 **be out there. And his testimony I believe is that this**
20 **is not done anywhere else.**

21 Q. To your knowledge, are there any NGOs or any
22 other state PSCs advocating to adopt a similar
23 methodology to what Staff is proposing?

24 A. **I have to be careful there because I know where**
25 **the long view that I believe Staff is attempting to**

1 achieve and I spoke to that in my testimony, and I think
2 there are commissions that have adopted those concepts
3 but I am not aware of those that have adopted
4 distribution cost studies by rate code as exhibited in
5 data set 1.

6 Q. So if I were to ask you Evergy's estimate of
7 costs to provide primary distribution costs, secondary
8 distribution costs by voltage, would you have the same
9 answer as your first answer on the line transformer
10 costs?

11 A. What I would offer in the interim would be to
12 go to our existing cost of service studies where we take
13 that information by FERC account and allocate it to the
14 classes. That would be my first response and seek to
15 determine if that presentation of cost is adequate to
16 your need, because that is offered in every rate case
17 where we do allocate those costs out. What's distinct is
18 that Staff is seeking to go beyond that and to try to
19 look at the distribution costs in another way. And my
20 testimony has been thus far that we're really not
21 leveraging the data that we have before us in the current
22 cost studies to inform our rates. And I would offer we
23 should try to consider that first before going down a new
24 path for yet another input on distribution costs.

25 Q. So I had similar questions on all of the

1 different data sets and I guess I can just ask them and
2 you can either just -- I always ask them and you can
3 answer them or tell me if it's the same answer as the
4 previous ones. So we did the line transformer. We
5 talked about primary and secondary distribution. What
6 about like primary voltage service drop cost and
7 expenses?

8 A. Similar. The only one that might give us any
9 opportunity might be metered costs because there is much
10 more of a one-to-one relationship between metering and
11 billing and there could be some way to create linkages to
12 rate code or other things for that one element of
13 distribution cost. But it's not the significant item.

14 Q. So if you could tie that to rate code, could
15 you also do the meter costs by voltage?

16 A. For meter costs, that's the only one that
17 there's any opportunity to do at those levels. The
18 others are just not utilized in a way that would allow
19 that association cleanly. For the others, no matter what
20 you do you would still have to allocate in some way
21 because of the shared nature of distribution facilities.

22 CHAIRMAN RUPP: Judge, I think that's all I
23 have.

24 JUDGE HATCHER: Thank you. And Commissioner
25 Holsman.

1 COMMISSIONER HOLSMAN: Thank you. Good
2 afternoon.

3 THE WITNESS: Good afternoon.

4 QUESTIONS

5 BY COMMISSIONER HOLSMAN:

6 Q. First off I want to thank you on the testimony.
7 I really liked the color coded chart. I think that
8 visually it kind of helps frame the issues that we're
9 dealing with here today. So based on that, you had seven
10 in green, three in yellow and three in red. And my first
11 question is the seven in green are we at a place where
12 the Company is willing and ready and able to provide that
13 data?

14 A. Yeah. Let me clarify there, if I may. There
15 are two columns. There's the availability and then the
16 deliverability. And in many cases the data is there.
17 It's just a matter of how do we get it out, how do we
18 package it, how do we make it such a way that's it's
19 repeatable, usable. If Staff comes back six months from
20 now and wants something different, we need it to be the
21 same. There are controls that we have to put in place,
22 repositories. So that deliverability column is really
23 the crux of our concerns. In most cases, the data is
24 available.

25 Q. And would you then put a qualified time frame

1 on, you know, if it's repeatable how quickly can you
2 produce it?

3 A. Right, right.

4 Q. On the three yellows, is this, and again
5 separating the two columns, is this something you feel
6 positively about that you're going to be able to
7 accomplish the requests?

8 A. I think so. The one I might draw caution to
9 is number nine, the coincident peak demands and reactive
10 demand. I hope that we have an opportunity to look at
11 that much closer in a rate proceeding to see what's
12 applicable to Evergy. I know there were things that
13 happened in Ameren that led a certain way, but I think
14 those might have been driven by other things that were
15 specific to Ameren. Other than nine, I think on number
16 six, for example, we offered that that is -- it says from
17 time to time the Commission may designate certain items.
18 So on that one it's just a little bit open ended. So
19 yes, I agree with you but it's really dependent on the
20 context of the specific ask.

21 The third one, the last one, is intervals. And
22 the issue around intervals is that we have those in our
23 Meter Data Management System, the MDM System you may hear
24 it referenced, but it's not something that we use for
25 other purposes. So we have to -- we have to make sure

1 **that we can get those intervals out and delivered so**
2 **there would be some work on that number four.**

3 Q. Okay. And then on the three red we heard from
4 previous testimony that one because of its cost 80 to
5 \$100 million was going to be almost an impossible lift.
6 The other two was five and eight?

7 A. **Five and eight, yes.**

8 Q. Are either one of those two is the Company's
9 position that you are unable or not going to be able to
10 produce that information regardless of, you know, what we
11 come up with here?

12 A. **Correct. One and eight are related. Five I**
13 **think Julie Dragoo spoke to that that there was new**
14 **information about the nature of these adjustments that**
15 **are talked about in five. I would say if we did this**
16 **today it would probably be yellow for number five.**

17 Q. Number five. Okay. That helps. The only
18 other question I have is, you know, on the seven greens,
19 I know two of them are retention. So you know, that's
20 not really asking to produce anything. It's more saying
21 retain information. You know, why does it take
22 Commission action to get that information to Staff? You
23 know, what's the Company's response to why it's required
24 this to get that information?

25 A. **Right. And it really boils down to the fact**

1 that these requests are moving beyond what we do
2 normally, and they're asking for things maybe in a
3 nuanced way or in such a way that we've got to step aside
4 and do other work specific just for Staff to deliver this
5 information. And because in some case it's maybe getting
6 down into levels of detail that require us to go back and
7 redesign many of our upstream processes to get it there,
8 it just started to test the bounds of how far do we go,
9 you know, what's reasonable for us to do and provide. I
10 mean.

11 Q. Do you feel like this hearing has provided an
12 idea of what the Commission or what Staff is asking for
13 what is reasonable?

14 A. Well, I mean, I feel like I understand what
15 Staff is needing, and I hope what is being heard is that
16 we have some limitations to what we're able to do easily.
17 There's going to be cost and effort regarding some of
18 these items. So what I'm looking for, what I hope is
19 that the Commission can offer some structure around how
20 do we bridge that, how do we resolve that difference and
21 determine what's right and needed for our customers, you
22 know, to make sure that they have just and reasonable
23 rates.

24 Q. Okay. That was my last question, but I just
25 thought of one.

1 **A. That's fine.**

2 **Q. Assuming that we ordered you to do all of**
3 **these, do you believe that these costs would be in rate**
4 **base? Is this something where that ratepayers would**
5 **ultimately bear the expense in a rate case for this data?**

6 **A. Yes, because a number of these will be**
7 **incremental. Some of these we could probably do within**
8 **our existing staffing, existing efforts, some of the**
9 **smaller ones maybe. For example, on one, if you said we**
10 **had to do number one, we're going to have to start over**
11 **in a lot of respects as far as how we do our basic**
12 **processes, how we do our basic accounting. We're going**
13 **to have to lift up the house and change out all of the**
14 **foundation before we can drop the house down and**
15 **renovate. That would be a big lift and it would have to**
16 **-- that kind of money is significant to the Company.**

17 **COMMISSIONER HOLSMAN: Thank you for your**
18 **testimony. Thank you, Judge.**

19 **THE WITNESS: You bet.**

20 **JUDGE HATCHER: Commissioner Hahn.**

21 **COMMISSIONER HAHN: Thank you, Judge.**
22 **Appreciate it, Mr. Lutz.**

23 **THE WITNESS: Good afternoon.**

24 **COMMISSIONER HAHN: Good afternoon.**

25 **QUESTIONS**

1 BY COMMISSIONER HAHN:

2 Q. Just a few different questions on a couple
3 different topics. I'm really interested in your view and
4 I've read some of your testimony of the why, kind of the
5 goal behind the data. So from your view and your view of
6 what Staff's goals are with regard to the data, what do
7 you think the ultimate end goal is the data -- if you
8 were to be able to produce the data to give to Staff,
9 what do you think the ultimate goal of Staff is, you
10 know, with using that data?

11 A. Yeah, I believe Staff has a vision for where
12 they want the rate designs of Evergy to go and that these
13 data elements will help them get there.

14 Q. And do you think that in order to get to
15 Staff's goals that all of this data needs to be provided
16 or can certain components or others be provided to
17 satisfy those goals?

18 A. I think -- Well, let me speak to the
19 differentiations we've offered thus far. The cost data
20 under data set 1 and 8, the part of 8 that's associated
21 with it, that is just -- there's got to be a different
22 way to do that. I think that the way the Staff has come
23 at that is just a way that is not workable within our
24 traditional accounting methods. There's going to have to
25 be something different. I think we've all acknowledged

1 that the ones related to customer data, mainly 2, 3 and
2 4, there's a lot of opportunity there. It's just really
3 a question of how do we deliver it, a lot of the details
4 about that. And then finally number 9 kind of stands out
5 again because that really hasn't been litigated for
6 Evergy. To know whether coincident peak demands or
7 reactive demand elements are needed for Evergy is an open
8 question to me. So I'm not -- I think that -- There are
9 other things that need to be addressed there before we
10 were to address your question on that one.

11 Q. Thank you. In your original testimony you did
12 reference other utilities in the data that they provide.
13 Specifically you mentioned Liberty and Ameren. Can you
14 speak a little bit more about that, you know, do you know
15 if they provide this exact data? I will ensure to ask
16 Staff the same. What's your knowledge level about what
17 they provide?

18 A. Right. We've tried very hard to stay abreast
19 of this. I mean, I know the Commission is aware we've
20 not been able to intervene or participate in some of
21 those cases and they weren't able to participate in this
22 one. We've had to rely on other paths to try to stay
23 abreast of what's going on. But the sense that I get is
24 that not all of us have been subjected to these very same
25 nine questions; that most of the parties or other

1 utilities have received variations. So you might
2 acknowledge themes that maybe are crossing the utilities.
3 But there's difference in what is being asked of the
4 utilities. And then also there's difference in the way
5 the utilities have executed their, for example, roll out
6 of their time of use rates that maybe have afforded them
7 the ability to maybe have more data sooner or, you know,
8 variations like that that are utility specific that need
9 to be taken into account. But I think I have a sense of
10 where the utilities are on those matters. And in my
11 assessment we are everywhere across the board; that some
12 are starting to provide data or similar data, others have
13 not -- and have not taken any steps yet maybe other than
14 a commitment to do so. So I think it's ripe now for us
15 to understand what is acceptable for rate design support
16 going forward.

17 Q. Thank you. Also in your -- a combination of
18 your testimony, your surrebuttal and Staff's testimony,
19 it seems that there is, I'm going to summarize here, so
20 bear with me, I'm going to say a miscommunication or lack
21 of communication about, you know, what is requested, what
22 is available, what the Company is able or willing to
23 provide. And I think, again this is my own summation,
24 but Staff has thought that the responses from the Company
25 have been nonresponsive and that's not been the Company's

1 position.

2 A. Correct.

3 Q. So can you please further explain what
4 communications maybe perhaps outside of the testimony
5 that you've had to try to fulfill Staff's requests?

6 A. Right. I admittedly was very troubled by
7 accusations of lack of good faith have been made by
8 multiple parties against the Company. I disagree with
9 that. I understand the frustration of not being able to
10 be given what you asked, but I don't know that that
11 immediately equates to a lack of good faith effort. Many
12 of the things that you've read about in testimony like,
13 for example, in Julie's testimony about how she performed
14 the estimates are the very same steps I have to go
15 through to get data out of our own systems.

16 That shirt sizing exercise she talked about, I
17 have to go through that too. I have to go through
18 prioritizations. I have to go through all of those same
19 hoops. And so in executing our estimates here, you know,
20 it was very aligned with what we have to do normally.
21 And so although maybe people misunderstood our efforts,
22 misunderstood what we offered in providing ranges and
23 color codes and different things, this was a good faith
24 effort to try to quantify what is a very difficult ask.
25 Having an advanced system does not equate to an easy

1 button for everything.

2 You know, we might see it in our own lives
3 where you buy a car and it's got all kinds of sensors and
4 new things on it. It makes your life a little bit easier
5 but in a lot of ways it's not. There's complexities now.
6 Nobody works on their car any more, for example. But my
7 point is that we've gotten to this point through a lot of
8 small steps that have turned into something maybe big or
9 frustrating for us all. It probably started small as
10 data requests and within a 20-day period an answer was
11 given and it escalates to a point where it's now an issue
12 in a case, it becomes a settlement, it moves out of
13 settlement into this and it's encumbered with all of the
14 formalities of the procedure. It gets harder to just
15 talk.

16 So I think that's a big attribute of it that
17 maybe was not completely communicated in my testimony,
18 but I did want to signal it and I think I spoke to it.
19 And I'll admit I think we have trust issues between us.
20 Maybe it's been said as much in other testimonies, and I
21 know that we've got to collectively get over that and
22 work through it. But that's I think part of where the
23 Commission comes in is to help moderate in a sense, give
24 us some guidelines, give us some boundaries that we can
25 interact within and maybe start to repair some of those

1 issues and find some level of collaboration going
2 forward.

3 COMMISSIONER HAHN: Thank you, Mr. Lutz. I
4 appreciate your honesty and frankness. I'll make sure to
5 take that into consideration. Thank you so much.

6 THE WITNESS: You bet.

7 JUDGE HATCHER: Are there any other
8 Commissioner questions? All right. Hearing none. The
9 Judge does have a few questions.

10 QUESTIONS

11 BY JUDGE HATCHER:

12 Q. I'd like to talk, pick up where Commissioner
13 Hahn was talking about the meeting between the Staff and
14 the Company. Can you give me an estimate about how many
15 times Evergy met with Staff between the end of that rate
16 case, so September 2022 through June of 2023?

17 A. Yeah, I would say that the meetings between
18 Staff primarily happened before the stipulation, I think,
19 subject to check, that we tried to meet during the case
20 during the discovery phases, maybe even during the
21 settlement phases of the rate case to determine if there
22 was some way we could find some common ground on the data
23 requests.

24 After the stipulation was set, I don't believe
25 there were any meetings with Staff after that stipulation

1 was set. At that point, we went to our corners, the
2 Company attempted to find out if it could produce the
3 data by July 1. And when it didn't, we filed the motion
4 to open this docket on the E0. Since that time, it's
5 been largely in the formalities of the E0 docket.

6 MS. SCURLOCK: Staff will agree with that
7 statement if that helps.

8 JUDGE HATCHER: No, you can't testify but thank
9 you.

10 THE WITNESS: I will say the Company has tried
11 to stay engaged in other ways. We've joined with the
12 nonresidential workshop out of the Ameren case and have
13 heard from Staff and how they've interacted to learn more
14 about the data that's needed. We did have a couple of
15 meetings. One that was out of our stipulation we were
16 required to meet. We had a second and then schedules
17 just kind of got in the way of us doing any more. But I
18 would say we've probably been together four times in
19 other venues not specific to these data needs where we've
20 interacted about data and about things to where I feel
21 like I have greater understanding of some of the future
22 potential, but in a sense we're tied to these nine.

23 You know, when the E0 case was opened and the
24 stipulation ahead of it, it wedded us to these nine data
25 requests in some sense. I think I said it before earlier

1 our answer is probably not these nine. It's something
2 else that we'll ultimately get to common ground on. It
3 might be informed by these nine but it's probably not
4 these nine.

5 BY JUDGE HATCHER:

6 Q. Since that settlement was agreed to, has Evergy
7 hired any employees to look into coordinating this?

8 A. To executing this any further, no, no, because
9 what we were in our mindset is that once we were unable
10 to meet the deadline, then it became a question of is it
11 worth doing. The language of the stipulation said that
12 we would bring forward our reasons why we couldn't do it
13 for consideration. And so in our minds we needed
14 feedback to know if we should continue and so we didn't
15 expend those resources.

16 Q. Did you consult any third-party consultants or
17 vendors, anyone not directly employed by Evergy for an
18 estimate?

19 A. Not in a formal sense. We interact with a
20 number of vendors just on a day-to-day basis and would
21 take advantage of informal communications with them, you
22 know, avoiding cost, you know. But if you had them in a
23 meeting for some other reason, we might ask, but nothing
24 that I could offer as evidence or anything formal.

25 Q. Would any of those third parties be involved in

1 the requests?

2 A. They could, yes. One of the specific parties I
3 won't name but they have role elsewhere in our
4 corporation for supporting our systems.

5 Q. In a normal course of business, would Evergy be
6 able to get an estimate from a third party for free?

7 A. Well, what we would get would be some kind of a
8 time and materials estimate. Based on what I understand
9 and our experiences with projects of this scope, without
10 some level of specific business requirements to constrain
11 the scope no vendor will commit to a number. They would
12 give us a time and materials and they'd say we'll stay
13 here as long as it takes to get it done. So no, I don't
14 think we would get an estimate that would constrain
15 someone, but we would get a billing rate for their
16 support.

17 Q. I want to find out at what point will they
18 charge you? Is your relationship with a third-party
19 vendor such that you can say hey, vendor, could you write
20 me up a proposal to coordinate this database and this
21 thing and that thing, and at that point are they going to
22 say yes and you need to give me \$500 to do all that math?

23 A. Right. Anything that's going to be of any
24 detail will require time of the Company, time maybe even
25 of Staff to help frame the scope. And if you know in

1 some of our like let's use data set 1, for example, in
2 the fourth column we said that there was a 5 to \$10
3 million design phase. Do you see that in there? That's
4 what that might refer to is that it could take a
5 significant contribution of effort to get just a design
6 stood up.

7 Q. So let me make sure that the record is clear
8 and that I am clear in my mind. When I am referencing an
9 estimate, I'm thinking as a homeowner I call up local
10 repair guy and they come out and usually provide a free
11 estimate. If it's an expensive estimate that's going to
12 take some time to review, I might as a residential
13 homeowner expect that there could be a cost. So --

14 A. Yes.

15 Q. -- when we're talking about Evergy, we're not
16 talking about a one or two-page estimate. We are talking
17 about a design contract.

18 A. In a sense. To use your analogy a little bit
19 further, what we're giving here is like when you call
20 that service person for help and you say my furnace is
21 not running, let's just say that's your scenario, there's
22 a usual range of cost to get a furnace going and that's
23 the kind of estimate that you're likely to get from that
24 person. It will be between 100 and 500 bucks, I can come
25 out and take care of you this weekend. When I get there

1 and I open up the cover and I find out that there's nine
2 or ten other things, all of a sudden it's 2,000, 3,000,
3 5,000, that's the kind of thing that we're trying to deal
4 with here. We've given you the first estimate, the range
5 that gets us there. But as we go through the details
6 and, for example, you know, like today we heard about the
7 potential for weekly data. Another aspect that came up
8 in the data requests was an aspect of by billing cycle.
9 Those are two new contexts which aren't unreasonable but
10 they aren't part of what we've considered thus far in
11 these data requests for data set estimates. It's natural
12 that as you start to look at this data and start to get
13 into it you see other things or other presentations that
14 might be more advantageous just like that service person
15 that takes the cover off your furnace and sees that
16 there's now two other parts that need to be replaced.
17 That expands the scope, and that's what we would be
18 dealing with here is trying to deal with that updated
19 scope as we execute on trying to provide these data.

20 Q. Has Evergy had meetings with Staff to discuss
21 alternatives, and I mean alternative data, alternative
22 methods?

23 A. No, not really. Again, that falls on me, I
24 mean, in a lot of respects. I could pick up the phone.
25 Admittedly the context of the case has given me some

1 reservation about engaging on those alternatives instead
2 wanting to see out the procedure and see if there's
3 guidance that we can get from the Commission. So no, to
4 answer your question.

5 Q. Did the Company's implementation of AMI require
6 new configurations and customization of its utility
7 computer software?

8 A. Some. I mean, yes, yes, but if you remember,
9 we were replacing an automated meter reading system with
10 that AMI. So it was not like a revolutionary change. It
11 was just an upgrade of sorts if you will. We already
12 were using a system for much of those same functionality.
13 In these data sets, especially with data set 1, that one
14 is entirely different. It's unique in and of itself. It
15 would not be like an upgrade per se. So you know, back
16 to your original point, how do I answer that, well, maybe
17 I'll just stop there. I'll just stop there.

18 Q. I asked Ms. Dragoo about this. I'm going to
19 pass that on to you.

20 A. Yes.

21 Q. Besides capital investments or maintenance
22 expenses, are there any other type of cost or expenses
23 tracked by voltage or rate class?

24 A. For our plant costs, capital or O&M, none are
25 tracked at voltage or by rate class.

1 Q. Regional transmission organization fees?

2 A. No. A little color on that. What we would
3 tend to do would be to track them based on our corporate
4 jurisdictions and then they would be allocated to classes
5 through the cost of service study. That's where they
6 could be available to inform ratemaking. But it's an
7 allocation based on some other allocation method, not a
8 direct assignment to rate code or voltage.

9 Q. Last question I have and this is one I have
10 heard quite a bit in my discussions. If you're not able
11 to access the data that you are keeping on these
12 different systems, how does Evergy know that it's
13 recouping the appropriate revenue?

14 A. Yeah. Well, to begin with, much of the data
15 that we're talking about is not necessary to exercise
16 that.

17 Q. That's what I want you to answer. Can you just
18 give me some more detail on that, please?

19 A. Right. So at its very basics, what we do is we
20 have a revenue requirement that we have to apportion
21 across billing determinants. It's a phrase proof of
22 revenue is what we often call it. So we total up all of
23 our kW hour sales, all of our kW demand charges, all of
24 our customer charges and we have all of those
25 determinants that we've identified. And the revenue

1 requirement is applied across those such that the
2 determinant times the price produces a revenue. And the
3 sum of those revenues is equal to our revenue
4 requirement. So all we need to do the revenue
5 requirement is the determinants and a price. We don't
6 need a lot of that extra data that's not associated with
7 a tariff determinant. Like hourly -- Like an hourly load
8 is informative, but it's not necessary for ratemaking.

9 Q. Sorry. I'm going --

10 A. Go ahead.

11 Q. Is it because they are grouped together when
12 you produce the final calculations?

13 A. Right. When the billing determinants are
14 totaled, it's done by say a peak period that reflects
15 four hours, but it's one number. So we aren't interested
16 in what's from four to five. We've totaled everything
17 between four to eight and it's one number and it's times
18 one price. And that equals one revenue that gets totaled
19 to give us our revenue requirement.

20 Q. I'm hoping to save you from being recalled and
21 I'm just --

22 A. I'm here. Don't worry. Don't worry. I'm
23 here.

24 JUDGE HATCHER: Let's stop there. The Judge
25 doesn't have any more questions. I'm going to give the

1 Commissioners a one more go just in case. Let's go to --
2 yes, yes, Commissioner Hahn, please go ahead.

3 COMMISSIONER HAHN: Sorry. One more.

4 THE WITNESS: No, you're good.

5 QUESTIONS

6 BY COMMISSIONER HAHN:

7 Q. Staff has stated in their testimony that going
8 forward they need this data for future ratemaking
9 purposes. Based upon the testimony that you just gave,
10 do you agree with that?

11 A. The important distinction is they need it to
12 support their proposal for that ratemaking. Our proposal
13 is different. And that's where kind of the pinch is a
14 little bit where we need the Commission to step in,
15 what's the Company's obligation to support the Staff's
16 independent and different proposal when it's costly for
17 us to do so.

18 COMMISSIONER HAHN: Thank you for the
19 clarification.

20 JUDGE HATCHER: And Commissioner Coleman.

21 COMMISSIONER COLEMAN: Mr. Lutz, good
22 afternoon.

23 THE WITNESS: Good afternoon.

24 COMMISSIONER COLEMAN: Good year.

25 QUESTIONS

1 BY COMMISSIONER COLEMAN:

2 Q. To make sure I understand this, so you're
3 saying that Staff is asking for something that you all
4 have that you can provide but it's very costly to you and
5 you're saying that that concern about the cost even if
6 what Staff is asking for is to work on your cases?

7 A. Let me be careful. There are two aspects to
8 the data being available. The data exists but we also
9 have to have a way to make sure the data gets out and
10 gets presented in a way that's usable, repeatable, data
11 quality. You can do things that are just quick and easy,
12 but sometimes you have to go through a lot more to get a
13 robust reliable process stood up. So in most cases the
14 data is present but it's not deliverable and we would
15 have to go through those efforts to make it deliverable.
16 I want to make sure that I'm clear with that distinction.
17 But we want to support Staff. And if we had the data
18 that they're asking for, we would give it to them
19 immediately. That's not the question. For us it's now
20 that we're starting to see a differentiation in the way
21 we approach rate design. Instead of us kind of working
22 along the same path, we're presenting two competing
23 proposals. What's our obligation to support their data
24 needs for that independent view, because it's starting to
25 become costly is part of the equation here. So does that

1 **answer your question?**

2 Q. But is that view to make a determination
3 regarding Evergy or is your concern that this is a
4 template that will be used for a variety of different
5 IOUs?

6 A. No, I don't think I have a concern either way
7 on that, whether it be limited to Evergy or used for
8 state-wide purposes. I don't think I have a distinction
9 there at all.

10 COMMISSIONER COLEMAN: Okay. Thank you.

11 THE WITNESS: You bet.

12 JUDGE HATCHER: Okay. That will end the
13 questioning. We'll go back to recross and then redirect.
14 Let me check my handy cheat sheet. We'll go to Mr.
15 Opitz.

16 MR. OPITZ: No thank you, Judge.

17 JUDGE HATCHER: Public Counsel.

18 MR. CLIZER: Hopefully brief. Good evening.

19 THE WITNESS: Good evening.

20 MR. CLIZER: It's been, what, four hours,
21 marathon.

22 THE WITNESS: All good.

23 **RECROSS-EXAMINATION**

24 BY MR. CLIZER:

25 Q. Really quick. You had a conversation with

1 Commissioner Holsman about your Schedule BDL-1.

2 A. Yes.

3 Q. Do you have that in front of you?

4 A. Yes. Go ahead.

5 Q. You were kind of talking about the different
6 color codings. No. 5 was discussed and I think you said
7 something along the lines, correct me if I'm wrong, if I
8 went back and looked at today, 5 might have been a
9 yellow. And I think that Ms. Dragoo said something kind
10 of similar in her testimony.

11 A. She did.

12 Q. I believe that all the numbers in that column
13 are public, right? We've established that now?

14 A. Yes.

15 Q. Super. Would that potentially change the cost
16 listed there?

17 A. At this point, I think the testimony of Ms.
18 Dragoo is that it's to the low number is where we're at
19 at the moment.

20 Q. So that 3.75 to 30 million range, you're
21 talking about the much lower range is probably closer to
22 what that would actually cost now that you have a better
23 understanding?

24 A. Correct.

25 Q. Super. And then on the talk on 9 --

1 **A. Yes.**

2 **Q. -- that was the coincident peak demand, right?**

3 **A. Yes.**

4 **Q. So if I understand your position correctly, it**
5 **kind of boils down generally to the idea that you don't**
6 **feel like this has been litigated and you'd rather have**
7 **this litigated first before committing to coming up with**
8 **what it would look like, right?**

9 **A. In a sense. In the few interactions that we've**
10 **had, especially I guess I can reference industrials that**
11 **have participated, there's been reservations that they**
12 **too are not sure that this is what they would like and so**
13 **we listen and would like to have some due process within**
14 **a rate case where all of the parties in the Evergy**
15 **jurisdiction can speak to that need whether that's**
16 **necessary.**

17 **Q. So hypothetically for a moment, if in a rate**
18 **case or two from now the question of whether or not a**
19 **coincident peak demand should be implemented comes up --**

20 **A. Yes.**

21 **Q. -- and the Commissioners ask you the simple**
22 **question well, can you calculate what that CPD would look**
23 **like, is that something that you can answer now? Will**
24 **you be able to answer what a CPD actually will look like**
25 **if in a future case it becomes litigated?**

1 A. The big answer is yes. However, I'd have to
2 quantify there are a lot of details about making data
3 like that available. In the experiences that I've had
4 with the Ameren nonresidential workshop, they've gone
5 through a lot of effort to compile and put together data
6 to support that discussion. So I would imagine we would
7 have to go through that same exercise at minimum to make
8 it available. So it depends on if that's asked in a data
9 request in a rate case, it's not something we could do in
10 20 days and satisfy a data request, for example. But if
11 it were --

12 Q. I get where you're going. How would that work
13 then in a rate case? Would you wait until after the
14 Commission ruled on it to then try and calculate what the
15 rate would look like?

16 A. Yeah, in a way, because what you're doing here
17 is you're basically changing the whole basis of the
18 demand pricing. You're going away from a noncoincident
19 to a coincident view. It's going to change the
20 determinants. You can approximate some things to explore
21 the policy of the change and once that's established then
22 you can go ahead and make a proposal under it.

23 Q. Okay. But then if I understand you correctly,
24 you don't really think it would be possible to come up
25 with what a CPD would actually look like numerically

1 before the Commission went down the path of saying we
2 want one or we want to consider it?

3 A. Right. Let me give a little flavor and this is
4 going to preview what you'll see in my testimony coming
5 up for the Missouri West case. In the Missouri West
6 jurisdiction, for example, we have what's called annual
7 base demand that's part of that rate structure. It's a
8 seasonal pricing structure. That would complicate the
9 conversion to a coincident peak basis. So in that
10 jurisdiction alone, I would think there needs to be some
11 steps to address the annual base demand element before we
12 piled on and tried to address coincident peak pricing as
13 an alternative.

14 Q. So another line of questioning that you had, I
15 believe this was a conversation you were having with
16 Commissioner Hahn, was kind of discussing, let me make
17 sure I'm close enough to the microphone, working with
18 Staff to try and resolve some of these. I'm going to try
19 and paraphrase. You kind of said maybe I could have
20 picked up the phone but we wanted some guidance. Is that
21 kind of the idea?

22 A. Yeah, at this point.

23 Q. If the Commission were to say like our guidance
24 is that we want you to develop this but maybe not at
25 these prices so please go work with Staff, is that

1 something you could get and take away from this and try
2 and work towards finding a solution here?

3 A. Certainly. If nothing else, I want everyone to
4 take away from this the Company is not trying to be
5 obstructionist. I know you brought up the idea that
6 we're not acting in good faith. I disagree with that. I
7 mean, we can have differences of opinion. We can maybe
8 even tell you no, but that doesn't mean we're not trying.
9 And that's -- We will try. We will commit to coming
10 together and trying to find a way. I understand what
11 Staff is trying to move towards. It just is a different
12 outcome than what we've contemplated in our consideration
13 of rate modernization.

14 MR. CLIZER: I understand. Thank you very
15 much. Give me one second. No further questions. Thank
16 you.

17 JUDGE HATCHER: Staff.

18 MS. SCURLOCK: Thank you. Also brief.

19 RECROSS-EXAMINATION

20 BY MS. SCURLOCK:

21 Q. Commissioner Holsman was asking you about
22 provisions 1 and 8 in regards to the Company's chart that
23 it produced?

24 A. Yes.

25 Q. Are you aware that Staff in rebuttal and its

1 position statement stated that it was open to
2 alternatives that would cost less than what the Company
3 proposed?

4 **A. Yes, I'm aware of that.**

5 Q. Okay. Were you aware that Staff asked about
6 taking samples at in-field installations?

7 **A. Yes.**

8 Q. Commissioner Hahn asked you about the Ameren
9 and Liberty data but you did just state to Mr. Clizer
10 that Evergy is participating in Ameren's rate
11 modernization workshop?

12 **A. We're observing, yes. Participation might be**
13 **strong.**

14 Q. Okay. You're part of the docket per se; you've
15 been at meetings?

16 **A. I've been to the meetings. We weren't allowed**
17 **to participate in the case itself. We've been invited to**
18 **the workshop.**

19 Q. Okay. When you say you weren't allowed to
20 participate, were you denied in some manner?

21 **A. I think we attempted to intervene in the cases.**

22 MR. FISCHER: Judge, if I could clarify. We
23 asked -- Or Liberty and Ameren asked to participate in
24 this docket, which is an EO docket, and they were denied.
25 Staff opposed that. They were denied. In the working

1 docket that they're referencing in the Ameren case, it is
2 a public working docket and anyone can participate and
3 Mr. Lutz has been attending that. That's the difference.
4 It's a nuance, but that's the distinction.

5 **THE WITNESS: Were we allowed in the Ameren**
6 **rate case?**

7 MS. SCURLOCK: Your Honor, at this point I
8 think now that Mr. Fischer is testifying.

9 MR. FISCHER: I'm sorry, Judge. If I was, I
10 was trying to clarify the situation.

11 **THE WITNESS: I apologize if I was misstating.**

12 MS. SCURLOCK: That's just what I'm trying to
13 understand.

14 BY MS. SCURLOCK:

15 Q. Do you know if Evergy's motion to intervene has
16 been denied in any recent case?

17 **A. Now I'm uncertain.**

18 Q. Okay. We'll carry on. Judge Hatcher was
19 asking you about meeting with Staff. You mentioned that
20 there were four interactions that occurred outside of
21 this docket between Evergy and Staff. Can you tell me
22 were all of those after July of 2023?

23 **A. Which would have been the date of the EO**
24 **docket, yes.**

25 Q. The date that was referenced in the stipulation

1 that Evergy said it would provide this information to
2 Staff?

3 **A. I believe that's true.**

4 Q. Okay. Thank you. And then Commissioner Hahn
5 in the second round of questioning mentioned -- was
6 asking you some more about the way that Evergy sets its
7 rates. Would it be your testimony then that Evergy does
8 not need the hourly loads by rate code in order to
9 weather normalize its residential rate plans for revenue
10 and billing determinants?

11 **A. I think in some respects I would mirror what**
12 **Staff said in their data request to us on that matter**
13 **that we're not certain. Historically I would say no, but**
14 **I think there could be a need but at this point we've not**
15 **seen it that hourly loads for weather normalization --**
16 **there's not a clear need that I see.**

17 Q. Okay. Evergy hasn't identified one at this
18 stage?

19 **A. Right. If you're thinking about weather,**
20 **you're looking at 30-year periods for weather. I mean,**
21 **it's usually big, big data. It's not hours. Weather by**
22 **hour is, I don't know, I'm still trying to come to my**
23 **opinion. Admittedly that's not my area of witness.**
24 **Usually we have other Company experts that would speak to**
25 **that. As an interested party, I don't see a linkage to**

1 hourly.

2 MS. SCURLOCK: Okay. Thank you. That's all I
3 have.

4 JUDGE HATCHER: And redirect.

5 MR. FISCHER: Well, where to begin. Let's try
6 to get done before the end time.

7 REDIRECT EXAMINATION

8 BY MR. FISCHER:

9 Q. Let's go back to I guess the meetings that
10 Judge Hatcher asked you about since the rate case.

11 A. Yes.

12 Q. Did you also have meetings with Staff regarding
13 rate modernization since that last rate case?

14 A. Yeah, that would have been two of those four
15 that I mentioned.

16 Q. What was the first one about?

17 A. The first one came out of the stipulation terms
18 itself where we had agreed to meet like around 180 days
19 after the order and that was the first meeting.

20 Q. August 9, around that time?

21 A. I believe that's right, yes.

22 Q. Did you have another meeting on August 28 where
23 Staff made a presentation?

24 A. Correct.

25 Q. That was about their rate design vision or

1 proposals?

2 A. Correct.

3 Q. Just at a high level, can you explain to the
4 Commission maybe a difference in the two visions?

5 A. Yes. I alluded or I spoke to it directly in
6 some of my direct testimony. I believe that many of the
7 aspects of the Staff view have been informed by the
8 regulatory assistance project and some of their smart
9 rate design guidance. And really what I believe it is
10 moving towards are more of a universal rate that would be
11 applicable across broad groups of customers. Concepts
12 like class might not be as predominant. It would be a
13 time of use based rate -- yeah, a traditional time of use
14 based rate inclusive of some additional charges. I know
15 reactive demand is one that we've talked about a little
16 bit off and on today that might be applicable to those
17 rates. But very much a deviation from where we are
18 today, especially in our nonresidential rate classes
19 where we have distinct demand charges and energy charges.
20 So there's quite a bit of difference between what has
21 been presented as a rate modernization vision from Staff
22 to where we are.

23 Q. Okay. And there's some questions about
24 relationships between Staff and Company.

25 A. Yes.

1 Q. Did Staff file a complaint on our rate
2 modernization issue discussions?

3 A. Yes. One of the items was included in that
4 complaint case.

5 Q. And has Staff also filed the same complaint on
6 this data retention case that we're doing right now?

7 A. Yes.

8 Q. In that complaint case, are they asking for
9 essentially the same data they're asking for in this
10 case?

11 A. Yes.

12 Q. Let's go back to the big picture a little bit.
13 Well, before we do that, the Judge asked you about could
14 you go out to a third party and get some bids and find
15 out if we couldn't get this done. Was there really any
16 third-party vendor out there that could give you
17 information on Data Request No. 1 that would be helpful?

18 A. Again, relying on Sean Riley's testimony, I
19 would say no. We did not approach the market with some
20 kind of a proposal, request for proposals or something of
21 that nature. But based on his testimony, I would agree
22 with that.

23 Q. I'd like to go back to your discussion with I
24 think it was Staff counsel about a preferred route
25 forward and make sure we've got that in one spot in the

1 record here. What do you see as the preferred outcome
2 for this case now that you've been through it?

3 A. I think it's inevitable that there's some form
4 of case to carry this effort forward. I don't know that
5 this one, a continuation of this one is the best
6 solution, but some forum for us to continue to move
7 forward. Guidance from the Commission as far as how we
8 should proceed on some of these matters, if there are any
9 limits that we should consider, if there are any
10 mechanisms that we can use to be held whole in the
11 process. Those type of items would be helpful. I think
12 that's a general structure.

13 Q. So the Commission should look at our data
14 requests and decide whether we need to answer those what
15 the cost is, otherwise how to go forward?

16 A. Right, because I believe in my opinion I think
17 these have set out the overarching boundary or high level
18 ask and based on guidance we could refine that and maybe
19 find an alternate approach that lives within that that we
20 can mutually agree on, but we need some guidance to get
21 there.

22 Q. I'd like for you to expand on why you don't
23 think leaving this docket open for additional discovery
24 is the right path.

25 A. Yeah, I mean, this docket and depending on what

1 can be done to change it, but the discovery rules that
2 were set out in this, the accelerated turnaround time on
3 discovery, for example, is problematic. We agreed to
4 that to facilitate an overarching schedule, and that's
5 been met with this hearing. So now as we go forward, you
6 know, there would need to be different terms for
7 interaction on discovery and things of that matter.

8 Q. Just on that point, I think you talked with
9 Staff about they clarified that there are two companies
10 here and a lot of their data requests were duplicative.
11 Do you remember that?

12 A. I do.

13 Q. Well, for that, would you agree -- or I'd like
14 to read for you a few areas where they ask for ten years
15 worth of data for each of the companies and ask you if
16 you recall that that's the way it was. Did Staff ask for
17 as much as ten years worth of data for gross plant,
18 depreciation reserve, net plant, depreciation expenses?

19 A. Yes, that sounds familiar.

20 Q. For line transformers, land right structures
21 and improvements?

22 MS. SCURLOCK: Your Honor, I'm objecting to
23 this line of questioning. Staff didn't say anything
24 about ten years of data, and I don't know what requests
25 Mr. Fischer is referencing.

1 MR. FISCHER: I can give you the DR numbers if
2 you'd like. I'm following up on the questions that were
3 asked from the bench and the Staff counsel.

4 MS. SCURLOCK: I don't think the bench asked
5 anything about specific data requests. Unless they're
6 the ones that Staff has already entered in this case, I
7 don't think they're appropriate on redirect.

8 MR. FISCHER: Staff counsel opened this whole
9 area up whenever she said oh, we all have jobs to do and
10 she was talking about data requests.

11 MS. SCURLOCK: Your Honor, that's a very slim
12 thing on which to hang this argument.

13 MR. FISCHER: I'm asking about the process that
14 will go forward if we leave this open as a repository for
15 data requests.

16 JUDGE HATCHER: Mr. Fischer, you don't think
17 Mr. Lutz's prefiled testimony was sufficient?

18 MR. FISCHER: No, Judge, he did not address
19 this. He did suggest I think that he disagrees that he
20 in good faith tried to answer those data requests. I'm
21 following up on that as well.

22 MS. SCURLOCK: I'm unaware of where that
23 reference came from.

24 JUDGE HATCHER: I'm getting a little lost
25 myself.

1 BY MR. FISCHER:

2 Q. Well, okay, let me ask you this. Mr. Lutz, did
3 you suggest I think to the Commission that you felt that
4 you had participated in good faith in this process?

5 A. Yes.

6 Q. And that was in reference to the answering the
7 200 data requests that the Staff proposed in this case?

8 A. I consider that part of that good faith, yes.

9 Q. And you were requested to do it in ten days?

10 A. Yes.

11 Q. And the Staff denied you when you requested an
12 extension?

13 A. I believe so.

14 Q. That didn't encourage more talk, did it?

15 MS. SCURLOCK: I'm sorry, Your Honor. Staff
16 objects.

17 MR. FISCHER: I'll withdraw that. I'm sorry.

18 MS. SCURLOCK: I was going to say that was not
19 something that was brought up. There's nothing on the
20 record in regards to that.

21 BY MR. FISCHER:

22 Q. Would you expect if the Commission leaves this
23 docket open for a repository for discovery that we would
24 receive a lot of data requests like we received in this
25 case?

1 **A. I hope not but I don't know.**

2 **Q. Why would you hope not?**

3 **A. It's a lot of work.**

4 **Q. We all have jobs to do besides answer data**
5 **requests.**

6 **A. Well, I mean, yes. I mean, I acknowledge -- I**
7 **mean, Staff is just trying to find out how to get data.**
8 **I mean, I understand what's trying to be accomplished and**
9 **maybe the key takeaway is that we've got to find a way to**
10 **get there to move to a middle point in some way. I think**
11 **we've made a case that what is being asked has problems.**
12 **And if there's a way for us to find a middle ground,**
13 **maybe we can be more successful. But the way these nine**
14 **questions are phrased and constrain us, it's difficult**
15 **for us to achieve.**

16 **Q. If the docket is kept open for discovery, in**
17 **your years around the Commission is it your understanding**
18 **that in discovery the Company provides the data it has**
19 **but it's not asked to create data or do analysis that**
20 **does not exist?**

21 **A. Correct.**

22 **Q. That's different than what's happening in this**
23 **case; is that right?**

24 **A. Yes.**

25 **Q. Mr. Opitz, whenever he started a long time ago,**

1 four hours ago or so, talked to you about revenue
2 requirements, cost allocation and rate design. The cost
3 allocation issue goes to Data Request No. 1 principally
4 and 8 which asked for all that information upon request?

5 A. Yeah, yes.

6 Q. Would you explain what cost allocation, what
7 role that plays in a rate case and do you need to have
8 the most updated information about cost allocation in
9 order to process a rate case?

10 A. Okay. Yeah, the allocation is a mathematical
11 exercise to distribute the jurisdictional cost across the
12 classes. In doing so, you're trying to align cost
13 causation with the costs that are borne by those
14 respective classes. Now, the purpose of that is to
15 provide information about the relative rate of return,
16 maybe the pricing that might be incurred for one of the
17 elements or whatever. But the allocation process is
18 aligned with your data from your test year. So
19 everything in the rate case is built around the concept
20 of the test year. So your allocations are aligned with
21 that time period and based on the same data. And so it
22 is common for that data to be historic and I think we
23 explored it with Staff that it could be up to 18 months
24 variant from the date, from the current date at that
25 time. But that's in my experience just the natural

1 timing of a rate case that's an 11-month process in this
2 jurisdiction. So there's a certain aging of the data
3 that's just built into the process. But the allocations
4 as long as they're aligned with the test year data are
5 perfectly acceptable in my opinion.

6 Q. And that allocation process goes to whether how
7 much of the increase should residentials get, small
8 commercials, industrials?

9 A. Correct, at its most basic, yes.

10 Q. You've been around the Commission a long time.
11 Have you seen many cases where the Commission has said
12 this class cost of service study is the right one and
13 we're going to adopt that and we're going to set rates on
14 that?

15 A. No. Very few, if any, have I ever seen that.

16 Q. Lot of times they look at all of them and
17 decide what's reasonable given all of the evidence?

18 A. Right, or it's a settled matter.

19 Q. And sometimes it gets across the board
20 increase?

21 A. Correct.

22 Q. And if you had a perfect cost of service study
23 that took that DR No. 1 and had all that data and you had
24 a better cost of service study than the previous one, it
25 might not make an end result any different?

1 **A. Possible, because the Commission in its**
2 **judgment could choose to accept or deny any parts of that**
3 **in setting the rate.**

4 Q. Does the Commission need the granular data that
5 Staff's requesting in order to do a traditional rate case
6 even if it has time of use rates within it?

7 **A. I would contend no.**

8 MR. FISCHER: You know, Judge, I think I'm
9 done. Thank you very much.

10 JUDGE HATCHER: Excellent. Thank you,
11 Mr. Fischer. Mr. Lutz, you are excused subject to
12 recall. Dr. Marke, come on down. We're going to try and
13 fit your testimony in before 5:00.

14 MR. CLIZER: All of it?

15 JUDGE HATCHER: Subject to recall. He'll be
16 back tomorrow. Okay. Raise your right hand. Thank you,
17 sir. Do you solemnly swear or affirm that you will tell
18 the whole truth during your testimony?

19 **THE WITNESS: I do.**

20 JUDGE HATCHER: Thank you. Have a seat.
21 Mr. Clizer, your witness.

22 DR. GEOFF MARKE,
23 having been first duly sworn, was examined and testified
24 as follows:

25 DIRECT EXAMINATION

1 BY MR. CLIZER:

2 Q. All right. Can you please state your name for
3 the record?

4 A. **It's Geoff, G-e-o-f-f, Marke, M-a-r-k-e.**

5 Q. And by whom are you employed and in what
6 capacity?

7 A. **Missouri Office of Public Counsel. I'm the**
8 **chief economist.**

9 Q. And did you prepare or cause to be prepared
10 prefiled testimony for this case that has been marked as
11 OPC Exhibit 300, the surrebuttal testimony of Geoff
12 Marke?

13 A. **Yes.**

14 Q. Do you have any corrections to make to that
15 testimony?

16 A. **No.**

17 Q. If I were to ask you the same questions today
18 that are in that testimony, would your answers today be
19 the same or substantially similar?

20 A. **Yes.**

21 MR. CLIZER: All right. Now, Your Honor, I'm
22 going to do this very slowly for the record. We
23 originally filed this testimony as both public and
24 confidential. The only piece of confidential information
25 designated in the testimony appears on page 9, lines 14

1 to 15 and encompasses the costs for these investments --
2 not investments, the costs, my understanding of which has
3 been that that is made public. I am therefore moving to
4 offer the confidential version of Dr. Marke's testimony
5 as the public version and there would be no subsequent
6 confidential version.

7 JUDGE HATCHER: Because this is unusual, I
8 would like to get an affirmative reaction. I would like
9 to get a reaction from Everyg either way.

10 MR. STEINER: It's going to be filed public,
11 one version.

12 JUDGE HATCHER: Thank you. Any objections to
13 the admission of Exhibit 300 only a public version? No
14 objections. So admitted.

15 (OPC'S EXHIBIT 300 WAS RECEIVED INTO EVIDENCE
16 AND MADE A PART OF THIS RECORD.)

17 MR. CLIZER: Your Honor, as I had said
18 previously, if the Commission would like, I can move to
19 late file a copy of this that will strike the
20 confidential designation. I can see that you are saying
21 no. Okay. In that case, I tender the witness.

22 JUDGE HATCHER: The Judge will either work on
23 it or have some Staff remove the words confidential and
24 stuff. So we'll take care of it. We're on
25 cross-examination. That starts with Staff, Ms. Kerr.

1 MS. KERR: Thank you.

2 CROSS-EXAMINATION

3 BY MS. KERR:

4 Q. Just have a few questions. Is it reasonable to
5 do a deep dive in distribution in every rate case or to
6 look at it every few decades or so?

7 A. That's a good question. We haven't done a deep
8 dive in three, four decades. Well, three decades. It's
9 the '90s since we are reflectively relying on that
10 information from that last distribution study. So I
11 mean, that's why we're here. There's a lot of pushback
12 that this is stale data, this is old. I think what's
13 lost in this conversation is that there's been huge
14 amounts of investment that have moved forward.

15 I've heard testimony no other state is doing
16 this. No other states as far as Missouri is in time of
17 use rates. I can't think -- I can think of very few
18 utilities that have had AMI investment for more than a
19 decade. I mean, it hasn't been fully deployed. I'll
20 acknowledge that. But it's a knee-jerk reaction to kind
21 of compare utilities or states here. I just want to put
22 it on equal ground here.

23 Yeah, I would say it's very unusual to rely on
24 information that is that old in light of all the
25 investment that we've made moving forward.

1 Q. So you would say that you need to --

2 A. You need to update.

3 Q. -- update?

4 A. I would agree with that.

5 Q. Can you study peak response to time-based price
6 signals without hourly loads per time-based rate code?

7 A. No.

8 Q. Why not? Can you explain that?

9 A. You're going to be -- Can you study it? I
10 mean, without the information -- without the information
11 to support the rate design that's being applied to it, I
12 think it would be a challenge.

13 Q. So you need that data?

14 A. Yes.

15 Q. And in your testimony you talk a lot about
16 information asymmetry. Can you explain what the problems
17 of information asymmetry are if Staff or Commission can't
18 get the information that Evergy committed to provide?

19 A. You're not realizing the benefits of your
20 investments. That's really what we're talking about
21 here. My testimony spoke about information asymmetry. I
22 think the testimony explicitly said doesn't necessarily
23 need to be a bad thing. It's going to be inherent in
24 just about any business practice. It's more so on a
25 national monopoly with a regulated sector. That's why we

1 have regulation is to break down that information
2 asymmetry as much as possible, to align costs with cost
3 causation. The inherent problem with it is it's time.
4 It's an opportunity cost that's associated with this.
5 And I think my testimony spoke it was like 472 days. I
6 think 495 days as today when the Commission issued their
7 order until today. What did we get today? Oh, we can do
8 some of the stuff, but it took us to go ahead and have a
9 hearing. It took us to go ahead and file testimony. It
10 took us to go ahead and flush this out to minimize that
11 information asymmetry. Otherwise, it's cryptic DR
12 responses, it's -- listen. Give all the props to Mr.
13 Lutz. He's very articulate and quite frankly he's been a
14 pleasure to work with over the years. That being said,
15 that's a lot of time to pass between A and B to where we
16 are today. There is a level of frustration with not
17 being able to have the information that you need to
18 provide the best information that you need for the
19 Commission to make their decisions quite frankly.

20 The analogy that I would make is, and
21 Mr. Stahlman is going to get up here and maybe he'll talk
22 about weather normalization here in a second, for years
23 we never did weather normalization. You look back at --
24 Go back to these Commissions. Nobody knew what weather
25 normalization was. At some point the Commission said

1 yeah, that's a good idea. Take it a step further for
2 that history context. They went out and hired
3 independent economists, some of the best and were
4 employed by the Missouri Public Service Commission Staff
5 to go ahead and implement that, to work with utilities,
6 and it was a cost. There was a cost associated with
7 that. It was a big push.

8 But now it's just accepted. You can't do it
9 without weather normalizing data. Well, technically
10 speaking we did for a number of years without having that
11 information. We're at the same sort of breaking point
12 today. We have more information than we did before. Mr.
13 Lutz is right. We can sit there and we can set rates
14 without it. I would also say that they're wrong or at
15 least incomplete because, as you said, like this data
16 exists. All the data is there. It's the deliverable
17 action to it. So that's the frustration with this and,
18 you know, in full fairness I've got the same sort of
19 frustration with Staff on this because it sounds like the
20 response is let's keep open this docket and let's keep
21 talking about it.

22 My testimony spoke to that and said that's
23 where we're at today. I don't have much assurance that
24 that's going to maintain moving forward. I'm going off
25 the question. I do that. I'm sorry. Go ahead.

1 Q. So your counsel asked Mr. Lutz about waiting
2 until after an order in a rate case to study customer
3 impact of a proposed rate design. What sequence would
4 you prefer?

5 A. I've given this a lot of thought like just
6 today. What I would prefer I will -- it sounds like the
7 parties are moving towards whether it's this docket or
8 another docket. I would agree with Mr. Fischer when he
9 talks about leaning up. The issue I think for Mr. Lutz
10 is right now in this docket you've got a discovery
11 process that's really expedited and it's because of this
12 hearing. So yeah, ease up the discovery process, open up
13 a dialogue. You know, I'll keep my fingers crossed and
14 hope that we can reach more cost effective solutions
15 moving forward. That being said, you know, if I were
16 recommending -- My recommendation to the Commission would
17 be if you go down that route, then have some fallback or
18 you're going to end up in this exact same situation.
19 That fallback would be do a distribution study. I mean,
20 absent that just go out and do the study, update that
21 1990 study. It's not going to encompass everything that
22 Ms. Lange wants.

23 That's where the Commission can empower other
24 stakeholders to say hey, we can provide input into the
25 formation of that study, we can go ahead and emphasize

1 that stuff like continuing property records are pretty
2 darn important. We need to know exactly what's out there
3 or otherwise, quite frankly, and I've had this experience
4 with other utilities, I can't speak for Evergy
5 specifically, because again it's been since 1990 since
6 we've done this, but for other utilities, yeah, it's eye
7 opening to see wow, we've got stuff on the books from the
8 '20s, the '30s. That shouldn't be there. Can you
9 identify this? No, can't do it, tossing it out. That's
10 the sort of frustration that we're at. That's that
11 information asymmetry.

12 So everything that Mr. Lutz is saying that
13 Evergy hey, we've always done rates this way, you're
14 right, we can continue doing this, we can continue doing
15 things like we did back in 1910 if we wanted to.
16 Technically that would fall under that formation.
17 That's ignoring the huge hundreds of millions of dollars
18 of investment that we've made to go ahead and for lack of
19 a better word at least it was implied that we would have
20 this information with this investment, we would make the
21 AMI, we'd make the CIS information and then we could go
22 ahead and move forward with a lot of stuff.

23 The Commission, I mean, to their credit, I
24 mean, how many dockets have we opened up over the years,
25 just workshop dockets to go ahead and open up DERs with

1 net metering, cogen, with rate design. I mean, all of
2 that stuff is interdependent. So if the Commission
3 values that, if the Commission wants to move forward with
4 that, then I wouldn't just dismiss this out of hand.
5 It's tied to it. Yeah.

6 Q. Thank you. So sitting here today, do you have
7 a clear understanding of Evergy's brightline proposals?

8 A. No, I don't have a clear understanding of what
9 Evergy's costs are associated with this. I've heard top
10 down, bottom up, it's all intermingled. I don't know. I
11 mean, again, I look back. We had 500 days to go ahead
12 and figure out some sort of more concrete cost. It's
13 unfortunate that we're here at this point.

14 Q. Do you have a clearish understanding of Staff's
15 rate modernization laid out in their DER case?

16 A. Oh, yeah, yeah. I mean, the EW, I think it's
17 2017 case, I don't have the number in front of me. So
18 the Commission opened up the DER docket. There were a
19 number of things. It's a huge docket. It was spread out
20 over a couple years. We had several different workshops.
21 One was just on demand response. We did stuff on just --
22 we did a hosting capacity analysis. We brought in --
23 step back.

24 I didn't do anything about this. This was the
25 Commission brought in outside experts. We had the state

1 that is moving forward with the hosting capacity analysis
2 right now Minnesota. So you're talking about states that
3 have done this. There you go. Minnesota is doing this.
4 They're moving forward with this information. In part
5 it's tied to the investments that they made with AMI but
6 also moving forward with a hosting capacity analysis.
7 You've seen -- So the Commission moved forward. They
8 posed questions. I think one of the questions was
9 explicitly what role does the Commission have in
10 promoting a rate design. Everybody had an opportunity to
11 respond to it. We responded to it. The Company
12 responded to it. The Company's response was see what we
13 replied to in the last rate case. Everybody had an
14 opportunity to respond to it. When we went back and
15 reviewed that docket, the Commission, and this came up in
16 Mr. Clizer's opening, the Commission supported their
17 staff. They said this was good public policy and to move
18 forward with it.

19 And again, I mean, that's what effectively we
20 as a collective group did. We've been having these
21 discussions. We've been having these rate cases and
22 things get punted down the line. So yeah, I'm very
23 familiar with Staff's position. I don't always agree
24 with it. I can tell you I'm not frankly thrilled about
25 the idea of introducing a demand charge to the

1 residential customers. I understand it theoretically and
2 why unbundled rates makes a lot of sense. I've got a
3 tougher time, especially without time of use played out
4 like how the public might accept it. But long term, I
5 mean, to bury our heads and pretend like this isn't going
6 to advance I think is naive.

7 Another workshop that had been opened up, FERC
8 2022, leads right into exactly what we're talking about
9 here. So I think it's important. It was important
10 enough for us. We weren't heavily involved in this case
11 until towards the end we realized it was actually going
12 to hearing that things had kind of stalled out and that's
13 where we threw in the surrebuttal. That forced us to
14 really examine Staff's position and frankly to support it
15 at the end of the day.

16 Q. Thank you. Is it your understanding that
17 information about distribution costs by voltage is only
18 needed for rate modernization or is it needed for a study
19 of Evergy's current tariff sheets in rate cases?

20 A. I mean, it's definitely not only. I go back to
21 the comment before. Having that information would better
22 align cost causation. Absent that you are necessarily
23 people are going to be subsidizing one party or another
24 more than not. You know, I think it's curious now we're
25 seeing commercial and industrial customers coming in and

1 say oh, we don't want to do this. Well, I mean, a lot of
2 that has to do with the methodology that is being
3 utilized today and that methodology is based on a world
4 that doesn't exist any more.

5 That NARUC study was produced in the early '80s
6 before the SPP integrated market, before the AMI
7 investments, before all of this that we're trying to
8 incorporate. So I am all in favor of moving forward if
9 we've spent the money on these investments and we have
10 spent the money on so much of these investments.

11 Q. So does Evergy charge customers today
12 differently based on the voltage at which they're served?

13 A. Yes.

14 Q. Okay. Now, finally, Evergy gave Staff a large
15 range of costs and didn't break down the costs for that
16 first item 1 in this stipulation. I know OPC asked DRs
17 of Evergy for the breakdown of the cost estimate. Was
18 what you received, was that very helpful?

19 A. No, I don't feel any better about what the
20 necessary costs are for any one of these things.

21 Q. Would a breakdown have been more helpful or is
22 there an alternative way for Evergy to have provided the
23 cost than just a range?

24 A. I mean, the only -- quite frankly the only
25 costs that I feel like I've got a good handle on right

4 JUDGE HATCHER: Thank you. Mr. Opitz.

6 JUDGE HATCHER: Every.

9 JUDGE HATCHER: Are there any questions from
10 the Commissioners? Chairman Rupp.

13 QUESTIONS

15 Q. So you threw out the idea let's go ahead and do
16 a distribution study. What would the cost for that
17 compare to what Staff is asking for, in your opinion?

25 When I talk about the distribution study

1 itself, what I would recommend is before we jump to that
2 conclusion, I mean, perhaps people can work together, we
3 can move forward with this. You've heard a lot of --
4 right, and what we're doing. Maybe that works. Maybe
5 this is enough of a pinnacle to move that needle. I've
6 got some reservations in whether or not it's going to be
7 applicable for their upcoming rate case. If that's a
8 path forward, maybe we don't need to do a distribution
9 study.

10 Absent that, from my vantage point when I hear
11 wow, like it's been a while since we've actually looked
12 at some of the stuff where we've actually done continuing
13 property records, we've done the distribution study, then
14 maybe it's time we update it. Now, the costs associated
15 with that, we can provide that. I don't know if we can.
16 We've got experience with Spire right now. It's going
17 through the RFP process. So I don't believe a vendor has
18 been -- and I'm not even sure I can disclose that in this
19 context. It's a lot less than a hundred million. I'll
20 tell you that.

21 Q. We've also heard testimony from two different
22 witnesses or attorneys or people that made reference that
23 the other large electric utilities Liberty and Ameren are
24 much farther along the road of providing data to Staff.
25 Can you expand on that and what is your vantage point

1 from the Office of OPC? Can you validate that?

2 A. It's different cultures. Just really get down
3 to it. It's different cultures. It's different
4 utilities. And sometimes those relationships ebb and
5 flow. And right now we are having a rough time. I can
6 say there's -- the big distinctive difference between
7 Evergy and why Evergy I think is at the forefront of what
8 we're discussing here is that they are so much farther
9 along with having AMI deployment that made the
10 investments. Heck, the last rate case they tried to make
11 additional investments on AMI. So Ameren is not even
12 fully deployed at this point. I mean, the easy answer to
13 it is like all -- everybody in this building is
14 overworked and has way too many fires to effectively put
15 out at this point.

16 So if there's movement in this docket, you're
17 going to see movement in others. But I can say that the
18 dialogue has been at least productive. I hope I'm
19 answering the question, Chairman. So you know, there are
20 different stages, you know, with where Ameren and Empire
21 is versus where Evergy is. It's going to be more of an
22 issue, I'll put it that way, given the different codes
23 that we have, especially within the context of
24 residential at this point.

25 Q. So taking a step back and getting away from

1 this case and the specific requests that Staff has
2 wanted, would that difference of cultures of what you
3 just spoke, does that extend to all data requests from
4 the Company compared to other companies? Is there a
5 marked difference between how Evergy handles data
6 requests in general to OPC and Staff in your opinion than
7 the other utilities?

8 A. Unfortunately, yes. And the big look no
9 further than we get routinely, it's almost by default
10 we'll get DR responses that we object to this but we'll
11 give you the information, we'll go through this, and it's
12 just an additional hurdle. That element I don't see as
13 present with other utilities. I'm not saying that the
14 Company doesn't provide the information that I seek.
15 They do. But there's a caustic attitude with that that I
16 don't think is helping the dialogue or at least helping
17 the relationship right now.

18 That being said, full disclosure, the Company
19 has been forthright especially within the past like few
20 months of the opening up a dialogue with OPC and trying
21 to mend some fences. We support that. I mean, contrary
22 to popular belief, we want to a healthy utility. It
23 doesn't serve anybody -- I say healthy. But it's true.
24 The worst thing that we can do is, you know -- There's a
25 lot of worse things but yes.

1 CHAIRMAN RUPP: I'm not going to ask the court
2 reporter to read that back but I just want to make sure I
3 got your quote right so when I Tweet it out that Dr.
4 Marke says OPC wants to help the utilities that you'll be
5 comfortable with that. Thank you, Doctor. Appreciate
6 it.

7 JUDGE HATCHER: Any other Commissioner
8 questions? We are at a minute or so after 5:00. We have
9 finished the Commissioner questions. We would now go to
10 recross and then redirect. Does anybody think that their
11 recross or redirect will last more than a couple minutes?
12 That's cool if it does. Awesome. Let's go ahead and
13 move forward then. Who's got recross first? Staff.

14 MS. KERR: I just had one question I wanted to
15 clarify something Chairman Rupp had said.

16 RECROSS-EXAMINATION

17 BY MS. KERR:

18 Q. Is Spire doing a distribution study or updating
19 the continuing property record?

20 A. Continuing property record, yes.

21 Q. Okay. I just wanted to clarify that.

22 A. I think it's a different type. It's a gas
23 utility. It's a electric utility. There's different --
24 yeah, it's a continuing property record. That would help
25 shed light effectively on what we're trying to do here.

1 MS. KERR: That's the only question I have.

2 JUDGE HATCHER: Mr. Opitz.

3 RECROSS-EXAMINATION

4 BY MR. OPITZ:

5 Q. I guess I'll follow up on your response to
6 Chairman Rupp. Doing the continuing property record
7 doesn't solve for the issue of allocating those costs as
8 Staff is asking to do among rate codes or I guess
9 theoretically even rate classes; is that correct?

10 A. Can you say that again.

11 Q. If the Company were to do an update to a
12 continuing property record or, you know, something
13 similar to what Spire might be doing, that doesn't solve
14 for the issue of allocating those costs among the rate
15 codes as Staff is asking the Company to do?

16 A. Not entirely.

17 MR. OPITZ: Thank you.

18 JUDGE HATCHER: And Everyg.

19 MR. FISCHER: No thank you, Judge.

20 JUDGE HATCHER: And redirect.

21 MR. CLIZER: I'm aware of the time. I will try
22 to keep this as brief as possible. Really quick.

23 REDIRECT EXAMINATION

24 BY MR. CLIZER:

25 Q. You were asked a question by Staff counsel

1 about the information asymmetry and your response
2 basically referenced the idea that time is the principal
3 problem. Do you recall that?

4 **A. Yes.**

5 Q. Are you aware of whether or not the Company is
6 expected to file a rate case here shortly?

7 **A. Yes.**

8 Q. How will that -- How do you expect this issue
9 is going to be played out in that rate case given the
10 information asymmetry you were asked about?

11 **A. If I'm a betting man, I'm going to probably**
12 **read testimony very similar. I think Ms. Lange probably**
13 **could copy and paste her testimony from the last rate**
14 **case.**

15 Q. Very well. And at the risk of confusing this,
16 is it a choice between a distribution study and a
17 continuing property record audit or are there two
18 different things you want to do?

19 **A. I would say together. Both of them is really**
20 **what you want.**

21 MR. CLIZER: Okay. I don't think I have any
22 other questions. Thank you.

23 JUDGE HATCHER: Thank you, Dr. Marke. You are
24 excused from the witness stand subject to recall.

25 **THE WITNESS: Thank you. I'll be here.**

1 JUDGE HATCHER: Let's finish up for the day.
2 Commissioners, we are done. I'm going to make a couple
3 announcements. Before anybody leaves, let's talk about
4 9:00 a.m. tomorrow. Does anybody have any strong
5 feelings about moving our start time to 9:00 in light of
6 we're halfway through, we have the Commissioners who have
7 very graciously moved their agenda meeting until noon.
8 Excellent. Without objection, we will move to 9:00 a.m.,
9 9:00 a.m. tomorrow. Any other business?

10 MR. OPITZ: Your Honor, I had one issue. I
11 would ask that MECG be excused from appearing tomorrow.
12 I will waive cross on any witnesses who appear and accept
13 the record as it's filed after the hearing tomorrow.

14 JUDGE HATCHER: Any input on MECG's request?
15 Granted.

16 Excellent. We are adjourned for the day. Come
17 back at 9:00 a.m. tomorrow.

18 (Whereupon, the hearing adjourned at 5:06 p.m.)
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(All exhibits were retained by the Missouri Public Service Commission. The remainder of the exhibits were received on the second day of the hearing.)

1 CERTIFICATE OF REPORTER

2 STATE OF MISSOURI)

3 COUNTY OF COLE)

4 I, Beverly Jean Bentch, RPR, CCR No. 640, do
5 hereby certify that I was authorized to and did
6 stenographically report the foregoing Public Service
7 Commission Evidentiary Hearing and that the transcript,
8 pages 1 through 238, is a true record of my stenographic
9 notes.

10 I FURTHER CERTIFY that I am not a relative,
11 employee, attorney, or counsel of any of the parties,
12 nor am I a relative or counsel connected with the action,
13 nor am I financially interested in the action.

14 Dated this 9th day of February, 2024.

15 
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17 Beverly Jean Bentch, RPR, CCR No. 640
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