BEFORE THE
PUBLIC SERVICE COMMISSION
STATE OF MISSOURI

In The Matter Of:	)	
	)	
EVERGY METRO, INC. D/B/A	)	
EVERGY MISSOURI METRO'S	)	Case No. ER-2026-0143
REQUEST FOR AUTHORITY TO	)	
IMPLEMENT A GENERAL RATE	)	
INCREASE FOR ELECTRIC	)	
SERVICE	)	

EVIDENTIARY HEARING

TRANSCRIPT OF PROCEEDINGS

Volume 7

TAKEN ON BEHALF OF THE MISSOURI PUBLIC SERVICE COMMISSION

OCTOBER 6, 2026

Governor Office Building

200 Madison Street

Room 310

Jefferson City, MO 65101

LEXITAS

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(Proceedings commenced at 9:00 a.m.)

THE COURT: Good morning. Today is October 6, 2026, and the current time is 9:00 a.m. The Commission has set aside this time today for day 2 in the evidentiary hearing concerning in the matter of Evergy Metro, Inc., doing business as Evergy Metro's Request for Authority to Implement a General Rate Increase for Electric Service, and that is case number ER-2026-0143.

My name is John Clark. I'm the regulatory law judge presiding over this hearing today. With me today are the chair of the commission, commissioner -- or Chair Hahn, Commissioner Glen Kolkmeyer is on my right. Commissioner John Mitchell is online, and Commissioner Maida Coleman maybe here today or maybe tuning in via the web. She is here, and she will be down here shortly, I imagine.

Well, actually, I'm going to go ahead and have counsel enter their appearances for the record. Evergy Metro?

MR. BAILEY: Yes, thank you, Your Honor. Push it twice. My name is Cole Bailey for the Company. I have Roger Steiner here with me. I also have Jackie Whipple, Chandler Hiatt, Michael Robinson from Dentons, and then Jim Fischer as well.

THE COURT: Thank you. On behalf of the

Commission Staff?

MR. PRINGLE: Yes, thank you, Judge. Travis Pringle appearing on behalf of the Commission Staff, in addition to Tracy Johnson who gave our opening statement yesterday. We also have Paul Graham, Andrea Hansen, Doug Hennon, Carolyn Kerr, Lexi Klaus, Eric Vandergriff, and Mark Johnson, on behalf of Staff.

THE COURT: Thank you. On behalf of the MECG?

MR. LYSKOWSKI: Good morning, Judge. Daniel Lyskowski, on behalf of the MECG, and Tim Opitz is here as well.

THE COURT: Thank you. MEIC?

Not here. Renew Missouri asked to be excused from all, but, I believe, the last three or four issues. That's granted. Google?

MR. SCHULTE: Good morning, Judge Clark. Andrew Schulte with Polsinelli PC, on behalf of Google LLC, and also here are Jared Jevons and Allee Armitage, also with Polsinelli PC.

THE COURT: Thank you. On behalf of Velvet Tech?

MS. BELL: Stephanie Bell, Ellinger Bell, on behalf of Velvet Tech.

THE COURT: Thank you. On behalf of the Office of the Public Counsel?

MR. WILLIAMS: Nathan Williams appearing on behalf of the Office of the Public Counsel and the public alone.

THE COURT: Thank you. Please silence your phones. Are there any preliminary matters that I need to take up before we go ahead and start in with the witnesses?

MR. PRINGLE: Yes, Judge. Staff has two.

THE COURT: Go ahead.

MR. PRINGLE: First, and we haven't really talked with the parties yet, but as preparing for the LLPS issues today, Staff's opinion is that the non-LLPS FAC issues have kind of been consumed by the LLPS FAC-related issue and would like to see if there's any objection to incorporating all the FAC issues today.

THE COURT: So, tell me exactly what we would be wanting to do. What would we be wanting to switch around?

MR. PRINGLE: So, pretty much, right now, we have scheduled to begin today the large load power service issues.

THE COURT: Yeah, the other revenues?

MR. PRINGLE: Yes, but that also includes an issue 25 regarding large load power service and the FAC. At least in relation to Staff's case, looking at the

stipulations that have been being filed lately, the non-LLPS FAC issues have been subsumed by the LLPS FAC issues. And from our perspective, it would make sense to just roll all the FAC issues into issue 25.

THE COURT: Now, currently, most of the FAC -- or most of the FAC issues are for tomorrow, correct?

MR. PRINGLE: Correct.

THE COURT: So, what does this look like? How does this change today? Do we want to -- do you want to bump the first one to the second day and take everything?

MR. PRINGLE: The primary thing would be we would like to have our witness Brooke Mastrogiannis only have to get up once because all of her testimony kind of touches on both of those at once, and just from our perspective, be more effective to just do it one time. Again, if other parties think differently and that there are still clearly distinct FAC issues, no.

THE COURT: I am going to ask in a second. I just need to think for a second. The hamster is a little slow this morning.

MR. PRINGLE: In effect, it would be 22, 23 and 25, all kind of being addressed at the same time.

MR. SCHULTE: Judge Clark, to the extent it helps, Google agrees. We have one witness, Dr. Berry. She addresses issues 331 and 25, which are currently

listed under the large load power service issues. But she also addresses issue 22 under the non-LLPS FAC issues. But if you look at the sub-issues under issue 22, it really does also tie in with those previous issues. So, we would call Dr. Berry once and have her address all of it.

THE COURT: So, there's no objection from Google?

MR. SCHULTE: No objection.

THE COURT: Does any party have an objection to handling things that way?

MR. STEINER: So, we're okay, Your Honor, with having Staff witness and the Google witness stand today for the 22 and 23 issue. But our witnesses are not prepared for the 22 and 23 issue today. They're prepared for the issues that we're going to go today. So, we would ask that they be done tomorrow.

They can stand for the issues 331, 25 and 37 today. But the other FAC, they're not ready for the FAC issues that were scheduled for tomorrow.

THE COURT: Are they different witnesses? Are they the same witnesses?

MR. STEINER: Same witnesses. They just haven't -- and mine is not till Wednesday anyway. I think it's a different witness.

THE COURT: I'm going to deny the motion. We're going to go ahead and stick with the current schedule we have. I understand that I'm a little skeptical on the witness thing, but I'm going to -- if you're ready to go today, that's what we're ready to go on.

We are getting into the territory that I was concerned about getting confusing. If you have a witness that is going to be on the stand for multiple issues, I'm going to leave it to the attorney to delineate those issues because my fear is that essential elements will be lost.

MR. PRINGLE: And, Judge, just for clarification, so still have Ms. Mastrogiannis and Ms. Lange ready to take the stand again tomorrow for the FAC, or would it be acceptable for the Staff witnesses and the Google witness to just address that today?

THE COURT: Can I hold on that?

MR. PRINGLE: Yes. Thank you.

THE COURT: I'll try and get you an answer before noon. I want to give it some consideration.

MR. PRINGLE: And then, Staff, second issue we wanted to bring up pursuant to your order regarding objections to the stipulations. There should be Staff's objection to the LLPS partial stipulation agreement

between Google and Evergy should be being filed roughly any minute now. Part of that filing, because of the speed at which we had to get that together, Staff's also requesting the opportunity to provide direct testimony regarding that stip from Staff witnesses, Kim Bolin, Brooke Mastrogiannis and Sarah Lange.

MS. WHIPPLE: Quick clarification: are you proposing live direct testimony or written?

MR. PRINGLE: It would be live.

MS. WHIPPLE: May I respond, Judge?

THE COURT: Give me a second. So, let's address that a little further down the road, and the reason why is, if I want to address stip issues, I probably don't want to confuse them with the other issues.

MR. PRINGLE: Understood.

THE COURT: So, I may want to find a separate spot to handle the stipulations as a separate issue.

MR. PRINGLE: Understood.

THE COURT: And doubtful that may be an even separate on-the-record proceeding. So, I'm going to hold on those two questions for now, and I'll try and have an answer on them later today.

I didn't say this yesterday. I'm going to say it now. There's a lot of confidential, highly

confidential, and I believe even some -- I'll call it super-confidential for quick terminology here -- information. I may not be familiar with all of that. I am reliant upon the parties to tell me if we're crossing into that territory so that we can go in camera, because I'd rather not have any confidential information come out.

Are there any other preliminary matters that the Commission needs to take up at this time before we start with issue 3 --

MS. WHIPPLE: Judge, just to note that we would offer a mini opening if that would be helpful.

THE COURT: That's correct. I'm sorry. I forgot about that. Thank you for reminding me. I'm going to go ahead and call the mini openings for this issue in the order listed. Does Evergy Metro have a mini opening on this issue?

MR. ROBINSON: Yes, Judge.

THE COURT: Please go ahead.

MR. ROBINSON: Good morning. And may I please the Commission?

As we discussed in our general opening statement, Mr. Ives and Mr. Gunn testified that this rate increase is now driven by large load customers. The plant and service at issue in this case was planned and

built for the customers already on Evergy Metro's system. And the large load class is not part of this case's test year.

As you are aware, the Company and Google have now filed a stipulation and agreement on the large load revenue in this case. It includes the treatment of these customers and the fuel adjustment clause, and an earnings-sharing mechanism. The Company asked this commission to approve the stipulation and agreement without conditions or modifications, as it results in just and reasonable rates.

Four sub-questions remain on this issue. Number one, how much revenue from these customers should be reflected in rates? Number two, whether to revisit the LLPS tariff framework that this commission approved less than a year ago. Number three, how LLPS customers are treated in Evergy Metro's fuel adjustment clause? And number four, whether to adopt an earnings-sharing mechanism.

The LLPS stipulation addresses the first, third, and fourth of these sub-issues. And on the second, the Company's position is that the framework should stand.

As you might expect, the large load topic will involve several different company witnesses. Some of

them testify at a high level, and others will provide the details. So, the high level witnesses that you will hear from are Kevin Gunn, who will speak to all four of these sub issues, and Darrin Ives, who will speak to the second.

The detailed witnesses you will hear from are Graham Jaynes on the first sub-issue; Brad Lutz and Linda Nunn on the second; Linda Nunn and Hsin Foo on the third; and Darrin Ives and Ron Klote on the fourth. And the final detail witnesses JP Meitner, whom you will hear from later as to sub issues two and three.

Commissioners, LLPS customers are reducing rather than adding to the revenue requirement that this company asks for. The Company offset its request by roughly $43 million of expected revenue from these customers. And the stipulation now reflects $60 million of large load revenue in the revenue requirement. And every dollar of that offset goes to reduce the revenue requirement increase applied to all customers being served on Evergy Metro's system.

Less than a year ago, the Commission approved the large load power service tariff. It found that large load customers are consistent and predictable consumers of energy and that they spread fixed costs across a larger volume of sales. This lowers the average cost per

kilowatt-hour for other customers.

This tariff already contains the protections that other parties now propose to tighten, such as a minimum bill, a minimum demand requirement, and a separate class, so that the cost of serving these customers are borne by these customers.

Now, the Company and Google have agreed on one clarification to this existing tariff framework. And that is, each monthly bill will use a billing demand that is the higher of either the customer's measured demand or 80 percent of its annual contract capacity. All other schedule LLPS charges, including any energy-based charges, will continue to apply.

Senate Bill 4, which was codified at 393.130.7, also requires LLPS customers to pay the representative share of the cost incurred to serve them. Again, this protects the customers who are already being served.

Now, the statute also provides that other customers are not to bear any unjust or unreasonable costs arising from service to LLPS customers, but this provision does not require isolating every single dollar.

Under the stipulation and agreement, LLPS customers will stay in the fuel adjustment clause with every other Evergy Metro customer. And the clause will operate as it does today, with one change for this case.

Incremental fuel costs are allocated between large load customers and all other customers on kilowatt-hours. And for this case, a large load share is subject to a 90/10 sharing ratio, with a 95/5 ratio remaining for other customers. This higher sharing percentage on large load kilowatt-hour usage again provides a benefit in the clause to all customers.

Also, large load customers' fuel costs are not built into the base factor. They will flow through the clause as actual costs. Each of Staff's and Public Counsel's options for these customers tries to isolate the cost of serving them, but, as I said, that is not required by the statute.

Rather, large load customers are part of one integrated system, which the Company dispatches in the Southwest Power Pool market to serve all of its load together. And the company serves LLPS customers from this integrated system in much the same way it would serve a new apartment building or a distribution center.

So, Staff asked for a sharing mechanism identical to the one the Commission approved for Ameren Missouri last year. Public Counsel would support one only if its proposed larger revenue adjustment is not adopted. MECG asks instead for a one-way tracker of large load revenues.

For our part, Evergy Metro agreed with Google on a mechanism that measures our company's earnings rather than a mechanism that measures only one customer class. And the sharing mechanism proposed in the stipulation is not identical to Ameren Missouri's, but it is mostly consistent with it after you take into account differences in markets and other variables.

So, let's talk about the earnings-sharing mechanism. Under our stipulation, each year, beginning with results from calendar year 2027, the company will file an earnings report in the same format as its surveillance reports. And Staff and Public Counsel may review it and take discovery.

If the Company's earned return on equity exceeds the return that the Commission authorizes in this case by more than 20 basis points, then 65 percent of the access is deferred for customers as a regulatory liability and return through rates at a later rate case. The portion of that share above 50 percent is set aside for the benefit of low-income customers.

And before any sharing, the Company compares actual large load base rate revenues with a level that's built into rates. If they do not exceed it, then no sharing would occur. And each of these conditions was included in the Ameren Missouri stipulation, which Staff

recommends.

The Company asked the Commission to resolve the large load issues by approving the stipulation and agreement without conditions or modifications to reflect $60 million of large load revenue as a reduction to the revenue requirement, to adopt the earnings-sharing mechanism, and to maintain one fuel adjustment clause for all of Evergy Metro's customers.

And finally, the Commission should leave the schedule LLPS tariff largely in place, with only the one agreed clarification on billing rates -- on billing demand, excuse me -- and it should decline the additional tariff conditions and reporting requirements that the other parties propose. Thank you.

THE COURT: Any Commission questions?

I have no questions. Thank you. Any opening from Staff?

MR. PRINGLE: Yes, Judge. Also, Ms. Eubanks, she is handing out the two attachments that were just filed with Staff's objection to the LLPS partial stipulation and agreement. I'll be referring to those in my opening statement. And just to be aware, one of those is highly confidential. I will address that at the end, and we will need to go in camera for that.

THE COURT: Thank you for letting me know.

MR. PRINGLE: And may I please the Commission?

Good morning, Chair Hahn, commissioners, and Judge Clark. My name is Travis Pringle, and I will be representing the Staff of the Commission regarding the large load power issues that you will be hearing today.

Now, before I dive into those issues, I would like to take a moment to kind of address some statements from other parties regarding Staff's recommendations on the LLPS tariffs themselves. We heard yesterday that Staff is allegedly recommending drastic and substantive changes to the LLPS tariffs that this Commission approved last year in case number EO-2025-0154.

Calling Staff's recommendations in this case drastic or substantive indicates, in our opinion, a startling lack of understanding about Staff's position on this issue. Staff's recommendations regarding the LLPS tariffs involve: one, clarifying the tariffs to ensure that the ramp period for LLPS customers includes provisions of construction power and that accurate contract-demand levels be relied upon.

Two, that we clarify that the LLPS minimum bill is calculated using 80 percent of the contract demand. While that is a part of the partial stipulation and agreement reached between Google and Evergy, the key difference that Staff is looking at is that deduction for

the energy charge amount or any other amount should not be included in that.

Three, Staff would like to clarify what is meant by contract demand. Four, Staff would like the Commission to order Evergy Metro to continue including LLPS hourly loads in its monthly reporting under Commission Rule 20 CSR 4240-3.190 and keeping those separate from the LLPS hourly loads.

And finally, regarding the LLPS tariffs, Staff would like the Commission to order reporting requirements that this Commission has already ordered for Ameren Missouri in case number ET-2025-0184.

And as to Staff's position regarding the interaction of LLPS customers and the fuel adjustment clause, or the FAC, this Commission made it very clear in that EO-2025-015 order that the Commission would not change Evergy's FAC tariff sheets until a general rate case.

In addition, parties arguing that Staff is attempting to re-litigate its position from EO-2025-0154 are just wrong. The Commission denied Staff's request to address separate commercial pricing nodes for these LLPS customers in that case, and Staff is not renewing such a request in this one.

With that being said, let's talk about the

issues that you will be asked to decide today. First, we have the revenues associated with LLPS service. Then we have the clarification or changes to the LLPS tariffs and reporting requirements that I just addressed. The revenue sharing mechanism. And the effect of LLPS customers on EMM's FAC. I also want to note that part of Staff's case involved revenues for a Customer B. Those issues have been resolved and are no longer in dispute.

Now, Staff has witnesses Sarah Lange, J. Luebbert, Claire Eubanks, Kim Bolin and Brooke Mastrogiannis available today to answer any questions you may have on these issues. Regarding the issues I just outlined, Staff asks that the Commission order the reasonable recommendations put forward by the Staff.

Regarding the revenues associated with LLPS customers and what the appropriate level of net revenue to reflect in the cost of service and other models for LLPS customers, or what Staff has termed Customer A's net revenue as of true-up, based on the contract demand level in place as of June 2026, 12 months of revenue from the LLPS customer charge, grid charge, and demand charge will equal the highly confidential number on page 4 of Staff position statement at current LLPS rates. This amount does not include any energy revenues.

Staff's true-up recommendation, specifically

for FAC option 2, is that the Commission assume that energy revenue and energy expense will effectively offset. That is similar to what Evergy's counsel just got up here and told you as well. Reliance on this assumption will reduce the complexity of the Commission's resolution of this case.

The average value of energy obtained to serve LLPS load, as modeled by Staff and Evergy Metro in this rate case, is summarized on page 4 of Staff's highly confidential position statement. However, if LLPS is included in the FAC, Staff's recommendation is to reflect that additional expense, kilowatt-hours, and revenue at the amounts identified in the highly confidential true-up testimonies of Brooke Mastrogiannis and Sarah Lange.

Regarding the appropriate revenue adjustment for expected future revenues from LLPS customers in the cost of service model, Staff recommends the LLPS class be ordered an equal percentage increase by component, largely consistent with Staff's recommendation for the other rate classes. This is outlined in Sarah Lange's true-up direct testimony, and she is available today to answer any questions you may have about that approach.

In addition, J. Luebbert is also available to answer any questions you may have associated with the revenues. However, I recommend that most of those

questions go to Sarah Lange. She did the bulk of the work for Staff.

The next issue before you addresses EMM's LLPS tariff and the reporting requirements for the LLPS class. As discussed earlier, Sarah Lange is available today to answer your questions regarding the revenues on the LLPS tariff.

Now, as to those LLPS reporting requirements, Staff recommends the Commission order additional LLPS reporting consistent with what was ordered in ET-2025-0184 for Ameren Missouri. Those include annual reporting as consistent with paragraph 37 of the Ameren large load stipulation, executed agreements with LLPS customers consistent with paragraph 51 of the Ameren large load stipulation.

Staff witness Claire Eubanks also recommends additional information for Evergy Metro to report on page 17 to 18 of her direct testimony. And finally, Staff would like reporting involving rate-case information consistent with paragraph 52 of that Ameren large load stipulation. If you have any questions regarding Staff's recommendations for reporting requirements, Claire Eubanks is available today to answer those questions.

Next, revenue sharing. Staff's recommendation is that the Commission design the earnings-sharing

mechanism to be identical to the mechanism ordered in the Ameren large load rate case. Ameren's revenue sharing mechanism splits excess revenue 65/35, with 65 percent deferred and returned to customers. Implementing a similar method for Evergy offers consistency across Missouri in regard to large load treatment for its largest electric utilities.

Now, you heard earlier that the Evergy Metro and Google's non-unanimous stipulation included a mechanism similar to the one recently established for Ameren. But it is important to note there are differences. Unlike Ameren, Evergy will pocket 100 percent of the excess revenue up to 20 basis points above any Commission approved ROE before they begin sharing that with Missouri customers. After pocketing those amounts, Evergy would then split the remaining excess revenue with customers 65/35. Kim Bolin and Sarah Lange are available today to answer any questions you may have for Staff about this mechanism.

And finally, you have before you the issues regarding the LLPS class and the FAC. As noted in the Commission's order and Evergy's LLPS tariff case, again EO-2025-0154, FAC concerns regarding LLPS customers are best addressed in a rate case. That time has arrived, and there are three FAC issues for the Commission to

consider. Should changes be made to the FAC to address LLPS customers? What, if any, new FAC reporting requirements should the Commission order? And should Evergy Metro have a separate FAC base factor for LLPS customers?

Staff has presented in its testimony to the Commission two options for consideration regarding changes to the FAC to address LLPS customers. What has been termed option 1: adjust the FAC base factor to reflect Customer A's load and load factor as of June 2026, which would insulate non-large load customers from that level of load growth while still retaining LLPS customers in the FAC.

Staff's option 2 uses staff's fuel and purchase power modeling at an annualized load, which does not include Customer A. Therefore, no adjustment to the base factor calculation is needed for option 2. Under option 2, LLPS customers would not pay any FAC charges.

Staff sees both of these options as acceptable resolutions to the LLPS FAC issue, although option 2 is preferred by Staff as requiring fewer assumptions and being a better solution to protect non-LLPS ratepayers against bearing costs to the FAC caused by the continued growth of the LLPS class.

OPC also recommended an alternative approach

for a separate LLPS FAC. Brooke Mastrogiannis and Sarah Lange are available today to answer any questions you may have about Staff's options.

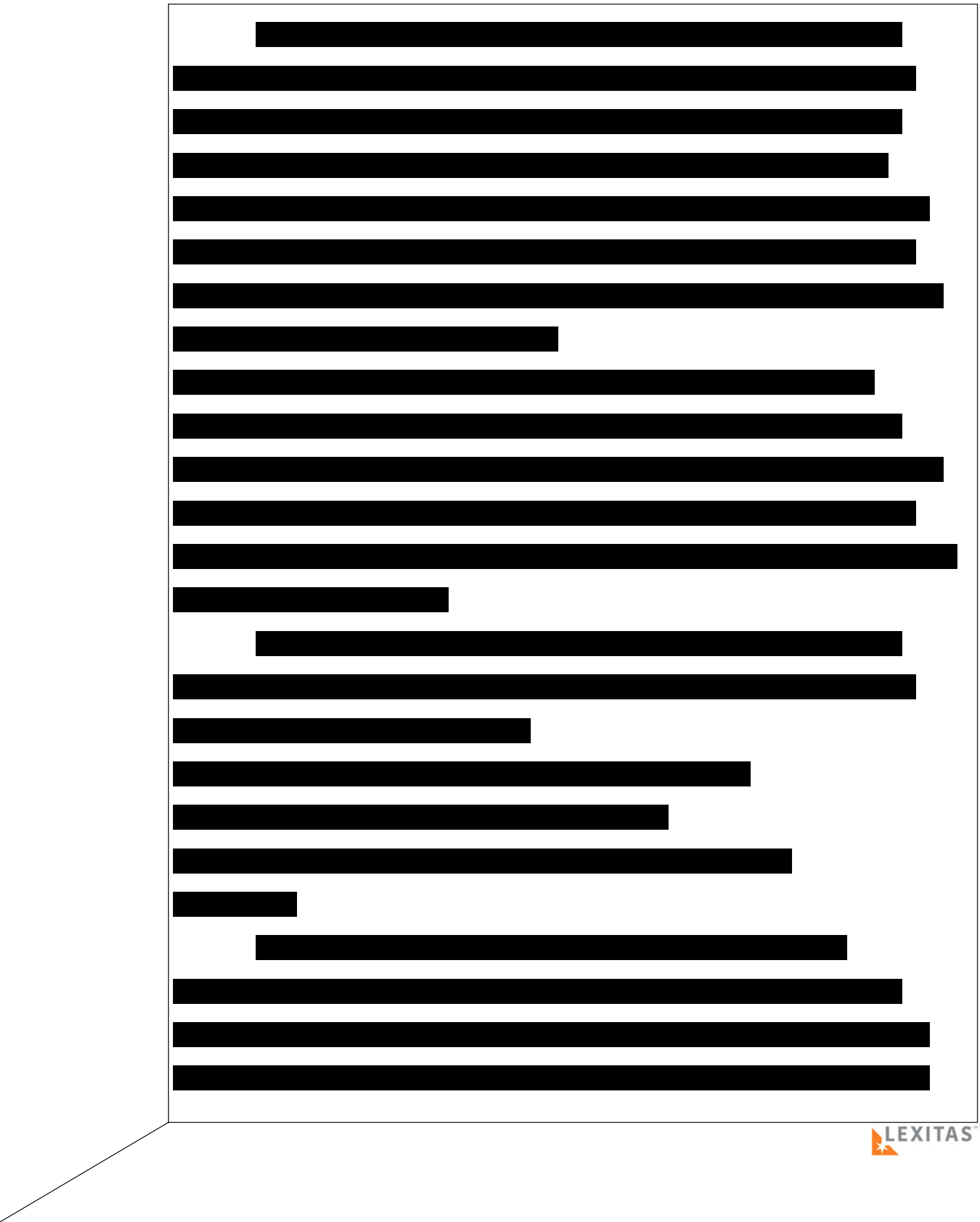
For FAC reporting requirements, Staff recommends the reporting requirements outlined under page 22 of its position statement. Staff witness Brooke Mastrogiannis is available to answer any questions you may have about these FAC reporting requirements.

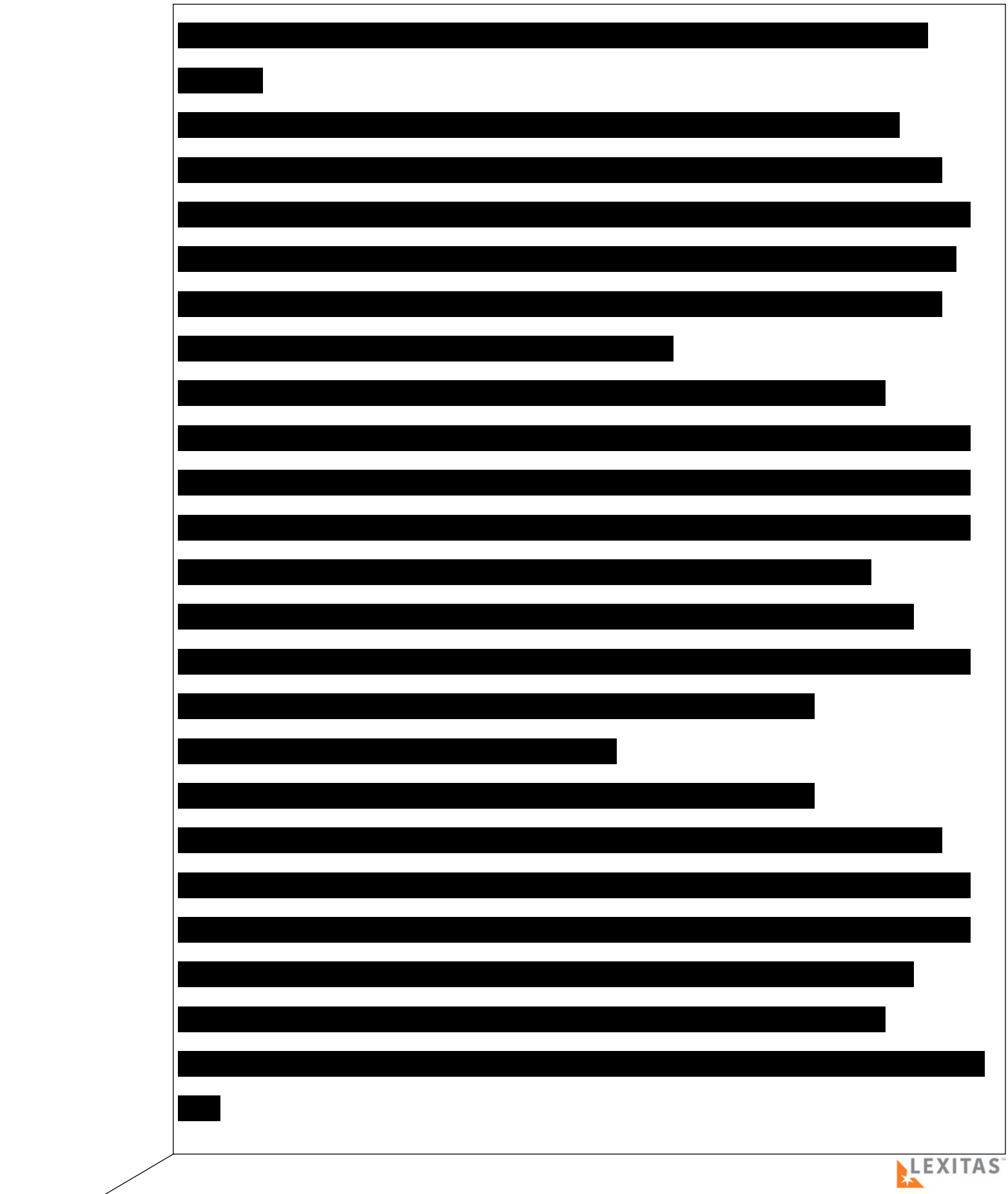
And now, finally, I would like to take a moment to address the demonstrative documents that were handed to you earlier. In order to do this, we will need to finish my opening statement in camera at least for attachment B, I believe, which is a highly confidential document.

THE COURT: We're going to go in camera now. Anybody in the room who is not authorized to hear confidential, highly confidential or highly confidential, highly sensitive information should step out. I'll have somebody let you know when you can come back in the room. You can proceed.

[redacted]

LEXITAS





[redacted]

THE COURT: Thank you, Staff. We'll go out of in camera now. I don't believe anybody stepped out of the room, but if anybody did, you can tell them they can come back in.

MR. PRINGLE: And then, just finally, a reference to attachment A. What that is, a public document, and that has to do more with the sharing mechanism that has been agreed to -- well, the sharing percentage for the FAC. I believe the partial stipulation between Google and Evergy has a 90/10 for LLPS customers. Roughly, that shows for every -- if you go to a 90/10, for every million dollars in the FAC rate period, we'll say approximately $5,000.

And that is it for my opening statement at this time. Commissioners, if you have any questions for me, I'm happy to try to address those or direct them to the proper staff witness, but otherwise, I do encourage you

LEXITAS

all to ask questions of Ms. Bolin, Ms. Eubanks, Ms. Lange, Ms. Mastrogiannis and Mr. Luebbert.

THE COURT: Thank you, Staff.

MR. PRINGLE: Thank you, Judge.

THE COURT: Any opening from MECG?

MR. LYSKOWSKI: No, Judge.

THE COURT: Any opening from Google?

MR. SCHULTE: No, Judge. Google agrees with Evergy's opening statement.

THE COURT: Any opening from Velvet?

MS. BELL: No, Your Honor.

THE COURT: Public Counsel?

MR. WILLIAMS: Nathan Williams. May I please the Commission?

Nathan Williams appearing on behalf of the Office of Public Counsel and the public in general. Our witnesses on these issues are Ron Nelson, Geoff Marke and Angela Schaben. Angela will be handling the FAC issues. Mr. Marke is addressing the proposed changes to the large load power service tariff, and Mr. Nelson addresses other revenues and revenue sharing.

Our position is that other revenues should be considerably higher than what the other parties have proposed, 117 million. That, if the Commission doesn't adopt that level of revenues, then it should adopt the

sharing mechanism similar to what the Commission instituted in the Ameren rate tariff case.

As to the fuel adjustment clause, I think our primary recommendation is that the large load power service be excluded. If not, then there should be a separate base factor for the large load power service.

And as to the large load power service tariff, it's our position that the protections that were adopted before are not adequate, and we've laid them out in our position statement to issue 31. We're proposing that they be changed so that the LLPS minimum bill requirement would be 90 percent instead of 80 percent. We're proposing that the LLPS contract term length be extended from 12 years to 20 years.

And we're proposing that the applicability -- wait a minute -- that the LLPS tariff would apply to loads at 25 megawatts instead of the current 75 megawatts, so more customers would be on LLPS tariff eligible for it than currently. And we're also proposing community benefits rider option for LLPS customers. That would be voluntary for those customers.

I encourage you to ask Mr. Marke about all our rationales for why these protections are necessary. And also encourage you to consider them in light of the ratepayer-protection pledges that the Company and the

state and parties of data centers. Any questions?

THE COURT: I have none. Thank you, OPC.

MR. WILLIAMS: Thank you.

THE COURT: That does it for mini openings for issue 3.

Evergy, you may call your first witness.

MR. BAILEY: Thank you, Your Honor. The Company calls Kevin Gunn.

MR. SCHULTE: Excuse me, Judge. Before we get started with this witness, could I ask for clarification on the order of witnesses so we can plan accordingly? Are we following the order that is listed for issue 3? So, it would be Mr. Gunn followed by Jaynes, and then Staff's witnesses, and then the intervenors, and then OPC? Is that the order we're following?

THE COURT: I'm not dictating to the party what order they choose to put their witnesses on in. They can do that how they want. However, I intend to follow the witness cross order, kind of the opening order as put forth for witnesses. So, I assume I'll be calling -- you're talking about the order parties will be called, correct?

MR. SCHULTE: Yes, the order the parties will be called. Yeah, the order of the party's witnesses that will be called. I'm trying to figure out if we're doing

the Company first, and then Staff, then intervenors, or?

MR. PRINGLE: Staff would be last, with OPC to be the most adverse.

THE COURT: You're talking about -- we're getting mixed up here. We're talking about the order of cross or the order of witnesses? Because I think you were talking about the order of cross.

MR. PRINGLE: Yeah, the order of cross. I misheard it as well.

THE COURT: And you're talking about the order of witnesses?

MR. SCHULTE: Yes.

THE COURT: I intend to follow the same order as I would follow for the mini openings, which would be Evergy, then staff, and then, you're correct, it would be the intervenors, and then the Office of Public Counsel.

MR. SCHULTE: Thank you very much.

THE COURT: Anything else I need to address at this time?

Mr. Gunn, would you raise your right hand to be sworn?

Do you solemnly swear or affirm that the testimony you're about to give is the truth?

MR. GUNN: I do.

KEVIN GUNN,

of lawful age, being produced, sworn, and examined testified as follows:

THE COURT: Please be seated. Evergy?

MR. BAILEY: Thank you, Your Honor.

EXAMINATION

BY MR. BAILEY:

Q. Kevin, can you please state your name for the record?

A. Kevin Gunn.

Q. And what is your position?

A. Vice president for regulatory and government affairs.

Q. And are you the same Kevin Gunn who filed direct, rebuttal, and surrebuttal in this docket?

A. I am.

Q. And if I were to ask you those questions today, would your answers be the same or similar?

A. They would be.

Q. Any typos or edits?

A. No. The only thing that I would -- I would mention is that my testimony reflects the position of the Company as of the filing dates. The positions have been modified by the -- some of the stipulations and agreements that have been filed subsequent to the filing of my testimony.

MR. BAILEY: Thank you. And if there's no objection from the parties, I move for the admittance of Kevin Gunn's direct, filed on February 6, rebuttal on August 11th, and surrebuttal on September 10th, 2026. And I tender the witness for cross-examination.

THE COURT: Would those be Exhibit Numbers 21, 22 and 23?

MR. BAILEY: I believe so.

THE COURT: Are there any objections to admitting Mr. Gunn's direct, rebuttal and surrebuttal onto the hearing record?

No objections, Exhibit 21, 22 and 23 are admitted onto the record. Go ahead.

(Exhibits 21, 22 and 23 was received into evidence.)

MR. BAILEY: I tender the witness for cross-examination.

THE COURT: I apologize. Thank you, Commissioner. Google?

MR. SCHULTE: No questions.

THE COURT: Velvet Tech?

EXAMINATION

BY MS. BELL:

Q. Just so I'm clear, I believe from the mini opening, Mr. Gunn, that your counsel stated, with respect

to the LLPS billing demand, that's a clarification, and those questions are best directed to Mr. Ives and Mr. Lutz?

A. That is correct.

Q. Thank you.

A. Thank you.

MS. BELL: No further questions, Your Honor.

THE COURT: Thank you. MECG?

MR. LYSKOWSKI: No questions.

THE COURT: The Staff of the Commission?

MR. PRINGLE: No questions. Thank you, Judge.

THE COURT: Public Counsel?

MR. WILLIAMS: Not at this time. Thank you.

THE COURT: Mr. Gunn, you may step down -- wait, I'm sorry. Are there any Commission questions at this time?

Mr. Gunn, you may step down. However, you're not finally excused.

MR. GUNN: Absolutely. Thank you.

THE COURT: Evergy, you may call your next witness.

MR. FISCHER: At this time, we'd call Graham Jaynes to the stand.

THE COURT: I didn't say this last time, but would you please state and -- well, do you solemnly swear

or affirm that the testimony you're about to give at this evidentiary hearing is the truth?

MR. JAYNES: I do.

GRAHAM JAYNES,

of lawful age, being produced, sworn, and examined testified as follows:

THE COURT: And would you please spell and state your name for the court reporter into the microphone?

MR. JAYNES: Graham Jaynes, G-R-A-H-A-M, J-A-Y-N-E-S.

THE COURT: Go ahead, Evergy.

MR. FISCHER: And for the court reporter, this is James Fischer asking the questions for Evergy.

EXAMINATION

BY MR. FISCHER:

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

A. Graham Jaynes, employed by Evergy at 1200 Main, Kansas City, Missouri.

Q. Would you state also your position or role there at Evergy?

A. I serve as manager in regulatory affairs.

Q. Are you the same Graham Jaynes who caused to be filed in this case direct testimony that's been marked as

33 and 34, both public version and a highly confidential version, and two pieces of testimony for rebuttal, 35 and 36, marked as highly confidential and public, and 37 and 38 was your surrebuttal testimony, also highly confidential and public versions?

A. Yes, I am.

Q. Do you have any corrections that need to be made to any of those pieces of testimony?

A. No corrections to the testimony, only to be modified by any stipulations the Company has joined.

Q. And if I were to ask you the questions that are contained in your testimonies, would your answers be the same, and are they accurate to the best of your knowledge and belief?

A. Yes they are.

MR. FISCHER: Judge, then at this time, I would move for the admission of Exhibits 33, 34, 35, 36, 37 and 38.

THE COURT: Any objection to Evergy Exhibits 33 through 38?

MR. PRINGLE: I probably should have clarified this earlier, Judge. Usually, we don't enter the testimony until the last time the witness takes a stand. I guess, how would you like to approach that? You don't want to do it the first time or wait till the last time

they take the stand?

THE COURT: I was just dealing with it as it was offered, but if the parties have a -- if there's a preference, I will do the preference.

MR. PRINGLE: As for Staff, we will likely enter at the end of testimony rather than the beginning, but if that's acceptable to the Commission.

THE COURT: But do you have objections to the way I'm letting -- do you have objections to letting the parties offer it when they wish?

MR. PRINGLE: No, not at this time.

THE COURT: Does any other party have an objection to doing it that way? Because I was just going to take it as offered.

And so, if you want to offer yours at the end, offer it at the end. If I didn't say this before, exhibit -- well, were there any objections?

So, none. Exhibits 33 through 38, concerning the testimony of Mr. Jaynes, are admitted onto the hearing record. And is this witness tendered for cross?

(Exhibits 33, 34, 35, 36, 37 and 38 was received into evidence.)

MR. FISCHER: Yes.

THE COURT: Any questions from Google?

MR. SCHULTE: No questions, Judge.

THE COURT: Any questions from Velvet Tech?

MS. BELL: No questions, Judge.

THE COURT: Any questions from MECG?

MR. LYSKOWSKI: No questions.

THE COURT: Any questions from the Commission Staff?

MR. PRINGLE: No questions. Thank you, Judge.

THE COURT: Any questions from Public Counsel?

MR. WILLIAMS: Not at this time.

THE COURT: Any Commission questions? I have none.

Mr. Jaynes, you may step down, but similar to Mr. Gunn, you're not finally excused at this point.

MR. JAYNES: Thank you.

THE COURT: Go ahead, Evergy.

MR. FISCHER: I think Staff may be next, Judge. Based on, at least on number 3, our issue number 3, some of them are related, but as far as if we're going down the list as of the other revenues on number 3, I think Staff witness Lange may be next.

THE COURT: Well, the ground's been shifting a lot, so I haven't kept track of which witnesses are now with which issues. So, I'm just going to call, and then, when you're out of witnesses, let me know.

MR. FISCHER: Do you wish us to take up the

witnesses in 31?

THE COURT: No, I want to stay issue by issue.

MR. FISCHER: Very good. Then that's all we have at this time.

THE COURT: Staff, you're up next.

MR. PRINGLE: Thank you, Judge. At this time, Staff calls Sarah Lange to the stand. And at this time, I will also renew my request for live direct in response to the LLPS stip at this time, but I also understand, Judge, you were thinking if we may just address the stip as a whole as a separate issue.

THE COURT: I don't believe I was understanding. So, you're wanting to address it now?

MR. PRINGLE: Yes.

THE COURT: Will you clarify for me how this is going to happen? Because it's my understanding that you're wanting to offer direct of some kind on the stip, or --

MR. PRINGLE: Or you just call it rebuttal, just live testimony in response.

THE COURT: So, it's a live testimony. There's nothing getting filed here?

MR. PRINGLE: No, not -- well, there would be the objection exhibits. They will be part of that live testimony and offered as an exhibit, but that's pretty

much it. There wouldn't be any written testimony unless the Commission would prefer to see it written.

THE COURT: Would any other party like to weigh in on the stip issue?

MS. WHIPPLE: Judge, I think that the objection is now the position of Staff under the Commission's rule. It also doesn't really modify Staff's underlying positions on the issues. Taking the stand to have live witness testimony presents a scenario where we're not able to respond in evidence ourselves.

When the stipulation was filed, we've identified witnesses that you all may ask about the stipulations and which can sponsor details about the stipulations. We're all right if you'd like to ask Staff witnesses who have been identified about the objection Staff may have and sponsor their objection responses in that fashion, but just live testimony that no party has seen before and does not even have a chance to respond to in an evidentiary fashion is not appropriate due process, and it's not called for under the Commission's rule.

MR. PRINGLE: May I respond?

THE COURT: Please.

MR. PRINGLE: Every party here will have an opportunity to cross Staff's witnesses on whatever they may provide in live testimony, so there is no due process

issue here.

THE COURT: Well, let me ask this. I had earlier contemplated taking the stip as a separate issue, and when I said that, I was contemplating separate testimony on the stipulation as a separate issue. I guess my question is, how far are you wanting to go with this witness?

MR. PRINGLE: It wouldn't be too far. At the same time, kind of Staff's idea behind this is, now, that stipulation is the positions of Evergy and Google. Staff has not had an opportunity to respond to that position besides the objection.

But at the same time, yeah, Staff -- the big goal of Staff -- would like to have an opportunity to respond to that stipulation in front of the Commission. How the Commission would like to see that happen? We are open to suggestions.

THE COURT: Ms. Whipple, you had said you were not opposed to offering some kind of objections by them on the stand, or?

MS. WHIPPLE: Well, the written objection pursuant to the Commission's rule has now been filed. It's on the record. If the Commissioners or you, Judge, would like to ask certain witnesses, as identified by Staff, about certain issues in that filed objection when

those witnesses take the stand, I assumed that's what you would be doing with our witnesses as well.

And then Mr. Pringle is right. In response to those bench questions, all of the parties would have an opportunity to ask recross, but brand new live testimony that nobody has seen before does not provide those same procedural safeguards, and it's not provided by the Commission's rule.

MR. PRINGLE: If you mind, Judge Clark, one more thing from me quickly. We do have affidavits with that objection from Ms. Bolin, Ms. Lange and Ms. Mastrogiannis. If the easiest thing is to enter that as an exhibit, that would also kind of address some of Staff's concerns.

THE COURT: Well, the more I think about it, the more this -- again, this has an opportunity to get confusing because this is an issue that's been brought up today. So, it would be adding essentially -- excuse me, a new issue to this case. As such, I'm inclined to lean towards Evergy in that regard because they haven't had any time to prepare for this, this morning, of which I'm aware.

But I don't want to -- I mean, we want to hear about this stip, we want to hear about the objections to the stip, we want to hear all that. So, I will take it

up at the end as a separate issue, and my feeling is that probably, as we go along, more stuff will get rolled into that. Or it's highly likely that it will. So, that's what I'd like to do and keep that testimony for that issue, for the stipulation issue. And in regard to Evergy, I'm probably not going to be amenable to a due process argument if I'm doing that.

MR. PRINGLE: And then, just, I guess, one more point of clarification for Staff, Judge, because when it comes to these issues now, the position statement of the other two parties who are active in these issues is that the stipulation is no longer their filed testimony. I guess, how would you like us to address that? Because pretty much anything that's asked of our witness at this time would have to involve a stip, so just trying to think of how to proceed with that.

MS. WHIPPLE: Judge, if it helps, I think that's what I was trying to say as well. I think it will naturally come out in the questions that the bench asks witnesses, and then recross is every party's opportunity to re-question or rebut what's said on the stand. But the proposal of putting a witness on the stand to just generate brand new testimony that nobody has seen before is not one that provides any procedural safeguard. That's what I'm objecting to.

THE COURT: At the same time, I do understand what Staff is saying here. What Staff is saying here is, as each of these parties filed these things under the Commission's rules, because they -- well, at least one of them has been objected to, that's a position statement, and objections on the others aren't due until tomorrow. So, those, at this time, in my mind, are in sort of a netherworld where they could be a position statement.

Now, certainly, it doesn't do us any good at this hearing to discuss positions that the parties no longer hold, because we're not evaluating those. So, I do think some -- indulge me for a second. If I knock out the stip, what are you going to testify to?

MR. PRINGLE: Well, there would be no need for live testimony without that stip. It would still be Ms. Lange's testimony in response to the filed positions of Google and Evergy pre-stip.

MR. FISCHER: Judge, if I could weigh in, this is Jim Fischer. I don't think there's a problem from our perspective if the parties or the Commission asked the witness what her thoughts are about that stip on the record. What our objection is, we don't normally have new testimony, new direct summarizing of our old testimony. We just go to cross, and when we go to cross, everyone will have an opportunity to ask whatever

relevant question they want. And we will be able to recross after the bench does ask its questions.

However, it's not normal practice, and we think it'd be improper in this case to allow Staff to just, on an affirmative basis, state what they want to about the stipulation. That may come out and in the practice of the normal practice of the Commission has. But it would be -- if that was to happen, I think all the parties would want to be able to summarize their position on any of these issues that are addressed in the stipulation. I think that's going to lengthen the process, and from our perspective, we should just go forward under the normal practice.

MR. PRINGLE: If I may respond to that, Judge.

THE COURT: We're doing a lot of back and forth. One last time.

MR. PRINGLE: Yeah, that one, I just want to point out that it is not unusual for stipulating parties to file testimony in support of the stipulation, even outside of the testimony guidelines, the testimony filing dates. I see this as a similar position. Again, if the Commission would rather us file written, we can do that. But the big thing is, Staff would like a chance to respond to this change in position.

THE COURT: Here's what I'm going to do. I'm

going to allow discussion on the stand about it. I'm going to allow questions and cross about it. However, I'm also still going to put it as a separate issue at the end. And that way, Evergy will have an opportunity to come back and rebut some of those if they want.

So, with that in mind, if we're going too far, I'll be handling -- I'll just handle it on an objection-by-objection basis. But I'm not going to -- I mean, the thing is, you are correct. There's no way we can do this. There are five filed stips in this case. These are all party positions now that are different than the parties held before. So, those are the positions we need to talk about. So, let's do it that way. Go ahead.

MR. PRINGLE: Thank you, Judge. Good morning, Ms. Lange.

MS. LANGE: Good morning. Do I need to be sworn?

MR. PRINGLE: Yes, you do.

THE COURT: Do you solemnly swear or affirm that the testimony you're about to give is the truth?

MS. LANGE: I do.

SARAH LANGE,

of lawful age, being produced, sworn, and examined testified as follows:

THE COURT: Would you please state and spell

your name for the court reporter?

MS. LANGE: Sarah Lange, S-A-R-A-H, L-A-N-G-E.

THE COURT: Thank you. And now you may go ahead.

MR. PRINGLE: Thank you, Judge.

EXAMINATION

BY MR. PRINGLE:

Q. And, Ms. Lange, by whom are you employed and in what capacity?

A. I am an economist in the Tariff and Rate Design department of the Staff of the Missouri Public Service Commission.

Q. Thank you. And are you the same Sarah Lange who caused to sponsor -- and this is going to take me a minute to get through all this -- well, conforming direct testimony of Sarah Lange, which has been marked as Exhibit 177; the direct -- sorry, the Staff Rate Design Report, which has been marked as Staff Exhibit 125; the rebuttal testimony of Sarah L.K. Lange, which is marked as Exhibit 138; the surrebuttal testimony of Sarah L.K. Lange, which has been marked as Exhibit --

SPEAKER 1: I have been worried there for you.

MR. PRINGLE: Was that --

THE COURT: No, go ahead.

BY MR. PRINGLE:

Q. -- which has been marked as Exhibit -- well, surrebuttal, true-up direct testimony Sarah L.K. Lange, marked as Exhibit 167, and the true-up rebuttal testimony of Sarah L.K. Lange, which has been marked as Exhibit 170?

A. Yes, I believe you omitted my direct rate design testimony, which was in addition to the direct cost of service testimony.

Q. And that would have been Exhibit 124?

A. I'll accept that representation.

Q. Thank you. And --

THE COURT: I want to ask. You went a little faster than I can write. 167 again is?

MR. PRINGLE: 167 is --

THE COURT: True-up rebuttal?

MR. PRINGLE: Surrebuttal true-up direct.

THE COURT: True-up direct. And 170?

MR. PRINGLE: 170 is true-up rebuttal.

THE COURT: And then finally, 124 is rate design direct?

MR. PRINGLE: Yes.

THE COURT: Thank you.

MR. PRINGLE: And then that 177 would be the cost of service direct, but it has been -- it's conforming testimony in response to the Commission order.

THE COURT: And that I have done as your conforming testimony.

MR. PRINGLE: Yeah.

BY MR. PRINGLE:

Q. At this time, Ms. Lange, do you have any corrections or additions to any of those exhibits?

A. I do. In the conforming direct testimony -- this is an easy one. Page 7, line 8, there was a reference to megawatts, and that should have been a reference to kilowatts. The remaining changes involve highly confidential numbers and replacement of highly confidential graphs. There was a slight formula error, that several different numbers each moved by a relatively small amount. I suppose we go in camera to read these in.

MR. PRINGLE: We'll do it in camera or a highly confidential errata sheet, Judge?

THE COURT: Let's do the errata sheet.

BY MR. PRINGLE:

Q. And, Ms. Lange, is the information contained in those exhibits true and correct to the best of your belief and knowledge?

A. Yes.

Q. And if I were to ask you the same questions within those exhibits, would your answers today be the

same or substantially similar to those within?

A. Except as noted with the corrections this morning and some of the -- so, there have been corrections as testimony went along where I corrected earlier rounds, you know, in a subsequent round. And I am also adopting the testimonies of Marina Gonzales, if those exhibit numbers need to be presented.

Q. I think those have more to do with the rate design issues later on --

A. Yes, they do.

Q. -- so we'll address those later.

A. Okay, my apologies.

MR. PRINGLE: Not a problem. Okay, Ms. Lange. And we will not be entering everything on the record at this time because Ms. Lange will be back up a few times during this hearing. Okay, Ms. Lange.

One minute, Judge. I need to go back and get an exhibit.

THE COURT: It's my intention to take a 10 to 15-minute recess at around 10:30.

MR. PRINGLE: Thank you for humoring me. Now I have what I need. Permission to approach the witness, Judge.

THE COURT: Go ahead.

MS. LANGE: After all that, I have that copy.

I'm sorry.

MR. PRINGLE: I have presented the witness what has been labeled as Attachment B to Staff's objection letter that was filed earlier this morning.

BY MR. PRINGLE:

Q. Ms. Lange, can you tell me what that is that I handed you?

A. Without getting into anything highly confidential, what this is, is a calculation using existing LLPS rates and the method that Staff understood to be ordered in the large, large load tariff case for bill calculation, and that is calculating the bill that would be applicable --

MR. FISCHER: Your Honor, I'm going to object to this. I think this is the direct testimony that I thought you ruled you didn't want to have. And, I mean, at this point in time, normally, you tender the witness for cross. But I think at this point, the Staff is trying to go through direct testimony that we only received at the opening. And I think you ruled that it's not going to be taken up till the end. Is that correct?

THE COURT: I think you missed the nuance of my ruling. I am going to allow them to go into it. I am going to allow them to go into it now. I am going to put the stips at the end as a separate thing so there will be

an opportunity for Evergy to respond there in that issue. You're certainly entitled to ask cross questions about this.

MR. FISCHER: Will Evergy be permitted to do direct on this issue, then, from the stand? We already had our witnesses up and down.

THE COURT: I think it makes sense, but I think that, to present direct on that, the place to do that would be in the stip issue at the end. Are you following me?

MR. FISCHER: And that's what I thought you'd ruled, but I think we're having direct testimony based upon an exhibit which has not been entered into the record.

THE COURT: No, it is not. And you're welcome to object if it's offered. But at this point in time, I indicated that I was willing to let discussion about this issue, because it does the Commission no good to hear about the positions of the parties that are no longer their positions. So, your objection is overruled.

MR. PRINGLE: Thank you, Judge.

BY MR. PRINGLE:

Q. And, Ms. Lange, did you prepare or cause this Exhibit B to the objection letter? Did you cause to be prepared?

A. I prepared it, yes.

Q. And what information did you rely upon in preparing it?

A. I relied upon the tariff rates for the LLPS class at transmission voltage. I relied upon the, the numbers of months in a year and the number of months in each Metro billing season. I relied upon the contract demand for Customer A that was known and measurable at the June 2026 true-up cutoff. And I relied on the indicated kWh values reflected here.

Q. And are those the same sources of information and data that you relied upon in forming opinions expressed in your prefiled testimony?

A. So, the, the top box, if you will, is referring to what was provided as the kWh value and the LLPS stipulation joint position statement of Evergy and Google. That was not available to rely on at the time I prepared my testimony. But the, the approach of how to multiply numbers is certainly consistent with what we do every day here.

Q. And the kind of the methodology that you used in preparing that exhibit, it's standard for what you use in preparing your testimony?

A. Yes.

Q. And also the calculations and analysis

reflected in this exhibit, those were performed by you?

A. Correct.

Q. And is this exhibit a fair and accurate representation of the analysis you performed and the conclusions and data that you will be discussing?

A. With respect to the Staff's response to the joint position statement of Metro and Google, yes, it is.

Q. And are there any corrections or changes to make this exhibit at this time?

A. I sure hope not.

MR. PRINGLE: Then, at this time, Judge, Staff would move to enter what I believe will be marked Staff Exhibit 178 onto the record.

THE COURT: And what are you calling this?

MR. PRINGLE: Call this other revenues analysis pertaining to the partial LLPS stipulation and agreement.

THE COURT: I'm going to allow Ms. Lange to talk about it. But I'm going to ask that you move for admission during the actual stip issue.

MR. PRINGLE: Understood, Judge. Thank you. Then now for us to talk about it, we do need to go back in camera.

MR. FISCHER: Judge, if it please the Commission, we're going to have an objection to this exhibit because, as I understood what she testified to,

this is basically a response to what the Google witness put in her testimony, and she could have prefiled this so that we would have an opportunity to see it, and that has not happened. I think it's improper. Whatever rebuttal or surrebuttal, and it should not be entered into the record in this way.

THE COURT: I feel like we've already covered this issue.

MR. FISCHER: Sorry.

THE COURT: I mean, I just told staff not to -- they went ahead and offered, but I'm not going to admit it. I'm not going to admit it until we get to the stip issue because you do have a right to object. That's absolutely true, but that's where I want to do that, not here. If you have individual objections to things she says, that's fine. Go with those. Go ahead.

MR. PRINGLE: And just for my questions about the exhibit, if they'll have to be in camera.

THE COURT: Let's go in camera. As before, anybody not authorized to hear confidential, highly confidential, or highly confidential, highly sensitive information will need to step out of the room. We are in camera.

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THE COURT: Let's go out of in camera. Now you can go ahead and tender your witness.

MR. PRINGLE: Thank you, Judge. At this time, Staff tenders Ms. Lange for cross-examination.

THE COURT: Thank you, Staff. Any cross-examination from the Office of Public Counsel?

MR. WILLIAMS: Thank you. No.

THE COURT: Any cross-examination from MECG?

MR. LYSKOWSKI: No, Judge.

THE COURT: Any cross-examination from Velvet Tech?

MS. BELL: No, Judge.

THE COURT: Any cross-examination from Google LLC?

MR. SCHULTE: Yes, Judge, and I apologize, but we do need to go back into highly confidential session.

THE COURT: You don't care if I just refer to you as Google?

MR. SCHULTE: That is fine.

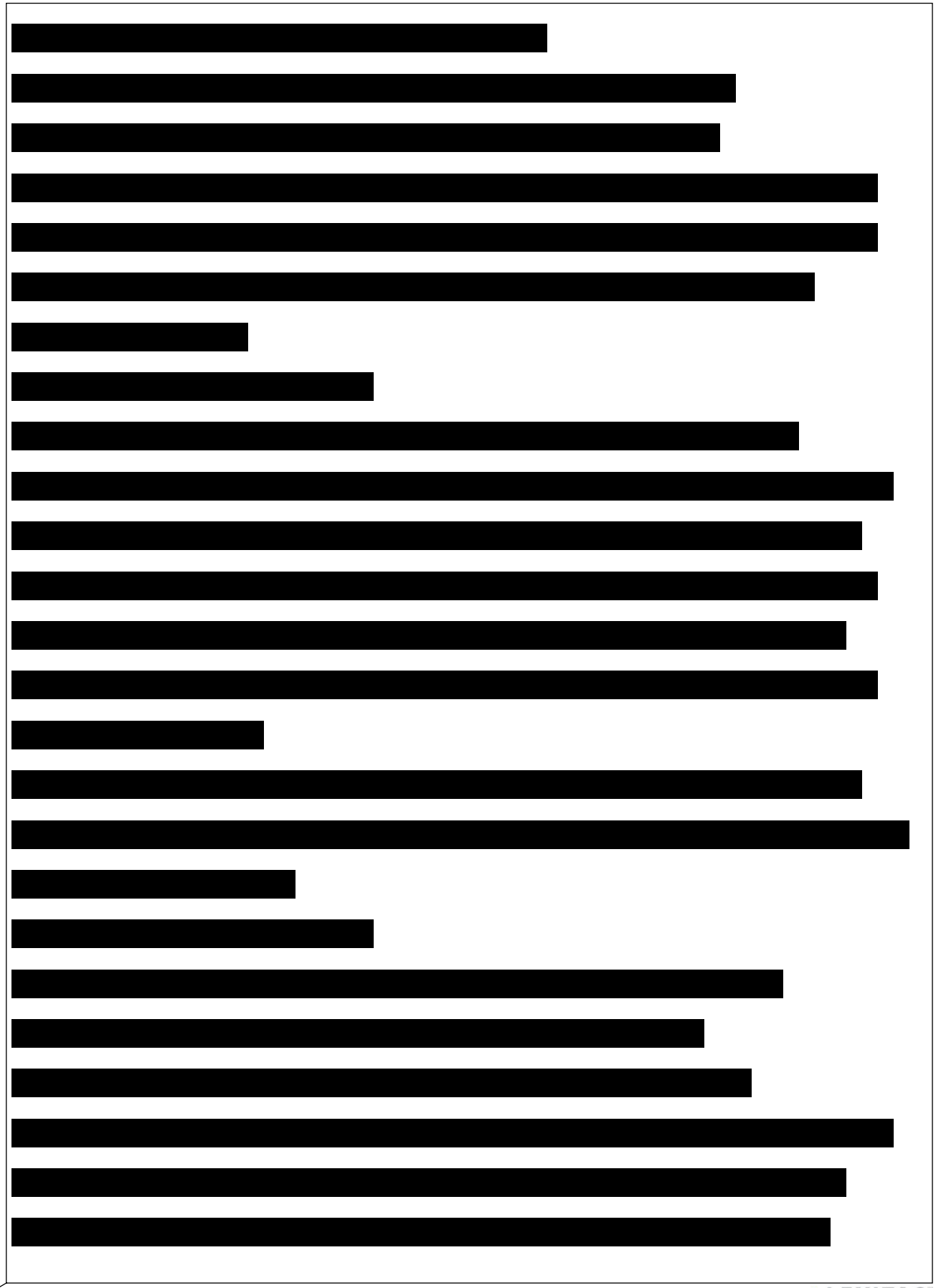
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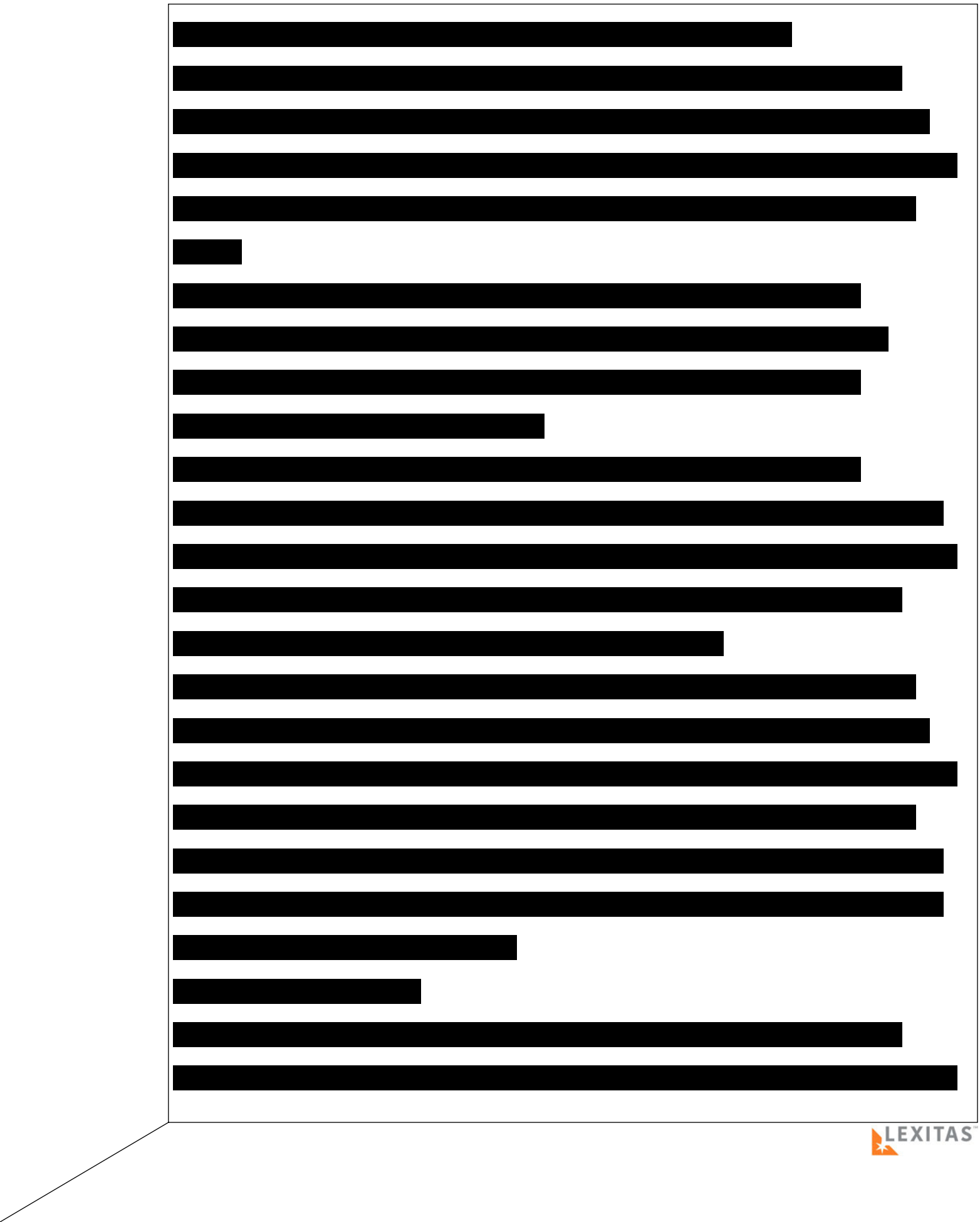
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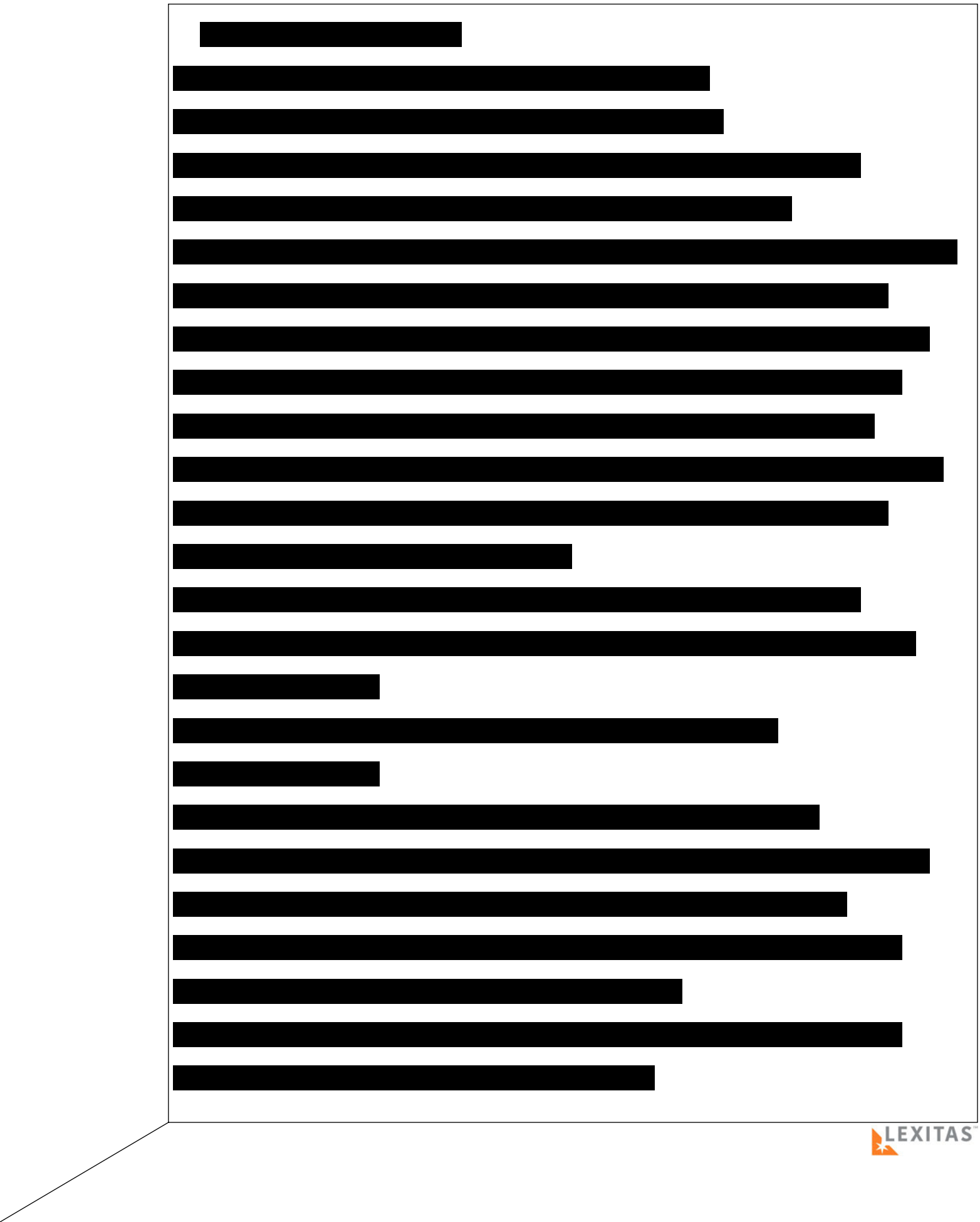
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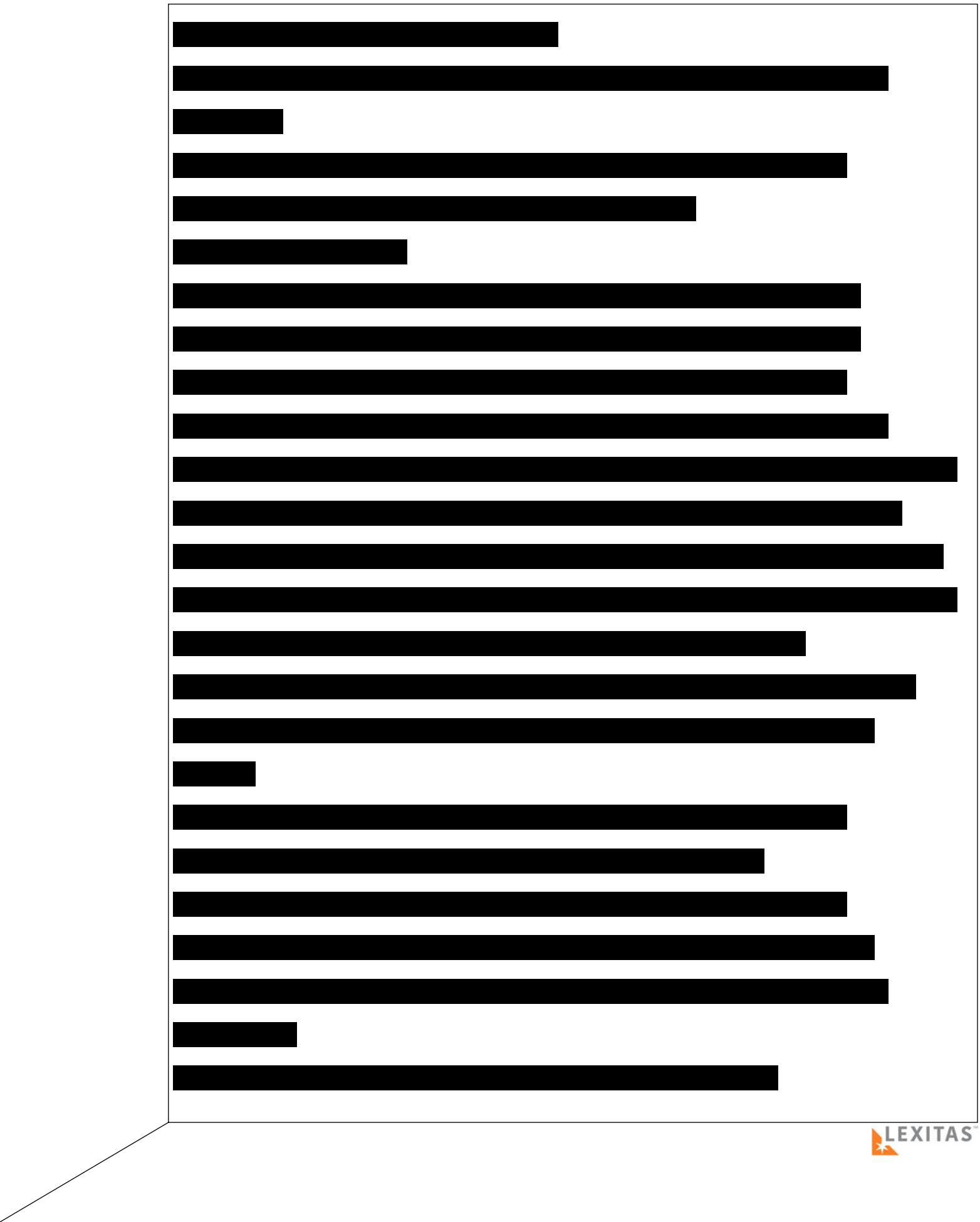


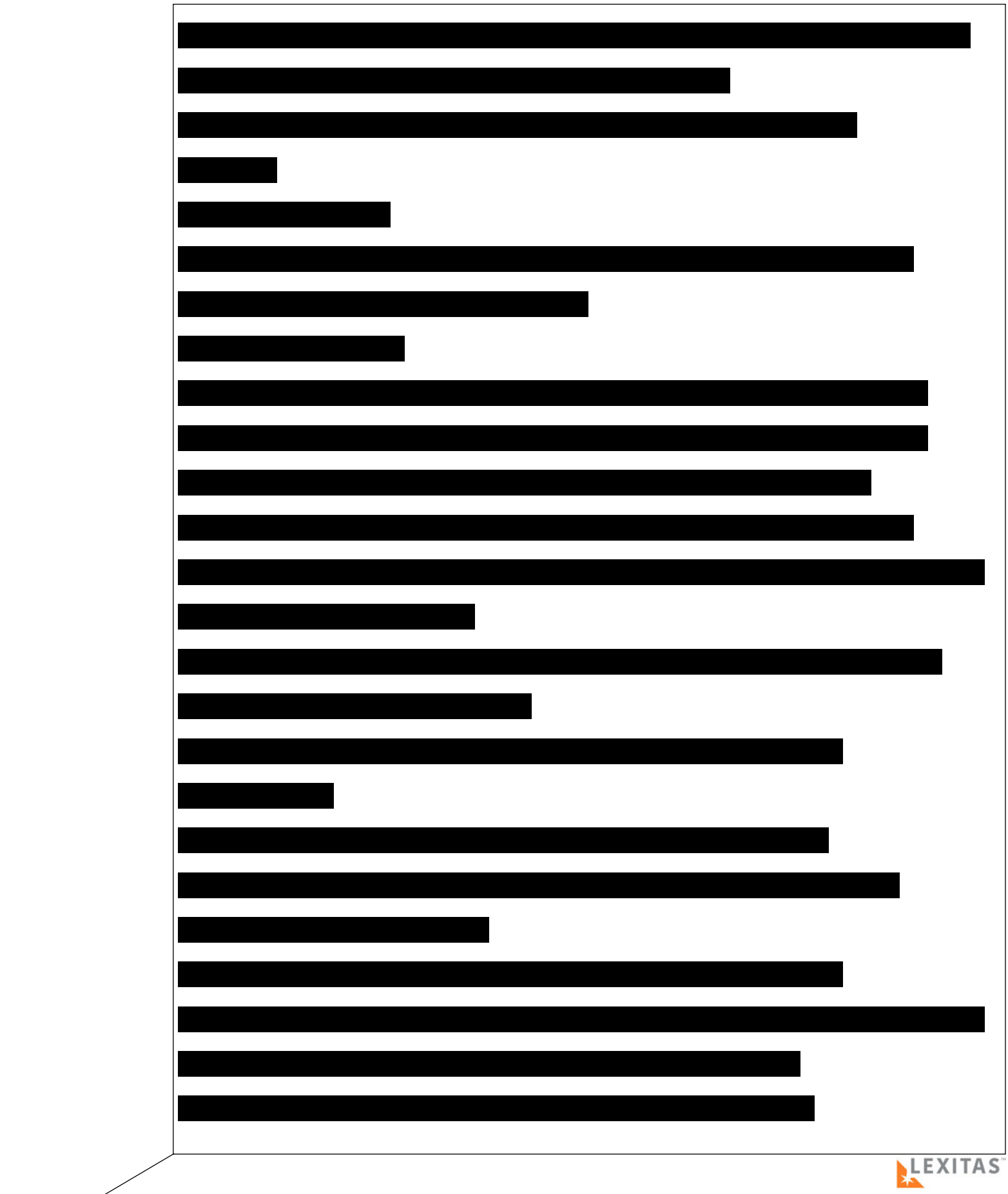


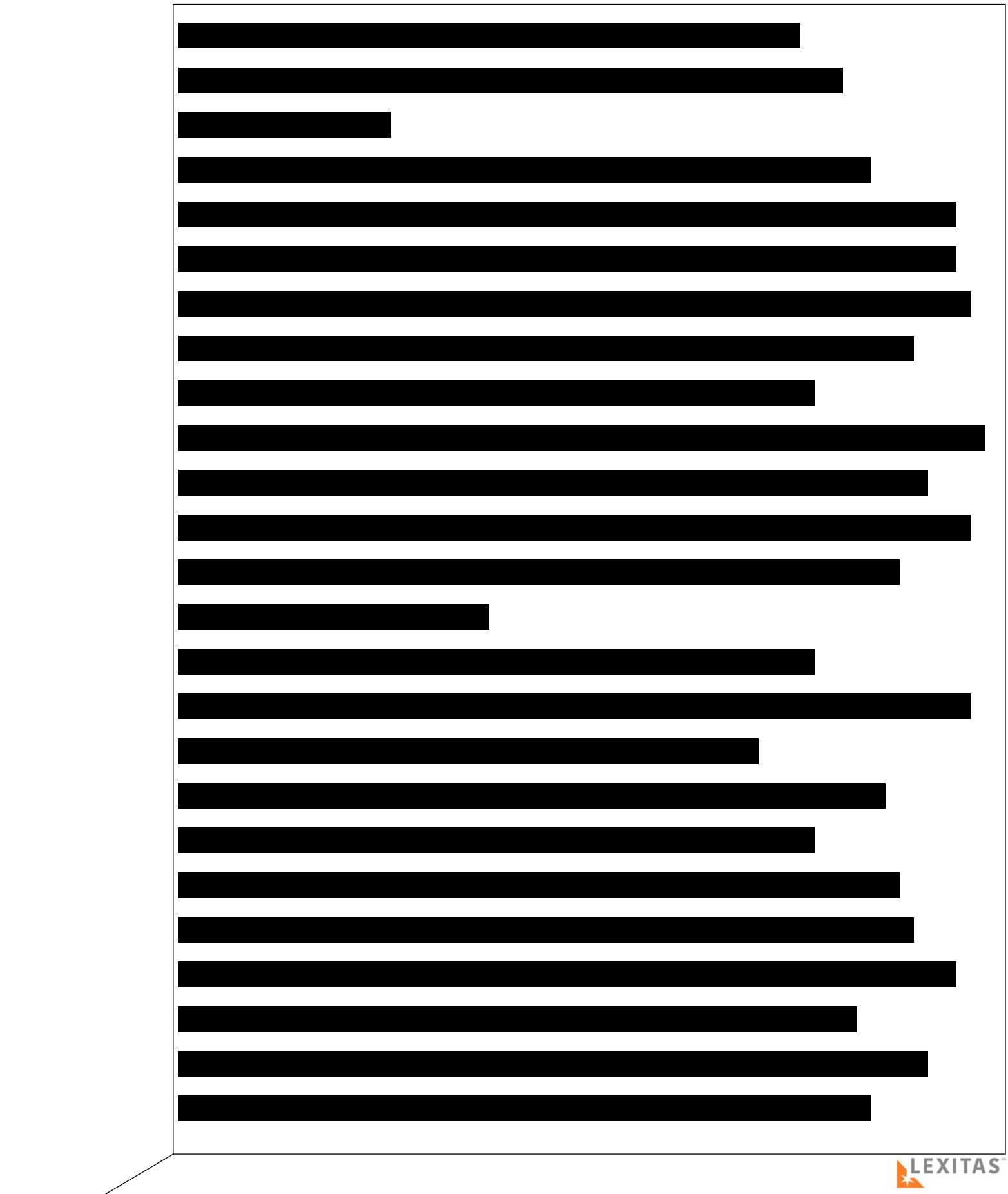


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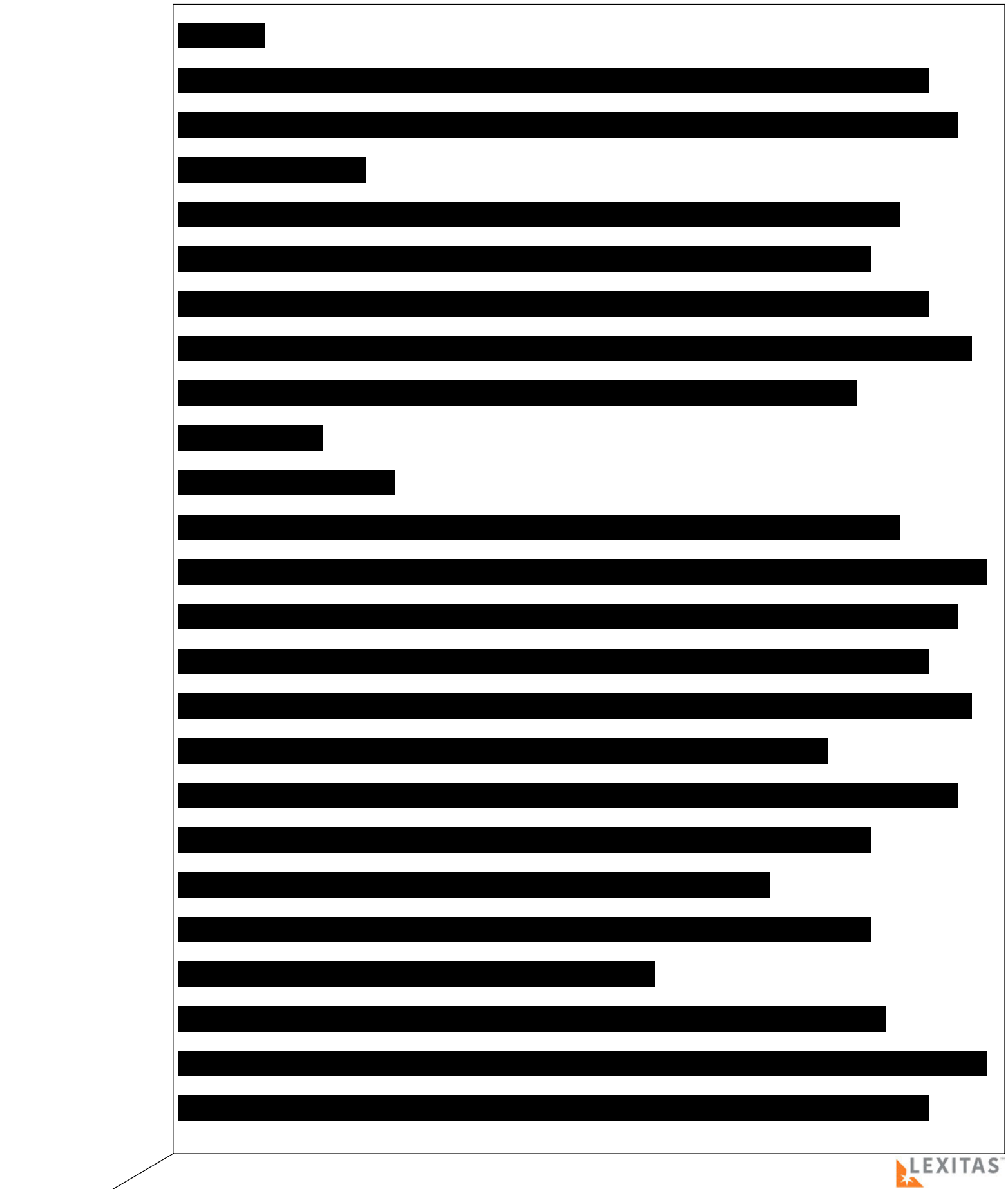






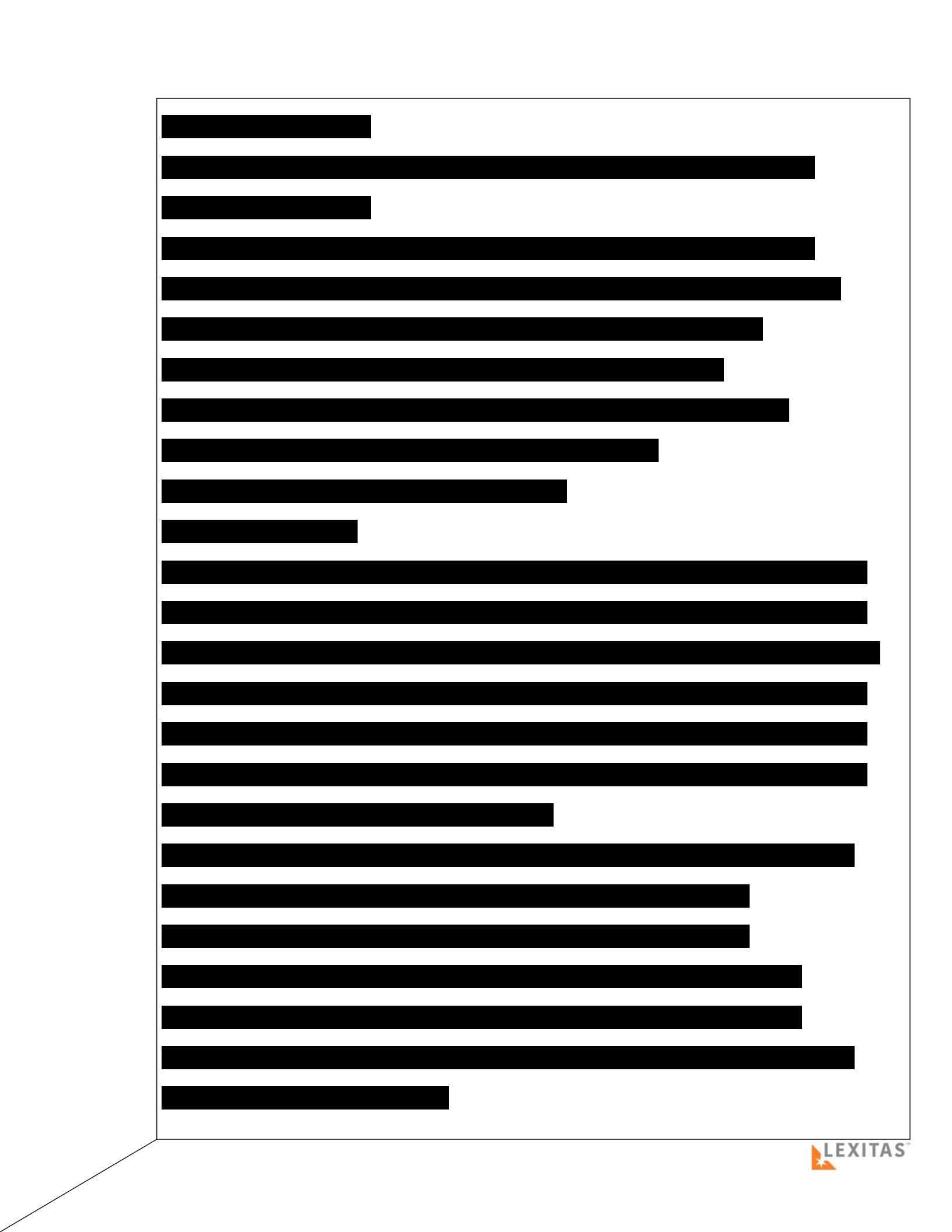
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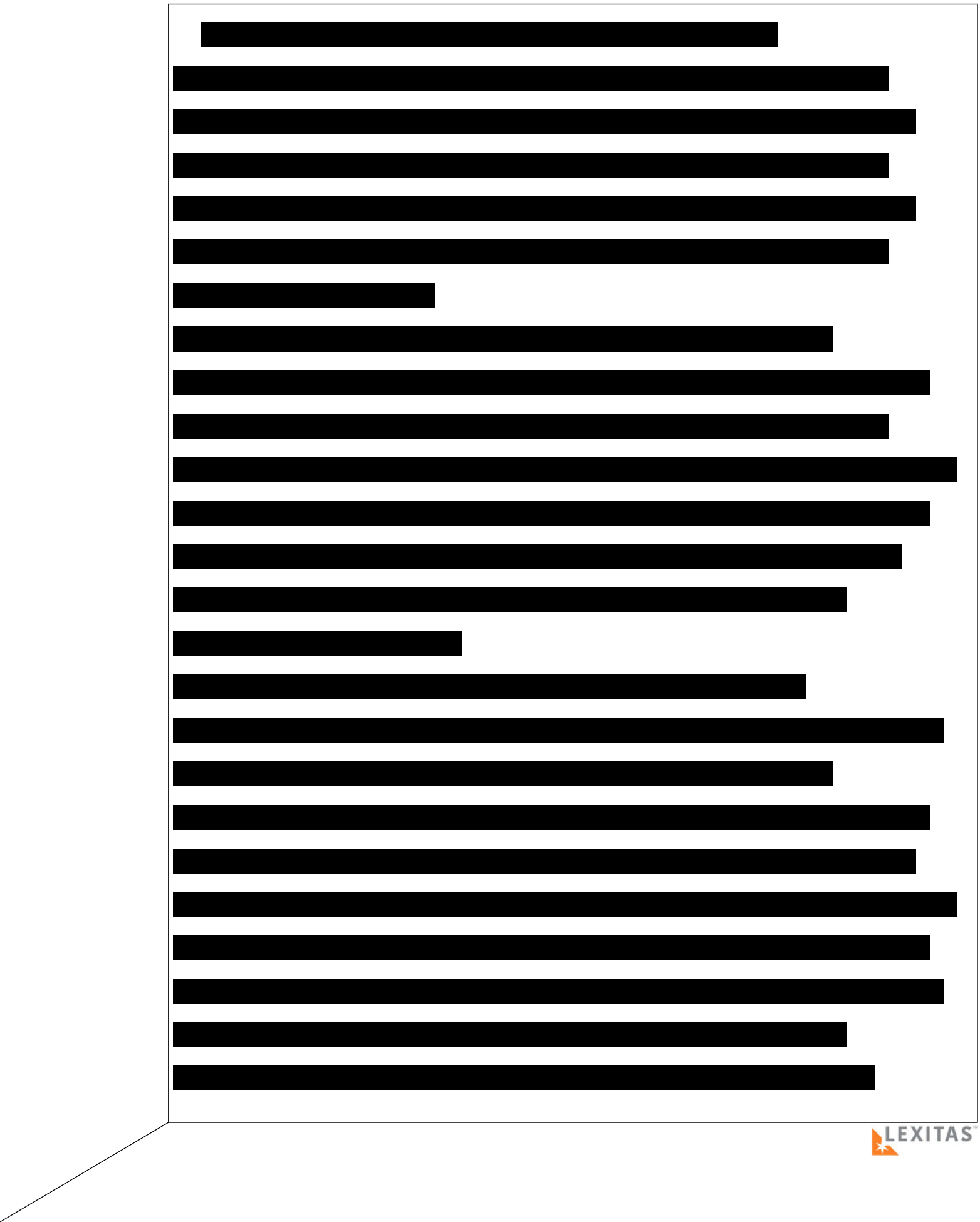
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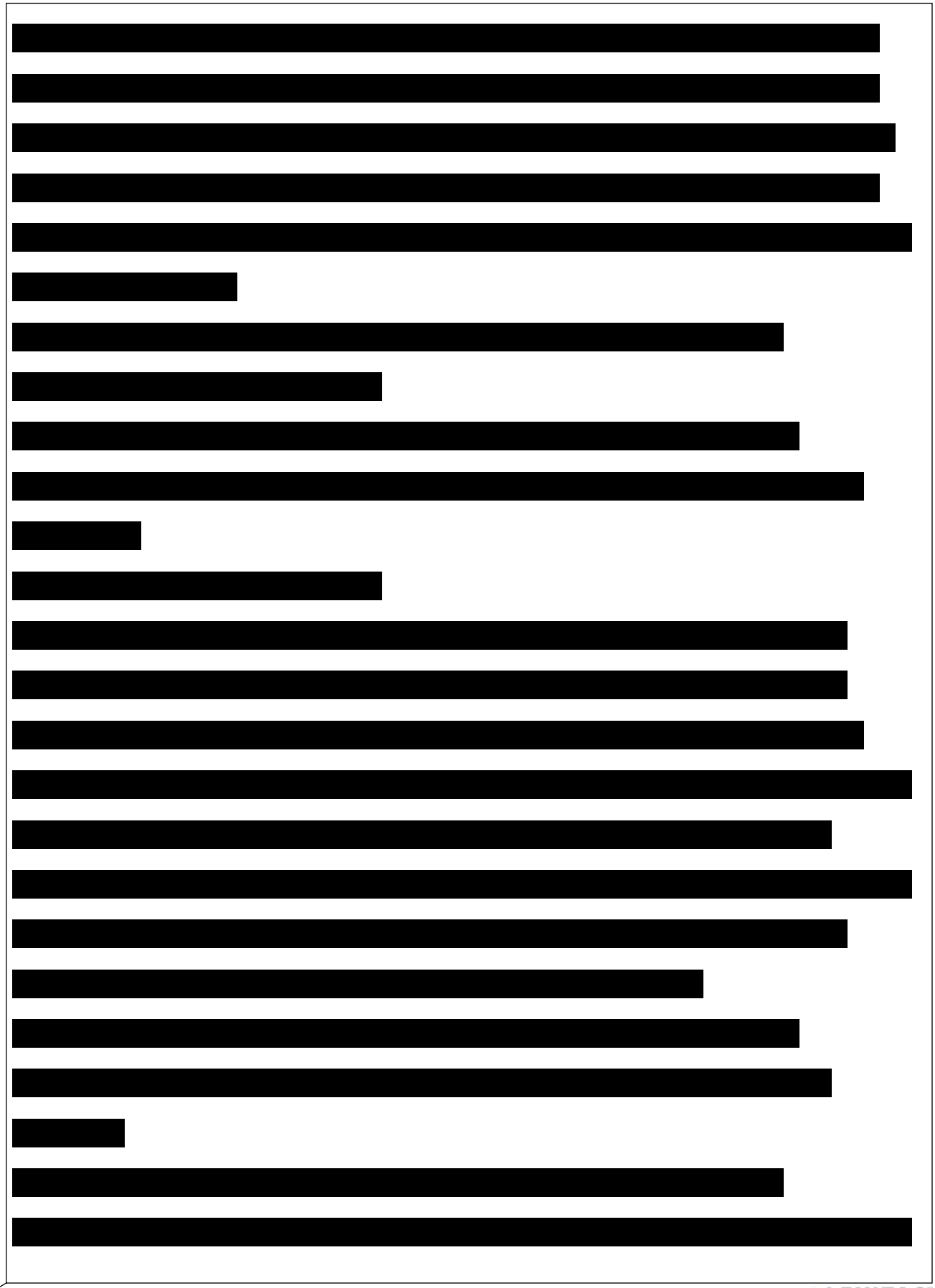
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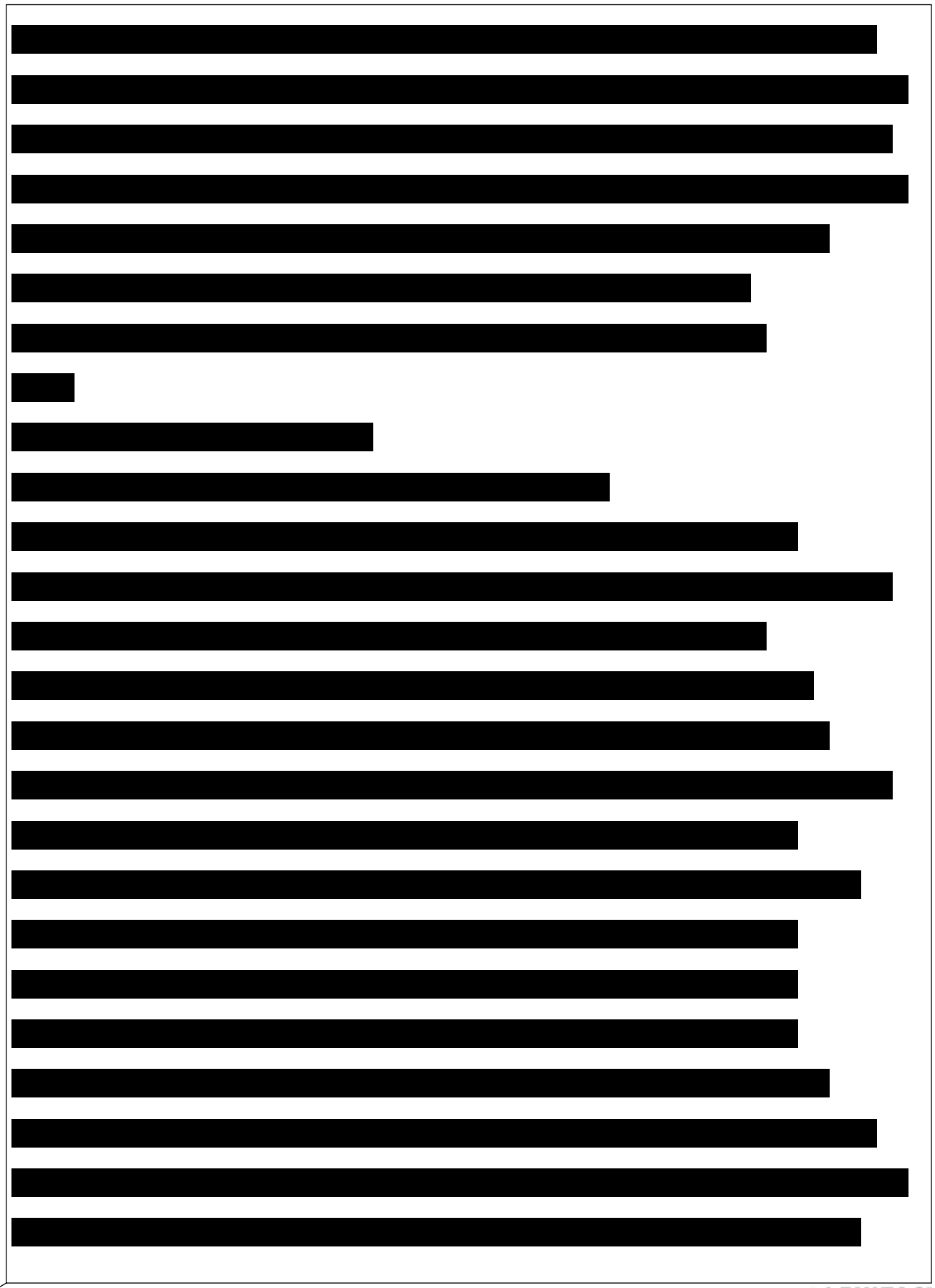


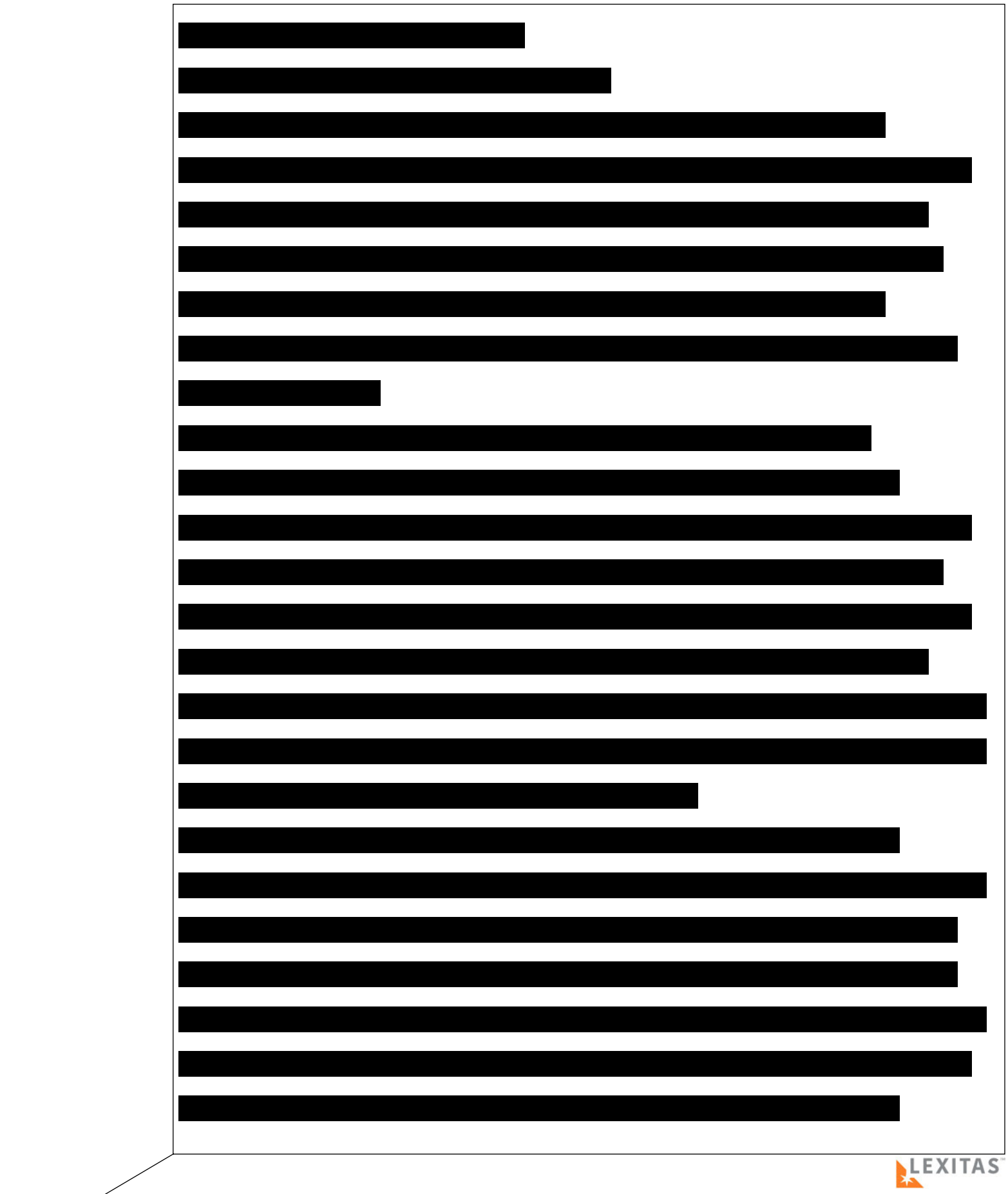


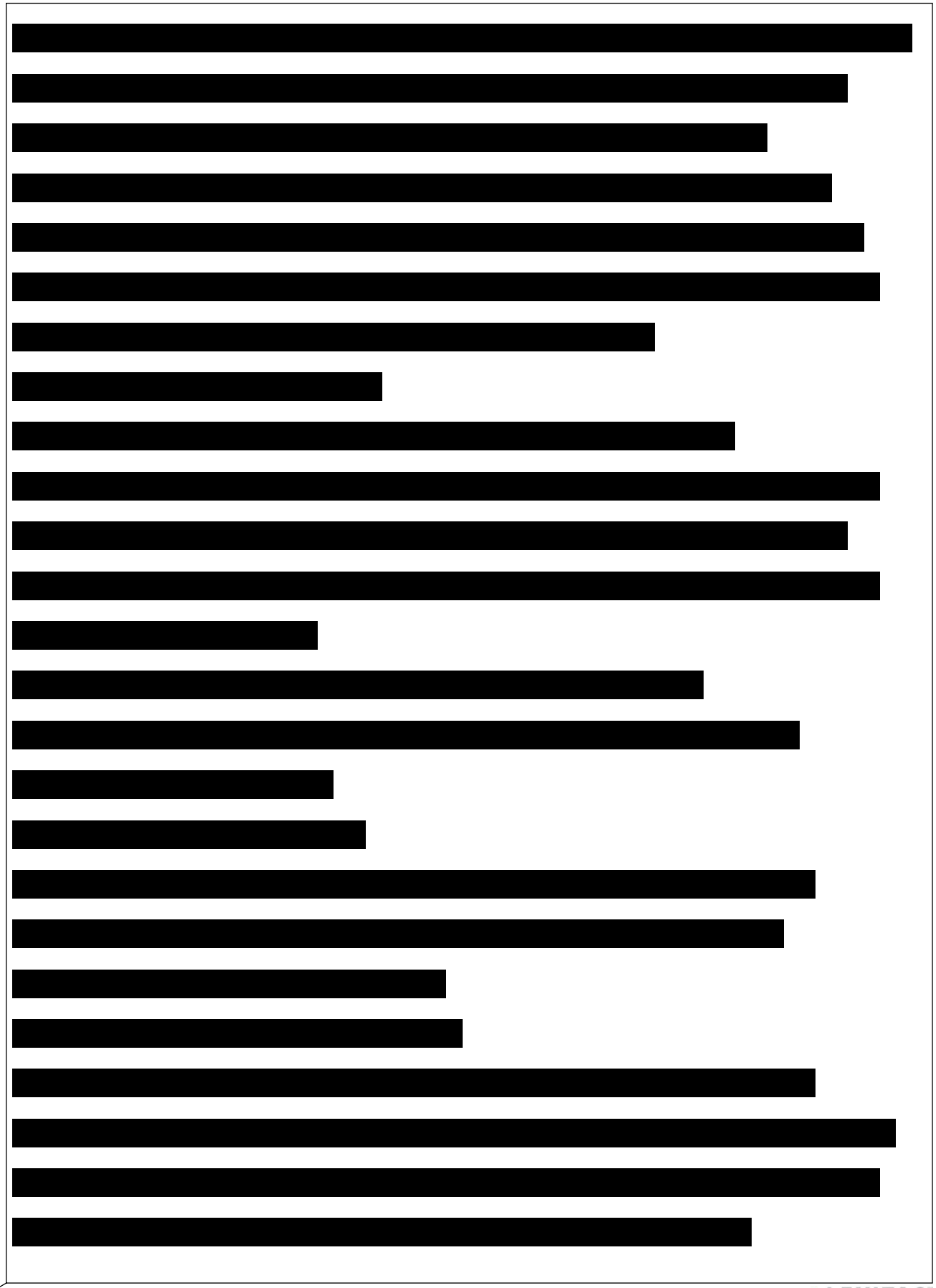
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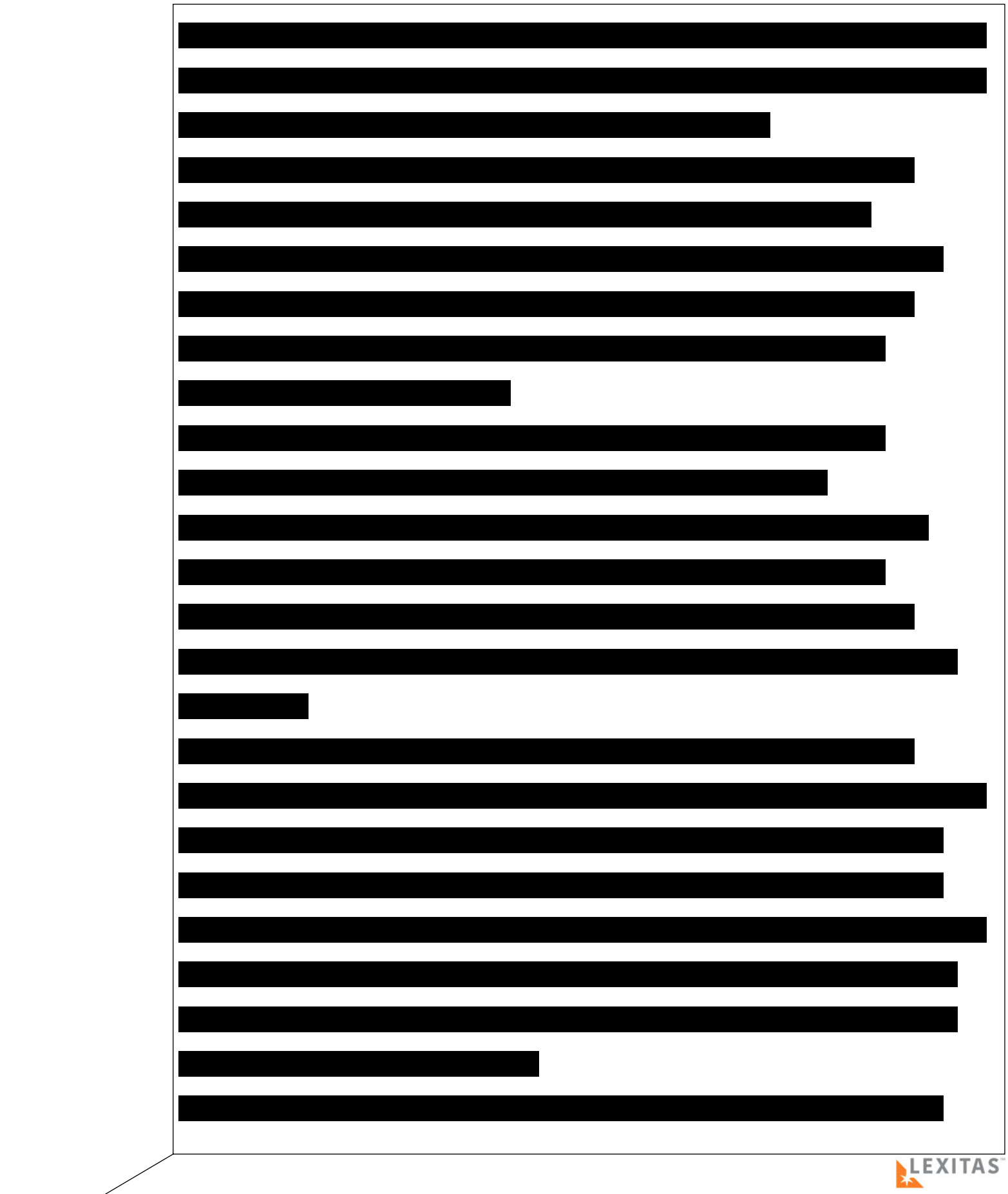
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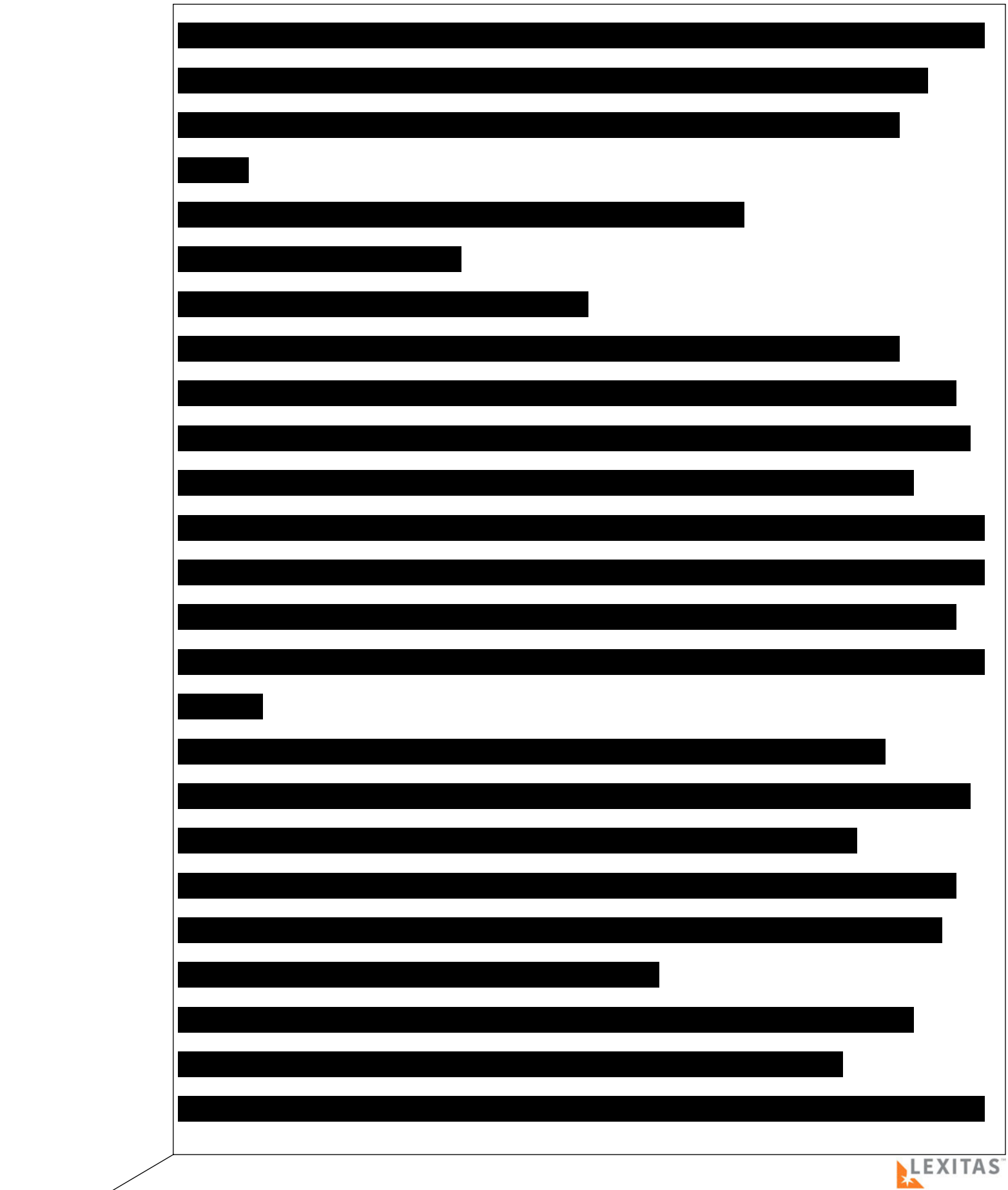


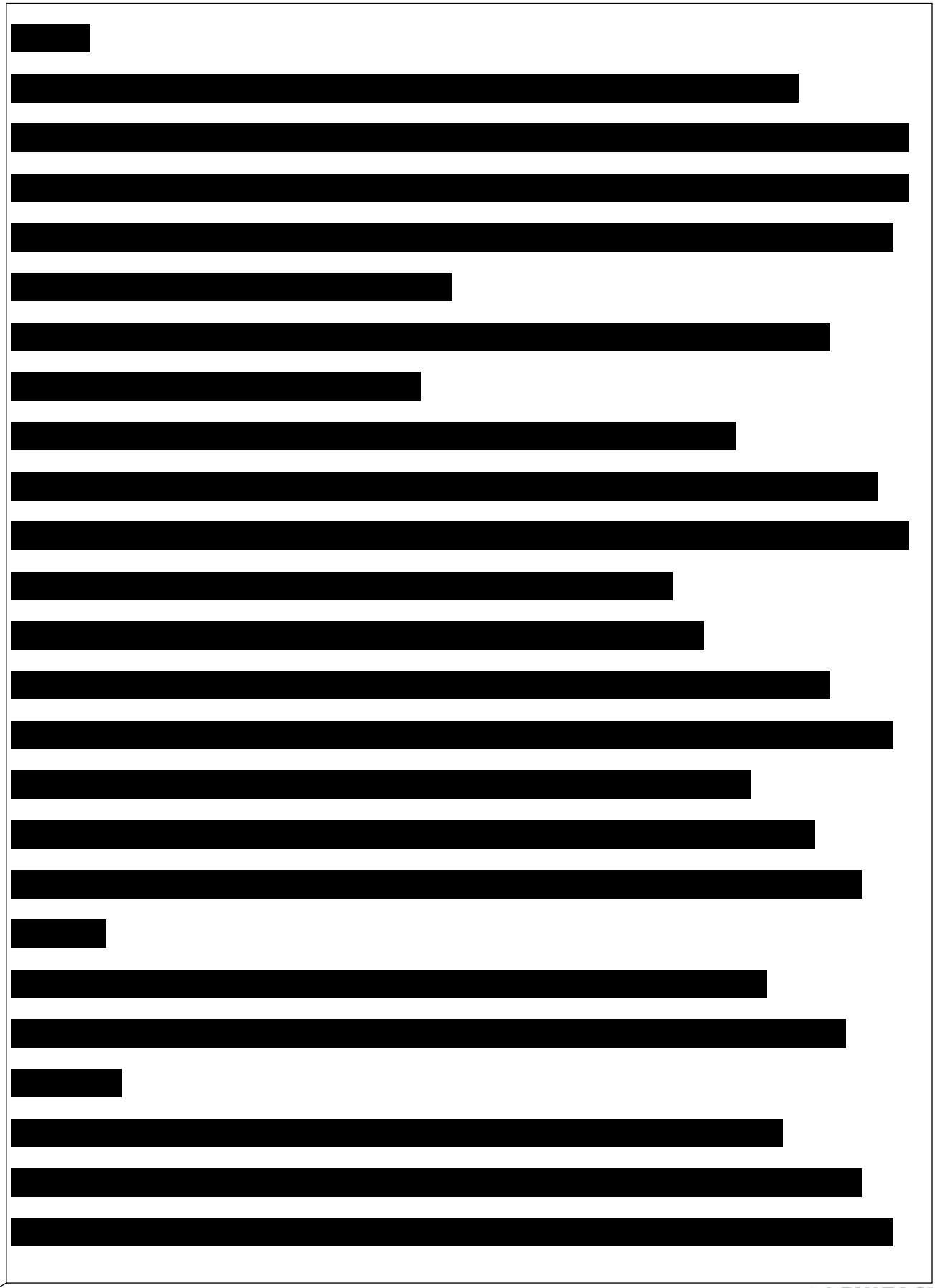


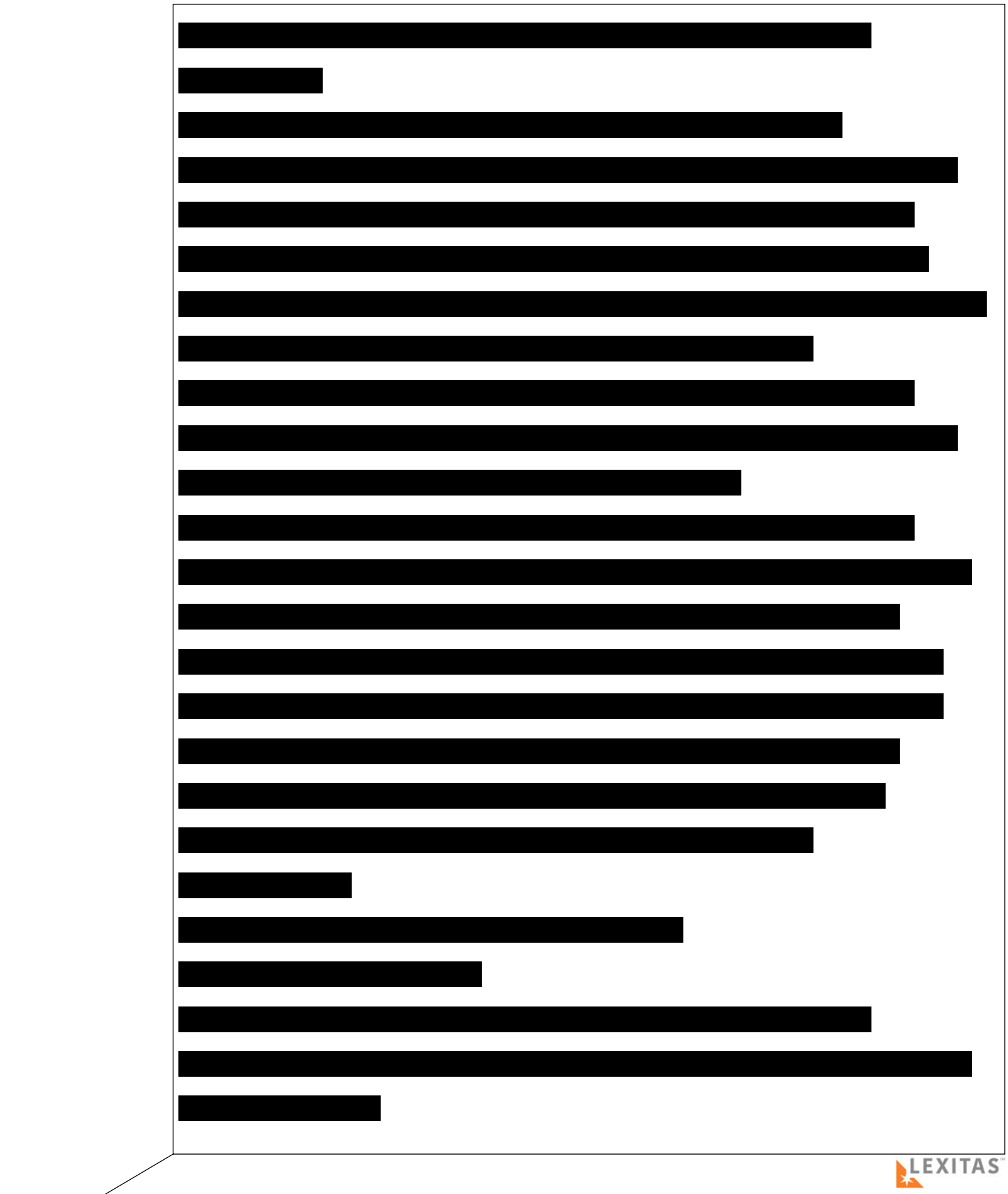


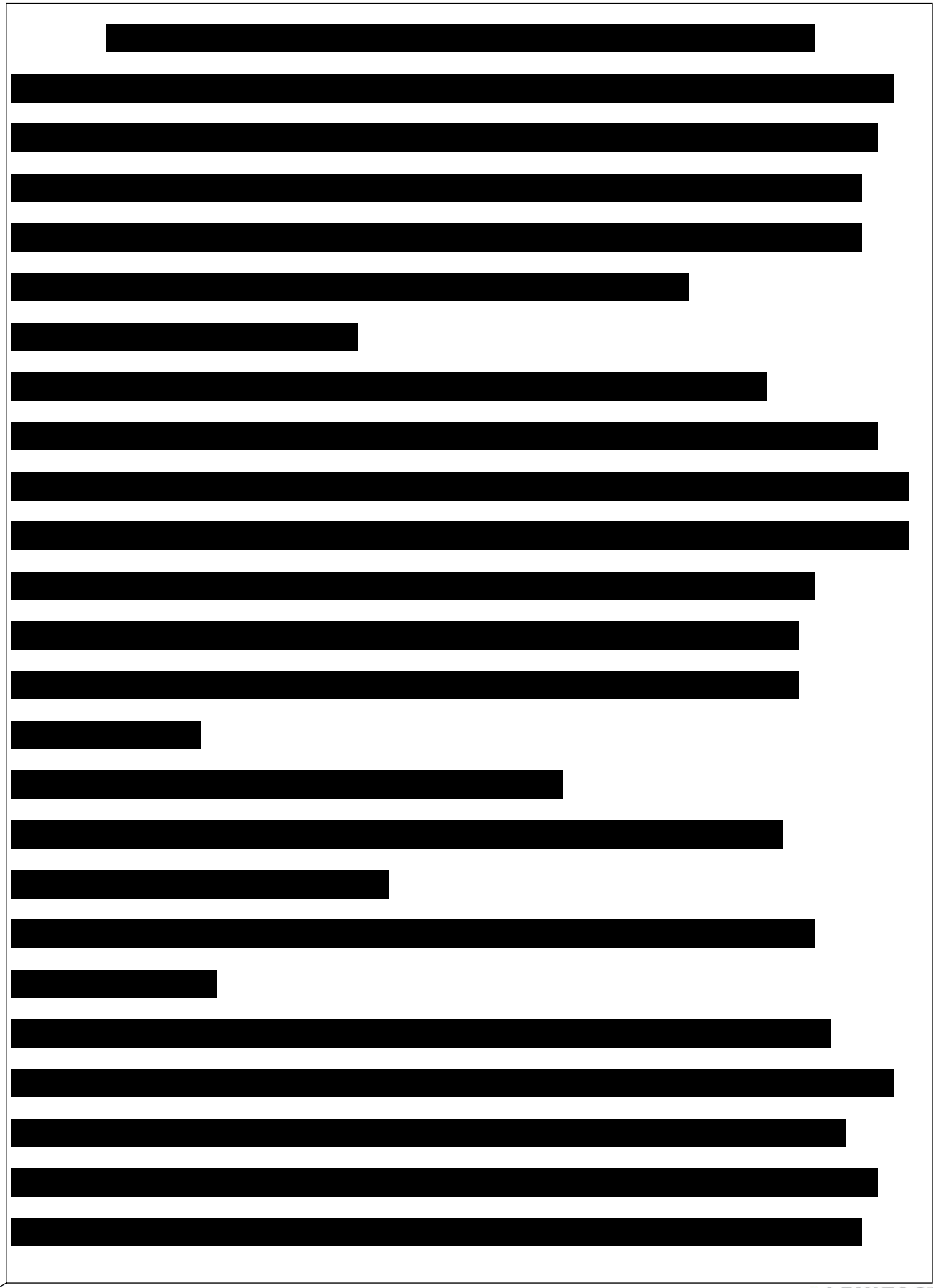












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THE COURT: Let's go out of in camera. Mr. Schulte, you can go on with your cross-examination from Google.

BY MR. SCHULTE:

Q. Ms. Lange, are you licensed as a professional engineer?

A. No.

Q. Do you have any professional experience designing industrial cooling systems?

A. Not designing, no.

Q. Do you have any professional experience operating industrial cooling systems?

A. No.

Q. Do you have any professional experience designing data centers?

A. No.

Q. Do you have any professional experience operating data centers?

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A. No.

Q. Did you issue any discovery requests to Google in this proceeding?

A. Not in this proceeding.

Q. Did Staff as a whole, to the extent you're aware, issue any discovery request to Google in this proceeding?

A. I can't answer that.

Q. But you're not aware of any discovery issued to Google by Staff in this proceeding?

A. I wouldn't know other than what I issued or what I requested be issued. I did not issue or request any that I can recall to Google in this proceeding.

Q. Did you issue any discovery request to Velvet Tech in this proceeding?

A. No.

Q. To the extent you're aware, did Staff issue any discovery request to Velvet Tech in this proceeding?

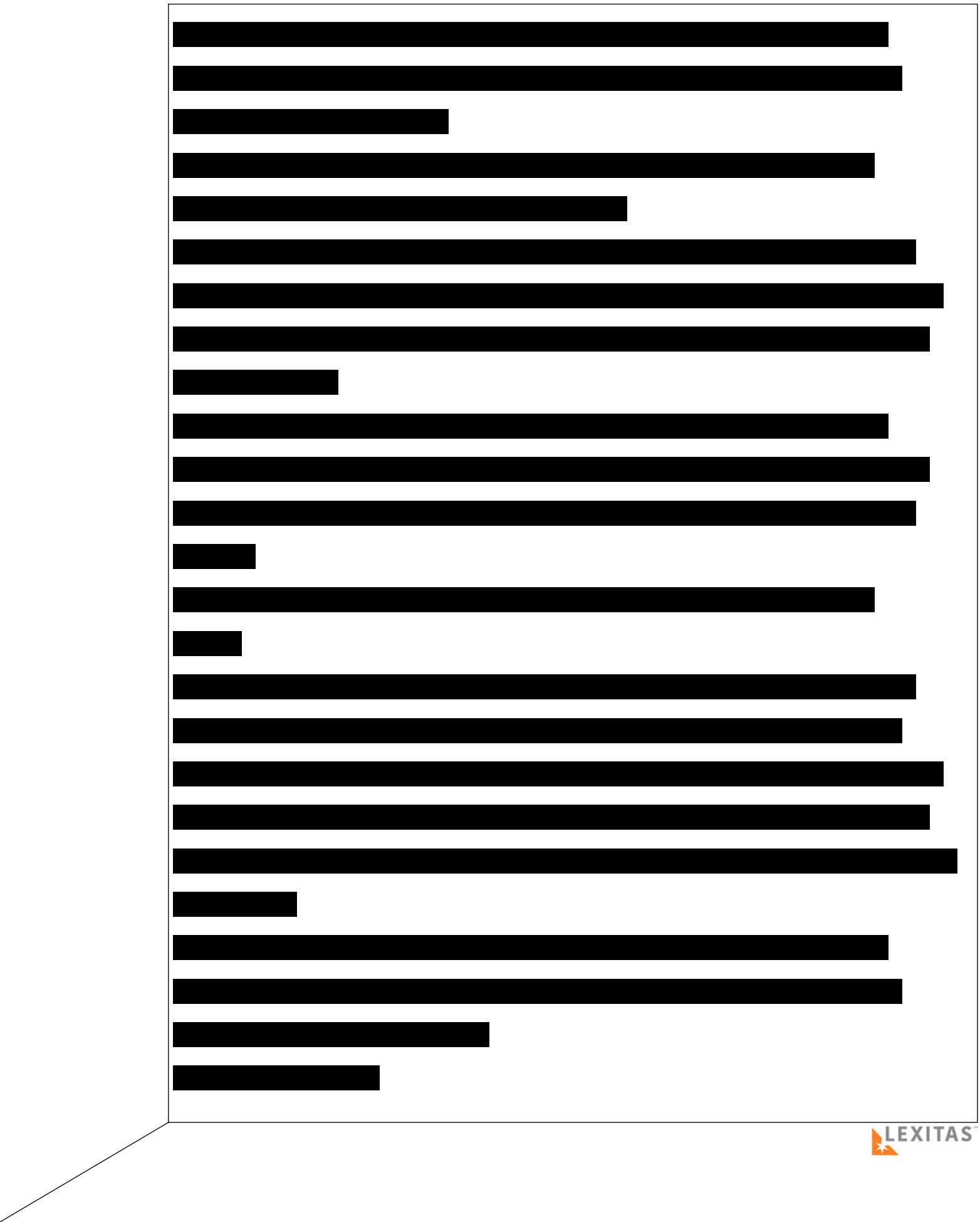
A. Again, I wouldn't know what I didn't do or cause, but I did not do or cause any to be issued to Velvet Tech.

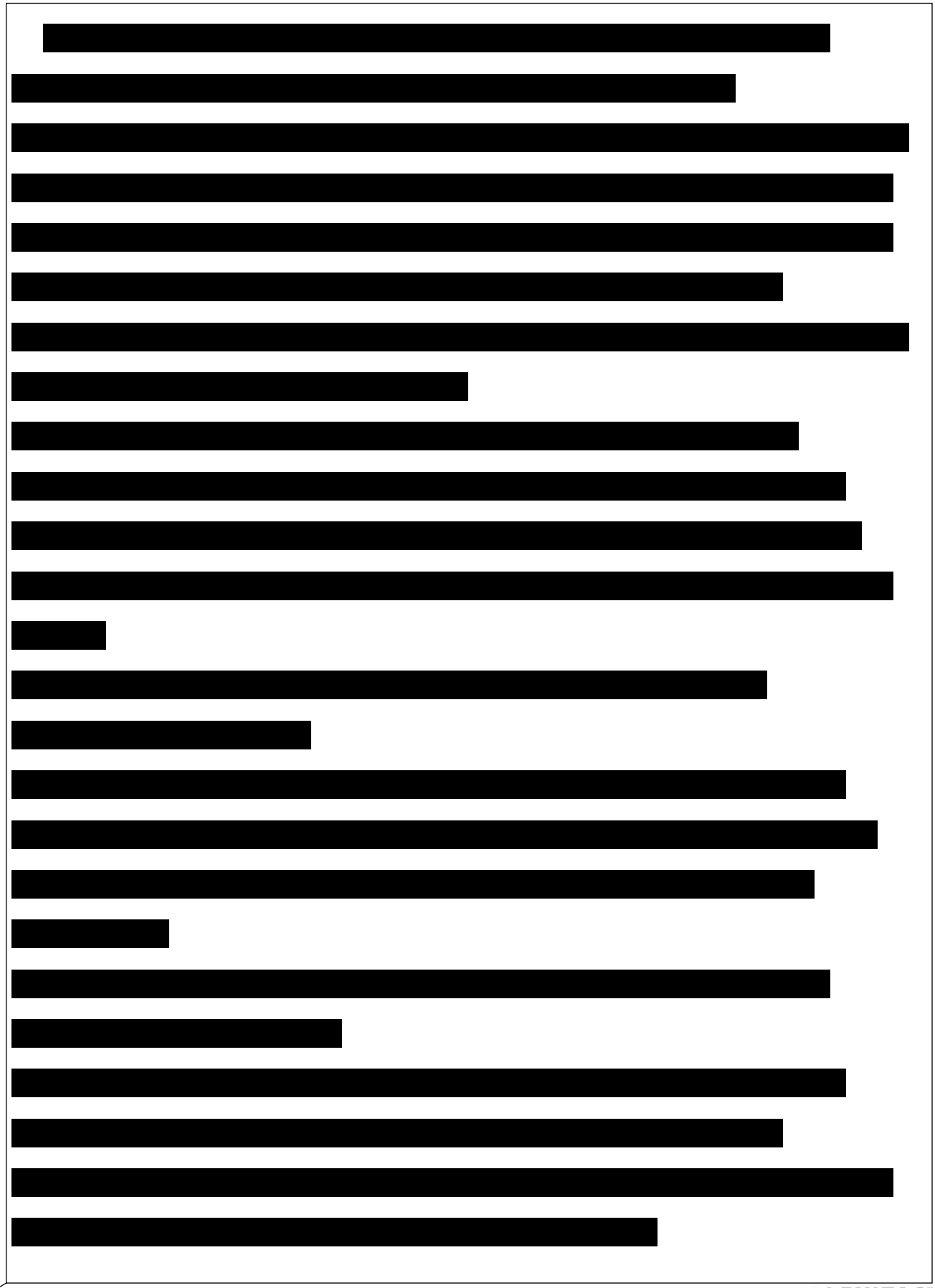
MR. SCHULTE: I apologize, but I do think we need to go back in camera because I have some questions about the attachment that was just introduced.

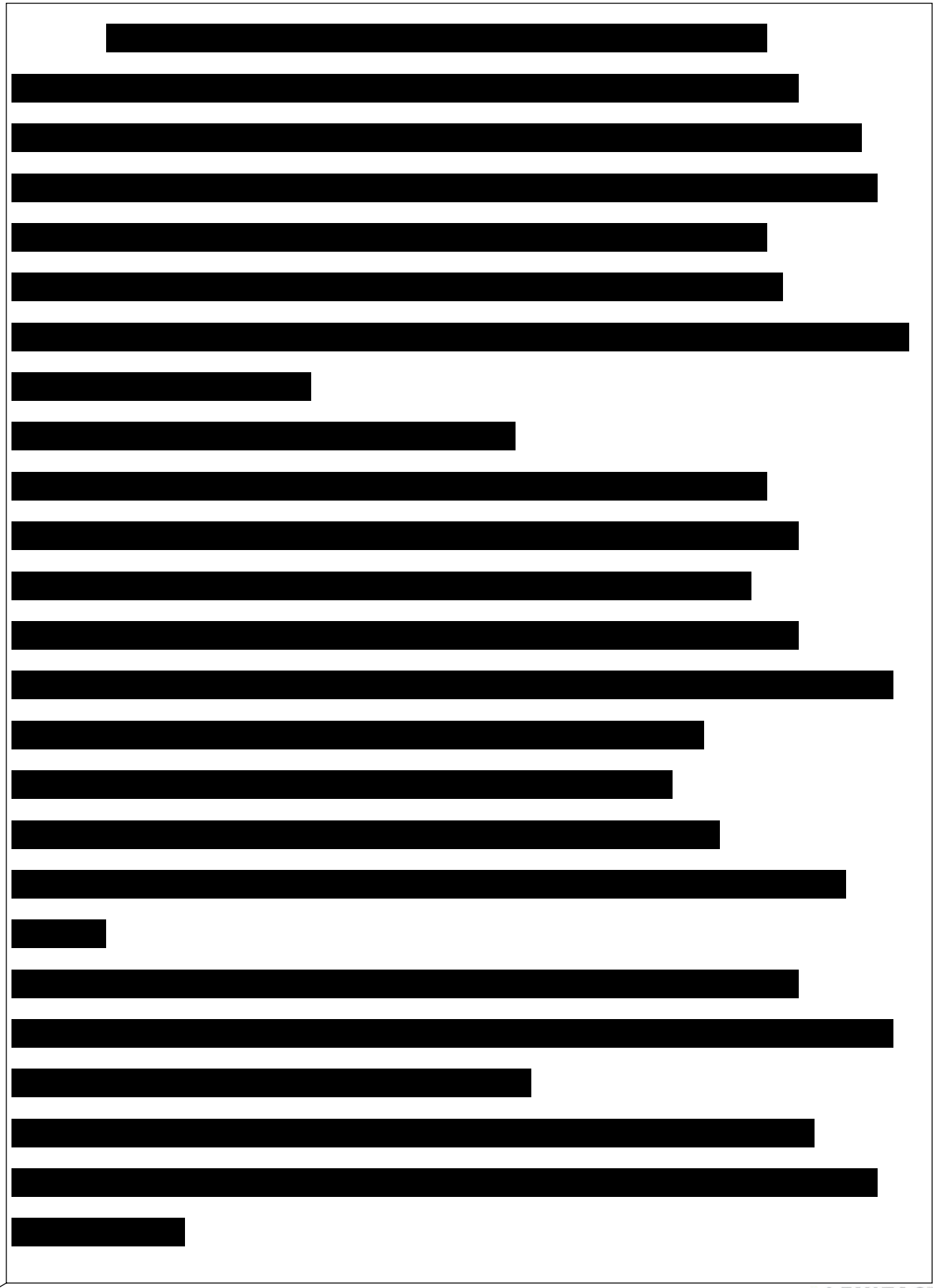
THE COURT: Let's go back in camera. I don't

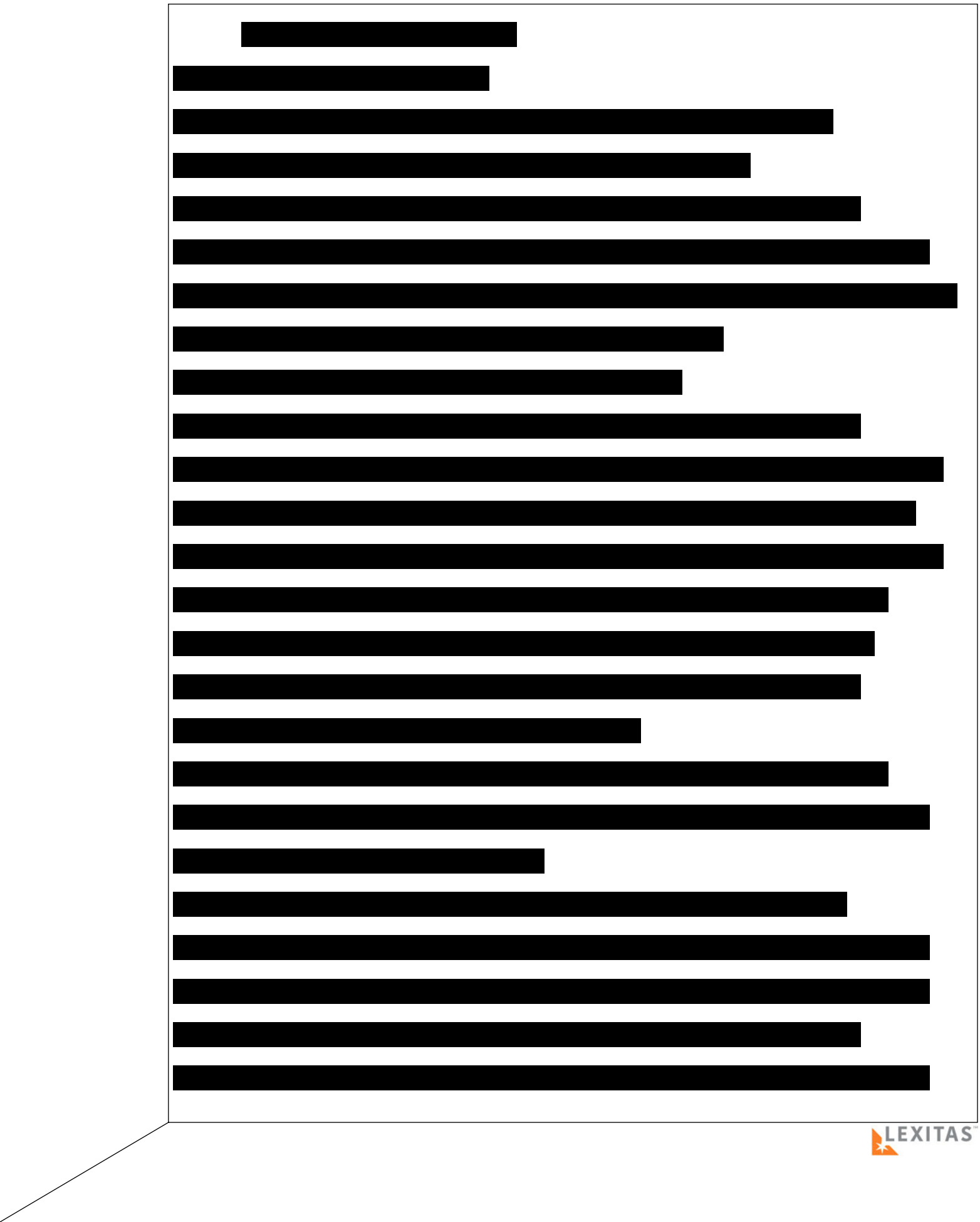
know if anybody new is in here. If you're not authorized to hear this information, you need to step out. Go ahead.

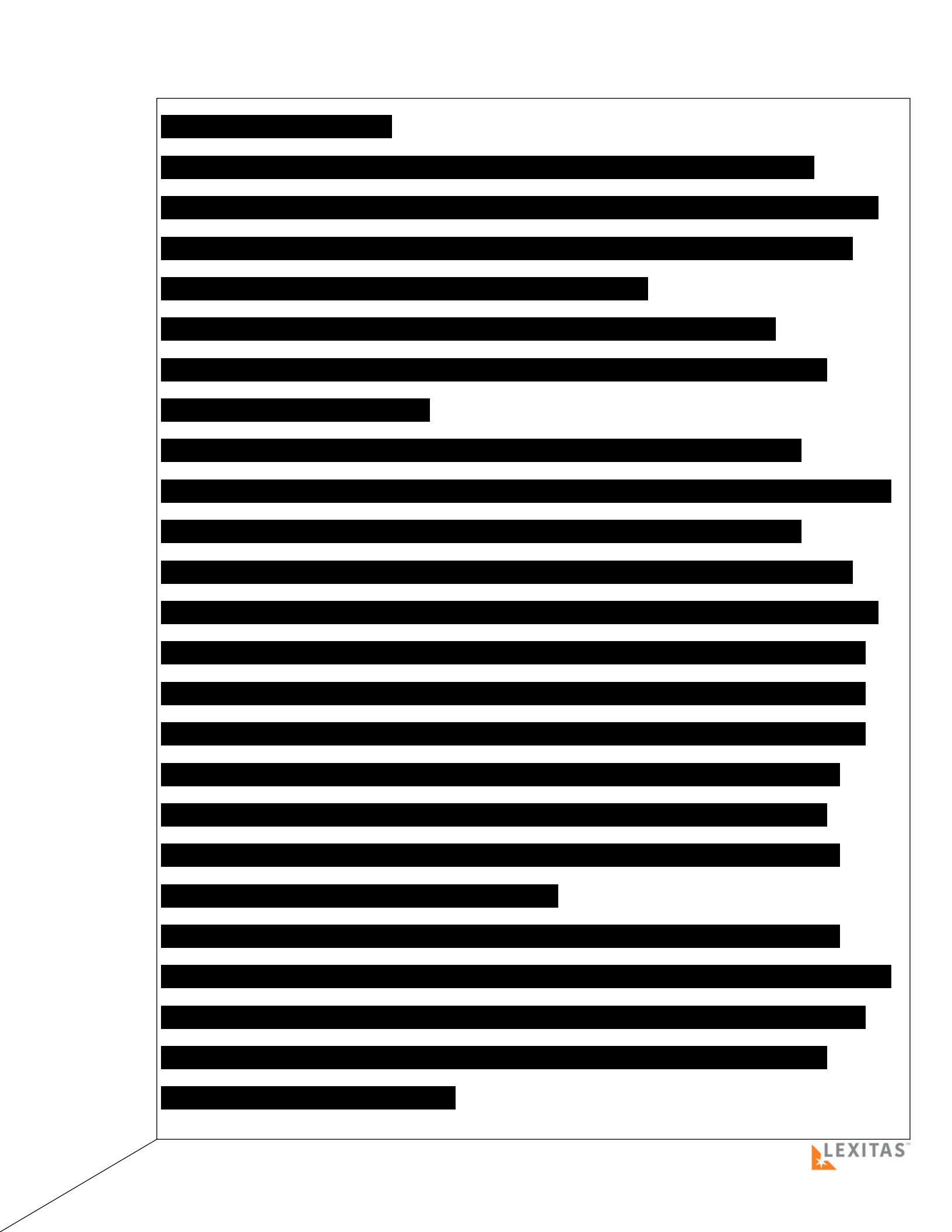
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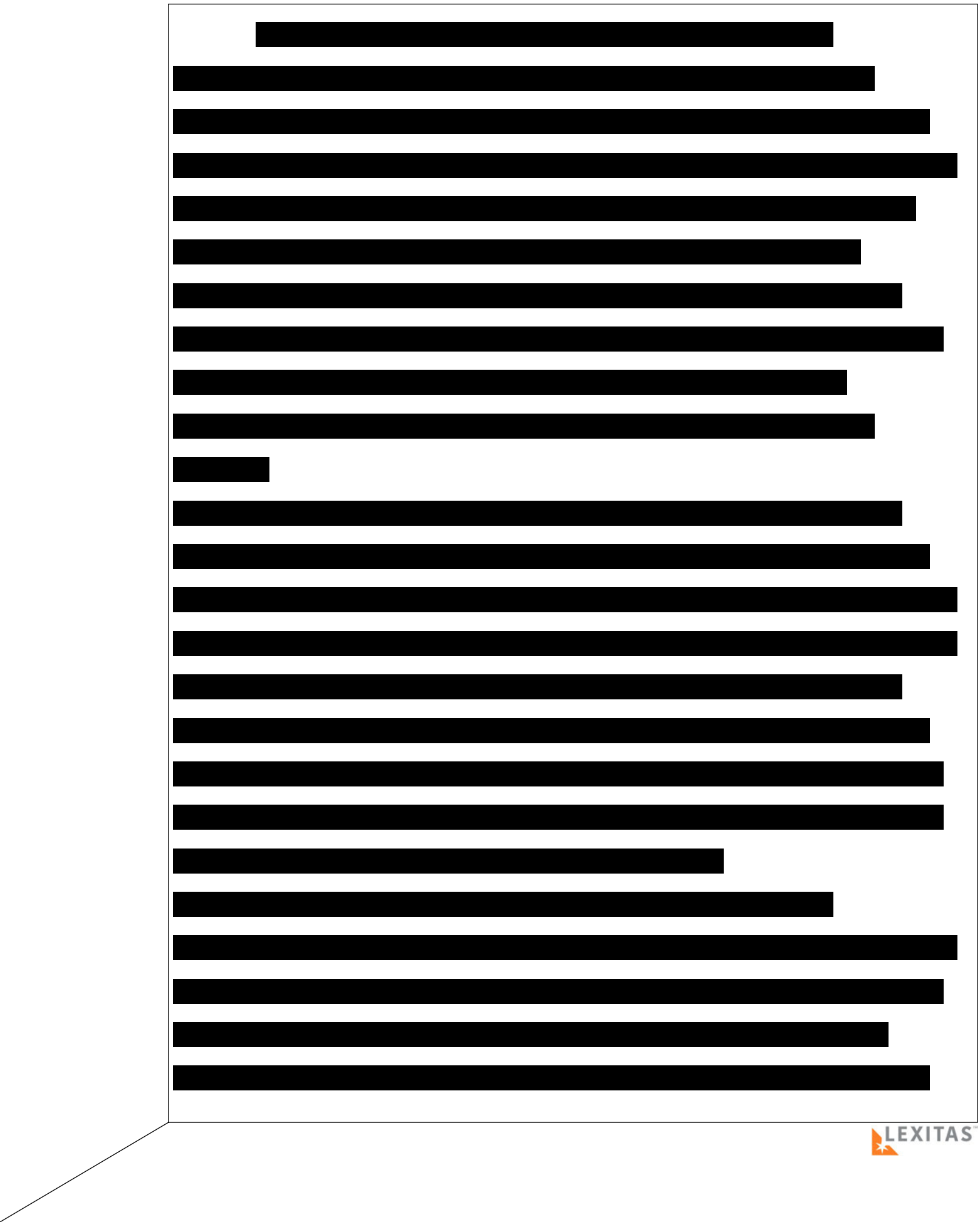












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THE COURT: We probably could have come out of camera for that. Let's go out of in camera now. Any cross-examination from Evergy Metro?

MR. FISCHER: Yes, Judge. I appreciate that. I think we need, probably unfortunately, to go back into in camera since I want to talk to her about her attachment B, which is confidential, highly confidential. And I'll let you know whenever I'm done with that, if that's okay.

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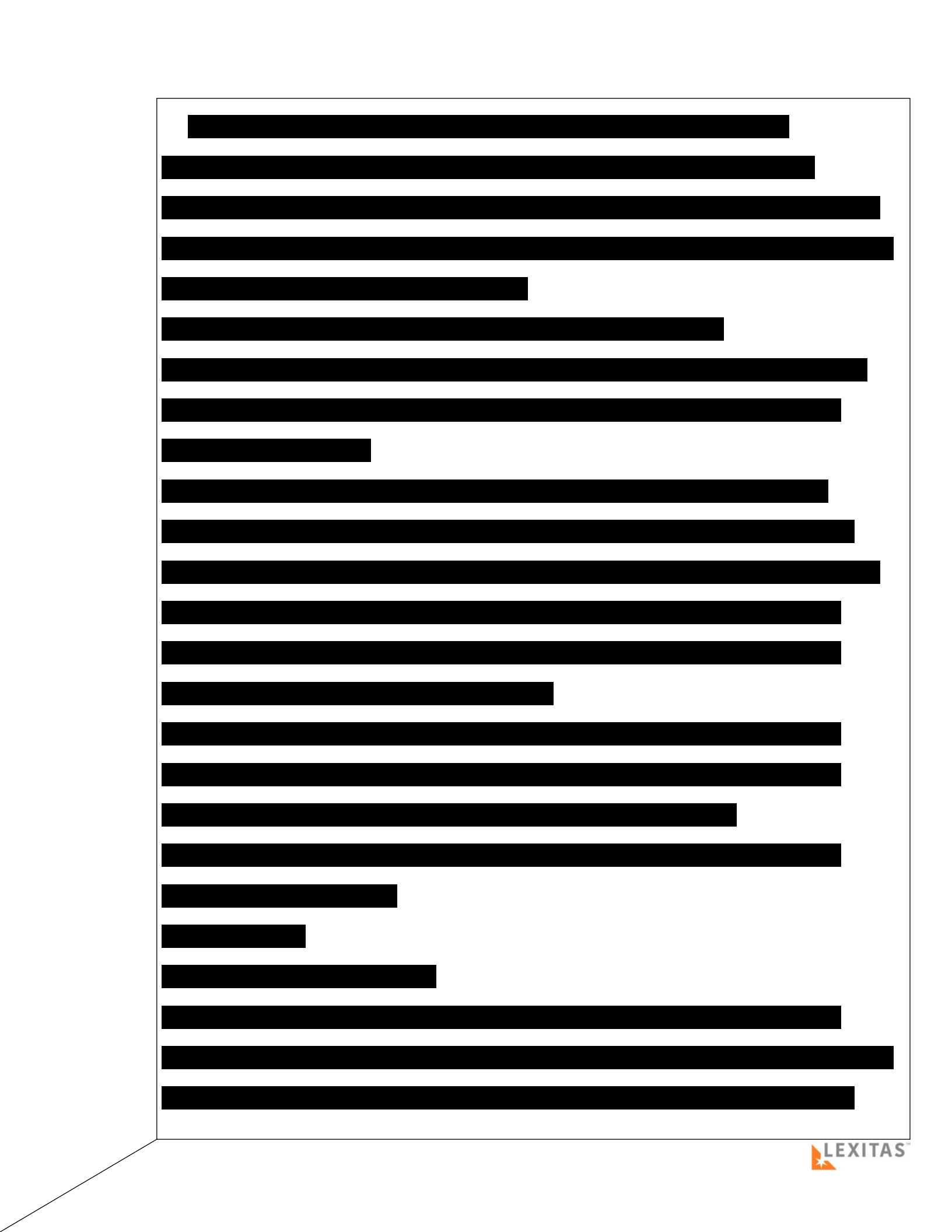
THE COURT: You don't have to apologize for going in camera. That's what it's for.

MR. FISCHER: Great.

THE COURT: So, let's go in camera.

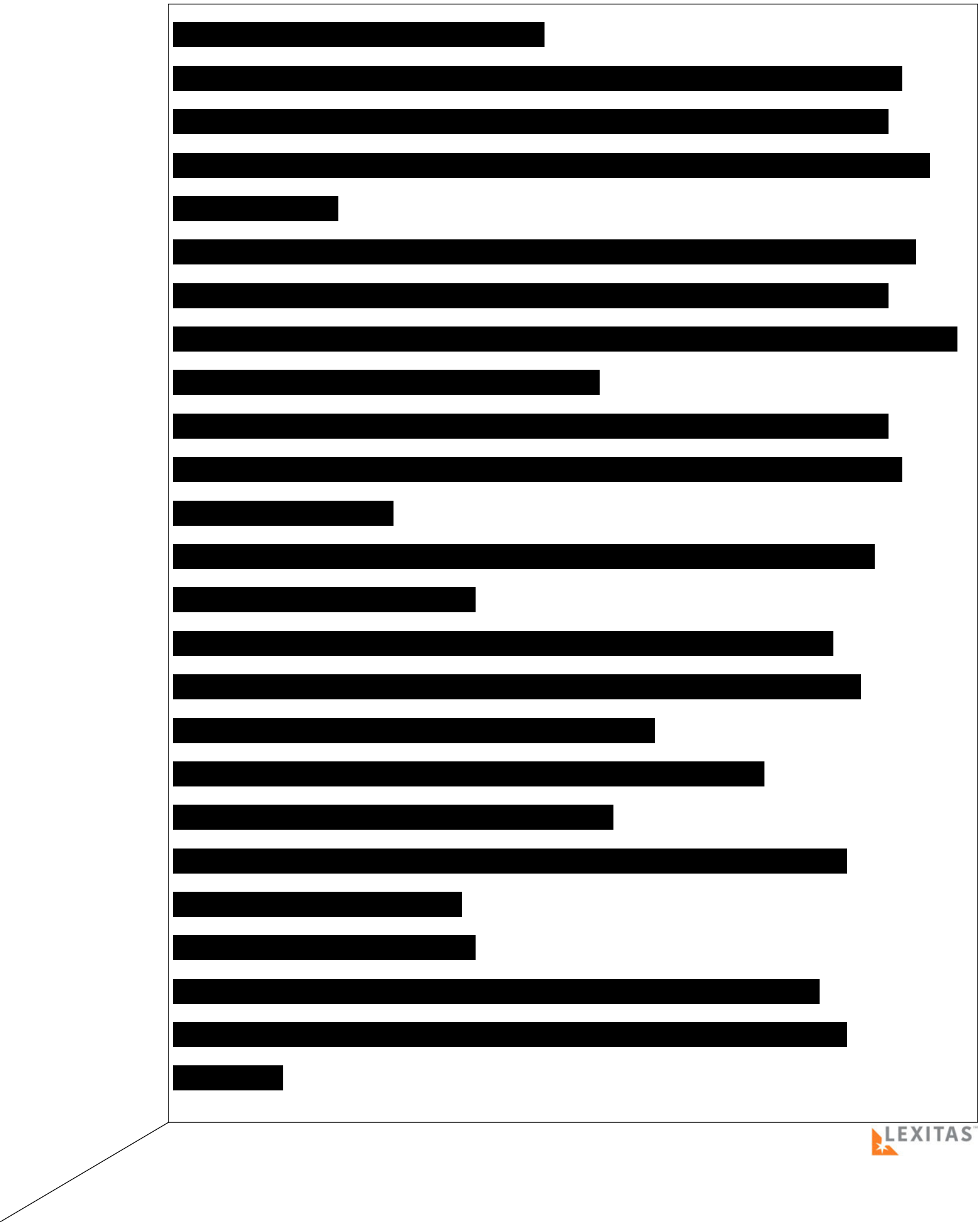
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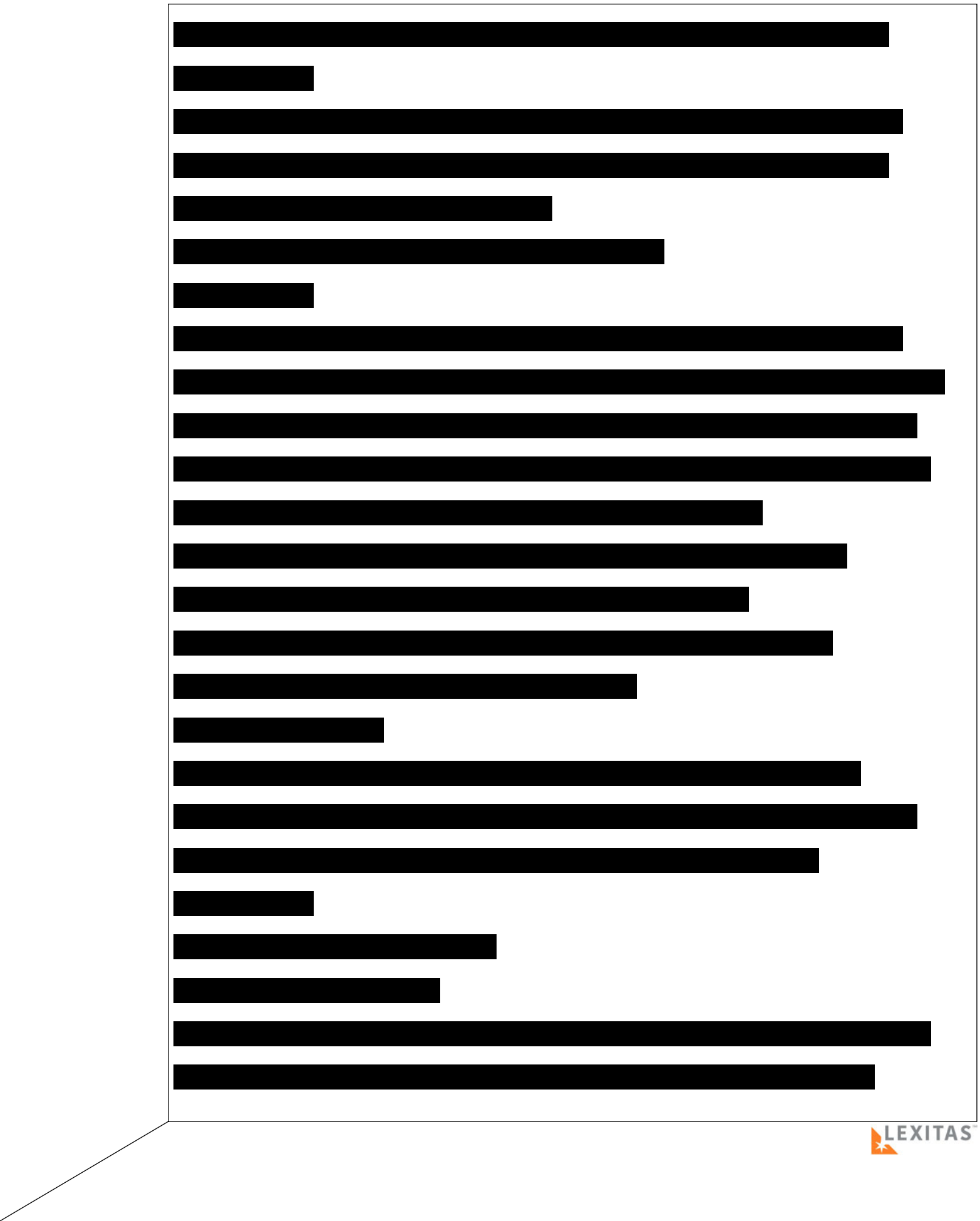
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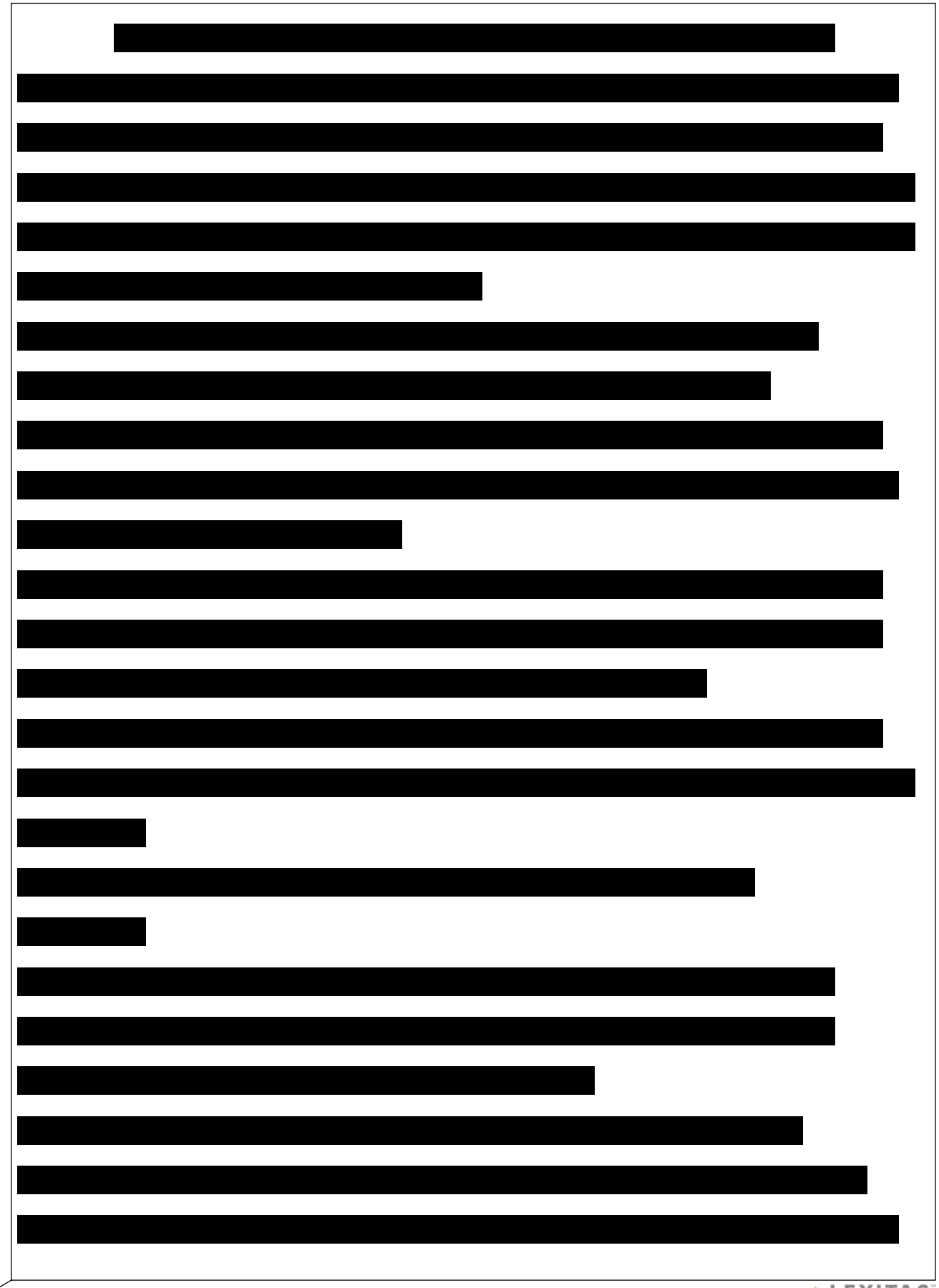
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THE COURT: Thank you, Mr. Fischer. Let's go out of in camera.

MR. FISCHER: Thank you for your indulgence, Ms. Lange.

BY MR. FISCHER:

Q. I have some more questions I'd like to ask you generally about your testimony. The issue for today's

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hearing involves the question of how much revenue should be used for a customer that we're calling Customer A, which is also a Schedule LLPS customer, when calculating the revenue requirement. Isn't that the broad issue that we're dealing with?

A. Yeah, I'm a little confused at this point on whether we're talking total revenues or net revenues. But yes, generally, I think that's broadly what issue three, whatever the subletter is.

Q. And the level of revenue that's used for Customer A, that'll reduce the revenue requirement in this case, correct?

A. So, this is where I -- we had to present it for true-up as a true-up plug, just in order to kind of make things make sense. Whether you look at this as a reduction to revenues as a -- as a net value, or whether you look at this as an additional starting revenue on a normalized and annualized basis that is then subject to the, the adjustments consistent with the other classes in the rate design phase, that's where you can -- you can talk in circles and everybody means the same thing.

Q. Well, I'm a little simpler. I look at the reconciliation and I see the Staff's revenue requirement, and then I see a line that is subtracted that includes this revenue adjustment. Is that an unfair way to look

at it?

A. It's not an unfair way to look at it. I think that Evergy has advanced that it's the wrong way to look at it. And I think that Evergy has advanced that it ought to be looked at as a starting revenue that's subject to adjustment. And I, I accept that. I mean, you can do it either way and get the same, same result.

Q. Well, the larger the revenue that is used for Customer A, the lower the overall revenue requirement will be. Is that right?

A. It depends. So, I think jurisdictional allocations have settled. I don't know what the status of that stipulation is. So, there are ways that a larger revenue for Customer A actually results in a higher revenue requirement for other customers, depending on what is decided with jurisdictional allocations and fuel and production cost modeling, at a minimum. There may be other issues that tie up in that, too. It, it gets real complicated real quick.

Q. Yeah, it gets complicated. But let me ask you a simple question. Based on your calculations, the large load Customer A is not increasing the revenue requirement in this case. Is that right?

A. On a net basis, I think that's true. I think that that is not that straightforward with the interplay

between the FAC and the fuel and purchase power. So, so, in other words, we didn't include energy revenues for Customer A in, in the way that the case was presented in the revenue requirement. But we also didn't include energy expense.

So, if you introduce energy revenues, you would also introduce energy expense. That's, that's the tie-up. We're -- to get to where I think you're headed, Staff has not reflected rate base associated with Customer A. Staff has not reflected non-energy expense associated with Customer A. The, the amount of net revenues in discussion, all else being equal, would cause other ratepayers' rates to be lower than they otherwise would be.

Q. That's what I think you testified too in your direct. That it would be lower as a result of this number being included, the revenues number, correct?

A. Yeah.

Q. And Evergy's position in the true-up was a $43.3 million adjustment for revenues, I believe, and Staff had a higher number, and I think it's still confidential, so I won't go there, but Staff's counsel referenced it in your position statement, correct?

A. Is the question Staff's recommended number was not 43?

Q. No, no. Your actual number was included in your position statement. And I think the counsel has referenced it in where that was located. I just didn't want to go to confidential in camera again.

A. Yes, I agree. And I agree that number was not 43.

Q. And then Google's witness, Dr. Carolyn Berry, suggested a higher number yet than the Staff's number. Is that correct?

A. I'm not sure offhand.

Q. Did you read Carolyn Berry's testimony?

A. I've read a lot of testimony. I will say that it matters for the Staff number whether or not you're including those energy revenues. If you're just trying to compare directly to anything Dr. Berry would have prepared, because Dr. Berry's preparations did include energy revenues.

Q. Well, let me just ask you different question, then. Is it your understanding that Evergy and Google have entered into a non-unanimous stipulation which recommends the Commission use Google's higher number of $60 million for purposes of revenue requirement?

A. Looking at the judge to see if he cuts me off from answering questions about the stipulation. My understanding is that the stipulation is of $60 million.

I am not aware of anything in the stipulation that indicates how that number was calculated.

Q. That's fine. Now, if the Commission adopted the position advocated by Google and Evergy now in that stipulation, the revenue requirement in this case will be lower than if we adopted the Staff's position on its number, correct?

A. That is not at all correct. No, sir.

Q. Have you changed your number?

A. No. I am recognizing the fuel expense and the significant change in what is included in production cost modeling that is reflected in the stipulation. And again, I don't know how much we're getting into the stipulation today, but it is the interaction of those issues that is of paramount importance. And that is the FAC, the revenue requirement and fuel production cost modeling results.

THE COURT: If you're looking at me for objections, I don't make those.

BY MR. FISCHER:

Q. Well, that change gears a little bit. In the Evergy LLPS tariff case, which I think was EO-2025-0154, there was a stipulation approved by the Commission that indicated that in the first general rate case in which at least a 175-megawatt or greater Schedule LLPS customer

was reflected in the test year, that Evergy was committing to do a full cost of service study to determine the cost and the cost allocation and rate design that should be used for that LLPS customer class. Do you recall that?

A. I think that stipulation language would speak for itself. I'm aware that there was a provision among the signatories to that stipulation that addressed -- that addressed an Evergy CCOS requirement.

Q. Based on the information you've received in this case, which I'd say is a transitional case, would you expect Evergy's next rate case to be likely the one that will require that Evergy do a cost study of LLPS customers?

A. I don't have an opinion on that.

Q. Is it your understanding that the Commission adopted that stipulation agreement in order that we follow it?

A. I'd defer to the order, but generally, yes.

Q. Well, if the Commission did not want to use your model with the assumptions about future behavior of Customer A, which I'm -- by that I mean, what the actual megawatts are and what the actual load factor is -- or, excuse me, what you're assuming to be those two factors, the load factor and the demand, the Commission could use

the actual measured historic information that was included in Dr. Berry's surrebuttal testimony, couldn't it?

A. The Commission can use anything it wants, including the next five years of known contract demand.

Q. Well, let me ask you about that. Have you read the testimony of Public Counsel witness, Ron Nelson?

A. I did. I did. I don't recall a great deal about it off the top of my head.

Q. Is it your understanding that Public Counsel's position is that the Commission should increase Evergy Schedule LLPS revenue requirement adjustment from the 25 million we included in our direct case to the $117 million per year?

A. I don't recall those numbers. I'm also worried we're getting into highly confidential information.

Q. Well, I was quoting just from a public position statement.

A. Fine, I just was --

Q. Did Staff support the Public Counsel's adjustment in this case?

A. Staff provided a range of information to the Commission and I believe there's a statement in my true-up direct indicating that there's, there's a lot of ways the Commission could resolve this case. It's a case of

first impression on this very important issue, and, and we look forward to assisting the Commission however we may.

Q. So, Staff doesn't really have a position on the revenues issue?

A. I believe the way that we phrased it is for purposes of its true-up calculation, Staff used the numbers indicated.

Q. Is it your understanding that the Public Counsel's adjustment reflects the LLPS customer projected calendar year 2030 revenue?

A. I don't know.

Q. Would you turn to page 2 of your direct testimony?

A. I'm there.

Q. Are you there? Look at line 24.

A. I'm there.

Q. And I don't know, maybe your conforming direct is a different page number, but what I want to do, I was going to the original direct, and on line 24, and this is what you say and I'll just read it to you: "Because Staff recommends that all customers receive an increase in this case, the bills paid by large load customers will also be increasing. Therefore, it is appropriate to adjust the revenue requirement, which is otherwise recoverable from

other customers by the net revenue that the large load customers will be providing under the increased rates." Is that what you said?

A. Yes.

Q. Does Staff consider a specific level of a rate increase in this case to be a known and measurable change?

A. No.

Q. Has Staff grossed up the revenues for Customer B for the impact of this rate case?

A. So, we're talking Customer B and we're talking as of true-up?

Q. Yes.

A. No, Staff has not.

Q. Has Staff grossed up the revenues for the large industrial class, which is generally the LPS class for the impact of the proposed rate increase?

A. No.

Q. As we sit here today, can you list other cases in which the Commission has approved the grossing up of revenues in a revenue annualization adjustment for the impact of a proposed rate increase on a single customer?

A. Yes. That would be every case in which an EDI is involved, in which we make that adjustment for the growth in the EDI volume -- or, I'm sorry, EDI avoided

revenue. Again, this goes back to that question of just how you present it. You can either look at it as everybody's getting the same increase and then you're decreasing that. It's just whether or not you include a given level of LLPS revenue in your starting revenues or not.

Q. For the record, what is EDI?

A. Economic Development Incentive.

Q. Has Staff grossed up the revenues for the residential class or other classes to account for the rate increase in this case?

A. Not -- no, not until we do compliance tariffs. I mean, we did that calculation for purposes of providing, I think, some, some bill impact analysis, I believe. I forget when we do that.

Q. So, is it correct that the only customer that you grossed up the revenues for to account for the rate increase, the proposed rate increase was Customer A and none of the other classes?

A. That's for purposes of presenting and discussing the numbers. We're not recommending that LLPS get increased twice. It's really just a question of where you put your starting revenues and when you apply the rate increase. I apologize. I know there's not an easy way to explain that, but it's a semantic difference.

It's not a practical difference.

Q. There is a practical difference, though, that if they gross it up, the revenue adjustment also increases and that lowers the revenue requirement. Isn't that true?

A. It's six to one half a dozen of the other. It's, it's whether you have a target for the other classes of a lower revenue requirement or a target for all customers, including LLPS, that reflects the higher revenue requirements. The math is exactly the same.

Q. So, why would you gross up Customer A and none of the other classes?

A. Because it was direct, and we were trying to figure out how to talk about true-up in a way that would be meaningful to the Commission. We, we didn't want to come out and say we were recommending a 20 percent rate increase when we knew that wouldn't be the effect that would be on other customers.

Q. And it also had the impact of raising the revenue adjustment, correct?

A. Not as everything is calculated. And I, I appreciate this was a confusing presentation of, of how to discuss this, but the math works out exactly the same.

MR. FISCHER: Judge, I don't want to go anywhere I shouldn't go, but I was going to talk to her

about a couple points that are made in her conforming testimony that wasn't in the part that I know you've stricken, but you're taking the rest under advisement. Should I do that, or?

THE COURT: What's the subject matter?

MR. FISCHER: The subject matter is the testimony about the engineering primer on the cooling at data centers.

THE COURT: Is Ms. Lange going to be available for the stipulation issue?

MR. PRINGLE: I believe so, but let me confirm it with Lange.

MS. LANGE: I don't know that I have the will of my own to leave at any time, so I think I'm here for whatever you want.

THE COURT: I think it would make more sense to address it then.

MR. FISCHER: Thank you very much. I appreciate your indulgence. Thank you. That's all I have.

THE COURT: Any redirect from Staff?

Well, actually, I think there's Commission questions. Are there Commission questions at this time? Chair Hahn?

MS. HAHN: One question. Maybe Mr. Fischer did

ask it and I just didn't get it written down in time. You said you use the 70 percent load factor average. Mr. Fischer said that was -- you said that was an average annual. You did not say what was known and measurable as of the end of June of '26. What was the load factor as of June 2026?

MR. SCHULTE: Excuse me, before we answer this question, we should go into HC session.

THE COURT: Thank you for letting me know. Let's go into camera.

[redacted]

LEXITAS

[redacted]

THE COURT: Well, let's go out of camera. I believe if I'm asking about attachment A, I'm okay. I want to ask how the five percent additional sharing was calculated and the foregone recovery were calculated because I don't -- that's not really easy to understand without those formulas.

MS. LANGE: Yes.

THE COURT: Would you be the best witness for that, or would that be -- and excuse my pronunciation -- Ms. Mastrogiannis?

MS. LANGE: Probably with this version of it -- I looked at it on a per kWh basis. Ms. Mastrogiannis looked at it on a -- on a total basis. Since this was the version we attached, probably me for this particular one.

THE COURT: Well, then would you explain to me how the additional five percent sharing for LLPS customers was calculated and how the foregone recovery per LLPS sharing were calculated?

MS. LANGE: Sure. So, this is a -- the, the kWh provided here are hypothetical and easy round numbers. And the ANEC increase provided here is, is just

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showing for that amount of increase in ANEC, no matter what would drive that. The actual ANEC then is we're just adding that increase to the base factor that was stipulated in the position statement of Google and Evergy. Are you with me so far?

THE COURT: I am.

MS. LANGE: Okay. So then, we said, if hypothetically, there's 10 percent increase in load and LLPS is that 10 percent increase. And again, these are just round numbers for purposes of --

THE COURT: Yeah, it's a hypothetical.

MS. LANGE: Yeah. So then, that would make a billion kWh of LLPS, which would raise our NSI for this to 1. -- or, I'm sorry, to 11 billion. So, the difference -- you can -- you can do this in either order, if you will -- but 11 billion kWh times that 0.001 ANEC difference is a total difference of $1.1 million. And so, the way that you would think about that is if in a given accumulation period, the average of fuel energy revenue and energy expense was 17.52, then that is a 0.001 increase over the base factor, and multiplying those two out is $1.1 million, okay?

So, that would mean -- another way of saying that is that the actual difference was about $1.1 million between the fuel and purchase power net of revenue

expense that were incurred in a given time period and what the base factor was in that case. Does that all track?

THE COURT: It does.

MS. LANGE: 95 percent of the 1.1 is 1.045 million. So, that would be the amount that is going to flow through the FAC if nothing else changed. And then for this purpose, we were assuming that LLPS is 10 percent of the load, or an additional 10 percent of the load -- in other words, another billion kWh -- and so, we are applying another five percent of sharing to that portion of the load, as calculated against the ANEC.

So, 95 is what we had, and then we're applying for an additional five percent to get us to the 10 percent that they've agreed to under that joint position statement. And that amount out of the $1.1 million in additional energy expense that we started with net energy expense that we started with, would be $5,000. So, the additional sharing would mean that Metro would forego recovery under this scenario of about $5,000 out of a $1.1 million in additional energy net expense.

THE COURT: Thank you. Those are all the questions I had. Any questions based on bench questions at this time?

MR. SCHULTE: Yes, Judge. I have one. I don't

want to go out of order, though.

THE COURT: Are we doing redirect now?

MR. PRINGLE: Recross and then redirect. I guess cross based on bench questions.

THE COURT: That's where I was going. I thought so. So, redirect is next after this. Yeah, it's your opportunity to ask questions based upon bench questions or Commission questions.

MR. SCHULTE: Ms. Lange, Chair Hahn asked about -- we need to go into highly confidential.

THE COURT: Let's go off the record.

(Off the record.)

THE COURT: Apologies. Let's go back on the record. Mr. Schulte, go ahead.

MR. SCHULTE: Thank you, Judge.

EXAMINATION

BY MR. SCHULTE:

Q. Chair Hahn was asking about what the actual load factor was in June of 2026. Do you recall her question.

A. I recall.

Q. And you said that we could just do the math. So, I want to just do that math. I think it won't be too difficult. And I'm going to rely on attachment B, which is Staff Exhibit 178. And --

A. I'm sorry. So, we have the June bill. We can calculate that monthly load factor using the June bill if you'd give me a moment. I have a calculator up here.

Q. And I understand that you backed into -- let me ask my question on Exhibit 178 real quick, and then we'll get to the June bill.

A. Okay, I'm not sure.

Q. On attachment B, you backed into the number under the units per month column for energy charge, which is 46,848,888 kilowatt-hours?

A. Again, I just divided that number by 12. I didn't account for the differences in days and months, but yeah, it's the average per month, if you will, using that number.

Q. Let's go to the June bill if you have it. I don't have a hard copy, but I do have it on my screen, and I don't know if it's an exhibit, so.

A. It, it was an attachment to my true-up.

Q. Excellent. I am there. And for the record, it appears to be Schedule SLKK TD1. Is that correct?

A. Yeah, that's a typo in my initials, but yeah, we know what sheet we're talking about.

Q. Schedule SLKK TD1 includes eight pages?

A. Yeah.

Q. I'm on page 8 of 8. Is that where you are as

well?

A. Yes.

Q. And if we look at the energy charge, we can see the actual kilowatt-hours, correct?

A. Correct.

Q. And those are 46,840 -- sorry, 46,848,888, correct?

A. Correct.

Q. And that is also the number in box one for the energy charge on Staff Exhibit 178?

A. Correct.

Q. So, in order to calculate the demand factor at a contract demand of 197,000 kilowatts, we would multiply that by the hour. So, you would take your -- the contract capacity, sorry -- and you would multiply that by 730 average hours in a month?

A. You use several terms there that are really similar to terms I'm familiar with that are not the terms I'm familiar with. I'm sorry.

Q. Yes, I may have mixed terminology. So, we know that kilowatt-hours, and what we need to do is divide the actual kilowatt-hours by the maximum kilowatt-hours under the contract capacity.

A. No.

Q. No? Okay. How would you calculate the actual

demand factor?

A. You would divide -- you would multiply the -- you would multiply the, the demand. If you're looking at it annually, you would multiply it by 8,760 and you would use that product as the divisor of your annual energy. Or for monthly, you would need to know the number of hours in a month. I tend to use 720 as an average, and you would repeat that same process using monthly energy and your demand times that, that number of hours in a month as your divisor.

Q. I did not follow that, to be honest with you. So, tell me where I go wrong here.

A. You didn't multiply by the hours in your divisor. I can do this if you want me to. I've got a calculator that's provided up here.

Q. I just want to understand what the formula is so we can make sure --

A. Energy, that's your top. Your bottom is your demand times the applicable hours over which that energy was consumed.

Q. So, are you taking the actual demand in the denominator -- or, sorry, yeah. Are you taking the actual demand in the denominator times the hours it was consumed, or are you doing the contract capacity?

A. I'm not doing either unless I'm instructed to

do so. I'm sorry, I don't follow. You would use whichever one you're going to reference it to is what you calculated.

Q. I'm really not trying to make this difficult, but isn't the load factor the percentage of the actual energy over the maximum energy for that month, or the demand, the maximum demand for that one?

A. If, if you're finding it relative to actuals, yes, that's what I offered to do with the bill.

Q. And the reason I went to the 197 megawatts, which is the contract capacity as the denominator is because that's what you used to use a 70 -- when you reach a 70 percent -- you use a 70 percent load factor for box two of Staff Exhibit 178, correct?

A. Correct.

Q. And that is not based on actual demand. That is based on a 197 megawatt contract capacity, correct?

A. That is based on the contract demand. I think whether that is -- it is not a historic actual demand. It is the -- that's the question for the Commission, is whether to use a historic actual demand, a contract demand, or some other measure of demand such as a weighted average contract demand in resolving this issue.

Q. But if we are going to compare apples to apples so that we're looking at your 70 percent assumed load

factor for this LLPS customer, then we would calculate -- we would keep the denominator the same with the 197 megawatts and the numerator would be the actual energy used. So, how much of --

MR. PRINGLE: Objection. Compound question.

THE COURT: Mr. Schulte, can you rephrase or break it down into multiple questions?

MR. SCHULTE: I will try.

BY MR. SCHULTE:

Q. In Staff Exhibit 178, you're using a -- we've established this. You're using a 70 percent assumed load factor.

A. Only in the middle box. If your question is, does the top box represent either a load factor lower than 70 percent? The answer is yes. The top box would be calculated using a lower -- the result of that, if you did the math, would be a load factor lower than 70 percent.

Q. So, rather than using the -- I guess, if we use the actual June bill, we would use and we would calculate the load factor relevant to the actual demand in that month. We could do it that way. Or we could calculate what the demand factor is in box one of your Exhibit 178, which also happens to be the actual energy usage for June. But you are using the 197 contract capacity as the

maximum demand. So, let's do that. Can we calculate what the load factor is in box one?

A. Sure. Load factor of box one. Let's see if -- I've been promising I've got a calculator up here. I haven't checked if it has batteries or how to turn it on.

So, we've got 197,000 times 8,760, gives us a really bad display. Oh, gosh. 1,725,720,0000. And so, I'm going to put in 562,186,656. I'm going to divide that by that number that I just read. That doesn't look great. That gives me a 0.03 load factor.

I would not expect it to be that low because the -- so, if we're -- it would be about a 30, just looking at the numbers of -- knowing that 562 -- I'm sorry, this calculator is really hard to read -- 562 is less than half the -- close to half of 1.2 used in the second box. And I know I calculated that using 70. So, I would expect that to be about a 35 percent load factor, as opposed to a 70 percent load factor reflected in, in the first box.

Q. And another way to do it, and tell me if I'm wrong, instead of taking that annual hours in a year, which is 8,760, you divide that by 12, then you get 730. So, your average month is 730?

A. So, that'd be for a monthly load factor. And in this case, they're going to be the same. Oh, that --

I had an extra zero. Yeah. So, it -- sorry, the input is off by a factor of 10. So, 32.5769 is the load factor that results from that top box.

Q. So, 32.5 percent is the load factor in the top box?

A. Yeah.

Q. And we established that the energy charge, the kilowatt-hours for the energy charge in that top box, does equate to the kilowatt-hours in the actual June bill?

A. Yeah.

MR. SCHULTE: That's all I wanted to clarify. Thank you.

THE COURT: Any other questions based on Commission questions? Redirect from Staff?

MR. PRINGLE: Yes, thank you, Judge.

EXAMINATION

BY MR. PRINGLE:

Q. Hello again, Ms. Lange.

A. Hello.

Q. So, do you have a copy of your surrebuttal and true-up direct with you?

A. I do. Or is this going to be in camera?

THE COURT: That's just what we're getting to. Let's go out of in camera. My apologies. Mr. Pringle,

would you reask your question and start the beginning? This is my fault, so.

MR. PRINGLE: And I'm hoping to not actually say the HC stuff, but I'm hoping to just find it.

BY MR. PRINGLE:

Q. So, Ms. Lange, do you have a copy of your surrebuttal and true-up direct with you, the highly confidential version?

A. I do.

Q. Could you turn to page 34 for me and look at lines 15 through 17?

A. Page 34?

Q. I think the table at the bottom.

A. Yes.

Q. And does that include any monthly load factors?

A. It does. That includes the information that the Chair requested.

Q. Thank you very much. So, going back to the initial cross from Google, they were asking about infrastructure. Ms. Lange, how long have you been researching and testifying on the issues of transmission and distribution?

A. On the witness side, since summer of -- or spring, maybe, of 2013?

Q. So, we're looking at about, so far, 13 years?

Sounds about right?

A. Yes.

Q. And do you think it's fair to say that your knowledge of various infrastructure is more advanced than a layman?

A. Yes.

Q. And are distribution and transmission design based on average usage?

A. That's a -- that is a point of contention in many class cost of service studies. But for purposes of meeting peak demands, instantaneous demands, and those sorts of things, I guess you could say that the design is going to take into account average usage because you don't want to -- you don't want to put a line where you could use a capacitor. But generally speaking, transmission and distribution assets are sized to meet peak plus a measure of reliability.

Q. So, there's really nothing extraordinary about an average usage for -- especially for help with analyzing peak demand?

A. Could you repeat that?

Q. Would there be anything unusual about having an average usage for any kind of peak demand analysis?

A. If what you're trying to identify are the actual peaks, average usage would not be where I would

start unless there's no other information available.

MR. PRINGLE: So, Judge, I'm not looking for a specific number on demand, but I am going to be talking about lower and higher. I guess I'm going to look to Mr. Schulte. It's Google, so I guess, do you want to go into in camera for just higher or lower demand, but not specific numbers?

MR. SCHULTE: I don't think if there's any specific numbers, then we can have this discussion in open session.

MR. PRINGLE: Well, if someone comes up, please let me know.

BY MR. PRINGLE:

Q. There was a lot of talk about Exhibit 178. There was no application of an 80 percent demand on there, was there?

A. No. If the Commission wanted that number, they could calculate that very easily by, by just taking the numbers and the demand rows, those -- the grid charge, the demand charge, summer, and the demand charge, and non-summer rows, just take 80 percent of each of those totals, if there was interest in that number. In retrospect, probably should have thrown that in, too. This, this was compiled as quickly as we could in response to the stipulation filed yesterday.

Q. And then, to date, has Staff seen any kind of information from Google or Evergy that would produce a lower demand than the prior month?

A. So, we get hourly demands and -- or we get hourly energy usage, which is equivalent to hourly demand in the 3.190 data. Billing demand for LLPS is, is based on 15-minute billing. That's how the tariff was promulgated. That isn't one of the classes that changed from 30 to 15. In this case, it's always been 15.

I don't think I have seen what actual 15-minute demand was for, for the LLPS customers after June. The, the 15-minute could be higher, but not lower than the average, I guess is the better way of saying that.

Q. Thank you, Ms. Lange. And then also, kind of wanted to touch about some of the discussion on data availability. Specifically, when you were going through with the marked Staff Exhibit 178 and box three regarding August data, you said Staff receives that typically at the end of the following month, correct?

A. Yes.

Q. When would Evergy and/or Google have known what the load was?

A. I would hope that within the hour of which it was occurring, the customer of that size, there ought to be energy managers actively in place. And I mean, that

information would be available to both of those parties as it occurred.

Q. And also, Mr. Fischer for Evergy asked a little bit about actual versus known and measurables. Does Staff regularly normalize and annualize new customers in a rate case?

A. So, yeah, with new customers, that's, that's an activity in every rate case, especially for customers who are either large power service customers for any of the utility or large primary, as the name of that similar class that some of the utilities, and for any kind of, I guess, what I call special customers.

Back, back in the day, I did this analysis for Noranda when they had their outage. You know, we based it on the, the last known prior to that outage. And the, the large power -- sorry, the LPS adjustments, I think, are explained very well in the testimony of Amanda Rucker. But essentially, if you have a customer who's growing, or a customer that's new and you don't have 12 months of information, you use the information that you have available at the stage of testimony that you're at, generally speaking.

Q. Are there any other parties typically in a rate case that would annualize new customers?

A. Typically, the utility would annualize new

customers in that LPS class or account for customer growth or changes in the volume of customers and other classes. I believe there was an issue in this case regarding whether or not Metro actually performed that analysis reasonably, but I think that was resolved in one of the settlements that's been filed that was -- I don't believe any party is objecting to.

Q. And then also, kind of a follow-up question regarding the, I guess, Evergy plug of $43 million. In your opinion, is that a fair representation of the impact of large load on Evergy's -- is that a fair presentation of the impact of large load on Evergy? On their revenue requirement. Sorry.

A. Well, that's not the impact of large load on the Evergy revenue requirement calculation. That's the revenue side of the calculation. But it doesn't reflect the, the costs that Metro included in their calculation. And without getting into the numbers that's discussed in my true-up rebuttal testimony -- but no, it's, it's not an accurate number for either of those things.

Q. And also going back to Google, are you aware if Dr. Berry's testimony has information based on a full year of actual demand or usage?

A. I can't imagine how it could. We're, we're not a full year in.

Q. So, I guess it's fair to say no party --

A. Oh, I'm sorry -- I'm sorry. I may have misunderstood that question. Could you repeat that question?

Q. Yes. Is the information in Dr. Carolyn Berry's testimony based on a full year of actual demand or usage?

A. I think the way that she would characterize it is, it is based on June demand and energy times 12 months. I'm not sure that she appropriately calculated summer versus winter rates. I'm not sure that she appropriately dealt with some of the, the netting issues that have come up. That's just a level of detail that I don't have right now.

Q. So, you're not sure because of the lack of detail?

A. I'm not sure because I don't -- I'm not looking at her work paper. It -- I would characterize it as Dr. Berry annualized on 12 months based on her bill calculation, based on what she would call June actuals.

Q. And just one moment, Ms. Lange. And then, kind of want to follow-up some of the sharing percentage questions you received. When you explained how the value in attachment A, or what will eventually be labeled as Staff Exhibit 179, is calculated, you discussed the expense flowing through the FAC. How would that compare

to the revenues received by Evergy?

A. So, Evergy will receive two streams of revenues associated with -- if, if you are starting with a case as it is reflected in the joint position, where there is zero energy in the FAC for LPS customers, Evergy will be receiving new kWh -- I'm sorry, new energy revenues through base rates and will be receiving new energy expense recovery for every kWh of LLPS during the period that rates are in effect through the fuel adjustment clause.

So, unless LLPS has zero usage, the stipulation approach would result in double recovery of all of the energy cost -- or, I'm sorry, all of the energy expense or all of the energy rate revenue, depending on your perspective, of load sold to -- of load used by LLPS.

Q. And then also, you were asked about calculating demand factor. Did your description explain the calculation of a load factor?

A. I don't know what a demand factor is in the sense that that discussion occurred. The, the explanation I provided for using your energy divided by your, your demand times the number of applicable hours in that energy would be how I would refer to a load factor. A demand factor -- yeah, I don't know what a demand factor is as it was used by Mr. Schulte.

MR. PRINGLE: Thank you, Ms. Lange. One quick moment. Thank you, Ms. Lange, for your time today. Judge Clark, that is all I have on this issue.

THE COURT: Thank you. We're going to break for lunch now, about 45 minutes. Let's be back here at 1:20.

MS. WHIPPLE: Judge, sorry, I don't want to delay lunch, but since the parties are waiving cross for the cost of capital issues and the income tax issues tomorrow, if there will be no bench questions for those issues as well, then in particular, Ann Bulkley does not need to get on her flight imminently, and Melissa Hardesty does not need to hit the road from Kansas City. And I understand Ms. Bulkley's flight's at 3:00. So, if it would be possible to know before then, if we could have some economizing of those expenses, that would be great.

THE COURT: And you said Ann Bulkley, and since I don't have it in front of me, who else? Hardesty?

MS. WHIPPLE: Hardesty is for income tax. Cost of capital is Ann Bulkley. And also, Geoff Ley would be -- has been waived except for construction work in progress issues, which are later on, not tomorrow.

THE COURT: And does Mr. Ley have to travel?

MS. WHIPPLE: He would, yes, if the bench has

questions for him on cost of capital, yes.

THE COURT: I'll try and have an answer for you this afternoon.

MS. WHIPPLE: Thank you so much.

THE COURT: We are in recess until 1:20. Have a good lunch. And let's go off the record.

THE REPORTER: Off the record at 12:35.

(Off the record.)

THE COURT: Missing a few parties. Wait just a second for them. In regard to Bulkley, Hardesty and Ley, is there anybody not waiving cross on them?

MS. WHIPPLE: From the parties, no.

THE COURT: They're excused.

MS. WHIPPLE: Thank you so much.

THE COURT: I will wait for Mr. Schulte to come back before we -- well, here he is.

In regard to the motion to strike, I've had a chance to look at this over the lunch break, and I am going to strike the entirety of page 6, line 14, through page 11, line 18. Now, line 18 starts a new question, so it's really line 17 that ends it. Is that correct? Through 17, okay?

MR. SCHULTE: Yes.

THE COURT: So, that testimony will be struck. Since we went directly into lunch, I will say that Ms.

Lange will be testifying again, I'm sure. So, she is not finally excused. And unless there's anything else I need to address, do you have another witness?

MR. PRINGLE: Yes. Staff calls J. Luebbert to the stand.

THE COURT: Would you raise your right hand to be sworn?

Do you solemnly swear or affirm that the testimony you're about to give is the truth?

MR. LUEBBERT: I do.

J. LUEBBERT,

of lawful age, being produced, sworn, and examined testified as follows:

THE COURT: Would you please state and spell your name for the court reporter?

MR. LUEBBERT: My name is J. Luebbert. It's the letter J, L-U-E-B-B-E-R-T.

THE COURT: Go ahead, Staff.

MR. PRINGLE: Thank you, Judge.

EXAMINATION

BY MR. PRINGLE:

Q. Good afternoon, Mr. Luebbert.

A. Good afternoon.

Q. And by whom are you employed, and in what capacity?

A. I'm employed by the Missouri Public Service Commission. I'm the manager of the Tariff and Rate Design department.

Q. And are you the same J. Luebbert who caused or sponsored direct testimony in these proceedings that has been premarked as Staff Exhibit 109?

A. Yes, I am.

Q. And do you have any additions or corrections to make to Exhibit 109 at this time?

A. There is a correction. After reading some of the rebuttal testimony, it was brought to my attention that some of the SPP charges do not currently flow through -- or currently flow through the FAC. And so, I would only include the demand components of the testimony that I provided.

Q. And so, are there any specific page number or line number that is in the schedule?

A. Yeah. Give me just a second. So, I would cut lines 3 through 10 on page 2.

THE COURT: And I'm sorry, I didn't hear. What are we cutting? I mean, through lines 3 through 10 of what testimony?

MR. PRINGLE: Of J. Luebbert. It is Staff Exhibit 109.

THE COURT: Thank you.

MR. LUEBBERT: And then because of that, that change on page 3, line 23, the number on a per kW basis is incorrect. And I provided an updated number, which Ms. Lange included in her surrebuttal.

BY MR. PRINGLE:

Q. And what is that updated number?

A. I don't recall off the top of my head. I'm sorry. I should have had that prepared.

Q. And apart from those corrections you just listed out, is the information in your direct testimony true and correct to the best of your belief and knowledge?

A. Yes.

Q. And if I were to ask you the same questions within Exhibit 109, would your answers today be the same or substantively similar?

A. With those changes, yes.

MR. PRINGLE: Thank you, Mr. Luebbert. At this time, Staff would move to enter Exhibit 109 onto the record. This is the only time Mr. Luebbert will be taking the stand for his direct testimony, but he'll be adopting testimony later for the proceedings.

THE COURT: What exhibit again?

MR. PRINGLE: This is Exhibit 109.

THE COURT: Thank you. Any objections to

admitting Exhibit 109, the direct testimony of J. Luebbert, onto the hearing record?

Hearing none, Exhibit 109 is admitted onto the hearing record.

(Exhibit 109 was received into evidence.)

MR. PRINGLE: Thank you, Judge. And at this time, Staff tenders Mr. Luebbert for cross-examination.

THE COURT: Any questions from Public Counsel?

MR. WILLIAMS: Thank you. No.

THE COURT: Any questions from MECG?

MR. LYSKOWSKI: No, Your Honor.

THE COURT: Any questions from Velvet Tech?

MS. BELL: No, Your Honor.

THE COURT: Google?

MR. SCHULTE: Just one. Thank you.

EXAMINATION

BY MR. SCHULTE:

Q. Mr. Luebbert, did you issue or cause to be issued any discovery request to Google in this proceeding?

A. I did not.

Q. And did you issue or cause to be issued any discovery request to Velvet Tech in this proceeding?

A. I did not.

MR. SCHULTE: Thank you.

THE COURT: Any cross-examination from Evergy Metro?

MR. BAILEY: No, Your Honor.

THE COURT: Any Commission questions? I have none either. Any objections to excusing Mr. Luebbert finally since?

MR. PRINGLE: No redirect, and, yeah, just ask that he be excused.

THE COURT: I'm sorry?

MR. PRINGLE: No redirect from me on Google's question, so.

THE COURT: I'm sorry. There was one question. I apologize. So, no redirect from Staff?

MR. PRINGLE: No redirect.

THE COURT: Mr. Luebbert, you're excused.

MR. LUEBBERT: Thank you.

THE COURT: Thank you. That's your last witness for this issue, correct?

MR. PRINGLE: That is Staff's last witness for the other revenues, correct.

THE COURT: Google, did you have a witness?

MR. SCHULTE: Yes. Google would call Dr. Carolyn Berry.

THE COURT: Dr. Berry, would you raise your right hand to be sworn?

Do you solemnly swear or affirm the testimony you're about to give is the truth?

MS. BERRY: Yes, I do.

CAROLYN A. BERRY,

of lawful age, being produced, sworn, and examined testified as follows:

THE COURT: Please be seated. And would you state and spell your name again for the court reporter?

MS. BERRY: Sure. Carolyn A. Berry, C-A-R-O-L-Y-N, initial A, B-E-R-R-Y.

THE COURT: Thank you. Go ahead, Google.

EXAMINATION

BY MR. SCHULTE:

Q. Good afternoon, Dr. Berry.

A. Good afternoon.

Q. Could you please state your title and place of employment?

A. I'm a partner at Bates White Economic Consulting.

Q. And what is your business address?

A. 2001 K Street Northwest, Washington, D.C., Suite 500, 20006.

Q. Thank you. And are you the same Carolyn Berry who filed direct testimony on the revenue requirement and Schedule CB-1 on June 30th, 2026; direct testimony on

rate design and Schedule CB-2 and CB-3 on July 14th, 2026; rebuttal testimony on August 11th, 2026; surrebuttal testimony and Schedules CB-4 and CB-5 on September 10th, 2026, and true-up rebuttal testimony on September 23rd, 2026?

A. Yes.

Q. Do you have any additions or corrections to make to your testimony at this time?

A. Yes, I have two corrections to make to my rebuttal testimony.

Q. Could you tell us which page number the first correction is on in your rebuttal testimony?

A. Yes, on page 5.

Q. Please explain. Or please state the correction.

A. Sure. One second. So, it's on line 10. It's the answer to the question, "Has Evergy included energy costs for large load customers in its proposed FAC base factor?" And that answer is no, not yes.

Q. And you said that there was another correction?

A. Yes. Sorry, I don't have -- I don't have my testimony marked, so I'm just doing this from memory.

Q. Is it on page 9?

A. Yes.

Q. Line 17?

A. There we go. So, line 17. The question is, "For comparison purposes, what is the FAC base rate that has been determined by Evergy?" And the answer says, "Evergy has computed a base factor that includes large load." I would strike that -- those four words: "that includes a large load." And then it goes on to give the rate.

Q. And with those corrections included, if I asked you the same questions again today that appear in the testimony that I listed, would your answers remain substantially the same?

A. Yes.

MR. SCHULTE: Thank you. I move for the Commission to enter all of Dr. Berry's testimony into the record, as well as the schedules that go along with that testimony, which would be Schedule CB-1 through CB-5.

THE COURT: Those are attached to testimony, correct? Those are not a separate exhibit, or those are separate exhibit? Because I've got your exhibit here.

MR. SCHULTE: You're right. Those are included. And to clarify, so you're right. Yeah.

THE COURT: Well, if those are attached, then we don't need to go beyond that. If these are separate exhibits, then those will need to be offered. But if you're just offering 450 through 454.

MR. SCHULTE: Thank you. I was locating my exhibit list. Yes, that is correct. 450 through 454, that is inclusive of those schedules. No other exhibits.

THE COURT: Thank you. Any objections to admitting the direct testimony on the revenue requirement, on rate design, rebuttal testimony, surrebuttal testimony, and true-up surrebuttal (sic) testimony of Dr. Carolyn Berry?

Hearing none, those are so admitted. That's Exhibit Numbers 450, 451, 452, 453 and 454 are admitted onto the hearing record. Go ahead.

(Exhibits 450, 451, 452, 453 and 454 was received into evidence.)

MR. SCHULTE: Thank you. The witness is available for cross-examination and commissioner questions.

THE COURT: I do not have -- I have a witness cross order for Evergy, Staff and OPC. I don't have one for -- I don't have an order of cross for Google. So, I'm going to make it up now.

MR. PRINGLE: I guess the Staff recommendation would be the same as Evergy.

THE COURT: That's what I was going to do. Since they seem to occupy -- they seem to be on a tier. Velvet Tech?

MS. BELL: No questions, Your Honor.

MR. SCHULTE: Also, just before we go through all of the cross-examination, I do want to clarify that Ms. Berry is available to address each of the issues for which she is listed.

THE COURT: I believe she was waived for the ROE, and I'm fine with that.

MR. SCHULTE: Yes. And so, for the record and for the judge, the commissioners, and the parties' benefit, she is listed as a witness for the four issues under this section, which is titled "Large Load Power Service Issues," on the list of issues. She also addresses issue number 22 under the non-LLPS FAC issues.

I would note that 22B is addressing the general construct of EMM's FAC, so it is very tightly intertwined with the first category of testimony on the large load power service issues.

THE COURT: To shortcut this, I think your question is, can we take multiple issues with Ms. Berry? Is that correct?

MR. SCHULTE: Yes.

THE COURT: And my understanding is that Ms. Berry is only available today -- or, I'm sorry, Dr. Berry is only available today?

MR. SCHULTE: She is, although she can be

available virtually if she needs to be recalled at some point later in the testimony or in the hearing.

THE COURT: Are there any objections to taking Dr. Berry's testimony issues out of sequence?

MR. PRINGLE: Just for my own clarification, Judge. So, we're talking about pretty much all of the remaining large load issues today. Dr. Berry will address just this one time on the stand, or we're going to --

THE COURT: I think that's what's intended. Is that what's intended?

MR. SCHULTE: That would be our preference. If we want to call her back today, that's fine.

MR. PRINGLE: I'm fine with either. That'll will affect if I have cross for her or not, because I do not have cross on this issue, but I do have cross on two of the other issues that are coming up on large load.

THE COURT: Evergy?

MS. WHIPPLE: I wonder if she could take the stand again. That's what we're doing with our witnesses. And if Dr. Berry is available today, she could just join the procession.

THE COURT: I think I'm worried about tomorrow's issues. Is she on any of tomorrow's? I thought so.

MS. WHIPPLE: The non-LLPS FAC issue 22, yes. That obviously -- happy to do that today. And I don't know when you want to do that, but just --

THE COURT: I'm not opposed to that. And I actually like that a lot better because that'll keep it cleaner. So, Dr. Berry, you'll be up on -- what is this? Issue 3. And then you're going to be here all day, correct?

MS. BERRY: Yes.

THE COURT: Then you'll be recalled for the next issues. And then I will allow the addressing of 22 today just so we can include this. And if I need to recall you, we'll do that virtually.

MR. SCHULTE: And, yeah, that is perfectly fine with us. I would note that 22B, should the general construct of the FAC be changed, it's very similar to 25A, should changes be made to the FAC to address LLPS customers. That's essentially the same question. One is more specific to LLPS, and I think that would be an appropriate time to address 22B. Thank you.

THE COURT: Did you tender your witness?

MR. SCHULTE: Yes. To confirm, she is available for cross-examination and commissioner questions.

THE COURT: Thank you. And I think I already

asked, Velvet has no questions.

MS. BELL: Correct, Your Honor.

THE COURT: MECG?

MR. LYSKOWSKI: No questions, Your Honor. But it would be helpful -- I can point out for you. So, the revised list of issues that was filed, I think yesterday, it does have an order of cross for --

THE COURT: Well, I apologize.

MR. LYSKOWSKI: -- MECG witnesses or Google witnesses.

THE COURT: I was going off the old one, so let me look at that real quick. I apologize. I apologize, MECG. It looks like you were the first one to ask questions. Did you feel like you were disadvantaged in any way?

MR. LYSKOWSKI: Not at all.

MR. PRINGLE: Quick clarification on that, too, Judge. There's two different orders of cross for Google, depending upon the issue. The next page has it where Velvet Tech is the first one to cross them. Class cost of service and rate design issues.

THE COURT: But that's not the issue we're on now, is it? No, it's not.

MR. PRINGLE: It kind of is. The revenues fall in there, so. And, yeah, this is also prior to the stip

being filed, so I don't know if we --

THE COURT: How about this? Tell me if I do it wrong. So, we've done MECG. Public Counsel?

MR. WILLIAMS: No question. Thank you.

THE COURT: Staff?

MR. PRINGLE: No questions on this issue. Thank you.

THE COURT: Are there any Commission questions? I have none. You may step down from the stand, but as I said, you're going to be recalled later, so stick around.

MS. BERRY: Thank you.

THE COURT: I believe under my order of witnesses, OPC is next.

MR. WILLIAMS: Judge, I think Greg Meyer might be next. Is that right?

THE COURT: Thank you for telling me when I'm doing it wrong. MECG, go ahead.

MR. PRINGLE: If it helps, Judge, I do have an extra physical copy of the latest one, if you'd like me to bring that to you.

THE COURT: I can see it in front of me. I'm just apparently a little illiterate.

MR. LYSKOWSKI: Thank you, Judge. MECG calls Greg Meyer.

THE COURT: Do you solemnly swear or affirm

that the testimony you're about to give is the truth?

MR. MEYER: I do.

GREG MEYER,

of lawful age, being produced, sworn, and examined testified as follows:

THE COURT: Please be seated, and state and spell your name for the court reporter.

MR. MEYER: My name is Greg Meyer, G-R-E-G, M-E-Y-E-R.

THE COURT: Thank you. Go ahead, MECG.

MR. LYSKOWSKI: Thank you, Judge.

EXAMINATION

BY MR. LYSKOWSKI:

Q. Good afternoon, Mr. Meyer.

A. Afternoon.

Q. Where are you employed, and in what capacity?

A. I'm a consultant with Brubaker & Associates, out of Chesterfield, Missouri.

Q. Did you prepare testimony in this case on behalf of MECG?

A. I did.

Q. Did you prepare direct testimony that has been marked Exhibit 301?

A. Yes.

Q. Do you have any corrections to that testimony?

A. Not to my knowledge.

Q. If I were to ask you questions in that document today, would your answers be the same?

A. They would.

Q. Did you prepare surrebuttal testimony that's been marked Exhibit 304?

A. I did.

Q. Do you have any corrections to that testimony?

A. Not to my knowledge.

Q. If I were to ask you the questions in that document today, would your answers be the same?

A. Yes.

Q. And the information in both of those pieces of testimony are true and correct to the best of your knowledge?

A. They are.

MR. LYSKOWSKI: Judge Clark, I move that you accept prefiled testimony that's been marked direct testimony, Exhibit 301, and surrebuttal testimony, 304, of Greg Meyer.

THE COURT: You're moving for admission to those?

MR. LYSKOWSKI: Yes, please.

THE COURT: Any objection to admitting Exhibit 301, the direct testimony of Greg Meyer, or 304, the

surrebuttal testimony of Greg Meyer, onto the hearing record?

Hearing no objections, those will be admitted. Go ahead.

(Exhibits 301 and 304 was received into evidence.)

MR. LYSKOWSKI: Thank you, Judge. At this time, I tender the witness for cross-examination.

THE COURT: And I believe, Velvet?

MS. BELL: No questions, Your Honor.

THE COURT: Google?

MR. SCHULTE: No questions. Thank you.

THE COURT: I see the Staff or OPC, depending whether this is on the bottom list or the top. I'm going to go with Staff for now.

MR. PRINGLE: No questions. Thank you, Judge.

THE COURT: Public Counsel?

MR. WILLIAMS: Thank you, Judge.

EXAMINATION

BY MR. WILLIAMS:

Q. Good afternoon, Mr. Meyer.

A. Afternoon.

Q. You have an extensive experience in doing utility regulation in Missouri, do you not?

A. Yes.

Q. Well, how far back does it stretch?

A. 1979.

Q. Have you seen the settlement agreement between Google and Evergy regarding the large load power service tariff?

A. I, I have. Yes, I have a copy of that.

Q. Are you familiar with it?

A. Generally.

Q. And do you have any opinion about how that agreement would affect customer classes other than the large load power service, if that agreement's approved and Evergy's fuel adjustment clause is left as it is or as contemplated in that settlement agreement?

A. Well, it's my understanding that the -- and I haven't been following closely the, the differences between the FACs, but it's my understanding that the FAC factor that is in the stipulation is the Staff's FAC factor without the large load included. That, that, that would -- that would seem to raise some concerns on my part.

Q. What concerns would those be?

A. Well, if, if you just have a FAC factor that serves what I'll call captive customers, the FAC factor to serve a new large load customer in addition to captive customers, I think would raise -- potentially raise the

FAC factor. And that hasn't been accounted for in this stip.

Q. What do you mean when you refer to captive customers?

A. All, all other --

MS. WHIPPLE: Judge, I think I'd like to lodge an objection at this time. I believe this is in the nature of friendly cross-examination because this party, OPC, is eliciting testimony on a stipulation to which the witness has not offered any testimony nor an objection. And it's not testing any prefiled testimony in this case as a result, which is the purpose of cross-examination. And so, I would object to it for those reasons.

THE COURT: Can I clarify the argument? Is the argument that we shouldn't be talking about the stips, or is the argument narrower than that?

MS. WHIPPLE: I don't know that we shouldn't be talking about the stips, but I think that OPC is just perpetuating Mr. Meyer's opinion on the stip when Mr. Meyer -- the party that he is the witness for -- has not filed any objection, and it's just testimony nobody's ever heard before. And it doesn't pertain to any of his prefiled testimony.

THE COURT: Public Counsel, do you have a response for that?

MR. WILLIAMS: Judge, that stip just dropped. We actually are preparing an objection to it that we have not filed, but we think it will help the Commission to hear from people who have expertise as to their opinions about what the effect of that agreement might be. And, I mean, Google and Evergy have changed their positions now. I think we're entitled to respond to that change in position.

THE COURT: Yeah. And I've kind of heard this argument back and forth. And again, I don't see how we can talk about the issues without talking about the parties' current positions because, again, it does no good to talk about their past positions. This is not filed testimony. This is in response to a stipulation that dropped just the other day. And so, there hasn't been any opportunity for any parties to respond to this. I guess what I'm saying is, I'm going to overrule your objection for now and let him go.

But let me ask one more question, Mr. Williams, because something just occurred to me. Since we have the stip as a separate issue, are you doing this today to elicit information for the objection?

MR. WILLIAMS: I think this goes beyond just the stipulation and agreement in terms of the impacts of what happens in the FAC and what happens with new large

load power service customers coming on to Evergy's system. So, I would say, no, it's not limited to just for the objection.

THE COURT: But it is limited to the stipulation, correct?

MR. WILLIAMS: As it's framed currently, I mean, I can broaden out a bit on the questioning.

THE COURT: What I'm wondering is, would it be better to take this up with a stip issue?

MR. WILLIAMS: I guess it depends on Mr. Meyer's availability.

THE COURT: What is your availability, Mr. Meyer?

MR. MEYER: Yeah. Well, I'd like to go home, but --

THE COURT: So would I, but that's barring other options.

MR. MEYER: Well, I don't -- we did not weigh in on the FAC issue. We weighed in on how you should track the revenues from large load customers, so --

THE COURT: So, you're weighing in on this for the first time?

MR. MEYER: Well, he's asked my opinion from my expertise, so that's the first time I -- yeah, I, I don't -- I didn't prepare to address the FAC if he's asking on

my regulatory experience and expertise. That's what I'm giving him. I have not followed the FAC issue that closely except to understand what I believe are the FAC factors from the Staff and the Company.

THE COURT: I'm going to get back to my original question. What's your availability?

MR. MEYER: I don't know when the issue is going to be heard.

THE COURT: Let's assume not today.

MR. MEYER: Then I'd have to go and check my calendar. I, I am not -- I just lopped out all of the hearing time in this case to be available here all the time.

THE COURT: I understand. I'm trying to figure out how to do this. This is a new issue that was kind of brought to the forefront today, so.

MR. MEYER: If you'd like me to attend virtually, that'd be a lot easier than -- even though it's just St. Louis, I do have other cases I'm working on with deadlines.

THE COURT: If I want to take this with the stip issue, are there any objections to taking his testimony on that virtually? I hear none.

MR. SCHULTE: Judge Clark, I guess I'd like to understand if we're considering OPC calling Mr. Meyer as

a witness to the stip that we are not a party to. I guess I'm trying to understand. I understand that these questions coming up in this examination right now, but trying to understand the possibility of him being called as a witness. My understanding is that the OPC is calling Mr. Meyer as a witness either later today or tomorrow.

THE COURT: I see the problem there. Do you want to respond to that?

MR. WILLIAMS: Let me ask some different questions which relate to the FAC to probe what he knows about it and whether he has information that might assist the Commission regarding the FAC, regardless of the stipulation and agreement.

THE COURT: How does the FAC tie in with the issue 3? I know there's a lot of overlap.

MR. WILLIAMS: We can defer asking those questions to later, although I believe he's not a witness on the other issues. I know Missouri does wide open cross, as the Commission has in the past.

MR. PRINGLE: And also, Judge, there was discussion of the FAC earlier with Ms. Lange.

THE COURT: You are correct. The scope of cross is generally unlimited, as long as it's relevant.

MS. WHIPPLE: And, Judge, I'm --

THE COURT: I guess the question is, is the relevance. Cross is unlimited, but we usually don't let witnesses answer questions about other issues outside of that issue. In other words, we call the issues in order, in whatever order they are. We call the witness up. The witness is noticed to testify for that issue. They do, and they don't generally testify about all the other issues. It's why we got Dr. Berry up and then down, and then she'll come back up again for another issue.

MR. PRINGLE: If I may, Judge. I mean, the FAC has an impact on net revenues that could affect the overall cost of service. So, I think there is a connection to this issue with the FAC.

THE COURT: Yeah, I feel that you fairly made that point last time. So, I am taking that into consideration. I'm going to stick by what I said before. I'm going to overrule for now.

MS. WHIPPLE: Judge, I'm sorry, but I think a portion of my objection has kind of gotten lost in the discussion. Mr. Meyer has, in response to your questions, said he never offered any opinions in this case on the FAC. And now, Mr. Williams for a different party is trying to perpetuate FAC testimony for the first time right now. Mr. Meyer also said he's not been following the FAC issues closely. It's not proper for

this to happen.

THE COURT: I hate waffling. I mean, she is right. He hasn't offered testimony on this. He didn't offer any testimony on the FAC prior to this?

MR. WILLIAMS: Not to my knowledge in this case.

THE COURT: And you're asking him to opine on the consequences of a stipulation on the FAC?

MR. WILLIAMS: I did, but I'd like to back it out and get into his understanding of -- or his knowledge about the fuel adjustment clause in Missouri and how it works and impacts of adding new customers without changing the base.

THE COURT: I think the argument is that he hasn't presented testimony on that issue, and he's not here to present testimony on that issue.

MR. WILLIAMS: If the Commission doesn't want to hear his expertise, then that's up to the Commission.

THE COURT: He's not a party to the stip. OPC is not a part of the stip, correct?

MR. WILLIAMS: That is correct.

THE COURT: I'm going to grant the objection. I'm going to grant the objection. We're not going to talk about the FAC.

MR. WILLIAMS: No further questions.

THE COURT: Staff?

MR. PRINGLE: No question.

THE COURT: Any Commission questions?

MS. WHIPPLE: Judge, Company doesn't have any questions either.

THE COURT: I'm sorry.

MS. WHIPPLE: That's okay. Thank you.

THE COURT: So, you want to step out of the order I'm doing things in, then I have to refigure out where I am on the path. Thank you.

This is MECG's witness, correct? No, this is OPC's witness. MECG's witness. That's what I thought. So, I had OPC after Staff. I thought I'd asked Evergy earlier, did I not? I'm sorry you were second on the list. Then you can step down for now. Wait, Chair Hahn has a question for you.

MS. HAHN: Afternoon, Mr. Meyer.

MR. MEYER: Afternoon.

MS. HAHN: Have you reviewed the stipulation between Evergy and Google?

MR. MEYER: Yes.

MS. HAHN: Based on that stipulation, they have a slightly higher revenue number than MECG had for a large load power service customers coming in. Would MECG still recommend tracking revenues that exceed that base

amount into a regulatory liability?

MR. MEYER: Yes. And let me -- if you -- if you don't mind, let me explain.

So, when the direct testimony started, it was $16 million. And then, in Mr. Gunn's testimony, he said there was an additional 9 million, which came to the 25 million that they filed in their direct. The rebuttal testimony came in and said 43.

When we filed our direct testimony, we said, let's institute a tracker, a revenue tracker only on LLPS revenues. In the rebuttal, we came back with a one-way tracker. And in the rebuttal, we came back and said, as you can see, the number -- the revenues are growing. We would still recommend a one-way tracker at 25 million to be conservative.

Since that time, it's now grown to 60 million in the stip. And we have -- MECG has revised its position now and said that if you adopt a tracker, a revenue tracker like we would, like we're proposing, instead of an earning-sharing mechanism, that it'd be a two-way tracker like Mr. Gunn advocated for in rebuttal testimony.

The numbers -- the revenues are getting significantly higher. And there's other parties out there, to my knowledge, that are proposing even higher

revenue numbers. So, whatever the commission determines to be a reasonable level, we would argue then that that should be the tracker, and it should be a two-way tracker instead of the one-way that we put in our direct.

MS. HAHN: Very helpful. Thank you.

MR. MEYER: You're welcome.

THE COURT: Any other Commission questions? Any recross based upon Commission questions?

MR. WILLIAMS: Thank you. I have, I believe, one.

BY MR. WILLIAMS:

Q. You said there are other parties who have recommended even higher numbers. And I think you referred to the anticipated 25 million and 60 million. The numbers had gone up. Who else has proposed other numbers, and what are they?

A. I's my understanding that the Public Counsel has a number much larger. I think I heard this morning 117 million. I think the Staff also has a higher number, but I do not know at this time what that value is.

MR. WILLIAMS: Thank you.

MR. SCHULTE: Judge Clark, I had a cross-examination question based on Chair Hahn's question as well.

THE COURT: Go right ahead.

EXAMINATION

BY MR. SCHULTE:

Q. Good afternoon, Mr. Meyer.

A. Afternoon.

Q. Under the tracker that you proposed and Chair Hahn questioned you about, in order, does that tracker include a component that would subtract the cost associated with the LLPS revenues in order to get net revenues?

A. I would probably track it against the 60 million that you -- that you stipulated to at this point.

Q. On a gross revenue basis?

A. And then you can -- well, the gross revenues, yes. I -- there is a -- there is a good argument for just tracking on net revenues because that would be the, the actual incremental growth in those -- in those revenues. So, I, I stand corrected. Yeah, I would track it on net revenues.

Q. And to get net revenues, you would need to subtract out the costs specifically associated with the LLPS customers?

A. Well, you take the net revenues from the LLPS customers and subtract out fuel and some transmission. Beyond that, there is not much left to track or to incur because your revenue requirement that you're -- that

you're establishing in this case has considered all the other relevant factors of operations of Evergy.

Q. So, the proposal would be to track gross revenues from LLPS customers and subtract fuel and transmission cost only?

A. That's, that's the -- that's the, by far, the major expenses that are associated with adding an LLPS customer.

MR. SCHULTE: No further questions.

THE COURT: Any other cross based on Commission questions? Any redirect?

MR. LYSKOWSKI: No, Your Honor.

THE COURT: You may step down. Does Velvet have a witness for this?

MS. BELL: No, Your Honor.

THE COURT: Are there any other witnesses for this issue?

MR. WILLIAMS: Public Counsel has Ron Nelson.

THE COURT: Let's go off the record a second.

(Off the record.)

THE COURT: Mr. Nelson, can you hear me?

MR. NELSON: I can. Good afternoon. Can you hear me?

THE COURT: I can, but I'm going to ask you to speak up.

MR. NELSON: I will do that.

THE COURT: Would you raise your right hand to be sworn?

Do you solemnly swear or affirm that the testimony you're about to give is the truth?

MR. NELSON: I do.

RON NELSON,

of lawful age, being produced, sworn, and examined testified as follows:

THE COURT: And would you please state and spell your name for the court reporter?

MR. NELSON: Ron Nelson. Ron is R-O-N, Nelson is N-E-L-S-O-N.

THE COURT: Go ahead.

MR. WILLIAMS: Thank you.

EXAMINATION

BY MR. WILLIAMS:

Q. Good afternoon, Mr. Nelson.

A. Good afternoon.

Q. Are you the same Ron Nelson who prepared and caused to be filed direct testimony and surrebuttal testimony in this proceeding?

A. I am.

Q. That testimony has been marked for identification -- or is identified as Exhibit 208 and 209

respectively. There are, for the direct, highly confidential version, a confidential version and the public version, correct?

A. Correct.

Q. And for the surrebuttal, there's a confidential version and the public version, correct?

A. Correct.

Q. Do you have any changes to either of those exhibits for them to be your testimony here today?

A. I do not.

Q. Are they, in fact, your testimony here today?

A. Yes.

MR. WILLIAMS: With that, I offer Exhibits 208 and 209.

THE COURT: Did OPC submit a prefiled exhibit list?

MR. WILLIAMS: Circulated one, yes.

THE COURT: I just don't have it in front of me. So, 208 is the -- well, it'll be much easier. Thank you. Well, I don't want to do that either. Thank you.

Any objection to admitting 208, both highly confidential, confidential, and public, onto the hearing record?

Hearing none. Any objection to entering Exhibit 209, confidential and public, onto the hearing

record?

Hearing none, Exhibits 208 and 209 are admitted onto the hearing record.

(Exhibits 208 and 209 was received into evidence.)

MR. WILLIAMS: Judge, with that, I'll offer the witness for examination.

THE COURT: Thank you. Staff?

MR. PRINGLE: No questions, Judge. Thank you.

THE COURT: MECG?

MR. LYSKOWSKI: No questions, Your Honor.

THE COURT: Velvet Tech?

MS. BELL: No questions, Your Honor.

THE COURT: Google?

MR. SCHULTE: No questions. Thank you.

THE COURT: Evergy?

MR. FISCHER: Yes, Judge. Just a few.

EXAMINATION

BY MR. FISCHER:

Q. Mr. Nelson, can you hear me? I know you can't see me very well.

A. I can hear you.

Q. Great. Well, if there's any question you don't hear, please let me know, okay?

A. All right. Will do that.

Q. I think this is first time for you to testify in Missouri?

A. It is.

Q. Well, welcome to Missouri. At page 4 of your direct, at about line 17 through 20, you state that your concern is a mismatch between LLPS costs and their revenues. Is that right?

A. Can you point me to the lines that you're looking at?

Q. I think it's line 17 through 20. Is that right? Let me just ask you if that is your concern.

A. What I'm reading is that the customers over 75 megawatts pay their, their share of costs on line 17, 18.

Q. And your proposal is not based on the actual realized LLPS revenues, is it?

A. Can you specify what proposal you're speaking of?

Q. I'm talking about the $117 million adjustment.

A. That is an estimate.

Q. That's an estimate. It's based on forecast of future revenues, right?

A. From the Company, yes.

Q. And you acknowledge, I think, that there's no LLPS customers in the test year, correct? Or do you agree to that?

A. That is my understanding.

Q. Your recommendation relies on revenues occurring after the test year and the true-up period in this case. Isn't that true?

A. That is true.

Q. I think you discuss in your testimony that Evergy did include an LLPS revenue adjustment in the case, correct?

A. Correct.

Q. But you would suggest that that proposal should be increased to $117 million, correct?

A. Yes. I used a similar method, just a different time period.

Q. Now, there's no actual recorded annual revenue of $117 million from large load customers in this case, right?

A. Just the estimates provided by the Company.

Q. Your proposal, therefore, requires the Commission to set rates based upon revenues that have not yet occurred. Isn't that true?

A. Yes. My proposal is similar to what the Virginia Commission recently did for their T1 Transmission Rider, where they changed their method to use forward-looking information as well.

Q. But I think your forward information goes all

the way out to 2030. Isn't that true?

A. That is accurate. If you look at revenues closer, they're still significantly above the adjustments that the Company is proposing now.

Q. I believe you also agree that future rate cases will capture the actual LLPS revenue, load, and cost and revenues once they're reflected in billing determinants, right?

A. That would include a significant lag between rate cases.

Q. Well, you don't know when the next rate case is going to be for Evergy Missouri Metro, do you?

A. Not with certainty.

Q. It could be next year, right?

A. I'm not aware of any filings to suggest that next year is a rate case.

Q. You acknowledge the issue could be addressed in a future rate case, correct?

A. What issue are you specifying?

Q. Appropriate revenues to be considered in revenue requirement or the LLPS class of customers.

A. I'm recommending that the revenues be adjusted in this proceeding and then dealt with in an additional proceeding in the future as well.

Q. So, you would have, what, a true-up mechanism?

You'd go out to 2030, but if we have a case next year, you'd adjust it based on the actuals?

A. You could change the revenues in a rate case as determined by the Commission.

Q. That would be because your estimates or your speculation didn't actually materialize?

A. Revenues for this customer are likely to change every rate case.

Q. Well, isn't your proposal really essentially an attempt to accelerate recognition of projected revenues into this case?

A. I think, by definition, I'm looking at forward revenues and making an adjustment based off of the estimate. And as we've seen in this case, the estimates by the Company have increased by multiple of four over a few months. And I'm seeing this throughout the country, where utilities are underestimating revenue and collecting it outside of rate cases. And I'm also seeing throughout the country where energization timelines are being underestimated and large loads are energizing faster than what utilities are estimating.

So, this is the adjustment that I'm recommending based off of those learnings from other jurisdictions to ensure other ratepayers don't bear these costs.

Q. So then, is the answer to my question yes? Your proposal is essentially an attempt to accelerate recognition of projected future revenues in this case?

A. It's an -- it's an adjustment based off of what the utility has provided as a future revenue amount.

MR. FISCHER: That's all the questions I have. Thank you.

THE COURT: Have I missed any parties? Any Commission questions?

I got a brief one. If you can kind of nutshell this for me. In your testimony, you say absent because I think Evergy had proposed 25 million, you proposed 117 million, and you said, absent Commission action, these revenues would flow back to Evergy. Can you explain that to me?

MR. NELSON: My understanding is Evergy would be required to come back in 2031. And if they are earning healthily between now and then, they have no reason to come in for a rate case. And so, during that time, if we underestimate revenues here, they will -- those additional revenues above the estimate will flow to shareholders.

So, this is a question of how, you know, we have a lot -- a lot of discussion around large loads creating benefits for the system and other ratepayers.

This is essentially, accounting for the revenues accurately is, is key to creating benefits for other customers by lowering the shared costs that are allocated to them and paid.

THE COURT: Thank you. Any cross based on bench questions? Any redirect?

MR. WILLIAMS: Just briefly.

EXAMINATION

BY MR. WILLIAMS:

Q. In response to ALJ Clark's questions, you talked about increased revenues flowing to shareholders. What impact would that have on customers?

A. It would put increased pressure on affordability for other classes, including the residential class, because it would require additional payment from the residential class to make up for that revenue that's not being accounted for.

MR. WILLIAMS: Thank you.

THE COURT: Is there any reason we can't move on to issue 31? And I was looking for response.

MR. BAILEY: No reason for the Company. We can move on.

THE COURT: Thank you.

MR. BAILEY: Do you have any -- call a witness? Are we waiting on everybody else?

THE COURT: I can't decide whether Staff is wanting to say something or not, or whether they're just talking to each other.

MR. PRINGLE: Just talking amongst ourselves.

THE COURT: Then you can call your witness.

MR. BAILEY: Thank you, Your Honor. The Company calls Kevin Gunn. And I just want to point out, there's two more issues after this one that Kevin's on. He will be unavailable tomorrow. So, if there are questions from the parties on 25, fuel adjustment clause, and revenue sharing, maybe we should get him done in this sitting. That's my proposal.

THE COURT: Well, Staff asked me this morning to take all the FAC issues, and then Evergy opposed taking all the FAC issues. And we've been put in situations again and again where the question has been, can we take the FAC issues?

MR. BAILEY: It's not a FAC issue.

THE COURT: It's not?

MR. BAILEY: No, we have revenue sharing after that. And, I mean, he briefly touches FAC in his testimonies. It's just kind of an overview. But the next one is reporting. It's just 25. He's not on the -- he's not on for tomorrow at all. I'm just trying to get through --

THE COURT: So, you're talking about the remaining issues today?

MR. BAILEY: Today, yes.

THE COURT: I'm sorry.

MR. BAILEY: If we push over. Yeah, he won't be here tomorrow.

THE COURT: Does any party have an objection to him, during his stay on the stand here, addressing the remaining issues today as well?

MR. PRINGLE: I have no cross for Mr. Gunn on any of the issues, though. However you all want to approach that.

MR. WILLIAMS: Nor do I, unless the Commission were to ask questions, then I might.

THE COURT: I'm fine with it. Go ahead.

MR. BAILEY: I would tender Kevin Gunn for cross-examination on issues 31, 25 and 37.

THE COURT: Any questions from Google?

MR. SCHULTE: No questions.

THE COURT: Any questions from Velvet Tech?

MS. BELL: No questions.

THE COURT: MECG?

MR. LYSKOWSKI: No questions.

THE COURT: Staff, you said you have no questions?

MR. PRINGLE: That's correct, Judge. Thank you.

THE COURT: And OPC? No questions, correct?

MR. WILLIAMS: Not this time.

THE COURT: Now, is that on any of those issues? Because that's kind of where we are now.

MR. PRINGLE: Yeah. If we're trying to address Mr. Gunn's testimony for 31, 25 and 37, yeah, no cross questions for either of those three issues for Mr. Gunn.

THE COURT: Does anybody have cross or questions on 31, 25 or 27? And I probably should have clarified this earlier. I see none. You may step down, Mr. Gunn.

MR. GUNN: Any questions?

THE COURT: I'm sorry. I don't have any. Thank you for the reminder, though.

MR. GUNN: Thanks very much.

THE COURT: Evergy, do you have another witness?

MR. STEINER: The Company calls Darrin Ives.

THE COURT: Would you raise your right hand to be sworn?

Do you solemnly swear or affirm that the testimony you're about to give is the truth?

MR. IVES: I do.

DARRIN IVES,

of lawful age, being produced, sworn, and examined testified as follows:

THE COURT: Would you please be seated and state and spell your name for the court reporter?

MR. IVES: My name is Darrin, D-A-R-R-I-N. Last name is Ives, I-V-E-S.

THE COURT: Go ahead.

EXAMINATION

BY MR. STEINER:

Q. Mr. Ives, where do you work?

A. I work for Evergy.

Q. And what's your position there?

A. I'm the senior vice president of regulatory and government affairs.

Q. Mr. Ives, did you cause to be filed direct testimony, which has been premarked as Exhibit 29; rebuttal testimony, which has been premarked as Exhibit 30; surrebuttal testimony premarked as Exhibit 31, and true-up rebuttal testimony premarked as Exhibit 32?

A. I did.

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

A. None that I'm aware of.

Q. If I were to ask you the same questions

contained in that testimony today, would your answers be substantially the same?

A. Yes, they would.

MR. STEINER: Your Honor, at this time, I would move for the admission of Exhibits 29, 30, 31 and 32.

THE COURT: Any objections to admitting the direct, rebuttal, surrebuttal, or true-up rebuttal testimony of Darrin Ives onto the hearing record?

Hearing none, Exhibits 29 through 32 are admitted.

(Exhibits 29, 30, 31 and 32 was received into evidence.)

MR. STEINER: Thank you. And I would tender the witness for cross-examination and questions.

THE COURT: Any questions from Velvet Tech?

MS. BELL: Yes.

THE COURT: I'm sorry, Google. Google's not here. I'll get --

MR. JEVONS: None from Google. I'm hiding.

THE COURT: Any questions from Google?

MR. JEVONS: None from Google.

THE COURT: Velvet Tech?

MS. BELL: Yes, Your Honor.

EXAMINATION

BY MS. BELL:

Q. Good afternoon, Mr. Ives.

A. Good afternoon.

Q. You were involved significantly in the development of the LLPS rate plan in EO-2025-0154, correct?

A. Yes, I was.

Q. And the LLPS stipulation, of which you are a party to, provides a different method for determining LLPS billing demand. Is that correct?

A. It does.

Q. And if we look back at the original LLPS rate plan, you believe the tariff as approved in that case complies with SB 4?

A. Back in the original? Yes, I do.

Q. And you would agree with me that the charge in Senate Bill 4 was to develop schedules that would reasonably ensure large load customer rates will reflect the customer's representative share of the costs incurred to serve the customers and prevent other customer classes' rates from reflecting any unjust or unreasonable cost arising from service to large loads?

MR. PRINGLE: Objection. Call for legal conclusion, as well, I believe this is friendly cross.

THE COURT: Sustained. I'm going to say I am sustaining it on the legal conclusion, not the friendly

cross.

BY MS. BELL:

Q. Can you describe, as a Company, what your understanding of Senate Bill 4 was required the Company to do?

MR. PRINGLE: Objection. Still calling for a legal conclusion.

THE COURT: Any response to that?

MS. BELL: I'll move on.

BY MS. BELL:

Q. Evergy's testimony in this case is that your current billing practice is in compliance with the approved LLPS tariff?

A. Yes, it is.

Q. And you agree that you have already used this method to bill customers under Schedule LLPS?

A. We have.

Q. And sitting here today, you are presently using this method to bill customers under schedule LLPS?

A. At this point, subject to addressing a clarification of the billing practice to be consistent with the proposal that's advanced in the LLPS settlement agreement or stipulation related to billing demand.

Q. But sitting here today, you're using the -- what I'll call the old method of billing, correct?

A. We have not issued a new bill under the clarified definition.

Q. When talking to prospective customers and providing them estimates for siting or expansion decisions, you used the current approved LLPS method to make projections for those customers, correct?

MR. PRINGLE: Objection, relevance.

MS. BELL: I think this is relevant only as you heard in my opening that existing customers have relied on the approved tariff, and so, it goes to our argument that minimal changes should be made to the LLPS tariff.

THE COURT: I'll overrule that.

BY MS. BELL:

Q. Would you like me to repeat the question?

A. Yes, please.

Q. So, when talking to prospective customers and providing them estimates for siting or expansion decisions, you use the current, or what I'll call the old method under the approved Schedule LLPS, to make projections for those customers, correct?

A. We did. But, but I would add that I think this clarification will be in line with a minimal set of tariff adjustments coming out of this case, should the Commission adopt it.

Q. As a result of the LLPS stipulation and the

change therein to the current approved method, you would agree that it would result in significantly higher monthly bills for customers during the ramp period, correct?

A. It will result in higher bills as a result of adding on the variable energy cost on top of the minimum demand. I probably won't opine on the word "significant."

MS. BELL: Thank you, Mr. Ives. No further questions.

THE COURT: MECG?

MR. LYSKOWSKI: No questions.

THE COURT: The Staff of the Commission?

MR. PRINGLE: No questions. Thank you, Judge.

THE COURT: Public Counsel?

MR. WILLIAMS: Thank you. No.

THE COURT: Any Commission questions? And I have no questions for you. You may step down.

MR. STEINER: No redirect, Your Honor.

THE COURT: Thank you. And no redirect. Do you have another witness for this issue?

MR. STEINER: Yes. Company calls Brad Lutz.

THE COURT: Would you raise your right hand to be sworn?

Do you solemnly swear or affirm that the

testimony you're about to give is the truth?

MR. LUTZ: I do.

BRAD LUTZ,

of lawful age, being produced, sworn, and examined testified as follows:

THE COURT: Would you please be seated, and state and spell your name for the court reporter?

MR. LUTZ: Good afternoon. My name is Brad Lutz. First name B-R-A-D, last name Lutz, L-U-T-Z. I work for Evergy as a director in regulatory affairs.

THE COURT: Go ahead.

EXAMINATION

BY MR. FISCHER:

Q. Well, you've already stated your name for the record. What's your role or title there at Evergy?

A. Yes. I'm sorry. I'm a director in the regulatory affairs group.

Q. Are you the same Brad Lutz that caused to be filed in this case, direct testimony, which was filed as number 54; highly confidential testimony, rebuttal testimony, which is 55; and public testimony, rebuttal testimony is 56; highly confidential surrebuttal, which is 57; surrebuttal, which is public at 58?

A. Yes.

Q. Do you have any corrections or additions that

we need to make?

A. I do have one small correction in my surrebuttal. At a footnote on page 32 is a reference that currently reads, "the direct testimony of Randall Jennings." That should be "the rebuttal testimony of Randall Jennings."

Q. With that correction, if I ask you the questions that are contained in your testimony today, would your answers be the same and true and accurate to the best of your knowledge?

A. Yes, they would.

MR. FISCHER: Your Honor, I would then move for the admission of 54, 55, 56, 57 and 58, and tender the witness for cross.

THE COURT: Any objections to Mr. Lutz's direct, highly confidential, rebuttal, and highly confidential rebuttal, surrebuttal? Well, the surrebuttal is public. Any objections to testimonial Exhibits 54 through 58?

MR. PRINGLE: Well, we do have a little bit of an issue with Mr. Lutz's rebuttal. It is responsive to the testimony of Ms. Lange that was struck. So, it's now responsive to nothing. It would be improper rebuttal.

THE COURT: Any response to that?

MR. FISCHER: Maybe he could point out exactly

what he's talking about. I don't think the entire piece is responsive to that. And, if he's talking about the conforming rebuttal, I don't believe he addressed that. Or conforming direct, I'm sorry.

MR. PRINGLE: I can definitely pull up the pages from Mr. Lutz's rebuttal that is no longer responsive.

THE COURT: Are you moving to strike those?

MR. PRINGLE: I just don't really know what we want to do with it, seeing as how it is improper rebuttal now. I think the proper way would be to strike Mr. Lutz's testimony responding to Ms. Lange, at least on those portions.

THE COURT: Are you making a motion to that effect?

MR. PRINGLE: Yes.

THE COURT: What pages are we talking about?

MR. PRINGLE: Let me pull up my response. It has that in there. Rebuttal testimony of Mr. Lutz, starting at page 32.

THE COURT: So, you're talking about 32, starting with line 3?

MR. PRINGLE: Yes, I'm pulling that up right now. Yeah, starting actually at line 16. And it looks like that would at least be through page 33, line 18.

THE COURT: Any Evergy response?

MR. FISCHER: Judge, just looking at it quickly here, I don't see where he responded to any of the testimony that was struck.

THE COURT: Well, it says -- wait a second. Hold on.

MR. PRINGLE: I'm looking at on page 32, line 16. "Ms. Lange offers considerable first-hand information concerning Customer A and its load ramp. Do you support this detail?" The first-hand information is the tour.

THE COURT: No, I caught that. I can see that. So, how is that not about the stricken testimony?

MR. FISCHER: Well, I would concede that that appears to be, Judge.

THE COURT: I'm going to save a lot of time, and I'm just going to -- the way I'm looking at that, that all does look to be related to the struck testimony. And therefore, I'm going to strike that, and that will be page 32, line 16, through page 34, line 15. Is that correct?

MR. PRINGLE: So, I think it actually would be just through 33, line 18.

THE COURT: Yeah, through 18 on 33. That's what it meant. Thank you. 16 on 32 through 18 on 33 of

Mr. Lutz's rebuttal testimony is struck. Evergy already tendered the witness, correct?

MR. FISCHER: Yes.

THE COURT: Give me just a second to make a note on what I did.

MR. FISCHER: I offered the exhibits as well.

THE COURT: I think I already -- I think I readmitted those, didn't I? Or were we in the middle of that?

MR. PRINGLE: I think we were in the middle of it when I brought the objection about the rebuttal.

THE COURT: Now, having handled your objection, do you have any objections to any of the rest of the testimony being admitted?

MR. PRINGLE: That is it, Judge. Thank you.

THE COURT: Are there any other objections to Evergy Metro Exhibits 54 through 58 being admitted onto the hearing record?

Hearing none, Evergy Metro Exhibits 54 through 58 are admitted onto the hearing record. And I believe, any questions from Google?

(Exhibits 54, 55, 56, 57 and 58 was received into evidence.)

MR. SCHULTE: No questions.

THE COURT: Any questions from Velvet Tech?

MS. BELL: Yes, Your Honor.

EXAMINATION

BY MS. BELL:

Q. Good afternoon, Mr. Lutz.

A. Good afternoon.

Q. You are also heavily involved in the preparation of the LLPS rate plan in EO-2025-0154, correct?

A. Correct.

Q. And you believe the tariff approved in that case complies with SB 4?

MR. PRINGLE: Objection. Calls for a legal conclusion.

THE COURT: It does, doesn't it?

MS. BELL: I will ask the witness his opinion.

BY MS. BELL:

Q. In your opinion, does the tariff approved ensure that large load customer rates will reflect customers' representative share of the costs incurred to serve those customers?

A. I believe it does, yes.

Q. And in your opinion, does the tariff approved in that EO-2025-0154 prevent other customer classes' rates from reflecting any unjust or unreasonable costs arising from service to large loads?

A. I believe it does.

Q. In your rebuttal testimony, you testified that the Company is calculating the minimum monthly bill according to the terms of the Schedule LLPS tariff. Is that correct?

A. It is correct, but --

Q. Thank you. And in your rebuttal testimony, you expressed that your current billing practice is in compliance with the approved LLPS tariff, correct?

A. That is correct.

Q. And the LLPS stipulation proposes a different method for determining the LLPS billing demand, correct?

A. It does. And, and it does resolve a inconsistency in the tariff, where our tariff lists both the 80 percent minimum demand and the 80 percent -- or, excuse me, the monthly minimum bill provision. Both of them are present in the current form of the tariff.

Q. As a result of the LLPS stipulation, the change to the current approved method would result in higher monthly bills for customers during their ramp period, correct?

A. Yes, because it would add the energy element to the calculation.

Q. And because we're talking about large loads and customers in excess of 75, depending on where a customer

is in their ramp period, that change could result in an increase to the tune of millions of dollars annually, correct?

A. I, I presume that's correct. Yes.

MS. BELL: Thank you, Mr. Lutz. No further questions, Your Honor.

THE COURT: Any questions from MECG?

MR. LYSKOWSKI: No questions.

THE COURT: Any questions from the Staff of the Commission?

MR. PRINGLE: Yes, Judge. Thank you.

EXAMINATION

BY MR. PRINGLE:

Q. Good afternoon, Mr. Lutz.

A. Good afternoon, sir.

Q. And so, you are very much aware of the large load power service tariff that Evergy offers, correct?

A. Yes, sir.

Q. And were you present yesterday during opening statements?

A. I was.

Q. Did you hear Google say that one of their gives was agreeing to a 15-minute reactive demand instead of 30 minutes -- billing demand, sorry, a 15-minute billing demand instead of 30?

A. I'm sorry. I don't recall that specificity. I do not.

Q. Now, is it your understanding that the LLPS tariff approved in 0154 already had 15-minute billing demand?

A. Yes. I would agree to that.

MR. PRINGLE: Thank you, Mr. Lutz. One moment.

MR. LUTZ: Yeah.

MR. PRINGLE: That's all I have for you, Mr. Lutz. Thank you for your time today.

MR. LUTZ: Okay, you bet.

THE COURT: Any questions from Public Counsel?

MR. WILLIAMS: Good afternoon, Mr. Lutz.

MR. LUTZ: Good afternoon, sir.

MR. WILLIAMS: No questions. Thank you.

THE COURT: Any Commission questions? And I have no questions for you. Any redirect?

MR. FISCHER: Just briefly, Judge.

EXAMINATION

BY MR. FISCHER:

Q. Mr. Lutz, could you explain the inconsistency in the tariff that you referenced when you were talking to Velvet Tech's counsel?

A. Yes, certainly. The issue brought forth in the settlement addresses a concept of a minimum demand, which

is executed within the monthly billing and would insert, in place of an actual value, a minimum amount for demand component. And then that bill would be calculated for service for that customer.

And there's also, in that tariff, a provision around a minimum monthly bill, which talks about a demand-only calculation utilizing the 80 percent capacity factor -- or, excuse me, 80 percent of the contract capacity from the ESA.

So, unfortunately, both of those methods were listed in the tariff. And that's the consistency I was wanting to highlight. The resolution or the stipulation with Google would allow us to get that to a singular method aligned around the idea of the minimum monthly demand.

Q. If the Commission approved on the stipulation and agreement on that point, would Evergy be applying that method in the future to other classes -- or other customers?

A. Yes.

Q. I think you were cut off a little bit, and you may have just explained what you were going to say when counsel was asking about the minimum -- or you were explaining the minimum monthly bill and you said, "but," and then you got cut off. Did you have something else

you needed to say?

A. No, that's it exactly.

MR. FISCHER: Thank you.

MR. LUTZ: You bet.

THE COURT: Mr. Lutz, you may step down.

MR. LUTZ: Thank you.

THE COURT: Evergy, do you have any more witnesses for this issue?

MS. WHIPPLE: Company calls Linda Nunn.

THE COURT: Ms. Nunn, would you raise your right hand to be sworn?

Do you solemnly swear or affirm that the testimony you're about to give is the truth?

MS. NUNN: Yes.

LINDA NUNN,

of lawful age, being produced, sworn, and examined testified as follows:

THE COURT: Please be seated and state and spell your name for the court reporter.

MS. NUNN: My name is Linda Nunn, L-I-N-D-A, N-U-N-N.

THE COURT: Go ahead.

EXAMINATION

BY MR. ROBINSON:

Q. Good afternoon, Ms. Nunn.

A. Hello.

Q. Can you please state your employer and your position?

A. I work for Evergy. I'm a senior manager in regulatory affairs.

Q. Did you prepare the following testimony on behalf of Evergy Metro in this case? Number one, your direct testimony, which has been marked as Exhibit 71; your rebuttal testimony, which has been marked as Exhibit 72; your surrebuttal and true-up direct testimony, which has been marked as Exhibit 73, and your true-up rebuttal testimony, which has been marked as Exhibit 74, with the schedules attached to them?

A. Yes.

Q. Do you have any corrections to that testimony?

A. I have one. In the surrebuttal testimony on page 2, line 1, I would strike "or revenues."

Q. No other corrections?

A. No other corrections.

Q. With that correction, if I were to ask you the questions in your testimony today, would your answers be as set forth in Exhibit 71 through 74?

A. With taking into consideration the stipulation that we have, yes.

Q. And are those answers true and correct to the

best of your knowledge and belief?

A. Yes.

MR. ROBINSON: Your Honor, we move to admit Exhibit 71, 72, 73 and 74 at this time.

THE COURT: Any objection to the direct, rebuttal, surrebuttal and surrebuttal true-up of Ms. Nunn?

Hearing none, Exhibits 71 through 74 are admitted onto the hearing record.

(Exhibits 71, 72, 73 and 74 was received into evidence.)

MR. ROBINSON: Thank you, Your Honor. We tender Ms. Nunn for cross-examination on issue 31.

THE COURT: Any questions by Google?

MR. SCHULTE: No questions. Thank you, Judge.

THE COURT: Velvet Tech?

MS. BELL: No questions, Your Honor.

THE COURT: MECG?

MR. LYSKOWSKI: No questions, Your Honor.

THE COURT: The Staff of the Commission?

MR. PRINGLE: No question, Judge. Thank you.

THE COURT: And Public Counsel?

MR. WILLIAMS: Thank you. No.

THE COURT: Any Commission questions? I have no questions. You may step down. Thank you. Next

witness.

MS. WHIPPLE: Judge, just to point out on this issue, we have company witness JP Meitner listed, but also on the parties' amended joint witness list that he'll be appearing tomorrow. Just he's on issue 31, but he's only available tomorrow.

THE COURT: That's fine.

MS. WHIPPLE: And otherwise, that's it for Company witnesses on issue 31.

THE COURT: Staff?

MR. PRINGLE: Excuse me. Staff calls Ms. Lange.

THE COURT: Ms. Lange, I'll remind you you're still under oath.

MR. PRINGLE: And, yeah, at this time, Staff tenders Ms. Lange for cross-examination on this issue.

THE COURT: Bear with me. I just want to be sure that there's been no changes. Public Counsel?

MR. WILLIAMS: Thank you. No questions.

THE COURT: MECG?

MR. LYSKOWSKI: Thank you, Judge. No questions.

THE COURT: Velvet Tech?

MS. BELL: No questions, Your Honor.

THE COURT: Google?

MR. SCHULTE: No questions. Thank you.

THE COURT: Evergy Metro?

MR. FISCHER: No, thank you, Judge.

THE COURT: Ms. Lange, you may step down. Or are there any Commission questions? I don't have any for you, so go ahead and sit.

MR. PRINGLE: Staff now calls Claire Eubanks to the stand.

THE COURT: Would you raise your right hand to be sworn?

Do you solemnly swear or affirm that the testimony you're about to give is the truth?

MS. EUBANKS: I do.

CLAIRE EUBANKS,

of lawful age, being produced, sworn, and examined testified as follows:

THE COURT: Would you please be seated, and state and spell your name for the court reporter?

MS. EUBANKS: Claire Eubanks, C-L-A-I-R-E, E-U-B-A-N-K-S.

THE COURT: Go ahead, Staff.

MR. PRINGLE: Thank you, Judge.

EXAMINATION

BY MR. PRINGLE:

Q. Good afternoon, Ms. Eubanks.

A. Good afternoon.

Q. By whom are you employed, and in what capacity?

A. I'm the division director for the Industry Analysis Division of the Staff of the Missouri Public Service Commission.

Q. And are you the same Claire Eubanks who caused to sponsor the public, confidential, and highly confidential direct testimony of Claire Eubanks, which had been premarked as Staff Exhibit 104?

A. Yes, I believe there's a corrected version filed, just for clarification.

Q. Yes, the corrected version. And that has been premarked as Staff Exhibit 123.

A. Yes, thank you.

Q. And at this time, do you have any additions or corrections to, well, Exhibit 123?

A. No.

Q. And is the information contained within Exhibit 123 true and correct to the best of your belief and knowledge?

A. Yes.

Q. And if I were to ask you the same question within Exhibit 123, or even as well Exhibit 104, would your answers today be the same or substantively similar?

A. Yes.

MR. PRINGLE: And because this is Ms. Eubanks's only time taking the stand, Judge, I guess my preference would just be to admit Exhibit 123 because that's the corrected direct, but at the same time, if you would like 104 as well, we can do both.

THE COURT: Well, I was lost in a thought before that. Did Staff file an exhibit list?

MR. PRINGLE: Yes. Yes, we do. They are both on there. But 123 is the one that is the most --

THE COURT: That's the one you're offering?

MR. PRINGLE: Well, that's the corrected one. Yes. 104 had mistakes that was noticed; 123 corrected it.

MR. WILLIAMS: Isn't the only change line numbering?

MR. PRINGLE: Yes, I think so.

THE COURT: Well, I assume you'd only be offering the corrected, right?

MR. PRINGLE: Correct.

THE COURT: And it's the corrected direct?

MR. PRINGLE: Corrected direct. And is a public, a confidential and a highly confidential version.

THE COURT: Are there any objections to admitting Eubanks's corrected direct onto the hearing record?

Hearing none, Exhibit 123 is admitted onto the record.

(Exhibit 123 was received into evidence.)

MR. PRINGLE: Thank you, Judge. And at this time, Staff tenders Ms. Eubanks for cross-examination.

THE COURT: Public Counsel?

MR. WILLIAMS: No questions. Thank you.

THE COURT: MECG?

MR. LYSKOWSKI: No questions.

THE COURT: Velvet Tech?

MS. BELL: No questions.

THE COURT: Google?

MR. SCHULTE: No questions. Thank you, Judge.

THE COURT: Evergy?

MR. FISCHER: No, thank you, Judge.

THE COURT: Any Commission questions? I have no questions for you. You may step down. And that says to you -- we were doing multiple issues there, correct?

MR. PRINGLE: No. Ms. Eubanks, this was our only issue. Yeah. And that is it for Staff's witnesses on large load power service tariff and reporting.

THE COURT: Like I said, I don't have a list of which -- in front of me of which witnesses are going with which issue. So, I will just ask in order. Does MECG have any witnesses for this issue?

MR. LYSKOWSKI: No, Judge.

THE COURT: Google?

MR. SCHULTE: Yes, we have Dr. Berry available for this issue.

THE COURT: And I'll remind you you're still under oath. Go ahead.

MR. SCHULTE: Witness is available for cross-examination and commissioner questions on this issue.

THE COURT: I'm assuming this would still be a Tier 1 issue. So, MECG?

MR. LYSKOWSKI: No questions.

THE COURT: Velvet Tech?

MS. BELL: No questions.

THE COURT: Staff of the Commission?

MR. PRINGLE: I think we would go towards the end of this.

THE COURT: Well, that's when I said Tier 1, Tier 2. I have two. So, you're second, Tier 2. So, next should be OPC.

MR. PRINGLE: Yeah. Well, Evergy gets a chance before us. I know.

THE COURT: Yeah, that would make sense. Go ahead, Evergy.

MR. FISCHER: I have no questions, Your Honor.

THE COURT: There were two blocks provided for

me. Is this the top block or the bottom?

MR. PRINGLE: I think this is closer to the top block, especially in light of the stip. Bottom, sorry. Bottom, bottom block. I'm getting my blocks mixed up as well, Judge. Sorry.

MR. WILLIAMS: If it helps, Public Counsel has no questions.

MR. PRINGLE: And I think I just have one.

THE COURT: And we are there.

EXAMINATION

BY MR. PRINGLE:

Q. Good afternoon, Dr. Berry.

A. Good afternoon.

Q. Just a question for you about the LLPS tariff. You have reviewed the LLPS tariff that Evergy currently has?

A. Yes.

Q. And is it your understanding that that tariff originally had a 30-minute billing demand?

A. I don't recall.

Q. Don't recall? But at least to your understanding, part of the partial stipulation agreement was also confirming that it is a 15-minute billing demand?

A. Yes.

MR. PRINGLE: One moment, Judge.

BY MR. PRINGLE:

Q. And, Dr. Berry, you also heard Mr. Lutz just a moment ago confirm that there was no change to the billing demand as a result of stip?

A. I did.

MR. PRINGLE: Well, thank you very much for your time, Dr. Berry. I have no further questions for you on this issue.

MS. BERRY: Thank you.

THE COURT: Any Commission questions? I have no questions. Any redirect?

MR. SCHULTE: No redirect. Thank you.

THE COURT: Dr. Berry, you may step down.

MS. BERRY: Thank you.

THE COURT: And that's Google's only witness, correct?

MR. SCHULTE: Yes. Thank you.

THE COURT: Velvet said they had no witnesses. So, Office of Public Counsel?

MR. WILLIAMS: Public Counsel calls Dr. Geoff Marke.

THE COURT: Do you solemnly swear or affirm that the testimony you're about to give is the truth?

MR. MARKE: I do.

GEOFF MARKE,

of lawful age, being produced, sworn, and examined testified as follows:

THE COURT: Please be seated and state and spell your name for the court reporter.

MR. MARKE: My name is Geoff. That's G-E-O-F-F, Marke, M-A-R-K-E.

THE COURT: Go ahead.

EXAMINATION

BY MR. WILLIAMS:

Q. Good afternoon, Dr. Marke.

A. Good afternoon.

Q. Did you prepare direct testimony, rebuttal testimony, surrebuttal testimony that has been, for purposes of this hearing, identified as Exhibits 202, 203 and 204, respectively? The direct having a confidential version and a public version?

A. That's correct.

Q. Would you have any changes to any of those exhibits for them to be your testimony here today?

A. No.

Q. Are they, in fact, your testimony here today?

A. They are.

MR. WILLIAMS: I offer Exhibits 203, 204 and -- I'm sorry, 202, 203 and 204.

THE COURT: Any objections to the direct, rebuttal or surrebuttal testimony of Dr. Marke?

Hearing none, Exhibits 202, 203 and 204 are admitted onto the hearing record.

(Exhibits 202, 203 and 204 was received into evidence.)

MR. WILLIAMS: I tender Dr. Marke for examination.

THE COURT: I have Staff up first for cross-examination.

MR. PRINGLE: No questions, Judge. Thank you.

THE COURT: Velvet Tech?

MS. BELL: No questions, Your Honor.

THE COURT: Google?

MR. SCHULTE: No questions. Thank you.

THE COURT: MECG?

MR. LYSKOWSKI: No questions. Thank you.

THE COURT: Evergy?

MR. FISCHER: Just a few, Judge.

EXAMINATION

BY MR. FISCHER:

Q. Good afternoon, Dr. Marke.

A. Good afternoon.

Q. Can you see me okay?

A. I can see you.

Q. Let's go to the bottom of your direct testimony on page 38, where you begin discussing Governor Mike Kehoe's website, where he discusses data centers. Do you see that?

A. I see it.

Q. It goes on the next page there. Do you agree that it's the role of the governor and the General Assembly to establish the state policies?

A. Yes.

Q. State agencies, on the other hand, are largely expected to implement those state policies, correct?

A. I think I would agree with that. Yes.

Q. So, as a state agency, the Office of Public Counsel would be expected to implement state policies established by the governor and the General Assembly?

A. We would follow our statutory mandate.

Q. Let's go to the next page on page 39. There, on lines 2 through 4, you quote the governor's website, and he says, "Data centers strengthen Missouri's economy, create high-paying jobs, and position our state for long-term growth." Is that correct?

A. That's what it says.

Q. Do you agree with that sentence?

A. I think it can.

Q. Now, on page (sic) 8 of 39, you also quote the

governor's website. And in that page, that portion, you underline it and make in bold font. You say, "Missouri already has important consumer protection laws that prevent any companies from passing the cost onto the communities of these new centers through Senate Bill 4, which Governor Mike Kehoe signed into law in 2025." Is that correct?

A. That's correct.

Q. Would you agree that consumer protections are found in Senate Bill 4?

A. There are consumer protections in Senate Bill 4.

Q. Would you also agree that additional consumer protections can be found in Evergy's LLPS tariff that was approved in case EO-2025-0154?

A. There are protections embedded within the tariff.

Q. And I believe you were a witness in that case, correct?

A. I was.

Q. In that case, I think you opposed the LLP tariff as it was proposed by the Company, correct?

A. That's correct.

Q. And you made a number of recommendations in that case, correct?

A. I did.

Q. Many of your recommendations in this case appear to be the same as those that you made in that case, EO-2025-0154?

A. That's correct.

Q. And if we go on to page 21, at line 19, of your direct, you state that your concerns about the LLP tariffs are effectively the same concerns I had when I filed my last round of testimony, correct? Page 21, line 19 -- or 21 at line 19.

A. They are effectively the same concerns I had when I filed my last rounds of testimony on the topic. And then I go into them.

Q. Well, let's talk about those. You recommend pre-construction reporting requirements in both this case and in the previous LLPS case, correct?

A. That's correct.

Q. And you recommend reporting related to power usage effectiveness? Yes?

A. Yes, amongst other things.

Q. And water usage effectiveness?

A. Yes.

Q. And also total harmonic distortion tests, correct?

A. That is correct.

Q. And then you include, on page 25 of your surrebuttal, a portion of the Commission's report and order where the Commission rejected your proposals. Is that correct?

A. I don't see that.

Q. It's on page 25 of your surrebuttal.

A. Surrebuttal. One second.

Q. There you say, "The commission does not find the evidence presented by OPC in support of these studies convincing and finds the studies would be duplicative of efforts already performed by large load customers and Evergy. Commission rejects OPC's proposal for the Power Usage Effectiveness, Water Usage Effectiveness and Total Harmonic Distortion studies." Is that correct?

A. One second, please.

Q. Yeah, sure. Take your time.

A. That's correct.

Q. You also recommended lowering the LLPS applicability threshold in that case. Is that correct?

A. The original tariff case?

Q. Yes.

A. I did.

Q. And the Commission did not adopt that recommendation, correct?

A. That is correct.

Q. So, despite the Commission's rejection, you're again proposing the power usage effectiveness, the water usage effectiveness, and the total harmonic distortion reporting in this case, correct?

A. Correct.

Q. And you're again proposing lowering the threshold, this time to 25 megawatts. Is that right?

A. That's correct.

Q. And I believe you're also proposing changes to the minimum bill structure in this case, correct?

A. That is correct.

Q. So, your testimony in this case repeats many of the same recommendations the Commission rejected less than a year ago, right?

A. That's correct.

Q. And at this point in time, do you understand that Missouri -- or Evergy Missouri -- just has one Schedule LLPS customer that's ramping up, taking service under that tariff?

A. Under the terms of the existing tariff, yes.

Q. If you go back to your surrebuttal on page 3, at line 7, you suggest that Evergy could face catastrophic financial exposure due to data centers. Is that right?

A. That is correct.

Q. The LLPS tariff includes minimum bills, minimum demand, financial security, and a distinct customer class for Schedule LLP customers. Is that right?

A. That is correct.

Q. And are those some of the consumer protections that are already in place in Missouri?

A. The terms of the tariff?

Q. Yes.

A. Yes.

Q. In your surrebuttal on page 2, at line 14, I believe you acknowledge that Evergy is bearing some risk related to the LLPS revenue projection that Mr. Gunn discussed. At that time, he was talking about the 25 million we originally put in the case. Do you see that?

A. I do.

Q. Based upon the true-up, you understand Evergy significantly increased that number, right?

A. I do.

Q. But you say that, technically, Mr. Gunn was -- that what he said was true, correct?

A. That is what I said.

Q. And you're also aware now that Evergy and Google have entered into a non-unanimous stipulation that would significantly -- that would increase the proposed revenue adjustment?

A. It would.

Q. And that's a higher number than the number Evergy you originally suggested in true-up, correct?

A. That is true.

Q. Now, would you agree that your testimony focuses on concerns about the future profitability of the AI-related industries?

A. That is definitely a key part of it.

Q. You're not offering a financial evaluation of any specific Evergy LLP customer, are you?

A. I don't think I understand the question.

Q. You're not opining about the profitability of any particular customer that Evergy has?

A. My testimony did not speak to that. Well, let me -- hold on a second. I would say only the most general of senses. I mean, we're talking about one customer here. Now, my, my testimony is largely about the industry, big tech in general.

Q. Yeah. And you can't really tell the Commission today whether AI investments ultimately will or will not be profitable, right?

A. That is true.

Q. In fact, I think your testimony acknowledges competing studies that reached opposite conclusions regarding AI returns on investment. Isn't that true?

A. Well, let's be clear what those studies are actually saying. So, the studies that I included for the return on investment were the return on investment for the subscribers of the AI, not the tech companies themselves. There's a lot of testimony in there that calls into question the, the debt and the financial obligations that need to be met just to break even for these investments. It's different things, though.

Q. What you're talking about, I think you cited one study that said 74 percent of the business is measuring AI returns today. We're already seeing positive results. Those are the customers, right?

A. I would keep reading what I wrote there. Could, could you direct me to the page? I'll do it.

Q. It's on page 10.

A. All right.

Q. You have a lot of testimony about the AI industry and also the customers, I think, right?

A. Definitely would like the Commission to know that. Yes.

Q. And wouldn't you agree that AI technology is a real game changer for many users?

A. A game changer, I guess we'll say.

Q. Are you like me, and you're learning how to use it now?

A. Mr. Fischer, I'm not entirely sure on your proficiency level, but I would say I'm, I'm pretty weak at this point.

Q. I am, too. I agree with you.

A. Okay.

Q. You can't state with certainty that the projected AI-related load growth will not materialize in the future, right, Dr. Marke?

A. That's true.

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

THE COURT: Any Commission questions? Chair Hahn?

MS. HAHN: I think now might be the appropriate time to ask. OPC made a series of recommendations relating to the structure -- I'm going to say the fundamental structure of the tariff, which is changing the contract to 20 years, changing the contract capacity 90 percent, and changing the size to a minimum of 25 megawatts. Are you aware of any utility or state that has adopted all three of those changes in their tariffs, or where we may look for?

MR. MARKE: So, the 25-megawatt threshold is, is -- well, first of all, all of this is emerging. It's definitely in flux. What made sense a year ago today

needs to be, you know, considered within the context of the Trump administration's ratepayer pledge and the executive orders that have come out, even comments from FERC itself, about how to allocate cost.

MISO is the only RTO regulatory body that I'm aware of that's basically said -- for our purposes, we're going to say 25 megawatts of computational load e.g., data centers is how we're going to test it. That's consistent with what I'm putting forward here. So, I'm recommending effectively what MISO has. To my knowledge, SPP hasn't opined on a specific set, but I would imagine that's forthcoming.

Regarding the 90 percent threshold, I'm aware of Kentucky had 90 percent at some point. Georgia Power. I, I would need to fact-check at this point as, as to other tariffs that have included up to that level. There's a lot of nuance embedded within that.

I, I will say, on the 90 percent minimum charge, it's one issue that hasn't been brought up. We, we also introduced a, we call it community benefits rider, which would effectively waive that 90 percent and bring it back to 80 percent.

MS. HAHN: I was just trying to figure out -- those are three, what I would call, fundamental components of the framework. And so, altering all three

seems like a fairly significant change to the structure of the tariff. And so, I'm curious if there is anyone who has adopted those three. I'm not aware of any. I've heard several presentations on large load tariffs, but I was curious if you did know those things from your research. That's all. Thank you.

THE COURT: Any other Commission questions? I have none. Any questions based upon Commission questions?

MR. PRINGLE: A few.

THE COURT: Go ahead, Staff.

EXAMINATION

BY MR. PRINGLE:

Q. Good afternoon, Dr. Marke.

A. Good afternoon, Mr. Pringle.

Q. So, are you aware of NERC, N-E-R-C?

A. I am.

Q. What does that stand for?

A. National Electric Reliability Council.

Q. And are you aware of any white papers or guidance they may have given regarding large loads?

MR. FISCHER: Judge, I'm going to object to that. I think that's beyond the scope of cross or beyond the scope of what the Chair asked about.

MR. PRINGLE: I'm going off the Chair's

questions about just what else is going on around the country.

THE COURT: Overruled.

MR. MARKE: So, my understanding is that the federal government, particularly at NERC and FERC, have been more vocal about customer protections regarding isolating costs associated with the build-out of the AI data centers and regular customers.

MR. PRINGLE: Permission to approach the witness, Judge.

THE COURT: Yes.

BY MR. PRINGLE:

Q. And, Dr. Marke, I handed you a NERC advisory paper. Can you tell me what the title of that thing is?

A. This is an "Essential Action to Industry" white paper. So, "Computational Load Modeling, Studies, Instrumentation, Commissioning, Operations, Protection, and Control" is the title.

Q. And what impact, if any, would that have on your overall analysis regarding LLPS?

MR. FISCHER: Same objection, Your Honor. It's beyond the scope of anything else from the bench.

THE COURT: Overruled.

MR. MARKE: I'm sorry. Could you repeat the question, Mr. Pringle?

BY MR. PRINGLE:

Q. And what, if any, this advisory alert paper from NERC, what impact would that have on your analysis of LLPS?

A. I think it, it strengthens my arguments, quite frankly. I mean, clearly, NERC is concerned about the impact of having a lot of generation come on, or a lot of demand come online, given our current state of our grid. This, this call to action articulates that.

MR. PRINGLE: Thank you, Dr. Marke. And also, at this time, Staff would like to enter this exhibit onto the record as Staff Exhibit 181, I think it will be.

THE COURT: And what is Staff calling this?

MR. PRINGLE: NERC advisory paper, dated May 4th, 2026.

THE COURT: Any objections to admitting Exhibit 181 onto the hearing record?

MR. FISCHER: Yes, Judge. We object on grounds of lack of foundation.

THE COURT: Staff?

MR. PRINGLE: Based on Dr. Marke's testimony, this is relied upon by experts in the field. If the Commission would like me to lay further foundation, I can. But for the most part, I think Dr. Marke's testimony about it has already laid that foundation.

MR. FISCHER: Judge, could I inquire of Dr. Marke? Just one question.

THE COURT: Is it a --

MR. FISCHER: Going to foundation.

THE COURT: Yeah, I was trying to think of the legal word.

MR. FISCHER: Voir dire.

THE COURT: Thank you. Yeah. You want to voir dire the witness on --

EXAMINATION

BY MR. FISCHER:

Q. Now, with that Latin phrase in mind, Dr. Marke, have you reviewed that previously?

A. I'm familiar with the call to actions.

Q. But not that document?

A. I can't recall. I don't know.

MR. FISCHER: Lack of foundation, Judge.

THE COURT: Staff?

MR. PRINGLE: Again, it is from an organization that experts in the field rely upon. I don't believe there really is anything strange about the NERC paper in Dr. Marke's testimony. I believe they do go hand in hand, and that he has already testified that he is aware of these NERC and these level advisories. Though he doesn't recognize this exact document, he --

MR. MARKE: It is a Utility Dive article. That, that's where I know it from, so.

THE COURT: Say that again.

MR. MARKE: I've read a summation of it on a Utility Dive post. That's effectively where I was familiar with it. But this is my first time looking at the specifics of the document. But the document itself does support recommendations I put forward, or it's consistent.

THE COURT: What's the purpose of this exhibit?

MR. PRINGLE: Really to kind of show -- as the Chair was questioning Dr. Marke about those three recommendations they have and what the rest of the country may be doing. This gives a little color to that.

THE COURT: And the hiccup I'm having is he has no familiarity with the actual document, just with the summation of the document.

MR. PRINGLE: And also, I think my big focus there is just it is something that experts in the field rely upon.

THE COURT: You're an expert in the field. Is it something you rely on?

MR. MARKE: We take what NERC says seriously. It is.

THE COURT: I think you made your point with

it. I'm going to deny admitting it onto the record. I think you made the point you wanted to make.

MR. PRINGLE: Thank you, Judge. And also, just a little correction. It would have been labeled Exhibit 180, not 181 for Staff.

THE COURT: Okay.

MR. PRINGLE: Permission to approach the witness and grab the document.

THE COURT: Of course. So, Exhibit 180 is not admitted onto the hearing record.

MR. PRINGLE: And with that, Staff has no further witnesses for Dr. Marke. Thank you, Judge. And thank you for your time, Dr. Marke.

THE COURT: No more questions for Dr. Marke?

MR. PRINGLE: That's correct.

THE COURT: Any redirect?

MR. WILLIAMS: Just a few, or a little bit.

EXAMINATION

BY MR. WILLIAMS:

Q. Do you remember when Mr. Fischer asked you about Senate Bill 4 having customer protections and Evergy Missouri Metro's LLPS tariff having customer protections?

A. Yes.

Q. Do you view those customer protections to be

adequate?

A. No.

Q. Why not?

A. I would characterize those. I think what our General Assembly is intending here, or at least how I've interpreted it, is a belt-and-suspenders method. And right now, what we've got is a belt.

So, by itself, a large load tariff, it does -- reasonable minds can differ as to whether or not it should be 80 percent, 90 percent, 50, 25. Those are all -- there's legitimate arguments to be made for all of that.

But it doesn't address the issue of, of insolvency moving forward, or issues over future investment build-out. So, we've made several different recommendations, or I have in my testimony. I've made recommendations around the belt. And that includes those three elements. There's a reporting element to this. There's a qualification element, and then there is a minimum bill element to that.

And then the second part of that effectively is dealing with, with the quip and isolating, you know, cost to the cost causers. And I realize that's another issue for another day.

But from my perspective, you know, if -- when I

get asked by the public, when I get asked by the General Assembly, "Are the protections there? Can we reasonably assure that customers, regular customers, are not being -- or subsidizing data centers moving out?" For, for me to have confidence in saying that element. It would have to really -- you know, it would be aligned with recommendations that I put forward in this docket. Absent that, I think there is room for gaming, for lack of a better word.

Q. Is Public Counsel opposed to data centers?

A. No, not at all.

Q. Is Public Counsel opposed to electricity providers such as Evergy Missouri Metro serving data centers?

A. We are not.

Q. What is Public Counsel's concern?

A. Public Counsel's concern is the public interest, supporting that and aligned effectively with, with what was articulated in the state energy plan. We don't want -- well, quote it so I'm not offline on this. "Growth should not come at the -- at the expense of the families and communities companies call home." That's our position.

Q. Do you recall being asked about some concerns that you raised: power usage effectiveness, total

harmonic distortion, and there was some other effectiveness --

A. Water usage effectiveness.

Q. Water usage effectiveness.

A. Yes.

Q. Would you explain what you're referring to with those items?

A. So, the power and water are effectively benchmarks. That's what we're talking about here. From a long-term planning perspective, and I think this is key, especially in light of the state energy plan that's anticipating further generation build-out, we need the information to make informed decisions. That's what it is.

There's a long history of benchmarking efficiencies gained, you know, across different industries. That's what the power and the water effectiveness scores are attempting to do, is be open, be transparent, move off of the NDA narrative that has, quite frankly, plagued a lot of the discussion around this, and think about the long-term future of Missouri.

The third element is the total harmonic issue. We have concerns about the impact of bringing on entities that effectively consume peak load generation at the level of large cities. We have seen empirical evidence -

- and my, my testimony goes into it -- about what the impact can be for the localized residents that are near that. I've attended many a public hearing now where that has been a concern from, from Missouri citizens, amongst other things.

Effectively, what we were asking for is just to monitor it moving forward. If it's a problem, we can fix it. If it's not, so be it. We can move on to the next thing. It's unfounded. But the idea behind those three studies and those reports is effectively, A, to help long-term planning, and B, to just improve transparency and public trust.

Q. Do you recall getting some questions about the large load power service stipulation agreement between Google and Evergy?

A. I do.

Q. Do you have any thoughts on that agreement?

A. I -- my recommendation has been to reject that stipulation. You know, the concern here again is, you know, I think an obvious one. It's the concerns about overearnings and its concerns about captive legacy ratepayers who, quite frankly, are going through a tough time right now funding big tech companies.

MR. WILLIAMS: Thank you.

THE COURT: Before we move on to the next

witness, I have one question for you. You talked about the MISO threshold for large load customers of 25 megawatts, and that's for computational loads, correct?

MR. MARKE: That is the, the term of art. They're calling it computational load.

THE COURT: There are other loads, correct?

MR. MARKE: So, there -- if I understand it correctly, there, there is a 50-megawatt threshold for large load, is how they're characterizing. However, if embedded within that 50 megawatts is a standalone, or embedded within it is up to 25 megawatts of a data center, then that becomes a computational load. And that's something that needs to be checked. So, MISO is flagging two. They're saying, "Hey, the threshold's 50 unless you're a data center, then it's 25."

THE COURT: I believe Chair Hahn has a question.

MS. HAHN: Are you familiar with the SPP definition for large load under HILLS?

MR. MARKE: CHILLS or HILLS?

MS. HAHN: HILLS, CHILLS or HILLGA. It's all the same.

MR. MARKE: Not off the top of my head, Chair.

MS. HAHN: Would it surprise you to know that it's 50 megawatts?

MR. MARKE: I would say that's an improvement. It would.

MS. HAHN: Thank you.

THE COURT: Any questions based on Commission or bench questions? Any further redirect?

MR. WILLIAMS: Sure.

BY MR. WILLIAMS:

Q. Do you know anything about the rationale for the difference between the 50 megawatts and the 25 megawatts in MISO?

A. My understanding is the unpredictability around the variation across data centers. So, we -- I, I think we're doing ourselves a bit of a disservice at times when we say "data centers" as if they're all operating in one unique stream and all the same. There's a lot of variation that is out there, not just in risk profile, but in operations as well. And that's MISO's concern is it's 25, and that's why they've lowered it for data centers.

MR. WILLIAMS: Thank you.

THE COURT: Dr. Marke, you can step down. Thank you. I'd like to take about a 10-minute break now, since we're approaching 3:30. I also want to just to have it for the record. I received an email from MIEC that says it does not plan on participating in the

evidentiary hearing and has not taken a position on any of the issues in this case. So, I'm going to assume I'm granting what I'm assuming is a request to not appear at the hearing. So, that will be granted. And with that, why don't we break until 3:40? So, that's about 13 minutes. And let's go off the record.

THE REPORTER: Off the record at 3:26 p.m.

(Off the record.)

THE COURT: That was Public Counsel's last issue for issue -- or last witness for issue 31?

MR. WILLIAMS: Yes.

THE COURT: Just to be sure that I'm doing everything correctly. Is there anybody I skipped over who has witnesses for issue 31?

MR. WILLIAMS: You haven't skipped them, but EMM, I believe, has a witness that will show up tomorrow on that issue.

THE COURT: Thank you for letting me know.

MR. WILLIAMS: And it looks like he's on the next issue as well.

THE COURT: Say it again. You said EMM has another witness for this issue?

MR. WILLIAMS: Meitner. They said he's not available until tomorrow.

THE COURT: I got you. I follow. I'm sorry.

That tracks. No, I couldn't think of the witness's name.

MR. WILLIAMS: Yeah. And I see him on the fuel adjustment clause, so I assume tomorrow for that for him as well.

THE COURT: Great. I won't be there. So, we're on to issue 37, revenue sharing.

MR. PRINGLE: Issue 25.

THE COURT: Issue 25.

MR. LYSKOWSKI: And Judge Clark --

THE COURT: Hope you're right.

MR. LYSKOWSKI: Judge Clark, can MECG make a motion?

THE COURT: Go ahead.

MR. LYSKOWSKI: So, as we're looking at the schedule for the rest of today, MECG witness Greg Meyer is only here for one more issue for revenue sharing, which is next. And I'm worried that we're not going to be able to get through all this today. So, I was wondering if we could take him out of order for this one issue, this last LLPS revenue sharing issue, real quickly right now, just to make sure that he's not traveling back here tomorrow in case the FAC goes longer today.

And I've spoken with most counsel, and I think everybody was generally all right. People have the right to say otherwise. And mostly, the general response I got

was, unless there's questions from the bench, everybody's good to go.

THE COURT: Does any party have questions for this witness?

MR. PRINGLE: Staff does not.

MS. WHIPPLE: Not for the Company, subject to questions from the bench.

MR. WILLIAMS: Same.

THE COURT: Velvet?

MS. BELL: No.

THE COURT: And Google?

MR. SCHULTE: No questions.

THE COURT: Evergy? Oh, I don't have any questions for that witness. Commissioner Kolkmeyer, did you have any questions?

And his testimony has already been admitted?

MR. LYSKOWSKI: Yes, Judge. And for what it's worth, when he was up there and took some questions, we really did kind of bleed over into issue 37, and what are you covering this testimony, somewhat already.

THE COURT: Since there's no objections, I'm fine with excusing him. I don't think there's any Commission or bench questions.

MR. LYSKOWSKI: Thank you, Judge.

THE COURT: Issue 25.

MR. PRINGLE: Well, one little thing, Judge.

THE COURT: We keep doing this.

MR. PRINGLE: I know, it just keeps happening. This is another one of those issues that Staff wants to provide live testimony in response to the stip. I know you're saying we want to do the stip later, so I just want to see how you want us to approach that.

THE COURT: Well, as much as possible, I'd like to push stuff concerning the stips into it as a singular issue. But I also understand that there do need to be some questions on the stand live. So, let's just play it by ear and see what objections are drawing.

THE COURT: And I'm going to still go by the order of appearance unless they're objections. So, that would put Evergy Metro first.

MR. ROBINSON: Thank you, Your Honor. Evergy Metro calls Linda Nunn to the stand.

THE COURT: And, Ms. Nunn, I'll remind you you're still under oath. And I believe the testimony's already been entered, so --

MR. ROBINSON: It has, Your Honor. We tender Ms. Nunn for cross-examination on issue 25.

THE COURT: I'm going to go by the bottom blocks, but if anybody tells me it's in the top block. So, I've got first cross from Google.

MR. SCHULTE: No questions. Thank you.

THE COURT: Velvet Tech?

MS. BELL: No questions. Thank you.

THE COURT: Thank you. MECG?

MR. LYSKOWSKI: No questions.

THE COURT: Public Counsel?

MR. WILLIAMS: Thank you. No questions.

THE COURT: Staff of the Commission?

MR. PRINGLE: Yes, Judge. Thank you.

EXAMINATION

BY MR. PRINGLE:

Q. Good afternoon, Ms. Nunn.

A. Hello.

Q. So, in your rebuttal testimony, is it true that the Company supported Staff FAC option number 1?

A. At that time, yes.

Q. At that time. And so, due to the stip, that is no longer Evergy's position, correct?

A. That's correct.

Q. And then, is it accurate that there is an FAC base factor in that stipulation?

A. Yes.

Q. And would you agree that that base factor reduces Staff's net fuel and purchase power amount without LLPS load by a transmission revenue amount.

A. No.

Q. Then what is it?

A. We didn't reduce Staff's revenue requirements. Staff did not produce a revenue requirement with a fuel adjustment -- or with a fuel base, including.

Q. One moment, Ms. Nunn. Have you had a chance to review the true-up direct of Staff witness Brooke Mastrogiannis?

A. That -- they, they put in a number in the testimony, but it did not go into the revenue requirement. Ms. Lange directly said that it shouldn't, so. And you can't have a revenue requirement that doesn't match your base.

Q. Well, I guess that's not so much what I was asking. It was more of reducing Staff's net fuel and purchase power amount.

A. I went with the net fuel and purchase power amount that were in the EMS run that came with the true-up filing and calculated it from that.

Q. And your calculations did not result in any kind of reduction?

A. That was what was in the revenue requirement. It matches the revenue requirement that was provided to us as true-up.

Q. And then I guess we'll --

A. Yes, it's different from what was in testimony because they did not include that in the revenue requirement.

Q. I guess going back to the base factor and the stip, have you done any analysis on that?

A. That's based on Staff's revenue requirement from the true-up that was presented to us in the EMS run.

Q. Does it include transmission revenues?

A. Yes. A portion. I mean, it's, it's at the rate that Staff proposed based on their run, is the 31.8 percent.

Q. Does it include long-term capacity revenues?

A. It does.

Q. Did Staff's base factor calculation include long-term capacity revenues?

A. It did not. It included not in the FAC base. It's in that revenue requirement, but it wasn't in the base.

MR. PRINGLE: Thank you for your time today, Ms. Nunn. Appreciate it. And no further questions, Judge.

THE COURT: Any bench questions or Commission questions?

None for me. Any redirect?

MR. ROBINSON: Briefly, Your Honor.

EXAMINATION

BY MR. ROBINSON:

Q. Hello, Ms. Nunn.

A. Hi.

Q. Do you recall counsel asking you about Staff's separate LLPS base factor? I'm sorry. Pardon me. The base factor that was in the stipulation.

A. Yes.

MR. ROBINSON: Yes. Thank you. Nothing further from us.

THE COURT: Ms. Nunn, you may step down. Next witness.

MR. STEINER: Company calls Darrin Ives.

THE COURT: Mr. Ives, you're still under oath. Go ahead, Evergy.

MR. STEINER: This witness appeared before. His testimony is in the record, and he's open for questions now.

THE COURT: Google?

MR. SCHULTE: No questions. Thank you, Judge.

THE COURT: Velvet Tech?

MS. BELL: No questions.

THE COURT: MECG?

MR. LYSKOWSKI: No questions.

THE COURT: Public Counsel?

MR. WILLIAMS: Thank you. No.

THE COURT: The Staff of the Commission?

MR. PRINGLE: No questions. Thank you, Judge.

THE COURT: Are there any bench or are there any Commission questions for this witness?

Hearing none, you may step down.

MR. IVES: Thank you, Judge.

THE COURT: Thank you. Next witness.

MR. STEINER: Company calls Hsin Foo.

THE COURT: Would you raise your right hand to be sworn?

Do you solemnly swear or affirm that the testimony you're about to give is the truth?

MS. FOO: I do.

HSIN FOO,

of lawful age, being produced, sworn, and examined testified as follows:

THE COURT: Please be seated and state and spell your name for the court reporter.

MS. FOO: My name is Hsin Foo, H-S-I-N, F-O-O.

THE COURT: Go ahead, Evergy.

EXAMINATION

BY MR. HIATT:

Q. By whom are you employed?

A. I work for Evergy as a lead quantitative

analyst.

Q. Did you prepare direct, rebuttal, surrebuttal, and true-up direct testimony in this case on behalf of Evergy Missouri Metro, which had been marked as Exhibits 14, 15, 16, 17, 18 and 19?

A. Yes.

Q. Did you prepare an errata to your surrebuttal testimony on September 24th, 2026, which has been marked as Exhibit 86?

A. Yes.

Q. Do you have any corrections to your direct, rebuttal, surrebuttal, and true-up direct rebuttal testimony?

A. I do not.

Q. If I were to ask you these questions, would your answers be as set forth in Exhibits 14, 15, 16, 17, 18, 19 and 86?

A. Yes.

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

A. Yes.

MR. HIATT: Your Honor, I move to admit Exhibits 14, 15, 16, 17, 18, 19 and 86.

THE COURT: Are there any objections to admitting the direct testimony of Hsin Foo, both

confidential and public, the rebuttal testimony, both confidential and public, the surrebuttal testimony and the true-up rebuttal, as well as the errata sheet to the true-up direct? Any objections?

Those will be admitted. Exhibits 14, 15, 16, 17, 18, 19 and 86 are admitted onto the hearing record.

(Exhibits 14, 15, 16, 17, 18, 19 and 86 was received into evidence.)

MR. HIATT: Thank you, Your Honor. I now tender the witness for cross-examination.

THE COURT: Any cross-examination from Google?

MR. SCHULTE: None. Thank you, Judge.

THE COURT: Velvet Tech?

MS. BELL: No questions.

THE COURT: MECG?

MR. LYSKOWSKI: No questions.

THE COURT: Public Counsel?

MR. WILLIAMS: Thank you. No.

THE COURT: The Staff of the Commission?

MR. PRINGLE: No questions. Thank you, Judge.

THE COURT: Well, I hope you enjoyed your visit to the witness chair. You may step down. Well, are there any Commission questions? You may step down. Thank you. Next witness.

MR. HIATT: Your Honor, JP Meitner is supposed

to testify on this issue. Yes, just want to remind it. Thank you.

THE COURT: So, that's the end of Evergy witnesses for now?

MR. HIATT: Yes.

THE COURT: Staff?

MR. PRINGLE: Yes, Staff calls Brooke Mastrogiannis to the stand.

THE COURT: Would you raise your right hand to be sworn?

Do you solemnly swear or affirm that the testimony you're about to give is the truth?

MS. MASTROGIANNIS: I do.

BROOKE MASTROGIANNIS,

of lawful age, being produced, sworn, and examined testified as follows:

THE COURT: Please be seated and state and spell your name for the court reporter.

MS. MASTROGIANNIS: Brooke Mastrogiannis. It's B-R-O-O-K-E, M-A-S-T-R-O-G-I-A-N-N-I-S.

THE COURT: Thank you. Go ahead, Staff.

MR. PRINGLE: Thank you, Judge.

EXAMINATION

BY MR. PRINGLE:

Q. Good afternoon, Ms. Mastrogiannis.

A. Good afternoon.

Q. And could you state by whom are you employed, and in what capacity?

A. I'm employed with the Missouri Public Service Commission as a regulatory compliance manager in the Energy Resources Department.

Q. And are you the same Brooke Mastrogiannis who caused to sponsor what has been premarked as Exhibit 111, the direct testimony of Brooke Mastrogiannis, both public and highly confidential; the rebuttal testimony of Brooke Mastrogiannis, which has been premarked as Staff Exhibit 142, both public and highly confidential, as well as the surrebuttal true-up direct testimony of Brooke Mastrogiannis, which has been premarked as Staff Exhibit 156, both public and highly confidential? And I do not believe you have true-up rebuttal.

A. That's correct. But I also contributed to the Staff rate design.

Q. There we go. The Staff class cost of service report, which has been premarked as Staff Exhibit 125.

A. Yes.

Q. Do you have any additions or corrections to those exhibits at this time?

A. Not at this time.

Q. Is the information within those exhibits that

you contributed true and correct to the best of your knowledge and belief?

A. Yes.

Q. If I were to ask you the same questions within those exhibits today, would your answers be the same or substantively similar?

A. Yes.

MR. PRINGLE: And because Ms. Mastrogiannis will be taking the stand quite a few more times, we will not be entering her testimony on the record. However, I do have live questions I would like to ask her.

THE COURT: Go ahead.

BY MR. PRINGLE:

Q. Ms. Mastrogiannis, what was Staff's proposed FAC base factor in true-up direct?

A. Staff's proposed FAC base factor for option --

MR. HIATT: Your Honor, objection.

THE COURT: What's your objection?

MR. HIATT: This is based on the stipulation. Your Honor, for the record, we state that our objections are before that Staff is eliciting live testimony. And the stipulation is improper since we haven't discussed that issue.

THE COURT: And as I've indicated before, you're going to have an opportunity at the end to deal

with that as a separate issue. So, I'm going to go ahead and let Staff question on this. So, that'll be --

MR. HIATT: Thank you, Your Honor. Just preserving our objection.

THE COURT: I appreciate that. And you're welcome to do so.

BY MR. PRINGLE:

Q. Would you like for me to repeat the question, Ms. Mastrogiannis?

A. No, I remember it. Staff's proposed FAC base factor for option 1 was 0.02030 per kilowatt-hour, which includes large load customers in the FAC with an annualized load and estimated annualized expenses.

Staff's proposed FAC base factor for option 2 was 0.01901 per kilowatt-hour, which does not incorporate any large load customers. Staff notes that FAC option 2 does not rely on assumptions to the degree of FAC option 1. For this reason, Staff prefers FAC option 2.

Q. And what was Evergy Missouri Metro's proposed base factor in true-up direct?

A. Evergy witness Ms. Linda Nunn recommends a base factor in true-up direct of 0.01932 per kilowatt-hour.

Q. What was the FAC base factor that was incorporated into the LLPS partial stipulation and agreement that was filed on October 5th?

A. It was 0.01742 per kilowatt-hour. Staff notes this base factor is significantly lower than Staff's proposed recommended base factors, both option 1 and option 2, in true-up direct, and Evergy Missouri Metro's proposed recommended base factor in true-up direct.

Q. Does the LLPS partial stipulation and agreement recommended FAC base factor of 0.01742 per kilowatt-hour incorporate any energy expense or kilowatt-hours towards large load customers?

A. Not that I am aware of. It is Staff's understanding that it takes Staff's net fuel and purchase power costs and adds in long-term capacity sales and some other small reconciliation items between the FAC and the revenue requirement in its numerator. Then it takes Staff's NSI in the denominator, which also does not include any kWh for large load customers. Essentially, it takes both of Staff's data points for Staff's option 2, and then adds in long-term capacity sales.

Q. And for the record, what does NSI stand for?

A. Net system input.

Q. And does Staff have concerns with this proposed FAC base factor that was in the LLPS partial stipulation and agreement?

A. Staff has concerns because, if the Commission chooses to include large load customers in the FAC, then

the FAC option 1 data needs to be used in the base factor calculation for a more realistic net fuel and purchase power amount that will be used in future fuel adjustment rate filings to offset the difference between the actual net energy cost and the net base energy cost. Instead, Evergy Missouri Metro and Google are utilizing a smaller FAC based factor, which will then intentionally cause Evergy Missouri Metro to underrecover a substantially higher amount between rate cases.

In addition, Evergy Missouri Metro is attempting to include long-term capacity sales in the FAC base factor calculation, which is not recommended by Staff for various reasons, as stated in my testimony along with Staff witness Sarah Lange. A few key points to highlight are that Evergy Missouri Metro's long-term capacity sales will fall off after the expected rates in this case, and Evergy Missouri Metro will add in long-term capacity purchases after the expected base rates of this case. If only one aspect is added in the base factor, it is disproportionate to the reality of expected long-term capacity in the future.

It appears a majority of the volume and capacity purchases is based on an estimate of what Evergy expects to pay for capacity specific to large load customers. Staff does not agree to include it in the FAC

because this capacity is for specific contracts for large load customers, and those customers should be paying for additional capacity they need. The large load tariff case includes provision for interim capacity that addresses this.

Staff's recommendation is consistent with the approach of Ameren Missouri as well, which they state under the large load tariff, the cost of interim capacity is to be paid by the large load customer pursuant to an additional demand charge as part of their electric service bill and including those same costs in the FAC would negatively impact existing customers and result in the double recovery of capacity costs.

And lastly, inclusion of long-term capacity contracts in the FAC related to large load growth will result in double recovery through the existing rates for service.

MR. PRINGLE: Thank you for that Ms. Mastrogiannis. And at this time, Staff tenders the witness for cross-examination.

THE COURT: Any cross from Public Counsel?

MR. WILLIAMS: Thank you. No.

THE COURT: Velvet Tech?

MS. BELL: No questions.

THE COURT: Google?

MR. SCHULTE: No questions. Thank you, Judge.

THE COURT: Thank you. MECG?

MR. LYSKOWSKI: No questions, Judge.

THE COURT: Evergy Metro?

MR. HIATT: No questions, Your Honor.

THE COURT: Any questions from the Commission?

I'm going to ask one just because it was brought up and just because I'm kind of curious. There are two previous large load tariff cases that we've talked about. We've talked about Evergy's, I believe, and we've talked about Ameren's, but I've heard far more talk about Ameren's. Why do we keep pointing back to Ameren's large load case and not Evergy's?

MS. MASTROGIANNIS: Well, what I just stated in my live rebuttal actually referred to their rate case, which was recently filed, I think in ER-2026-0291. But it does, I guess.

THE COURT: They weren't talking about the 054 case.

MS. MASTROGIANNIS: I think their large load case was ET-2025-0184.

THE COURT: But that was --

MR. PRINGLE: That's accurate. ET-2025-0184.

THE COURT: Thank you.

MS. MASTROGIANNIS: Yeah. So, it's -- it does

stem from that case, I guess. Sorry, you might have to reask your question.

THE COURT: I don't think I do.

MS. MASTROGIANNIS: Okay.

THE COURT: I think it was a poorly worded question. I'm just going to let it go. Any questions based on my ramblings? You may step down unless there's redirect.

MR. PRINGLE: No redirect, Judge. Thank you.

THE COURT: Staff, you may call your next witness.

MR. PRINGLE: Staff once again calls Ms. Sarah Lange.

THE COURT: Ms. Lange, I'll remind you again that you're on oath. Go ahead, Staff.

MR. PRINGLE: Thank you, Judge. And, yeah, Ms. Lange is under oath, has been introduced. I have one live question for her on this.

THE COURT: Go ahead.

EXAMINATION

BY MR. PRINGLE:

Q. Ms. Lange, is it accurate that the FAC base and the stipulation reduces Staff's net fuel and purchase power amount without LLPS load?

MR. FISCHER: Your Honor, I'll object just to

preserve the objections on live testimony.

THE COURT: Thank you. That'll be overruled.

MS. LANGE: That, that is correct. And again, I appreciate the confusion that the, the, I guess, simplified manner that Staff chose to present its true-up case may have resulted in some confusion among the parties, as we heard from Ms. Nunn.

My true-up direct testimony at page 43 provides what Customer A annualized usage and what Customer A annualized energy expense you would include in the FAC if you included Customer A in the FAC. As Ms. Nunn noted, I did not build in energy expense into the revenue requirement for that level of energy expense. But I also didn't build in energy revenue for that level of energy consumption, as I've noted throughout the testimony. Those are basically the same number.

So, you, you need to reflect the kWh and the energy expense in the FAC if you're going to include LLPS in the FAC. And you can definitely do that calculation to come up with the, you know, the plus or minus $1,000 or whatever difference the energy rate revenue is from the energy expense for serving Customer A. But we just didn't complicate the calculation by adding a number of, of revenue to subtract back out as energy expense.

BY MR. PRINGLE:

Q. Is a lower FAC base factor better or worse for ratepayers?

A. As Ms. Nunn noted, you want the FAC base factor to accurately reflect what is in the, the revenue requirement. Of concern here is, is that we have no stipulation from these parties on what their fuel and purchase power levels are. You know, they, they didn't include that on the list of issues settled with the LLPS stipulation. So, we don't know how those tie.

That, that said, if, if you've got those matching up, generally speaking, a lower FAC base factor means that the FAC charges going forward are going to be higher, all else being equal.

MR. PRINGLE: Thank you for your time today, Ms. Lange. And at this time, Staff tenders the witness for cross-examination.

THE COURT: Any cross-examination from OPC?

MR. WILLIAMS: Thank you. No.

THE COURT: Velvet Tech?

MS. BELL: No questions.

THE COURT: Google?

MR. SCHULTE: Yes. Thank you, Judge.

EXAMINATION

BY MR. SCHULTE:

Q. Good afternoon, Ms. Lange.

A. Good afternoon.

Q. Can I direct you to page 40 of your conforming direct testimony?

THE COURT: And, Mr. Schulte, just because I missed the question. Would you repeat it for me?

MR. SCHULTE: Yes. I was just directing her to page 40 of her conforming direct testimony.

THE COURT: Thank you.

MS. LANGE: I'm there.

BY MR. SCHULTE:

Q. At page -- or, sorry, at line 5 of that page, you begin your discussion of incremental expenses associated with large load customers. Is that accurate?

A. Yes.

Q. And you state that Staff used the demand and energy for each customer at the level annualized for true-up. That's at lines 8 and 9. Do you see that?

A. I see that.

MR. SCHULTE: And I apologize. I realize now I need to go into confidential session.

THE COURT: In camera?

MR. SCHULTE: Yes.

THE COURT: Let's go in camera. No confidential information was said, correct?

MR. SCHULTE: No.

THE COURT: Okay.

[redacted]

LEXITAS

[redacted]

THE COURT: Let's go out of in camera.

MR. SCHULTE: Thank you, Judge.

BY MR. SCHULTE:

Q. The cost of producing energy is not germane to

LEXITAS

the -- could you repeat that?

A. The cost of a utility to produce energy is not germane to the value of the energy that is used to serve load.

Q. And you are using to calculate the incremental expense associated with LLPS customers. You are using the value, the market value of energy, not the cost of producing the energy, correct?

A. Correct.

Q. And the market value of energy is based on the day-ahead locational marginal price. And you have a chart on page 41 that shows weighted average LMPs by month and by load factor. Do you see that table?

A. Using Staff's direct normalized DA LMPs, that is correct. That is what that table shows.

Q. If you flip back to page 40, there's an explanation for what you relied on for that table. It says you relied on Evergy's most recently provided incremental cost analysis study by load factor. Is that accurate?

A. Yeah, for the hourly shapes to use to apply to the Staff's day-ahead normalized and annualized numbers.

Q. So, the incremental cost analysis study by load factor, what is the -- how did Evergy provide that? What was the context? Was it in a cost of service -- a class

cost of service study?

A. It was in Evergy's incremental cost of energy filings.

Q. I'm sorry, I'm not familiar with those filings. Could you just elaborate?

A. There's a requirement under an energy tariff that Evergy files incremental energy and capacity cost analysis, and this is the shape that Evergy used in the analysis provided to Staff for each load factor for each month.

Q. I see that the table has months listed across the top, January through December. What year is that representing?

A. So, with direct, this was using Staff's direct LMPs, which at that time, I believe, were ending with the update. And then that gets trued-up through the power prices used in Staff's updated fuel and purchase power net expense modeling.

Q. So, this table was updated in the true-up?

A. I don't know that I put the entire table in the filing of true-up just to save space, but it was in my work papers, and the, the value that I used was in my testimony. That may have been on an annual basis, what was in testimony as opposed to the monthly numbers. Again, I'm just trying to not -- trying to have a piece

of testimony that's a little bit shorter.

Q. So, and sorry if you answered this, I didn't catch it. But this has the 12 months of the year listed at the top. What year is that supposed to represent, or is it an average of yours?

A. That's Staff's normalized purchased power prices, based on Staff's updated test -- I'm sorry, test year as updated, which was calendar year 2025.

Q. And so, these LMP prices are -- they came from Staff's normalized numbers, not the Evergy's incremental cost analysis study by load factor?

A. I think the Evergy numbers were in my rebuttal, but, yeah, this is using the Staff's numbers for the Staff direct testimony.

MR. SCHULTE: And for the purposes -- well, I think we may need to go into highly confidential session again.

THE COURT: Let's go in camera. I know I've said this before, but if there's anybody in here who's not authorized to hear this information, you need to step out. Go ahead.

[redacted]

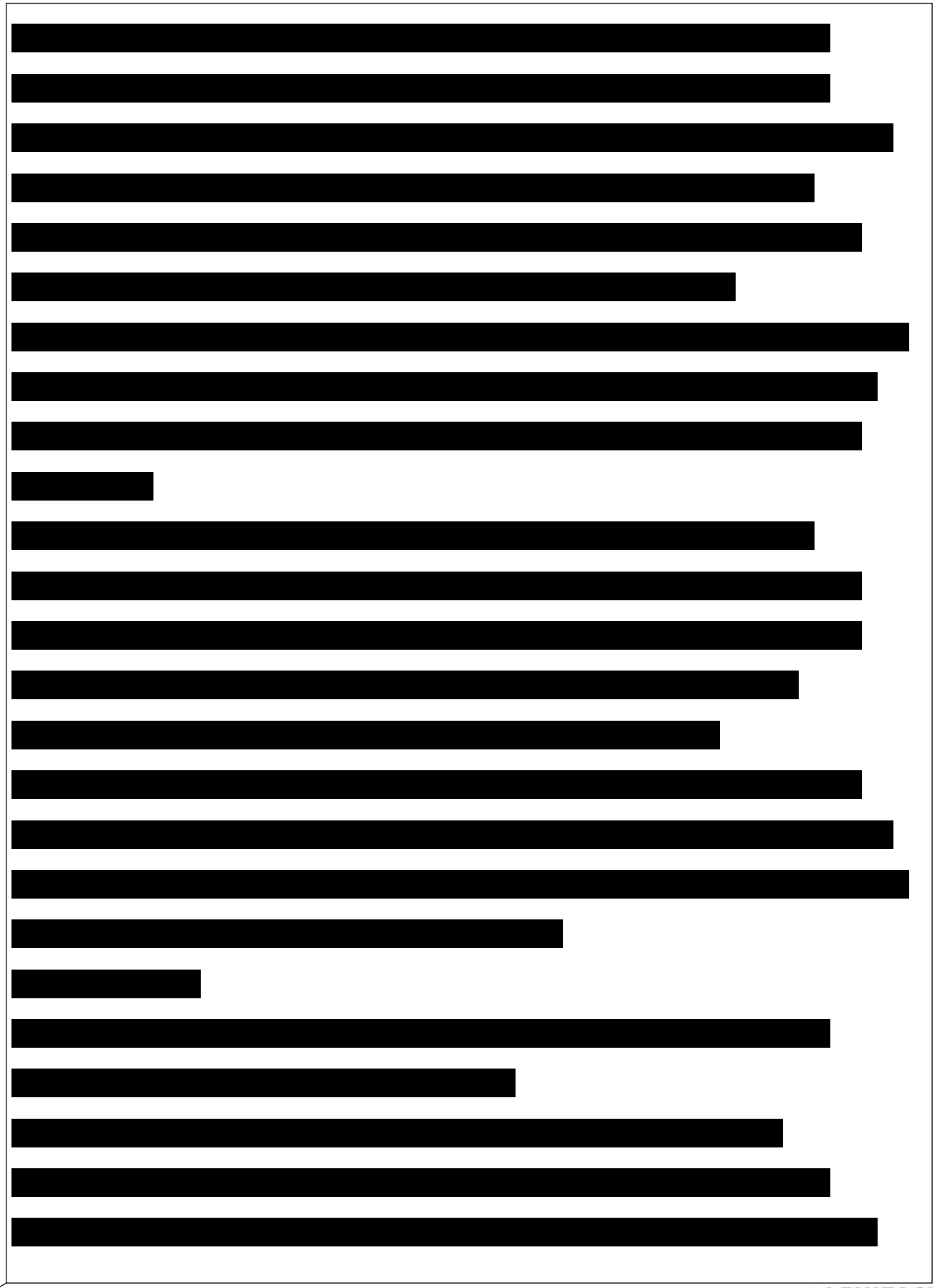
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THE COURT: Thank you. Let's go out of in camera, and I'll take a look at that testimony later and see what needs to be made public.

MR. SCHULTE: My apologies.

THE COURT: It's okay. Thanks. MECG?

MR. LYSKOWSKI: No questions. Thank you.

THE COURT: Evergy Metro?

MR. FISCHER: No questions. Thank you.

THE COURT: Are there any Commission questions for this witness? None. I have no questions on this issue for you. Any redirect?

MR. PRINGLE: Yes, Judge. Thank you.

THE COURT: Go right ahead.

EXAMINATION

LEXITAS

BY MR. PRINGLE:

Q. Ms. Lange, so when it comes to LMP -- well, LMPs in general, what three components make up LMPs?

A. There's an energy cost component, which is calculated as the cost of the last unit dispatched in that particular interval to operate. There is a congestion cost component, which is reflective of a unit that would not have been able to be dispatched to operate because of inadequate transmission between the load and that dispatchable unit.

And there is a loss component that reflects the, basically, the distance and the physical properties of the transmission wires that exist between any given area where load is drawn from the transmission system in any given area where load is injected into the transmission system. And that's true of both the day-ahead and the real-time markets for each interval.

Q. And also, how is marginal energy cost determined by SPP for calculating energy expense -- or actually, scratch that last part. Just how is marginal energy cost determined by SPP?

A. In the LMP?

Q. Yes.

A. Okay. So, the marginal energy expense is the production cost bid submitted by the last unit to be

dispatched in a given interval.

So, if -- let's say that you're a company that has a lot of coal plants, and you might dispatch at, you know, two cents per kWh, but you're all out of -- you're, you're generating as much as you can in that interval, and then you need to serve some more load. You're probably not going to fire up your oil peaking unit that might dispatch at a cost of, you know, 10 cents per kWh.

You know, the market is going to, to say the next most efficient unit is this other coal plant or, or is this, you know, maybe a combined cycle unit that's two states over, and it's, it's dispatch cost was, let's say two and a half cents per kWh. And so, that establishes a market value through a fair and, and largely unmanipulable process for the value of all energy transacted at each location at any given point in time in both the day-ahead and real-time markets.

Q. Why do you say it is largely unmanipulable?

A. It's all about the VOM. Nobody wants to hear me talk about VOM, but that is variable operating and maintenance expense, and that is a factor that, that utilities may or may not include in their pricing. And, and there's also the issue of must-take, must-run. It is -- to the degree there is manipulation, that is largely outside of this Commission's purview and, and more

charged to the market monitor of each applicable RTO.

Q. And then does the EMM load node LMP that you discussed earlier include marginal energy cost components?

A. Yes.

Q. And is the marginal energy component driven by the cost of Evergy Missouri Metro's generation?

A. Only coincidentally in a given hour. So, I think one of the things that's been really confusing in this case is I think there's what may seem like a reasonable assumption that growth in, in Metro's retail load would drive growth in Metro's generation. It, it may; it may not. It's entirely coincidental.

The FAC shares EMM net revenue over the volume of retail load. And EMM retail load growth always means more purchases at that LMP value in each applicable market, and regional load growth may mean more net revenue, but that doesn't align with any particular change in the NSI.

Q. And why does it not align?

A. So, let's say that, that you've got a data center or an aluminum smelter or, or any other large load that goes in, in Southern Iowa -- not Southern Iowa. Let's go with Northern Oklahoma. I'm struggling for a moment on where the, the footprints lie for the RTOs.

Metro may be called upon to generate more energy in a given interval to serve large loads that are occurring in Oklahoma or anywhere else in the SPP footprint. And at the same time, load growth in Metro's footprint may drive a unit in Oklahoma or, you know, any other state in the SPP footprint, to be dispatched.

There's, there's not a one-for-one that when you generate -- when there is not a one-for-one, that your retail load going up by a kWh means that you're going to generate another kWh, and that you're going to make net revenues on that kWh. But it is a guarantee that your retail load going up by that one kWh means that you're going to be purchasing that kWh at the day-ahead market value of energy.

Q. And kind of going back to also this incremental cost analysis study by load factor, you said that the cost of a utility to produce energy is not germane to the value of energy to support load. Why is that?

A. Because all load is transacted. The value of that is established by the market, and all load is purchased through the market. Now, for reporting purposes that are incredibly tedious and incredibly detailed, those get summarized so that, my understanding is that the FERC implemented those requirements when, I believe, it was the PJM and MISO integrated markets were

first getting off the ground, and the, the between the 2005-2010 time frame, just so it, it wouldn't look like companies' net incomes -- or, I'm sorry, the companies' gross incomes were wildly swinging month to month.

But at the end of the day, if you are generating a kWh of energy that you're making, you know, a tenth of a cent of profit on, you can generate a lot more energy and not generate a lot more revenue with that energy. But your load cost is your load cost.

And, and that, that -- I always get the number wrong. I think it is FERC Order 688. It may be FERC Order 668. But that's -- those order dates and the clarifications that the FERC issued on that are set out in my surrebuttal testimony.

MR. PRINGLE: Thank you, Ms. Lange. One moment, Judge. Thank you for your time today, Ms. Lange. No further questions, Judge.

THE COURT: Thank you. You can step down. Staff, do you have another issue for this -- or another witness for this issue?

MR. PRINGLE: I do not believe we have any more on this issue, but let me just double-check that real quick. No, that is it for Staff on this issue.

THE COURT: Thank you. MECG, do you have a witness on this issue?

MR. LYSKOWSKI: No, we do not, Judge. Thank you.

THE COURT: Google?

MR. SCHULTE: Yes. We call Dr. Berry.

THE COURT: And, Dr. Berry, I'll remind you you're still under oath.

MR. SCHULTE: Dr. Berry's testimony has been entered into the record, so she's available --

THE COURT: I'm sorry. I didn't hear if you said that the witness was tendered. I apologize.

MR. SCHULTE: No, I hadn't yet. Sorry. I was discussing something, but yes, she is available for cross-examination on this issue.

THE COURT: Any cross-examination from Velvet Tech?

MS. BELL: No, Your Honor.

THE COURT: Any cross-examination from Evergy Metro?

MR. FISCHER: No, Your Honor.

THE COURT: Any cross-examination from MECG?

MR. LYSKOWSKI: No, Your Honor.

THE COURT: Public Counsel?

MR. WILLIAMS: Thank you. No.

THE COURT: The Staff of the Commission?

MR. PRINGLE: No questions, Judge. Thank you.

THE COURT: I don't think there are any Commission questions. And I have no bench questions. So, Dr. Berry, you may step down.

MR. SCHULTE: Judge, before Dr. Berry steps down. Sorry, Dr. Berry. I just want to confirm. We had discussed the fact that issue 22B, which she's also listed as a witness for, should the general construct of EMM's FAC be changed, is very much intertwined with this issue number 25, should changes be made to the FAC to address LLPS customers. And so, my assumption is that we are not going to call Dr. Berry back tomorrow for 22B, and that everyone's waiver of cross on this issue includes that issue as well. Thank you.

THE COURT: Is that correct? I remember talking about issue 22 this morning, and I remember you talking about how essentially these two questions were the same question. And I generally agree with that. Does any party have questions for this witness on 22 -- is it B?

MR. SCHULTE: Yeah, 22 in general, I guess because it's lumped together.

THE COURT: On 22.

MR. WILLIAMS: Not unless the Commission does.

MR. PRINGLE: What OPC said.

THE COURT: I don't hear anybody else that says

they have any questions. So, I'm going to assume we've addressed it for issue 22 as well. So, this witness will not be called back for issue 22.

MR. SCHULTE: Thank you for your indulgence, Judge.

THE COURT: And, Dr. Berry, you may step down.

MS. BERRY: Thank you.

THE COURT: Velvet, do you have any witnesses for this issue?

MR. WILLIAMS: Yes. Public Counsel calls Ms. Angela Schaben.

THE COURT: I think I was asking Velvet if they had any. I don't believe they do.

MS. BELL: We do not.

THE COURT: Ms. Schaben, would you raise your hand to be sworn?

Do you solemnly swear or affirm that the testimony you're about to give is the truth?

MS. SCHABEN: Yes.

ANGELA SCHABEN,

of lawful age, being produced, sworn, and examined testified as follows:

THE COURT: Please be seated and state and spell your name for the court reporter.

MS. SCHABEN: Angela Schaben, A-N-G-E-L-A, S-C-

H-A-B-E-N.

THE COURT: Go ahead, Public Counsel.

MR. WILLIAMS: Thank you.

EXAMINATION

BY MR. WILLIAMS:

Q. Good afternoon, Ms. Schaben.

A. Good afternoon.

Q. Did you prepare and cause to be prefiled testimony, direct, rebuttal and surrebuttal that had been identified as Exhibits 217, 218 and 219, the direct having confidential and a public version, and the surrebuttal having highly confidential, confidential and public versions?

A. Yes.

Q. Were those to be your testimony here today, would you have any revisions?

A. No.

Q. Are they, in fact, your testimony here today?

A. Yes, yes.

MR. WILLIAMS: With that, I offer Exhibits 217, 218 and 219.

THE COURT: Any objection to admitting Schaben's direct, rebuttal or surrebuttal onto the hearing record?

Hearing none, Exhibit 217, 218 and 219 are

admitted onto the hearing record.

(Exhibits 217, 218 and 219 was received into evidence.)

MR. WILLIAMS: I tender Ms. Schaben for examination.

THE COURT: Is there any cross-examination from the Commission Staff?

MR. PRINGLE: No questions, Judge. Thank you.

THE COURT: Any cross-examination from Velvet Tech?

MS. BELL: No, Your Honor.

THE COURT: Any cross-examination from Google?

MR. SCHULTE: No, thank you, Judge.

THE COURT: MECG?

MR. LYSKOWSKI: No, Judge.

THE COURT: Evergy Metro?

MR. FISCHER: No, thank you.

THE COURT: I don't think there are any Commission questions, and I have no bench questions. So, Ms. Schaben, you may step down.

MS. SCHABEN: Okay, thanks.

THE COURT: Does that complete that issue?

MR. PRINGLE: I believe so, Judge.

THE COURT: Let's talk logistics because it's 4:43. And so, I want to -- I have some logistical

questions. The court reporter, Ms. -- is it Wilson?

THE REPORTER: Yes, it is.

THE COURT: Do you have a hard time today that you have to leave?

THE REPORTER: No I don't.

THE COURT: Thank you. I would like to -- and I'll take input on this. I would like to go ahead and, even though we're approaching 5 o'clock, go ahead and plow into the next issue. Any objections to that or comments about it?

MR. WILLIAMS: No, Judge. I have been advised by my witness, Ron Nelson, that what's reflected in the footnote 5 is accurate for his availability, except that he is now available from 10:30 to 4:00 on 10/15. And I want to point out that the schedule reflects that he is available on October 9th, which is inaccurate.

And the schedule contemplates an issue for which he is a witness. My understanding is that probably most of the customer program issues are going to be resolved. So, there might be a possibility of moving him up to the prior day. I want to make the Commission aware of that.

THE COURT: I followed about 25 percent of that. So, I want to back up just a little bit. Why don't we just -- I'll just ask some quick questions

because I'm not as good at processing always when things are coming at me. So, this is Nelson, and rather than going over what's changed, what's Nelson's availability?

MR. WILLIAMS: Today till 6:00. Tomorrow till 10:30 to 4:00. He's not available the 8th or the 9th. He's available the 13th from 10:30 to 6:00. He has become available the 15th from 10:30 to 4:00, and he is available the 16th from 10:30 to 4:00.

THE COURT: And this does not concern the current issue before us, or does it?

MR. WILLIAMS: Correct.

THE COURT: So, you're just telling me his availability, so that we can shift him where?

MR. WILLIAMS: Right now, I think the schedule is contemplating rates and revenue responsibility on Friday, which he is not available for.

THE COURT: I follow you now.

MR. WILLIAMS: He has issue 32A.

THE COURT: But you said he's available tomorrow from 10:30 to 4:00?

MR. WILLIAMS: Yes.

THE COURT: I don't really -- well, let me ask this. Are you suggesting that we take him up at this time in lieu of issue 37, or?

MR. WILLIAMS: No, I'm just pointing out there

is a conflict, and he needs to be accommodated.

THE COURT: I'm happy to accommodate him. Why don't we push ahead with issue 37 as kind of we were planning, and I will try and find a spot for him tomorrow between that 10:30-4:00. Does that work?

MR. WILLIAMS: If that works for the Commission.

THE COURT: Well, does that work for you and your witness? Because I don't want to top-down hammer this.

MR. WILLIAMS: No, that's fine.

THE COURT: Thank you. Thank you for bringing that to my attention, too. I've made a note, but if I don't bring it up by, say, noon tomorrow, remind me. So, there's no objections to going on with 37?

MS. WHIPPLE: Judge, I wonder if we might shortcut it. Kevin Gunn's already been up and excused. Dr. Berry -- oh, no, she been excused yet? Yes.

THE COURT: Yeah. But the only other issue, I didn't think she -- was Berry on 37?

MR. JEVONS: Yes.

THE COURT: So, Dr. Berry will be testifying again?

MR. JEVONS: Yes.

MS. WHIPPLE: I think we would offer to waive

cross on the issues -- the witnesses for issue 37, except for in response to potential bench questions. So, if other parties agree to that, we might just have the witnesses that the Commission would like to talk to and then see if parties have recross after that. Otherwise, I think we can excuse a bunch of witnesses.

MR. PRINGLE: And, Judge, from Staff's perspective, really, we like to have Kim Bolin do some live testimony, and that's all we have, really, for this issue.

THE COURT: And I have a -- I do have a question for Ms. Bolin, so that will be necessary. So, this is kind of all over the place. Who are Evergy Metro's witnesses for 37? You said Gunn.

MS. WHIPPLE: Gunn. But he's already been excused. Darrin Ives and Ron Klote.

THE COURT: For Staff?

MR. PRINGLE: Sorry, Judge. I was talking to Ms. Bolin. What was that?

THE COURT: I just want to know who your witnesses are for issue 37. Is Lange a witness for that, as well as Bolin?

MR. PRINGLE: I believe so. She has a very tiny part of it, so, yes, she would be called, but it's a very tiny bit of it.

THE COURT: And are there any other parties that have witnesses for issue 37?

MR. WILLIAMS: Yes, Staff has Ron Nelson.

THE COURT: OPC?

MR. WILLIAMS: I mean, Public Counsel. I'm sorry. It's been a while since I worked for Staff.

MR. LYSKOWSKI: MECG had Greg Meyer.

THE COURT: But we've already waived on Meyer, so that's not necessary.

THE COURT: And Google, are you going to have Dr. Berry on 37 as well?

MR. SCHULTE: Yes, she's available for issue 37.

THE COURT: Well, what I'm trying to ascertain is what witnesses we need to -- in response to Evergy's proposal to shorten this, I just want to find out; does anybody -- what we're talking about right now is waiving cross on these, correct?

Does anybody have cross for Ives? No. Anybody have cross for Klote? And I may not be saying that right. Does anybody have any cross-examination on issue 37 for Sarah Lange?

I have questions for Ms. Bolin, so that is not a waivable one. Does anybody have questions on this issue for Mr. Nelson? And were you wanting to put on

Nelson in the absence of questions for any reason?

MR. WILLIAMS: No, he's going to be on for some other topics, but not this one.

THE COURT: And are there any questions for Dr. Berry? Any cross-examination for Dr. Berry on issue 37?

Are there any objection -- well, nobody has any questions. Are there any objections to, for this question, waiving Ives, Klote, Lange, Nelson and Berry?

Hear no objections, those witnesses do not have to appear for 37. Is there any testimony on part of any of those witnesses that needs to be entered for that?

MS. WHIPPLE: Ron Klote does have testimony, but he's coming up later in the case, and we can enter his testimony at that time.

THE COURT: Sounds great.

MS. WHIPPLE: Thank you.

THE COURT: So, I guess if we're going through this now, we are to Staff.

MR. PRINGLE: Staff calls Kim Bolin.

THE COURT: Ms. Bolin, would you raise your right hand to be sworn?

Do you solemnly swear or affirm that the testimony you're about to give is the truth?

MS. BOLIN: I do.

KIMBERLY BOLIN,

of lawful age, being produced, sworn, and examined testified as follows:

THE COURT: Please be seated and state and spell your name for the court reporter.

MS. BOLIN: My name is Kimberly Bolin, K-I-M-B-E-R-L-Y, B-O-L-I-N.

THE COURT: Go ahead, Staff.

MR. PRINGLE: Thank you, Judge.

EXAMINATION

BY MR. PRINGLE:

Q. Good afternoon, Ms. Bolin.

A. Good afternoon.

Q. And by whom are you employed, and in what capacity?

A. I'm employed by the Missouri Public Service Commission. I am the director of the Financial and Business Analysis Division.

Q. And are you the same Kimberly K. Bolin who caused to sponsor surrebuttal testimony in these proceedings that has been marked as Staff Exhibit 150?

A. I am.

Q. And do you have any corrections or additions to make to Exhibit 150 at this time?

A. I do not.

Q. Is the information contained within Exhibit 150

true and correct to the best of your knowledge and belief?

A. It is.

Q. If I were to ask you the same questions within Exhibit 150, would your answers today be the same or substantively similar?

A. Yes, they would.

MR. PRINGLE: Thank you, Ms. Bolin. At this time, Judge, because this is Ms. Bolin's only issue, Staff moves to enter Exhibit 150, the surrebuttal testimony of Kimberly K. Bolin, onto the record.

THE COURT: Any objections to admitting Bolin's surrebuttal onto the hearing record?

Hearing none, so admitted. Exhibit 150 is admitted onto the hearing record.

(Exhibit 150 was received into evidence.)

MR. PRINGLE: Thank you, Judge. And now, just a few questions for Ms. Bolin.

MS. WHIPPLE: And, Judge, just to preserve the record, we would lodge our same objections as to this live testimony.

THE COURT: That's preserved. Overruled.

MS. WHIPPLE: Thank you.

BY MR. PRINGLE:

Q. Ms. Bolin, what are the differences between the

earnings-sharing mechanism proposed in the LLPS stipulation and agreement and Staff's recommended earnings-sharing mechanism?

A. There are two differences. The first difference is the deadband of 20 basis points that is included in the LLPS stipulation agreement. It was not included in the Ameren Missouri earnings mechanism. If you take that deadband and apply it to Staff's rate base as of true-up rebuttal, that is roughly $5 million that the Company will keep above their authorized ROE.

The second difference is related to PISA. And Evergy wants to -- or the parties want to amortize any earnings related to PISA over 20 years. This was also not included in the Ameren earnings mechanism. I think it needs a little clarification. I'm not sure how you determine PISA earnings and other earnings, and what would be excess and what wouldn't be excess. I don't know how you would do that.

Q. And is there any kind of deadband in the Ameren earnings-sharing mechanism?

A. There is not. And there's a 20 basis point deadband in the one proposed for this case.

Q. And does the LLPS stipulation and agreement earnings-sharing mechanism include any CWIP for Mullin Creek Number 2 in rate base?

A. Yes, they do. And Staff is opposed to the inclusion of Mullin Creek Number 2 CWIP in rate base. Thus, Staff would not recommend including the CWIP associated with Mullin Creek 2 in the rate base calculation to determine the excess earnings.

THE COURT: And is that because that's to be ordered in the CCN?

MS. BOLIN: That is correct.

MR. PRINGLE: That was my next question, Judge. Well, thank you very much for that testimony, Ms. Bolin. At this time, Staff tenders Ms. Bolin for cross-examination.

THE COURT: Bear with me. Public Counsel?

MR. WILLIAMS: No, thank you.

THE COURT: Velvet Tech?

MS. BELL: No questions, Your Honor.

THE COURT: Google?

MR. SCHULTE: No questions.

THE COURT: MECG?

MR. LYSKOWSKI: No questions, Your Honor.

THE COURT: Evergy Metro?

MS. WHIPPLE: Briefly.

EXAMINATION

BY MS. WHIPPLE:

Q. Hi, Ms. Bolin.

A. Hello.

Q. Are you aware if there are differences between Ameren's and Evergy Metro's original LLPS tariffs?

A. I'm aware there's not an earnings mechanism in there, but I'm not familiar with all the details between the two tariffs.

Q. Are you aware of any other differences?

A. No, I'm not.

MS. WHIPPLE: Thank you. That's all.

THE COURT: Thank you. Any Commission questions?

MR. MITCHELL: I've got one, Your Honor.

THE COURT: Commissioner Mitchell, go ahead.

MR. MITCHELL: Are you aware or do you know what the genesis is of the 20 basis point deadband, I guess, as we called it, or a trigger for when a revenue sharing mechanism would begin? Do you know why that's there? What is the logic or rationale for it?

MS. BOLIN: Google had proposed a 25 basis point deadband. That's -- but I'm not sure the reasoning behind that.

MR. MITCHELL: I'll save my question for a little later, then.

THE COURT: Thank you, Commissioner. I have one question. And that is, you're familiar with the

sharing mechanism that was put forth by Google?

MS. BOLIN: Yes, I am.

THE COURT: Can you explain how the mechanism that Staff is proposing, or you in particular, would work better than the revenue sharing mechanism proposed by Google?

MS. BOLIN: Yes. Staff's revenue sharing mechanism would not have a deadband. It would be any amount over the authorized ROE. You would first look at the authorized ROE to determine if the company was overearning, and then you would evaluate the LLPS revenue. And if the LLPS revenue do not exceed what was in rate base, then you would not share any of the revenue.

THE COURT: Is that it?

MS. BOLIN: They also -- I believe they had a 75/25, if I remember right. Staff is proposing a 65/35 sharing mechanism.

THE COURT: Thank you so much. Are there any questions based upon Commission or bench questions? Any redirect?

MR. PRINGLE: Yes, Judge.

EXAMINATION

BY MR. PRINGLE:

Q. Ms. Bolin, during your conversation with Judge

Clark, I believe you said when it came to that sharing mechanism about base rates, did you mean rate base or -- rate base or base rates?

A. Base rates.

MR. PRINGLE: Thank you.

MS. BOLIN: Sorry.

MR. PRINGLE: That is all I have, Judge. And I ask that Ms. Bolin be excused.

THE COURT: Any objections to finally excusing Ms. Bolin? Ms. Bolin, you're excused. Thank you for your testimony. Unless I'm wrong, that completes issue 37. Is that correct?

MR. PRINGLE: I believe so, Judge.

THE COURT: And so, we will start up tomorrow at 9:00 a.m. with issue 22. Am I correct there? Is there anything that I need to address before we adjourn for the day?

MR. SCHULTE: Now that we've finished the first set of issues, could we get an update on your thinking, Judge, about the stipulation issue? Will witnesses be subject to being recalled to testify on the stipulation? Is that still your thinking and what would be the timing of taking that up, if so?

THE COURT: I mean, my preference would be to take it up towards the end as much as possible. I mean,

even the parties today have said things about other issues potentially reaching some sort of party resolution. So, as long as the ground keeps shifting, I'm kind of reluctant to want to put it up right away.

I understand that this is an issue that was necessitated by the filing of five stipulations. And so, it is my intent to, if witnesses need to be called on that issue, to accommodate them as much as possible. And that means Webex, if necessary. So, if there are availability issues where Webex would not work, then that should probably be brought to my attention.

But my plan right now is to kind of take it up as one of the last issues. Now, in my experience, these hearings tend to be rather front-loaded. So, the first few issues tend to, much like today, take a long time to get through. But it typically, as we've gone along, the time it's taken to do issues has diminished as we've gone along further.

I think there will be an exception for that because I think Renew's issues are at the end, and they have some interest in those. So, does that answer your question? Or is that just me rambling again?

MR. SCHULTE: No, that is helpful because Dr. Berry does not have an issue on the current schedule until Friday. I was going to suggest that it would be

okay for her not to stay in Jefferson City and to head back to Washington, D.C., where she lives. She will be available by Webex later in the hearing if needed.

THE COURT: I have no problem with that. Does any other party have any objections to that?

No, I think that would be fine.

MR. SCHULTE: Thank you, Judge.

THE COURT: Is there anything else the Commission needs to address at this time?

Hearing nothing, we are adjourned until tomorrow morning at 9:00 a.m. And we will go off the record.

THE REPORTER: Off the record at 5:04 p.m.

(Proceedings concluded at 5:04 p.m.)

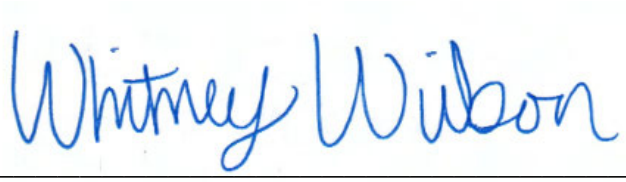
CERTIFICATE OF DIGITAL REPORTER

I, WHITNEY WILSON, Digital Reporter, do hereby certify:

That the witness whose testimony appears in the foregoing proceedings was duly sworn by me; that the testimony of said witness was accurately captured with annotations by me during the proceeding.

I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

IN WITNESS THEREOF, I have hereunto set my hand this 6th day of October, 2026.



Whitney Wilson
Digital Reporter

CERTIFICATE OF TRANSCRIPTIONIST

I, RAGHUL RAJKUMAR, do hereby certify:

That said audio transcription is a true record as reported by me, a disinterested person.

I further certify that I am not interested in the outcome of said action, nor connected with, nor related to any of the parties in said action, nor to their respective counsel.

IN WITNESS THEREOF, I have hereunto set my hand this 21st day of October, 2026.



_____

Raghul Rajkumar

