

1 STATE OF MISSOURI  
2 PUBLIC SERVICE COMMISSION  
3  
4 TRANSCRIPT OF PROCEEDINGS

5 Public Hearing  
6 August 24, 2006  
7  
8 Kansas City, Missouri

9 Volume 3

10

11

12 In the Matter of the )  
13 Application of Kansas City ) Case No. ER-2006-0314  
14 Power & Light Company for )  
15 Approval to Make Certain )  
Changes in Its Charges for )  
Electric Service to Being the )  
Implementation of Its )  
Regulatory Plan )

16

17 RONALD D. PRIDGIN, Presiding,  
18 REGULATORY LAW JUDGE  
(via videoconference)  
19 CONNIE MURRAY,  
(via videoconference)  
20 ROBERT M. CLAYTON III,  
LINWARD "LIN" APPLING,  
COMMISSIONERS

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24 REPORTED BY: Tammy S. Menke

25

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20 I N D E X

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PAGE

22 Ms.

23 Mr.

24 Mr.

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

2 JUDGE PRIDGIN: Good evening. The Missouri  
3 Public Service Commission has set this time for  
4 the local public hearing in Case  
5 No. ER-2006-0314, in which KCP&L seeks a rate  
6 increase.

7 The Missouri Public Service Commission  
8 regulates the rates charged by investor-owned  
9 utility companies in Missouri to ensure that  
10 those rates are just and reasonable. The  
11 Commission also regulates the quality of service  
12 and safety of operations of investor-owned  
13 utilities.

14 The Commission is made up of five  
15 commissioners, three of whom are at the hearing  
16 this evening. These commissioners were  
17 appointed by the governor for fixed terms, and  
18 confirmed by the Senate. The commissioners  
19 employ a staff of engineers, accountants,  
20 attorneys, financial analysts and other  
21 specialists in the field of utility regulation.

22 I am Ron Pridgin. I am a regulatory law  
23 judge for the Missouri Public Service  
24 Commission. And I will preside over this  
25 evening's hearing.

1           With me this evening in Jefferson City is  
2           Commissioner Murray. And there in Kansas City,  
3           Commissioner Clayton and Commissioner Appling.

4           This is an official hearing of the Missouri  
5           Public Service Commission. And the statements  
6           and testimony of witnesses will be recorded by  
7           the court reporter and must be given under oath.  
8           All of the commissioners will have a chance to  
9           read all of your remarks.

10          In addition to tonight's hearing a  
11          trial-type hearing is set for October 16th  
12          through 20th, and 23rd through 27th, 2006,  
13          beginning each morning at 8:30, at the  
14          Commission's offices at the Governor Office  
15          Building in Jefferson City, Missouri. That  
16          hearing is a public hearing and KCP&L will have  
17          the burden of proving it's case. The party will  
18          present their witnesses for and against the rate  
19          increase at that time.

20          The purpose of tonight's hearing is to hear  
21          from you. The company will not present  
22          witnesses and will not answer questions. This  
23          is your chance to testify and your remarks will  
24          be made a part of the official record of this  
25          case.

1           I will call the name of each witness who  
2           has signed up to speak, in the order in which  
3           you signed up. When your name is called please  
4           come forward to the witness area. I will ask  
5           the court reporter to swear you in. And I will  
6           ask you to state your name and spell it for the  
7           court reporter so she can put it in the record  
8           accurately. I will ask you some preliminary  
9           questions, such as your name, address, and  
10          whether you are a KCP&L customer. And you may  
11          then make your statement to the Commission.

12          After you are done there may be questions  
13          from the commissioners or from me, so please  
14          don't leave the witness area until you are  
15          excused. Now, if there is someone who wishes to  
16          testify, but because of his convictions cannot  
17          take an oath, please notify me or the court  
18          reporter so that your testimony may be affirmed  
19          instead. Are there any questions before we  
20          begin tonight's public hearing?

21          MR. OCHOA: No questions, your Honor.

22          JUDGE PRIDGIN: Hearing no questions we'll  
23          begin the local public hearing in Case  
24          No. ER-2006-0314, in the matter of the  
25          application of Kansas City Power & Light Company

1           for approval to make certain changes in it's  
2           charges for electric service to begin the  
3           implementation of its regulatory plan.

4           I would like to get entries of appearance  
5           from counsel, beginning with Staff, please.

6           MR. THOMPSON: Kevin A. Thompson, general  
7           counsel for the Commission, for the Staff of  
8           Missouri Public Service Commission, Post Office  
9           Box 360, Jefferson City, Missouri 65102.

10          JUDGE PRIDGIN: Mr. Thompson, thank you.

11          On behalf of the Office of the Public  
12          Counsel, please.

13          MR. MILLS: On behalf of the Office of the  
14          Public Counsel and the Public, my name is Lewis  
15          Mills. My address is Post Office Box 2230,  
16          Jefferson City, Missouri 65102.

17          COMMISSIONER CLAYTON: Did you get that?

18          JUDGE PRIDGIN: I'm sorry. I did not.

19          COMMISSIONER CLAYTON: He said it and it's  
20          on the record.

21          JUDGE PRIDGIN: That's fine. If I could  
22          get counsel, if it's at all reasonable to get to  
23          a microphone I would appreciate it.

24          Let me go through the counsel that were  
25          there for the noon hearing. I don't want to

1 skip over anybody, but maybe to save time.

2 Is counsel there for Trident?

3 COMMISSIONER CLAYTON: Judge, hang on just  
4 a second. We're going to work this microphone  
5 deal.

6 JUDGE PRIDGIN: Thank you.

7 (Discussion held off the record.)

8 MR. MILLS: That's the only other counsel.  
9 In addition to myself we have Jackson County and  
10 Kansas City Power & Light, and they want to do  
11 their appearance now.

12 JUDGE PRIDGIN: Thank you, Mr. Mills.

13 MR. ZOBRIST: Karl Zobrist, Sonnenschein,  
14 Nath & Rosenthal, 4520 Main Street, Kansas City,  
15 Missouri 64111, for applicant Kansas City Power  
16 & Light Company.

17 JUDGE PRIDGIN: Mr. Zobrist, thank you.

18 MR. FINNEGAN: On behalf of Intervenor,  
19 Jackson County, Jeremiah Finnegan, Finnegan,  
20 Conrad & Peterson, 3100 Broadway, Suite 1209,  
21 Kansas City, Missouri 64111.

22 JUDGE PRIDGIN: Mr. Finnegan, thank you.

23 Any further entries of appearance?

24 MR. OCHOA: No, your Honor.

25 JUDGE PRIDGIN: All right. Mr. Ochoa,

1                    thank you.

2 I would then like to start with the  
3 witnesses. And Mr. Ochoa, do you have the  
4 witness list?

5 MR. OCHOA: I do.

6 JUDGE PRIDGIN: Would you introduce the  
7 first witness, please?

8 MR. OCHOA: The first witness is David  
9 Pacha.

10 MR. CLAYTON: Make sure you speak into the  
11 mike so that it's heard.

12 MR. PACHA: Okay.

13                                 DAVID PACHA,  
14         being first duly sworn, was examined and testified as  
15         follows:

16 JUDGE PRIDGIN: Once again, can I please  
17 get you to state your name for the record and  
18 spell your name for the court reporter.

19 THE WITNESS: The name is David Pacha,  
20 P-a-c-h-a. And the address is 910 Pennsylvania,  
21 Kansas City, Missouri 64105.

22 JUDGE PRIDGIN: Mr. Pacha, thank you. Are  
23 you a customer of Kansas City Power & Light?

24 MR. PACHA: Yes, I am.

25 JUDGE PRIDGIN: All right. Do you have a



1 statement for the Commission, sir?

2 MR. PACHA: Yes. I was looking at the rate  
3 increase that I got in the flyer with my bill a  
4 couple of months ago. I see they're asking for  
5 11.5 percent. I didn't get 11.5 increase in pay  
6 this year. I haven't seen any consumer  
7 statements that would indicate the cost of  
8 living has went up 11 percent; and therefore, I  
9 don't see any reason why KCPL should be asking  
10 for 11 percent increase.

11 JUDGE PRIDGIN: All right, Mr. Pacha.

12 THE WITNESS: It seems --

13 JUDGE PRIDGIN: I'm sorry. I didn't mean  
14 to interrupt.

15 THE WITNESS: No, that's about it. I don't  
16 have any horror stories in terms of service.  
17 But I do feel the rate increase is excessive.

18 JUDGE PRIDGIN: Okay. Thank you very much.  
19 Let me see if we have any questions from the  
20 commissioners.

21 Commissioner Murray.

22 COMMISSIONER MURRAY: Mr. Pacha, is that  
23 correct?

24 THE WITNESS: Yes.

25 COMMISSIONER MURRAY: I wanted to say that

1           correctly.

2                     First of all, thank you for being here.  
3           I'd just like to ask you: Do you have any  
4           criteria by which you are saying that the rate  
5           increase is unjust? I mean, have you looked at  
6           any details or do you have a figure which you  
7           believe would be a just and reasonable rate  
8           increase?

9                     THE WITNESS: Something more along the cost  
10          of inflation, two or three percent.

11                    COMMISSIONER MURRAY: So do you think that  
12          we should automatically every year tie our  
13          utility rates to the cost of living?

14                    THE WITNESS: Not necessarily. It depends.  
15          You know, there would of course be exceptions to  
16          that. But, you know, when you see a rate  
17          increase of this magnitude you look upon it as,  
18          you know, compared to what you were paying last  
19          month, and this month you're going to be paying  
20          11 percent more. I look upon it as those simple  
21          terms and that's 11 percent increase.

22                    COMMISSIONER MURRAY: Okay. Thank you very  
23          much.

24                    JUDGE PRIDGIN: Commissioner Murray, thank  
25          you.

1 Commissioner Clayton.

2 COMMISSIONER CLAYTON: Thank you, Judge.

3 Mr. Pacha, I just want to ask you a couple  
4 of brief questions. First of all, you said that  
5 you didn't have any horror stories on service.  
6 I wanted to ask you if you could evaluate the  
7 service you receive from KCP&L?

8 THE WITNESS: As far as I know it's  
9 adequate. I mean, I don't know how to read a  
10 meter or anything. But I'm assuming the meter  
11 readings are correct.

12 COMMISSIONER CLAYTON: Let's start with an  
13 easy question. Do the lights stay on generally?  
14 Do you have --

15 THE WITNESS: Pretty much.

16 COMMISSIONER CLAYTON: Do you have  
17 blackouts very often? We had some testimony  
18 earlier today there was some statements about  
19 maybe power clicking on and off.

20 Do you have any problems or anything that  
21 you believe is out of line?

22 THE WITNESS: No, I can't -- no evidence of  
23 that.

24 COMMISSIONER CLAYTON: Do you have any  
25 quality of service? For example if you had a

1           problem or a downed line, any problems getting  
2           through to KCP&L customer service or dealing  
3           with any officials from KCP&L?

4           THE WITNESS: No, because I've spoken to  
5           them only once or twice in my years of service.

6           COMMISSIONER CLAYTON: There haven't been  
7           any problems?

8           THE WITNESS: No, no issues.

9           COMMISSIONER CLAYTON: Acceptable levels?

10          THE WITNESS: Yes. Yeah, acceptable  
11          levels.

12          COMMISSIONER CLAYTON: Okay. How about  
13          issues associated with billing and paying your  
14          bill? Are you satisfied with the billing, the  
15          way it's done right now? Other than maybe the  
16          billing is to high. Other than the amount are  
17          you satisfied with the way your interaction is  
18          with the company with regard to billing?

19          THE WITNESS: Yes.

20          COMMISSIONER CLAYTON: Okay. Okay. I was  
21          going to ask you if you did get a raise, since  
22          you said you didn't get an 11.5 percent raise.  
23          But I'm not going to ask you if you got a raise  
24          this year at all. We don't want to put that in  
25          the record, so.

1 Thank you very much for coming.

2 THE WITNESS: Thank you.

3 JUDGE PRIDGIN: Commissioner Clayton, thank  
4 you.

5 Commissioner Appling.

6 COMMISSIONER APPLING: Mr. Pacha, I have no  
7 questions, but thank you for coming out tonight,  
8 okay.

9 THE WITNESS: Thank you.

10 JUDGE PRIDGIN: Commissioner, thank you.

11 Mr. Pacha, I don't have any questions for  
12 you, but thank you very much for taking the time  
13 to come out and testify.

14 THE WITNESS: Thank you.

15 JUDGE PRIDGIN: Thank you very much.

16 Mr. Ochoa, if you would introduce the next  
17 witness, please. Or bring the next witness up  
18 to the microphone.

19 MR. OCHOA: Bob Jackson.

20 ROBERT T. JACKSON,  
21 being first duly sworn, was examined and testified as  
22 follows:

23 JUDGE PRIDGIN: If you would, please state  
24 your name and spell your name for the record,  
25 sir.

1           THE WITNESS: My name is Robert T. Jackson,  
2           R-o-b-e-r-t, middle initial T as in Tom,  
3           Jackson, J-a-c-k-s-o-n.

4           JUDGE PRIDGIN: Either your business or  
5           personal address, please.

6           THE WITNESS: My business address is 414  
7           East 12th Street, Fourth Floor, City Hall,  
8           Kansas City, Missouri 64106.

9           JUDGE PRIDGIN: Are you a KCP&L customer?

10          THE WITNESS: Yes, I am.

11          JUDGE PRIDGIN: All right. Do you have a  
12          statement for the Commission, Mr. Jackson?

13          THE WITNESS: Yes, sir, Judge, I do.

14          My comment on behalf of the City is not in  
15          relation to the adequacy or inadequacy of the  
16          rates, but just a process of addressing some of  
17          the customers and particularly the low income  
18          customers and making allowances for their  
19          affordability.

20          And when I say allowances, without rambling  
21          too much I'd just like to say that the State of  
22          Missouri receives significant funds annually to  
23          pay fuel bills. And one of the things I would  
24          like to see utilities, and particularly Kansas  
25          City Power & Light at this juncture is to

1 address the use of the public funds that are  
2 received to pay fuel bills, and to help shape  
3 that public policy in a way that has a better  
4 outcome for the most vulnerable population. And  
5 in my opinion Kansas City Power & Light's most  
6 vulnerable customers. And I'd like to see them  
7 request the funding source, which is the  
8 Missouri Department of Natural Resources, permit  
9 public testimony and discussion on the use of  
10 funds.

11 In particular, this year Department of  
12 Social Services received close to 80 million  
13 dollars in funding to pay fuel bills. And one  
14 of the things that occurs each year is that  
15 there is no change in how those funds are used.  
16 And I believe that it would be beneficial,  
17 particularly as rates for customers continue to  
18 escalate, that there actually be a position of  
19 utility companies if they actually believe that  
20 there is a better way to distribute those funds  
21 and to make sure that the use of those funds  
22 improve the capacity of the low income customer  
23 to continue to pay bills and to stay in their  
24 homes. So I'm really just suggesting that the  
25 utility kind of weigh in on that decision and

1           that discussion. And that is going on right  
2           now. And it goes on annually as the Department  
3           of Social Services receive the fuel funds from  
4           the federal government.

5                     Again, it is with regard to that issue and  
6           not the adequacy or inadequacy of the rate  
7           request itself, the rate increase itself.

8                     JUDGE PRIDGIN: All right, Mr. Jackson.  
9           Thank you very much. I'll see if we have any  
10          questions from the bench.

11                    Commissioner Murray.

12                    COMMISSIONER MURRAY: Thank you.

13                    Now, Mr. Jackson, thank you for being here  
14          this evening.

15                    In relation to your suggestion that KCP&L  
16          weigh in on these discussions, help me, if you  
17          will, to understand what discussions  
18          specifically you are referring to.

19                    THE WITNESS: Yes, Commissioner. Each year  
20          the Department of Social Services receives an  
21          allocation of funds from the Federal Department  
22          of Health and Human Services. It is called  
23          LIHEAP, that is the Low Income Home Energy  
24          Assistance Program.

25                    Over the last years -- and I would say at



1           least ten years or more, there has not been an  
2           opportunity for the public to have a discussion  
3           and a discourse on how best to use those funds.  
4           And those requests have been made on a very  
5           frequent basis through the Department of Social  
6           Services to suggest ways of better coordination  
7           of the use of the funds, better distribution of  
8           the funds. And we haven't made much progress in  
9           that.

10                 I have suggested through a number of  
11           meetings and forums for a number of the  
12           regulated utilities to take a position on that  
13           because I think it is critical for the customers  
14           they are concerned about.

15                 I guess before I get too far out in left  
16           field, if you will, I want to make sure that  
17           Kansas City Power & Light does receive credit  
18           for its openness in a number of forums that they  
19           have taken an initiative to allow the City to  
20           participate in and many others as they go  
21           forward in a number of strategies to provide  
22           power and to provide some efficiencies of the  
23           use of that power. So I don't want the record  
24           -- I don't want that statement or that process  
25           to be left unsaid. Because I think that is

1 quite positive.

2 But I think that utilities can have a  
3 greater impact if they have a position -- and I  
4 don't want their position to be what I think it  
5 should be, but what they think is good business  
6 practices and best use of funds.

7 So what has occurred, again, I haven't seen  
8 a utility take a public position on the fact  
9 that there has been no public discourse on the  
10 funds that the Department of Social Services has  
11 received for the last few years. I think that  
12 in private conversations there seems to be a  
13 consensus from a number of utilities that the  
14 policy should change. But I'm not privy -- or I  
15 do not understand why the private position is  
16 not a public position if it is a good position.

17 And so I am trying to use whatever means or  
18 mechanism to have that discourse to occur, and  
19 for the citizens to be able to say that there  
20 may need to be changes in the way those funds  
21 are spent.

22 As a matter of record the State of Missouri  
23 is the only state of all the states that border  
24 Missouri that don't have a better policy and  
25 opportunity for that input. And Missouri has a

1 process of change of policy is one of three  
2 states in this full nation that doesn't have a  
3 distribution process different than what the  
4 state currently has.

5 And so those things need to be looked at  
6 because utility cost and energy affordability is  
7 going to be a problem. And we need every  
8 opportunity and mechanism to help mitigate that  
9 where possible. And so I'm just looking for a  
10 venue and an avenue and a process to help  
11 address that.

12 COMMISSIONER MURRAY: It appears you have a  
13 great deal of knowledge on the subject and have  
14 done a lot of homework on it. I'm wonder how  
15 you have been able, if at all, so share that  
16 knowledge.

17 Are you saying you are being blocked by the  
18 Department of Social Services from expressing an  
19 opinion as to changes that should have occurred?

20 THE WITNESS: Well, it's kind of hard to  
21 block me from keeping my mouth shut of anything,  
22 Commissioner.

23 I will say that I have been able to  
24 communicate with the Governor's Energy Task  
25 Force. I have made written comment and I'll

14                   So I'm only again saying that I think if we  
15                   believe there is a need to improve the  
16                   distribution of the funds, I'm asking all of  
17                   those that have an interest in it to participate  
18                   in that process.

23 Have you approached the legislature with  
24 your concerns?

1 I'm still trying because I know there are some  
2 reorganizations that are being considered at the  
3 state level and some efficiencies being  
4 reviewed. So I'm really wanting that to have an  
5 opportunity to work.

6 And secondly, certainly it would have to be  
7 the City's formal process, you know, of  
8 approaching that legislative change. And I have  
9 not exercised that possibility at this point.

10 COMMISSIONER MURRAY: Thank you for  
11 spending the time looking at these distribution  
12 issues. And I hope you will continue to express  
13 your opinion. And appreciate your being here  
14 tonight to give us that food for thought.

15 THE WITNESS: Thank you.

16 JUDGE PRIDGIN: Commission Murray, thank  
17 you.

18 Commissioner Clayton.

19 COMMISSIONER CLAYTON: I don't have any  
20 questions, Mr. Jackson. It's good to see you  
21 again. We see you quite often at the  
22 Commission. It's good so see you.

23 THE WITNESS: Thank you.

24 JUDGE PRIDGIN: Commissioner Clayton, thank  
25 you.

1 Commissioner Appling.

2 COMMISSIONER APPLING: I think I do have a  
3 couple questions.

4 Robert, good to see you again. How long  
5 have you been in this business?

6 THE WITNESS: I've been in this specific  
7 component of it for 24 years. And in housing  
8 and energy-related issues for about 32 years.

9 COMMISSIONER APPLING: Okay. There is a  
10 couple of things at the top of your list that  
11 you would consider would be a good help if you  
12 could see that happen here in Kansas City  
13 between KCPL, the Commission, and the programs  
14 that we have that you administer.

15 Is there anything that you can think of  
16 here that you would like to say to this group or  
17 to this Commission tonight?

18 THE WITNESS: I think that Kansas City  
19 Power & Light should be commended for the  
20 initiatives that it is showing in working with  
21 the City. We are jointly looking at some issues  
22 of contracting and small business participation.  
23 They have certainly been very open to the  
24 changes in our partnership in providing energy  
25 efficiency services to their customers.

1                   And there are a number of strategies that  
2                   are being looked at on a more global basis and  
3                   in concert with some other state agencies. And  
4                   they've been very open. The meetings have been  
5                   very positive.

6                   I guess I just kind of sensed a new  
7                   attitude, if you will, based on my years of  
8                   experience. And I think they should be  
9                   recognized and commended for providing that  
10                  opportunity.

11                 COMMISSIONER APPLING: Over the last year  
12                 here or last two years do you see things for  
13                 needy people in Kansas City? Is it getting  
14                 worse? Is it staying basically the same?

15                 THE WITNESS: It's getting worse and it  
16                 will continue to get worse as energy costs go  
17                 up. That's just a reality of -- it's just an  
18                 economic.

19                 COMMISSIONER APPLING: Is that happening  
20                 more with the elder?

21                 THE WITNESS: I have seen it actually be  
22                 just across the whole economic strata for low  
23                 income. You have more what we used to call near  
24                 poor, now energy poor based on cost. So what we  
25                 have is a higher income group that is being more

1           severely affected by the escalating energy  
2           costs.

3           COMMISSIONER APPLING:   Okay.   Thank you,  
4           sir.   Good to see you again.   Hopefully we can  
5           visit again about this.   Thank you.

6           THE WITNESS:   Thank you.

7           JUDGE PRIDGIN:   Commissioner Appling, thank  
8           you.

9           Mr. Jackson, I don't have any questions for  
10          you.   But like the other commissioners said,  
11          thank you so much for your testimony.   You've  
12          obviously put a lot of work and research into  
13          this and we appreciate your comments very much.

14          THE WITNESS:   Thank you.

15          JUDGE PRIDGIN:   Would the next witness  
16          please come forward to be sworn?

17          MR. OCHOA:   Your Honor, that is the last  
18          name on the sign-up sheet.

19          Is there anyone else wishing to testify  
20          tonight?   I don't see anybody.

21          COMMISSIONER CLAYTON:   Did you get that,  
22          Judge?   I don't know if you can hear Mr. Ochoa.

23          JUDGE PRIDGIN:   I did not.   I'm sorry.   I  
24          did not.

25          COMMISSIONER CLAYTON:   Mr. Ochoa called out



1           for additional witnesses and I'll do the same.

2           Are there any other witnesses that would  
3           like to appear and testify on the record  
4           tonight?  Going once.  Twice.  Three times.

5           Judge, no more takers.

6           JUDGE PRIDGIN:  Very good, Commissioner.  
7           Thank you very much.  Let me double check and  
8           see if any of the commissioners have any closing  
9           remarks.

10          Commissioner Murray.

11          COMMISSIONER MURRAY:  Nothing additional.  
12          Thank you.

13          JUDGE PRIDGIN:  Thank you very much.

14          Commissioner Clayton.

15          COMMISSIONER CLAYTON:  Nothing from me.  
16          Thank you, Judge.

17          JUDGE PRIDGIN:  Thank you.

18          And Commissioner Appling.

19          COMMISSIONER APPLING:  I thought Clayton  
20          was going to talk a little while and thank you  
21          for the opportunity.

22          To all of you, thank you for coming out  
23          tonight.  We appreciate it and we'll see you all  
24          in Jefferson City talking about the rates.  
25          Thank you.

1 JUDGE PRIDGIN: Commissioner Appling, thank  
2 you very much.

3 I would also like to thank those who showed  
4 up and testified, as well as any others who may  
5 have just simply showed up just to listen.

6 We do appreciate your input. And we're  
7 glad that you took the time out of your busy  
8 schedules to come out this evening.

9 If there's nothing further from the bench  
10 or from counsel. Hearing nothing that will  
11 conclude this hearing. We will close the local  
12 public hearing in Case No. ER-2006-0314. Thank  
13 you very much. We're off the record.

14 (Public Hearing adjourned at 6:35 p.m.)  
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