

BEFORE THE PUBLIC SERVICE COMMISSION
STATE OF MISSOURI

TRANSCRIPT OF PROCEEDINGS
EVIDENTIARY HEARING

In the Matter of the Fifth)
Prudence Review of Costs) File No. EO-2023-0276
Subject to the Commission-)
Approved fuel Adjustment)
Clause of Evergy Metro, Inc.,)
d/b/a Evergy Missouri Metro)

In the Matter of the)
Eleventh Prudence Review of) File No. EO-2023-0277
Costs Subject to the)
Commission-Approved Fuel)
Adjustment Clause of Evergy)
Missouri West, Inc. d/b/a)
Evergy Missouri West)

WEDNESDAY, MAY 22, 2024
9:00 A.M.
Volume 1

Governor Office Building
200 Madison Street
Jefferson City, Missouri 65101

RON PRIDGIN, Presiding
DEPUTY CHIEF REGULATORY LAW JUDGE

KAYLA HAHN, Chair
MAIDA J. COLEMAN,
JASON R. HOLSMAN,
GLEN KOLKMEYER,
JOHN MITCHELL,
COMMISSIONERS

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1 Proceedings began at 9:03 a.m.:

2 JUDGE PRIDGIN: We are on the record.
3 This is evidentiary hearing: In the Matter of the
4 Eleventh Prudence Review of Costs Subject to the
5 Commission-Approved Fuel Adjustment Clause of Evergy
6 Missouri West, Inc., d/b/a Evergy Missouri West.

7 I am Ron Pridgin. I'm the regulatory law
8 judge assigned to preside over this hearing that's
9 being held on May 22nd, 2024, in the Governor
10 Office Building in Jefferson City, Missouri. The
11 time is 9:03 a.m., 9:04 excuse me.

12 I would like to get entries of appearance
13 from counsel, please beginning with the Company.

14 MR. STEINER: Thank you, your Honor. Let
15 the record reflect the appearance of Jackie Whipple
16 and Roger Steiner. Our contact information has been
17 provided to the court reporter.

18 JUDGE PRIDGIN. Mr. Steiner, thank you.
19 Entry on behalf of the Staff of the Commission
20 please.

21 MR. KEEVIL: Yes, Judge. Appearing on
22 behalf of Staff, Jeff Keevil. Address is 200 Madison
23 Street, Jeff City, Missouri 65201.

24 JUDGE PRIDGIN: Mr. Keevil, thank you.
25 On behalf of the Office of the Public Counsel please.

1 MR. CLIZER: John Clizer on behalf of the
2 Public Counsel. My contact information is with the
3 court reporter.

4 JUDGE PRIDGIN: Very good. Thank you,
5 Mr. Clizer. Have I overlooked anyone?

6 All right. Just a couple housekeeping
7 matters before we proceed to opening statements.
8 Agenda is at noon today. I will break well before
9 noon to give everyone a chance to clear the room if
10 they would like and others to join because agenda's
11 being held in this hearing room today. And so I
12 will look for a natural stopping point somewhere
13 between 11:30 and 11:45. If I cannot find one, I
14 will probably simply cut off a witness or counsel,
15 and I apologize in advance, but we do need to give
16 time to have agenda started in this room. And we
17 will plan to reassume at 1:30 unless -- unless
18 instructed otherwise.

19 Also we will not be going late. I -- I
20 don't anticipate we'd be able to finish the hearing
21 today anyway, so we will be wrapping up no later
22 than 5:00 and finish the hearing tomorrow unless we
23 get through all the witnesses today.

24 Does counsel have anything for me or
25 anything for the Bench before we proceed to opening

1 statements? All right. Hearing nothing, I believe
2 according to the list of opening statements filed by
3 the parties that Evergy would go first. So if
4 there's nothing further from the parties, Mr. Steiner
5 or Ms. Whipple, whenever you're ready.

6 MS. WHIPPLE: May it please the
7 Commission. My name is Jacqueline Whipple with the
8 law firm of Dentons US, LLP. Today Roger Steiner of
9 the Company and I will represent Evergy Missouri
10 West, EMW, in this proceeding. We may also refer to
11 the entity as Evergy or the Company.

12 In accordance with the Commission's order
13 approving stipulation dated May 2, 2024, this case
14 now only involves the 11th prudence review for EMW's
15 fuel adjustment clause costs for the audit period of
16 June 1, 2021 to November 30th, 2022. In addition,
17 Staff no longer recommends any disallowance for this
18 proceeding. An FAC, a fuel adjustment clause, is a
19 clause filed as part of an electric utility's tariff.
20 The FAC allows the utility to increase or decrease
21 the charge for power to consumers when the utility's
22 corresponding fuel costs have increased or decreased.
23 The Company's tariff provides as part of its FAC that
24 prudence reviews of the FAC costs shall occur at
25 least every 18 months which also attracts the

1 associated statute and commission rule.

2 In this proceeding, the Commission will
3 determine whether the Company's FAC costs were
4 prudently incurred during the audit period. For such
5 determinations, the Commission has established its
6 prudence presumption and standard. The Commission's
7 historic prudence presumption and standard have been
8 approved by the Missouri Court of Appeals for years.

9 The first step for the Commission's
10 determination is the prudence presumption. And you
11 can see on the screen the presumption is a utility's
12 costs are presumed to be prudently incurred. Under
13 Missouri law this presumption may only be overcome by
14 a party who creates a, quote, serious doubt about the
15 Company's prudence. In this proceeding, the record
16 will show that OPC has not successfully overcome the
17 prudence presumption. As a result the Commission
18 does not need to move to the next step to consider
19 its prudence standard since the prudent presumption
20 has not been overcome. But even if the Commission
21 does consider the prudence standard, the competent
22 record evidence on the whole will also show that the
23 Company's FAC costs were prudently incurred.

24 The prudence standard requires the
25 Commission to determine whether the Company's conduct

1 was reasonable at the time under all of the
2 circumstances while considering that the Company had
3 to solve its problem prospectively rather than in
4 reliance on any hindsight. That determination
5 involves a two-prong test. Prong one, did the
6 Company act reasonably at the time under all of the
7 circumstances. Prong two, was any imprudence the
8 direct cause of increased costs to customers. To
9 answer those questions and certainly before ordering
10 any disallowance, the Commission must determine if
11 the party requesting a disallowance satisfied its
12 burden of proof for each prong of this test. In this
13 case the party with that burden of proof is OPC, and
14 it has not been satisfied.

15 The Company will be presenting three
16 witnesses to explain this proceeding and to answer
17 your questions. First you will hear from Kayla
18 Messamore, Evergy's vice president of strategy and
19 long-term planning who provides the Company's
20 response to OPC's proposed disallowance as related to
21 the Company's resource planning; John Reed, the
22 chairman and CEO of Concentric and CE Capital
23 Advisors provides the overview of the prudence
24 standard applicable to this case and responds to the
25 prudence assessments and proposed disallowance of

1 OPC; Darrin Ives, Evergy's vice president of
2 regulatory affairs is the Company's concluding
3 witness giving an overview of OPC's position in this
4 proceeding and Company's response thereto.

5 In this case the record evidence shows
6 that OPC improperly relies upon hindsight to claim
7 imprudence, but this Commission knows how to identify
8 arguments that are improperly based on hindsight and
9 to disregard them. For example, in a 2018 prudence
10 review for Empire, the Commission noted, It is very
11 easy to look back at market prices with perfect 20/20
12 hindsight to say that a utility's decision cost
13 ratepayers a certain sum of money.

14 OPC claims EMW was imprudent by not
15 providing a hedge against energy markets with its own
16 generation and that EMW and its sister company,
17 Evergy Missouri Metro, or EMM, should be combined to
18 supposedly combat fuel cost increases far into the
19 future. But OPC improperly cites its own speculation
20 along with market information beyond what was
21 available during the Company's decisionmaking that
22 occurred years before the audit period at issue.
23 That's improper hindsight as well as purely
24 unsupported opinion. Even if the Commission was to
25 consider OPC's analysis, it's plainly flawed on its

1 face. OPC's attempts to calculate speculative costs
2 if EMW and EMM were combined fail to justify that as
3 a result, EMM's customers would be forced to pay the
4 hypothetical costs shifted away from EMW's customers.

5 The Commission has already rejected OPC's
6 same arguments in past cases and proceedings and
7 should do so again here as Mr. Ives and Mr. Reeves
8 will testify. Accordingly, OPC's proposed
9 disallowance in this case should be rejected. The
10 Commission should not adopt OPC's proposed ordered
11 adjustment of \$86,376,294 with interest to be applied
12 to EMW's next fuel adjustment rate, or FAR, filing.
13 OPC violates the prudence standard and fails to offer
14 any competent evidence of any imprudence in the
15 Company's past resource planning or decisionmaking
16 during the audit period at issue.

17 Even Staff in its prefiled testimony and
18 position statements filed in this proceeding
19 disagrees with OPC's proposed disallowance. In fact,
20 Staff agrees that EMW was not imprudent when relying
21 on the SPP energy market and is, quote, unsure of
22 what a reasonable disallowance would be based on the
23 number of variables needed to quantify any associated
24 amount. The Company's decisions regarding generation
25 or the SPP market were prudently based on its

1 long-term integrated planning analysis, and OPC has
2 not shown otherwise as Ms. Messamore will testify.
3 Even so, under Missouri precedent -- precedent, the
4 Company cannot be punished for changed market
5 conditions outside its or any other utility's control
6 as Ms. Messamore will also testify.

7 In this case what's not in dispute is
8 crucial to a proper application of the Commission's
9 established prudence presumption and standard. The
10 record evidence will show there is no dispute by any
11 party that the Company was prudent in its
12 decisionmaking during the audit period at issue.
13 That alone is dispositive of this proceeding. There
14 is also no claim by any party of any imprudence as to
15 any specific decision by the Company during its past
16 resource planning. Therefore, OPC has not shown with
17 competent record evidence on the whole any imprudence
18 by the Company, much less any imprudence that
19 satisfies the required two-prong test. No
20 disallowance should be ordered in this case, and
21 instead, the Company should be permitted to recover
22 its prudently-incurred FAC costs.

23 If there are no questions? Thank you so
24 much.

25 JUDGE PRIDGIN: Ms. Whipple, thank you.

1 Let me double check with the Bench. Any bench
2 questions? Chair Hahn, any questions for the
3 Company?

4 CHAIR HAHN: No questions, Judge.

5 JUDGE PRIDGIN: All right. Thank you.
6 Commissioner Holsman?

7 COMMISSIONER HOLSMAN: None at this time,
8 Judge. Thank you.

9 JUDGE PRIDGIN: Thank you. Commissioner
10 Kolkmeyer?

11 COMMISSIONER KOLKMEYER: No.

12 JUDGE PRIDGIN: Commissioner Mitchell,
13 any questions for the Company?

14 COMMISSIONER MITCHELL: None from me.

15 JUDGE PRIDGIN: All right. Counsel,
16 thank you.

17 MS. WHIPPLE: Thank you.

18 JUDGE PRIDGIN: Opening statement from
19 Staff. Mr. Keevil, when you're ready.

20 MR. KEEVIL: Judge, if I could do my
21 opening statement from here, I would appreciate it.

22 JUDGE PRIDGIN: Certainly.

23 MR. KEEVIL: It would probably take me
24 longer to get up and down than it would to give this
25 opening statement.

1 JUDGE PRIDGIN: Absolutely.

2 MR. KEEVIL: Good morning. May it
3 please the Commission. As Ms. Whipple referred to,
4 on March 11th, 2024, Staff, Evergy Missouri Metro,
5 and Evergy Missouri West submitted in Case Nos.
6 EO-2023-0276 and 0277 a nonunanimous stipulation and
7 agreement. No party objected to that stipulation, so
8 the Commission treated it as unanimous.

9 On May 2nd, 2024 the Commission issued an
10 order approving the stipulation, which order became
11 effective on May 12th, 2024. Therefore that
12 stipulation is already in effect. That stipulation
13 resolved all issues which existed between Evergy
14 Metro, Evergy West, and Staff in both of the
15 referenced cases.

16 The only remaining issues, therefore, in
17 these cases are issues raised by OPC in EO-2023-0277
18 between OPC and Evergy West. Therefore, Staff does
19 not plan to be involved, as involved in this case as
20 it normally is.

21 We do have one -- one witness on the
22 issues remaining for decision, Mr. Jordan Hull, but
23 we basic -- we basically view this matter as being
24 between Company and OPC at this point. Thank you.

25 If you have any questions, I'll take a

1 shot.

2 JUDGE PRIDGIN: Mr. Keevil, thank you.
3 Any questions for Staff counsel? All right.

4 Mr. Keevil, thank you very much.

5 Opening statement from Public Counsel.
6 Mr. Clizer, when you're ready, sir.

7 MR. CLIZER: Thank you. I'm going to
8 leave the remainder here for Chairman Holsman -- not
9 Chairman.

10 Brian, it's up now? Thank you very much.
11 Want to make sure that was working.

12 If it would please the Commission.
13 Hello. My name is John Clizer. I am presenting
14 opening statements on behalf of the Missouri Office
15 of Public Counsel. So I feel the best way to start
16 here is to simply begin by explaining what the OPC is
17 arguing in this case. And in a nutshell the OPC's
18 argument is that a prudent utility operating inside
19 an RTO, or regional transmission organization, would
20 try to match the amount of energy that it generates
21 to the amount of energy it buys off the RTO energy
22 market. And the reason we argue that this is a
23 prudent decision is because it would allow the
24 utility to significantly mitigate the impact of price
25 volatility in the RTO market.

1 Now, in order to better understand that,
2 we want to talk about what an RTO, which again is a
3 regional transmission organization is and how that
4 operates. And because we have a newer commissioner,
5 I'm just going to start from the beginning, right.
6 So an RTO is an aggregator of multiple electric
7 utilities and its primary function is to coordinate a
8 multistate electric grid. And a key part of this is
9 to operate an energy market that allows all electric
10 utilities in the RTO to buy and sell energy into the
11 market.

12 Now, how this works in practice is that
13 an electric utility and an RTO buys all of the energy
14 it needs to serve customers from the RTO. However,
15 at the same time the electric utility sells all the
16 electricity it generates into the RTO energy market.
17 And because everyone is buying and selling into the
18 same pool, the RTO can set prices and ensure that
19 everyone has energy in the most efficient way
20 possible.

21 But for an individual electric utility,
22 the market has an additional benefit in that that
23 utility can use what it sells into the market to
24 offset the cost of what it's buying from the market.
25 And this is extremely important because the RTO

1 energy market, like all markets, is subject to price
2 volatility. So being able to cover its costs by
3 selling into the market at the same time you're
4 buying allows the utility to insulate itself from
5 price volatility.

6 And the best way to think about this is
7 to think of it just like having insurance, right. If
8 you own a home, you buy a homeowner's policy to
9 protect against the damage from your home. When you
10 do that, you're not thinking, Well, I know my home is
11 going to get damaged. You're not thinking, I'm going
12 to make a profit off this insurance policy. You're
13 thinking, I need this to protect against the risk of
14 something going wrong. The same concept applies to
15 the RTO market. If you own generation and can sell
16 into the market, you can offset the cost of buying
17 from the market and, therefore, prevent the risk of
18 price volatility from having an impact on you.

19 And you can actually see this in practice
20 if you look at Evergy West's sister utility, Evergy
21 Metro which was kind of discussed by the company
22 itself. So what you see right here is a graph that
23 shows the total amount of energy sold into the market
24 divided by the total amount of energy bought from the
25 market for Evergy Metro. And what you'll see is that

1 for Evergy Metro, they are averaging well above a
2 hundred percent which just that they are buying --
3 sorry -- selling far more than they're buying from
4 the market. And you might look at that dip at the
5 very end and go, What's that about. Well, that's
6 actually a -- they had to take a large nuclear power
7 plant offline for a temporary refueling. That's
8 perfectly normal.

9 And I want to kind of emphasize to you we
10 are not trying to say that the Company should always
11 be above the hundred percent. You know, we recognize
12 that sometimes you're going to dip below. But a
13 prudent utility is trying to get above a hundred
14 percent, right. That's the critical difference here.
15 We didn't bring this same argument for Evergy West
16 even though they dipped below a hundred percent at
17 one point because we recognized they were trying to
18 get above a hundred percent.

19 So how did Evergy Metro stack up against
20 that. I'm sorry. Evergy West. Gotta be careful
21 here. Evergy West, as you can see, is well below the
22 line. And this by the way is for the prudence period
23 in question that we're talking about, June '21
24 through November 2nd. Sorry. June of 2021 through
25 November of 2022. And what you can see is that

1 Everygy West is at best on average selling about 60
2 percent of the energy that it's buying. The other 40
3 percent is uncovered. It's uninsured to use that
4 analogy that I was describing earlier. And that
5 right there, that's the primary problem.

6 And I'm going to sidetrack here for just
7 a moment because I'm sure some of the commissioners
8 are aware that Everygy West just acquired shares in a
9 generating facility called Dogwood. Now, we worked
10 with the Company when they came in for that to try
11 and settle that case. And we did reach a settlement
12 and I'm glad we did because they need the energy.
13 We're happy that about that. But I want to emphasize
14 the problems here by showing you, this is what
15 happens when you add Dogwood to that equation. We
16 went back and we said, What would it look like if
17 Dogwood had been owned over that period. It doesn't
18 move the needle that much. So again, I'm happy that
19 we worked with Everygy West to acquire Dogwood. I'm
20 glad they acquired it, but they -- it's not a silver
21 bullet to this solution. Like, we are still talking
22 about a pretty big gap.

23 And I also want you to know that this is
24 not, you know, a temporary thing. This is actually a
25 long-standing problem that we've been dealing with

1 here. Evergy West has not able to cover its loads,
2 what it's buying with what it's selling since
3 around 2008 when it was acquired by Evergy.

4 JUDGE PRIDGIN: Mr. Clizer, I'm sorry to
5 interrupt. I think we have a question from the
6 bench.

7 MR. CLIZER: Oh, of course.

8 COMMISSIONER KOLKMEYER: Sorry.

9 MR. CLIZER: No, please.

10 COMMISSIONER KOLKMEYER: But let's go
11 back one slide. And this is why. What is the
12 average between the two? What would happen if you
13 averaged those two out? Or is that not -- because
14 it's all Evergy.

15 MR. CLIZER: So I'm going to say that I
16 personally right here, right now have not done that
17 math. But I will tell you that the best person to
18 ask for that would be Lena Mantle and since we know
19 that question's coming --

20 COMMISSIONER KOLKMEYER: Okay.

21 MR. CLIZER: -- we can try and use some
22 time today if we have an opportunity to figure out
23 what that number would be.

24 COMMISSIONER KOLKMEYER: Okay.

25 MR. CLIZER: I don't know.

1 COMMISSIONER KOLKMEYER: Thank you,
2 Judge. That's all right.

3 JUDGE PRIDGIN: Continue.

4 MR. CLIZER: At the time Evergy West was
5 first acquired, they were only able to cover about 74
6 percent of their load. That number has actually gone
7 down since then. Right now they again, only able to
8 cover about 62 percent. And the reason for that's
9 twofold. Obviously they've had increased load and
10 they've also shut down some major coal-fired power
11 plants.

12 In this graph you're seeing right now,
13 this is a comparison of the costs that have flown
14 through the FAC for the last four prudence periods
15 for Evergy Metro and Evergy West. And what you can
16 see, Evergy West is in red. That's because they are
17 incurring costs in each one of those prudence
18 periods. In the last prudence period, the one that
19 we're dealing with right now, those costs were over
20 \$300 million. Evergy Metro on the other hand is in
21 green and those are negative. And what that means is
22 that that company is making money in each of these
23 FAC prudence periods because they're selling more
24 into the market than they are buying. They're
25 actually producing positive revenue. And that's what

1 we're trying to get for Evergy West as well.

2 So to summarize, our argument is that
3 Evergy West was imprudent because it did not seek to
4 maintain enough generation to cover what it was
5 selling -- sorry -- buying from the market with what
6 it was selling into the market and by doing that, it
7 exposed its customers to the price volatility of the
8 energy market which resulted in extremely high costs
9 being flown for the FAC.

10 Now, one of the weirdest and most
11 interesting parts of this case is the amount to which
12 Evergy's own witnesses have testified effectively in
13 support of our position, although not always in this
14 case. So you're going to hear from three Evergy
15 witnesses today; you've already heard that. One
16 witness you're going to hear from is Mr. John Reed
17 who is a consultant that Evergy hired. Evergy also
18 hired Mr. Reed to provide testimony in the Dogwood
19 acquisition case which I mentioned earlier, right.
20 Now, this is what Mr. Reed had to testify in the
21 Dogwood case, and you can read on the slide, he
22 explained that energy prices in the wholesale market
23 can be volatile and increase the risk of high costs
24 for power purchases to meet load. He also explains
25 how reduction and reliance on spot market prices to

1 meet customer needs increases value to customer
2 through mitigating risk of higher costs.

3 And I would ask you to note this is
4 exactly what the OPC is arguing right now. So on
5 this point, Mr. Reed and the OPC are in complete
6 agreement. The possible reduction in risk that
7 Evergy West has foregone over the past decade is
8 exactly why the OPC's arguing that they have been
9 imprudent.

10 Another witness you're going to hear from
11 today is Ms. Kayla Messamore, Evergy West's vice
12 president of strategy and long-term planning. And
13 again in the Dogwood case Ms. Messamore provided
14 testimony that you now see. And again, the OPC
15 completely agrees with what she said in Dogwood. But
16 the point I want to emphasize to you is the part at
17 the end where states, The Company's dependence on the
18 energy market can create risk if it is covering a
19 large portion of customers' needs for the long term.

20 And again, I would remind the Commission
21 that Evergy West has been dependent on the energy
22 market since as far back as 2008. So again,
23 Ms. Messamore's statement here supports the OPC's
24 position in this case.

25 The last Evergy witness you're going to

1 hear from today is Mr. Darrin Ives, the vice
2 president for Evergy's regulatory affairs. Now,
3 Mr. Ives' statement comes directly from the current
4 case where he states: Market purchases can play an
5 important role in a prudent resource mix, but on
6 their own are not a plan, but rather are akin to
7 playing Lotto with customer energy supply.

8 Once again, the OPC agrees with Mr. Ives'
9 statement and points out that playing Lotto with
10 customer energy supply is exactly what Evergy West
11 has been and still is doing. And I would hope that
12 upon seeing what the Company's own witnesses have to
13 say you would understand why we're bringing this case
14 and why we think there's been imprudence.

15 Also I'm going to briefly touch on the
16 prudence standard because it is a very big part of
17 the Company's case. Now, there was mention at one
18 point that the OPC hasn't identified a single
19 decision. That's not -- sorry -- not true. The
20 decision that we've identified is the ongoing
21 decision to not acquire sufficient generation to
22 cover what they're buying. It's not a single point
23 in time decision like, We're going to buy that house
24 or we're going to, you know, sell this car. It is an
25 ongoing decision.

1 But let's talk about hindsight here
2 because that was a very big part of the opening you
3 heard from the Company. Now, the OPC is absolutely
4 not relying on hindsight. And the simple reason for
5 that is because we were only looking at the two
6 things that Evergy knew before the prudence period.
7 The first is that they knew they didn't have enough
8 energy to cover their load. They've known that
9 since 2008. And second thing is just energy markets
10 are volatile. And we've known that since the markets
11 have existed.

12 The best way I want you to think about
13 hindsight, I really, I honestly, like, would ask you
14 to think about it this way. Imagine for a second
15 that Evergy owned a warehouse, right. And they had a
16 bunch of stuff stored in that warehouse, but they
17 didn't have an insurance policy on the warehouse.
18 And one day the warehouse burnt down and your staff
19 came to you and said, Look, it was imprudent for the
20 company to not have maintained insurance on that
21 warehouse. Now, the Company's position, their
22 interpretation of hindsight, they would say, Well,
23 you can't say it was imprudent because you only knew
24 it was going to burn down with hindsight. Well, if
25 you accept that logic, it's never imprudent to not

1 own insurance, right. You should just not own
2 insurance because it's -- it's prudent apparently.
3 That's not the standard. The standard's to say would
4 a reasonable person, knowing how much we had stored
5 at that warehouse, have bought insurance before we
6 knew there was going to be a fire. And the answer is
7 yes.

8 In our case, the standard is would a
9 reasonable person knowing that we can't cover 40
10 percent of our load and looking at how volatile the
11 markets are have bought generation to cover that
12 risk. And the answer is yes.

13 So I'm going to calculate -- talk about
14 the math behind our imprudence calculation because
15 that's another bit of confusion here. Before I do, I
16 want to just touch on some hard numbers to give you
17 an understanding. So there are three numbers to deal
18 with in an FAC that you need to keep in mind. The
19 first is called the net base energy cost. And that
20 is what has been included in base rates to cover the
21 cost of energy. This is the amount that the Company
22 would cover even if there was no FAC. All right.
23 That amount for this case this period was \$300
24 million.

25 The second number is the actual net

1 energy cost. And that is literally just what the
2 Company actually incurred in terms of energy. And
3 that number for this case is about \$510 million.

4 And third number is literally just the
5 difference. That's what's actually collected through
6 the FAC, which is about 200 million. And I -- you
7 have to actually apply a jurisdictional faller --
8 factor in the 95/5 sharing mechanism, so that cuts
9 the number down a little bit. The amount flown
10 through the FAC for this prudence period is about 193
11 million.

12 Now, I want you to think about something
13 with regard to that number. Three years ago this
14 company was the -- experienced a massive winter storm
15 called Winter Storm Uri. You might recall, had a
16 huge impact in Texas, several people died, major
17 disaster, right. At that time this company, because
18 it didn't have enough generation, incurred massive
19 costs that they want -- that were going to go flow
20 through the FAC. Instead they had to securitize
21 those cost, right. The amount that they securitized
22 was \$300 million roughly. So we're talking about
23 right now an amount that's two-thirds of what we had
24 in Winter Storm Uri with this FAC case without the
25 winter storm. It's just a matter of time before

1 something else goes terribly wrong and you have
2 another huge cost run through.

3 So I know I'm running a little long on
4 time -- short on time -- so I'm going to speed up a
5 little bit here. The critical question regarding
6 prudence is what would a prudent utility need to pay.
7 And to answer that, you have to say, What would a
8 unit -- the prudent utility have done differently.
9 And the difficult part here, and this is something
10 that you will hear from Evergy, is they're saying,
11 Well, you would have to go back and look at, you
12 know, what generation would we have bought, how much
13 would that have cost, all these other variables. And
14 there are a lot of variables there. It's a difficult
15 equation. And that's a lot of what Staff had to say
16 about the same issue.

17 We at the OPC, we decided to say, Is
18 there any source that we could look at to kind of get
19 an idea of what a prudent utility would have done.
20 And we said, Let's look at their IRP. So what does
21 Evergy West's IRP say. Well, their IRP, which by the
22 way, that's the Integrated Resource Plan for the
23 record, that is filed every three years with an
24 update every year. And in every IRP filing the
25 Company has filed since it was -- since Evergy West

1 was acquired, they have said that the best plan, the
2 one with the lowest net present value is the one that
3 treats Evergy West and Evergy Metro as a combined
4 utility. Now, you ask yourselves a question. Do
5 they actually operate as a combined utility. No.
6 They operate as two separate utilities. So we said,
7 Let's go model what it would look like if they had
8 been a combined utility.

9 And when we did that modeling, what we
10 came up with is that Evergy West customers would have
11 paid \$164 million less in energy costs if they had
12 been combined, but they would have also paid \$78
13 million more in capital costs. And that, if you
14 think about the insurance, that's basically like your
15 insurance premiums, right. So we recognize there
16 would have been a cost to doing what we said and we
17 worked that into our case. And by taking those two
18 numbers against each other, we came up with our
19 disallowance.

20 Now, just to give you some perspective on
21 how much our disallowance is, I want to point out
22 that this is what it looks like when you compare it
23 to the aggregate of the costs that have been incurred
24 because of the difference in market buying versus
25 selling over that past four prudence periods. As you

1 can see, \$87 million is actually not that much.

2 All right. Very last thing and I'm going
3 to wrap up here very quickly. We're going to present
4 to you two witnesses. Our first witness is going to
5 be Ms. Lena Mantle. She is going to be presenting
6 our case in chief. Ms. Mantle, a professional
7 engineer, 40 years of experience working for both
8 Staff and the OPC. She was heavily involved in the
9 Commission's drafting of the original IRP rules and
10 actually has a written White paper on it. She was
11 also fundamental in developing the Company --
12 Commission's FAC rules and has also written a White
13 Paper on that. Both those are attached to her direct
14 testimony if you want more information.

15 Our second witness is Dr. Geoff Marke,
16 our chief economist. He will be presenting our
17 rebuttal to Everygy witness, Mr. John Reed. He has
18 had 15 years of experience working in multiple
19 different private and public settings. He's also
20 been a five-year instructor at the Michigan State's
21 Institute of Public Utilities, fundamentalist course,
22 and has provided testimony before a very wide range
23 of interest groups on a wide range of issues. Sorry
24 I had to rush there at the end. All right.

25 And with that I will ask if there are any

1 questions.

2 JUDGE PRIDGIN: Madam Chair.

3 CHAIR HAHN: Good morning. Thank you,
4 Judge. Good morning, Mr. Clizer. I do just want to
5 note that you did say \$87 million is not that much.
6 I get in context --

7 MR. CLIZER: Yes, relatively.

8 CHAIR HAHN: Relatively. I do have a
9 question. So kind of on your chart here you note the
10 difference in RTO costs, but I don't see a timeline.
11 So I'm curious between these two items, these two
12 filings, what changed in Evergy West's generation
13 fleet from here to here? What retirements? Tell me
14 about that.

15 MR. CLIZER: So first of all, if you see
16 across the bottom, I just want to explain, those are
17 the four prudence periods. And someone smarter than
18 me, probably have to ask Lena, will give you the
19 exact dates on what those prudence periods are, just
20 to kind of help you understand that part of it.

21 The critical difference actually's got to
22 be changes in the energy market. That's going to be
23 a bigger problem here. I -- you know what, I'm
24 actually -- I'm afraid that you probably should
25 probably ask Lena that because I don't know off the

1 top of my head exactly what retirements or additions
2 have been made. But your primary reason for your
3 seeing those cost differences along the entire
4 breadth of that is going to be changes in the energy
5 market itself. Just price fluctuations I think.

6 CHAIR HAHN: Which would not be unique to
7 Evergy West as participating in SPP because that
8 would affect every utility in SPP so would also
9 potentially impact Liberty. And I'm just trying
10 to --

11 MR. CLIZER: No, you're right. And
12 actually that illustrates kind of the point. It also
13 affects Evergy Metro who participates in the exact
14 same energy market. And what you can see is a
15 relative -- you know, when Evergy West is going up,
16 Evergy Metro is going further down. And again,
17 that's because they are selling into the market more
18 than they're buying. At the same time Evergy West is
19 buying more than they're selling. So when you have a
20 price increase, corresponding benefit and detriment
21 depending on where you are. So, yeah, it affects
22 both sides, absolutely.

23 JUDGE PRIDGIN: Chair Hahn, thank you.
24 Any other bench questions? Commissioner Holsman?

25 COMMISSIONER HOLSMAN: This is

1 Commissioner Holsman. Yes, I have a quick question.

2 JUDGE PRIDGIN: When you're ready, sir.

3 COMMISSIONER HOLSMAN: Thank you. Thank
4 you, Mr. Clizer. In your example you pointed out to
5 Winter Storm Uri as being when the house burned down,
6 you know, analogous to your example. In this period
7 that we're looking at, are -- is your disallowance
8 based solely on the fact that you're saying they
9 don't have the insurance, they don't -- they're not
10 selling into the market enough, or is your number
11 suggesting that there was volatility and that
12 volatility led to higher costs for the ratepayers
13 through the FAC? Is it solely because they didn't
14 have the insurance or is it because you're saying the
15 warehouse burned down during this period of time?

16 MR. CLIZER: Okay. There's a couple of
17 different things I need to unpack there to make sure
18 I give a complete answer. So first, I want to make
19 this clear. The prudence period we're talking about
20 does not include Winter Storm Uri costs. That was an
21 example of what happened in the past. I want to make
22 sure it's perfectly clear that we all understand
23 Winter Storm Uri costs are not being flown through
24 this prudence period.

25 All right. Now, that out of the way, I

1 think that the best answer to give you is this:
2 Everygy West has been imprudent continuously for
3 failing to include -- or sorry -- have sufficient
4 generation to cover its costs, but we have not had a
5 significant harm impact until this prudence period
6 because that was the first time you saw that price
7 volatility increase the costs that are being flown
8 through the FAC so dramatically. So if you
9 understand what I'm trying to say, they were
10 imprudent long before this because they had made a
11 poor decision, but the actual harm hadn't occurred
12 until the house burned down, metaphorically, until
13 this prudence period when the price volatility caused
14 that impact.

15 And by the way, this is an artifact of
16 the Commission's two-prong test that you heard
17 discussed during Everygy's case, the idea that you
18 have an imprudence and you have to have the harm
19 associated with it. Part of the problem here is that
20 harm doesn't always happen right after you've made
21 the decision. Sometimes there's a big delay. And
22 that's what makes this so difficult, you know. You
23 say we don't want to have hindsight analysis, but
24 then you get trapped in this situation where you're
25 having to look at this well after a decision was made

1 because that's when the harm actually occurred. I'm
2 sorry, I'm pontificating here. Did I answer your
3 question?

4 COMMISSIONER HOLSMAN: Sort of. So are
5 you saying the harm did occur during this period of
6 time of the FAC?

7 MR. CLIZER: Yes.

8 COMMISSIONER HOLSMAN: Are you saying
9 that?

10 MR. CLIZER: Yes.

11 COMMISSIONER HOLSMAN: And what -- and
12 what do you -- what is the delta of costs? Is that
13 your disallowance between what you're saying the harm
14 occurred and what it would have not occurred had they
15 been selling in? I'm trying to get an understanding
16 of what's that volatility impact of it.

17 MR. CLIZER: Right. So calculating the
18 amount of the harm, and that is a difficult question.
19 What the OPC did and I'll reiterate here very shortly
20 is we said, What if they had been combined with
21 Evergy Metro and our \$86 million is how much less
22 Evergy West customers would have paid if they had
23 been combined. That was our best proxy looking at
24 the IRP and looking at the information we had
25 available to try and come up with what a prudent

1 utility would look like. So that \$86 million does
2 reflect what we believe the harm that was imposed on
3 customers is. Does that answer your question?

4 COMMISSIONER HOLSMAN: But is that
5 because of volatility or is that because you believe
6 that that cost would have been saved had they sold
7 more in the market?

8 MR. CLIZER: I believe the answer is
9 both. I mean, it's both parts of this -- they --

10 COMMISSIONER HOLSMAN: So I'm basically
11 saying the volatility during this time period, was it
12 significant enough. And I understand -- I understand
13 the premise that they could have hedged against it,
14 but the actual volatility, the actual harm because
15 they didn't hedge, what percentage does that make up
16 in the disallowance that you're requesting?

17 MR. CLIZER: I guess I would say all of
18 it. I mean, I'm not entirely sure that -- if those
19 two things --

20 COMMISSIONER HOLSMAN: Okay.

21 MR. CLIZER: -- are distinguished.

22 I -- I would invite you to ask --

23 COMMISSIONER HOLSMAN: I may -- yeah. I
24 may follow up with other witnesses. Thank you.

25 MR. CLIZER: That probably is your best

1 answer. I apologize for not being able to clear --

2 COMMISSIONER KOLKMEYER: I'll wait for
3 the other witness.

4 JUDGE PRIDGIN: All right. Thank you.
5 I'm sorry. Chair Hahn.

6 CHAIR HAHN: I have a follow-up question.
7 Is there a chart or any kind of materials in your
8 testimony or maybe just know the answer of earlier
9 you just talked about -- you talked about, you know,
10 there's not enough generation to meet load basically.
11 Do you have a chart by year of, you know, load and
12 generation?

13 MR. CLIZER: If you'll let me phone a
14 friend really quick.

15 Lena, did you have an actual chart in
16 your testimony?

17 CHAIR HAHN: I looked and I couldn't find
18 one, but I'm looking. I could have overlooked it.

19 MS. MANTLE: I don't believe so.

20 MR. CLIZER: I'm sorry. I don't think
21 that we have that as a chart form.

22 CHAIR HAHN: Or even the information at
23 some point during the case would be nice.

24 MR. CLIZER: Noted. We'll try and work
25 on that.

1 JUDGE PRIDGIN: All right. Thank you.
2 Any further bench questions for Public Counsel? All
3 right. Mr. Clizer, thank you. Anything further
4 before we proceed to our first witness?

5 MR. CLIZER: Oh, since I went to the
6 trouble of printing it off, I would offer that Power
7 Point presentation as a demonstrative exhibit, not
8 evidentiary weight. It's entirely up to the
9 Commission's decision, but I ultimately thought to
10 offer it since I printed it.

11 JUDGE PRIDGIN: That's fine. And I don't
12 want to mess up any of your numbering, Mr. Clizer.
13 Would this be Exhibit No. 300?

14 MR. CLIZER: It would be 304.

15 JUDGE PRIDGIN: 304. Thank you. 304 has
16 been offered for demonstrative purposes. Any
17 objections?

18 MS. WHIPPLE: Judge, I'm sorry. Just for
19 clarity, was that a demonstrative off --
20 demonstrative offer with no evidentiary weight?

21 MR. CLIZER: Yes. That was my intention.

22 MS. WHIPPLE: If that's the case, then no
23 objection.

24 JUDGE PRIDGIN: All right. Thank you.
25 Exhibit 304 is admitted.

1 (OPC Exhibit 304 was admitted and made a
2 part of this record.)

3 JUDGE PRIDGIN: Anything further before
4 we proceed to Ms. Messamore? All right.
5 Ms. Messamore, if you'll come forward and be sworn
6 please. If you'll raise your right hand to be sworn
7 please.

8 (Witness sworn.)

9 KAYLA MESSAMORE

10 The witness, having been first duly sworn,
11 testified as follows:

12 JUDGE PRIDGIN: Thank you very much.
13 Please have a seat. And, Ms. Whipple or Mr. Steiner,
14 whenever you're ready. Thank you.

15 DIRECT EXAMINATION

16 BY MS. WHIPPLE:

17 Q. Please state your name for the record.

18 A. Kayla Messamore.

19 Q. By whom you employed?

20 A. Evergy.

21 Q. What is your position?

22 A. Vice president, strategy and long-term
23 planning.

24 Q. In this case did you prepare direct,
25 rebuttal, and surrebuttal testimony on behalf of

1 Everygy Missouri West which have been marked as
2 Exhibits 2, 6, 9, and 10?

3 A. Yes.

4 Q. Do you have any corrections to your
5 direct, rebuttal, or surrebuttal testimony?

6 A. I do not.

7 Q. If I were to ask you the questions
8 contained in those testimonies, would your answers be
9 the same as already set forth in Exhibits 2, 6, 9,
10 and 10?

11 A. Yes.

12 Q. Are those answers true and correct to the
13 best of your knowledge and belief?

14 A. Yes.

15 MS. WHIPPLE: At this time, your Honor,
16 we move to admit Exhibits 2, 6, 9, and 10.

17 JUDGE PRIDGIN: First, I don't mind
18 whatever numbering system we used. I thought in a
19 previous order we had assigned Everygy numbers -- and
20 maybe I'm getting it wrong; I have 100. Was it 1
21 through 100?

22 MR. CLIZER: That's what I had.

23 JUDGE PRIDGIN: One through 100?

24 MR. STEINER: I think so, Judge.

25 JUDGE PRIDGIN: Okay. Very good. Then

1 that's my mistake. I apologize. So I'm sorry,
2 Ms. Whipple, could you go through the numbers again
3 please.

4 MS. WHIPPLE: Two, 6, 9, and 10.

5 JUDGE PRIDGIN: Two, 6, 9, and 10. And
6 objections?

7 MR. KEEVIL: Judge, this is not an
8 objection really; it's just more of a clarification.
9 I'm -- if she had direct, rebuttal, and surrebuttal,
10 how do we have four exhibits?

11 MS. WHIPPLE: Nine and 10 are for the
12 public and the confidential versions of the
13 surrebuttal.

14 MR. KEEVIL: I think that's contrary to
15 the order of how you were to number exhibits, but
16 that's okay with me if you're wanting to go with
17 that.

18 JUDGE PRIDGIN: Yeah. I have no
19 preference as long as we're clear what's confidential
20 and what's public, that's perfectly fine. So I have
21 offered Exhibits 2, 6, 9, and 10. Any objections?
22 Hearing none, Exhibits 2, 6, 9, and 10 are admitted.

23 (Company Exhibits 2, 6, 9, and 10 were
24 admitted and made a part of this record.)

25 MS. WHIPPLE: Thank you. And we tender

1 the witness for cross.

2 JUDGE PRIDGIN: Ms. Whipple, thank you.
3 Any questions from Staff?

4 MR. KEEVIL: No, Judge. Thanks.

5 JUDGE PRIDGIN: Mr. Keevil, thank you.
6 Cross from Public Counsel?

7 MR. CLIZER: Yes. I'm actually going
8 to ask to start by marking an exhibit which would
9 be 305.

10 JUDGE PRIDGIN: Very good.

11 MR. CLIZER: Ms. Messamore, court
12 reporter.

13 JUDGE PRIDGIN: Thank you.

14 CROSS-EXAMINATION

15 BY MR. CLIZER:

16 Q. Good morning, Ms. Messamore.

17 A. Morning.

18 Q. I actually just want to start by, for the
19 sake of the record, making sure I have some
20 definitions that worked and I felt like this was a
21 neutral source that we might be able to agree on --

22 A. Sure.

23 Q. -- some terms.

24 This is an Energy Primary for a handbook
25 for energy market basics put out by the Federal

1 Energy Regulatory Commission. Would you agree with
2 me?

3 A. That what it looks like.

4 MS. WHIPPLE: Apologies. Going to have
5 to interrupt here, Judge. To the extent that we are
6 going to have this offered into evidence and elicit
7 witness testimony as to it, I think that we need some
8 foundation laid. Authenticity would be required.

9 JUDGE PRIDGIN: I will leave that to
10 Mr. Clizer.

11 MR. CLIZER: I would like to proceed with
12 just having a discussion and see if she agrees with
13 the definitions. And honestly it's not really as
14 much as offering this as again, making sure that the
15 record is clear as to how capacity energy is being
16 used, for the sake of, you know, establishing that
17 and making it easier to brief.

18 BY MR. CLIZER:

19 Q. So if you could turn to me the first kind
20 of attached page, which I didn't put the entire thing
21 in; it's a rather large document. And, you know, the
22 Quick Facts section there where it talks about
23 measuring electricity, can you just read that box to
24 yourself? You don't have to read it out loud.

25 A. Okay.

1 Q. Would you significantly disagree with the
2 definitions kind of laid out in there in describing
3 what capacity, demand, and energy are?

4 A. I don't see where it defines demand or
5 energy. Or I see energy and I see capacity.

6 Q. Oh, sure. I'll show you the very last
7 sentence. The amount of power consumed at any
8 location is the demand at that point.

9 A. Okay. Yes, I see that.

10 Q. Would you agree with me that that's a
11 fairly accurate recitation of the terms capacity,
12 demand, and energy or how they're calculated and used
13 in our regulatory environment?

14 A. I would say one difference is this is more
15 of a nameplate description of capacity as opposed to
16 a view of accredited capacity which is what we
17 typically focus on. But in terms of how these
18 measures of energy work, yeah, I think they are
19 correct.

20 Q. And again, I'm literally just wanting to
21 make sure that the record is easy here. So what is
22 accredited capacity and how is that different so
23 that, you know, things are clear?

24 A. Accredited capacity is established under
25 the resource adequacy requirements that SPP creates

1 in our case. And so those are defined to say based
2 on the nameplate capacity, what is the percentage of
3 that nameplate that is effective in meeting customer
4 load requirements.

5 Q. Thank you. We can go through and kind of
6 read out what each of these things are and kind of
7 establish what capacity and demand are. Again, I was
8 just doing this for the sake of my record. Or I can
9 move to admit it as-is.

10 Depends on whether you intend to lodge an
11 objection.

12 MS. WHIPPLE: At this time I think we
13 would have to object to its admission. If you want
14 to ask the witness what you think definitions may or
15 may not be for various terms, you can explore that,
16 but I don't think you can use this document as
17 evidence.

18 MR. CLIZER: Sure. Okay.

19 BY MR. CLIZER:

20 Q. Would you agree with me, Ms. Messamore,
21 that the amount of electricity or energy generated or
22 transmitted is going to be measured and used over
23 time, it's going to be measured in watt hours?

24 A. We don't usually measure in watt hours,
25 but megawatt hours, kilowatt hours, sure.

1 Q. Sure. And that the amount of energy per
2 unit time generated -- sorry. Let's just -- the unit
3 of electricity is watts. We can agree with that?

4 A. Sure.

5 Q. That's a measure of energy?

6 A. Sure.

7 Q. And so the amount of electricity generated
8 and produced in an hour is its capacity?

9 A. Capacity is its physical capability to
10 produce energy.

11 Q. That works. All right. I won't even
12 offer it. I just wanted to have some definitions for
13 the record. I apologize for that taking so long.

14 I'm actually going to move on to the real
15 course of my cross which should hopefully take not
16 that much time. But I'm going to ask to mark another
17 exhibit. This will be Exhibit 306. Oh, dear.

18 Do you have the one I marked up with a
19 highlighter?

20 A. I don't know you can find out. If you
21 want give me that version.

22 MR. CLIZER: That's what happened to my
23 numbered counts. Sorry about that.

24 BY MR. CLIZER:

25 Q. Ms. Messamore, do you -- can you identify

1 this document?

2 A. Judging based on what I remember, I think
3 this is direct in the Dogwood CCN case. I do not
4 remember all case numbers perfectly.

5 Q. And you would agree with me that this is
6 your direct testimony offered in the Dogwood CCN
7 case. Correct?

8 A. Seems to be.

9 Q. Now, this is the confidential version. I
10 will not be attempting to touch on any confidential
11 material. If for whatever reason you're required to,
12 please signal that to the judge so that we can pause.
13 But my intention is to refrain from discussing
14 confidential information.

15 You were a participant in the Dogwood case
16 on behalf of Evergy West. Correct?

17 A. Yes. That's why I filed testimony.

18 Q. So you did, in fact, file direct
19 testimony?

20 A. Yes.

21 Q. Can you turn to page 11 of this testimony.

22 A. Okay.

23 Q. And beginning on page 11, line 13 you
24 would agree with me that the question was posed to
25 you: Does EMW have an energy need.

1 Is that accurate?

2 A. Yes.

3 Q. And EMW for the record is referring again
4 to Evergy Missouri West. Correct?

5 A. Correct.

6 Q. And your response reads, Yes. Capacity is
7 essential -- essentially the ability to produce
8 energy when called upon. Therefore, any time a
9 market participant is short on capacity, it is also
10 short on energy capability. As a result, the
11 forecast reserve balances in the 2023 IRP is an
12 indication of the current and ongoing energy need for
13 EMW customers. In addition, market capacity like the
14 capacity EMW purchases from Evergy Metro only
15 includes mutually-agreed upon market energy or no
16 energy at all which doesn't provide a long-term
17 energy hedge. As a result, the amount of capacity
18 currently covered by these market capacity contract
19 purchases, in parentheses, 240 megawatts in 2026, end
20 of parentheses, represents an incremental need for
21 energy available on EMW system to meet customers
22 needs. This need for energy can and has been met by
23 the wholesale energy market but this dependence on
24 the energy market can create risk if it's covering a
25 large portion of customer needs for the long term.

1 Would you agree with me that but for my
2 flubs, I read that primarily correct?

3 A. Yes.

4 Q. And you would agree with me that beginning
5 on page 12 at line 4 you were asked a question: In
6 prior testimony Staff implies that there is not a
7 need for energy, but rather a need for a hedge
8 against market prices -- I'm sorry -- market energy
9 prices. Do you agree with this perspective.

10 A. Yes. That's what it says.

11 Q. And you would agree with me that at least
12 the first line of your response reads, No. These two
13 needs are not mutually exclusive and EMW has a need
14 for both.

15 Is that correct?

16 A. That's what it says.

17 Q. And beginning at line 12 you would agree
18 with me it reads, As I described above, in the past
19 EMW has been able to use market capacity to meet its
20 capacity needs and has relied on the wholesale market
21 to provide sufficient physical energy.

22 You agree with me that's what that says?

23 A. Yes.

24 Q. If I turn to page 13 beginning at line 6,
25 you agree that it reads, In addition, a strategy of

1 relying on wholesale capacity and energy does not
2 provide a hedge for EMW to mitigate its exposure to
3 energy prices. As I will describe in more detail
4 later in this testimony, a large portion of EMW
5 capacity consists of inefficient high-heat rate
6 natural gas turbines which operate very infrequently
7 as Company witness Carlson explains. EMW leans on
8 the more economic wholesale market to provide energy
9 when these units aren't dispatched due to being out
10 of the money. Effectively this results in EMW being
11 a price taker for any time the wholesale market is
12 cheaper than the operating costs of its natural gas
13 turbines which is a significant portion of the time.

14 You would agree with me that's what that
15 reads?

16 A. Yes.

17 Q. And you would agree with me that line 18
18 it reads, In the very same way, some of EMW's market
19 capacity contracts also make it a price taker because
20 those contracts do not include corresponding energy.
21 The capacity contracts that do not include an energy
22 option are only set at mutually-agreeable market
23 prices at the time of the transaction. That is the
24 need for energy -- for an energy hedge which Staff
25 references and which is a very -- which is very real

1 for EMW customers.

2 You agree with me that's what that says?

3 A. No. It's the capacity contracts that do
4 include an energy option are only set at mutually-
5 agreeable market prices at the time of the
6 transaction -- or of transaction.

7 Q. I apologize. Thank you for correcting my
8 misread. But otherwise, you agree with me that
9 that's what that says?

10 A. Yes.

11 Q. I'm going to break this one down a little
12 bit slower, but beginning on page 14 the question is,
13 What does it mean to need a hedge.

14 You agree with me?

15 A. Yes.

16 Q. And your answer, I'm going to -- A need
17 for a hedge simply means that you do not have
18 sufficient control or certainty around your future
19 outcomes based on your specific risk tolerance and so
20 you want to find some way to improve that control,
21 slash, certainty. As Company witness Reed describes,
22 insurance is an example of a hedge in that it does
23 come with a cost, parentheses, insurance premium, end
24 parentheses, but the purpose is to give you greater
25 stability and security in your future costs. In

1 general, if you do not end up using your health
2 insurance, parentheses, eg. because you did not have
3 any major medical issues, end parentheses, you are
4 better off overall. Would have it -- would it have
5 been nice to know that you were not going to use the
6 insurance so you could save yourself paying on
7 premium costs. Yes. Would it have been possible for
8 you to know that in advance. No. If something
9 serious had happened, would you have been very glad
10 you had insurance. Yes.

11 Is that accurate?

12 A. Yes.

13 Q. All right. So let me understand this with
14 regard to insurance. Its -- it appears that you are
15 arguing that it's prudent to have insurance even
16 though you don't know that a major event is going to
17 come and even though it might cost you money. Is
18 that an accurate interpretation of what you're trying
19 to say there?

20 A. I think I have my response to that
21 question in my written testimony which is essentially
22 how much insurance you purchase is dependent on the
23 range of volatility that you expect, the cost of the
24 insurance, the effectiveness of the insurance in
25 mitigating that risk. All of that is what we look at

1 an IRP process. Sorry to mix metaphors or to lose
2 the metaphor there at the end.

3 Q. All right. Let's answer just a couple of
4 quick questions though. Is it still prudent to buy
5 insurance even if the insurance ends up costing you
6 money because you don't make a claim for example?

7 A. Depends on what you're insuring against
8 and how much the insurance costs.

9 Q. All right. I'm going to pick here then at
10 line 13. In the same way an energy hedge provides
11 you greater energy cost stability and security in an
12 inherently uncertain future. At times the hedge can
13 be a specific financial physical transaction to try
14 and offset your future risk on a particular
15 commodity. However, it can also simply be a strategy
16 of not putting all eggs in one basket, or in more
17 technical terms, maintaining a diverse fleet of
18 resources so that you are not overly exposed to the
19 price or availability of any single fuel energy
20 source.

21 Figure two shows that while EMW does have
22 a relatively diverse mix of fuels in its portfolio,
23 approximately 70 percent of its forecasted capacity
24 in 2026 is coming from market or peak capacity. That
25 means that EMW is essentially a price taker for 70

1 percent of its energy and that is why it has a need
2 for a hedge, a generator which will produce economic
3 energy to offset EMW's exposure to the SPP energy
4 market in addition to the needs for physical capacity
5 and energy that it also has.

6 Is that accurate?

7 A. Yes. Can I keep reading the paragraph?
8 Which is hedges should not be purchased at any cost,
9 eg., a coal plant can provide a hedge, but, depending
10 on its fixed and variable cost, it could be too
11 costly to justify its hedge value, but instead should
12 be evaluated based on its all-in cost and the
13 long-term benefits it provides in terms of physical
14 capacity, energy, and hedge value.

15 Q. Certainly. Thank you.

16 A. Thank you.

17 MR. CLIZER: All right. At this time,
18 your Honor, I would move to admit 306. That
19 would be the direct testimony of Kayla Messamore in
20 Case EA-2023-0291.

21 JUDGE PRIDGIN: Mr. Clizer, thank
22 you. 306 has been offered. Any objections? Hearing
23 none, Exhibit --

24 MS. WHIPPLE: Oh, sorry, yes, your Honor.
25 I want just waiting for Staff to have a chance. We

1 would object that it is entirely irrelevant. In
2 fact, it was filed well after the audit period at
3 issue, and it's a separate proceeding as well.

4 JUDGE PRIDGIN: All right. Objection is
5 noted. Objection is overruled and Exhibit 306 is
6 admitted. Mr. Clizer.

7 MR. KEEVIL: It is confidential.

8 MR. CLIZER: I apologize. He is
9 accurate. It is confidential and should be marked as
10 much.

11 JUDGE PRIDGIN: We'll mark it as 306C.
12 And thank you.

13 (OPC Exhibit 306C was admitted and made a
14 part of this record.)

15 MR. CLIZER: I would -- no, it's not
16 worth it. I think I have no further questions at
17 this time. Thank you.

18 JUDGE PRIDGIN: Mr. Clizer, thank you.
19 Let me see if we have any bench questions. Chair
20 Hahn? Thank you. Commissioner Coleman?

21 COMMISSIONER COLEMAN: No.

22 JUDGE PRIDGIN: Okay. Commissioner
23 Holsman? Commissioner Holsman?

24 COMMISSIONER HOLSMAN: Yeah, Judge.

25 QUESTIONS

1 BY COMMISSIONER HOLSMAN:

2 Q. For clarification in Mr. Clizer's analogy
3 of insurance premiums, insurance in this case would
4 be investment in increased capacity. Correct? New
5 production or new generation?

6 A. I don't really want to speak for OPC on
7 what they mean by insurance, but I think insurance
8 from my perspective can be a variety of different
9 things, whether it's different contracts or actual
10 physical or financial hedges. But yes, it could
11 include adding additional resources.

12 Q. Okay. But at the end of the day, OPC's
13 argument from your perspective is that you don't have
14 enough generated capacity to sell into the RTO.
15 Would you agree that that's the argument they're
16 making?

17 A. I think OPC -- OPC is shaking their head
18 at me, so I'll say I think OPC is arguing more around
19 actual net position in the energy market as opposed
20 to capacity.

21 Q. Okay.

22 A. Yes. They are --

23 COMMISSIONER HOLSMAN: Thank you, Judge.

24 THE WITNESS: They are related concepts.

25 MR. CLIZER: I apologize, Judge. That

1 was not an attempt to influence the witness.

2 JUDGE PRIDGIN: Okay. Thank you.

3 Commissioner Holsman, thank you. Any further bench
4 questions? Commissioner Kolkmeier? Commissioner
5 Mitchell?

6 COMMISSIONER MITCHELL: Yes.

7 QUESTIONS

8 BY COMMISSIONER MITCHELL:

9 Q. I have one and it's just to help me
10 understand a little bit more about the Integrated
11 Resource Planning process. I think both the Company
12 and OPC mentioned that Integrated Resource Planning
13 was done before the acquisition of Evergy West or at
14 some point early in the acquisition of Evergy West
15 and then that resource plan is updated periodically.
16 How frequently is it?

17 A. Yeah. So we file full compliance filings
18 every three years, but then we make annual updates
19 every year in between.

20 Q. And is the, that Integrated Resource Plan
21 a combined look at Metro and West?

22 A. No, it's not. When we file an Integrated
23 Resource Plan, we're selecting a preferred plan for
24 the individual utility, so Missouri West in this
25 case. And that's based on an analysis specific to

1 Missouri West.

2 OPC has talked about how we run joint
3 plans. Those are informational only to view what two
4 different plans looked like if the resources were
5 combined. But that doesn't result in the selection
6 of the preferred plan.

7 COMMISSIONER MITCHELL: Thank you. That
8 helps.

9 JUDGE PRIDGIN: Commissioner, thank you.

10 QUESTIONS

11 BY JUDGE PRIDGIN:

12 Q. I think I have -- if there are no further
13 commissioner questions, I think I have,
14 Ms. Messamore, just a couple of questions --

15 A. Uh-huh.

16 Q. -- on -- and you can refer to your
17 testimony if you need to.

18 On page 17 of your direct I believe you
19 state that Everyg would be willing to discuss with
20 the Public Counsel and other stakeholders combining
21 Metro and West in the future. If that's true, how
22 would that discussion start? Would it start in a
23 rate case or in another case or do you have any
24 perspective in that?

25 A. I think Mr. Ives can speak to the history

1 on this in more detail, but I would say those
2 discussions have somewhat already started. We filed
3 a report before the Commission a few years ago around
4 the process and what it would look like to
5 consolidate. So I would say it's kind of already
6 started, but he can speak more to the history there.

7 Q. Okay. Thank you. And Ms. Mantle has
8 filed some rebuttal that quotes from your direct.
9 And I believe that was admitted as Exhibit 306, your
10 direct in EO-2023-0291.

11 A. Uh-huh.

12 Q. And I think -- let me double check -- on
13 pages 13 and 14, let me make sure I get that
14 reference right.

15 A. Fourteen and 15 in my testimony or
16 Ms. Mantle's?

17 Q. Yeah. On yours. Yes, thank you. And I
18 believe more on page 15 your testimony in that case
19 states that hedges should not be purchased at any
20 cost. For example, a coal plant can provide a hedge,
21 but depending on its fixed and variable costs, it
22 could be too costly to justify its hedge value.

23 A. Uh-huh.

24 Q. But instead should be evaluated based on
25 its all-in cost and the long-term benefits it

1 provides in terms of physical capacity, energy, and
2 hedge value.

3 Would this evaluation also apply to
4 long-term PPAs? And if not, please explain why.

5 A. Yes, it would. We evaluate PPAs and
6 actual-owned capacity in the IRP in the same way. So
7 if we're looking at a long-term capacity PPA, we put
8 that in as a capacity resource that doesn't include
9 any energy revenue offset. So you can see the net
10 impact under a large variety of market price
11 scenarios of purchasing that energy from the market.

12 JUDGE PRIDGIN: All right. Thank you. I
13 think those are all the questions I have. Any
14 further bench questions before we go to recross? All
15 right. Seeing none, any recross based on bench
16 questions, Mr. Keevil.

17 REXCROSS-EXAMINATION

18 BY MR. KEEVIL:

19 Q. Very briefly and just to follow up on the
20 judge's last question. What is your understanding
21 regarding Public Counsel's proposal in this case as
22 concern energy -- or excuse me -- market energy
23 prices and long-term PPA prices? Are we talking
24 about the same thing there, or are -- is one bid in
25 like a daily basis, one's long-term basis? What's

1 the difference there, or is there a difference?

2 A. If I can ask a clarification. Are you
3 talking long-term PPA like a wind PPA for example or
4 more of a long-term capacity PPA?

5 Q. Well, as you were using it there,
6 your reference on the -- in what's been marked
7 Exhibit 306.

8 A. Okay. I'm trying to think. Sorry. Can
9 you ask the question one more time, make sure I
10 answer it.

11 Q. Well, I'm just wanting to make sure we're
12 not getting apples and oranges necessarily confused
13 here. Is this issue as you see it in this case about
14 long-term PPA prices, or are we talking about like
15 daily energy prices or more of a -- I heard
16 volatility discussed quite a bit --

17 A. Uh-huh.

18 Q. -- in the opening statements.

19 And long-term PPAs wouldn't necessarily be
20 volatile to the extent that market energy prices
21 would be, would they?

22 A. That's correct. So there's a bifurcation
23 between we'll call it the cost of the resources that
24 you're adding, which could be long-term PPAs to meet
25 capacity requirements and then the actual results in

1 the energy market. So if you think back to the
2 bench questions around the charts during the
3 opening statement, you saw that increase between
4 review periods which was driven primarily by natural
5 gas price increases between those two review
6 periods. And so that created an increase in
7 wholesale market prices. It also created an increase
8 in the cost of fuel for any natural gas-fired
9 resource which would impact any of those that were
10 actually dispatched.

11 So those are the -- there's kind of
12 multiple parts, but they are distinct where there's
13 how are you planning around the all-in costs of all
14 resources and how do they perform in different energy
15 markets and then what actually happens in the energy
16 market in the dispatch.

17 MR. KEEVIL: Okay. Thank you. Nothing
18 further.

19 THE WITNESS: Uh-huh.

20 JUDGE PRIDGIN: Mr. Keevil, thank you.
21 Recross?

22 COMMISSIONER HOLSMAN: Judge?

23 JUDGE PRIDGIN: Yeah, I'm sorry.
24 Commissioner.

25 COMMISSIONER HOLSMAN: Judge, this is

1 Commissioner Holsman. I do have one more question
2 that occurred to me, if it's all right if I ask.

3 JUDGE PRIDGIN: When you're ready, sir.

4 COMMISSIONER HOLSMAN: Okay. Thank you.

5 QUESTIONS

6 BY COMMISSIONER HOLSMAN:

7 Q. Where does Evergy West sit in terms of
8 SPP's resource adequacy requirements? Would you
9 characterize Evergy West as being adequate generation
10 or above or below the resource adequacy requirement
11 of SPP?

12 A. Yeah. They are -- so during this review
13 period they were above the reserve margin, so they
14 were meeting the 12 percent reserve margin during
15 this period. And at this point they are above the 15
16 percent reserve margin for this summer.

17 COMMISSIONER HOLSMAN: Okay. Thank you
18 very much. Thank you, Judge.

19 JUDGE PRIDGIN: Commissioner, thank you.
20 Mr. Keevil, any cross based on Commissioner Holsman's
21 questions?

22 MR. KEEVIL: No, thank you, Judge.

23 JUDGE PRIDGIN: All right. Mr. Keevil,
24 thank you. Recross, Mr. Clizer.

25 MR. CLIZER: Yeah.

1 A. No.

2 Q. Okay.

3 A. One, it's not in the energy market; it's a
4 separate process. And two, accreditation is a
5 measure of how well the resource is expected to be
6 able to meet energy needs. So it's a discount to its
7 physical capability based on its expected actual
8 capability.

9 Q. Okay. SPP imposes on each utility,
10 including Evergy West, a requirement to maintain a
11 certain amount of capacity. Correct?

12 A. Accredited capacity, yes.

13 Q. Okay. And that's the capacity requirement
14 that Commissioner Holsman was referring to. Is that
15 accurate?

16 A. Yes.

17 Q. And I'm going to screw this up here, so
18 you'll probably correct me. That is equal to the
19 peak load plus a reserve margin?

20 A. That is the capacity requirement, yes.

21 Q. Oh, it is. I got it right. And Evergy
22 West is meeting that as you said. Correct?

23 A. Yes, and was during this review period.

24 Q. Absolutely. And in meeting that, Evergy
25 West is utilizing a capacity contract with its sister

1 company, Evergy Metro. Correct?

2 A. That is part of the resource plan, yes.

3 Q. Yes. And according to the direct
4 testimony that you already -- we already discussed,
5 that capacity contract does not supply actual energy
6 for Evergy West. Correct?

7 A. The reason the capacity contract is able
8 to count as firm capacity for Missouri West is
9 because Metro's resources are fully deliverable to
10 the Evergy Missouri West load. So there is physical
11 energy assumed to be available under that contract.
12 If there wasn't, it wouldn't count as firm capacity.

13 Q. Oh, I agree with everything you're saying.
14 But the question is, is that contract supplying
15 energy that Evergy West is permitted to sell into the
16 RTO energy market to produce revenues?

17 A. No. I don't think that's how the contract
18 would work.

19 Q. Correct. And so to get to the finer point
20 which is kind of the first questions you were asked,
21 the OPC's concern here is with Evergy West not
22 selling energy into the market, not with the capacity
23 requirement being met. Would you say that's
24 accurate?

25 A. I don't want to speak for you.

1 MR. CLIZER: Fair enough. I'll just have
2 to address that in briefing I suppose. I have no
3 further cross. Thank you.

4 JUDGE PRIDGIN: Mr. Clizer, thank you.
5 Redirect? Ms. Whipple, when you're ready.

6 MS. WHIPPLE: Yes, thank you.

7 REDIRECT EXAMINATION

8 BY MS. WHIPPLE:

9 Q. Ms. Messamore, in responding to questions
10 from Commissioner Mitchell, you discussed EMW's
11 planning process. In prior resource planning
12 decisions has EMW looked at adding generation in
13 selecting its preferred plan in past years?

14 A. Yes. All of the IRPs that I've -- that
15 we've done recently, as far back as I have reviewed,
16 include plans that would add additional generation as
17 an alternative to what was ultimately selected.

18 Q. And why was adding generation not selected
19 in prior years' plans?

20 A. Because the cost of adding the generation
21 didn't justify the benefits.

22 Q. You were also asked about, I think from
23 the bench as well as Mr. Clizer, about your Dogwood
24 testimony. Now, this was filed in 2023. Can you
25 explain the relationship between the Dogwood matter

1 and, you know, why is EMW looking at adding Dogwood
2 now in 2023 as opposed to earlier?

3 A. Yeah. The primary change is that SPP has
4 increased the resource adequacy requirements for all
5 members. And so that first manifested in an
6 increase in the reserve margin for summer 2023. It
7 went from 12 percent to 15 percent which increased
8 Missouri West need for accredited capacity. And
9 Dogwood primarily is to fill that need.

10 Q. In some of your responses where parts of
11 your testimony was read, you noted that not all of it
12 was being read. Was there anything that you thought
13 you should add to provide the context necessary for
14 your response regarding Dogwood?

15 A. I think I read the most important part
16 which is about the cost tradeoff between a hedge and
17 the value that it provides. I would say the other
18 portion that is relevant is Dogwood is focused on the
19 need that existed in 2024 because of the increase in
20 the reserve margin and the expected continued
21 increases in resource adequacy requirements going
22 forward. So it was not looking at a need that
23 existed during this review period.

24 Q. So in this case there's been lots of
25 competing allusions to insurance and how that may

1 or -- may be an appropriate analogy to prudence in
2 this case. Is -- do you think there's a good analogy
3 for insurance here in this case or not?

4 A. I think that insurance is a fine analogy;
5 it's being used poorly. So I would think about
6 insurance here as when we look at the IRP, when we
7 model a resource plan, we're saying, What's the range
8 of potential futures that we're concerned about. And
9 then we run a lot of different resource plans, so a
10 lot of different combinations of insurance or types
11 of insurance, to use the analogy, and we see how well
12 do those perform against each other in a wide variety
13 of scenarios. So that's intended to assess what's
14 the level of volatility or the risk created by the
15 range of uncertainty, what's the cost of the
16 insurance, so the different resources, and then how
17 well do they mitigate the cost or the impact of that
18 risk.

19 All of that shows up in the net present
20 value of revenue requirement which we use to assess
21 different resource plans and to compare them against
22 each other.

23 Q. Are you aware if OPC has or has not
24 conducted that whole sum evaluation when its
25 discussing a hedge?

1 A. No. They seem to have only compared to a
2 hypothetical average of --

3 MR. CLIZER: I'd object that her answer
4 appears to be speculative.

5 MS. WHIPPLE: It is not, your Honor.
6 It's asking --

7 MR. CLIZER: She literally said -- oh,
8 I'm sorry. I'm sorry.

9 JUDGE PRIDGIN: I'm sorry. Ms. Whipple?

10 MS. WHIPPLE: Not requesting the
11 witness's speculation. Requesting her knowledge.

12 MR. CLIZER: Your Honor, I --

13 JUDGE PRIDGIN: Go ahead.

14 MR. CLIZER: She literally starts with,
15 It appears.

16 JUDGE PRIDGIN: I understand. I'll
17 overrule the objection.

18 THE WITNESS: And I will reword -- reword
19 the response to say I see no actual analysis of what
20 that risk assessment would look like. I see only a
21 comparison of Missouri West's actual cost to a
22 hypothetical average of Missouri West and Metro.

23 BY MS. WHIPPLE:

24 Q. And what would be the issue with that?

25 A. It has nothing do with the proposed

1 disa -- or the pro -- the alleged imprudence which is
2 around the actual need to procure generation or
3 perceived need to procure generation. They're
4 comparing to an average number that doesn't have
5 anything to do with that.

6 MS. WHIPPLE: Okay. Thank you. No
7 further questions.

8 JUDGE PRIDGIN: All right. Ms. Whipple,
9 thank you. Ms. Messamore, thank you very much. You
10 may be excused. This looks to be a good time to take
11 a mid-morning break. I'm showing the time to be
12 roughly 10:23, so let's take a break until 10:38, 15
13 minutes. Excuse me. Anything from counsel or the
14 bench before we take a break? All right. Thank you.
15 We're off the record.

16 (Off the record.)

17 JUDGE PRIDGIN: Good morning. We are
18 back on the record. I show the time to be 10:40. We
19 took a little bit of an extended break. Is there
20 anything from counsel or from the bench before we
21 proceed to Mr. Reed from the Company?

22 MS. WHIPPLE: Yes, Judge. May
23 Ms. Messamore be finally dismissed?

24 JUDGE PRIDGIN: Any objections? She is
25 dismissed. Thank you.

1 MS. WHIPPLE: Thank you. No other
2 issues.

3 JUDGE PRIDGIN: Thank you. All right.
4 Mr. Reed, come forward and be sworn please.

5 If you'll raise your right hand to be
6 sworn please.

7 (Witness sworn.)

8 JOHN REED

9 The witness, having been first duly sworn,
10 testified as follows:

11 JUDGE PRIDGIN: Thank you, sir. You may
12 have a seat. And, Mr. Steiner, when you're ready,
13 sir.

14 DIRECT EXAMINATION

15 BY MR. STEINER:

16 Q. Please state your name for the record.

17 A. My name is John J. Reed.

18 Q. Mr. Reed, where do you work and what's
19 your position there?

20 A. I am chairman of Concentric Energy
21 Advisors.

22 Q. Did you cause to be filed in this case
23 direct, rebuttal, and surrebuttal testimony which
24 have been previously marked as Exhibits 3, 7,
25 and 11?

1 A. I did.

2 Q. Do you have any changes or corrections to
3 that testimony?

4 A. No, I do not.

5 Q. Your answers contained in that testimony
6 true and accurate to the best of your knowledge?

7 A. Yes, they are.

8 MR. STEINER: Your Honor, at this time I
9 would offer Exhibits 3, 7, and 11.

10 JUDGE PRIDGIN: Any objections? Hearing
11 none, Exhibits 3, 7, and 11 are admitted.

12 (Company Exhibits 3, 7, 11 were admitted
13 and made a part of this record.)

14 MR. STEINER: I tender the witness for
15 cross.

16 JUDGE PRIDGIN: Mr. Steiner, thank you.
17 Any cross-examination from Staff? Mr. Keevil?

18 MR. KEEVIL: No, Judge.

19 JUDGE PRIDGIN: Mr. Clizer?

20 MR. CLIZER: Not at this time, your
21 Honor. Thank you.

22 JUDGE PRIDGIN: All right. Thank you.
23 Any bench questions for Mr. Reed? Going once, going
24 twice. All right.

25 Mr. Reed, thank you. You may step down.

1 MR. STEINER: Your Honor, like the first
2 witness, could we can ask that Mr. Reed be dismissed?

3 JUDGE PRIDGIN: Any objections? All
4 right. Mr. Reed, you are excused. Thank you. Your
5 next witness.

6 MS. WHIPPLE: Call Darrin Ives.

7 JUDGE PRIDGIN: Mr. Ives, if you'll come
8 forward and be sworn please.

9 (Witness sworn.)

10 DARRIN IVES

11 The witness, having been first duly sworn,
12 testified as follows:

13 JUDGE PRIDGIN: Thank you, sir. You may
14 have a seat. And Counsel, Ms. Whipple, when you're
15 ready.

16 DIRECT EXAMINATION

17 BY MS. WHIPPLE:

18 Q. Please state your name.

19 A. My name is Darrin Ives.

20 Q. By whom are you employed?

21 A. I'm employed by Everyg.

22 Q. And what is your position?

23 A. I'm the vice president of regulatory
24 affairs.

25 Q. In this case did you prepare direct,

1 rebuttal, and surrebuttal testimony on behalf of
2 Everyy Missouri West which has been marked as
3 Exhibits 1, 5, and 8?

4 A. I did.

5 Q. Do you have any corrections to your
6 direct, rebuttal, or surrebuttal testimony?

7 A. None that I'm aware of.

8 Q. If I were to ask you the same questions
9 presented in those testimonies, would your answers be
10 as also set forth in Exhibits 1, 5 and 8?

11 A. Yes, they would.

12 Q. Are those answers true and correct to the
13 best of your knowledge and belief?

14 A. Yes, they are.

15 MS. WHIPPLE: Judge, at this time, would
16 move to admit Exhibits 1, 5, and 8 please.

17 JUDGE PRIDGIN: Any objections? All
18 right. Exhibits 1, 5, and 8 are admitted into
19 evidence.

20 (Company Exhibits 1, 5, and 8 were
21 admitted and made a part of this record.)

22 MS. WHIPPLE: Thank you. Tender the
23 witness for cross.

24 JUDGE PRIDGIN: Ms. Whipple, thank you.
25 Any cross from Staff? Mr. Keevil.

1

CROSS-EXAMINATION

2

BY MR. KEEVIL:

3

Q. Mr. Ives, when you say you're employed by Everygy, which Everygy are we talking about there?

4

5

A. I'm actually employed by Everygy Metro, but I'm an officer for all of the regulated jurisdictions.

6

7

8

Q. Okay. So, but your employment is with Metro?

9

10

A. Yes, sir.

11

MR. KEEVIL: Thank you. That's all I have, Judge.

12

13

JUDGE PRIDGIN: Mr. Keevil, thank you. Mr. Clizer.

14

15

MR. CLIZER: No questions at this time. Thank you.

16

17

JUDGE PRIDGIN: Thank you. Any bench questions? Commissioner Holsman, when you're ready.

18

19

COMMISSIONER HOLSMAN: Thank you.

20

QUESTIONS

21

BY COMMISSIONER HOLSMAN:

22

Q. Good morning.

23

A. Good morning, Commissioner.

24

Q. I want to try to unpack a little bit here if we can. From the Company's perspective, why not

25

1 build more capacity or more accredited capacity?
2 Why -- you know, if you're going to get a rate of
3 return on the capital spend and you're going to, you
4 know, create this insurance policy as OPC would
5 define it and you're going to meet the potentially
6 expanded new resource adequacy requirements that SPP
7 is going to put on you, why are you not constructing
8 new generation?

9 A. Yeah, no. It's a good question. We
10 absolutely intend to. If you look at our
11 currently-on-file Integrated Resource Plan, you'll
12 see that there's quite a host of resource additions
13 as well as some upcoming retirements that are --
14 that are in the 20-year plan. But if you go back
15 over time, since I've been involved with EMW in
16 the 2007, 2008 time frame, you know, we looked at our
17 Integrated Resource Plan, we looked at availability
18 of resources, and we built that to advance the least
19 cost resource plan. And having the mix of market
20 utilization that EMW has had has come out as the
21 lowest cost resource plan that we've brought in front
22 of the commission each year.

23 Ms. Messamore talked about it though. I
24 mean, if you look currently in some of the change in
25 accreditation and some of the change in resource

1 adequacy in SPP, you see, you know, more acute need
2 today and you're starting to see it come out in the
3 resource plan at a -- at a more current level. We
4 talked about Dogwood earlier. You know, we're
5 bringing that on board. That's a step, a first step.
6 You saw from the chart in the opening, not the silver
7 bullet, not the end game, but an improvement and a
8 step.

9 This Commission might remember, we brought
10 a currently-in-place wind resource that we intended
11 to put into EMW to also provide energy. It was
12 called Persimmon Creek. We brought that resource in
13 front of the Commission and ultimately got an order
14 and a CCN docket that had some conditions that --
15 that we deemed to be untenable from a -- from a
16 sharing perspective of market cost with our
17 shareholders. So we ended up pulling that out and
18 taking it and applying it as a Kansas resource where
19 we did not receive these conditions.

20 So we've been trying. At this stage where
21 you're at is you're in a market where, you know,
22 existing resources are limited. When you put out
23 RFPs, there's not a lot of people just looking to
24 offload natural gas plants or facilities. So then
25 you get into build. You've got supply -- supply

1 chain restrictions and constrictions right now,
2 multiple years to site, develop. That's why you see
3 in our IRP some natural gas builds that are out in
4 the '29, '30 time frame which means if we start
5 today, we can get the permits, get the siting done,
6 and get the construction completed in that time
7 frame.

8 Q. What kind of capa -- you know,
9 Ms. Messamore talked about bifurcating the PPAs from,
10 you know, your internal generation. If you wanted to
11 go out there right now and buy every PPA opportunity
12 available to you, how much capacity do you think
13 exists today that could be -- could be entered into
14 an agreement?

15 A. You know, from a nonrenewable standpoint,
16 I would say it's very limited, particularly in the
17 near term region. I mean, Dogwood was one of the few
18 examples of a dispatchable resource that -- that --

19 Q. How many watts was Dogwood, roughly?

20 A. It was probably a better question for
21 Ms. Messamore. I want to say, for some reason I
22 have 300 --

23 Q. I was thinking 300 --

24 A. -- in my mind.

25 Q. -- as well.

1 A. In my mind.

2 Q. Okay. That -- that helps. And that 300
3 megawatts coming into your existing footprint, what
4 did that do to the insurance before you had it?

5 A. Yeah. I mean, I think I probably can't
6 disagree with the -- the chart that was in the
7 demonstrative exhibit at the start. I mean, it -- it
8 is, you know, on the edges. I mean, it gives us a,
9 you know, a slight erosion of that gap in our supply
10 to -- to our load, but it's -- it's a step and it's
11 one that was readily available and, you know, based
12 on the Commission's decision, we were able to close
13 on in the end of April this year. We don't have to
14 wait five years for a construction cycle for that.

15 Q. If you did have renewable PPAs available
16 to you, I understand that the accredited capacity for
17 those resources are much less because they're not
18 base load, so that -- they may not move the needle on
19 the resource adequacy targets or requirements that
20 SPP does, but how would they impact what Mr. Clizer's
21 presenting which is you don't have enough power to
22 sell in to -- to generate revenue?

23 A. Yeah. It certainly helps, right. I mean,
24 any time you can, you know, bring energy from those
25 resources to bear in the market and you're at a, you

1 know, a zero or lower cost of entry for -- for a
2 wind or solar facility, you're bringing energy in
3 that's -- that when it's able to operate, it's going
4 to be picked up by the market, you know, and be a
5 good hedge or offset.

6 We've looked at those too, right. I mean,
7 when we looked at Persimmon Creek, again, we had
8 found a couple of wind options that were existing and
9 one or two solar that were existing. But even those
10 are not as -- as readily available as they used to
11 be. So you're -- you start to talk again about
12 construction and either, you know, utilizing a
13 developer to do a build transfer or ultimately doing
14 our own development and getting the land and the
15 resources to do it which all is going to add years to
16 starting to alleviate this -- this energy gap.

17 Q. How much is transmission a constriction?
18 So we looked at the congestion maps for some of the
19 renewable assets that are out there and, you know,
20 they have indigo purple because the cost of those are
21 not -- not being able to be delivered to where the
22 demand is. What do you see as transmission being --
23 plays a role in access to being able to sell into a
24 market where the demand is?

25 A. Yeah. It -- it matters, but when you're

1 looking at existing resources, you know, most of them
2 have been cited with an eye towards transmission
3 capabilities and being able to have paths available
4 for those. So it becomes more acute when you're
5 thinking about building or development and kind of
6 that multi-year approach. And even then you've got
7 companies that are out there and have projects that
8 have gone through the SPP process to be evaluated for
9 transmission capability. So it -- it's an issue and
10 we've always got to be cognizant. It's certainly one
11 of the factors that we evaluate in all of our FP
12 approaches. But so far able we've been to address
13 transmission in the projects we've been looking at.

14 Q. Okay. Let's talk about the idea of
15 combining West and Metro together. My first question
16 is do they operate independently of each other in
17 paperwork only, or are they -- is there a legitimate
18 operational separation between the two entities?

19 A. Well, the short answer to that is yes. A
20 little bit of both. Everywhere that we have the
21 capability to operate jointly and create efficiencies
22 with them, we do so. I'm a great example of that,
23 right. Or maybe some people in the room might
24 disagree with that. I would say I'm a vice president
25 and I have responsibility for all of our

1 jurisdictional utilities, right. So while they're
2 separate jurisdictions and oftentimes separate legal
3 entities, they have one vice president of regulatory
4 affairs, right.

5 Q. What's the benefit of having separate
6 jurisdictions? Like, why -- why is that a good
7 thing?

8 A. Well, I don't know that -- I don't know
9 that I would characterize it as a benefit. I would
10 characterize it as a result of a hundred years of
11 history.

12 Q. Uh-huh.

13 A. You know, you've gone through in various
14 forms and fashions and had ownership of these
15 different entities. Their customers have paid for
16 and they have built out a system to meet the needs
17 for their area over a hundred years, right.
18 Differently for West than Metro did theirs. And in
19 bringing those things together and getting customers
20 to agree to kind of blend the cost of bringing them
21 together is -- is difficult.

22 We've done it a couple times. We brought
23 together a couple small jurisdictions that were in
24 the EMW area. It's actually a combination of the old
25 Missouri Public Service which is more based in the

1 Metro Kansas City area and St. Joe Light & Power
2 which was up north. Between Aquila and us, those
3 entities were separate. Once they were owned by the
4 same -- same company for 15-plus years before we were
5 able to get everything lined up and get our rates and
6 our structures close enough that we could bring them
7 together. We did that through a proceeding in front
8 of this Commission.

9 On the Kansas side, the western resources,
10 West Star Entity, they went through about a 20-year
11 process to align jurisdictional rates between their
12 northern and southern jurisdictions after they got
13 kind of sole ownership of both of those.

14 So there are a number of steps and
15 processes that you have to go through to -- to get
16 things closely enough aligned that then you can start
17 doing rate comparisons and say, How much is it going
18 to impact a residential customer of Missouri Metro to
19 have the same rates as a residential customer of
20 Missouri West. And oftentimes even when you get
21 there, you find that you have to go through a
22 phase-in over multiple cases to really bring them
23 together, gradualism approach so that you don't
24 overwhelm, you know, any particular customer base.

25 Q. What's the approximate size of Metro

1 versus West? Which one's the larger customer base?

2 A. I think Metro's slightly bigger on the
3 Missouri side. They're both pretty equivalent.
4 They're 350,000 customers, plus or minus. So pretty
5 similarly situated. But if you think about it,
6 they're very different jurisdictions. You know, West
7 is more rural, so it's got a lot less density per
8 line mile. West has less supply available
9 historically than Metro has had. So there are a lot
10 of differences in what their respective customers
11 have put in place and paid for that we've got to
12 figure out how to make that look like --

13 Q. Do you know off the top of your head which
14 one pays a higher rate?

15 A. Yeah. So over time for sure Metro
16 customers have consistently paid higher overall rates
17 than West, really driven by many years of this
18 resource differential that we're talking about here.
19 When market prices were low, when gas prices were
20 low, not having invested in generation benefited the
21 West customers for a number of years. That's why it
22 kept showing on the Integrated Resource Plans that we
23 filed as the least cost option when we ran our
24 scenarios. In the recent year or so, they're
25 probably much more equivalent because of the higher

1 fuel costs that EMW's paid really since the period of
2 Winter Storm Uri. You know, we had a fall on winter
3 storm. We had some, you know, high periods of
4 natural gas post-Winter Storm Uri that kept -- put
5 pressure on that for West.

6 Q. So Ms. Messamore testified that currently
7 West is able to borrow some of Metro's accredited
8 capacity to meet its resource adequacy requirement
9 with SPP. That's correct?

10 A. That is correct.

11 Q. And is there a benefit to the ratepayers
12 of West to be able to do that because they're not
13 having to invest in the credit capacity?

14 A. It -- it is cost effective from a --
15 from a capacity standpoint. You know, probably
16 should -- should close the loop on that and say, you
17 know, we -- we plan both West and Metro on standalone
18 Integrated Resource Plan basis. We put an overlay on
19 top of that that shows what a combined view is, but
20 that's not how we actually implement our Integrated
21 Resource Plans or -- or what we rely upon in our IRP
22 filing.

23 You know, that said, when -- when we can
24 competitively bid capacity, which we do bid out
25 capacity and Metro competes with other third parties,

1 and that price comes in well below the cost of an
2 infrastructure investment for that capacity.

3 Q. So Mr. Clizer in his opening essentially
4 made the point that Evergy Metro's capacity is such,
5 or your generation is such that can you sell into the
6 SPP and there's a positive revenue stream that's
7 created because you have excess capacity.

8 Conversely, West that does not have the necessary
9 capacity to hedge the volatility is, you know, on the
10 graph, it was that 60 or 70 percent and not -- not
11 hitting a hundred percent. If the two were combined,
12 would the amount of generation still exist to create
13 positive revenue for excess capacity to sell into the
14 market if you were taking into consideration West's
15 deficit?

16 A. I think that's similar to the question
17 that Chair Hahn asked early on. I would say it's
18 getting close to a push. If you look at our
19 currently-filed Integrated Resource Plan and some of
20 the changes that are going on in SPP, you see that
21 we've got some -- some capacity needs, even coming up
22 in Metro. And when you have capacity needs, you're
23 ultimately going to have energy needs.

24 And I think it's fair to say that even at
25 Metro, they have had the opportunity to -- to make

1 some sales into the market and have some good
2 wholesale experience. Those opportunities are really
3 different depending on the market. When natural gas
4 is really low, that has a very different impact on
5 the ability for our coal to go into market than when
6 natural gas is high. The same is true on renewables.
7 When renewables aren't operating, there's more
8 opportunity for our dispatchable resources to get in.
9 When the wind's blowing and the sun is shining well,
10 there's less opportunity for our coal units and
11 dispatchable resources to get into the market.

12 Q. Would there be an access-to-capital
13 benefit if West and Metro were combined together?

14 A. Absolutely. Both of them -- you know,
15 getting scale helps access to capital. It helps you
16 put larger placements into the market for debt. It
17 helps you think about having more opportunities to
18 balance your capital structure.

19 The flip side of that is we have existing
20 debt today in both entities, but I'll talk about
21 Metro, that is served by the assets of Metro. Those
22 assets are serving Kansas and Missouri customers in
23 Metro today. Probably have to unwind that secured
24 debt if we moved for a combination between Metro and
25 West from a legal entity standpoint, which could

1 result in new debt at currently higher interest costs
2 and could result in make whole payments for, you
3 know, debt that we're trying to get out from under.
4 So it's never as simple as it seems by just
5 combining. There'd be a number of steps in that
6 progression.

7 Q. So which entity's rate base ultimately
8 would pay back the securitization for the 300 million
9 for Uri?

10 A. West. West customers are paying for that.

11 Q. Okay. If you made the determination that
12 it was in the best interest of the Company and the
13 ratepayers to unify the two sides, realistically at
14 breakneck speed, how quickly could it be
15 accomplished?

16 A. I've -- I've asked myself that question
17 for at least five or more years now probably.

18 Q. What would it require? Would it require
19 action by this Commission, action by the Kansas
20 Commission? Would FERC need to be involved because
21 it's across state lines?

22 A. Yeah. I think likely both. And -- and
23 the difficult -- the difficult step in the process
24 from my perspective and where I've grappled with it
25 is what do we do with Metro. The fact that the

1 generation at Metro serves both Kansas and Missouri
2 customers. So, you know, you would think if that
3 generation just served Missouri Metro, combining them
4 would be, you know, a huge benefit, right. West is
5 looking for energy and capacity; Metro has some, you
6 know, a better stack available today, but how does
7 Kansas get compensated for that. Because their
8 customers have paid for that generation to come in
9 over the last 50 or a hundred years. And how do --
10 how do they ensure, as we go through that process,
11 that their customers get treated fairly.

12 So it's not just that both have to do it.
13 We'd probably have to go through it together with
14 both of them so we don't end up getting different
15 answers that leave a bunch of dollars stranded to our
16 shareholders to cover because the states took
17 different positions in separating it out.

18 Q. One, three, five years, ten years?

19 A. Over five for sure --

20 Q. Over five years.

21 A. -- I'd for sure, closer to ten.

22 I was going to say -- I was going to get
23 really specific and say nine, but that's probably too
24 specific.

25 Q. So -- so combining them would be an

1 endeavor that would extend beyond new generation if
2 you were going to build it. You said 2029 would be
3 target the IRP for natural gas plants. So your
4 quickest route to increased capacity generation for
5 West is either new construction or PPAs at this
6 juncture?

7 A. Yes. I mean, from our perspective it's
8 outlined in our recently-filed IRP, right, our
9 ability to make some inroads with some additional
10 renewable resources, both -- both from a wind and a
11 solar standpoint and get started on natural gas
12 construction. You know, and I would add -- we're
13 talking about Missouri West today. We show we need
14 natural gas also in our Kansas jurisdiction, Central
15 which is the old West Star. We show we need it in
16 Metro. So ultimately there's a lot of gas in that
17 three-year period that we need to get constructed.

18 Q. My last line of questioning is let's talk
19 about this particular case right now with West. OPC
20 is saying that because you didn't have power to sell
21 into the market, you didn't have the insurance and,
22 therefore, customers were at a risk of volatility for
23 higher prices because you weren't able to hedge that.
24 Is it your position that had you had that capacity,
25 the ratepayers would have saved more money, or is it

1 your position that the capacity that you had meeting
2 the resource adequacy requirement from SPP did no
3 harm, held the ratepayers are harmless because the
4 volatility never occurred?

5 It's not like Winter Storm Uri happened
6 and the house burned down or the warehouse burned
7 down and, therefore, you didn't have insurance and
8 volatility was passed on, in that case \$300 million
9 in securitization. In this case did the warehouse
10 burn down due to volatility or did it not? Is it --
11 is it this a penalty because you didn't have
12 insurance and capacity, or is this a penalty because,
13 because you didn't have insurance and capacity you
14 now had volatility that caused the ratepayers to pay
15 more?

16 A. It -- it's a little bit of a tangled
17 question, right, but -- but I think the answer is
18 it's hard to determine because when we would have
19 constructed and built is unknown because we never got
20 questioned and deemed imprudent at any time in those
21 prior plans. So you have to go back to when we
22 would -- when would we have built it and then what
23 would we have built at that time based on the factors
24 we knew at that time. Would it have been coal.
25 Would it have been natural gas. Would it have been

1 nuclear. We would have had to go through that
2 decision at that point with what we knew and how
3 would that cost bid into the market today.

4 Q. So this --

5 A. Would it be competitive or would it be
6 available capacity that didn't get turned into energy
7 because its cost to hit the market was too high.

8 Q. So this, I take it, is what Mr. Clizer was
9 saying in his opening, that if you take the position
10 that everything is a look-back, never would have
11 prudence for insurance because you'd always be of the
12 position of, Well, we didn't know what we didn't know
13 when we didn't know it, so, therefore, we didn't need
14 the insurance. That was his opening argument.

15 A. That -- that is his argument. I would
16 probably disagree with that. I think you have an
17 opportunity to look at the facts at the time the
18 decision is made, which is how you're supposed to
19 evaluate prudence and -- because you can only make a
20 decision on a long-term resource based on what you
21 know at that time. I mean, it's real easy today to
22 say, Gosh, if you would have done things differently
23 in these six decisions over 20 years, you would have
24 had a different market impact today.

25 Q. Right.

1 A. Those are not things -- those market
2 impacts, while we evaluated scenarios at that time,
3 they didn't pop out and say, Build a facility.

4 Q. So your -- I just want to get it clear
5 though. Your position is your current generation and
6 your current accredited capacity is not cause for
7 higher rates to your consumers. That's the harm that
8 we're talking about, you -- your -- the Company
9 opened its testimony with you have not -- the two
10 factors that we're deciding on rather this is
11 disallowed or not or if it's prudent or not is you --
12 one of those is you did not create harm, actual
13 harm --

14 A. I would say --

15 Q. -- is your position?

16 A. I would say our position is is that
17 current period harm from a decision that was made
18 ten-plus years ago is not a factor in assessing
19 prudence on that decision. That's a hindsight view
20 because you're looking today at where the market
21 ended up when you couldn't have known that when you
22 made that decision ten years ago.

23 Q. Do you believe that if you were to --
24 because sometimes OPC takes the position that new
25 generation -- you know, that there's -- there's

1 resistance towards investment in new generation. Do
2 you think this case is ultimately going to be an
3 impetus for OPC to now support investment in -- in
4 new generation?

5 A. I think it's difficult to say. I mean,
6 OPC and Mr. Clizer alluded to this, they and Staff
7 both worked with us on the Dogwood CCN --

8 Q. Uh-huh.

9 A. -- to bring that forward to the Commission
10 in an agreement that -- that got that done.

11 So that was -- that was certainly helpful
12 and certainly will be helpful to West customers.

13 I would say over the time of my
14 involvement with resource planning here, there have
15 been accusations that -- and before my time even,
16 there have been accusations that Metro and utilities
17 like that might have been overbuilt and were more
18 costly to customers than they needed to be. There
19 have been accusations that PPAs are not a good
20 vehicle to utilize for customers. There have been
21 assertions that the SPP market wholesale revenues or
22 prices have to cover the cost. So I suspect one way
23 or another we'll be back in front of this Commission,
24 whether we're offering investments or market
25 utilization or PPAs with somebody having a contrarian

1 position.

2 COMMISSIONER HOLSMAN: Thank you.

3 JUDGE PRIDGIN: Chair Hahn.

4 CHAIR HAHN: Thank you, Judge.

5 QUESTIONS

6 BY CHAIR HAHN:

7 Q. Just to follow up on a lot of Commissioner
8 Holsman's questions. Can you talk about the market
9 during this FAC period and what was known or knowable
10 at the time compared to the market now, how that
11 dynamic has changed?

12 A. The market during the FAC period?

13 Q. That's right.

14 A. Well, I think we were coming out -- and I
15 don't have those dates in front of me, but I think we
16 were coming off of Winter Storm Uri, the market at
17 that time, post-Winter Storm Uri had not recovered to
18 pre-Uri levels. Gas prices were still high. There
19 was volatility that was -- had not been in place
20 since probably 2008 or 2009 in the -- in the
21 marketplace. And then what we saw over the course of
22 the -- the period under review here was kind of that
23 persistence of higher gas and ultimately higher
24 energy prices than we had seen in that decade-plus in
25 front of it.

1 And I think today you see that gas prices
2 are back down to levels where they were before all
3 those events. Energy prices have come back down and
4 stabilized a little bit more. So I would call it,
5 you know, February of '21 to for sure getting close
6 to the end of '23 was a period that was higher than
7 we had seen in the 10 or 15 years prior to that and
8 higher than we would see today.

9 Q. This is an interesting case because I
10 think maybe what was known and knowable at the time
11 in 2021, '22 certainly different than what we know or
12 know now. Can you talk about -- you have talked
13 about your plans to build going forward, gas plant
14 in 2029. Talk about the planning reserve margin
15 changes at SPP potentially changing, what they may or
16 may not do to your IRP. And if you do plan to
17 accelerate gas plan investment, if so, where?

18 A. Yeah, sure. You know, if you look at
19 what's happened over the last year or two post-Winter
20 Storm Uri, SPP, like, you know, across the country,
21 they've been looking hard at resource adequacy.
22 First step was they moved our resource planning
23 reserve margins from 12 percent over peak load to 15.
24 So kind of a swipe of a pen, they added a 3 percent
25 need for capacity from what was in effect the day

1 before they made that change.

2 They have been evaluating and currently
3 looking at adding a winter reserve margin. Haven't
4 settled on that number yet, but certainly that's a
5 response to making sure that the -- the market can
6 look at -- look at that resource adequacy seasonally.
7 The expectation is that again probably by 2026 or so,
8 they will further increase the reserve margin in the
9 summer. Some would speculate maybe it goes up to 17,
10 but TBD. Expected to go up though, not down.

11 And then as importantly, they've been
12 working hard to think about accredited capacity. You
13 know, how much value do you get for your renewable
14 resource. You know, if you have a hundred megawatt
15 nameplate capacity wind facility, what are you going
16 to get. Maybe it's, under their new accreditation
17 capacity, maybe it's ten, ten megawatts. And they're
18 going to continue to evaluate that annually as the
19 market continues to expand and contract with
20 renewable resources.

21 So they're lowering overall the capacity
22 that they accredit for renewable resources, both wind
23 and solar. They're also looking to do the same thing
24 for dispatchable fossil resources. You know, rather
25 than give you a full capacity level for natural gas,

1 they're going to look at its capability to -- to run
2 and access the market. And it's going to lower the
3 capacity that they ascribe to -- to our dispatchable
4 fossil. All of that works to put pressure on the
5 need for us to add, whether it's Dogwood, new builds,
6 moving forward.

7 The piece that kind of goes unspoken is
8 load also matters. This Commission's aware I think
9 that there have been a couple recent announcements in
10 our service territory for data centers, large-load
11 data centers that are going to need to be served in
12 our service territory. And it is as robust a time as
13 we've seen in decades for economic development in our
14 states, whether it's the return of advance
15 manufacturing or more data center and AI-focused
16 centers. That will add pressure for us to build. So
17 you'll see us continue to have accelerated needs.

18 What you won't probably see is our ability
19 to move up natural gas very far. Because if we have
20 to construct it, if we can't buy another Dogwood or
21 something that's existing, we will have to start
22 within this year or early next year to -- to get it
23 done by '29.

24 Q. It seems like all signs point to
25 accelerated gas plant, you know, steel in the ground.

1 And that's for -- for another time, another
2 conversation, but, you know, I -- I do appreciate the
3 OPC's argument, you know, that seems like we need to
4 own some generation. Now, whether that was known and
5 knowable at the time is a different question.
6 Whether customers were harmed, also a different
7 question, but certainly recognize that now from all
8 sides, so.

9 A. There are a lot of factors that are
10 coalescing on utilities and the industry right now in
11 terms of resource adequacy. No doubt about it.

12 JUDGE PRIDGIN: All right. Thank you.
13 Any further bench questions?

14 COMMISSIONER MITCHELL: Sure, Judge.

15 JUDGE PRIDGIN: Commissioner Mitchell,
16 when you're ready, sir.

17 QUESTIONS

18 BY COMMISSIONER MITCHELL:

19 Q. You bet. The testimony in Ms. Messamore
20 and in yours indicated that you had done some, in
21 your integrated planning, although the two utilities,
22 Metro and West, are treated separately in their
23 operation but in your planning process looked at an
24 overlay of how those two utilities would -- would
25 look or might look if they were operated together. I

1 guess regulatory friction aside, how did those
2 overlays look?

3 A. Yeah. So it's an interesting discussion
4 and I'm glad you asked that. It's worth talking
5 about. When we put together an Integrated Resource
6 Plan and we look at that overlay, we're looking at
7 the future, right, the next 20 years. What -- what
8 OPC has asserted today and in this case is, Well,
9 what if we take all the decisions and all the
10 investments that were made historically and merge it.
11 How could we make the impact to customers look.
12 Which is a very different question.

13 But forward, it -- it hasn't resulted in a
14 combined look for West and Metro that would have
15 created a different decision than the standalone
16 versions do. There's really a reason for that,
17 because you're looking forward, one of the things
18 that we're trying to solve for with the overlay is
19 if -- if Metro's plan calls for a retirement of IATAN
20 in an accelerated time frame but West's plan says
21 you've got to have IATAN longer, that would be the
22 type of inconsistency we would want to catch with
23 that overlay and come up with a preferred plan that
24 creates the best outcome for IATAN if it's got those
25 inconsistent views.

1 structures and with our rates before we got to the
2 case where we did that combination. And we had the
3 opportunity as we filed that case to consider rates
4 that would be best fits for the combination and how
5 we could minimize impacts to one customer -- customer
6 to another. And we actually spent a fair amount of
7 time with the OPC and with Staff during the context
8 of that case kind of getting everybody on board with
9 those rate designs and approaches that would, you
10 know, minimize the impacts to customers. So it
11 doesn't surprise me.

12 Q. Would Evergy consider 20-year PPAs as an
13 alternative to building generation?

14 A. Evergy has considered historically 20-year
15 PPAs as an alternative to construction. We -- we
16 have a -- and it's in my testimony. We have a
17 stipulation and agreement from one of the most recent
18 rate cases that has some impactful shareholder
19 concessions if we were to do PPAs prospectively. So
20 we would have to factor that in to kind of the
21 comparison of owned versus PPAs moving forward.

22 Q. Thank you. In general how are the charges
23 of each PPA to Evergy determined? Is there a fixed
24 capacity charge and a variable energy charge?

25 A. Yeah. So generally our PPAs are focused

1 on renewable resources, and they are pretty much set
2 at a cost per megawatt hour produced by the facility.
3 That cost -- embedded within that overall cost is,
4 you know, what we're paying for -- for energy, what
5 we're paying for capacity, what we're paying for the
6 renewable attributes. Usually those contracts don't
7 -- don't break those components out; they just have
8 an aggregate cost that you're paying.

9 Q. Are those charges set for the length of
10 the contract, or do they vary over time?

11 A. Varies by contract. There are a few that
12 we've had that have been fixed, and there are a few I
13 think that we've had that have been fixed for a
14 period and then have some market escalation as you
15 work through the 20 years. And then I think there
16 are probably some that, you know, have -- have
17 started earlier in the contract with some market
18 inflators or adjustments. So negotiated at some
19 level with the counter-party to the extent that
20 you're acquiring from a developer.

21 Q. In general, Southwest Power Pools
22 integrated market dispatches generating units based
23 on least cost to meet the entire SPP energy load. Is
24 that correct?

25 A. Yeah. Based on least cost, it kind of --

1 you know, the incremental or marginal cost. It
2 doesn't -- they don't consider all-in cost of a
3 resource. You know, like if we bid in a natural gas
4 facility, they're not -- they're not considering the
5 fixed cost of investment. They're just looking at
6 kind of the incremental cost that that facility needs
7 to produce the -- the next kilowatt hour or megawatt
8 hour of power.

9 Q. Do all of Metro's and West generation
10 units clear SPP every day?

11 A. No. I'm sure they don't. You have a --
12 you have a high renewable or a high wind day, you'll
13 have a number of resources that won't clear.

14 Q. Even though SPP considers Metro and West
15 generation capacity as one, West bills its customers
16 energy usage less its generation revenues by SPP. Is
17 that correct?

18 A. I'm sorry, could you repeat that?

19 Q. I'll try. Even though SPP considers
20 Evergy Missouri Metro and West generation units
21 capacity as one, West bills its customers energy
22 usage less its generation revenues by Southwest Power
23 Pool?

24 A. Yes. I mean, SPP considers them jointly
25 from a -- you know, from a capacity adequacy

1 standpoint, but each entity pays for their share of
2 their own capacity and their -- their own energy
3 procured and sold, you know, the -- the net of
4 revenues from the market.

5 Q. And I think this is my last question, and
6 if you need to get Ms. Mantle's direct in front of
7 you, that's fine; it's just a question from her
8 testimony. But on page 4 of her direct she states,
9 Load costs above revenues generated is an indication
10 of inadequate resource planning by the utilities.

11 Would you agree with that or not and why?

12 A. Yeah. I don't have it in front of me, but
13 I think I understand that, that point. I would not
14 agree with that. You know, I think that's
15 inconsistent with the discussion I had with
16 Commissioner Holsman that we didn't make all these
17 decisions, you know, willy-nilly in a vacuum, right.
18 I mean, we ran Integrated Resource Plans for, you
19 know, in the case of West, since 2007 that have
20 indicated that having some level of capacity coming
21 from the market or from Metro and some level of
22 energy from the market was the least cost option for
23 Missouri West customers.

24 So I think that -- that demonstrates that
25 some mix is certainly appropriate. And, you know, my

1 testimony I think says throughout that, you know, we
2 think it's kind of an all of the above for advancing
3 and serving customers, both from a resource adequacy
4 and an energy standpoint, you know, dispatchable
5 fossil, renewable utilization of the market when the
6 prices in the markets, you know, support that being
7 the best option for customers. And we think that's
8 the best outcome versus over-reliance on any single
9 source.

10 JUDGE PRIDGIN: I don't believe I have any
11 further questions. Thank you. Any further bench
12 questions for this witness? All right. I'm showing
13 the time to be 11:30. This looks to be a good
14 natural break to stop before agenda. And as a
15 reminder, agenda will be at noon and will be held in
16 this room. And then we will plan to stand in recess
17 until 1:30.

18 Is there anything further from counsel or
19 from the bench before we go into recess? All right.
20 Hearing nothing, we will be in recess until 1:30 and
21 Mr. Ives will be back on the stand. All right.
22 Thank you very much. We are off the record.

23 (Off the record.)

24 JUDGE PRIDGIN: We are back on the
25 record. When we left at lunch, Mr. Ives was on the

1 stand and he's still on the stand. I'll remind you
2 you're still under oath, sir. And I believe Chair
3 Hahn may still -- may have a few more questions for
4 you. So, Chair Hahn, when you're ready.

5 QUESTIONS

6 BY CHAIR HAHN:

7 Q. Over lunch I was contemplating a follow-up
8 question I hadn't asked previously. If we were to,
9 the Commission were to take Public Counsel's position
10 of disallowing 80 -- I can't remember if it was 82
11 or \$86 million, but their position is also you should
12 have billed; you should have -- you should have owned
13 generation, what would that disallowance do in your
14 ability -- what affect would it have on your ability
15 to access capital from the markets to build or
16 additional generation?

17 A. Well, the easy answer is it would put some
18 level of pressure on access to capital markets. You
19 know, \$86 million disallowance in -- in an impact to
20 shareholders, you know, in our -- our math is, you
21 know, 30 cents a share, something like that, that --
22 that would cause a flight of -- of some investors and
23 probably an outcry from some investors to, you know,
24 reconsider the level of investment that they would
25 like us to be making in Missouri under that sort of

1 regulatory construct. So in both those situations,
2 that would put more pressure on capital market access
3 as you move into the next stage of investment or
4 build for sure.

5 CHAIR HAHN: That answers my question.
6 Thank you.

7 JUDGE PRIDGIN: Chair Hahn, thank you.
8 Any further bench questions? All right. Hearing
9 none, any recross based on bench questions.
10 Mr. Keevil.

11 RECROSS-EXAMINATION

12 BY MR. KEEVIL:

13 Q. Just a couple here, Mr. Ives. There were
14 several questions earlier I believe from Commissioner
15 Holsman about your acquisition of Dogwood. Do you
16 remember those?

17 A. I do.

18 Q. Now, remind me, was that Evergy West or
19 who exactly was doing the acquisition in that case?

20 A. Evergy West acquired Dogwood.

21 Q. That was West. And if I recall correctly,
22 you didn't acquire all of Dogwood. Is that correct?

23 A. Yeah. That -- that's right. I appreciate
24 you asking that question because it gives me a chance
25 to clean up one mistake I made with Commissioner

1 Holsman. I think we -- we talked about my
2 recollection, that that might be around 300
3 megawatts. I overshot the mark on that. It was
4 closer to 140 megawatts as our share of the Dogwood
5 facility.

6 Q. That's what --

7 A. And that's going to be about -- our share
8 with that acquisition's about 22 percent of the
9 Dogwood facility. So we'll be a minority owner in
10 that consortium.

11 Q. Right. Okay. So that was eventually
12 where I was going was your percentage ownership of
13 Dogwood is not 300. It's, what did you say, 140?

14 A. It's about 140, 145, something like that
15 and about 22 percent of the overall facility.

16 Q. For some reason I was remembering 22
17 percent, but I couldn't remember what the megawatts
18 were. There were also several times during his
19 questioning and also during your answering that the
20 words "energy" and "capacity" were sort of used
21 interchangeably. You would agree, would you not,
22 that there is a distinction between acquiring energy
23 and acquiring capacity?

24 A. I would agree there's a level of
25 distinction, but -- but there's certainly some

1 interrelationship with it, right. I mean, you know,
2 capacity and the ability to provide energy certainly
3 unlocks some energy, right, but you're still subject
4 to -- with capacity you're still subject to when and
5 how that -- that facility's going to operate and when
6 the SPP market is going to call upon that facility to
7 produce energy. So they -- they can diverge, but in
8 some -- some respects they are related to each other
9 if that makes sense.

10 Q. Yeah, I agree. But you would agree, I
11 think, that you could go out and buy energy or you
12 can buy capacity or you can buy both?

13 A. That's correct. You can acquire one
14 without the other.

15 MR. KEEVIL: Okay. Thank you. That's
16 all I have, judge. Thank you.

17 JUDGE PRIDGIN: Mr. Keevil, thank you.
18 Mr. Clizer.

19 RECROSS-EXAMINATION

20 BY MR. CLIZER:

21 Q. Good afternoon, Mr. Ives.

22 A. Good afternoon.

23 Q. So you received quite a few questions from
24 Mr. Holsman and as part of that -- I'm very sorry,
25 Commissioner Holsman -- Holsman. As part of that

1 longer conversation, there were some questions kind
2 of brought up regarding the history behind our
3 argument. Do you recall that?

4 A. A little bit, yes.

5 Q. Yes. And at one point I think you even
6 expressed that Evergy West has never been questioned
7 on the prudence of its decision. The OPC has
8 expressed concerns regarding the Company's inability
9 or -- no, let me rephrase that.

10 You would agree with me that the OPC has
11 raised the arguments effectively raising in this case
12 before. Right?

13 A. I would agree that the OPC has raised
14 questions about items that have come up in our
15 Integrated Resource Plan. I wouldn't say that
16 they've, that I can recall specifically, raised and
17 had sustained any sort of argument around a
18 specific -- prudence of a specific decision. So
19 which I think is kind of where you are today, right.
20 You're talking about a bunch of stuff over time has
21 led to a spot where Evergy Missouri West is accessing
22 energy from the market. And I think that's kind of
23 how you've couched your argument in this one. You've
24 said it's not any specific decision, but overall
25 there's an over-reliance on the energy market.

1 Q. Right.

2 Your Honor, I'm going to distribute
3 something. I'm not asking it to be marked because
4 it's already an attachment to another person's
5 testimony, but I'm distributing it now for discussion
6 purposes.

7 And for the record I just want to again
8 reflect that this should be attachment S5 to Lira --
9 Lena -- Lena Mantle's surrebuttal. So I'm not asking
10 for it to be marked, but I'm going to discuss it here
11 for these purposes.

12 And really I just want to touch on the --
13 the idea of whether or not the OPC has been
14 addressing this concern before. And what you have in
15 front of you, Mr. Ives, are the comments filed by
16 the Office of Public Counsel in an Integrated
17 Resource Plan filed by KCPL Greater Missouri
18 Operations in 2017. And just for the record, KCPL
19 Greater Missouri Operations is the predecessor to the
20 currently-existing Evergy Missouri West. Correct?

21 A. That's correct.

22 Q. And if you turn to the memorandum
23 beginning on page 2 here beginning on the first --
24 sorry -- third full sentence which is one, two,
25 three, four lines down, you would agree with me that

1 the OPC stated, OPC is also apprehensive that the
2 premature retirement of approximately 900 megawatts
3 of capacity, GMO and KCPL combined, creates a
4 significant risk by not fully accounting for the
5 highly uncertain interdependent energy market and
6 policy arena --

7 A. Oh, I'm sorry. Can you -- I see the 900
8 megawatt, but I'm not seeing the rest of the words
9 lined up. So can you remind me where you are?

10 Page 2?

11 Q. Sorry. Yes. Memorandum, page 2, one two,
12 three, four lines down is where I'm starting; one,
13 two, three, four, five words in where it says, OPC is
14 also apprehensive. And I should say it's page 2 of
15 the memorandum. That's the confusion I have. I
16 apologize for you. Because this is the attached
17 filing with the memorandum.

18 A. Oh, perfect.

19 Q. There you go.

20 A. Thank you.

21 Q. I see where I confused you now. Are you
22 with me now?

23 A. I am.

24 Q. So again, OPC is also apprehensive that
25 the premature retirement of approximately 900

1 megawatts of capacity, GMO and KCPL combined, creates
2 significant risk by not fully accounting for the
3 highly uncertain interdependent energy market and
4 policy arena the revised preferred plan would operate
5 in. More specifically, the premature forced closure
6 of large amounts of dispatchable base load serving
7 generation in favor of unknown capacity contracts
8 through the SPP energy market raises prudence
9 concerns moving forward by potentially producing
10 significant stranded cost, increased risk exposure
11 from market volatility, and future reliability
12 concerns.

13 You would agree with me that that's how
14 that reads?

15 A. That's -- that's what it says, yes.

16 Q. And you would agree with me, therefore,
17 that the OPC has at least been addressing these
18 concerns regarding Evergy West's reliance on the SPP
19 energy market from, at a minimum, this 2017 trial IRP
20 filing. Correct?

21 A. Yeah. Although, I'm going -- would just
22 say right there in that same paragraph it goes on to
23 say, you know, The primary concern centers on the
24 early retirement of Sibley 3's 364 megawatt.

25 And -- and I think, you know, I've got

1 testimony out there that pretty clearly shows the
2 Commission has specifically addressed that one and
3 indicated that they believe that the decision was
4 considered prudent for that. So although you're
5 raising it, just because you say it, doesn't hold it
6 to be true. The Commission has made some -- some
7 orders that -- that have said otherwise.

8 Q. And that's certainly the case and I'm not
9 disputing you on that. My point, and I think again
10 that you would agree, is that the OPC has at least
11 been addressing this concern to the Company for as
12 far back as 2017.

13 A. You have -- you have raised that concern
14 that you raise, yes.

15 Q. And do you happen to have a copy of
16 Ms. Lena Mantle's direct testimony in front of you?

17 A. I do not have a copy of that in front of
18 me. I apologize.

19 Q. This is the only page I'm going to talk
20 about, page 16. I can provide you the entire one if
21 necessary, if you feel it necessary. I guess I
22 should just do that. Here. I don't want you to feel
23 like anything's left out.

24 Can you find page 16 for me of
25 Ms. Mantle's direct testimony?

1 A. I'm there.

2 Q. You would agree with me that Ms. Mantle
3 testified beginning at lines 12 through 15 that the
4 OPC raises concerns regarding Evergy West's resource
5 plans increased reliance on energy purchased from the
6 SPP market in at least the following cases. And then
7 she has those cases listed?

8 A. I see the list of cases, yes.

9 Q. And you did not file any testimony in
10 rebuttal or surrebuttal to contradict that the OPC
11 has been raising this issue in the cases that was
12 asserted by Ms. Mantle. Correct?

13 A. I talked about some of these cases, and I
14 certainly talked about some of the cases where
15 Ms. Mantle raised these items and the Commission
16 disagreed that there were imprudence, so that's
17 certainly in my testimony. I did not address any
18 each and every case.

19 I think Ms. Mantle also lists some cases,
20 you know, starting with like 2005 and 2007 in her
21 testimony in this case as well. And I didn't go back
22 rehash all that history for this review period
23 either.

24 Q. But are you disagreeing with Ms. Mantle
25 that the OPC has raised the issue regarding Evergy

1 West's reliance on the SPP energy market in all the
2 cases listed there?

3 A. I don't. I just don't think it's relevant
4 to the prudence discussion in this docket.

5 Q. One of the questions you were asked from
6 Commissioner Holsman concerned sort of the impact of
7 the volatility. Do you recall that kind of line of
8 questioning?

9 A. Yes.

10 Q. You wouldn't happen to have a copy of
11 Dr. Marke's testimony in front of you, would you?

12 A. I do not.

13 Q. Don't worry.

14 Lena, I got this one.

15 Your Honor, again I'm going to distribute
16 something. This is for discussion purposes. I'm not
17 asking for it to be marked.

18 A. I'll trade you.

19 Q. Thank you very much.

20 MR. KEEVIL: Mr. Clizer, did you intend
21 to give Mr. Forcks a blank piece of paper.

22 MR. CLIZER: I did not. I apologize. By
23 the way, your Honor, I have copies if you -- how many
24 copies would you like.

25 JUDGE PRIDGIN: One for the Commissioners

1 is fine if you have one.

2 BY MR. CLIZER:

3 Q. Now, Mr. Ives, I'm going to posit to you
4 that this is representing page 5 of surrebuttal
5 testimony of Dr. Geoff Marke which has not yet but
6 will ultimately be introduced into the record, so I'm
7 just going to talk to you about this.

8 And I will also point out that this is
9 marked confidential and that the table in particular,
10 it is our understanding that the items listed under,
11 Non-firm short-term energy and off-system sales
12 revenue, are considered confidential numbers, so I am
13 not going to ask any questions about those numbers.
14 However, it is my understanding that the margin,
15 which cannot be calculated -- sorry. You cannot get
16 to the confidential numbers from the margin, I intend
17 to discuss those numbers now on the record without
18 going in camera. And I am pausing here to offer an
19 objection if somebody is concerned with that.

20 All right.

21 MR. STEINER: John, it's all marked as
22 Confidential so I -- I just -- let me check. Did
23 someone tell you that? I think it would be better to
24 go in all confidential unless you can just talk
25 generally about that margin number, John. I just, I

1 don't have the person here that would know.

2 MR. CLIZER: If you would, I would ask to
3 go in camera then. Try and keep this brief.

4 JUDGE PRIDGIN: Let me -- before I go in
5 camera, let me verify if there's anybody in the room
6 who is not cleared to be in the room. And I'll count
7 on Brian to take us in camera.

8 (In camera proceedings, pages 119 to 123
9 are in a separate transcript.)

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1 JUDGE PRIDGIN: And, Mr. Clizer, when
2 you're ready, sir.

3 RECROSS-EXAMINATION OF MR. IVES CONTINUED

4 BY MR. CLIZER:

5 Q. Mr. Ives, you would agree with me that in
6 the absence of an FAC, those costs, absent some other
7 Commission order, would be borne by the Company
8 itself. Correct?

9 MS. WHIPPLE: Judge, I think I -- we're
10 getting beyond bench questions.

11 JUDGE PRIDGIN: Mr. Clizer.

12 MR. CLIZER: Right. This questioning
13 again comes back to the idea of what was actually at
14 heart of the calculations being performed by the OPC.
15 But honestly I actually think I'm prepared to move on
16 past that for just a moment, so I'll withdraw the
17 question.

18 BY MR. CLIZER:

19 Q. Now, do you recall receiving a series of
20 questions from Commissioner Holsman regarding the
21 operation of Evergy Metro versus Evergy West and how
22 they were -- do you recall those conversations?

23 A. We talked a little bit about the potential
24 view of combination I think. Is that where you're
25 headed?

1 Q. Yes. You would agree with me that right
2 now for the SPP, and that's for the record Southwest
3 Power Pool; I think that might have been said before,
4 but just for the record -- Evergy West and Evergy
5 Metro are treated as a combined entity for
6 determining whether they are meeting the resource
7 adequacy requirement?

8 A. Yeah. It's -- it's specific to that. It
9 doesn't combine kind of the overall cost to serve or
10 anything else. It's in measuring adequacy at the
11 SPP, yes.

12 Q. And how many employees does Evergy West
13 have separate from Evergy Metro?

14 A. Well, I haven't looked at the employee
15 roster for a while. I'm not sure that West has any
16 employees. Most folks like myself have
17 responsibilities over a number of legal entities.

18 Q. And with regard to potential for combining
19 Evergy West and Evergy Metro that you were discussing
20 with Commissioner Holsman, do you recall in the 2018
21 Evergy F -- Evergy general rate case the stipulation
22 agreement that was signed between parties, or at
23 least generally recall that?

24 A. Are you -- I mean it's -- there's probably
25 lots of stipulations in that case.

1 Q. Fair enough. Let me dig down a little
2 deeper. Do you recall Evergy agreeing to review
3 combining Evergy West and Evergy Metro as part of the
4 stipulation in the 2018 series of general rate cases?

5 A. I do. Because I recall we also filed that
6 report in 2020. I think it was October of 2020.

7 Q. And I think you might have actually
8 answered this same question with regard to the long
9 conversation that was had, but when we talk about
10 alleviating the gap in generation between what is
11 produced and what is necessary, Evergy West is
12 currently facing a -- currently has potential
13 increased load coming on too. Correct?

14 A. Yeah. I think all of our jurisdictions
15 do. We talked about that a little bit. There's --
16 there's a good environment for economic development
17 in our states right now.

18 Q. And I think that it's public knowledge at
19 this point that Facebook is anticipating building a
20 data center in the Evergy West footprint. Is that
21 correct?

22 A. Meta -- Meta, Meta is in I think Evergy
23 West, and Google has announced in Missouri Metro I
24 believe.

25 Q. And that data center would be expected to

1 significantly increase the load that would be
2 required to be met by Evergy West. Correct?

3 A. The data centers are -- are load
4 intensive, yes.

5 Q. So that would require even more generation
6 to be brought on to meet that gap. Right?

7 A. Yes. That's why you see some upgrades in
8 our current period IRP for both not only the load but
9 for the change in the SPP accredited capacity and
10 capacity requirements.

11 Q. I think I have probably just the one last
12 series of questions. In your conversations with the
13 commissioners you had discussed, you know, Evergy
14 following IRP, its Integrated Resource Plan. Do you
15 recall that?

16 A. I do.

17 Q. I'm going to distribute another document.
18 Okay. Both of those printed one-sided. Apologies,
19 these aren't stapled together.

20 A. No. That's all right.

21 MR. CLIZER: My apologies; it's not been
22 stapled together. I'm just going to leave the rest
23 of these here.

24 BY MR. CLIZER:

25 Q. Mr. Ives, what I've handed you is a copy

1 from the existing Code of State Regulations. And I
2 would draw your attention to subparagraph 17 which is
3 at the bottom right of page 21.

4 A. I'm there.

5 Q. And I'm actually going to start at
6 literally the last four sentences of the page and
7 then proceed to the next one.

8 In proceedings where the reasonableness of
9 resource acquisitions are considered, consistent --
10 consistency with an acknowledged preferred resource
11 plan or resource acquisition strategy may be used
12 as supporting evidence but shall not be considered
13 any -- shall not be considered any more or less
14 relevant than any other piece of evidence in the
15 case. Consistency with an acknowledged preferred
16 resource plan or resource acqu -- acquisition
17 strategy does not create a rebuttable presumption of
18 prudence and shall not be considered to be
19 dispositive of the issue.

20 Do you agree with me that I've read that
21 correctly?

22 A. Yep. And I would agree that's the
23 treatment.

24 MR. CLIZER: All right. Your Honor, I
25 did not anticipate admitting that because as part of

1 the Code of State Regulations, I expect that I can
2 cite to it without its admission on the record. So I
3 have nothing to admit and I am finished with my
4 cross-examination.

5 JUDGE PRIDGIN: All right. Mr. Clizer,
6 thank you. Any redirect?

7 MS. WHIPPLE: Thank you, Judge.

8 REDIRECT EXAMINATION

9 BY MS. WHIPPLE:

10 Q. Mr. Ives, I have just handed you what I
11 will eventually offer as Exhibit 13. We understand
12 this document is in response to Chair Hahn's request
13 for data from the Company and also relates to some
14 questions about load that you've received from the
15 bench and on recross. Can you please describe what
16 this document contains?

17 A. Yeah. Briefly, I won't go into a lot of
18 specific details because these are -- these are
19 confidential schedules, but these -- these are three
20 different views from three different time frames tied
21 into our Integrated Resource Planning that shows the
22 capacity view of how EMW is meeting its load
23 requirements at SPP per peak load plus reserve
24 margin.

25 So I know we talked a couple different

1 times here about, you know, capacity versus energy; I
2 went through a couple of questions with Mr. Keevil
3 about that and I know Chair Hahn has asked OPC to
4 provide the energy relationship. And I think it was
5 important to also share the capacity relationship
6 because energy can be affected by changes in the SPP
7 market, right, call ability of a resource because of
8 how it stacks up in the market at any given point in
9 time. So even though you may have capacity, it may
10 not get called and turned into energy in the market.
11 It may be cheaper for customers to -- to exercise
12 their ability to go to the market for energy.

13 So it's good to have both analyses of how
14 we're meeting our capacity requirements for resource
15 adequacy at SPP while you're looking at the energy
16 analysis that I think OPC has -- has offered to
17 deliver later. And hopefully we'll all get a chance
18 to look at before it goes into the record.

19 MS. WHIPPLE: Okay. Your Honor, so at
20 this point I would offer this exhibit as Exhibit 13,
21 but confidential.

22 JUDGE PRIDGIN: I will label that as
23 Exhibit 13C. And that's been offered. Any
24 objections?

25 MR. CLIZER: Your Honor, I don't

1 necessarily believe I'll be objecting to it, but I
2 would make a request that parties be given an
3 opportunity to review this more in depth and
4 potentially file objections after the fact. In
5 effect treating it as a late-filed exhibit just to
6 give us better time to understand it in case we have
7 objections, because I haven't seen it before. But I
8 have no standing objection to its entry other than
9 that.

10 JUDGE PRIDGIN: Any response?

11 MS. WHIPPLE: Judge, we're all right with
12 that as long, of course, as we're afforded the same
13 treatment if OPC offers any exhibit in response to
14 the Chair's request.

15 JUDGE PRIDGIN: All right. Exhibit 13C
16 is admitted.

17 (Company's Exhibit 13C was admitted and
18 made a part of this record.)

19 JUDGE PRIDGIN: And, Ms. Whipple.

20 MR. KEEVIL: Excuse me, Judge. Is it
21 admitted or is it provisionally? I mean because if
22 he's possibly going to object to it later, I wouldn't
23 think you'd want to fully admit it.

24 JUDGE PRIDGIN: No, I agree. I mean, I
25 guess a better way to say it is provisionally

1 admitted pending possible later objections. I mean,
2 I want to be -- you know, I want it marked in the
3 record that we don't have any objections as of now so
4 I'm admitting it with the understanding that somebody
5 might launch an objection later. Yeah. Reminders to
6 speak in the microphone please for people on Webex.

7 I'm sorry. Ms. Whipple.

8 MS. WHIPPLE: Thank you.

9 BY MS. WHIPPLE:

10 Q. Mr. Ives, in your response just now and in
11 other questions that you received from the bench and
12 on recross, you've discussed relying on the energy
13 market and whether that's risky to customers or not.
14 Could you summarize generally what the Company's
15 position is on that since it's so important in this
16 case?

17 A. Yeah. We talked about that, you know,
18 when I was speaking to the commissioners earlier.
19 Probably good to reiterate. I mean, you know,
20 reliance, my perspective and I think Evergy's
21 perspective as well is reliance on any one source to
22 serve customers solely or primarily can create
23 additional risk, right, whether that be, you know,
24 relying on only natural gas fired own generation to
25 serve customers. If you have natural gas spikes like

1 we did in this same review period, that would have
2 not worked out well either.

3 So having a balance is -- is what we've --
4 we've put through our Integrated Resource Plans over
5 the years. That balance moves and ebbs and flows a
6 little bit, but it includes purchase power
7 agreements; includes, you know, direct market access
8 both for capacity and supply; includes, you know,
9 renewables that are owned. It includes dispatchable
10 resources.

11 There was a statement made earlier today
12 that I had some testimony about, you know, playing
13 the Lotto. And there's a rest of the story on that
14 answer. It was an excerpt that was cut out and used.
15 I mean, the rest of the story said just exactly what
16 we just discussed. I believe, and this is supported
17 by past Commission orders, that a balanced resource
18 portfolio is in customers', Staff's, OPC's,
19 shareholders' and other stakeholders' best interest
20 and would cover all those pieces I just laid out.

21 Q. Similarly, you received questions about
22 having steel in the ground. How could having steel
23 in the ground impact base rates versus FAC costs
24 generally?

25 A. Yeah. I just talked about that a little

1 bit in response to OPC's recross as well. You know,
2 it's easy to look at one side of the equation, you
3 know, a table that shows increased FAC costs and, you
4 know, a difference in one utility's view to the
5 other, but you have to look at the total cost
6 equation, which I mentioned in that response. You
7 have to look at what's in base rates for the
8 infrastructure investment that supported the better
9 FAC performance on Metro's side. And I alluded to
10 this earlier, said it directly earlier to the
11 Commission that, you know, if you look at all-in
12 rates, Metro's rates have historically run higher
13 than West's rates and it's driven by the fact that
14 they have infrastructure investment for that type of
15 generation that EMW doesn't have because it's been
16 utilizing the market for part of its supply to
17 customers.

18 Q. Relatedly you received questions about the
19 hypothetical combination presented by OPC and the
20 disallowance coming out of that hypothetical
21 situation, would that impact access to capital. What
22 are other impacts that that hypothetical and proposed
23 disallowance could have if adopted in this
24 proceeding?

25 A. Yeah. We spoke about that a little bit

1 when I was talking to the Commission. I mean, when
2 you -- when you do a combination of utilities that
3 have supported their customers in differing ways over
4 decades, you're really just going to end up with a
5 reallocation of cost. That's -- that means in the
6 case where you're giving some of the supply
7 capability from Metro customers to be available for
8 West instead of accessing the market, that Metro's
9 customers aren't going to have that available to sell
10 into the market and benefit from, even though they've
11 been paying for those assets for a number of years.

12 You're reallocating benefits for Metro to
13 West and somehow you're going to have to balance that
14 out at the time of combination to make sure that the
15 customers remain whole for what they've been asked to
16 provide for over the years.

17 MS. WHIPPLE: Thank you. No further
18 questions.

19 JUDGE PRIDGIN: Okay. Ms. Whipple, thank
20 you. Mr. Ives, thank you very much. You may step
21 down.

22 THE WITNESS: Thank you.

23 JUDGE PRIDGIN: I believe the next
24 witness is Jordan Hull for Staff.

25 If you'll raise your right hand and be

1 sworn please.

2 (Witness sworn.)

3 JORDAN HULL

4 The witness, having been first duly sworn,
5 testified as follows:

6 JUDGE PRIDGIN: Thank you. You may have
7 a seat. Mr. Keevil, when you're ready.

8 MR. KEEVIL: Thank you, Judge.

9 DIRECT EXAMINATION

10 BY MR. KEEVIL:

11 Q. Mr. Hull, would you please state and spell
12 your name for the record.

13 A. My name is Jordan T. Hull, J-o-r-d-a-n,
14 last name Hull, H-u-l-l.

15 Q. And did you cause to be prepared and filed
16 in this case rebuttal testimony which I'll tell you
17 now has been premarked as Exhibit No. 200?

18 A. Yes.

19 Q. And do you have any additions or
20 corrections you need to make to that testimony?

21 A. I do not.

22 Q. If I were to ask you the questions
23 contained in that testimony, would your answers be
24 the same today as contained therein?

25 A. Yes.

1 Q. And are those answers true and correct to
2 the best of your information, knowledge, and belief?

3 A. Yes.

4 MR. KEEVIL: Judge, with that I would
5 offer Exhibit No. 200, the rebuttal testimony of
6 Jordan T. Hull into the record.

7 JUDGE PRIDGIN: Any objections? Hearing
8 none, Exhibit No. 200 is admitted into evidence.

9 (Staff Exhibit 200 was admitted and made
10 a part of this record.)

11 MR. KEEVIL: Thank you, Judge. I'll
12 tender the witness for cross-examination.

13 JUDGE PRIDGIN: Mr. Keevil, thank you.
14 Any cross from the Company?

15 MR. STEINER: No.

16 JUDGE PRIDGIN: Mr. Steiner, thank you.
17 Public Counsel?

18 MR. CLIZER: No. Thank you, your Honor.

19 JUDGE PRIDGIN: Thank you. Let me see if
20 we have any bench questions. Commissioner Holsman?
21 Okay. Commissioner Kolkmeier, Commissioner Mitchell,
22 any questions?

23 COMMISSIONER MITCHELL: None for me.

24 JUDGE PRIDGIN: I have no questions, so
25 Mr. Hull, thank you very much. You may step down.

1 Our next witness is Lena Mantle for Public Counsel.

2 Ms. Mantle, if you'll raise your right
3 hand and be sworn please.

4 (Witness sworn.)

5 LENA MANTLE

6 The witness, having been first duly sworn,
7 testified as follows:

8 JUDGE PRIDGIN: Thank you very much. You
9 may have a seat. Mr. Clizer, when you're ready.

10 DIRECT EXAMINATION

11 BY MR. CLIZER:

12 Q. Ms. Mantle, can you please identify your
13 occupation and who you work for.

14 A. I am a senior analyst for the Office of
15 the Public Counsel.

16 Q. And have you prepared or caused to be
17 prepared testimony for this case which has been
18 premarked as, should be 2 --

19 MR. KEEVIL: It's not 2. I've got 200.

20 MR. CLIZER: I know.

21 JUDGE PRIDGIN: Probably the 300s.

22 MR. CLIZER: Right. The 300 -- see, the
23 problem is that I know they were marked with the
24 confidential and public designations. I had my list
25 printed out and then it disappeared on me.

1 JUDGE PRIDGIN: I'm looking right now.
2 I'm showing you have 300, 300C for Ms. Mantle's
3 direct, 301, 301C for her rebuttal, 302, 302C for her
4 surrebuttal.

5 MR. CLIZER: That is exactly it. Thank
6 you so much.

7 JUDGE PRIDGIN: You're very welcome.

8 BY MR. CLIZER:

9 Q. So I will reiterate the question since I
10 botched that so badly.

11 Ms. Mantle, did you prepare or cause to
12 be prepared Exhibits 300, 300C, your direct
13 testimony; and 301, 301C, your rebuttal testimony,
14 and 302, 302C, your surrebuttal testimony
15 respectively?

16 A. Yes.

17 Q. And do you have any changes you would make
18 to those --

19 A. Yes.

20 Q. -- testimonies.

21 Your Honor, I believe, I'm going to go out
22 on a limb, I think 307 would be this, marking this
23 exhibit.

24 JUDGE PRIDGIN: The errata sheet?

25 MR. CLIZER: Yes.

1 JUDGE PRIDGIN: Thank you.

2 BY MR. CLIZER:

3 Q. Ms. Mantle, does this errata sheet
4 correctly explain the changes that you would make to
5 your testimony?

6 A. Yes.

7 MR. CLIZER: Your Honor, for procedural
8 standard, she can either go through and explain her
9 changes, or I can just offer the errata sheet and
10 allow the parties to review the changes. Which would
11 you prefer?

12 JUDGE PRIDGIN: Well, offering is faster,
13 but I'll leave that up to counsel if they have an
14 objection.

15 MR. KEEVIL: I'm all for fast, Judge.

16 MS. WHIPPLE: No objection at this time.

17 JUDGE PRIDGIN: Okay. Very good.

18 Mr. Clizer.

19 BY MR. CLIZER:

20 Q. And with the changes made in this errata
21 sheet, would your testimony then be true and correct
22 to the best of your knowledge and belief?

23 A. Yes.

24 MR. CLIZER: All right. With that I
25 would move for the admission of 300, 300C, 301, 301C,

1 302, 302C, and what I have currently marked as 307,
2 the errata sheet.

3 JUDGE PRIDGIN: All right. Any
4 objections?

5 MS. WHIPPLE: None.

6 JUDGE PRIDGIN: Hearing no objections,
7 Exhibits 300, 300C, 301, 301C, 302, 302C, and 307 are
8 admitted into evidence.

9 (OPC Exhibits 300, 300C, 301, 301C, 302,
10 302C, and 307 were admitted and made a part of this
11 record.)

12 MR. CLIZER: With that, I tender the
13 witness. Thank you.

14 JUDGE PRIDGIN: Mr. Clizer, thank you.
15 Cross-examination. Mr. Keevil.

16 MR. KEEVIL: None at this time, Judge.
17 Thank you.

18 JUDGE PRIDGIN: Thank you. The Company?

19 MS. WHIPPLE: Yes, Judge, thank you.

20 CROSS-EXAMINATION

21 BY MS. WHIPPLE:

22 Q. Ms. Mantle, would you please pick a
23 version of your direct testimony that's easiest for
24 you to grab. Not going to be talking about anything
25 confidential. And turn to page 4.

1 A. I am there.

2 Q. Do you see the question that begins on
3 page 4, line 4 and it asks, How then should the
4 Commission consider Evergy West's resource planning
5 process as part of an FAC prudence review case?

6 A. I see that question.

7 Q. All right. And then the last sentence to
8 your responsive paragraph reads, Consequently, the
9 incurrence of the cost of natural gas that will be
10 passed on to customers through any given FAC is set
11 in motion by the decision to build a natural gas
12 generation plant that might have been put in place
13 years earlier just as the cost to fill up your car's
14 gas tank today is dependent upon the decision you
15 made years prior regarding what car to buy.

16 Did I read that last sentence correctly?

17 A. Yes.

18 Q. In relation to that car analogy, when
19 would you determine prudence, at the time you bought
20 the car or at the time you filled up the tank today?

21 A. Prudence wouldn't have to be determined on
22 what I was trying to achieve.

23 Q. I'm asking you that question though.

24 A. I -- it's according to whether -- if
25 prudence is did I get a car that is comfortable to

1 sit in, yes, it is pru -- I mean, the -- prudence
2 could also be how much to fill up the gas tank, but
3 if, you know, if I had plenty of funds, then I would
4 think it was plenty prudent to pay more for gas for
5 my car. So it's according to what you're trying to
6 do.

7 Q. Well, Ms. Mantle, in your written
8 testimony you say, Just as the cost to fill up your
9 car's gas tank today is dependent upon the decision
10 you made years prior regarding what car to buy.

11 So with your sentence there, when is the
12 prudence determination made?

13 A. This sentence isn't discussing prudence.
14 This dis -- this sentence is discussing when is the
15 cost felt. It has nothing do with prudence.

16 Q. Well, the question does ask about
17 prudence. How then should the Commission consider
18 Evergy West's resource planning process as part of an
19 FAC prudence review case.

20 So I'm going to again ask you, this car
21 analogy in your written testimony in response to a
22 prudence question is what I'm focusing on. When do
23 you determine the prudence in that car analogy, when
24 you buy the car or when you fill up your gas tank?

25 A. That car analogy has nothing to do with

1 the prudence of -- of Evergy West's resource
2 planning. It's just an analogy of when do you --
3 that the payments continue for many years even though
4 you purchased the car, just as when you build a CT or
5 combine cycle or a coal plant, you don't -- you
6 continue to incur those costs going forward. You
7 don't incur coal costs before the coal plant's built.
8 You don't incur natural gas cast -- costs. And which
9 one you incur depends on what you build and when you
10 built it.

11 Q. I understand that it may just be an
12 analogy, but it's your analogy and so I'm asking you
13 the question that you haven't yet answered. When do
14 you determine prudence in your car analogy?

15 MR. CLIZER: I'm going to object in that
16 I do believe it's been asked and answered.

17 MS. WHIPPLE: It specifically hasn't
18 been. She's refused to answer it, Judge.

19 JUDGE PRIDGIN: Yeah, I think it's been
20 asked and not answered, and I think an appropriate
21 answer is I -- you know, I don't know. So I'm going
22 to overrule the objection.

23 THE WITNESS: I don't know.

24 BY MS. WHIPPLE:

25 Q. Can I -- may I have her testimony to

1 the -- to the question is that she doesn't know? Is
2 that -- is that your testimony?

3 A. My answer is it's depending on what is
4 your mea -- what are -- what were you trying to
5 achieve. If you were trying to achieve a comfortable
6 car and you bought a big SUV, you're prudent when
7 you fill up the gas tank. If your objective was to
8 keep your total costs low, you weren't. And the
9 decision -- that was made -- that's a decision --
10 that's early on in the car buying process and it's up
11 to each individual, but that wasn't the reason for
12 this sentence to be in that question.

13 Q. Okay.

14 Judge, I am so sorry about this, but the
15 answer was I don't know and then the answer went back
16 to not being able to answer again.

17 So for purposes of the record is your
18 answer, I don't know? Is that -- can we land on
19 that?

20 A. The question is when would the decision
21 have been imprudent?

22 Q. The question is with your car analogy,
23 which decision is where you determine prudence, when
24 you fill up the gas tank or when you bought the car?

25 A. The decision is made when you buy the car.

1 Now, you're asking a separate question which is where
2 should imprudence be determined, whether at the time
3 you bought the car or when you fill up with gas?

4 Q. My question is in the car analogy when
5 would you determine prudence, when you bought the car
6 or today when you filled up the gas tank?

7 A. I don't know.

8 Q. Okay. Thank you. Ms. Mantle, have you
9 read the original position statement that was filed
10 by Staff in this proceeding prior to the stipulation?

11 A. I think I have. I really don't remember
12 much about it, but I do believe I read it.

13 Q. Okay. Could you please grab -- I gave you
14 both of them. Could you please grab the original
15 position statement, not the amended one.

16 A. I have it here.

17 Q. Okay.

18 Your Honor, I'd like to offer this as
19 Exhibit 14.

20 JUDGE PRIDGIN: To be clear, it's the
21 Staff's original position statement. Is that
22 correct?

23 MS. WHIPPLE: That's right.

24 JUDGE PRIDGIN: It's been offered as
25 Exhibit 14. Any objections?

1 MR. CLIZER: I do object, your Honor. I
2 don't know what the evidentiary value of this is
3 considering that it's merely Staff's position in this
4 case, which is for the record already part of the
5 record because it was filed in EFIS.

6 MS. WHIPPLE: Well, it's up to you,
7 Judge. We can do judicial notice of this as well and
8 it would have whatever weight the Commission chooses
9 at the time it's determining all the evidence. If
10 it's easier to enter it into the hearing record,
11 that's up to you.

12 JUDGE PRIDGIN: Yeah. I think it's six
13 of one, half a dozen of the other. I mean, I can --
14 I can admit it into evidence or it could -- I could
15 take judicial notice.

16 MR. CLIZER: Well, your Honor, I continue
17 to object to it be admitted into evidence as it is
18 not evidence.

19 JUDGE PRIDGIN: I'll take judicial notice
20 of Staff's statement of position.

21 MS. WHIPPLE: Okay. Thank you.

22 BY MS. WHIPPLE:

23 Q. Would you please turn to page 7. And
24 please orient yourself to the issue: Should the
25 Commission adopt OPC's proposed ordered adjustment

1 of \$86,376,294 with interest to be applied in Evergy
2 Missouri West's next FAR filing.

3 Do you see that?

4 A. I see that.

5 Q. And do you see that Staff's response to
6 that issue question simply states No?

7 MR. CLIZER: I'm going to again object.
8 I don't understand why including the now amended
9 position of statement of positions from Staff moves
10 the evidentiary needle at all.

11 JUDGE PRIDGIN: Ms. Whipple.

12 MS. WHIPPLE: It clearly has relevance to
13 the issues in this case. It relates to Staff's
14 position and whether the Commission weighs it one way
15 or the other is up to the Commission.

16 MR. KEEVIL: Judge, I would -- since this
17 was my client's position statement at one time
18 apparently before I became involved with this case, I
19 would point out that this is not on behalf of any
20 witness in this case. This was on behalf of the then
21 attorney for the Staff. And there is no citation to
22 any of the record evidence in the case according to
23 the word "no." So I -- I don't see what -- I don't
24 even think this rises to the level of evidence.

25 MR. CLIZER: That is my objection as

1 well.

2 JUDGE PRIDGIN: I'm going to overrule.
3 I'm going to let her answer to the extent that she
4 knows. And obviously don't want to just simply read
5 from position statements, especially since Staff's
6 amended its position statement later. But I'm going
7 to overrule.

8 BY MS. WHIPPLE:

9 Q. I'm so sorry; I can't remember if you --
10 if you answered my last question. You see that that
11 issue's answered with no?

12 A. Yes.

13 Q. Okay. As everyone has pointed out, could
14 you please turn to the amended position statement.

15 And, Judge, consistent with your last
16 ruling, I would ask for judicial notice of this one
17 as well.

18 JUDGE PRIDGIN: So taken.

19 BY MS. WHIPPLE:

20 Q. On page 1 of that statement, could you
21 please orient yourself to issue question six which
22 states: Was Evergy Missouri West's continuing
23 decision to not acquire sufficient generation to
24 protect its customers from the risks of the energy
25 market and instead to rely on the energy market to

1 meet a substantial portion of its customers load
2 requirements imprudent.

3 Do you see that?

4 A. I see that.

5 Q. Do you also see that Staff's response is,
6 Staff agrees that --

7 MR. CLIZER: Your Honor, I'm sorry, just
8 to -- before I cut you off, I'm going to reiterate my
9 objection on the grounds that this is not evidence.

10 MS. WHIPPLE: Judge, I don't think that's
11 a proper objection; I've never heard of that sort of
12 thing before. But even if it were, this does get
13 into citation of record evidence that I'm going to
14 get into next. So if I could just be allowed some
15 leeway here.

16 JUDGE PRIDGIN: Okay. I'll overrule.
17 Thank you.

18 BY MS. WHIPPLE:

19 Q. Do you see that Staff's response is, Staff
20 agrees that Evergy Missouri West has relied on the
21 market at times to meet its customer's energy needs.
22 However, Staff does not consider this to be imprudent
23 and is unsure of what a reasonable disallowance would
24 be based on the number of variables that would need
25 to be considered when trying to quantify such a

1 number.

2 Do you see that?

3 A. I see that.

4 Q. Do you see that that response contains a
5 footnote, and the footnote cites the rebuttal
6 testimony of Staff witness Jordan Hull?

7 A. I see that's what the stat -- or the
8 footnote says.

9 Q. Have you read the rebuttal testimony of
10 Staff witness Jordan Hull which has been entered as
11 Exhibit 200?

12 A. Yes.

13 Q. Do you have a copy of it in front of you?

14 A. No.

15 MR. CLIZER: I have it.

16 THE WITNESS: I now have a copy.

17 BY MS. WHIPPLE:

18 Q. Could you please turn to page 2.

19 A. Okay.

20 Q. Do you see the question page 2, line 4:
21 Does Staff agree with Ms. Mantle's direct testimony?

22 A. I see that.

23 Q. Do you see Mr. Hull's response which
24 states partially, Staff agrees that Evergy Missouri
25 West has relied on the market at times to meet its

1 customer's energy needs. However, Staff has not
2 alleged this as an imprudent decision in this case.
3 Further, if imprudence was alleged, a quantification
4 of the disallowance associated with it would need to
5 be provided. Ms. Mantle points out that there are
6 many variables and that it is a complex optimization
7 of many forecasted variables including future market
8 prices, the impact of demand-side resources and
9 customer load requirements to meet customer load, and
10 she is right. That is why Staff does not agree with
11 her proposed disallowance. There are too many
12 variables that determine not only the market price,
13 but also how much is purchased from the market by
14 Evergy Missouri West as well as different variables
15 associated with building new generation.

16 Did I read that correctly?

17 A. Yes.

18 Q. Also on page 2 do you see the next
19 question that says, Has OPC brought this concern up
20 before?

21 A. That is what the next question says.

22 Q. And then the response is, Yes, according
23 to Ms. Mantle it's been brought up ten times in
24 various case types.

25 Do you see --

1 A. That is -- yes.

2 Q. And then do you see the next question:

3 Has the Commission ever viewed this concern as

4 imprudent?

5 A. That's what the question says.

6 Q. And then do you see the response: Not to

7 Staff's knowledge?

8 A. That's what he said.

9 Q. Okay. Now, if you'll please turn back to

10 your direct testimony, page 16. Are the case

11 captions listed on lines 12 through 15 on page 16 of

12 your direct testimony the cases that Mr. Hull's

13 testimony was referring to?

14 A. I would guess so. You'd have to ask him.

15 Q. In the cases that are listed there, it's

16 true that the Commission has never found Evergy

17 Missouri West resource planning to be imprudent.

18 Right?

19 A. Not -- not in these cases.

20 Q. And in these cases the Commission never

21 made any disallowances based upon OPC's concerns

22 raised therein. Right?

23 A. Many of those cases, there could not be a

24 disallowance made. Some of these cases it was just

25 that we meant -- we filed testimony that it was

1 imprudent, that these were not the proper cases in
2 which an imprudence adjusted -- adjustment could be
3 made.

4 Q. So no disallowances. Right?

5 A. Not for resource planning.

6 MS. WHIPPLE: Okay. Thank you. No
7 further questions at this time.

8 JUDGE PRIDGIN: Ms. Whipple, thank you.
9 Let me see if we have any bench questions.

10 Commissioner Holsman.

11 QUESTIONS

12 BY COMMISSIONER HOLSMAN:

13 Q. How much do you estimate that Evergy West
14 would have to invest and generate to cover that
15 insurance that you're -- that we've been talking
16 about all day? What's the shortfall?

17 A. There's different types of units that can
18 be built, and some are expensive to build and cheap
19 cheaper to run and some are cheaper to build and more
20 expensive to run.

21 Q. Would you recommend PPAs then to manage
22 the shortfall?

23 A. No. PPAs are good in the short run. What
24 happens is when you put a new generation unit in rate
25 base, so initially it's very high and you're -- and

1 customers have to pay a return on that. And a PPA is
2 typically a flat amount. I mean, in the past when
3 they were long-term PPAs, it would be a flat amount
4 and it would be below that amount that's going into
5 rate base. But as rate base goes down --

6 Q. Uh-huh.

7 A. -- then rate -- putting a plant in rate
8 base is cheaper for the customers and it provides
9 that insurance that a PPA -- once that PPA ends, the
10 customers have nothing.

11 It could be a 5-year PPA on a 30-year
12 plant. After five years, the customers don't have
13 access to that anymore. Another PPA would have to be
14 entered at another price.

15 Q. So do you have an idea of how much
16 accredited generation Evergy West would need to get
17 to that 100 percent?

18 A. Again, accredited generation of a -- of a
19 peaker, let's say you put in four peakers that are 75
20 megawatts. You cannot get the energy from those that
21 you could from a 200 megawatt combined cycle because
22 the combined cycle runs all the time. Peakers are
23 built to run for very short periods of time, so
24 they're cheaper to build, expensive to run. And they
25 typically aren't -- you know, they only come on the

1 market, they're bid into as Mr. Ives said, to cover
2 their variable cost. So they're -- they aren't run
3 very often, those marketplaces --

4 Q. Would you consider Dogwood -- what would
5 you consider Dogwood then? I mean, it's a peak -- it
6 can turn on four peak loads, right, but it's not --

7 A. It -- it is a combined cycle plant. Now,
8 what that means is you have combustion turbines which
9 are peakers, but then you also have what's called
10 HRSG, heat recovery steam generator, that takes the
11 steam -- takes that excess heat from those
12 combined -- or combustion turbines and uses that
13 steam to generate more electricity. That's why you
14 will find combine cycles running quite a bit when
15 natural gas prices are low because that -- having a
16 combined cycle at HRSG really increases the
17 efficiency of those plants. And when natural gas
18 prices are low, running those plants is sometimes
19 less costly than running a coal plant.

20 Q. So do you have an idea how many megawatts
21 you would recommend them investing in to make a
22 hundred percent?

23 A. I will tell you there -- that's the reason
24 we have resource planning. There's so many
25 variables. It's this big linear programming problem.

1 You've got all these types of inputs, and it's not a
2 simple problem. That's -- that's the whole reason --

3 Q. Could you ballpark it? Could you see they
4 need another 750 megawatts to not have this problem,
5 they need another -- you know, they need -- I mean --

6 A. I --

7 Q. -- could you ball park it?

8 A. I really hesitate to do that because for
9 one thing I don't want Evergy West to go out and say,
10 Well, OPC thinks we ought to build 750 and it's real
11 expensive and then it gets put back on -- currently
12 they have a contract with KCPL for capacity. I don't
13 think that number is confidential. Is -- is the
14 number, the capacity amount contract you have with
15 Evergy Metro, is that confidential?

16 MS. WHIPPLE: Can you not say it then?
17 We're not sure.

18 THE WITNESS: Commissioner Holsman, I
19 would like to say a number, but that amount. It
20 would be on the -- this Exhibit 13C if you -- that
21 Evergy West entered. And if you go to the last page,
22 and I won't say the number. Let's see.

23 BY COMMISSIONER HOLSMAN:

24 Q. Is this of your testimony?

25 A. No. This is an exhibit that Evergy

1 West, 13, it's confidential, so I --

2 Q. Okay. I got it.

3 A. -- I won't say the numbers.

4 Q. And we're on the last page?

5 A. Yeah. This shows for 2024, '25, and '26
6 more or less their capacity balance, what they're
7 going to use to meet the SPP requirements. And if
8 you go down about two-thirds of the way, I know the
9 print's really small, it says, Capacity only
10 purchases. And there's an amount there.

11 Q. Okay. Gotcha. Yep.

12 A. Now, that would get --

13 Q. Is that megawatts or is that in --

14 A. That is in megawatts.

15 Q. That is in megawatts.

16 A. I got -- I have not seen that bef -- this
17 before today, but that's how I would read that. That
18 would be an amount that -- a minimal amount. And as
19 to what type, based on my experience, I would say a
20 combined cycle plant, something that can be
21 dispatched, something that runs efficiently.

22 Q. So approximately the size of the Dogwood
23 would -- an additional Dogwood would get us close?

24 A. Okay. Dogwood is actually --

25 Q. Three hundred. Right?

1 A. -- 640 -- 45 megawatts I think.

2 Q. I thought we thought 300.

3 MR. KEEVIL: While you were gone --

4 COMMISSIONER HOLSMAN: Yeah.

5 MR. KEEVIL: -- when Mr. Ives was still
6 up, he said he was wrong on the 300, that it was
7 actually closer to 140.

8 COMMISSIONER HOLSMAN: That Dogwood is
9 closer to 140?

10 MR. KEEVIL: Their share. Their share.

11 COMMISSIONER HOLSMAN: Oh, their share of
12 it is 140.

13 THE WITNESS: Yes. And you saw on that
14 graph that was in our opening how very little that
15 really moved.

16 BY COMMISSIONER HOLSMAN:

17 Q. Right.

18 A. So.

19 Q. I'm just trying to get to an understanding
20 of how much you think they need in --

21 A. I --

22 Q. -- capacity right now to have the
23 insurance necessary to not be subject to the
24 volatility.

25 A. I would say that at a minimum, at least

1 twice what they are purchasing from --

2 Q. From --

3 A. -- from Ever -- the capacity contract.

4 And that's --

5 Q. Okay.

6 A. -- just based off -- I -- I haven't done
7 an analysis.

8 Q. I'm just looking for a ballpark.

9 A. I would say that's at a minimum.

10 Q. Okay. So is it safe to say that in future
11 proceedings, OPC is going to be supportive of
12 generation investments by Evergy West? Is that -- is
13 that safe to say, assume that -- that that's an
14 extrapolation?

15 A. I cannot speak for OPC, but I would advise
16 the Public Counsel that, I mean, of course prudence
17 of cost, prudence of building --

18 Q. Uh-huh.

19 A. -- where it's built at, so forth.

20 But yes. Just as we were supportive of
21 acquiring a piece of Dogwood.

22 Q. What about -- what about -- I know OPC has
23 sometimes been reticent to support merging
24 technology. You know, if we're looking at battery
25 storage for renewable energy, we heard a report in

1 the agenda earlier that the EPA greenhouse
2 regulations are going to require some carbon capture
3 and storage. We all know that oftentimes merging
4 technology may not be least cost. And so sometimes
5 OPC has been resistant to supporting investments in
6 emerging technology because they don't always meet
7 the least-cost factor. But if we're going to get the
8 utility companies to a place where this technology
9 becomes viable, there's going to have to be some sort
10 of initial investment.

11 So given the fact that you're making the
12 argument today that they don't have enough generation
13 and we know that with these new EPA rules that we
14 heard about earlier today, that these are going to
15 require new construction of gas plants, do you
16 envision OPC maybe taking, you know, a nuanced
17 approach to investment in the future that may try to
18 get to the solution that you say is lacking today?

19 A. The Commission's own resource planning
20 rules say that legislative mandates and legal
21 requirements should be met. If -- if they have to
22 meet those and if the only choice is new and
23 emerging, I don't see why OPC wouldn't support that.

24 COMMISSIONER HOLSMAN: Okay. Thank you.
25 Thank you, Judge.

1 JUDGE PRIDGIN: Commissioner, thank you.
2 Any further bench questions. Commissioner Kolkmeyer,
3 Commissioner Mitchell, any questions?

4 COMMISSIONER MITCHELL: None for me.

5 JUDGE PRIDGIN: Thank you. I have a few
6 questions.

7 QUESTIONS

8 BY JUDGE PRIDGIN:

9 Q. But are the references in your testimony,
10 Ms. Mantle to EO-2023-0291, should they be
11 EA-2023-0291 or are these two different cases?

12 A. They're the same case, I just --

13 Q. Okay.

14 A. -- got the second letter wrong.

15 Q. I understand. Do you have Ms. Messamore's
16 direct testimony available?

17 A. I can ask my counsel.

18 Q. Sure.

19 Mr. Clizer, thank you.

20 And, Ms. Mantle, could I direct you to
21 page 15 of her testimony, her direct testimony. And
22 I believe specifically lines 10 through 12. And if
23 you'd let me know when you're there please.

24 A. I'm there.

25 Q. Okay. Thank you. Do you agree with

1 Ms. Messamore's testimony there that OPC's
2 recommended disallowance does not include the inverse
3 impact on Evergy Missouri Metro?

4 A. Our recommended disallowance has no impact
5 on Evergy Missouri Metro. What that would be doing
6 would be putting the disallowance on Metro's
7 customers who did not make the decisions, who did not
8 have any part of this, so. And by just moving it to
9 Metro would mean that, you know, there was no
10 prudence disallowance to Evergy because they'd just
11 be collecting it from a different set of customers.

12 So we -- we never mentioned that Evergy
13 Metro's, we never thought that Evergy Metro's
14 customers would be making up that difference.

15 Q. Okay. Could I -- could I direct you to
16 page 8 of your direct testimony.

17 A. I'm there.

18 Q. Okay. Thank you. On page 8 you testify
19 that the prudent utility does not bill to meet the
20 RTO planning reserve margin, but meets the RTO
21 planning reserve margin because it builds at a margin
22 that will ensure it is able to meet its customers
23 needs.

24 Is that in a nutshell the fundamental
25 issue that the Public Counsel has with Evergy

1 Missouri West?

2 A. Can you tell me what line? I -- that
3 sounds like something I would say.

4 Q. Okay. Maybe it's on Schedule LMMD3. I'm
5 sorry.

6 A. Okay. Which paragraph or where in that?

7 Q. In my notes it's on page 8 maybe of
8 Schedule LMMD3.

9 A. Where I talk about the type one, the
10 prudent utility?

11 Q. Yes.

12 A. Yes.

13 Q. Yes.

14 A. Now, what -- what part, I'm sorry.

15 Q. That's quite all right.

16 A. Can you tell me --

17 Q. Is a way to I guess to characterize the
18 fundamental issue that OPC has with Evergy Missouri
19 West is -- and let me go through the statement again.

20 The prudent utility does not bill to meet
21 the RTO planning reserve margin, but meets the RTO
22 planning reserve margin because it builds at a margin
23 that will ensure it is able to meet its customer
24 needs.

25 Is that basically the issue that Public

1 Counsel has with Evergy Missouri West?

2 A. Yes. A prudent utility should come up
3 with a cost-effective way to meet their load.
4 Because that's when -- you know, the cost that they
5 are charged from SPP is when their load requires
6 energy from SPP. So if you have the energy -- if you
7 have the right type of capacity, the right type of
8 generation, and it's efficient, cost effective, it's
9 going to run when that load is happening. And those
10 two are going to offset itself, within reason;
11 there's transition -- transmission congestion; SPP
12 market's not that simple. But if they have
13 cost-effective generation at that point in time, all
14 they would -- the customers would be left paying was
15 the fuel for that. Because what they receive from
16 the market would match what they were charged by the
17 market.

18 Q. Does OPC consider Evergy Missouri West to,
19 for lack of a better term, be mooching or sponging
20 off of maybe Evergy Missouri Metro?

21 A. I -- and that's my term, so, but I -- not
22 just Evergy Metro. It's whatever mar -- whatever
23 resources are being offered into the market, and most
24 likely Metro because it is so close and because it
25 has a lot of cost-effective generation.

1 Q. Would you agree that the recent addition
2 of Dogwood to Evergy West's fleet is a step in the
3 right direction to address OPC's concerns?

4 A. It is a baby step.

5 Q. With that Dogwood addition how much
6 capacity would that add to Evergy West's fleet?

7 A. Well, they say it's 143. It is not 143
8 until I think 2020 -- it goes up to 70 -- they
9 actually get 76 in 2027. They don't get the
10 whole 143 until 2029 because Dogwood had entered into
11 a capacity contract with a different party for the
12 capacity. So Evergy West will be getting the energy
13 and the revenues from the energy, but they don't have
14 the capacity until that capacity contract ends.

15 Q. And I think one last question. And
16 towards the ends of your direct testimony on, I think
17 on page 19, you kind of go through your calculation
18 to arrive at OPC's recommended disallowance. Why is
19 your calculation a reliable method for quantifying
20 that disallowance?

21 A. As there's been a lot of testimony filed
22 about, you know, even my conversation with
23 Commissioner Holsman how hard it would to come up
24 with what -- I mean, my definition of prudent
25 resources to add and cost to use could be just as

1 prudent as yours. And which one is the right one, I
2 mean. And since that was so difficult, I looked at
3 their IRPs, their resource planning. And as far back
4 as I can remember, the resource planning
5 presentations they say, Here's -- here's Evergy. Oh,
6 and here's Evergy West and here's Evergy Metro. And
7 now we're getting Evergy Kansas in those same
8 analysis. And while they say they're not combining
9 them, they are taking them into account.

10 And when -- and as evidenced by, you know,
11 Evergy Metro will be getting shorter on capacity as
12 these new data centers are built. That's when we're
13 starting to see building being done for Evergy West.
14 They may say they don't do joint planning, but
15 everything that I see and even in their conversations
16 shows joint planning to me.

17 And so for that reason and because I've
18 got -- I have the data for Evergy Metro and their
19 IRPs or their -- I'm sorry, their FACs are almost
20 identical. I did remove an SO-2 amortization out of
21 Evergy Metro's because that's money that comes back
22 to the customers as part of the IATAN-2 build. So
23 when I combined, it was saying if they were one
24 utility, these were the costs they would have
25 incurred.

1 So that is -- those numbers were real.
2 Those numbers occurred at the same weather, the same
3 time, the same market. And it's a very reasonable
4 and real number.

5 And then looking at that 193, the
6 difference, the prudence adjustment, it -- it again
7 didn't seem right because we knew that Evergy West
8 customers had not been paying for the capital costs
9 that Evergy Metro customers were. So we went back to
10 the last rate case and pulled out how much the total
11 cost of those -- of Evergy Metro's plant cost was and
12 allocated that between the two also. That's how we
13 came up with the, I think it was 78 million, to get
14 the total number down to 86 million. So taking into
15 account that, yes, over time Evergy West customers
16 would have paid more in their regular rates had they
17 had access -- if they had acted as one utility
18 instead of two.

19 JUDGE PRIDGIN: All right. Ms. Mantle,
20 thank you. Those are all my questions. Any further
21 bench questions?

22 MR. CLIZER: Your Honor?

23 JUDGE PRIDGIN: Mr. Clizer.

24 MR. CLIZER: During the opening there
25 were several questions posed by the bench and at the

1 time I deferred them to Ms. Mantle. We have since
2 attempted to answer those questions. Now, I
3 appreciate the Bench may no longer have those
4 questions, but I wanted them to know that we had
5 developed the answers to those. For example, what
6 would it look like if the two utilities had been
7 combined and what percentage of the requirement was
8 met with generation. So just wanted to throw that
9 out there.

10 JUDGE PRIDGIN: All right. Thank you. I
11 appreciate that. If there's no further bench
12 questions, any recross based on bench questions?
13 Mr. Keevil.

14 MR. KEEVIL: I think I have just one,
15 Judge.

16 RECROSS-EXAMINATION

17 BY MR. KEEVIL:

18 Q. Ms. Mantle, in response to the judge's
19 last question, you were -- part of your answer you
20 mentioned looking back at the Company's IRP filings
21 and using that as part of your basis. But I believe
22 there were other questions regarding resource
23 adequacy and resource planning. What -- well, let me
24 back up a little bit. Were you involved in writing
25 the Commission's IRP rules?

1 A. Yes, I was, both in the original
2 writing and the revision that occurred and became
3 final in 2012.

4 Q. Okay. There's been a lot of discussion
5 today about the IRP and what did or did not happen in
6 various IRP filings. What is your understanding of
7 the intent behind the IRP rule as it currently exists
8 in Missouri?

9 A. When we --- prior to the drafting of the
10 resource planning rule, the utilities had just added
11 a lot of coal generation and the two nuclear plants
12 came online. And the reason that happened was
13 because -- and at that time they didn't have
14 computers; they drew a straight line and said, Well,
15 the usage is just going to continue to skyrocket.
16 And the Commission at that time realized that was
17 wrong because once everybody got an air conditioner,
18 they didn't put two in their houses. So once
19 residential saturation and air conditioners hit
20 almost a hundred percent saturation, the load
21 forecast didn't grow as much.

22 So the Commission set their research and
23 planning department to looking at what kind of
24 information did a utility need to look at to come up
25 with a good resource plan. And if you look at the

1 rules, there's all kinds of load forecasting where
2 you need to look at how your customers are using
3 electricity. The resource plan also requires the
4 utilities to look at risk and -- knowing that all the
5 inputs are the utilities. And it's a modeling
6 exercise, but the idea was if a utility had good
7 data, it would make better decisions.

8 So that's -- that's the reason -- it's
9 really, you know, at the time there was a lot of
10 discussion on do we do preapproval, do we not.
11 The -- the utilities very, not too surprisingly,
12 wanted their resource planning approved so that
13 things going to be put in there could be prudent,
14 could be considered as prudent. And there was a lot
15 of legal wrangling over what should be done.

16 And what we have in the rule is the final
17 decision of the Commission. And that was hassled
18 over again in 2012 when we revised the rules. And
19 what has come out in the final rule is the
20 determination of the Commission at that time.

21 Q. And does the Commission in the IRP cases,
22 does the Commission conclude those by finding the
23 utilities' plan to be prudent?

24 A. No. Specifically as read by Mr. Ives in
25 response to a question from my counsel, the rule says

1 it is not approval -- there is no preapproval or
2 there's no approval of the resource plan. The
3 Commission can say it's reasonable, but there's no
4 approval of the plan.

5 Q. What's the language about -- I'm going by
6 memory here -- something about acknowledgment or the
7 Commission acknowledges or can acknowledge or doesn't
8 have to acknowledge or some -- what am I thinking of
9 there?

10 A. That is correct. And I don't have the
11 language directly in front of me either, but
12 typically what the Commission says is they've met the
13 requirements of the rule. That means they've, you
14 know, they've gotten the data that's been required.
15 They've looked at it. It's not that the cust -- the
16 Commission is saying, This is a good plan, go forth
17 and build or not build, but it's -- the Commission is
18 saying, You've met the requirements of the rule.

19 MR. KEEVIL: I think that's all I have,
20 Judge. Thanks.

21 JUDGE PRIDGIN: Mr. Keevil, thank you. I
22 do think we have some further bench questions.
23 Commissioner Kolkmeier.

24 COMMISSIONER KOLKMEYER: Yes. Thank you,
25 Judge.

1

QUESTIONS

2

BY COMMISSIONER KOLKMEYER:

3

Q. Earlier this morning Mr. Clizer had the -- his last slide, okay, and I was going to ask him the question and I held off for you. And maybe Commissioner Holsman asked this question maybe in a little different way.

8

Mr. Clizer, do you have that -- your back page? I thought I had your presentation right here, but it was the two lines showing Metro and West. And then -- yeah, it's the very -- no.

12

13

MR. CLIZER: It's not that one. It's the -- I know which one you're talking about. Unfortunately I don't have a copy with me.

15

BY COMMISSIONER KOLKMEYER:

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Q. Okay. And I apologize; I thought it was the back page. But anyway, I talked about averaging those two out or combining the two, and as Mr. Ives said, it would take years to do that. It would be quicker to build than it would be to combine. But if you average those two together, it almost looks like it would come close to -- yes. Yes, thank you. This one. If you -- if you look at this, it would come close to averaging out, would it not, if they combined the two?

1 A. Commissioner Kolkmeyer, I came up with
2 that graph during my --

3 Q. This is your graph?

4 A. I did -- I did not -- the graph that you
5 requested with those two combined.

6 Q. Okay. Do you --

7 MR. CLIZER: A bit unorthodox, but I
8 would move to mark an exhibit to help her respond.

9 JUDGE PRIDGIN: That is fine with me.

10 BY COMMISSIONER KOLKMEYER:

11 Q. That graph does exist?

12 A. I recreated it at lunch for you.

13 Q. Ah. You knew that question was coming.

14 MR. CLIZER: I believe this should be 308
15 although my numbering could be completely off.

16 THE WITNESS: I gave you a copy.

17 COMMISSIONER KOLKMEYER: She handed me
18 one.

19 MR. KEEVIL: What number are you up to,
20 John?

21 JUDGE PRIDGIN: I believe we're on
22 Exhibit 308.

23 THE WITNESS: Now, what I did was I
24 combined the generation for both Evergy West and
25 Evergy Metro together, and I combined their net

1 system input which is what is the requirements for
2 their customers for each one of those months. And
3 you can see down here, the red is Evergy West, the
4 green is Evergy Metro. The blue line that runs
5 pretty close to a hundred percent is what that would
6 be if they were one company.

7 BY COMMISSIONER KOLKMEYER:

8 Q. Okay.

9 A. So it is not smack dab down the middle.

10 Q. No.

11 A. Because Evergy Metro is a larger utility.
12 Evergy Metro covers both parts of Kansas and parts of
13 Missouri. And what I used here was the total company
14 because the generation is not Evergy Kansas and
15 Evergy Missouri Metro's. The generation is Evergy
16 Metro's. So to -- to get the right comparison, I
17 included the entire amounts. And that's why you'll
18 find the blue line closer to the green line --

19 Q. Sure.

20 A. -- than the red.

21 COMMISSIONER KOLKMEYER: Okay. Thank you.

22 THE WITNESS: No problem.

23 MR. CLIZER: Again, not to interrupt
24 the bench questions, I would move for the admission
25 of 308. I would move to have it admitted as a

1 late-filed exhibit subject to objection by opposing
2 parties as was the prior Evergy exhibit.

3 JUDGE PRIDGIN: 308 has been offered.
4 Any objections, with the caveat that parties be
5 allowed time to late file objections if they would
6 like.

7 MS. WHIPPLE: Given the caveat, no
8 objection at this time.

9 JUDGE PRIDGIN: Okay. Very good. I
10 will -- as I did with a prior exhibit, I believe 13C,
11 this Exhibit 308 is provisionally admitted with the
12 understanding that we might get some late-filed
13 objections later.

14 (OPC Exhibit 308 was admitted and made a
15 part of this record.)

16 JUDGE PRIDGIN: Thank you. Any further
17 bench questions for Ms. Mantle. All right. Recross
18 based on bench questions. Mr. Keevil, any further
19 questions?

20 MR. KEEVIL: No, Judge. Thanks, I'm
21 good.

22 JUDGE PRIDGIN: Thank you. From the
23 Company?

24 MS. WHIPPLE: No, thank you.

25 JUDGE PRIDGIN: Any redirect?

1 MR. CLIZER: Yes, please.

2 REDIRECT EXAMINATION

3 BY MR. CLIZER:

4 Q. Really quick just before we get anything
5 else out of the way, you mentioned briefly KCPL
6 responding to a question. Can you identify what that
7 is for the record.

8 A. KCPL is the predecessor to Evergy Metro.

9 Q. And it stands for?

10 A. Kansas City Power & Light Company.

11 Q. Super. Thank you. You were asked a
12 series of questions regarding the prior cases that we
13 had brought up this issue in questions from Evergy
14 counsel. Do you recall that?

15 A. I recall that.

16 Q. And first of all, you identified that some
17 of those cases there was no imprudence disallowance
18 for a reason. Can you elaborate on that?

19 A. Some -- like the very first one,
20 EO-2017-0320 and we -- Mr. Ives read in parts of our
21 comments to that resource plan. There's no method of
22 finding for imprudence. It was a resource plan. And
23 that is our role in the resource plans when we find
24 something we do not believe is right or good, we
25 bring that up. But there is no decision to be made

1 by the Commission on those.

2 Same for the contemporary resource issue,
3 the EO-2018. That's when we bring it up and say that
4 the Company should look at that. So there's --
5 there's not necessarily in a lot of these cases a
6 reason for -- the Commission can't make the
7 disallowance in these cases.

8 The FAC rate change case, ER-22-0130, it's
9 a rate change case. It's not a case in which you
10 make adjustments due to prudence. It's not the
11 reason for the case. So the FAC prudence cases are
12 the correct place to do that.

13 Q. But Everygy counsel is correct that there
14 are several cases where we've brought this argument
15 and the Commission has not ordered a disallowance.
16 That's an accurate statement. Right?

17 A. Yes.

18 Q. Can I ask you in your experience having
19 worked on resource planning for as long as you have,
20 what impact has that failure to find a disallowance
21 had on Everygy's resource planning?

22 A. They've continued the status quo of not --
23 the only generation that they've added have been wind
24 PPAs which, due do their nature, are only called on
25 to generate when the wind is blowing, and there's so

1 much wind in the SPP that there's not a lot of
2 revenue created from that. And that's part of the
3 Staff's case. And these are expensive PPAs. That's
4 the generation that Evergy West has added.

5 They did add a piece of IATAN-2, and since
6 then, there has been nothing. So there's been no
7 move to dispatchable type of generation, and they
8 haven't seen the need to because they have an FAC.
9 They can flow the market purchase prices through to
10 customers. They can bring on PPAs between rate
11 cases, flow those costs through to customers without
12 it even going before the Commission.

13 Q. In that same vein, you were asked a
14 question from the bench regarding, you know, why our
15 calculation was the best option. And I would ask you
16 again, based on your experience, what will happen
17 moving forward if the Company doesn't receive a
18 disallowance?

19 A. It's likely to continue to rely on the
20 market for the -- because that's the less -- the
21 least risky path for the utility.

22 Q. Why did you -- you sounded like you are
23 caveating that, for the utility. Is there a reason?

24 MS. WHIPPLE: Judge, this line of
25 questioning obviously calls for speculation.

1 JUDGE PRIDGIN: Mr. Clizer.

2 MR. CLIZER: Oh, I was just asking her to
3 explain what that last part was, but I can move on.

4 JUDGE PRIDGIN: Thank you.

5 BY MR. CLIZER:

6 Q. I think you already answered that
7 question. With regard to kind of the dialogue you
8 had with Commissioner Holsman, is there another
9 witness provided by the OPC who can speak to those
10 issues?

11 A. Yes, Dr. Geoff Marke.

12 Q. And early on you were asked a series of
13 questions from counsel from Evergy regarding a
14 portion near the beginning of your direct testimony.
15 Do you recall that?

16 A. Yes.

17 Q. And I think part of the problem that was
18 involved in that was the issue of harm. How does
19 harm play into the question of when you bring a
20 imprudence or disallowance for imprudence?

21 A. A decision can be imprudent but not cause
22 harm. And this Commission has typically -- of course
23 I've been around 40 years, I'll go ahead and say it,
24 and I have never known it to find imprudence. When
25 there hasn't been harm, there's no reason to. And I

1 do know of occurrences where there was imprudence,
2 but there was no harm to customers. So there was no
3 reason for the Staff in the instance that I'm
4 thinking of, to bring it forth. So what's important,
5 imprudence without harm is imprudence, but this is
6 imprudence with harm.

7 MR. CLIZER: I have no further redirect.
8 Thank you.

9 JUDGE PRIDGIN: All right. Thank you.
10 Ms. Mantle, thank you very much. You may step down.

11 And although this is kind of a natural
12 time for a break, because we're making ground, I
13 would like to call Dr. Marke to the stand. And we
14 may take a break during his testimony depending on
15 the length of the testimony. Yes, this will be our
16 last witness.

17 And if you'll raise your right hand and
18 be sworn, please, sir.

19 (Witness sworn.)

20 GEOFF MARKE

21 The witness, having been first duly sworn,
22 testified as follows:

23 JUDGE PRIDGIN: Thank you very much, sir.
24 Please have a seat. Mr. Clizer, when you're ready,
25 sir.

1 DIRECT EXAMINATION

2 BY MR. CLIZER:

3 Q. Dr. Marke, can you please state who you're
4 employed by and what capacity.

5 A. Missouri Office of Public Counsel as chief
6 economist.

7 Q. And did you prepare or cause to be
8 prepared prefiled testimony, which hopefully is 304,
9 304C, the surrebuttal, both public and confidential
10 versions?

11 A. Yes.

12 MS. WHIPPLE: It's not. It's 303
13 and 303C.

14 BY MR. CLIZER:

15 Q. 303 and 303C. Yes. You answered yes to
16 that question. You've caused to be prepared your
17 surrebuttal testimony?

18 A. Yes.

19 Q. Are there any changes you would make to
20 your surrebuttal testimony?

21 A. No.

22 Q. And if I asked you the same questions
23 contained therein, would they be true and correct to
24 the best of your knowledge and belief?

25 A. Yes.

1 MR. CLIZER: All right. With that I
2 would offer 303, 303C, the surrebuttal testimony of
3 Dr. Geoff Marke, public and confidential
4 respectively.

5 JUDGE PRIDGIN: Any objections?

6 MS. WHIPPLE: None.

7 JUDGE PRIDGIN: And I'm sorry,
8 Mr. Clizer, that was surrebuttal?

9 MR. CLIZER: Yes. Dr. Marke only filed
10 surrebuttal.

11 JUDGE PRIDGIN: And that's 303 and 303C.
12 I'm hearing no objections, so 303 and 303C are
13 admitted into evidence.

14 (OPC Exhibits 303 and 303C were admitted
15 and made a part of this record.)

16 MR. CLIZER: And I tender the witness for
17 cross-examination.

18 JUDGE PRIDGIN: All right. Thank you.
19 Any cross? Mr. Keevil.

20 MR. KEEVIL: No, thank you, Judge.

21 JUDGE PRIDGIN: Any cross from the
22 Company?

23 MS. WHIPPLE: No thank you, Judge.

24 JUDGE PRIDGIN: All right. Any bench
25 questions?

1 COMMISSIONER HOLSMAN: Just briefly.

2 JUDGE PRIDGIN: Commissioner Holsman.

3 COMMISSIONER HOLSMAN: Thank you.

4 QUESTIONS

5 BY COMMISSIONER HOLSMAN:

6 Q. You heard the exchange that I had with
7 Ms. Mantle. Do you agree that we're looking at
8 approximately the number that was in that
9 confidential statement of what Evergy West is short
10 of in order to meet its goal?

11 A. Yes.

12 Q. Okay. What would your -- if Evergy West
13 decided that it was going to take the nonconventional
14 route, you know, we talked about VPPs in the past.
15 If the -- I guess let me ask it another way. Let
16 me -- let me backtrack with it. Do you count
17 customer-generated power that's net metered into this
18 because they're not -- they're not -- can they sell
19 that power into the RTO?

20 A. No.

21 Q. What's that?

22 A. No.

23 Q. No, they cannot?

24 A. Right.

25 Q. So it's not considered a part of their

1 capacity?

2 A. So if I may provide a little context to
3 that.

4 Q. Yep.

5 A. So as I understand the question that
6 you're asking for, and, you know, and I'll get to the
7 VPPs and net metering in particular.

8 Q. Uh-huh.

9 A. But we're talking future tense how to move
10 forward with this as opposed to the past tense --

11 Q. Right.

12 A. -- issue.

13 I would say that OPC -- well, first of all
14 just to make the observation. It's been about 2010
15 since we built anything. So let's just pause right
16 there for a second. We shut down stuff in the
17 intermediate period, but of the four electric
18 utilities that we have, only one utility's seen load
19 growth since 2010, Evergy West. Unfortunately Evergy
20 West, the only utility that had shut down power too.

21 Q. That includes no wind, no solar, no
22 generation --

23 A. They --

24 Q. -- at all?

25 A. They have put on power purchase

1 agreements. They haven't built the wind. The -- you
2 know, the Company came in to ask, you know, to
3 purchase Persimmon Creek, and I know Staff and OPC
4 both objected to that. But that was largely based
5 off of the wind eating itself in the market, you
6 know. You hit a point of diminishing returns that
7 the wind that's being operated during that hour is
8 being operated by other wind, right. So, and it's
9 also happening at, you know, the middle of night,
10 these sort of things. And the historical performance
11 of Persimmon Creek. So that is a concrete example
12 where we did object to it because we didn't see the
13 benefit in it.

14 We haven't objected to building anything
15 else. I would -- I would argue when we -- and you
16 can look at our special contemporary topics which is
17 something that I personally take very seriously
18 because we tee up so many topics for the Commission
19 and go ahead and say, Yeah, model for this, including
20 VPPs. That has been our issue.

21 To speak about VPPs just real general
22 here, and Evergy really does have an incentive to
23 push forward. There is a route where that makes
24 sense and -- to move forward with that. But the
25 reality of it is is our solar penetration in Missouri

1 is razor thin. There's just not enough rooftop
2 solar. Even if we just had a magic wand and we gave
3 everybody that's got rooftop solar right now a
4 battery, I mean, it -- it's not going to move the
5 needle. And then there's obviously costs that are
6 associated with that. Could I see a world where
7 solar drops and all of a sudden this happens, the --
8 I don't think anybody -- nobody said this statement,
9 but the reality of it is is November's going to have
10 a lot to do with that.

11 You know, right now you just heard Dave
12 Campbell get up here and talk about all the
13 environmental costs that are associated with fossil
14 fuel and bringing on new fossil fuel. You know, in
15 the same week the Biden administration has leveled
16 extremely high tariffs on solar panels, on precious
17 mineral, on EV cars, all that. It's going to make
18 doing either one difficult.

19 I -- the only thing I can confidently tell
20 you, and we're -- we're wrestling with this right now
21 as we've teed up a bunch of IRPs, and I say we, but
22 we collectively, Staff, all of the companies is how
23 to comment on these IRPs when we know they are going
24 to categorically change come November. Like, we're
25 going to get a little bit of a better sense and it's

1 not going to be immediate thing. Because writing a
2 path-dependent, large-capital intensive utility in a
3 different direction takes time.

4 You know, our concern and we've leveled
5 this and, you know, we hear, you know, in the IRP
6 they're planning on doing this and this. My sort of
7 sanity check for that is, Well, is it in the
8 interconnection queue. Because until it actually
9 goes into the interconnection queue, it's a long
10 line, right. Everybody's trying to build. They want
11 to move their stuff up. And there's only so many
12 people at the SPP that can actually do this, you
13 know. You know, you can't look at everybody's queue.
14 And there's, you know, articles about how long those
15 lines are.

16 Right now there is nothing in the queue
17 for a natural gas line. It's in their IRP, but it's
18 not in the interconnection queue. And that's the
19 sort of stuff that gives us heartburn. That's the
20 sort of stuff that gives us heart palpitations and
21 why we've been saying this for -- for years, you
22 know. Whether it's in the IRPs, whether it's in a
23 rate case, whether it's special contemporary topics,
24 we have said, Hey, combine both utilities. We
25 stipulated to it, you know.

1 We -- we put up our own outside consultant
2 to go ahead in 2018 to make a case that -- we do
3 everything else. SPP recognizes these two utilities
4 as one entity for capacity purposes. Not energy
5 purposes, but for capacity purposes. For MEA we do
6 the exact same thing. We -- in the last nigh MEA
7 case we had Everygy West, it made sense to do a MEA.
8 For Metro it made no sense. Well, let's combine the
9 two, you know. So this isn't, like, unprecedented.
10 Like, what OPC is putting forward whether it's
11 combining the utilities or combining the utilities in
12 this hypothetical that comes across very reasonable.

13 So would OPC, to try to, you know, full
14 force, like, you know, do I agree that they need to
15 build. Yes. We -- we need to build. I think that's
16 true for all of our utilities. And there's a lot of
17 disagreement as to exactly what that means moving
18 forward. And I go back --

19 Q. Do you agree that 2029 is the earliest
20 that building could occur?

21 A. No. You know, so, I mean, there's a
22 handful of things. What -- what -- I agree with
23 Mr. Ives in a -- in a measured, all things being
24 equal, I agree that there should be diversity in our
25 portfolio. I thinks that's a good hedge. Have a

1 little bit of everything, you know. Don't get so
2 resource dependent where we're just on one thing and
3 then we're exposed to the winds of -- the political
4 winds.

5 But that really does include looking at
6 everything, and, you know, there are so many
7 different options to consider. You know, we -- this
8 isn't going to be a popular response, but these rates
9 were one. I mean, that was an issue where we could
10 help meet our resource needs. And we've -- we've
11 pushed back off of that for reasons that I completely
12 understand.

13 But moving forward, from my vantage point
14 if I'm providing, you know, context for all this, I
15 mean, we look at everything. Building generation
16 moving forward's going to be highly dependent on
17 how quickly the interconnect -- the transmission
18 lines move forward at a federal level with FERC.
19 There's -- we know there's going to be push back at
20 the state level. That is going to stall things out.

21 What I think we're trying to get across
22 here though is right now it's skin in the game and
23 the risk exposure is entirely lopsided to ratepayers
24 and it's been entirely lopsided to ratepayers, like,
25 on a going-forward basis. Every 18 months we're

1 losing money, hundreds of million of dollars of
2 money. And that's where the insurance argument
3 really does come full force. Because if I'm
4 insuring -- if my house burns down and I don't have
5 insurance, man, that's awful. I mean, that's on me.
6 My house burns down six times in a row, maybe that's
7 really like the issue at play here. But the utility
8 doesn't -- isn't exposed to that risk. They're not
9 eating those costs. It's being flown right back into
10 ratepayers. And, you know, just again with the
11 period that we're talking here, you could have built
12 a lot with a billion dollars.

13 Q. Would -- if you -- if they had done what
14 you had suggested them do in 2017, let's go back to
15 that point.

16 A. Sure.

17 Q. And Uri happens in 2021. Right?

18 A. Right.

19 Q. Would the impact on ratepayers, that 300
20 million that was securitized, would that have been
21 different --

22 A. Yes.

23 Q. -- do you think?

24 A. Absolutely. Metro made money. I mean,
25 then we've got the graphs to show it. You know,

1 like, Metro is making money. And I get it, like --

2 Q. So every -- you know, all our utility
3 companies in the state, our regulated utilities, they
4 earn a return of and on --

5 A. Uh-huh.

6 Q. -- when they invest new.

7 A. Yes.

8 Q. So what -- if you -- if OPC is saying we
9 need to build new --

10 A. Uh-huh.

11 Q. -- and they're going to return of and on,
12 what do you think the reticence is for why -- why
13 is -- why are we -- why do you believe that the
14 state, all of the utilities, not just the one in
15 question here, why are we not seeing construction
16 from all the utilities in at least getting in the
17 queue, getting ready to build?

18 A. You think you're seeing it with Ameren? I
19 think Evergy is a unique situation and I think
20 context is important here. If you look at what has
21 gone on with this company over the last five years,
22 we had a failed merger in Kansas initially. That set
23 the company back another year, two years. There's
24 costs associated with that, but there's opportunity
25 costs associated with that. We had an aggressive

1 investor, activist investor, Elliott, tried to take
2 over the company because they weren't investing,
3 because they weren't doing a whole variety of reasons
4 were the accusations. And I'm not saying I agree
5 with Elliott entirely on this, but there were a lot
6 of extraneous factors that have played into their
7 capital investments.

8 And even moving forward, and we tee this
9 up in the PISA announcements, you know, they're
10 planning on spending close to \$4 billion, four or
11 five billions dollars over the next four years I
12 think is what they put in their last option. They
13 also got, you know, very favorable legislative
14 treatment over in Kansas last year. So how much of
15 that's going to go into Kansas, how much of that's
16 going to Missouri. I don't know. How much assurance
17 do I have with that PISA plan. Honestly, probably
18 not a lot now because, you know, the metrics have
19 effectively changed.

20 So if they -- if they'd consolidated back
21 in 2017, and I get it, like, it is unbundling the
22 Kansas situation in Kansas City, we'd be -- we
23 wouldn't be here. There would be a different
24 situation. And our big concern is absent a
25 Commission order, some sort of directive, this next

1 FAC period we're going to see the same impact and the
2 next one and the next one. Because do I think the
3 market's going to get more volatile. I do. Okay.

4 Q. But minus -- minus consolidation with
5 a 2029 runway for new construction, we're going to
6 have FAC cases before that. So you're correct in
7 saying that the insurance isn't going to be there at
8 the earliest unless they do PPAs until 2029 according
9 to the Company themselves. So, you know, would --
10 you know, I assume we'll have the same conversation.

11 A. Yeah. I mean, well --

12 Q. Consolidation couldn't happen for another
13 five years.

14 A. I --

15 Q. So there's no -- there's no exit ramp here
16 that's going to fix this problem, but I'm not sure
17 and so I'm acknowledging that, but I'm not sure that
18 that is the same thing as making a case that what's
19 led us to here is both imprudent and harmful. So I
20 understand what you're saying in terms of where do we
21 go from here, but I don't know -- I'm still trying
22 to, you know, hear evidence that -- that what has
23 occurred in this FAC period has actually caused --
24 that volatility has caused harm to the ratepayers.

25 A. So, I mean, that -- that -- the response

1 to that is, you know, we use a reasonable man
2 argument. You know, what was known at the time.
3 And, you know, I would highly encourage you, it's not
4 particularly long visit, just to revisit my
5 surrebuttal testimony where I go into length about
6 this. What would a reasonable person knowing the
7 information that was available at that time.

8 What did we know. We know that we have
9 continuously had our house burn down. We're
10 continuously losing money. We know that we are
11 continuously relying on Metro to go ahead and meet
12 our capacity, but not our energy. We know that the
13 SPP market's shutting down fossil fuels, and it --
14 the -- it is getting more volatile.

15 We know that in Texas we had a proxy
16 example of a market we called -- it was the utility
17 called Griddy that was completely wholesale. That is
18 the equivalent of like full risk. The company got
19 sued by the Texas Attorney General, it went bankrupt.

20 I mean, a reasonable person would sit
21 there in my mind and be like, we're bleeding. Let's
22 stop the bleeding. Let's do something proactive.
23 But it's ratepayers that are being bled in this
24 sense. Again, like the impact isn't being felt by
25 the Company itself. If you want to see the Company

1 move forward with something, whether it's 86 million
2 or not, but like, there's gotta be some sort of
3 stick.

4 COMMISSIONER HOLSMAN: All right. Thank
5 you.

6 JUDGE PRIDGIN: Chair Hahn.

7 QUESTIONS

8 BY CHAIR HAHN:

9 Q. Good afternoon, Dr. Marke. There's so
10 many things you said that I want to engage in a
11 conversation with you on because I -- there's a lot
12 of points I agree and then some that I question, you
13 know. So the case before us today is about, you
14 know, an \$86 million disallowance on prudence and
15 harm. Is that the right number?

16 A. Right.

17 Q. The difficulty that I have with, you know,
18 and why maybe the Commissions before haven't made a
19 disallowance is because you make an \$86 million
20 disallowance and access to the capital markets gets
21 even harder. And making investments here in
22 Missouri, trying to attract capital here, gets harder
23 rather than easier in an already constructed capital
24 environment. You know, if we want them to build, it
25 doesn't necessary send the signal that we want you to

1 build here.

2 And so that's, you know, when I -- so
3 maybe the question isn't is the \$86 million. It
4 actually may be something else. Like, how do we
5 actually make the IRP process matter instead.

6 So right now the Commission doesn't
7 necessarily, you know, approve IRPs necessarily.
8 Maybe that's something for consideration moving
9 forward because to me the stick in this case doesn't
10 incent the actual behavior that we want to incent.
11 We want them to put steel in the ground. It makes
12 it -- them putting steel in the ground even harder.
13 So I'm trying to figure out what is it that we can do
14 instead that actually incents the behavior that we
15 want to incent. I don't know if you have thoughts
16 around that.

17 A. These are great points, good questions.
18 We've actually given the whole paradigm shift of
19 doing preapproval, you know, a lot of thought. It --
20 it is definitely a change in how we've regulated
21 utilities here in Missouri. I can find probes for
22 it. There's -- well, the easiest way to say this is
23 look at our track record with trying to find anything
24 imprudent. It's damn near impossible, you know. We
25 build a record. Hell, our record dates back six,

1 seven years now that we've been filing this stuff.

2 And we do. We sit there and file it, be like, Well,
3 we'll be able to use this in some future prudence
4 review.

5 So, you know, there is an argument on
6 preapproval, but there is -- it's trade offs. I
7 mean, it really is trade offs. And you're talking
8 about a lot of forecasting and effectively looking at
9 it. But I would a hundred percent agree that today's
10 IRP process, the easiest, like, sort of canary in the
11 coal mine is at -- in the history of the IRP, I can
12 only think of one example where the IRP was
13 contested. And it was the first one. It was
14 Ameren's. And that even settled out.

15 Everything -- anytime that anybody objects
16 to how something is modeled, it effectively goes to
17 the Commission and they say, Okay, we'll do it next
18 time. And it -- it's a model, just do it next time.

19 And the problem, you know, and if you're
20 not deep in the IRP, you can't really appreciate some
21 of the nuances with this. So when we're talking
22 about, like, modeling the IRP, when -- when Evergy
23 says, Well, our model said we'd be fine and we'd be
24 better off just relying on the market than building,
25 under what assumptions. Because, you know, we've got

1 an assumption that says what if gas prices were
2 really low and then what if they're just like they
3 were last year and what if it's, you know, really
4 high. All of those produce different outcomes. And
5 that's one of the reasons why as a Commission, and I
6 think it was the right decision, you've not ruling on
7 the prudence in an IRP, right. It's a modeling
8 exercise.

9 So I -- is there a path forward on that,
10 yeah. I mean, we -- we can explore that. It's a
11 different skill set. We -- you know, instead of
12 probably doing it on the back end of these prudence
13 reviews, we'll probably be litigated intensive on the
14 front end. You know, the -- yeah. I don't know if I
15 answered the question or not.

16 Q. You did. That's really helpful. And so
17 maybe in the future we can explore that a little bit
18 more.

19 You also mentioned something else which is
20 the Kansas legislation that recently passed. And as
21 you know, I followed it a little bit too. And all
22 else equal, watching that legislation pass, if I were
23 Everygy, I would be building in Kansas.

24 A. Uh-huh.

25 Q. And, you know, if we learn anything from

1 RTO experiences, it's that borders matter. And so
2 what, from your perspective, do you think we can do
3 to incent building here in Missouri?

4 A. I don't think it matters. I mean, you
5 want my honest to God opinion. My job is really
6 twofold, to look -- to have a healthy degree of
7 skepticism, you know, with what's put forward here,
8 and to try to find the least-cost point. But the
9 beauty of the RTO market is just that. You're able
10 to go ahead and lean on the market and to deal with
11 that if it's done correctly.

12 Any -- if it -- I'll give you an example,
13 and I made this argument with wind in the Ameren case
14 when they built High Prairie. As a general point I
15 said our wind profile's particularly not good in
16 Missouri. I mean, it just is what it is. And we
17 needed the capacity, so -- or the energy. Well,
18 stick it in a state that does. Iowa's got great
19 wind. If we can find a place there and if that is
20 going to produce savings and.

21 The number one overwhelmingly, like, point
22 of concern I think for the Commission, at least for
23 our office, is just at the end of the day going to be
24 reliability, right. So yeah, jobs, having the tax
25 base in there, those are all nice extra benefits.

1 But if the reliability's not there, then, you know,
2 they'll at some point there'll be pitchforks in the
3 streets because we can't afford this stuff.

4 CHAIR HAHN: Thank you.

5 JUDGE PRIDGIN: Chair Hahn, thank you.
6 Any further bench questions? I believe I have a few.

7 QUESTIONS

8 BY JUDGE PRIDGIN:

9 Q. Dr. Marke, is there any mechanism for the
10 Commission to approve PPA similar to the CCN process
11 for plant additions?

12 A. No.

13 Q. If there were, I mean, would a mechanism
14 to approve long-term PPAs eliminate OPC's issues
15 related to PPAs and FAC prudence reviews?

16 A. So I want to just clarify something there.
17 I mean, I'm largely indifferent to the PPAs as a
18 whole, the concept of PPAs. It's the type of PPAs
19 that you're entering into. And the issue that we
20 took with was the take or pay when PPAs that we've
21 been exposed to so, you know, so much. Evergy, and I
22 think correctly states this, is that there's just not
23 a lot of options out there in the SPP right now to do
24 PPAs. Like, that's just the reality of the
25 situation. If the Company came in and said, Hey, you

1 know, such-and-such co-op out of Oklahoma wants to go
2 ahead and, you know, putting up their natural gas
3 plant, you know, for sale or as a PPA, man, we would
4 absolutely entertain that and go through that
5 process. But we're open to anything that's going to
6 stop the bleeding.

7 Q. Can I direct you to your surrebuttal on
8 page 5. If you'll let me when you're there please.

9 A. I'm there.

10 Q. I believe you have a Table 1 on there
11 that's confidential, and I don't want you to get into
12 anything confidential. But can you confirm that the
13 energy generated from the PPAs are included in that
14 table?

15 A. Yes.

16 Q. Okay. And then in that table the dollar
17 amounts in the non-firm, short-term energy and all
18 systems sales revenue columns are cumulative for the
19 entire period of prudence reviews. Is that correct?

20 A. Yes, sir.

21 JUDGE PRIDGIN: Okay. Thank you. I
22 think those are all the questions that I have. Any
23 further bench questions before recross? Hearing
24 none, any recross based on bench questions.

25 Mr. Keevil.

1 MR. KEEVIL: No, Judge.

2 JUDGE PRIDGIN: Ms. Whipple.

3 MS. WHIPPLE: No, thank you.

4 JUDGE PRIDGIN: Redirect.

5 REDIRECT EXAMINATION

6 BY MR. CLIZER:

7 Q. I'll try and keep this brief. I'd like to
8 start by addressing a question that you received from
9 the Chair, which I thought was a fantastic question.
10 She brought up that \$86 million disallowance and the
11 impact that would have on Evergy's ability to build
12 and all their other alternatives. Do you recall that
13 conversation?

14 A. I do.

15 Q. Is there another way or is there anything
16 that we could do with the FAC itself that could
17 potentially affect things moving forward that doesn't
18 result in an immediate disallowance?

19 A. There is. We have a risk-sharing
20 mechanism right now that's 95/5. Obviously that's
21 worked for some utilities and not others. And I
22 think this is a clear example of a utility where that
23 risk-sharing mechanism is not incentivizing the
24 Company to look out for ratepayers as well.

25 One avenue would be a rate case, an

1 upcoming rate case where you could go ahead and
2 revisit that 95/5 rate, that FAC-sharing mechanism.
3 That would seem imminently appropriate and another
4 way to address it. Because then at that point the
5 Company would have skin in the game on those -- on
6 those margins. Right now there's just no skin in the
7 game.

8 Q. You got a series of questions regarding
9 potential changes to the IRP as well. Do you recall
10 that?

11 A. I did.

12 Q. And to be clear, are the companies
13 required to file their IR -- follow their IRPs?

14 A. Are they required to follow their IRPs.
15 No. I mean, they -- what'll happen is if there's a
16 material change to their IRP and it is something that
17 immediately needs to happen before their next annual
18 update, they'll -- they'll file to go ahead and amend
19 that.

20 Q. Okay. One -- the last one I think, very
21 simple, and this is for my sake just so the record is
22 clear. You mentioned interconnection queue. Can you
23 please just give a brief definition of what that is
24 and what you were referring to, for the sake of the
25 record?

1 A. Southwest Power Pool's got a website.
2 They -- you Google generation interconnection queue,
3 I think it's the first hyperlink that pops up. It'll
4 take you to a software application that shows the
5 entire SPP map, and they'll -- there's drop-down
6 boxes that effectively you can control for the
7 utility, the type of generation, and a handful of
8 other things.

9 That's -- that's sort of our sanity check
10 as to, well, how serious are we about moving forward
11 with something. Where are they planning on, you
12 know, putting those -- that generation moving
13 forward. Empire's there, Evergy's there on the
14 Kansas side, on the Missouri side, and everybody else
15 that participates in SPP.

16 But that's -- that's what I mean by that
17 is that generation interconnection queue and it
18 literally is is just hundreds of applications for
19 future generation that may or may not get built. But
20 those SPP regulators are effectively going through
21 each of those applications and approving it or not.

22 MR. CLIZER: All right. I have no
23 further questions. Thank you very much.

24 JUDGE PRIDGIN: All right. Mr. Clizer,
25 thank you. Dr. Marke, thank you very much. You may

1 step down.

2 And I believe that is the end of our --
3 of our witnesses. Is there anything further from
4 either the bench or the counsel before we adjourn?

5 MS. WHIPPLE: No, thank you.

6 JUDGE PRIDGIN: Hearing nothing -- oh,
7 I'm sorry.

8 MR. CLIZER: There's some procedural
9 matters that we need to take up I think, for example,
10 setting a date for late-filed exhibits. But I didn't
11 know if you wanted to do that until after the --

12 JUDGE PRIDGIN: I can certainly do that.
13 I mean we can do that on the record if you'd like,
14 whether with or without the bench. I mean, I -- if
15 you're talking about some sort of parameter on
16 late-filed exhibits, late-filed objections. Is that
17 correct?

18 MR. CLIZER: We just need a timetable and
19 to reconfirm that the existing schedule for briefs is
20 the same. There is an existing schedule for
21 briefing. Correct?

22 JUDGE PRIDGIN: Correct.

23 MR. CLIZER: Right. And that's -- we're
24 not changing that. Correct?

25 JUDGE PRIDGIN: Correct.

1 MR. CLIZER: Okay. Yeah. Well, all we
2 need is a deadline to file objections for the
3 prefiled exhibits, so the two that we've got marked I
4 think. That would be the only request I have.

5 JUDGE PRIDGIN: Thank you, sir. And I
6 can issue an order perhaps tomorrow that would give
7 the parties some guidance on that. Anything further
8 from the bench or from counsel? Mr. Clizer.

9 MR. CLIZER: One last thing, I apologize.

10 JUDGE PRIDGIN: That's all right.

11 MR. CLIZER: Do we have a deadline for
12 the transcript?

13 JUDGE PRIDGIN: Madam Court Reporter.

14 (Off the record.)

15 JUDGE PRIDGIN: Anything further from the
16 bench or from counsel? All right. Thank you very
17 much. We are adjourned.

18 (Whereupon, the hearing was adjourned
19 at 3:42 p.m.)

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CERTIFICATE OF REPORTER

STATE OF MISSOURI)
COUNTY OF CALLAWAY)

I, Shelley L. Bartels, a Certified Court Reporter, CCR No. 679, do hereby certify that I was authorized to and did stenographically report the transcript of proceedings; and that the foregoing transcript, pages 1 through 211, is a true record of my stenographic notes.

I FURTHER CERTIFY that I am not a relative, employee, or attorney, or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorney or counsel connected with the action, nor am I financially interested in the action.

DATED this 30th day of May, 2024.



Shelley L. Bartels, CCR 679

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