

Exhibit No.:  
Issue: Waiver or Variance from certain  
provisions of KCPL's Commercial  
Space Heating Rates  
Witness: David L. Wagner  
Type of Exhibit: Supplemental Direct Testimony  
Sponsoring Party: Kansas City Power & Light Company  
Case No.: EE-2008-0238  
Date Testimony Prepared: April 15, 2008

**MISSOURI PUBLIC SERVICE COMMISSION**

**CASE NO.: EE-2008-0238**

**SUPPLEMENTAL DIRECT TESTIMONY**

**OF**

**DAVID L. WAGNER**

**ON BEHALF OF**

**KANSAS CITY POWER & LIGHT COMPANY**

**Kansas City, Missouri  
April 2008**

**TESTIMONY**  
**OF**  
**DAVID L. WAGNER**  
**Case No. EE-2008-0238**

1    **Q:    Are you the same David L. Wagner who pre-filed Direct Testimony in this case?**

2    **A:    Yes, I am.**

3    **Q:    You testified before that you are familiar with the circumstances and background**  
4       **for KCPL's request for a waiver or variance and that you have knowledge about**  
5       **the overall basis for KCPL's request covered in the Direct Testimony of Tim M.**  
6       **Rush. Is this correct?**

7    **A:    Yes, that is correct.**

8    **Q:    You also testified that you had a role in preparing the lists of customer projects**  
9       **attached to KCPL's Application for Waiver or Variance Concerning All-Electric**  
10      **and Electric Heating Customers ("Application") and KCPL's response to the**  
11      **subsequent Information Request?**

12   **A:    Yes, I supervised and directly participated in the preparation of the lists found in**  
13      **Schedules 1 through 4 of the Application. Also, I supervised and directly participated in**  
14      **the response to the questions listed in the Information Request**

15   **Q:    Did you receive and read the April 8, 2008 Commission Order Establishing**  
16      **Procedural Schedule giving customer's affected by the Order the opportunity to**  
17      **provide testimony?**

18   **A:    Yes I did.**

1   **Q:    What is the purpose of your Supplemental Direct Testimony?**

2   A:    The purpose of my testimony is to describe the process and measures the Company took  
3       to notify customers listed in the Application to this case about the Commission's April 8<sup>th</sup>  
4       Order giving them five working days to file Written Testimony and to offer my  
5       statements as to the nature of the customer responses I received related to the Order.

6   **Q:    Please explain the process and steps you took to notify customers listed in the**  
7       **Application.**

8   A:    I was not in my office the day the Order was issued so representatives from my group  
9       participated in a meeting to discuss the order and plan our response. It was decided that  
10      an effort must be made to notify as many of the customers on the lists as possible and  
11      provide them an opportunity to communicate their positions in this case. We formulated  
12      a plan to distribute information bringing the customers up to speed concerning the case,  
13      identifying their options for responding, and the related deadlines. The following day I  
14      immediately began to review the waiver lists to make sure we had good contact email  
15      addresses for the customer projects and facilities. In most instances we did not have the  
16      owner's email contact information since we typically deal with the owner's  
17      representatives such as the architect, engineer, developer or contractor. Our contact  
18      information typically comes from the person who completed and signed KCPL's  
19      Application for Electric Service. With the help of my staff and others, we established a  
20      list of email contacts for the first 100 or so projects. We then made phone calls to  
21      discuss the case, the Order's requirements and to find out who would like to receive  
22      notice about the Order. Generally speaking, there were many questions about the case  
23      and what would be involved in putting together a response and its timing.

1   **Q:    Would you elaborate on the concerns you heard?**

2   A:    Yes.  The primary concerns I heard was frustration over the short turn around time,  
3           unfamiliarity with the regulatory process and the need to consult and/or use an attorney to  
4           make their views known.  Many told us that the turnaround time was not reasonable or  
5           too short for them to consult others in their organization for a response.  Several told us  
6           that they do not have ready access to an attorney and that it would cost too much in time  
7           and money to prepare and file a response.  Some also expressed concern or reluctance  
8           over subjecting themselves to cross examination without legal representation.  Also, there  
9           was considerable frustration on the part of those customers not placed on an electric heat  
10          rate due to administrative omissions.  These customers complied with the availability  
11          requirements for the rate, but due to circumstances outside their control, are being denied  
12          the rate.  Now they are being asked to further defend their right to receive the rate.

13   **Q:    Why is it that you did not notify all of the customers listed in the Application?**

14   A:    As I mentioned before, we had contacts for projects that were under construction or in  
15          KCPL's field design process due to the Application for Electric Service completed by the  
16          building owner or his representative.  Again, in many instances we had to make further  
17          phone calls to obtain a good email address for the most appropriate decision maker or  
18          account owner.  Once we got past the construction project list and the list of those  
19          affected due to omissions, the information we have on the prospective lists is not pointing  
20          us to the owner, but is typically the project architect, mechanical or electrical engineer,  
21          contractor or project manager.  The limited time allowed for customer response did not  
22          allow us to seek out or research actual owner contacts including their email addresses for  
23          these projects.

1   **Q:    Were there any other steps you took?**

2   A:    Yes. In the emails sent to the customers we were able to contact we included a Direct  
3        Testimony template document to show customers an example of acceptable testimony.  
4        See Schedule DLW-1, which is a sample email and Schedule DLW-2, which is the  
5        testimony template. We also informed the customers of all communication options  
6        available to them, including writing letters to the Commission or using the Commission's  
7        website to enter public comments. We felt it was important to provide other avenues to  
8        those who were reluctant to enter evidence in the case but wanted to still make their  
9        opinions known. The emails also included the Commission's April 8, 2008 Order, the  
10       Direct Testimony of Tim Rush in this case, as well as my previous Direct Testimony.

11   **Q:    When did you complete giving notice to the 100 or so customer projects?**

12   A:    Some emails went out beginning Wednesday April 9th, with the majority following on  
13        Thursday and the remainder Friday morning.

14   **Q:    Did any customers indicate they intended to provide testimony or comment?**

15   A:    Yes. As of 3:00 p.m., April 15<sup>th</sup>, I was aware of four customers planning to offer Direct  
16        Testimony, three customers who planned to write letters to the Commission and four  
17        customers who have entered public comments about the case at the Commission's  
18        website.

19   **Q:    Does this conclude your testimony?**


20   A:    Yes, it does.

In the Matter of the Application of Kansas City )  
Power & Light Company for a Waiver or Variance ) Case No. EE-2008-0238  
Of Certain Provisions of the Report and Order in )  
Case No. ER-2007-0291 )

**STATE OF MISSOURI           )**  
**) ss**  
**COUNTY OF JACKSON          )**

1. My name is David L. Wagner. I work in Kansas City, Missouri, and I am employed by Kansas City Power & Light Company as Manager, Commercial and Residential Sales, Energy Solutions Division.

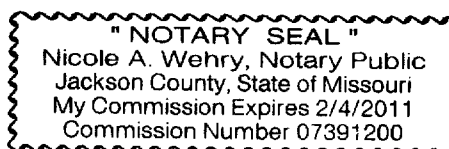
3. I have knowledge of the matters set forth therein. I hereby swear and affirm that my answers contained in the attached testimony to the questions therein propounded, including any attachments thereto, are true and accurate to the best of my knowledge, information and belief.

  
David L. Wagner

Subscribed and sworn before me this 15<sup>th</sup> day of April 2008.

Nicol A. Wey  
Notary Public

My commission expires: Feb. 4, 2011



**From:** Wagner Dave  
**Sent:** Thursday, April 10, 2008 4:17 PM  
**To:**  
**Cc:**  
**Subject:** State Of Missouri Public Service Commission Case No. EE-2008-0238 All-Electric Rate Waiver

Dear \_\_\_\_\_,

The purpose of this email is to inform you of an April 8, 2008 Order Establishing Procedural Schedule by the Missouri Public Service Commission that affects the electrically heated \_\_\_\_\_ building that was not completed as of December 31, 2007 located in Downtown Kansas City.

I previously sent you an email back in February with information about a Commission Regulatory Order issued in December that restricts KCP&L from placing customers on the commercial all-electric space heat rates after December 31, 2007. I also included KCPL's Application for Waiver or Variance that would allow KCP&L to place customers on the applicable commercial all-electric space heat rate who have projects under construction or in KCP&L's planning process as of December 31, 2007, as they are completed. The Commission then established a regulatory case - Case No. EE-2008-0238.

A prehearing conference for this case was held by the Commission in March to discuss the procedural schedule and other issues. On April 1, 2008, the Commission ordered that any party to the case wishing to respond to the proposed procedural schedule do so no later than April 4, 2008. Trigen-Kansas City Energy Corporation, the steam heat provider in downtown Kansas City and an intervenor in the case, objected to the establishment of a procedural schedule at that time and stated it would move to have the case dismissed. The Commission then issued an Order Establishing Procedural Schedule (attached).

Among other things, but key to you, the Order sets out to establish a procedure whereby customers affected by the unavailability of KCP&L's commercial all-electric rates have the opportunity to provide the Commission direct written testimony on the impact the rate's absence will have on their business.

**Schedule DLW-1**

Attached are the proceeding's key documents for your review, including the direct testimony from two KCP&L employees, the Commission's procedural schedule and a template prepared by KCP&L's legal staff you can use should you choose to provide testimony.

Ideally, customer testimony should be filed by April 15, 2008, but in no event should it be filed later than May 5, 2008. KCP&L realizes this is not much time for customer notification and response. To make this process a bit easier and to provide you other options to convey your concerns to the Commission, our legal staff has prepared some added measures available to you. These measures, along with explanation, are listed at the end of this email.

Please accept our apologies for this short notice. We fully recognize and appreciate the complexity of this case and the burden it places on our customers who would like to have a say. Please feel free to call me if you have questions. If I cannot answer your questions I'll put you in touch with the right person from our company who can.

Sincerely,  
Dave

*Dave Wagner, Manager*  
*Commercial & Residential Sales*  
*Energy Solutions*  
Wk: 816-556-2169  
Cel: 816-665-5423  
Fx: 816-556-2221  
[dave.wagner@kcpl.com](mailto:dave.wagner@kcpl.com)  
[www.kcpl.com](http://www.kcpl.com)



**Instructions for letting the Missouri Public Service Commission know about your concerns.**

**Option 1: Formal Testimony**

(Best by April 15, 2008, but in no event later than May 5, 2008)

Complete the direct testimony template that was provided to you and mail it to:

Cully Dale  
Secretary and Chief Regulatory Law Judge  
Missouri Public Service Commission  
Governor Office Building  
200 Madison Street  
PO Box 360  
Jefferson City, Missouri 65102-0360

**Option 2: Letter to the Commissioners**

Write a letter to one or all of the Commissioners explaining your concerns and how your company will be impacted. The Commissioners are: Jeff Davis, Connie Murray, Robert Clayton; Terry Jerrett, and Kevin Gunn. Those letters can also be addressed to:

Missouri Public Service Commission  
Governor Office Building  
200 Madison Street  
PO Box 360  
Jefferson City, Missouri 65102-0360

**Option 3: Submit Public Comments**

You can also submit comments electronically via the Commission's website. To do so, please follow the following steps:

- (i) visit the Commission's electronic submission website at (<https://www.efis.psc.mo.gov/mpsc/>);
- (ii) Click on "Public Comments" on the right hand side of the top row of options;
- (iii) Complete the information requested in the form (the "Case/Tracking No." is EE-2008-0238); and
- (iv) When finished, click the "Submit" button at the bottom left of the page.

If you have any questions about this process, please feel free to contact Curtis Blanc in the KCP&L Law Department at (816) 556-2483.

Exhibit No.:  
Issue: Customer Impact  
Witness: [NAME]  
Type of Exhibit: Direct Testimony  
Sponsoring Party: Kansas City Power & Light Company  
Case No.: EE-2008-0238  
Date Testimony Prepared: April 15, 2008

**MISSOURI PUBLIC SERVICE COMMISSION**

**CASE NO.: EE-2008-0238**

**DIRECT TESTIMONY**

**OF**

**[NAME]**

**ON BEHALF OF**

**KANSAS CITY POWER & LIGHT COMPANY**

**Kansas City, Missouri  
April 2008**

In the Matter of the Application of Kansas City )  
Power & Light Company for a Waiver or Variance ) Case No. EE-2008-0238  
Of Certain Provisions of the Report and Order in )  
Case No. ER-2007-0291 )

**STATE OF MISSOURI            )**  
**) ss**  
**COUNTY OF JACKSON         )**

1. My name is [NAME]. I work in Kansas City, Missouri, and I am employed by [NAME OF EMPLOYER] as [TITLE].

3. I have knowledge of the matters set forth therein. I hereby swear and affirm that my answers contained in the attached testimony to the questions therein propounded, including any attachments thereto, are true and accurate to the best of my knowledge, information and belief.

Subscribed and sworn before me this 15<sup>th</sup> day of April, 2008.

My commission expires: \_\_\_\_\_

**DIRECT TESTIMONY**

**OF**

**[\_\_\_\_NAME\_\_\_\_]**

**Case No. EE-2008-0238**

1   **Q:   Please state your name and business address.**

2   A:   My name is [\_\_\_\_NAME\_\_\_\_]. My business address is [\_\_\_\_BUSINESS ADDRESS\_\_\_\_].

3   **Q:   By whom and in what capacity are you employed?**

4   A:   I am employed by [\_\_\_\_NAME OF EMPLOYER\_\_\_\_] as [\_\_\_\_TITLE\_\_\_\_].

5   **Q:   What are your responsibilities?**

6   A:   My general responsibilities include [\_\_\_\_SUMMARIZE RESPONSIBILITIES\_\_\_\_].

7   **Q:   Please describe your education, experience and employment history.**

8   A:   [\_\_\_\_DESCRIBE\_\_\_\_]

9   **Q:   Have you previously testified in a proceeding at the MPSC or before any other**  
10       **utility regulatory agency?**

11   A:   No, I have not. [\_\_\_\_IF YOU HAVE, PLEASE MODIFY ACCORDINGLY\_\_\_\_].

12   **Q:   What is the purpose of your testimony?**

13   A:   The purpose of my testimony is to describe the impact on my company of the  
14       Commission's decision to limit the availability of KCPL's general service all-electric  
15       tariffs and separately-metered space heating rates ("All-Electric/Space-Heating Rates") to  
16       those customers receiving service under that rate as of January 1, 2008.

17   **Q:   Was your company receiving electric service under KCPL's All-Electric/Space-**  
18       **Heating Rates on January 1, 2008?**

19   A:   No, it was not.

1   **Q:**    Absent the Commission's decision to limit the availability of KCPL's All-  
2           Electric/Space-Heating Rates would your company qualify for such rates?

3   A:    Yes, we would. In fact, we made financial decisions based on our qualification for  
4           KCPL's All-Electric/Space-Heating Rates.

5   **Q:**    Please describe the financial decisions or commitments your company made based  
6           upon the assumed availability of KCPL's All-Electric/Space-Heating Rates.

7   A:    [\_\_\_WITHOUT DISCLOSING ANY CONFIDENTIAL INFORMATION, PLEASE  
8           SUMMARIZE ANY COMMITMENTS YOUR COMPANY HAS MADE, E.G.,  
9           COMMITTED TO DESIGNS, ORDERED EQUIPMENT, ETC...\_\_\_]

10  **Q:**    Has revoking the availability of KCPL's All-Electric/Space-Heating Rates altered  
11          the financial impact of your commitments?

12  A:    Yes, it has. [\_\_\_PLEASE GENERALLY DESCRIBE HOW THE COMMISSION'S  
13          DECISION ALTERED THE FINANCIAL IMPACT OF YOUR  
14          COMMITMENTS\_\_\_]

15  **Q:**    What would you recommend that the Commission do?

16  A:    The Commission should grant KCPL's request for a waiver to permit my company to  
17          receive service under KCPL's All-Electric/Space-Heating Rates.

18  **Q:**    Does this conclude your testimony?

19  A:    Yes, it does.