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STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
TRANSCRIPT OF PROCEEDINGS
Hearing
October 27, 2006
Jefferson City, Missouri
Volume 14

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

RONALD D. PRIDGIN, Presiding,
REGULATORY LAW JUDGE.
JEFF DAVIS, Chairman,
CONNIE MURRAY,
STEVE GAW,
ROBERT M. CLAYTON,
LINWARD "LIN" APPLING,
COMMISSIONERS.

REPORTED BY:
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1 (Dias Exhibit Nos. 1307 through 1318 were
2 marked for identification.)

3 JUDGE PRIDGIN: All right. Good morning.
4 We're on the record. It's 8:30 a.m., October 27th, 2006.
5 We're back on the record, Case No. ER-2006-0314. I understand
6 our witnesses today are Ms. Nathan, Mr. Dias, Ms. Randolph and
7 Mr. Jackson.

8 Is there anything counsel needs to cover
9 before we have Ms. Nathan on the stand?

10 MR. KEEVIL: Your TV isn't on,

11 JUDGE PRIDGIN: My TV's not --

12 MR. KEEVIL: It's not on.

13 MR. CONRAD: How can we go on?

14 JUDGE PRIDGIN: I know that thing's been
15 distracting you guys.

16 MR. CONRAD: I even was -- somebody was asking
17 me for autographs.

18 MR. WILLIAMS: Are they broadcasting the
19 Cardinals game?

20 JUDGE PRIDGIN: Okay. Anything else? All
21 right.

22 MR. FISCHER: It looks like it's unplugged
23 over here, Judge.

24 MS. WOODS: Now, that could be a problem.

25 JUDGE PRIDGIN: If somebody wants to get up

1 and plug it in, that's fine; otherwise, we'll have some tech
2 folks --

3 MR. CONRAD: Where is an engineer when you
4 need one?

5 JUDGE PRIDGIN: -- on it.

6 MR. CONRAD: Last week I could hardly spell
7 engineer.

8 JUDGE PRIDGIN: Okay. Other than the TV,
9 anything else?

10 All right. Ms. Nathan, if you'll come forward
11 to be sworn, please.

12 (Witness sworn.)

13 JUDGE PRIDGIN: Thank you very much. If you
14 would, please have a seat.

15 And, Mr. Fischer, anything to clean up before
16 she's tendered for cross?

17 MR. FISCHER: Mr. Blanc is --

18 JUDGE PRIDGIN: Mr. Blanc, excuse me.

19 SUSAN K. NATHAN testified as follows:

20 DIRECT EXAMINATION BY MR. BLANC:

21 Q. Do you have any corrections to make to your
22 pre-filed testimony?

23 A. No, I don't.

24 MR. BLANC: At this point we'd like to offer
25 Ms. Nathan's testimony, which is hearing Exhibit 41 and 42.

1 JUDGE PRIDGIN: 41 and 42 are offered. Any
2 objections?

3 Hearing none, 41 and 42 are admitted.

4 (Exhibit Nos. 41 and 42 were received into
5 evidence.)

6 JUDGE PRIDGIN: Anything else?

7 MR. BLANC: No, your Honor. I tender her for
8 cross-examination.

9 JUDGE PRIDGIN: All right. Thank you. Let me
10 find my order of cross. Any parties wish to cross? Mr. Dias?
11 Any other parties?

12 MR. DIAS: He can go first.

13 JUDGE PRIDGIN: He doesn't want to so I think
14 you're it, if you'd step to the microphone, Mr. Dias.

15 MR. COMLEY: I would have one question.

16 JUDGE PRIDGIN: Mr. Comley, when you're ready.

17 MR. COMLEY: Thank you, Judge.

18 CROSS-EXAMINATION BY MR. COMLEY:

19 Q. Ms. Nathan, my name is Mark Comley and I
20 represent the City of Kansas City in this case. And let me
21 direct you to the last page of your Surrebuttal Testimony.

22 A. I'm ready.

23 Q. Basically, Ms. Nathan, what you're saying
24 is -- and I think this is a true and fair statement of what
25 you're saying -- is that irrespective of the fact that the

1 Department of Social Services may be in charge of the LIEAP
2 program that's described in your testimony and Mr. Jackson's
3 testimony, that Kansas City Power & Light would cooperate with
4 the City in making the rule changes and modifications to that
5 program as recommended by Mr. Jackson; is that correct?

6 A. Yes. We would be happy to cooperate and work
7 with other people in the state to make this program referral
8 and process be more efficient.

9 MR. COMLEY: Thank you. That's all.

10 JUDGE PRIDGIN: Thank you.

11 Any other parties? Mr. Dias, when you're
12 ready.

13 CROSS-EXAMINATION BY MR. DIAS:

14 Q. Good morning, Ms. Nathan.

15 A. Good morning, Mr. Dias.

16 Q. How are you?

17 A. I'm fine. How are you?

18 Q. Wonderful.

19 A. Good.

20 Q. First thing I want to do is that I read your
21 testimony.

22 A. Uh-huh.

23 Q. And apparently you spent quite a bit of time
24 in studying the hearing, the filings that's going on here
25 today. Would that be a true statement?

1 A. I wouldn't say that I spent a lot of time
2 studying all the other people's filings and stuff, no.

3 Q. I read your Surrebuttal Testimony.

4 A. Yes.

5 Q. And it talked about the hearing. And you had
6 mentioned that certain items that I had said in that hearing
7 and what Reverend Childs and Reverend Brooks had said in that
8 hearing --

9 A. In the public hearing in Kansas City.

10 Q. Do you recall that?

11 A. Yes, I do.

12 Q. So you studied those testimonies pretty
13 vigorously, I'm assuming?

14 A. I read through the transcript very quickly. I
15 was there.

16 Q. Okay. All right. We'll come back to that --

17 A. All right.

18 Q. -- situation there.

19 Now, you work for Kansas City Power & Light.
20 Right?

21 A. Yes, I do.

22 Q. What jobs do you hold there?

23 A. I'm the manager of marketing and product
24 management. That includes implementing the energy efficiency
25 affordability and demand response programs that were approved

1 in the Stipulation and Agreement.

2 Q. Is this -- is that the first time you've held
3 that type of job anywhere?

4 A. No. I've managed the energy efficiency and
5 demand side management program for MIN Gas Co for about
6 15 years in Minnesota.

7 Q. That's what, another power company?

8 A. It's with a gas company in Minnesota, yes.

9 Q. I see. And while you were at that -- in your
10 career with the utility companies, have you held down any
11 other positions?

12 A. I've held a position in HR. I was the
13 affirmative action EO specialist at MIN Gas Co for the first
14 year of my career with the utilities and then went into the
15 energy efficiency program area. When I came to Kansas City, I
16 went to work for Aquila and I was in marketing and then retail
17 operations at Aquila.

18 Q. The retail operations, what did you do there?

19 A. I coordinated different activities that
20 spanned the entire division, but spanned different
21 departments. So planning, policies, training, those types of
22 activities that spanned economic development, sales,
23 marketing, a number of different departments.

24 Q. You were kind of a liaison between the various
25 departments?

1 A. Yes.

2 Q. Do you have that same function in Kansas City
3 Power & Light?

4 A. Not as much, no.

5 Q. You were -- I want to -- let me -- so you also
6 handle customer relations. Right?

7 A. No, I do not.

8 Q. Let me get my -- these are my exhibits.

9 Ms. Nathan, I want to hand you what is marked as Dias
10 Exhibit 1317?

11 A. Okay.

12 JUDGE PRIDGIN: And I didn't know that you had
13 that marked. Can you announce what that is and provide
14 counsel with copies, please?

15 MR. DIAS: Sure can. Who wants a copy? Give
16 one to Lewis. Do you want one?

17 MR. BLANC: Anyone else?

18 MR. KEEVIL: Yes, please. Over here.

19 JUDGE PRIDGIN: And the Bench will need copies
20 as well, Mr. Dias.

21 MR. CONRAD: We didn't get copies over here,
22 your Honor.

23 MR. DIAS: Unfortunately, I guess I gave out
24 all my copies. Thank you.

25 BY MR. DIAS:

1 Q. Ms. Nathans, this is a meeting that was held
2 at Kansas City Power & Light and I think that John Marshall
3 mentioned this meeting --

4 A. Yes.

5 Q. -- that you all hosted for the -- the
6 Executive Committee of the Baptist Ministers' Union?

7 A. Yes.

8 Q. Okay. And in that -- on this agenda, you hold
9 a couple of positions; is that true?

10 A. I talked to a couple of the agenda item areas,
11 yes.

12 Q. One of them is the financial management
13 workshops?

14 A. Yes.

15 Q. And you were working very closely with Cory
16 Sullivan and Lori Shaffer?

17 A. I was.

18 Q. And could you tell the Court what their
19 positions were?

20 A. Certainly. Cory Sullivan at that time was the
21 head of our customer care department. That department handled
22 the call center, the business call center, credit and
23 collections, revenue management, billing and -- I think
24 billing and meter reading.

25 Q. All right.

1 A. Lori's -- Lori Shaffer also reported to Cory
2 and she had a small group -- she has a small group of people
3 who are in customer relations and they are the low-income
4 advocates.

5 Q. Okay. All right. And now, in your capacity
6 in these workshops --

7 A. Yes.

8 Q. -- who do you perform these workshops for?

9 A. Well, this was one of the agenda items.

10 Q. So you haven't really done that yet?

11 A. We were looking into -- and we have also found
12 that there's many agencies that already perform these kinds of
13 workshops and we were looking into what can we do to help,
14 what can we do to expand the offerings. I believe Lori was
15 looking into that.

16 Q. So what you're saying is that this agenda
17 basically -- are any of the these items actually in force
18 right now?

19 A. Yes.

20 Q. We'll get to that. So how would you
21 characterize your participation in this -- in preparing for
22 these hearings?

23 A. In preparing for this hearing I --

24 Q. Well, let me rephrase that. I want to
25 characterize your participation in the hearing of this rate

1 case. Would it be safe to say that you reviewed the Direct
2 Testimony of all of the witnesses at the public hearing,
3 you've already said you had, held in Kansas City on
4 August 24th of 2006. Is that yes or no?

5 A. I -- no. I have not read the transcript of
6 all the people who testified at the public hearing. I just
7 read a few of the transcripts.

8 Q. Okay. Did you read Daniel Childs' transcript?

9 A. Very briefly I skimmed through that, yes.

10 Q. So you did read that?

11 A. Yes.

12 Q. You did read his. What about Reverend Brooks?

13 A. I believe I read his too.

14 Q. You read his also?

15 A. And yours.

16 Q. And you read mine?

17 A. Yes.

18 Q. Okay.

19 A. Those are the only three I read.

20 Q. All right. Fine. Okay. So I've got an
21 exhibit -- I want you to put that one aside for a minute.

22 A. Okay.

23 Q. Exhibit 1306, if I can get you a copy of it.

24 MR. MILLS: Just for the record, 1306 was
25 offered by KCPL earlier in the hearing, has already been

1 admitted.

2 MR. DIAS: It already -- okay. Fine.

3 JUDGE PRIDGIN: Thank you, Mr. Mills.

4 BY MR. DIAS:

5 Q. Now, this a document that John Marshall went
6 over --

7 A. Yes.

8 Q. -- extensively. And you were at this meeting?

9 A. Yes, I was.

10 Q. Okay. Okay. Now, you had a hand in the
11 preparation of this document. Yes or no?

12 A. I might have provided some information to it.

13 Q. So you had a hand in preparing this document?

14 A. I provided some information to it, yes.

15 Q. So the answer is yes?

16 A. Yes, I provided some information for it.

17 Q. Okay. On page 2 of this document you talk
18 about KCPL's mission; is that true?

19 A. The document does speak to that, yes.

20 Q. Okay.

21 A. The mission of the customer relations
22 department.

23 Q. Tell us how Kansas City Power & Light's going
24 to take a leadership role in assisting the low-income and
25 elderly people.

1 A. Well --

2 Q. How are you going to take a leadership role?

3 A. Well, let me state, first of all, this is not
4 my department. But from my perspective, how I would look at
5 this is, first of all, we have low-income energy efficiency
6 programs where we work through all the CAP agencies to provide
7 energy efficiency improvements into their properties. We also
8 have a component in there --

9 Q. Can I ask --

10 A. -- for landlords.

11 Q. -- one question?

12 A. Uh-huh.

13 Q. How is that funded?

14 A. That is funded through the ratepayers.

15 Q. And how is it charged to the customer that you
16 are supplying?

17 A. For the low-income customer, we don't charge
18 them at all.

19 Q. You don't charge them at all?

20 A. Not for low-income, no.

21 Q. If they're not low-income, what is it? Is
22 there a cost?

23 A. If you're not low-income, the program that
24 we're planning to roll out, has not been rolled out yet, but
25 there is a shared cost.

1 Q. A shared cost?

2 A. Yes.

3 Q. Is that based upon the customer's ability to
4 pay?

5 A. No. I think it would be based -- we haven't
6 designed the program yet. It's called Home Performance with
7 Energy Star and it's on the list of products or energy
8 efficiency programs that we're planning to roll out next year.

9 Q. We'll get to that here in a minute. I think
10 that's in your Surrebuttal Testimony. Right?

11 A. Yes.

12 Q. We'll get to that in a minute.

13 Where I'm headed with this is, the leadership
14 role that you are a part of, I wanted to try to give the
15 Commission some kind of an idea of the things that you're
16 doing right now --

17 A. One --

18 Q. -- that -- wait -- that you're doing right now
19 to really put your hands on the community, feel what they're
20 asking you for and then whether or not you're taking steps to
21 to implement what they're asking you to implement.

22 JUDGE PRIDGIN: Mr. Dias, do you have a
23 question for the witness?

24 BY MR. DIAS:

25 Q. Well, the question is, what steps has Kansas

1 City Power & Light taken, as far as the community is
2 concerned, to implement the programs that they have asked you
3 to implement? What steps?

4 A. And by "they" we mean?

5 Q. You met with the Baptist Ministers' Union?

6 A. Yes.

7 Q. I'm assuming the NAACP?

8 A. I have not.

9 Q. Have you met with any of the concerned clergy?

10 A. I have not.

11 Q. Have you met with any of the organizations in
12 Kansas City?

13 A. I've met with some. I've met with other
14 utilities to see how we could better serve the community.

15 Q. But you've not met any --

16 A. I've met with the agencies that deal with
17 these programs, the -- MAC who administers our dollar aid
18 fund. I've met with them.

19 Q. Ms. Nathans --

20 A. Yes.

21 Q. -- the question is, have you met with
22 community agencies? I asked you to list the community
23 agencies that you've met with.

24 A. I've --

25 Q. So let me see if I can rephrase this. You've

1 not met with any of the church organizations, you've not met
2 with any of the -- the organizations that are trying to offer
3 aid and support to the community at large. Is that -- would
4 that be a fair statement?

5 A. No, it would not. I have not --

6 JUDGE PRIDGIN: You've answered the question.
7 Excuse me. You've asked the question, you've said no. Next
8 question.

9 MR. DIAS: Okay.

10 BY MR. DIAS:

11 Q. Now, on page 2, the title of that is Customer
12 Relations?

13 A. Yes.

14 Q. Now, you -- and, once again, you say you had a
15 hand in preparing this?

16 A. I provided input to some of the doc-- some of
17 the pages on this agenda thing.

18 Q. So which item on this page did you have a hand
19 in?

20 A. I did not have a hand in this page. Customer
21 relations does not report to me.

22 Q. Okay. And you're not -- you've not been in
23 any meetings that talked about the formulation of this
24 document and talked about customer relations. Yes or no?

25 A. No.

1 Q. Okay. Now, one of the things in this
2 document, it talks about hosting energy forums?

3 A. Yes.

4 Q. How many of those have you had? A number.
5 Just give me a number of the ones that you've had.

6 A. I don't know. This is not my area either.
7 This is Lori Shaffer in customer relations. I know she tries
8 to hold them at least twice a year.

9 Q. Now --

10 JUDGE PRIDGIN: I don't know is enough.

11 THE WITNESS: Thank you.

12 BY MR. DIAS:

13 Q. That's an energy forum?

14 A. It's an energy and agency forum.

15 Q. Okay. So she handles part of your -- your
16 responsibility?

17 A. No. This is her responsibility.

18 Q. Okay. All right. Thank you.

19 Do you know if -- if an energy forum was ever
20 hosted with the Baptist Ministers?

21 A. I do not believe they have been there. This
22 is -- this is a forum for people who provide financial
23 assistance to low-income people. And maybe they need to be
24 invited and I can certainly take that back to Lori and have
25 her invite them in the future if it's appropriate.

1 Q. Well, the whole effort here is to show the --
2 or ask the -- the Public Service Commission to get Kansas City
3 Power & Light to kind of step up to the plate and do some
4 things. So if you would take that back, I think it would be
5 appreciated.

6 A. I would definitely do that. I believe we do
7 step up to the plate in many areas, but we're always looking
8 for ways to improve it, so --

9 JUDGE PRIDGIN: Next question.

10 BY MR. DIAS:

11 Q. Now, in the document that John Marshall
12 testified to, he made a statement that he -- that you all
13 enjoyed a relationship with the community, had been doing it
14 for several years.

15 A. Uh-huh.

16 Q. Do you know what agencies he was talking
17 about?

18 A. No, I don't.

19 Q. On page 3 of that document, it talks -- it
20 says -- I guess the title is What Else Will We Do?

21 A. Okay.

22 Q. Now, are you going to play a hand in the --
23 identifying low and elderly income persons to receive
24 weatherization?

25 A. I would hope that I'm involved in that effort,

1 yes.

2 Q. No one has told you that you're going to be
3 involved with that effort?

4 A. It could be me, it could be somebody on my
5 staff.

6 Q. Okay.

7 A. It would depend on what the effort is.

8 Q. So your answer is?

9 A. Somehow we would be involved in it, I would
10 believe.

11 Q. Okay. Now, Kansas City Power & Light has
12 contacted the Baptist Ministers' Union --

13 A. Uh-huh.

14 Q. -- and asked them to participate in
15 identifying these low and elderly income persons. Would that
16 be yes or no?

17 A. Yes.

18 Q. You have contacted them?

19 A. I believe we have met with the Baptist
20 Ministers' Union. And you were at that meeting and we
21 discussed that we would be willing to work together to
22 outreach to the community better.

23 Q. Have you met with them beyond that?

24 A. No, I have not.

25 Q. Has anybody at Kansas City Power & Light met

1 with the Baptist Ministers' Union?

2 A. I don't know for sure.

3 Q. So your answer is you're not sure?

4 A. I don't know.

5 Q. Okay. Okay. On page 4 of this document, once
6 again, it talks about payment plans and methods --

7 A. Yes.

8 Q. -- online payments, credit card options, those
9 kinds of things. Did you play a hand in the preparation of
10 that -- of that particular page?

11 A. No. I do have a person who works for me who
12 participates with the customer care group in preparing
13 anything that's online, the credit card, but I didn't -- I
14 personally did not prepare this page.

15 Q. So on your staff you've got a person that
16 participates in credit cards --

17 A. Yes.

18 Q. -- with -- okay.

19 One thing that's -- I think the Commission
20 should know is what's the cost of making a credit card payment
21 to Kansas City Power & Light to the customer?

22 A. No cost. We are proposing to offer this
23 without a cost.

24 Q. Currently what's the cost?

25 A. Currently I believe we -- I'd have to --

1 Q. If I were to tell you it was \$6 --
2 A. I think it is.
3 Q. -- \$6 to make a payment --
4 A. Yes. It's very expensive.
5 Q. It's very expensive --
6 A. Yes.
7 Q. -- to make that payment?
8 A. And that's why we've proposed to eliminate
9 that charge.
10 Q. Okay.
11 A. We don't have a lot of users because it is so
12 expensive.
13 Q. Okay. Also, if I were to tell you that --
14 that -- you guys use pay stations. Right?
15 A. I believe we do.
16 Q. Now, the persons on your staff is involved --
17 or in that group that's involved with this so you can testify
18 with some knowledge. Right?
19 A. Not so much on the pay stations. We get more
20 involved with the online payments --
21 Q. Okay.
22 A. -- and electronic transfers.
23 Q. But you do have knowledge as to how -- on the
24 pay stations. Right?
25 A. I know that we have pay stations.

1 Q. Okay.

2 A. That's about the extent of my knowledge on it.
3 I'm not in the revenue management area, so --

4 Q. Have you been in meetings where they talk
5 about pay stations and their -- their placement?

6 A. I personally have not.

7 Q. Do you know that that -- that there's been
8 several complaints to Kansas City Power & Light that pay
9 stations were basically pawn shops, things where churchgoing
10 people didn't really want to go into?

11 MR. BLANC: I object, your Honor. She's
12 indicated she doesn't know anything more about pay stations
13 than the fact that the company utilizes them to some extent.

14 JUDGE PRIDGIN: I'll let her answer this
15 question if she knows the answer, then let's move away from
16 pay stations because she's already testified she doesn't
17 really know anything about them.

18 THE WITNESS: I don't know that we use pawn
19 shops. I can't imagine we would, but I don't know for sure
20 that we do or don't.

21 BY MR. DIAS:

22 Q. Okay. Now, on page 5 it talks about surveying
23 peers. And I recall in the meeting that you were going to
24 survey your peers to see which one of those -- which utility
25 company was actually underwriting weatherization and you were

1 going to get back to the Executive Committee of the Baptist
2 Ministers' Union on that. You never did. Could you explain
3 why?

4 A. I don't believe we agreed to do that. I
5 believe that the "survey the peers" under this category comes
6 to unbanked customer options. We have a fairly good idea
7 already of what other utilities do in low-income
8 weatherization. There's a national network and we have a
9 fairly decent idea of what they do. So I don't see that we
10 would have agreed to survey our peers on that topic.

11 Q. Okay. Let's move from this page and I'm just
12 going to pose a question to you. There was a -- I posed a
13 question to you at that meeting and that question was, are
14 there other utility companies in this -- in the United States
15 that you are aware of --

16 A. Uh-huh.

17 Q. -- that underwrite weatherization consulting,
18 those types of issues. And you did mention one that you had
19 knowledge of; is that true?

20 A. You're asking me to remember one statement I
21 made back on July 20th, Mr. Dias. I know of many different
22 utility programs that offer weatherization options to
23 low-income customers. I also know that there are other
24 programs that are offered throughout the US that offer
25 different types of assistance. It's --

1 JUDGE PRIDGIN: Let's go back to his question.

2 Wasn't your question do you remember?

3 THE WITNESS: Okay. Do I remember --

4 BY MR. DIAS:

5 Q. Do you --

6 A. I don't remember the specific sentence.

7 JUDGE PRIDGIN: Okay. Next question.

8 THE WITNESS: Thank you.

9 BY MR. DIAS:

10 Q. Okay. All right. On page 6, it's talking
11 about a collaborative effort?

12 A. Yes.

13 Q. Now, I heard John Marshall's testimony and he
14 talked to this effort. And I'm assuming that the
15 collaborative efforts that you were talking about in your
16 Surrebuttal Testimony are based upon developing an
17 understanding of low-income issues?

18 A. Uh-huh.

19 Q. What have you done since July 20th to further
20 that understanding?

21 A. We've been trying to meet with an organization
22 called LISC, which is a Local Initiative Support Coalition.
23 They look at the neighborhood as their client. And we've been
24 trying to work with them and with other low-income builders to
25 try and make sure that homes that are built for low-income

1 built are energy efficient to start out with. So we've been
2 working with them on that. We have been working with the
3 other utilities to try and gain more awareness and fund --
4 joint fundraising efforts for all the fuel funds.

5 Q. So you have not met with any of the community
6 organizations, any of the churches -- excuse me. You've not
7 met with any of those individuals; is that true?

8 A. I personally have not, but my staff has gone
9 out and --

10 Q. Have they reported back to you that they went
11 out and met with the Baptist Ministers' Union, NAACP, any of
12 the -- the numerous organizations that have direct input as to
13 what the community's asking for? Have -- have your staff did
14 that?

15 A. Not in the organizations that you have
16 mentioned yet, but I know that the Baptist Ministers' Union is
17 a larger effort than just my staff.

18 Q. Yeah, I know. I'm the one that organized it.

19 Okay. On page 7, we talk about economic
20 development --

21 A. Okay.

22 Q. -- supplier development, hiring efforts. In
23 the meetings that you jointly have with these various
24 components of Kansas City Power & Light, these topics have
25 come up?

1 A. I am not part of those efforts for
2 community -- economic development, no.

3 Q. Okay. And, once again, they talk about
4 workshops. And that's not the workshops that you -- that you
5 and your staff put together?

6 A. No. I don't know. I -- I have to say I don't
7 know what workshops they're referring to here.

8 Q. Okay. All right. I want to give you another
9 exhibit. It's Exhibit 1307. And this is page 38 of your --
10 of KCPL's pretrial hearing brief.

11 A. Okay. Thank you.

12 Q. Okay. Ms. Nathans, on this exhibit you speak
13 to two areas that basically KCPL has rejected; is that true?

14 A. I'm trying to read this because this is not
15 part of my testimony, so -- all right. And your question is?
16 I'm sorry.

17 Q. Item B.

18 A. All right.

19 Q. This is -- this is a weatherization program
20 where I think the City of Kansas City, Missouri had asked in
21 their brief that the call center of Kansas City Power & Light
22 be engaged to refer customers of LIEAP --

23 A. Yes.

24 Q. -- directly to the city for low-income. And
25 apparently Kansas City Power & Light has rejected that. Is

1 that a yes or no?

2 A. No. We have --

3 Q. You have --

4 JUDGE PRIDGIN: That answered the question.

5 Yes or no and you answered no. Next question.

6 BY MR. DIAS:

7 Q. You have not rejected that?

8 A. Not outright, no. We have -- we have
9 discussed with the City and with CPAG that we have another way
10 that we would want to make referrals. And through this
11 organization, CPAG, which is the Customer Program Advisory
12 Group and other parties -- this third-party payers, there's
13 more than just LIEAP. There's other organizations that
14 participate in helping people pay their bills. And what we
15 had proposed was that we would -- I'll go back to your
16 question. We had rejected this particular proposal and we
17 believe that --

18 Q. So the answer is --

19 THE COURT REPORTER: I can only get one person
20 at a time.

21 BY MR. DIAS:

22 Q. So the answer is you rejected this proposal?

23 A. Yes. I'm sorry. Yes.

24 Q. So the City cannot expect that the call center
25 will refer LIEAP customers --

1 A. You're correct. That's correct.

2 Q. -- directly to them via the net or anything

3 else?

4 A. Yes.

5 Q. That's true?

6 A. Yes. I'm sorry.

7 Q. Okay. Now, Item C on here --

8 A. Yes.

9 Q. -- the energy conservation to provide

10 consultation, weatherization materials and installation for

11 persons that fall out of the low-income bracket --

12 A. Uh-huh.

13 Q. -- the Kansas City Power & Light has rejected

14 that?

15 A. Yes.

16 Q. So it's your testimony that if you're not

17 low-income, as far as Kansas City Power & Light is concerned,

18 you're on your own if you need weatherization?

19 A. That is not what I said.

20 Q. Okay. Well, how would you characterize a

21 situation where a request by the community has been asked for

22 Kansas City Power & Light to underwrite weatherization

23 consultation and installation of materials when they can't

24 afford it themselves and they don't qualify for low-income?

25 How do you characterize that?

1 A. One of the things that we have -- we have done
2 is we have increased the qualification requirements for our
3 programs, because we know that 150 percent of federal poverty
4 guidelines is still part of the working poor. So we increased
5 our funding level to cover 185 percent of the federal poverty
6 guidelines.

7 Q. Ms. Nathan --

8 A. That tries to help the working poor.

9 Q. Can I --

10 A. Can I finish my answer, please?

11 Q. What I want you to do is I wanted to ask you
12 about does Kansas City Power & Light care about those
13 individuals who don't income qualify? I know --

14 A. Yes.

15 Q. -- that you're saying -- you're saying that
16 there is now raised to 185 percent --

17 JUDGE PRIDGIN: Okay. Wait. I think you
18 asked the question do you care and she said yes. So do you
19 have another question?

20 BY MR. DIAS:

21 Q. Okay. Does your -- does your caring translate
22 into action with Kansas City Power & Light?

23 A. I believe we have a number of different
24 programs that we have either offered or in the process of
25 developing that will help people.

1 Q. And are these programs that the community has
2 asked you for?

3 A. The program -- the portfolio --

4 Q. Yes or no?

5 A. -- of programs were developed, yes, through a
6 collaborative effort that involved community organizations. I
7 don't know if they're the community organizations you're
8 thinking of, but they were definitely community organizations.

9 Q. Okay. Mrs. Nathan, I asked you earlier had
10 you consulted with the NAACP?

11 A. No.

12 Q. Operation Push?

13 A. No.

14 Q. The Baptist -- you've said you've consulted
15 with the Baptist Ministers' Union. Right?

16 A. Well, we met with them. You were there.

17 Q. Yeah. And -- but you didn't take any of their
18 suggestions; is that true?

19 A. The portfolio --

20 Q. Yes or no?

21 A. -- of programs that we're currently working
22 on --

23 Q. Yes or no?

24 JUDGE PRIDGIN: He asked you a yes or no
25 question.

1 BY MR. DIAS:

2 Q. Yes or no?

3 A. No.

4 Q. You didn't take any of their --

5 A. Not yet.

6 Q. -- their suggestions?

7 Not yet?

8 A. No.

9 Q. But you still profess to be working with the

10 Baptist Ministers' Union. Right?

11 A. Yes.

12 Q. And you're going to hold to that statement?

13 A. Yes.

14 Q. Now, John Marshall also testified to that too,

15 didn't he?

16 A. I didn't hear his testimony.

17 Q. Well, I can give you a transcript of his

18 testimony if you like.

19 MR. BLANC: I object, your Honor, to the

20 extent he's asking her what other witnesses testified to.

21 MR. DIAS: I can -- I can --

22 JUDGE PRIDGIN: Sustained.

23 MR. DIAS: Okay.

24 BY MR. DIAS:

25 Q. All right. Mrs. Nathan, I'm going to -- I

1 can --

2 MR. DIAS: I'm permitted to give her a copy of
3 John Marshall's testimony?

4 JUDGE PRIDGIN: For what purpose?

5 MR. DIAS: For the purpose of the question I
6 asked her about the Baptist Ministers' Union.

7 JUDGE PRIDGIN: You can ask her what she
8 knows. And I think she already testified she wasn't -- that
9 she didn't hear his testimony, if I remember her --

10 MR. DIAS: But she said she read it.

11 THE WITNESS: No.

12 BY MR. DIAS:

13 Q. You didn't read it?

14 A. No.

15 Q. Okay. I have -- and this was delivered to me
16 last night and I doubt seriously if we're going to be able to
17 get it into evidence. It is a petition that the -- that a
18 group -- Ministers for Energy Conservation put together. And
19 on here we have probably --

20 MR. BLANC: Is this a question, your Honor?

21 JUDGE PRIDGIN: I'm waiting for a question as
22 well.

23 MR. DIAS: Well, I'm leading to the question.
24 Just be patient. I'm giving the background of this petition.

25 JUDGE PRIDGIN: What is that -- has she seen

1 it?

2 MR. DIAS: I'll show it to her.

3 BY MR. DIAS:

4 Q. Would you look at that?

5 A. I have seen this.

6 Q. You've seen that?

7 A. Yes.

8 Q. You've seen this document here?

9 A. Yes. In draft.

10 Q. Where did you see that document?

11 A. I believe it came it through an e-mail a few
12 days ago.

13 Q. An e-mail. Okay. Okay. Now, this is a
14 document that has been circulating through the churches and
15 there are a number of items on this document and I'd like to
16 read them into evidence, if that's okay with you.

17 JUDGE PRIDGIN: No. I mean, if you have a
18 question for Ms. Nathan --

19 BY MR. DIAS:

20 Q. Ms. Nathan, you've read this? You've seen
21 this document?

22 A. Yes, I have.

23 Q. Okay. On this there is -- there are
24 signatures of some 150 ministers, I guess deacons, deaconess
25 that support --

1 MR. BLANC: Your Honor, once again, this
2 sounds more like evidence being given from the stand than
3 witness question.

4 JUDGE PRIDGIN: Okay. Again, do you have a
5 question for her?

6 BY MR. DIAS:

7 Q. My question is, you profess -- Kansas City
8 Power & Light professes to work with the various community
9 agencies and organizations and you -- you've basically said
10 that you know what they are -- they're asking for and what
11 they need. You've made that statement. Yes or no?

12 A. I don't believe I did. I believe what I said
13 was there are many organizations and we try to do our best in
14 working with them to learn more about our customers and to
15 improve our processes. That is not the same thing as saying
16 we work with everybody and we do what everybody asks us to do.

17 Q. Well, in this instance it's apparent that
18 you've done nothing that the community has asked you to do.

19 MR. BLANC: Is that a question?

20 BY MR. DIAS:

21 Q. Yes or no?

22 JUDGE PRIDGIN: Could you phrase that as a
23 question, please instead of a statement?

24 BY MR. DIAS:

25 Q. Mrs. Nathan --

1 A. Yes.

2 Q. -- the public in general has asked you on more
3 than one occasion to do certain things that they wanted you to
4 do. You have not -- Kansas City Power & Light has not acted
5 on any of those recommendations. Yes or no?

6 A. I would not agree with that statement

7 JUDGE PRIDGIN: Okay. That's the answer.

8 BY MR. DIAS:

9 Q. Okay. This was delivered to me, they asked me
10 to put it in the hands of the Commission. I don't know how
11 we're going to basically do that. We'll just leave it here.
12 Okay?

13 JUDGE PRIDGIN: What you can do, Mr. Dias --
14 I'm not going to allow that into evidence, but you can submit
15 that as a public comment if you'd like and the folks in the
16 data center on the first floor would let you do that. And
17 it's not part of the record of the evidentiary hearing, but
18 it's part of the overall record of this case.

19 MR. DIAS: I will submit it as a part of the
20 public hearing.

21 JUDGE PRIDGIN: Thank you.

22 BY MR. DIAS:

23 Q. Okay. Ms. Nathan, I'm going to give you what
24 is marked as Dias Exhibit 1312.

25 A. All right.

1 Q. It's a -- the prehearing brief that was filed.

2 MR. WILLIAMS: By whom was that filed?

3 JUDGE PRIDGIN: Whose prehearing brief?

4 MR. DIAS: Mine.

5 JUDGE PRIDGIN: And what is the purpose of
6 having her look at your brief? Because that's not evidence.

7 MR. DIAS: Well, we're going to submit it for
8 evidence.

9 JUDGE PRIDGIN: Well, no. It's a brief.

10 MR. DIAS: It's a brief, but the issues on
11 that brief are some of the things that we're going to talk
12 about a little later.

13 BY MR. DIAS:

14 Q. Are you familiar with that brief? Have you
15 read that?

16 A. No. No, I have not.

17 Q. You've not read that brief?

18 A. No, I have not.

19 Q. Are you familiar with the issues that are on
20 it that's identified in that brief?

21 MR. BLANC: Your Honor, I object. She's
22 testified that she hasn't read it before and I think it's
23 unreasonable to ask her to read it here and form an opinion on
24 a legal brief that was submitted in this case.

25 JUDGE PRIDGIN: I'm going to sustain. It's

1 not -- it's a brief. The Commission can read it for what it
2 is. You can ask her questions on what she knows.

3 BY MR. DIAS:

4 Q. Okay. Contained in that -- contained in that
5 brief you've had -- you've had conversations on that
6 memorandum of understanding February 12th, 2000 -- 2001. I
7 remember your Surrebuttal Testimony that you commented on
8 that; is that true?

9 A. I don't believe we talked about that in my
10 surrebuttal.

11 Q. I'll give you the page number here.

12 A. I just believe I said I don't know much about
13 it. I've seen it and I don't believe it has a bearing on this
14 case. That's all we said about it in my surrebuttal.

15 Q. So you do remember talking about that
16 contract?

17 A. I believe my testimony says that you provided
18 that as an exhibit and I don't believe it was relevant to this
19 hearing.

20 MR. DIAS: Judge, I'm going to give her a copy
21 of the -- of that memorandum of understanding. That's been
22 marked as Dias Exhibit 1314. And it was -- it was an exhibit
23 in the public -- the public hearing.

24 JUDGE PRIDGIN: Okay.

25 THE WITNESS: Thank you.

1 BY MR. DIAS:

2 Q. You're familiar with that?

3 A. I've seen it.

4 Q. You testified to it. Right?

5 A. I testified that I have seen this and I do not
6 believe that it is relevant to -- it has no bearing on this
7 case.

8 Q. And how did you come to that conclusion?

9 A. Well, first of all, it was dated 2001, which
10 is a long time ago. And I don't know that it was ever
11 implemented. I've never heard about this before.

12 Q. Okay. Page 7 --

13 MR. WILLIAMS: May I ask a point of
14 clarification? I see that Ms. Nathan has referred to two MOUs
15 as being introduced at the public hearing so I'm wondering
16 which memorandum of understanding you're -- is exhibit -- has
17 been marked as Exhibit 1314?

18 THE WITNESS: Thank you for the clarification.
19 This is the 2006 memorandum of understanding -- oh, no it's
20 submitted 2006, but it's dated February 12th, 2001. So
21 Exhibit 1314 is the 2001 memorandum of understanding.

22 MR. WILLIAMS: Thank you.

23 BY MR. DIAS:

24 Q. Okay. So you have -- you have -- you've done
25 testimony on that particular item. Right?

1 A. Yes.

2 Q. Okay. Well, let's go through that. On page 7
3 of that -- on page 7, line 6 of your -- of your -- of your
4 testimony, that's -- this is the --

5 MR. DIAS: Once again, thank you, Mr. Nathan,
6 for the point.

7 BY MR. DIAS:

8 Q. But that is the item that you were talking
9 about on page 7?

10 A. Yes, the 2001.

11 Q. Okay. This item is an executed item. Yes or
12 no?

13 A. Yes.

14 Q. Would you say that this item is an interest
15 that is outside of that of the public interest of anyone else
16 other than myself and Kansas City Power & Light? Yes or no?

17 MR. BLANC: I object, your Honor. She's
18 mentioned that she's aware the document exists and that she
19 doesn't believe it's relevant, but she hasn't indicated she's
20 reviewed it, read it, is aware of its contents in general.

21 MR. DIAS: Judge, the fact is that it's a
22 document between Kansas City Power & Light, it provided the
23 basis for my intervention. It is an interest that is outside
24 of that of the Public Counsel.

25 JUDGE PRIDGIN: I think -- I'm going to

1 sustain. I mean you've already been granted intervention.

2 MR. DIAS: okay. Okay. So I have an
3 interest.

4 BY MR. DIAS:

5 Q. So you've reviewed this document. Right?

6 A. I would say I've glanced at it.

7 Q. You've only glanced at it?

8 A. Yes.

9 Q. In preparation for this -- for this trial?

10 A. Yes. It's very old. I didn't think it was
11 relevant.

12 Q. Why -- because of the age? It mentions a
13 PILOT. Right?

14 A. It's never been implemented as far as I know,
15 I haven't -- I've never heard of it until then.

16 Q. Ms. Nathan --

17 A. Yes.

18 Q. -- it mentions a PILOT. Right?

19 A. Yes.

20 Q. And has Kansas City Power & Light conducted a
21 PILOT since 19-- 2001? Has there been any other PILOT other
22 than the one that's currently going on? Yes or no?

23 A. I couldn't say. I haven't been there since
24 2001.

25 Q. So you don't know if there is -- is there a

1 current PILOT going on now?

2 A. I know that I have a PILOT on energy
3 efficiency programs going on right now.

4 Q. So there's -- and that's part of the
5 regulatory program. Yes or no?

6 A. Yes. Yes.

7 Q. So it is going on right now.

8 Okay. Have you in preparation for this doc--
9 for this trial, did you meet with Bill Downy?

10 A. No.

11 Q. Okay. Did you meet with John Marshall?

12 A. Not on this.

13 Q. Did you meet -- you didn't meet -- well, John
14 Marshall's testimony said that you did.

15 A. Well, we talk about different things, but not
16 specifically to prepare for this. We did not collaborate and
17 discuss testimony and things like that.

18 Q. Well, I believe that when he testified here on
19 the 17th, he said that he had went over these items with you
20 and that's in the transcript.

21 MR. BLANC: Is that a question?

22 JUDGE PRIDGIN: Yeah, do you have a question?

23 BY MR. DIAS:

24 Q. The question is, did you talk about that item?

25 A. About which item? I'm sorry.

1 Q. The exhibit that you're reviewing now.

2 A. This 2001?

3 Q. Yes.

4 A. No.

5 Q. And you didn't --

6 A. I don't believe so.

7 Q. And you only talked about it when you were
8 preparing your Surrebuttal Testimony?

9 A. Yes. I mean, the only time that -- the only
10 time this 2001 memorandum of understanding is mentioned is in
11 my Surrebuttal Testimony.

12 Q. Okay. All right. Okay. Okay. I want to go
13 to -- on that -- on that item, I want to go to Item No. 4.
14 Okay? Item No. 4 says, System engineers will design,
15 implement and test the application interfaces between KCPL's
16 billing system, One Pay Station.com's payment and account
17 cellabant processor. KCPL will have final approval of all
18 aspects of the program's specification, review program design,
19 review and testing assistance during each phase of the
20 interface development. Is that what that says?

21 MR. BLANC: Your Honor, I'm going to object.
22 We're well beyond the scope of Ms. Nathan's pre-filed
23 testimony which was, in essence, limited to KCPL's current and
24 considered energy efficiency affordability and demand response
25 programs. We're well beyond the scope of that.

1 JUDGE PRIDGIN: I'll overrule and let her
2 answer. I mean, that kind of --

3 MR. DIAS: Thank you.

4 JUDGE PRIDGIN: You can answer the question.

5 THE WITNESS: That is what --

6 JUDGE PRIDGIN: I'm sorry. Go ahead?

7 THE WITNESS: That is what it says here on
8 this document as I read along.

9 BY MR. DIAS:

10 Q. All right. Thank you. From reading that
11 statement, who was going to pay for that?

12 A. I don't know.

13 Q. Okay. All right. I want you to turn to the
14 second page. I want you to go to Item No. 7.

15 A. Okay.

16 Q. And I'm going to read this. One Pay
17 Station.com at its own express will enroll customers of KCPL
18 members of the One Pay Station bill payment PILOT program.

19 So from what I just read, who was going to pay
20 for that?

21 A. Well, it sounds like One Pay Station.com will.

22 Q. Okay. So this document does spell out what
23 was going to have to be paid by One Pay Station and Dias and
24 everything else was going to be paid for by Kansas City Power
25 & Light?

1 A. I don't know that by reading just that one
2 statement.

3 Q. Okay. Well, it clearly marks that what One
4 Pay Station and/or Dias was to pay for, that was the
5 enrollment process.

6 JUDGE PRIDGIN: Is this a question?

7 BY MR. DIAS:

8 Q. Is that -- is that what it says? Yes or no?

9 A. It says, yes, that --

10 Q. The answer's yes?

11 A. -- One Pay Station will enroll customers.

12 JUDGE PRIDGIN: That's fine. You've answered
13 the question.

14 BY MR. DIAS:

15 Q. To the best of your knowledge --

16 A. Uh-huh.

17 Q. -- is Kansas City Power & Light in the habit
18 of executing an agreement that they have no plans to honor?
19 Yes or no?

20 A. I can't speak for the whole company on this,
21 but in my area, no, I wouldn't --

22 Q. In your area?

23 A. In my area, no.

24 Q. Okay. So Kansas City Power & Light executed
25 this agreement, but chose not to move forward with it. Yes or

1 no?

2 A. I can't answer that question. I don't know.

3 Q. Well, you said you had conversations on this
4 document.

5 A. No.

6 Q. You did not?

7 A. No.

8 Q. Did they tell you why they didn't execute it?

9 A. No.

10 Q. So no one told you why it was -- didn't get
11 executed?

12 A. No. I didn't talk with anybody about this.
13 It came through on my surrebuttal because it was part of your
14 exhibit and I mentioned that it was not, in my opinion,
15 relevant to this case. And that is the extent of my
16 conversations about this.

17 Q. Did you talk to Tim Rush on this?

18 A. No.

19 MR. BLANC: Asked and answered. She said she
20 hasn't talked to people about this.

21 JUDGE PRIDGIN: Sustained. She says all she
22 knows about this is her surrebuttal and reply to your filed
23 testimony.

24 MR. DIAS: Okay.

25 JUDGE PRIDGIN: I think we need to move on.

1 MR. DIAS: okay.

2 BY MR. DIAS:

3 Q. In your meetings at Kansas City Power and
4 Light, did you ever have the opportunity to meet with Tim
5 Rush?

6 A. Yes.

7 Q. Did you talk about your testimony that was
8 going to be here today?

9 A. I would say probably, yes.

10 Q. Did you have any conversations about how to
11 address the recross that -- the cross-examination that I'm
12 doing now? Did you have any discussions on that?

13 A. No. We do a lot of things electronically too.

14 Q. I see. E-mail?

15 A. Yes. Or, you know, we submit drafts and
16 people comment on it and it comes back. You can do that
17 without conversations.

18 Q. Okay. So, once again, in your department --
19 you don't know anything about it, but if there is an executed
20 document, could you draw your own conclusion that there was an
21 executed document --

22 A. Uh-huh.

23 Q. -- that a company decided not to implement?

24 MR. BLANC: I object, your Honor. The
25 question is does she legally believe or her legal opinion

1 whether or not the contract is binding, whether KCPL fulfills
2 its obligations. It's all asking for a legal opinion
3 essentially.

4 MR. DIAS: It's not -- it's asking her own
5 opinion as to whether or not -- she said in her department
6 she -- she doesn't execute contracts that she doesn't have any
7 intent of fulfilling.

8 JUDGE PRIDGIN: Okay. I think I'm going to
9 sustain. And I will sustain because she's -- again, she's
10 already said she has virtually no knowledge about this
11 document.

12 MR. DIAS: Okay.

13 JUDGE PRIDGIN: So let's move away from it,
14 please.

15 MR. DIAS: Well, your Honor, I want to go to
16 one other line.

17 BY MR. DIAS:

18 Q. I want to go to line 10. Line 10 goes with
19 One Pay Station.com will provide all equipment necessary to
20 support the One Pay Station.com interface to KCPL's billing
21 system. In the event a particular interface requirement needs
22 access to KCPL's equipment software or resources, a request
23 for approval will be submitted to KCPL for approval before
24 anything is done.

25 What does that suggest to you?

1 A. It suggests to me -- what it says is that One
2 Pay Station will provide all the equipment necessary to
3 interface with our billing system and that in the event a
4 particular interface requirement needs access to our
5 equipment, software re-- or resources, a request for approval
6 will be submitted by One Pay Station.com to KCP&L and we would
7 have to approve it before access is given to you.

8 Q. Okay. So when it talks about resources, would
9 it be fair to say that that's probably financial resources?

10 A. It could be. It could be human resources, it
11 could be --

12 Q. No.

13 A. -- a variety of resources.

14 Q. In this case when you start talking about
15 equipment, that's not talking human resources. That's talking
16 financial resources. Would you say --

17 A. I would not agree with that statement. It
18 could be either.

19 Q. Okay. Mrs. Nathan --

20 A. Okay.

21 Q. -- do you have knowledge of a request ever
22 being made of Kansas City Power & Light for those resources?

23 A. For those specific resources by One Pay
24 Station.com?

25 Q. For any resources in -- from a standpoint of

1 financial resources. Yes or no?

2 A. I'm sorry. I don't understand what the
3 question is.

4 Q. Do you have -- do you have any knowledge that
5 a request was made to fulfill this contract of Kansas City
6 Power & Light --

7 A. Right.

8 Q. -- for funds that was -- that was supposed to
9 have been included in this contract? Do you have any
10 knowledge of --

11 A. No, I do not.

12 Q. -- a request?

13 Okay. So if I were to show you a document the
14 request -- that requested those funds, would that jog your
15 memory?

16 A. It wouldn't jog my memory because I've never
17 seen one.

18 Q. You weren't there?

19 A. I wasn't there. I'm sorry.

20 Q. So we won't do that.

21 Okay. On line 13 of this same document, it
22 speaks to a transaction fee?

23 A. Line 13? Yes.

24 MR. BLANC: Your Honor, once again, she's
25 indicated she doesn't know anything about this document. It's

1 already in the record as an exhibit to the public hearing so I
2 question the relevancy of continuing to ask her --

3 MR. DIAS: She reviewed this document.

4 MR. BLANC: She says she's unfamiliar with it.

5 MR. DIAS: She said she reviewed it.

6 JUDGE PRIDGIN: Let's not argue with counsel,
7 please.

8 Again, tell me what, if anything, you know
9 about this document.

10 THE WITNESS: I saw this document a few days
11 before I submitted my Rebuttal Testimony. I read it very
12 briefly, your Honor, and said this is an old document, I don't
13 know that it's ever been implemented, I don't know anything
14 about it and it is not relevant to my testimony.

15 JUDGE PRIDGIN: Did you talk about it in your
16 surrebuttal?

17 THE WITNESS: I mentioned that it had been
18 provided as an exhibit by Mr. Dias and that it was my
19 understanding -- my belief that it's not relevant to the case
20 at hand.

21 JUDGE PRIDGIN: Okay. To the extent that
22 she's discussed it in her filed testimony, you can question
23 her on it. If it's not in her filed testimony, I don't want
24 any more questions on this document because her knowledge of
25 it seems to be extremely limited.

1 THE WITNESS: Yes.

2 MR. DIAS: Well --

3 JUDGE PRIDGIN: It's an exhibit in the local
4 public hearing, it's part of the record already.

5 MR. DIAS: I'm going to offer that as -- into
6 evidence in this case since she has -- she's testified on it.

7 JUDGE PRIDGIN: And that's what number? 1314
8 did you say?

9 MR. DIAS: I think it's -- you have it.

10 THE WITNESS: 1314.

11 JUDGE PRIDGIN: 1314. Objections?

12 MR. BLANC: Only to the extent it's repetitive
13 as an exhibit that was already entered as part of the
14 prehearing.

15 JUDGE PRIDGIN: I'll overrule and 1314 is
16 admitted.

17 (Exhibit No. 1314 was received into evidence.)

18 JUDGE PRIDGIN: Any more questions for this
19 witness?

20 MR. DIAS: Yes.

21 BY MR. DIAS:

22 Q. Mrs. Nathan, you mentioned that you had
23 reviewed the Direct Testimony of Reverend Daniel Childs?

24 A. I read through his -- the transcript of his
25 testimony, yes.

1 Q. Okay.

2 A. Thank you.

3 MR. DIAS: Judge, what I've just given her is
4 a copy of the transcript of Reverend Daniel Childs.

5 BY MR. DIAS:

6 Q. Which you said you have read it?

7 A. Yes.

8 Q. Okay. Now, Reverend Childs, he is a member of
9 the Baptist Ministers' Union. I think he's administrative
10 assistant. Yes or no?

11 A. If you say so. I'll defer to you on that.

12 Q. Okay.

13 JUDGE PRIDGIN: So do you know the answer to
14 that question?

15 THE WITNES: I don't -- I don't know what
16 position he holds with the Baptist --

17 JUDGE PRIDGIN: Thank you. Next question.

18 BY MR. DIAS:

19 Q. Okay. Ms. Nathan, I'm going to hand you now
20 an affidavit that was provided by Reverend Childs.

21 A. Uh-huh.

22 Q. It's marked as Exhibit 1316. That's a --

23 MR. BLANC: Can counsel have a copy of that,
24 please?

25 MR. DIAS: Absolutely. Let me give the

1 Commissioners --

2 MR. BLANC: Your Honor, I'm going to object to
3 any questions related to this document that go to Sue Nathan
4 about what Mr. Childs may or may not indicate in this
5 document. He's not available for cross-examination and she's
6 not the appropriate witness to validate that the affidavit's
7 proper or the contents are accurate.

8 JUDGE PRIDGIN: If it's offered, I will likely
9 sustain the objection because it's -- there's no opportunity
10 for cross-examination. You are free, again, Mr. Dias, to file
11 this in the public comments portion of the case.

12 MR. WILLIAMS: Judge, if I might, has this
13 affidavit been marked as an exhibit already?

14 JUDGE PRIDGIN: I think he labeled it as 1316.

15 MR. WILLIAMS: Thank you.

16 MR. DIAS: Your Honor, the affidavit supports
17 Mr. Childs' testimony that's already -- that's already a part
18 of the evidence here.

19 JUDGE PRIDGIN: Well, it's part of the local
20 public hearing record. And, again, I mean you can ask her
21 questions on what she knows. I don't want to get into this
22 affidavit. Again, you can go down to the first floor and
23 they'll assist you in filing this in the public comments.

24 MR. DAIS: Okay. We'll do that.

25 BY MR. DIAS:

1 Q. Mrs. Nathan, did you know that Reverend Childs
2 was the administrative assistant of the Baptist Ministers'
3 Union?

4 A. No.

5 Q. Okay. Did you know that he was a former
6 president of that union?

7 A. No.

8 Q. Did you know that he had been a member of that
9 union -- the Baptist Ministers' Union for over 30 years?

10 A. No.

11 Q. Did you -- would you -- now, you had said that
12 Kansas City Power & Light had made several attempts to contact
13 the Baptist Ministers' Union and to do certain things. Is
14 that yes or no?

15 A. I don't believe I said that.

16 Q. You haven't contacted them. Right?

17 A. I have not.

18 Q. Okay. Anybody else that -- anybody -- do you
19 have knowledge of anyone contacting the Baptist Ministers'
20 Union?

21 A. No.

22 Q. Okay. So if I were to tell you that the
23 person who is the administrative assistant of the Baptist
24 Ministers' Union says that Kansas City Power & Light --

25 MR. BLANC: Your Honor, I object. He's

1 basically reading the affidavit into the record and asking her
2 to validate whether or not it says that.

3 MR. DIAS: I'm going to ask her a question.
4 She can say yes or no.

5 JUDGE PRIDGIN: I'll overrule, let you ask the
6 question. I may sustain an objection afterwards.

7 BY MR. DIAS:

8 Q. The question is again also, that Mr. Marshall,
9 Mr. Downy, they've all made comments that they're working with
10 this particular organization and it's all been read into the
11 record.

12 JUDGE PRIDGIN: Okay. Do you have a question
13 of this witness?

14 MR. DIAS: Yes, I do. I'm going to read it
15 again.

16 JUDGE PRIDGIN: Are you reading from -- are
17 you going to read from the affidavit?

18 MR. DIAS: What I'm going to do is -- the
19 question that I'm formulating is coming from the affidavit.

20 JUDGE PRIDGIN: Okay. Go ahead.

21 BY MR. DIAS:

22 Q. Mrs. Nathan, do you know whether or not Kansas
23 City has made from the -- from the perspective of the Baptist
24 Ministers' Union, they've made no attempts to include the
25 Baptist Ministers' Union in any decision-making issues that

1 relate to the urban community at large nor have they offered
2 to provide a seat on this committee that is -- it's a CPG--
3 CPAG organization that profess to collaborate with?

4 A. Yes.

5 Q. Do they have a seat on that?

6 A. No, they do not.

7 Q. Have you offered them a seat?

8 A. No, we cannot.

9 Q. You cannot. Why?

10 A. Because that is an organization -- that is an
11 advisory group that was comprised of Intervenors from the
12 Stipulation and Agreement.

13 Q. All right.

14 A. And only those Intervenors.

15 Q. Okay. That's fine. Now, you said that you
16 and John Thompson and Bill Downy says that you're enjoying
17 this relationship with the Baptist Ministers' Union. And
18 since -- you've only been with the company, what, four years?

19 A. Uh-huh.

20 Q. So in your four-year term, have you ever had
21 an opportunity to pick up the phone and call any of the -- any
22 of the people at the Baptist Ministers' Union and say, We've
23 got this going on or we've got that going on or what do you
24 think about it? Have you ever had that occasion to do
25 something of that nature?

1 A. No.

2 Q. Now, in your Surrebuttal Testimony --

3 A. Uh-huh.

4 Q. -- you said you were trying to partner with
5 the Baptist Ministers' Union?

6 A. I said we would be open to partnering with
7 community organizations that could help us better reach the
8 community.

9 Q. You didn't say that -- you didn't specifically
10 call out the Baptist Ministers' Union?

11 A. I think I mentioned them and said
12 organizations such as.

13 Q. Okay. Let's see if I can --

14 A. Or many organizations. I said, while the
15 company appreciates his willingness to help --

16 Q. What page is that?

17 A. On page 4.

18 JUDGE PRIDGIN: Let's not read. Let him ask
19 questions.

20 THE WITNESS: All right.

21 BY MR. DIAS:

22 Q. Could you read that for us?

23 A. While the company appreciates his willingness
24 to help, KCPL has met with the Baptist Ministers' Union and is
25 working on ways that we can partner with this organization as

1 one of our channels to reach our customers.

2 Q. Okay. So as a part of your testimony, you're
3 saying that you -- you have made attempts to partner with this
4 organization, but can I -- I want to ask you one question.
5 How can you partner with someone when you never contacted
6 them?

7 A. We've met with them at the meeting that you
8 were there at and we have the opportunity to continue to
9 partner with them by talking to them on other issues. We just
10 have to get to that point where we do that.

11 Q. Okay. It's been --

12 A. And we're willing to do that.

13 Q. It's been -- it's been four months and you
14 haven't talked to them. And the likelihood of --

15 JUDGE PRIDGIN: Was that a question?

16 BY MR. DIAS:

17 Q. How many months has it been?

18 A. Four months.

19 Q. Have you talked to them during that period of
20 time?

21 A. I personally have not, no.

22 Q. Okay. So your testimony is that you have not
23 talked to them about any of these programs?

24 A. That's correct.

25 Q. Okay. Now, in your testimony -- in your

1 Surrebuttal Testimony you talk about two zip codes.

2 MR. DIAS: Your Honor, I'm giving -- I'm going
3 to pass out to her a newspaper article of the Kansas City Call
4 newspaper. It's marked 1304.

5 JUDGE PRIDGIN: All right.

6 BY MR. DIAS:

7 Q. Okay. On page 3 in your testimony you talk
8 about these models, some type of test models. And I guess
9 you're referring to my comments about a meeting that we had
10 with John Marshall and other top executives of Kansas City
11 Power & Light where they told us -- and I guess it was kind
12 of -- I guess they believed that it would never get beyond
13 those -- the doors of that church -- that they were conducting
14 a PILOT in Grandview and Johnson County, two counties.

15 JUDGE PRIDGIN: Do you have a question?

16 BY MR. DIAS:

17 Q. The question is, your -- is that your
18 understanding, that you were conducting test models on -- in
19 two zip codes?

20 A. No.

21 Q. That's not your testimony?

22 A. No.

23 Q. So then if someone said that in an open
24 meeting, who would you believe? What would you believe?
25 Would you believe the person who was in charge that said that

1 or would you believe what they testified to, which is totally
2 different? Which one would you believe?

3 A. I don't know.

4 Q. You wouldn't believe either one of them?

5 JUDGE PRIDGIN: She just said she didn't know.

6 BY MR. DIAS:

7 Q. Okay. You testified that you're unaware of
8 any test models and the data that's going to be used to
9 formulate their -- their plan in Grandview and Johnson County,
10 that you were unaware.

11 A. That's right.

12 Q. That's your testimony. Right?

13 A. Yes, that is.

14 Q. Okay. Now, I gave you a newspaper article,
15 The Kansas City Call --

16 A. Yes.

17 Q. -- newspaper. Okay. Now, this is
18 interesting. I want to lay the groundwork for this.

19 The Kansas City Call was invited to the -- to
20 the meeting and --

21 MR. BLANC: Is this a question or testimony?

22 JUDGE PRIDGIN: You can ask her questions.

23 BY MR. DIAS:

24 Q. Okay. Did you know that The Kansas City Call
25 was invited to that meeting?

1 A. No, I did not know that.

2 Q. Okay. And apparently John Marshall didn't
3 either.

4 JUDGE PRIDGIN: Was that a question?

5 BY MR. DIAS:

6 Q. Did John Marshall know that The Kansas City
7 Call was at that meeting?

8 A. I don't know what John Marshall knew.

9 Q. Okay. All right. If I were to tell you that
10 there were several people at that meeting that heard John
11 Marshall specifically say, and boldly, may I add, that they
12 were using -- they were going to use the test data from
13 Grandview and Johnson County and exclude the 50-year-old
14 homes, if I told you that he said that, what would be your --
15 what would be your reaction to that?

16 MR. BLANC: Calls for speculation, your Honor.

17 JUDGE PRIDGIN: Are you asking her what her
18 reaction would be if something happened? That's what it
19 sounds like.

20 MR. DIAS: Yes.

21 JUDGE PRIDGIN: Sustained. You're asking her
22 to speculate.

23 BY MR. DIAS:

24 Q. Okay. Had you ever seen this article before?

25 A. No, I have not.

1 Q. Okay. You've never seen it before?

2 A. Never seen it before.

3 Q. And you never had any conversations on it
4 other than at the time that you -- you talked about my
5 comments on page 3?

6 A. Yes.

7 Q. Okay. So tell the Commission, how are you
8 gathering data on homes that are 50 years old or older?

9 A. I'm not gathering data on any particular test
10 group by the age of their homes. I'm doing a random sample of
11 participants in the energy optimizer program and it's
12 throughout the entire service territory and we will collect
13 data on different parts of those structure or the equipment,
14 but I am not testing it based on the age of the home or
15 anything like that. And I'm not limiting it to Johnson County
16 and Grandview area either.

17 Q. When did that -- when did that -- when was
18 that lifted?

19 A. There was never a constriction on it.

20 MR. DIAS: Judge, I need to -- this is --
21 there is -- there is a direct conflict with what has been said
22 with John Marshall and what she just said.

23 JUDGE PRIDGIN: Okay. Do you have any
24 questions for this witness?

25 BY MR. DIAS:

1 Q. So you have no knowledge of the fact that why
2 John Marshall would say that he was only doing it in two --
3 two test areas, Johnson County, Grandview where the homes are
4 10 years or younger?

5 MR. BLANC: Asking her what Mr. Marshall was
6 thinking calls for speculation.

7 JUDGE PRIDGIN: Ask the question again,
8 please.

9 BY MR. DIAS:

10 Q. When you put that program together --

11 A. Yes.

12 Q. -- did you envision that it would -- did you
13 have any selection over the areas where it was going to be --
14 the data was going to be gathered?

15 A. No.

16 Q. You did not?

17 A. No.

18 Q. Who had that responsibility?

19 A. I did.

20 Q. You did?

21 A. And my staff and I did, yes. We had a
22 selected area --

23 JUDGE PRIDGIN: Wait.

24 BY MR. DIAS:

25 Q. Wait a minute.

1 JUDGE PRIDGIN: I think you answered his
2 question.

3 BY MR. DIAS:

4 Q. Okay. Okay. And you said that the optimizer,
5 this energy optimizer is now available to everyone in the --
6 in your service area?

7 A. It's always been available to everyone in our
8 service area the minute the commissions approved the program
9 in that state.

10 Q. And -- and the general public knew that.
11 Right?

12 A. Absolutely.

13 MR. DIAS: I want to -- I want to draw her
14 attention to what's in this article that was written by a
15 reporter that was in that room.

16 MR. BLANC: Your Honor, I'm going to object to
17 the extent that we're not going to have the opportunity to
18 cross-examine that reporter.

19 MR. DIAS: Well, let me ask you another
20 question. If you had the opportunity to cross someone --
21 someone that was in that room, would that be okay?

22 JUDGE PRIDGIN: Do you have a question for
23 this witness?

24 MR. DIAS: Well, I'm just -- I wanted to ask
25 him --

1 JUDGE PRIDGIN: No. You're not asking counsel
2 questions.

3 MR. DIAS: Okay.

4 BY MR. DIAS:

5 Q. Ms. Nathans, if there was someone in this room
6 that was in this meeting that could -- that could substantiate
7 how John Marshall and KCPL were going to gather that data,
8 would you want to talk to them? Would you want to hear that?

9 MR. BLANC: Calls for speculation.

10 MR. DIAS: I'm asking her a question, would
11 she want to hear it.

12 JUDGE PRIDGIN: Would you let me rule on the
13 objection, please?

14 MR. DIAS: Yes, sir.

15 JUDGE PRIDGIN: I'll overrule. You can answer
16 the question if you know the answer. And if you don't, you
17 can say I don't know.

18 THE WITNESS: I don't know.

19 BY MR. DIAS:

20 Q. You don't know?

21 A. No, I don't know.

22 MR. DIAS: Judge, I can tell you that there is
23 someone here --

24 JUDGE PRIDGIN: Questions.

25 MR. DIAS: Okay. Questions.

1 JUDGE PRIDGIN: If you don't have any
2 questions --

3 BY MR. DIAS:

4 Q. Let's continue.

5 MR. DIAS: I want to ask one procedural
6 question. If there is -- if I have an exhibit in file now and
7 she's not able to answer the questions, can I call someone who
8 would -- who would be able to substantiate?

9 JUDGE PRIDGIN: If that person's on the
10 witness list for today, you may; otherwise, no, you may not.

11 MR. DIAS: But that person could offer some
12 public testimony; is that --

13 JUDGE PRIDGIN: I don't understand your
14 question.

15 MR. DIAS: Could that individual offer public
16 testimony?

17 JUDGE PRIDGIN: Well, we've already had a
18 local public hearing and this is the evidentiary hearing, so
19 unless that person's on that witness list, then no.

20 MR. DIAS: Okay. All right. Your Honor, I'm
21 going to give her what is marked as Dias Exhibit 1310. It is
22 a June 5th document that was presented at the public hearing.
23 You'd like to have one?

24 MR. BLANC: Yes, please.

25 THE WITNESS: Thank you.

1 BY MR. DIAS:

2 Q. Once again, you've testified that you've
3 reviewed this document?

4 A. Yes.

5 Q. Okay. And the key point to this document,
6 that it was prepared jointly with the Baptist Ministers' Union
7 and myself to support items that the Baptist Ministers' Union
8 and the community at large wanted.

9 MR. BLANC: Is that a question, your Honor?

10 JUDGE PRIDGIN: I'm still waiting for a
11 question.

12 BY MR. DIAS:

13 Q. By reading this document, would you come to
14 that same conclusion?

15 A. I don't know. I would assume --

16 JUDGE PRIDGIN: I don't --

17 BY MR. DIAS:

18 Q. Paragraph 3.

19 A. It says it's between Dias Capital Growth and
20 Kansas City Power & Light.

21 Q. On -- on paragraph 3 --

22 A. Uh-huh.

23 Q. -- talks about the Baptist Ministers' Union.

24 A. On the utility bill payment program portion --

25 Q. You would agree --

1 A. -- and the energy conservation.

2 Q. -- that this was a document that was jointly
3 prepared by the community --

4 MR. BLANC: I'm going to object, your Honor,
5 for the same reason I objected to the 2001 memorandum of
6 understanding. She's testified she doesn't know anything
7 about the document. And then 00 that's I think question
8 number one of perhaps many questions about the contents of the
9 document.

10 JUDGE PRIDGIN: I mean, I'll overrule. I'll
11 let her answer the question do you agree. I mean, this has
12 been already offered at the local public hearing and I'm not
13 sure what knowledge she will have of this document, but if she
14 knows about it, he can pursue it; and if not, we'll move on.

15 MR. MILLS: Your Honor, can I ask a clarifying
16 question?

17 JUDGE PRIDGIN: Yes.

18 MR. MILLS: Was this admitted into evidence at
19 the local public hearing?

20 JUDGE PRIDGIN: I believe that it was.

21 MR. DIAS: Okay. It's already in evidence?

22 JUDGE PRIDGIN: I believe it was.

23 MR. MILLS: All the exhibits from the local
24 public hearing have been admitted into the record?

25 JUDGE PRIDGIN: Well, they were simply put in

1 the record at the local public hearing. They haven't been
2 offered into the evidentiary record.

3 MR. MILLS: Are you saying that the exhibits
4 that were received at the local public hearing are not
5 evidence?

6 JUDGE PRIDGIN: I'm not saying one way or the
7 other. I'm simply saying that they were not offered -- the
8 local public hearing exhibits have not been offered, at least
9 until now, as exhibits into evidence at this hearing.

10 MR. MILLS: Okay. Well, I didn't mean to get
11 into a debate what was evidence and what wasn't evidence. I
12 was just trying to ask were they received at the local public
13 hearing into evidence --

14 JUDGE PRIDGIN: Yes.

15 MR. MILLS: -- at that time?

16 JUDGE PRIDGIN: Yes. I'm sorry.

17 MR. MILLS: Thank you.

18 MR. DIAS: And they're made a part of this
19 hearing?

20 JUDGE PRIDGIN: Yes. They're part of this
21 entire docket, yes.

22 MR. DIAS: Okay. All right.

23 BY MR. DIAS:

24 Q. So you have reviewed this document?

25 A. Yes.

1 Q. Okay. And it clearly states that the -- this
2 document was a joint document of the Baptist Ministers' Union
3 and Dias?

4 MR. BLANC: Asked and answered. She said I
5 don't know.

6 JUDGE PRIDGIN: Sustained.

7 BY MR. DIAS:

8 Q. I'm going to ask you another question. It
9 says here the Baptist Ministers' Union of Kansas City,
10 Missouri has asked DCGC, which is my company, to expand its
11 utility bill payment program to address certain collection
12 policies of Kansas City Power & Light.

13 JUDGE PRIDGIN: Okay. Let's not talk about
14 your company because that's getting into the unauthorized
15 practice of law if you haven't been doing that for quite some
16 time now, so let's walk away from that now.

17 BY MR. DIAS:

18 Q. But it does speak to that the Baptist
19 Ministers' Union came to me and asked me --

20 MR. BLANC: Assumes evidence not in the
21 record, your Honor.

22 MR. DIAS: It is in the record. Lewis just
23 stated that it was in the record.

24 JUDGE PRIDGIN: Let's not read from this.

25 This has been --

1 MR. DIAS: It's in evidence.

2 JUDGE PRIDGIN: It was -- yes, it was admitted
3 at the local public hearing. And you can ask her what she
4 knows, if anything, about this document and if she doesn't
5 know, let's move onto something else.

6 BY MR. DIAS:

7 Q. Once again, I'm going to ask you this
8 question. Do you know whether or not the issues that the
9 Baptist Ministers' Union have in this document, have they ever
10 been addressed by Kansas City Power & Light?

11 A. They've been discussed with the Baptist
12 Ministers' Union and you.

13 Q. So your answer is yes?

14 A. At that July 20th meeting.

15 Q. Okay. Do you know whether or not any of those
16 items have been implemented? Once again, yes or no?

17 A. No.

18 Q. None of those items that they've asked you for
19 have been implemented?

20 A. They're still under discussion and
21 investigation.

22 Q. Okay. Which items are under discussion?

23 A. Just different ways to make utility bill
24 payments better for lower income people.

25 Q. And, once again --

1 JUDGE PRIDGIN: That's the answer. Go ahead.

2 BY MR. DIAS:

3 Q. Once again, you -- you've not made an outreach
4 to the Baptist Ministers' Union to try to bring them into that
5 conversation. Yes or no?

6 A. I personally have not.

7 Q. Do you know if the company has?

8 A. I do not know.

9 Q. But if they had, you would probably know?

10 A. I don't necessarily -- would not know, not
11 always, no. It's a different department.

12 Q. So are you telling the Commission that these
13 items would not be of significant value? That a person
14 sitting in your position when you start talking about energy
15 efficiency and weatherization, wouldn't be brought into that
16 conversation?

17 A. The energy efficiency I would be, but not the
18 bill payment.

19 Q. Well, they talk about weatherization here.

20 A. Yes, they did.

21 Q. So they didn't bring you into this, but they
22 did bring you into conversations on your Surrebuttal Testimony
23 to -- to dispute me, but they didn't bring you in on -- on the
24 request of the Baptist Ministers' Union for weatherization?

25 JUDGE PRIDGIN: What's the question?

1 BY MR. DIAS:

2 Q. The question is, why would they bring you in
3 on one item and not bring you in on the other one?

4 MR. BLANC: Calls for speculation.

5 MR. DIAS: I'm asking her. She can tell us.

6 JUDGE PRIDGIN: Would you please stop arguing
7 with counsel and let me rule, Mr. Dias?

8 MR. DIAS: Yes, sir.

9 JUDGE PRIDGIN: I'll overrule and let her
10 answer if she knows. And if she doesn't know, she can say so.

11 THE WITNESS: I would be able to speak more to
12 the energy conservation and weatherization. I have not taken
13 very much action on this because it is a very confusing
14 proposal to me. I don't have enough information with which to
15 do anything on this proposal on energy conservation and
16 weatherization.

17 BY MR. DIAS:

18 Q. It's confusing to you?

19 A. Yes.

20 Q. Okay.

21 A. I don't have enough details on it.

22 Q. Okay. Did they ever bring -- when -- when
23 this proposal was being discussed with Kansas City Power &
24 Light, did you ask to have meetings or to be brought into that
25 loop?

1 A. I was invited and I could not attend several
2 meetings they had.

3 Q. So every time they invited you, there was
4 something that came up that was a little bit more important
5 than what the community wanted?

6 JUDGE PRIDGIN: Is that a question?

7 BY MR. DIAS:

8 Q. A little bit more important of what the
9 community wanted -- you had something other to do, something
10 better to do. Yes or no?

11 MR. CONRAD: Objection, argumentative.

12 JUDGE PRIDGIN: Sustained.

13 BY MR. DIAS:

14 Q. You did say you were invited, but you just
15 couldn't make it?

16 A. Yes, I did.

17 Q. Okay. Now, do you work for John Marshall?

18 A. I work indirectly for John Marshall.

19 Q. So -- wait a minute.

20 A. There's somebody between us.

21 Q. Okay. So you got John Marshall and you got
22 somebody else --

23 A. Yes.

24 Q. -- then you got you?

25 A. Right.

1 Q. Okay. So if John Marshall says, I want you at
2 that meeting to talk about what the community wants, you said,
3 I can't make it?

4 MR. BLANC: Argumentative and calls for
5 speculation.

6 JUDGE PRIDGIN: It's not even a question.

7 BY MR. DIAS:

8 Q. I'm saying is that -- was that your train of
9 thought?

10 COMMISSIONER APPLING: Judge, may I make a
11 statement at this point?

12 JUDGE PRIDGIN: Certainly.

13 COMMISSIONER APPLING: Mr. Dias, we -- I think
14 you plowed this ground about four or five times already this
15 morning, same documents, same question. I usually don't do
16 this. I'm a very patient person, sit back and listen because
17 I might learn something. But is there a point that you want
18 me to get -- get out of this? If it is, then you need to
19 state that and stop running the witness around in circles.
20 Okay? Thank you, sir.

21 MR. DIAS: Judge, the point is simply this
22 that Kansas City Power & Light has used the name of the
23 Baptist Ministers' Union in efforts to show to the Commission
24 that they are involved with the community. They did not count
25 on the fact that there was going to be someone here standing

1 to tell the Commission that everything that they have said is
2 nothing more than a bunch of lies. That's what I'm saying.
3 Now I can't make it any plainer than that.

4 JUDGE PRIDGIN: Okay. With that, any more
5 questions for this witness?

6 MR. DIAS: Yes. Yes, I do.

7 JUDGE PRIDGIN: How much more
8 cross-examination do you anticipate? She's been on the stand
9 quite a while.

10 MR. DIAS: Well, I have other exhibits, Judge,
11 that I want to -- I want to bring into evidence. I want to
12 bring in another memorandum of understanding. And this --
13 this is -- this is another memorandum of understanding that
14 was put together between the Baptist Ministers' Union and
15 myself.

16 JUDGE PRIDGIN: But are these going to be
17 questions for this witness or is that something you want to
18 get --

19 MR. DIAS: Yeah, yeah. There are going to
20 be -- there are going to be questions on that issue.

21 JUDGE PRIDGIN: And you need her to lay the
22 foundation for those documents? That what you're --

23 MR. DIAS: Yes, sir.

24 JUDGE PRIDGIN: Well, I hate to cut off in the
25 middle of cross, but since this is going on so long, let's

1 take a break and give Ms. Nathan a break and we'll resume in
2 about 10 minutes. We're off the record.

3 (A recess was taken.)

4 JUDGE PRIDGIN: All right. We're back on the
5 record.

6 And, Mr. Dias, any more questions for
7 Ms. Nathan, and more specifically on her pre-filed testimony?

8 MR. DIAS: Yes. Yes.

9 BY MR. DIAS:

10 Q. Ms. Nathan, what I wanted to do is just submit
11 to you another memorandum of understanding that was generated
12 for today by the clergy and myself so that we could give it to
13 the Public Service Commission.

14 MR. DIAS: I think you all have copies of
15 this.

16 MR. BLANC: I don't believe I have a copy.

17 BY MR. DIAS:

18 Q. Ms. Nathans, I'm going to give you what has
19 been marked as Exhibit 1311. It's another memorandum of
20 understanding that was prepared in conjunction with the
21 Baptist Ministers' Union and the community.

22 JUDGE PRIDGIN: And this is dated today.
23 Correct?

24 MR. DIAS: It was done for today.

25 JUDGE PRIDGIN: Have you seen this before,

1 Ms. Nathan?

2 THE WITNESS: No, I have not.

3 JUDGE PRIDGIN: I'm going to allow very, very
4 limited questions on this since you're giving this to her just
5 now.

6 BY MR. DIAS:

7 Q. Ms. Nathans, essentially this -- the document
8 mirrors the June 5th document. The -- the community asked me
9 to bring forth just a couple of more items in this. And what
10 I'll basically say at this point -- just one question on this.

11 Ms. Nathans, you have been -- you and Kansas
12 City Power & Light, once again, have professed to have an
13 outreach to the community.

14 JUDGE PRIDGIN: Is this a question?

15 MR. DIAS: Yes.

16 JUDGE PRIDGIN: Okay.

17 MR. DIAS: You're waiting on it, huh?

18 JUDGE PRIDGIN: I am waiting on it.

19 BY MR. DIAS:

20 Q. The community is asking you -- or asking
21 Kansas City Power & Light to implement the items in this
22 memorandum or Kansas City Power & Light and/or if you decide
23 not to, which you have, to ask the --

24 MR. BLANC: Assumes facts not in evidence,
25 your Honor.

1 JUDGE PRIDGIN: I'll sustain. I mean, please
2 ask her a question and please stop testifying.

3 BY MR. DIAS:

4 Q. Okay. You object to individuals who are low
5 income who fall outside of the government guidelines from
6 being -- from -- and who have no other place to turn to get
7 weatherization, you and Kansas City Power & Light object --

8 MR. BLANC: Argumentative, your Honor.

9 JUDGE PRIDGIN: Sustained. Do you have a
10 question for her?

11 BY MR. DIAS:

12 Q. Kansas City Power & Light has objected to
13 supplying funds to individuals who want weatherization. Yes
14 or no?

15 A. We have objected? No.

16 Q. So --

17 A. We have not made a decision at all on that.

18 Q. So are you going to supply funds? Yes or no?

19 A. No, we have not made a decision on that.

20 Q. When will that decision come?

21 A. I'd have to do a lot more analysis first with
22 a lot more details --

23 JUDGE PRIDGIN: So that means you don't know?

24 THE WITNESS: -- before we make a decision. I
25 don't know.

1 BY MR. DIAS:

2 Q. Is Kansas City Power & Light open to the
3 community for input into that decision-making process? Yes or
4 no?

5 A. I would be -- yes, I would be willing to take
6 input.

7 Q. Would you honestly consider that input?

8 A. Yes.

9 Q. Do you believe that the powers to be at Kansas
10 City Power & Light would allow you to go in that -- in a
11 direction that the community wants?

12 MR. CONRAD: Could we clarify who the powers
13 that be are?

14 BY MR. DIAS:

15 Q. Bill Downy, John Marshall, Michael Chesser.

16 A. I believe that if we followed the same
17 processes that we did when we asked for approval for the
18 programs that we have currently proposed, they would
19 support -- be supportive of it.

20 Q. So your organization would be willing to work
21 with a group of individuals to develop details sufficient
22 enough to implement a program that the community wants; is
23 that --

24 A. To analyze and possibly implement, yes.

25 Q. Okay. All right. I mean, if that's what

1 you'll do, I think the community will be responsive to that.

2 JUDGE PRIDGIN: Okay. Any further questions?

3 MR. DIAS: Not on this item.

4 BY MR. DIAS:

5 Q. Oh, one -- one question on your financial
6 workshops. Are you going to be able to -- in doing that, are
7 you going to deal with the credit scores?

8 A. I am not part of that. I don't know.

9 Q. I mean, are -- when you give these financial
10 workshops, is part of that going to be how to get out of --
11 out of trouble to improve your credit scores?

12 MR. BLANC: Asked and answered.

13 THE WITNESS: I don't know.

14 MR. BLANC: She said she doesn't know.

15 JUDGE PRIDGIN: She doesn't know. Let's move
16 on.

17 BY MR. DIAS:

18 Q. Does Kansas City Power and Light participate
19 in alternative credit -- providing alternative credit?

20 A. I don't know.

21 Q. Do you know of any utility company in the
22 United States that's -- that's providing alternative credit
23 for consumer items?

24 A. I don't know.

25 Q. Have you ever had a request for weatherization

1 for someone to provide funds to that didn't qualify from a
2 low-income standpoint? Yes or no?

3 A. I would have to ask my agencies that. I don't
4 know.

5 MR. DIAS: Okay. Your Honor, that's -- that's
6 all I have for this witness.

7 JUDGE PRIDGIN: All right. Thank you.

8 Questions from the Bench? Commissioner
9 Appling.

10 COMMISSIONER APPLING: No questions.

11 JUDGE PRIDGIN: I have no questions. Any
12 redirect?

13 MR. BLANC: No questions, your Honor.

14 JUDGE PRIDGIN: All right. Thank you.

15 Ms. Nathan, thank you very much for your testimony. You may
16 step down.

17 And, Mr. Dias, I show that you're the next
18 witness on the list. If you'll take the stand, please.

19 MR. MILLS: Your Honor, can we get -- we don't
20 typically have a pro se witness in rate cases and I was just
21 curious about how the procedure was going to work with this
22 witness.

23 JUDGE PRIDGIN: Thank you, Mr. Mills. I'm
24 going to let him take the stand. He has filed testimony and
25 certainly give counsel the chance to cross-examine, if they

1 wish, have the Bench cross-examine. And then obviously he
2 can't ask himself questions, but then give him an opportunity
3 to address anything he was asked in cross, much like he might,
4 you know, do on redirect, be able to explain his answers. And
5 then that's how I plan to proceed.

6 MR. BLANC: Your Honor, KCPL has no
7 cross-examination for Mr. Dias, but I would note that there is
8 a pending motion before the Commission to exclude his
9 Surrebuttal Testimony.

10 JUDGE PRIDGIN: And I'll overrule and we'll
11 allow his surrebuttal into evidence.

12 MR. COMLEY: For the record, your Honor, the
13 City of Kansas City would join in the Motion to Strike
14 Mr. Dias's testimony filed by the company and also join in an
15 objection that it is improper surrebuttal.

16 JUDGE PRIDGIN: All right. Thank you. That's
17 noted.

18 MR. COMLEY: Also, we have no questions for
19 Mr. Dias.

20 JUDGE PRIDGIN: All right. Thank you. That's
21 noted and overruled.

22 Anything further from counsel?

23 MR. MILLS: Did I understand that 1301,
24 Mr. Dias's Surrebuttal Testimony was just admitted?

25 JUDGE PRIDGIN: Correct.

1 (Exhibit No. 1301 was received into evidence.)

2 MS. WOODS: Your Honor, Shelley Woods for the
3 Department of Natural Resources. I would join in the Motion
4 to Strike the testimony and also that it is improper
5 surrebuttal.

6 JUDGE PRIDGIN: All right. Thank you. Noted
7 and overruled. Anything before he takes the stand?

8 MR. CONRAD: Not to get into the pile, but I
9 have a slightly different question. And you've recognized
10 that the Bench has already ruled on this, but just so that it
11 is reflected, the testimony that I saw appear to have been
12 filed on behalf of the corporation rather than the individual.
13 There's been no -- no indication that that corporation is
14 represented by any member of the bar. And for that reason, I
15 think it is improper to be received and recognize you've
16 already ruled, unless you want to reconsider that, but I don't
17 think we're here to facilitate the unauthorized practice of
18 law.

19 JUDGE PRIDGIN: And I agree. And it is
20 admitted, but I will strike any mention of the corporation.
21 That is the unauthorized practice of law. To the extent that
22 he's testifying on behalf of himself, it's admitted. To the
23 extent that he's testifying on behalf of the corporation,
24 that's stricken because it's unauthorized practice of law.

25 Anything further from counsel?

1 Okay. Mr. Dias, if you'd raise your right
2 hand to be sworn, please.

3 MR. DIAS: Before I do that, I'd like to offer
4 into evidence the exhibits that was presented to Mrs. Nathan.

5 JUDGE PRIDGIN: Okay. Could you go over those
6 numbers for counsel because they may have objections?

7 MR. DIAS: Exhibit 1311.

8 MR. COMLEY: Can you identify that, please?

9 THE WITNESS: It is a memorandum of
10 understanding.

11 MR. COMLEY: What's the date on the
12 memorandum?

13 MR. DIAS: October 27th.

14 MR. COMLEY: October 27th?

15 MR. DIAS: 2006.

16 MR. BLANC: Objection as to relevancy, your
17 Honor, and lack of foundation.

18 JUDGE PRIDGIN: Sustained.

19 MR. DIAS: Exhibit 1304, newspaper article,
20 Kansas City -- The Kansas City Call newspaper.

21 MR. BLANC: Object as hearsay, your Honor.

22 MR. COMLEY: Join in that objection.

23 JUDGE PRIDGIN: It's overruled.

24 MR. BLANC: Lack of foundation.

25 JUDGE PRIDGIN: I'll admit it. It's

1 overruled.

2 MR. DIAS: Memorandum of understanding dated
3 June 5th, 2006 at the public service -- at the public hearing,
4 Exhibit 1310.

5 JUDGE PRIDGIN: There are no objections?
6 1310's admitted.

7 (Exhibit No. 1310 was received into evidence.)

8 MR. DIAS: Now, I have another, Exhibit 1316,
9 which is the affidavit of Daniel Childs. I would offer it
10 into evidence and maybe we can lay a foundation in my --
11 through my testimony.

12 MR. BLANC: Objection, your Honor. Lack of
13 foundation and inability to cross that witness.

14 MR. COMLEY: Hearsay, your Honor.

15 JUDGE PRIDGIN: Sustained.

16 Again, you can file that as a public comment.

17 MR. DIAS: Okay. Exhibit 1318, the testimony
18 of Daniel Childs, which was at the public hearing.

19 MR. COMLEY: Your Honor, for the point of the
20 record, I think that that is already in the record. There's
21 no need to re-identify it as an exhibit.

22 MR. DIAS: Okay. That's fine.

23 JUDGE PRIDGIN: Thank you, Mr. Comley.

24 THE WITNESS: Exhibit 1317, agenda for the
25 meeting with the Baptist Ministers' Union on July 20th.

1 JUDGE PRIDGIN: Any objections?

2 MR. BLANC: Lack of foundation and hearsay.

3 JUDGE PRIDGIN: Overruled. 1317's admitted.
4 (Exhibit No. 1317 was received into evidence.)

5 MR. DIAS: Exhibit 1308, it's a power point
6 presentation. It's already been testified by John Marshall
7 and Sue Nathans.

8 JUDGE PRIDGIN: Was that marked as another
9 exhibit earlier?

10 MR. BLANC: I think so.

11 MR. DIAS: I think they brought it in as
12 another exhibit, yes.

13 MR. MILLS: 1306.

14 JUDGE PRIDGIN: In fact, hasn't that even been
15 admitted?

16 MR. MILLS: Yes.

17 MR. DIAS: Thank you.

18 MR. MILLS: Also 1308 I missed that.

19 JUDGE PRIDGIN: Yeah, he called out 1308,
20 which I'm not going to allow in because it's repetitive.
21 It's 1306.

22 MR. DIAS: Dias Exhibit 1314, it's another --
23 it is the February 12th, 2001 memorandum of understanding that
24 was filed in the public hearing.

25 MR. BLANC: Lack of foundation.

1 MR. DIAS: It's already been admitted.

2 JUDGE PRIDGIN: If it's already admitted, why
3 are we talking about it?

4 MR. DIAS: And the brief that was filed, the
5 prehearing brief that was filed, 1312.

6 MR. BLANC: Objection, your Honor

7 JUDGE PRIDGIN: Sustained. If it's a brief,
8 it's not evidence. It's argument.

9 MR. DIAS: And finally, Exhibit 1307, which is
10 the page 38 of the testimony of the -- the prehearing brief of
11 Kansas City Power & Light.

12 MR. BLANC: Objection on the same grounds,
13 your Honor.

14 JUDGE PRIDGIN: Sustained. Again, that's a
15 brief. It's argument.

16 (Witness sworn.)

17 JUDGE PRIDING: Thank you very much, sir.
18 Please have a seat.

19 Any counsel wish cross? No cross.

20 MR. MILLS: I'm sorry. I have
21 cross-examination.

22 JUDGE PRIDGIN: Mr. Mills. Thank you. I'm
23 sorry.

24 W. BILL DIAS testified as follows:

25 CROSS-EXAMINATION BY MR. MILLS:

1 Q. Mr. Dias, I'm not sure it's reflected in your
2 testimony. What is your relationship with the Baptist
3 Ministers' Union?

4 A. I am a member of the Executive Committee of
5 the Baptist Ministers' Union.

6 Q. Okay. And there's been testimony both at the
7 local public hearing and I believe here today under
8 cross-examination with Ms. Nathan about a meeting between some
9 people from KCPL and the Baptist Ministers' Union. Do you
10 recall that testimony?

11 A. Yes.

12 Q. Were you present at that meeting?

13 A. Yes.

14 Q. Okay. The Exhibit 1304 is The Kansas City
15 Call article that has been offered and admitted into this
16 case. Does that description in the article -- does that
17 square with your recollection of that meeting?

18 A. Yes.

19 Q. Okay. And do you know for a fact that the
20 reporter that wrote that article was, in fact, at the meeting?

21 A. Yes.

22 Q. Now, as part of your role in the Baptist
23 Ministers' Union, were you involved in the circulation of the
24 petition that you referred to during your cross-examination of
25 Ms. Nathan?

1 A. Yes.

2 Q. And did that -- the circulated and signed
3 petition, did that come back to you in due course because of
4 your role in the Executive Committee in the Baptist Ministers'
5 Union?

6 A. Yes.

7 Q. And is that petition something that you would
8 have normally received in your normal course of your duties as
9 a member of the Executive Committee?

10 A. Yes.

11 Q. Okay.

12 MR. MILLS: Your Honor, I'd like to have
13 marked -- and I don't believe that Mr. Dias has sufficient
14 copies at this time, but I would like to have marked and
15 offered the petition -- the signed petition that Mr. Dias was
16 referring to during his cross-examination.

17 JUDGE PRIDGIN: And, Mr. Mills, do you
18 recall -- and I can check. Do you recall what exhibit number
19 you were up to? And if not, I can check.

20 MR. MILLS: I am at 218.

21 THE WITNESS: I think we could probably get
22 copies if you needed to.

23 MR. MILLS: Yeah. I can have copies made
24 during our next recess.

25 JUDGE PRIDGIN: Okay. So the exhibit that

1 you're offering now is your No. 218?

2 MR. MILLS: It's 218.

3 JUDGE PRIDGIN: Okay. Thank you. And you've
4 offered that. Objections?

5 MR. BLANC: I'd like the opportunity to review
6 it, your Honor.

7 JUDGE PRIDGIN: When interested counsel would
8 let me know when they've had a chance to review it.

9 MR. BLANC: No objections from KCPL, your
10 Honor.

11 JUDGE PRIDGIN: Thank you. Any objections to
12 218?

13 Okay. Hearing none, 218's admitted.

14 (OPC Exhibit No. 218 was received into
15 evidence.)

16 JUDGE PRIDGIN: Mr. Mills.

17 MR. MILLS: I have no further questions.

18 JUDGE PRIDGIN: Thank you. Any further cross?

19 All right. See if we have any questions from
20 the Bench. Commissioner Appling?

21 COMMISSIONER APPLING: Thank you, Judge.

22 QUESTIONS BY COMMISSIONER APPLING:

23 Q. I have only one question, Mr. Dias. I think I
24 have the information -- and I'm talking about the question I'm
25 going to ask you, I think I have in my file, but help me out

1 here and clarify if there's one document that contains the
2 request from the community in Kansas City that is asking KCPL
3 to react to. Is there a document that I can -- that you have
4 already prepared that would explain those items or issues that
5 you have? Is it written down on a piece of paper someplace
6 that I can --

7 A. Commissioner, the Baptist Ministers' Union
8 helped prepare the June 5th memorandum of understanding.

9 Q. Okay.

10 A. And in that memorandum are the items that they
11 have -- they've asked the Commission to compel Kansas City
12 Power & Light to implement. The petition also has I think
13 four or five issues on it that they wanted the Commission to
14 compel Kansas City Power & Light to implement. So that would
15 be my answer.

16 COMMISSIONER APPLING: Thank you very much. I
17 have that document, so thank you very much. Okay. That's all
18 the questions, Judge, that I have.

19 JUDGE PRIDGIN: Thank you, Commissioner
20 Appling.

21 Commissioner Clayton?

22 QUESTIONS BY COMMISSIONER CLAYTON:

23 Q. Mr. Dias, I apologize for coming in partway
24 through your testimony and part of your cross-examination here
25 today. I've had several things going on upstairs that have

1 distracted me a little bit, so forgive me if I also cause a
2 little repetition in some things.

3 First of all, how many memorandums of
4 understanding are there?

5 A. I think there are three.

6 Q. Let's start with the signed documents. How
7 many signed memorandums are there?

8 A. One.

9 Q. And what is the date of that memorandum?

10 A. February 12th, 2001.

11 Q. And just generally speaking, what was the gist
12 of that agreement, that memorandum of understanding?

13 A. We were told that Kansas City Power & Light in
14 due time, was going to establish a PILOT. We didn't know that
15 it was doing -- it wasn't going to happen until 2005. We went
16 to Kansas City Power & Light, we signed the agreement, we
17 negotiated the agreement, we -- we made some purchases and
18 everything to implement the agreement and Kansas City Power &
19 Light backed out of the agreement.

20 Q. But what were the terms of the agreement?
21 What PILOT were they going to do? Was it the same terms as
22 the October 27th document? I guess I want to compare each
23 document just very quickly.

24 A. The -- the -- all of the memorandums were
25 based on -- the foundation was laid in that February 12th,

1 2001 document. It all hinged on KCPL executing a PILOT.

2 Q. A PILOT program?

3 A. Any PILOT program that they were -- they were
4 going to execute one. And from my -- the best of my
5 knowledge, they have only been able to do that in this new
6 regulatory plan.

7 Q. Okay. And the nature of the program was to
8 establish a third-party bill paying system or program; is that
9 correct?

10 A. Yes, sir.

11 Q. Okay. Was there any other part of that
12 program other than just establishing a third-party payor
13 program? I know that there's some reference to some energy
14 efficiency and some conservation.

15 A. Yes.

16 Q. Was any of that included in the February 12th
17 memorandum?

18 A. No. The concerns back in 2001 that Kansas
19 City Power & Light was, they had the women of the church and
20 the other people -- other people in the community going to
21 pawn shops to make their payments. There were several
22 robberies, I think there were a couple of deaths that people
23 got robbed as they were coming out of these agencies. So the
24 community decided to -- to act. They went to Kansas City
25 Power & Light, they were very kind.

1 Q. This is in February of '01 or thereabouts?

2 A. February of '01. They were very kind. They
3 executed this agreement, but I'm going to tell you,
4 Commissioner, they had no intent of ever honoring that
5 agreement. It was just something to placate the community
6 because there was a lot of tension, a lot of things were going
7 on. And I think it's just done to placate the community.

8 Q. Was the agreement -- did it include assurances
9 that it would work through your companies or would it just be
10 some independent or other third-party billing -- billing
11 entity?

12 A. For the most part, the community wasn't asking
13 Kansas City Power & Light to abandon any of its existing
14 third-party vendors. What we want was a vendor that would --
15 would operate under the terms and conditions that the
16 community wanted. That's what we wanted to do.

17 But Kansas City Power & Light chose to have
18 vendors out-- that were outside of the area operating under
19 some corporate structure with no input -- input from the
20 community. They chose to go that direction.

21 And I think because the temperature -- the
22 tempers and the unrest in the community back in 2001 was to
23 the point where I think they were going to picket Kansas City
24 Power & Light, they signed this agreement with absolutely no
25 intent of -- of executing it.

1 Q. Okay. Now, so they had a third-party billing
2 partner or agent, it just wasn't the people that the community
3 quo-- so to speak, had requested? They were not satisfactory
4 third parties; is that correct?

5 A. They -- they -- they were not satisfactory.
6 They had several, not just one. And all the community asked
7 is to be identified to have one. And they chose not to -- not
8 to implement that.

9 Q. Okay. What was the date of the second
10 memorandum of understanding?

11 A. It was when we -- we got back together with
12 Kansas City Power & Light. I guess it was late 2000 and --
13 2004. And we began to have meetings with Tim Rush, they had a
14 group of people. And the community -- we were -- we -- we
15 made a proposal at that point. Kansas City Power & Light gave
16 us several questions to be answered. We brought in the owners
17 of the card company that we had selected, we brought in --

18 Q. The card company?

19 A. The -- the -- our -- our -- our system is
20 based on providing a ATM debit card where a customer can load
21 money onto that card -- by the way, at no cost to them. That
22 this card would be activated and stay activated so that they
23 could make their payments over the telephone without having to
24 walk outside of the house and risk getting beat up, shot or
25 killed.

1 Q. So basically they would -- they would pay the
2 card company a certain amount of cash, they'd get an ATM-type
3 card and then they would use that card and electronically pay
4 their bill. Is that the way it would work?

5 A. They would not -- what would happen,
6 Commissioner, would be that this particular card would be no
7 charge to them. The charge would come through the transaction
8 fee that we would charge to Kansas City Power & Light. So
9 they were going to -- Kansas City Power & Light would agree to
10 pay per transaction. That's how we would fund that particular
11 situation for -- for the cost of maintaining the card. But --
12 but the cost to the customer was -- there was no cost.

13 Q. Well, they'd still have to pay their bill,
14 wouldn't they?

15 A. They would have to pay their KCPL bill, yes.

16 Q. And how they would do that?

17 A. They would simply -- either through payroll,
18 direct deposit, load money onto it or do a bank transfer onto
19 that card. And then pick up the telephone, call the IVR
20 system and -- and move that money from their account to Kansas
21 City Power & Light's account and be done.

22 The other element that the community want
23 is -- was the -- the alternative credit. That's a big issue
24 now. And delayed due dates -- now, they -- in 2001, they did
25 not have delayed due dates, but they -- they now have them,

1 but it's only for individuals that are on fixed incomes,
2 Social Security, that type of thing.

3 In order to participate in alternative credit,
4 you have to have a due date that matches your pay period so
5 that when you make that payment, you'll always be -- the
6 payment will always be on time so that when you report to the
7 credit bureaus, you can always be reported as paid as agreed.

8 Now, being paid as agreed, your credit
9 scores -- the range of these alternative scores can go
10 anywhere from 300 to 850, the same as the Fair Isaac scores
11 which goes from 300 to 850.

12 In other words, what's developing in this
13 country is two levels of credit. One for the cash society,
14 which Hispanics, minority and -- and women fall into. And
15 then there is that -- that other -- that other side, the Fair
16 Isaacs side that -- that has -- that has, you know, access to
17 money and what have you, but they don't pay their bills in
18 cash. So now there are two separate things that are
19 developing in this country.

20 And what the community asked Kansas City Power
21 & Light to do was to implement something that -- that would
22 help credit scores. There were a number of reasons why.
23 Creditory lending is a big issue. And those creditory lenders
24 can only come into the community if they -- if the credit
25 scores are low.

1 Q. Okay. Mr. Dias, I'm going to stop you right
2 there --

3 A. Okay.

4 Q. -- because we're kind of moving along here.

5 A. Yes, sir.

6 Q. Basically it sounds like there were
7 significant differences between the MOU of 2001, 2004. You
8 had --

9 A. Yes.

10 Q. You had delayed due dates, you had some
11 electronic pay processes?

12 A. That's right.

13 Q. Now, did it also include this alternative
14 credit scoring mechanism in 2004?

15 A. Yes. 2000 -- yeah, the -- it culminated in
16 the June 5th, 2000 -- I think it's 2005, I think it is --
17 2006.

18 Q. So we're going to work to a third MOU that's
19 been presented to us; is that correct?

20 A. The -- yes, there were -- there was one that
21 they asked me to present today.

22 Q. Okay.

23 A. And that's October 27th.

24 Q. Of this year?

25 A. Of this year.

1 Q. Okay. Now, tell me the difference between
2 October 27th, 2006 and fall of '04. What do you have in this
3 agreement that's different than -- than in past agreements?

4 A. The major difference is that it's become
5 pretty evident that Kansas City Power & Light, when it -- when
6 they said they were going to pay development costs through
7 their resources, that they're just not going to do it. That
8 particular document asks the Commission to make sure that they
9 provide the resources necessary to do what the community wants
10 to do. That's the only difference.

11 Q. Okay. What is it the community quote/unquote
12 wants to do now?

13 A. The community wants to have my company
14 authorized as a third-party pay agent under the terms and
15 conditions that would provide energy conservation,
16 weatherization. And this would be based upon those
17 individuals that fall outside of the low-income -- the
18 low-income scenarios.

19 Q. So it would be conservation, weatherization
20 regardless of income?

21 A. Regardless of income. And then the -- the
22 payback would be based upon the person's ability to pay. Now,
23 this does not affect the low-income portions that have been
24 identified. And several programs are in effect now to help
25 low-income people do weatherization as per the city and the --

1 the Natural Resources. There's no effect of that. I mean,
2 that program can continue, we want it to continue. We hope
3 that it continues. We hope that they broaden it.

4 Q. Okay. So we've got third-party pay agent,
5 we've got energy conservation, weatherization?

6 A. Yes, sir.

7 Q. Anything else?

8 A. And the alternative credit scores. And that's
9 it.

10 Q. And you are asking to be the agent to
11 implement each of these programs. Correct?

12 A. What I've --

13 Q. Yes or no?

14 A. Yes, sir.

15 Q. Yes. Okay. What dollar amount are we talking
16 here? Have you suggested an amount --

17 A. To --

18 Q. -- for these programs? I guess costs.

19 A. We -- we believe that the -- the -- we've
20 already spent the money for the IVR systems. We've got two of
21 them. They're -- with the programming they're half a million
22 dollars a piece.

23 Q. How much are you asking KCPL to pay for this
24 third-party pay agent system?

25 A. To -- as far as the cost is concerned, as far

1 as the -- the transaction fees?

2 Q. Whatever you're expecting KCP&L to pay
3 regarding the pay agent. How much are you asking?

4 A. We're asking Kansas City Power & Light to pay
5 75 cents transaction fee per transaction.

6 Q. How many -- and how many transactions would
7 you anticipate over the course of a year?

8 A. Well, we are -- we've estimated -- we've got a
9 figure in here of 200,000.

10 Q. 200,000 transactions in total?

11 A. Yes, sir.

12 Q. So that would be \$150,000?

13 A. Yeah. That's what we're asking them to do.

14 Q. I was told there would be no math, but I think
15 that's 150 grand.

16 A. Yeah.

17 Q. Are you asking the company to pay that or the
18 ratepayers to pay at that?

19 A. No. We are asking the company -- as part of
20 the transaction fee, we're asking the company to pay it.
21 There is no cost to the customer.

22 Q. I understand. But we're here to talk about
23 rates --

24 A. Yes.

25 Q. -- and we're also here to talk about how those

1 rates are going to be set --

2 A. Yes.

3 Q. -- and what dollars are included in rates.

4 Are you asking that the rate payer -- that rates be based on
5 that extra \$150,000 or are you asking that the company pay
6 that from its shareholders?

7 A. We're asking the company pay that from its
8 shareholders.

9 Q. All right. On the energy conservation and
10 weatherization --

11 A. Yes.

12 Q. -- do you have a dollar amount that you
13 recommend for -- that the company should put in for those
14 programs?

15 A. We think that they should make -- at a
16 minimum, at a minimum, \$5 million a year.

17 Q. Each or total?

18 A. For total, yes.

19 Q. Total 5 million. And are you asking for
20 \$5 million to be included in rates or are you asking that the
21 company's shareholders pay the 5 million?

22 A. We're asking that the company's shareholders
23 be asked to pay that, yes. And I can tell you why.

24 Q. Please go right ahead.

25 A. And it's pretty obvious. Kansas City Power &

1 Light has had over-earnings in the tune -- in the tune of,
2 what, \$34 million. They have -- they've been given the return
3 on investment, they -- they were given a very lucrative return
4 on investment. And with this -- with the way that things are
5 going right now, they will get this rate increase and -- and
6 the customers themselves are going to be charged probably
7 somewhere around 12 percent increase in their -- in their
8 monthly bills.

9 So we feel that Kansas City Power & Light can
10 afford to offer weatherization to those individuals and --
11 that will agree to pay it back to them on some sliding scale
12 to give them an -- an alternative to go to -- to get that --
13 that type of help. That's what we feel.

14 Q. Okay. Thank you, Mr. Dias.

15 COMMISSIONER CLAYTON: Judge, may I ask
16 Mr. Fischer or KCP&L, what dollar amount is currently included
17 in rates of energy conservation and weatherization? Do you
18 have that figure off the top of your head or what are you
19 requesting going forward? Or just give me -- I'm looking for
20 a comparable number

21 MR. BLANC: Sure. Approximately 5 million.

22 COMMISSIONER CLAYTON: So 5 million is going
23 to be in there for conservation and weatherization; is that
24 correct?

25 MR. BLANC: Yes, Commissioner.

1 COMMISSIONER CLAYTON: Who does that go to
2 right now? Is it spent by the company or does it go to City
3 of Kansas City, Jackson County? Just generally. I'm not
4 looking for specifics. And I know I missed the prior witness
5 so I'm at fault here.

6 I'm going to get a thrashing here, Mr. Dias,
7 so be patient with me.

8 MR. BLANC: It's split between different
9 vendors and agencies, as I understand it.

10 COMMISSIONER CLAYTON: So there are multiple
11 vendors that implement those programs?

12 MR. BLANC: Yes, sir.

13 COMMISSIONER CLAYTON: Is there an open
14 bidding process on those or is it just -- are there RFPs?

15 MR. BLANC: Yes. At the agency level that
16 actually implements them, the city agencies and MVR agencies.

17 BY COMMISSIONER CLAYTON:

18 Q. Okay. Mr. Dias, are you asking for an
19 additional 5 million or are you just referring to 5 million
20 being the amount that's at issue?

21 A. The 5 million that has been allocated for
22 low-income individuals, we are not asking for any of that
23 money. We're asking for an additional 5 million from Kansas
24 City Power & Light for -- to offer assistance to people that
25 fall out of the low-income guidelines and have no other place

1 to turn.

2 Q. So the 5 million would be entirely for people
3 above the low-income guidelines?

4 A. Absolutely.

5 Q. Okay. That's helpful. Now, there -- there
6 were just some statements by the KCPL folks regarding this
7 other \$5 million and there being RFPs for certain vendors to
8 participate in the programs. Have you ever responded to an
9 RFP in working with the city, the county or community action
10 agency anything like that? Are you familiar with those?

11 A. Well, it's my understanding that those RFPs
12 are for -- to provide the weatherization for the low-income
13 individuals. And if we were in that same position, we would
14 probably issue the same type of thing for -- for people that
15 fall -- fell outside of that -- that procedure. There's no
16 reason why we would change that procedure.

17 Q. So you don't -- you don't have -- your focus
18 is on the group of people that's above the poverty limit --

19 A. Absolutely.

20 Q. -- but are at risk, so to speak --

21 A. That's right.

22 Q. -- or checkless society or that type?

23 A. Bankless, unbanked. I mean, there's a lot of
24 terms.

25 Q. Unbanked.

1 A. You can throw your hat out and find all kinds
2 of terms.

3 Q. Yeah. I got unbanked in college once. I
4 won't put additional information on the record of how that
5 happened.

6 MR. CONRAD: Thank you for sharing.

7 COMMISSIONER CLAYTON: Judge, may I ask KCPL
8 additional questions? I appreciate -- this is helpful for me.

9 JUDGE PRIDGIN: Certainly.

10 COMMISSIONER CLAYTON: How much does KCP&L pay
11 now for third-party pay agents? Does it have -- does it have
12 that number readily available?

13 MR. BLANC: Approximately 18 -- 15 to 18 cents
14 a transaction.

15 COMMISSIONER CLAYTON: How many transactions?

16 MR. BLANC: I'm unable to answer that,
17 Mr. Commissioner. Hundreds of thousands for a general
18 ballpark.

19 MR. DIAS: Commissioner, there is another
20 cost.

21 COMMISSIONER CLAYTON: Hang on just a second.
22 Hang on.

23 MR. DIAS: Okay.

24 COMMISSIONER CLAYTON: Before I change topics
25 here.

1 Hundreds of thousands. So you've narrowed it
2 to six digits?

3 MR. BLANC: Yes.

4 BY COMMISSIONER CLAYTON:

5 Q. Okay. Mr. Dias?

6 A. Commissioner, on the Missouri side, the
7 customers are required to pay one dollar. So when you
8 start -- when you add the two together, you're talking
9 about -- and it's not 18 cents, it's more in the range of
10 about 29 cents that they -- that Kansas City Power & Light's
11 paying their third party agents. And when you add the dollar,
12 it's \$1.29.

13 COMMISSIONER CLAYTON: I'm going to stop right
14 there, Mr. Dias. Thank you for your testimony and thank you
15 gentlemen and ladies for your information.

16 MR. BLANC: Just a point of clarification, I
17 just learned part of this case is dropping that one dollar
18 that Mr. Dias is referring to.

19 JUDGE PRIDGIN: Commissioner Clayton, thank
20 you. I have no questions.

21 Any recross?

22 Okay. Seeing none, redirect? And normally,
23 Mr. Dias, this would be the time where your counsel would ask
24 you questions. And since you're representing yourself, I'll
25 give you a brief opportunity to speak to anything that you

1 were asked on cross-examination. I think you've had pretty
2 ample opportunity to narrate.

3 MR. DIAS: Yes. The -- briefly, Mr. Mills had
4 asked me about The Kansas City Call article. And I only
5 wanted to do stress one point, that there were several people
6 in that room, that Kansas City Power & Light made those
7 statements, that was their intent.

8 And I also believe that the general public,
9 especially the urban public, will get nothing from Kansas City
10 Power & Light if the Commission doesn't direct them to do so.
11 Now, they do a great, great program of smoke and mirrors.
12 They've been doing it since 2001. The community has got to
13 the point to where they are discouraged to even talk to Kansas
14 City Power & Light.

15 The -- one of the things that -- that came to
16 me, I got a call from a KCPL employee. Kansas City Power &
17 Light has implemented what is called a code of conduct --

18 JUDGE PRIDGIN: Is this going into what we
19 covered in cross-examination?

20 MR. DIAS: No, we didn't talk about this.

21 JUDGE PRIDGIN: Then let's not talk about it
22 in redirect.

23 MR. DIAS: Okay.

24 JUDGE PRIDGIN: Okay. If there's nothing
25 further --

1 MR. DIAS: No, that's it.

2 JUDGE PRIDGIN: All right. Mr. Dias, thank
3 you very much.

4 MR. DIAS: Very good.

5 JUDGE PRIDGIN: Is Ms. Randolph available?

6 MS. WOODS: She is.

7 JUDGE PRIDGIN: All right. Ms. Randolph, if
8 you'll take the stand, please.

9 (Witness sworn.)

10 JUDGE PRIDGIN: Thank you so much. If you
11 would, please have a seat.

12 Ms. Woods, when you're ready.

13 MS. WOODS: Thank you.

14 ANITA RANDOLPH testified as follows:

15 DIRECT EXAMINATION BY MS. WOODS:

16 Q. Ms. Randolph, do you have any changes or
17 corrections to make to either your Direct or your Surrebuttal
18 Testimony in this case?

19 A. No, I do not.

20 MS. WOODS: At this time I would tender her
21 for cross-examination. And because this is the only time she
22 will be testifying, I would also offer both her direct and
23 surrebuttal and that's Exhibits 301 and 302.

24 JUDGE PRIDGIN: All right, Ms. Woods. Thank
25 you.

1 Exhibits 301 and 302 have been offered. Any
2 objections?

3 Okay. Hearing none, 301 and 302 are admitted.
4 (Exhibit Nos. 301 and 203 were received into
5 evidence.)

6 JUDGE PRIDGIN: Any cross?

7 MR. DIAS: I have a couple of questions.

8 JUDGE PRIDGIN: Any other counsel?

9 MR. BLANC: None from KCPL, your Honor.

10 JUDGE PRIDGIN: Mr. Dias.

11 CROSS-EXAMINATION BY MR. DIAS:

12 Q. How are you?

13 A. Good morning. Fine.

14 Q. Now, you are -- your name is Anita Randolph?

15 A. That's correct.

16 Q. And you run the Energy Center?

17 A. That's correct. Within the Department of
18 Natural Resources.

19 Q. You have -- you've made some comments
20 regarding the weatherization program that I testified to to
21 the public -- in the public hearing. Yes or no?

22 A. Are you referring to my testimony?

23 Q. Yes. Your Surrebuttal Testimony.

24 A. Surrebuttal?

25 Q. Yes.

1 A. And yes, yes. I did address some of your
2 material.

3 Q. And -- and let me understand this. You
4 represent low-income individuals?

5 A. The Missouri Energy Center is interested in
6 energy efficiency for all citizens, commercial and industrial
7 entities in Missouri. One of the programs and one of our
8 interests is services for low-income individuals.

9 Q. So when you filed your testimony opposing the
10 perceived plan that -- the weatherization, you did that at --
11 was that at your urging or did someone else call you and say,
12 Look, there's -- there's -- this guy is proposing this
13 program, I want you to file some type of an answer? Did any
14 of that happen? Yes or no?

15 A. No. We --

16 JUDGE PRIDGIN: Okay. That's the answer.

17 THE WITNESS: -- filed our own testimony.

18 BY MR. DIAS:

19 Q. You are opposed to anyone getting assistance
20 that's above the low-income guidelines?

21 A. That does not correctly reflect my viewpoint
22 at all.

23 Q. So you're not opposed to it?

24 A. I'm not opposed to energy efficiency services
25 for Missouri citizens.

1 Q. So if the Commission were to direct Kansas
2 City Power & Light to participate in a program that would
3 offer energy conservation, weatherization, alternative credit,
4 you would not be opposed to that?

5 A. It would depend on the details of the program.

6 Q. If the Commission directed those details to be
7 formulated and brought back to them at some date, would you be
8 opposed to that?

9 A. Kansas City Power & Light, through this --
10 through the citizens Customer Programs Advisory Group, has
11 developed what I believe is a very effective and appropriate
12 method for evaluating and deciding upon which programs have
13 value to implement. I think that process should continue to
14 be followed.

15 Q. When you talk about value, it -- you're not
16 talking about the programs that the community wants. These --
17 this is a -- this CPAG organization you're talking about, is
18 that the agency you're talking about?

19 A. It's an advisory group to Kansas City Power &
20 Light.

21 Q. Okay. And, once again, this advisory group
22 has no ministers or community people on it or anybody of that
23 nature on that group in that organization; is that true?

24 A. It's comprised of the signatories to the
25 regulatory plan case of a couple of years ago, year ago.

1 Q. Okay. So the likelihood of the individuals
2 within the community that have concerns getting input into
3 that process is slim and none. Would you say that would be
4 yes or no?

5 A. I would not speak for the company, the Kansas
6 City Power & Light Company. I believe they would have to
7 answer that question.

8 Q. In the past, have you seen in this -- now
9 you're a member of that meeting -- of that group, right, CPAG?

10 A. Correct.

11 Q. Has anybody ever come to you from one of these
12 community agencies and expressed any of these kinds of
13 concerns?

14 A. No.

15 Q. How long have you been a member of that group?

16 A. Since its formation approximately one year
17 ago, I believe.

18 Q. So this is an organization that's been in
19 effect for one year and doesn't have a direct line to the
20 people that it's supposed to serve, only to Intervenors. Is
21 that a true statement?

22 A. My understanding of what you asked is whether
23 any members of the Kansas City community had come to me and
24 expressed concerns about the CPAG process. The answer is no.

25 Q. Nobody's come to you?

1 A. No.

2 Q. But you would make yourself available if they
3 decided to come?

4 A. Absolutely.

5 Q. What type of -- could you -- would you be able
6 to direct them where -- if they weren't -- if they didn't have
7 the opportunity to get weatherization or consulting or
8 installation, do you have places where they could get that
9 done?

10 A. Private sector, of course, does offer services
11 to -- to anyone who would -- who would like to pay for those
12 services. In addition, Kansas City Power & Light is
13 implementing a number of energy efficiency programs that --
14 that do apply to families in their service territory
15 regardless of income. So there are programs being implemented
16 that address all residential customers, commercial customers
17 also.

18 Q. So these programs will be -- is that going to
19 be outside financing programs? How is it going -- what's a
20 payment mechanism? Do you have any idea?

21 A. It's part of the monies that were discussed
22 here earlier that were provided for through the regulatory
23 plan --

24 Q. Okay.

25 A. -- that the Commission approved approximately

1 a year ago, a little more than a year ago.

2 Q. So, once again, that's on low-income and
3 that's the \$5 million we've been talking about?

4 A. It's not just low-income. There are -- there
5 are programs being implemented for all residential and all
6 commercial customers to take advantage of if they choose to.

7 Q. Now, do these programs hinge on a customer's
8 credit score?

9 A. Not to my understanding.

10 Q. So any customer, regardless of their ability
11 to repay or get outside financing, can get these programs?

12 A. It would be a very broad base of eligibility
13 for the programs, yes.

14 Q. And it would cover the entire weatherization
15 process?

16 A. For the low-income program, yes, it covers the
17 entire cost of the weatherization program. For other
18 residential customers and for other -- and for commercial
19 customers, the company's providing certain incentives but not
20 covering the entire costs of energy efficiency improvements.
21 Those are -- so those a variety of programs being implemented.

22 Q. So it's your testimony that an individual who
23 doesn't have the ability to get outside financing may find
24 themselves not having the ability to get weatherization or
25 participate in any energy conservation program. Is that a yes

1 or a no?

2 MS. WOODS: Objection, calls for speculation.

3 JUDGE PRIDGIN: Could you ask the question
4 again, please?

5 BY MR. DIAS:

6 Q. To your knowledge, there are no other programs
7 out there other than what Kansas City Power & Light says they
8 are going to implement that would allow for an individual with
9 a bad credit score to get financing for weatherization paid
10 for --

11 A. I don't know.

12 Q. -- to your knowledge?

13 A. I don't know.

14 Q. You don't know that. Okay. And now you've
15 been in the weatherization business for how long?

16 A. Eight years.

17 Q. So on none of those occasions you've not
18 looked at what the cost and availability to weatherization for
19 people who don't income qualify or who don't score qualify?
20 You've not had an occasion to do any of that?

21 A. I cannot tell you that I am personally aware
22 of every program that might be available in the Kansas City
23 Power & Light territory, no, I cannot say that.

24 Q. Are you aware of any program that would --
25 that -- if a person finds them self into that position, that

1 they can turn to?

2 A. I can -- I can speak to some of the programs
3 that have been implemented and are being implemented by Kansas
4 City Power & Light that do offer services to residential
5 customers regardless of income.

6 Q. Is that weatherization which could cost \$8,000
7 to \$10,000, new windows, new doors, any of those programs
8 have -- go to that extent?

9 A. The Home Performance with Energy Star is one
10 of the programs that will be implemented in concert with
11 Kansas City Power & Light. And --

12 Q. Is that low -- is that low-income?

13 A. No, it is not dependent upon income at all.

14 Q. Is there repayment?

15 A. The homeowner pays for the improvements and --
16 this program has not been completely designed yet; however,
17 Kansas City Power & Light may be offering some incentives to
18 help -- to help make those improvements happen. And as I say,
19 it has not been fully designed yet so the details are not
20 totally worked out.

21 Q. And, to your knowledge, Kansas City Power &
22 Light has not asked the general public, the urban community or
23 any of the churches to participate in the formation of that --
24 of the details of that proposal?

25 A. I don't know.

1 Q. Okay. All right. Now, you agreed with Kansas
2 City -- with the City of Kansas City that the call center
3 should refer potential applicants seeking weatherization to
4 the City of Kansas City, Missouri's low-income weatherization
5 program?

6 A. Yes.

7 Q. So when they -- when Kansas City Power & Light
8 decided not to do that, did that give you any heartburn?

9 A. We're always looking for opportunities to
10 bring more low-income citizens into contact with
11 weatherization services. I think Kansas City Power & Light
12 has shown a willingness to -- to find ways to do that. And it
13 may not be possible to do a direct referral, but the company
14 has definitely shown willingness to find ways to -- to better
15 link its customers in need with weatherization services.

16 Q. What better way than the call center -- if
17 someone calls in and says, I need help, refer the call to the
18 City of Kansas City, Missouri?

19 A. There are a number of ways to increase the
20 linkage between customers in need and weatherization services.

21 Q. Okay. And so when you agreed that this --
22 this should be done and when they didn't do it, it didn't
23 really cause you any heartburn?

24 A. No.

25 Q. Okay. Is that because those individuals that

1 it would have -- would have helped are kind of off the radar?

2 A. It's because there are a number of ways to --
3 to make customers in need aware of weatherization service and
4 get them hooked up with services, and the company has shown a
5 willingness to continue to work on those avenues.

6 Q. Were you here earlier when I talked about
7 KCPL's willingness and the fact that they -- they will meet,
8 but they won't act?

9 A. I was here during the entire morning, yes.

10 Q. Okay. So you've not experienced that as --
11 with dealing -- with your dealings with Kansas City Power &
12 Light?

13 A. No, I have not.

14 Q. Have you ever had any conversations with any
15 person that has experienced a rejection from Kansas City Power
16 & Light from a weatherization standpoint?

17 A. I have not.

18 Q. Do you have a customer complaint agency within
19 your organization that would -- that would -- if a person had
20 a problem with the -- the City of Kansas City, Missouri's
21 weatherization program, they can call you and says, I don't
22 understand why I wasn't approved?

23 A. Uh-huh.

24 Q. Do you have such a -- such a -- such a
25 contact?

1 A. Yes, I do. And -- and customers do
2 occasionally call us --

3 Q. What --

4 A. -- from Kansas City and other parts of the
5 state if they have issues with the weatherization program.

6 Q. What type of issues would those calls
7 represent?

8 A. It could be -- it's an assortment of issues.
9 Sometimes a recipient may feel that they didn't get as much
10 service as they would have liked from the weatherization
11 program. It may be occasionally they may not have -- they may
12 not have liked the conduct of someone who came to their home
13 to deliver the services, might be some kind of dispute in that
14 area. Those are a couple of examples of the phone calls we
15 occasionally receive.

16 Q. Do you have a number of the number of calls
17 that -- can you put a number on that?

18 A. I would say we may get half a dozen calls a
19 year.

20 Q. Okay. So are you saying that the demand for
21 weatherization is minimum or is it -- or is it -- let me
22 rephrase that.

23 In your estimation, what is the demand for
24 weatherization in today's economy?

25 A. The demand for our low-income weatherization

1 assistance program is quite high. Every agency with which we
2 work throughout the state has a waiting list; that is, there's
3 more demand for the program than we have funds to support the
4 delivery of services. So demand is high.

5 Q. In the Kansas City Power & Light service area,
6 do you have a number of the number of people that got
7 low-income weatherization?

8 A. I cannot tell you that off the top of my head.
9 I have that information at the office.

10 Q. Would it be 200, 300, 5,000? I mean, what
11 would it be just as an estimate?

12 JUDGE PRIDGIN: And if you don't know, feel
13 free to say so.

14 THE WITNESS: I -- I too didn't know there
15 would be math. I would say in the neighborhood of about
16 150 homes a year, something in that neighborhood, but this
17 is -- this is a very loose estimate.

18 BY MR. DIAS:

19 Q. So if we even said it was 300 a year, would
20 that be -- I mean, if we even put another 150 onto it, so in
21 the Greater Kansas City area, we're talking about -- I think
22 we got a customer service area of what 650,000 residents -- of
23 customers. Very loosely, 300 of those people got served as
24 far as weatherization is concerned?

25 A. Through the low-income weatherization

1 assistance program.

2 Q. So that means this only 150 to 300 people are
3 low-income needy. Is that -- would that be a true statement?

4 A. Would you repeat the question, please?

5 Q. Well, does that mean that of that -- I'm
6 trying to do some math also. You said that you estimate
7 150 people got served in the energy conservation and
8 weatherization programs. And I gave it another 150 and says,
9 well, let's just say it was 300. Kansas City Power & Light's
10 customer base is 650,000. So if you would do the math between
11 300 divided by 650,000, that would show that there was -- that
12 there's a really, really small digit of people actually
13 receiving help. Would you agree to that?

14 MS. WOODS: You know, your Honor, I'm going to
15 object at this point. I think it goes beyond either her
16 Direct or Surrebuttal Testimony, this line of questioning.

17 JUDGE PRIDGIN: Sustained.

18 BY MR. DIAS:

19 Q. Okay. Now, on page 4 of your testimony you
20 said you were going to limit your statements to energy
21 efficiency aspects?

22 A. Is it the Surrebuttal Testimony you're
23 referring to?

24 Q. Yes, ma'am. Yes. Yes, I am. Page 4, Item
25 No. 62.

1 A. Okay, yes.

2 Q. Your major objection in this program was that
3 you just didn't have enough information about what the
4 community was wanting to do. Is that about -- does that about
5 sum it up?

6 A. There was insufficient information about the
7 details of the program that you were offering --

8 Q. Yes.

9 A. -- to make an evaluation and draw a conclusion
10 about its value.

11 Q. At the time that you made that decision, were
12 you aware that we had tried to negotiate and come up with a
13 memorandum of understanding that would provide those details
14 with Kansas City Power & Light? Were you aware of that?

15 A. No.

16 Q. Okay. Were you also aware that at every turn
17 the community was rejected on trying to put this
18 weatherization program together by Kansas City Power & Light?

19 MS. WOODS: Objection, argumentative, assumes
20 facts not in evidence.

21 JUDGE PRIDGIN: Sustained.

22 BY MR. DIAS:

23 Q. Okay. On page 5, Item 7-- Item 73,
24 essentially, once again, your major objection is that you just
25 don't have enough information about what it is you're going to

1 do -- what it is that the community really wants. That's your
2 major objection. Right?

3 A. There's not sufficient information to evaluate
4 whether the program would be effective and a value to the
5 Kansas City Power & Light customers.

6 Q. Okay. All right. But you're not -- you're
7 not advocating that the individuals who fall out of income
8 guidelines -- by the way, let me ask you this question. I'll
9 rephrase this.

10 Do you have a number on the number of people
11 that fall out of that category that actually make an
12 application and -- and can't qualify for whatever reason?

13 A. No, I don't know.

14 Q. You don't have a number of the number of
15 applications?

16 A. I cannot -- I cannot tell you that off the top
17 of my head.

18 Q. Okay. Would you say -- would you say that it
19 could be in the thousands or the tens of thousands?

20 A. I don't know.

21 Q. Okay. And, once again, your total focus is on
22 low-income?

23 A. No.

24 Q. The majority of your focus is on income --
25 low-income?

1 A. No. No. We are -- we advocate for energy
2 efficiency improvements for every sector of the Missouri
3 economy and citizenry, residential, commercial and industrial
4 for the advantages that energy efficiency provides.

5 Q. Mrs. Randolph, if the Commission were to ask
6 you to participate in developing a program to assist
7 individuals that fall outside of the energy conservation
8 program, would that be something that your -- that your agency
9 could assist in or would you assist in that?

10 A. Yes. Certainly if -- if the Commission
11 desired that, absolutely.

12 Q. And with your -- you've been in the business
13 for eight years and you have a vast knowledge of things that
14 should be done or shouldn't be done or vendors that should be
15 contacted or shouldn't be contacted, so you'd very valuable to
16 developing a program that could be ultimately brought back to
17 the Commission and ask them to -- to approve it. So you would
18 be able -- as you said, you would participate in something of
19 that nature?

20 A. We participate in many efforts with many
21 different entities to develop and evaluate energy efficiency
22 programs in Missouri.

23 Q. My last question to you is, do you think that
24 it's valuable when implementing anything that -- that's
25 involving the community, that the community's input be taken

1 seriously? Do you think that's valuable? Yes or no?

2 A. Yes.

3 MR. DIAS: Thank you. That's all the
4 questions I have.

5 JUDGE PRIDGIN: Mr. Dias, thank you. Let me
6 see if we have any questions from the Bench. Commissioner
7 Gaw, any questions?

8 QUESTIONS BY COMMISSIONER GAW:

9 Q. Good morning.

10 A. Good morning.

11 Q. I want to just visit for a minute. The group
12 you're a part of that you were talking about earlier --

13 A. The Customer Program Advisory Group
14 established by Kansas City Power & Light.

15 Q. Okay. And the meetings that are held by that
16 group, are they open to the public?

17 A. Yes, they are open to the public.

18 Q. Are they posted?

19 A. Perhaps -- did I -- I think perhaps I did
20 misspeak. They are -- I think they are confined to the
21 signatories to the -- the regulatory case that was before this
22 Commission a year ago.

23 Q. So they're not open to the public?

24 A. No, I believe not.

25 Q. Has the group ever had a public meeting?

1 A. Not to my knowledge.

2 Q. And if members of the public are interested in
3 the outcome of the recommendations from this group, has this
4 group ever sought, in a public way, input into the decisions
5 that they may make or asked for data or information from
6 members of the public?

7 A. I don't know what process Kansas City Power &
8 Light may use in gathering input for items that they bring to
9 the group. I cannot speak to that -- to that process.

10 Q. Has the -- have you or has the Energy Center
11 sought public input about what -- what might be considered by
12 this group?

13 A. Not public -- not -- no, not from the CPAG
14 group itself.

15 Q. Are you familiar with any-- anyone in the
16 group having sought -- do you know if anyone in the group has
17 sought public input in regard to the actions that they may
18 take, the group itself?

19 A. Not to my knowledge.

20 Q. Now, you said that you don't know what Kansas
21 City Power & Light may have been doing to seek public input.
22 Is it standard practice within the group for Kansas City Power
23 & Light to be the entity that brings ideas in for the group to
24 consider?

25 A. Kansas City Power & Light brings ideas in to

1 the group to consider. Members of the group also offer ideas
2 for discussion and evaluation.

3 Q. Why don't you list the members of the group
4 that you can recall for me, please?

5 A. Office of Public Counsel, Public Service
6 Commission Staff, the Energy Center, Kansas City Power &
7 Light, the City of Kansas City, Praxair. Those are the ones I
8 recall.

9 Q. Are there any members of any community action
10 agencies that are members of the group?

11 A. Community action agency, no.

12 Q. Are there any --

13 A. The City of Kansas City, which administers the
14 low-income weatherization program is a member of the group.

15 Q. But it's not a community action agency?

16 A. No. No. In this case it's a city agency.

17 Q. Is there any -- is there any public advocacy
18 group other than Public Counsel from the Kansas City region
19 that is a member of the group?

20 A. Not a not-for-profit group.

21 Q. If the -- if -- and I believe you already
22 testified that there is no one from the ministerial alliance
23 or anyone affiliated with the ministerial alliance that's a
24 member of the group --

25 A. Correct.

1 Q. -- is that correct?

2 Are there any State Representatives or
3 Senators that are members of the group?

4 A. No.

5 Q. If I were a member of the community and wished
6 to participate in coming up with ideas and -- or suggesting
7 ideas to the group at its meetings, how would I do that?

8 A. I would think that someone could approach any
9 member of the group and ask that person whether they would
10 take something to the group as a whole. Certainly going to
11 Kansas City Power & Light and suggesting items for the group
12 discussion would be a good avenue also.

13 Q. And so I could ask one of the members of the
14 group, for instance, may I come in and talk to the group about
15 this idea and may I be a part of discussion, and you feel
16 confident that the group would allow anyone who had those
17 ideas to come in and have those discussions within that group
18 meeting?

19 A. The group itself is -- my understanding is
20 limited to the signatories from the regulatory case.

21 Q. So the answer would, no, they wouldn't be able
22 to do that?

23 A. I think the answer would be no.

24 Q. So how is it that members of the community in
25 Kansas City are supposed to participate in coming up with

1 solutions that they believe may be of assistance to the
2 community in helping to reach an overall efficiency or
3 conservation effort and, in particular, in dealing with
4 weatherization?

5 A. In seems to me that members of the community
6 have been taking one of the avenues available to them, which
7 is going to Kansas City Power & Light to whom this group
8 serves in an advisory capacity, and bringing issues to the
9 company's attention that -- that might be worth consideration.

10 Q. So they would have to go to Kansas City Power
11 & Light and ask permission?

12 A. Or they could come to any member of the
13 advisory group. What I'm saying is I --

14 Q. So any member of the group --

15 A. -- I don't know --

16 Q. -- could give them permission?

17 A. Any member of the group could bring an issue
18 to the advisory group.

19 Q. But none of the individuals in the group could
20 give them permission by their own authority?

21 A. It's my understanding that that restriction
22 comes because of the regulatory case from Commission rules is
23 my understanding.

24 Q. Really?

25 A. Well, that is my understanding.

1 Q. So the Commission could change that issue
2 then?

3 A. I don't know.

4 COMMISSIONER GAW: That's all I have. Thank
5 you.

6 JUDGE PRIDGIN: Commissioner Gaw, thank you.
7 Commissioner Clayton? Commissioner Appling?

8 QUESTIONS BY COMMISSIONER APPLING:

9 Q. Could I ask just one question to follow onto
10 the last question that Commissioner Gaw asked? By any chance,
11 have you ever suggested to this committee or KCPL that the
12 information from the community might be a help to what you all
13 are trying to achieve in this committee? Have you ever made a
14 suggestion yourself to that effect?

15 A. I don't believe I have.

16 COMMISSIONER APPLING: Thank you very much.

17 JUDGE PRIDGIN: All right. Thank you.

18 Any recross?

19 COMMISSIONER GAW: One real -- thank you for
20 that.

21 FURTHER QUESTIONS BY COMMISSIONER GAW:

22 Q. I want to ask specifically about the --
23 whether the group has considered a -- a loan program -- loan
24 program for weatherization. Do you know the answer to that?
25 Has there been a similar program to a Pays program or

1 something like that proposed and discussed --

2 A. Yes.

3 Q. -- in the group?

4 A. The Pays program has been discussed in the
5 group.

6 Q. Was it decided not to do it? Is it still up
7 for discussion? What's the status of it?

8 A. It is still under discussion and some
9 variations to the theme are also under discussion.

10 Q. Okay. And how much -- is there a discussion
11 about how much funding might be available for that?

12 A. My recollection is there's not been a very
13 specific discussion about funding, a funding amount.

14 Q. Okay. And are -- the gambit of programs that
15 are being discussed, are those listed somewhere where people
16 can see what's being discussed?

17 A. Yes. They're in Sue Nathan's surrebuttal.

18 Q. All right. And is that public information?

19 A. I need to ask an attorney

20 JUDGE PRIDGIN: I don't recall anything about
21 her testimony being confidential.

22 MR. BLANC: Yeah, all of her testimony is
23 marked NP.

24 MS. WOODS: Yeah.

25 JUDGE PRIDGIN: Okay. Thank you.

1 COMMISSIONER GAW: All of it is marked as --

2 MR. MILLS: Not propriety.

3 MR. BLANC: Not propriety.

4 COMMISSIONER GAW: So it's not public.

5 MR. BLANC: It is public.

6 MR. MILLS: It is public.

7 COMMISSIONER GAW: Thank you for that

8 clarification.

9 BY COMMISSIONER GAW:

10 Q. All right. So all of the programs that are
11 being discussed are in that testimony; is that correct?

12 A. Yes. To the best of my knowledge, yes.

13 Q. All right. And do you know how long it will
14 be before decisions will be made about what programs will be
15 adopted?

16 A. Some of them are already being implemented
17 and -- so several of them are already on the ground and
18 functioning. And I know the company is developing tariffs for
19 two or three more that -- that should be filed very soon yet
20 this fall. There are a few that -- that will be rolled out
21 next calendar year --

22 Q. Okay.

23 A. -- is my best understanding from attending the
24 meetings about the timeline of those programs.

25 Q. Okay. And what's the timeline on the program

1 that is similar to Pays?

2 A. I don't recall right now.

3 Q. Okay. Is that in the testimony?

4 A. No. Not that -- not the actual timeline for
5 those programs.

6 COMMISSIONER GAW: Okay. Thank you.

7 I would point out that non-proprietary can be
8 interpreted as either public or highly confidential for those
9 of you who were jumping to conclusions. Thank you.

10 JUDGE PRIDGIN: Thank you.

11 Further Bench questions? Recross? Mr. Mills.

12 FURTHER RE-CROSS-EXAMINATION BY MR. MILLS:

13 Q. Just briefly. In future meetings, will you
14 suggest that input from those more directly involved in the
15 community be considered and solicited? For the CPAG I'm
16 talking about.

17 A. I would be happy to take that recommendation.
18 I think it would be a good idea.

19 Q. If I were to represent to you that in future
20 meetings Public Counsel will strongly advocate that that take
21 place, would you support us in that?

22 A. Yes, I would.

23 MR. MILLS: Okay. Thank you. That's all I
24 have.

25 JUDGE PRIDGIN: Mr. Mills, thank you.

1 Further recross?

2 MR. CONRAD: Let me -- excuse me.

3 JUDGE PRIDGIN: Mr. Conrad.

4 FURTHER RE-CROSS-EXAMINATION BY MR. CONRAD:

5 Q. The group that you're referring to is
6 shorthanded as CPAG. Correct?

7 A. Correct.

8 Q. What does the A stand for?

9 A. Customer Programs Advisory Group.

10 Q. And how do you perceive the role as advisory?

11 A. The group discusses, evaluates, looks at
12 information about a variety of energy efficiency programs and
13 gives input to Kansas City Power & Light about which programs
14 might be of value to implement, gives them feedback on various
15 aspects of those programs.

16 Q. And does the group make decisions about the
17 implementation of those programs or does KCPL make those
18 decisions?

19 A. KCPL makes the decisions.

20 MR. CONRAD: Thank you. That's all.

21 JUDGE PRIDGIN: Mr. Conrad, thank you.

22 Redirect?

23 MS. WOODS: I just have a couple things.

24 REDIRECT EXAMINATION BY MS. WOODS:

25 Q. You participated in the development of the

1 regulatory plan case; is that correct?

2 A. That's correct.

3 Q. Prior to the actual development of that
4 regulatory plan, did Kansas City Power & Light have a number
5 of workshops that were open to the public?

6 A. Yes.

7 Q. Did you review Sue Nathan's Surrebuttal
8 Testimony in this case?

9 A. Yes, I did.

10 Q. I'm going to hand you a copy of -- or do you
11 already have that?

12 A. I do have it right here.

13 Q. Could you turn to page 8?

14 JUDGE PRIDGIN: And, Ms. Woods, would you
15 clarify, is this Ms. Nathan's testimony?

16 MS. WOODS: Yes. It's her Surrebuttal
17 Testimony.

18 JUDGE PRIDGIN: Thank you.

19 MS. WOODS: I'm sorry.

20 THE WITNESS: Okay.

21 BY MS. WOODS:

22 Q. Do you see that -- look at line 9 and the
23 question there. Excuse me, line 6.

24 A. Okay. Uh-huh.

25 Q. And the question there. Could you just

1 briefly review that? Have you reviewed that answer?

2 A. I have, but I'd like to refresh my memory.

3 Q. If you would, please.

4 A. Okay.

5 Q. Does that concern further discussion about the
6 call center?

7 A. Yes, it does.

8 Q. And is that the additional -- is that
9 additional information that formulated your opinions as to
10 whether or not it was necessary for the call center to refer
11 participants to the weatherization program?

12 A. Yes. Kansas City Power & Light was willing to
13 work on other avenues to make those linkages with
14 weatherization.

15 MS. WOODS: That's all I have. Thank you.

16 JUDGE PRIDGIN: All right. Ms. Woods, thank
17 you.

18 Ms. Randolph, thank you very much. You may
19 step down.

20 I show Mr. Jackson as being the final witness.
21 And who wishes to cross Mr. Jackson? Mr. Dias. All right.
22 Any other parties?

23 MR. MILLS: Your Honor, could I inquire as to
24 our schedule for this hearing today?

25 JUDGE PRIDGIN: Well, I was just trying to

1 debate that myself, if this would be a good time to break for
2 lunch. I'm assuming that cross-examination will take a while.

3 COMMISSIONER CLAYTON: He's got a meeting at
4 noon.

5 JUDGE PRIDGIN: Well, then this seems to be a
6 good time to break. It's about 10 until noon by the clock at
7 the back of the wall. Let's assume -- I don't know what kind
8 of meeting you have, Mr. Mills -- 1:15?

9 MR. MILLS: Ask the gentleman to your left how
10 long he's going to keep me.

11 JUDGE PRIDGIN: 1:15? 1:15 then.

12 MR. PHILLIPS: Judge Pridgin, I would just
13 like to ask to be excused. I have no questions of
14 Mr. Jackson --

15 JUDGE PRIDGIN: Absolutely.

16 MR. PHILLIPS: -- and I have a travel issue.

17 Secondly, can I assume that the Commission's
18 order of March the 29th, 2006 which sets out the balance of
19 the procedural schedule will be adhered to?

20 JUDGE PRIDGIN: Yes, sir.

21 MR. PHILLIPS: Thank you.

22 MR. KEEVIL: Judge, following up on I think
23 what he just asked, is that the briefing that you're referring
24 to?

25 MR. PHILLIPS: Yes.

1 MR. KEEVIL: You're staying with the briefing
2 that's been previously set?

3 JUDGE PRIDGIN: Yes, sir.

4 If there's nothing further -- all right.
5 We're in recess. Thank you.

6 (A recess was taken.)

7 (OPC Exhibit No. 218 was marked for
8 identification.)

9 JUDGE PRIDGIN: All right. We're back on the
10 record. It is 1:20. And I believe the final witness we have
11 left is Mr. Jackson from Kansas City.

12 MR. COMLEY: That is correct.

13 JUDGE PRIDGIN: All right. Mr. Jackson, if
14 you'd come forward to be sworn, please, sir.

15 MR. MILLS: And, your Honor, just as a matter
16 of housekeeping, before we went on the record, I distributed
17 copies of Exhibit 218 to all copies and the Bench.

18 JUDGE PRIDGIN: Thank you, Mr. Mills. And the
19 Bench has copy as well.

20 (Witness sworn.)

21 JUDGE PRIDGIN: Thank you, sir. Please have a
22 seat.

23 And, Mr. Comley, any housekeeping before he's
24 tendered for cross?

25 MR. COMLEY: Yes. Just to make sure, I wanted

1 to make sure the exhibit numbers are correct. I have Exhibit
2 No. 501 as Mr. Jackson's Rebuttal Testimony and Exhibit
3 No. 502 as his Surrebuttal Testimony. Does that conform to
4 your list?

5 JUDGE PRIDGIN: Yes, sir, it does.

6 ROBERT T. JACKSON testified as follows:

7 DIRECT EXAMINATION BY MR. COMLEY:

8 Q. Mr. Jackson, I wanted to bring your attention
9 to both of the exhibits. Let's look to your rebuttal first.
10 Do you have any changes or corrections to your Rebuttal
11 Testimony? And I'm looking at page 1 thereof.

12 A. Yes. On page 1 the reference for the case
13 number should be changed to -- I believe that's EO.

14 Q. And do you also have a similar change for your
15 Surrebuttal Testimony that's been marked as Exhibit 502? Let
16 me direct you to page 2.

17 A. Yes, I do. And throughout both of those
18 documents the case number should be EO as opposed to ER.

19 Q. With those changes, would your answers be the
20 same to the questions that are propounded in your testimony
21 today?

22 A. Yes, they would.

23 MR. COMLEY: Your Honor, I would like to offer
24 Exhibits 501 and 502 into the record and tender Mr. Jackson
25 for cross-examination.

1 JUDGE PRIDGIN: Mr. Comley, thank you.
2 Any objection?
3 MR. CONRAD: No objections.
4 JUDGE PRIDGIN: Hearing none, Exhibits 501 and
5 502 are admitted.
6 (Exhibit Nos. 501 and 502 were received into
7 evidence.)
8 JUDGE PRIDGIN: Any cross-examination?
9 Mr. Dias. Any other parties?
10 Okay. When you're ready, sir.
11 CROSS-EXAMINATION BY MR. DIAS:
12 Q. Afternoon, Mr. Jackson.
13 A. Good afternoon.
14 Q. Now, Mr. Jackson, you -- you provided some
15 testimony in this case. Did anyone ask you to do that?
16 A. Did anyone ask me to do it?
17 Q. Yes.
18 A. No. I requested to do it.
19 Q. Did you have conversations with Kansas City
20 Power & Light that you were going to be able to -- that you
21 were going to do this?
22 A. No.
23 Q. Okay. Now, you have an objection; is that
24 true?
25 A. I have an objection to the information that

1 was presented, which is what my testimony reflects.

2 Q. Okay. So, once again, like all the other
3 witnesses, your objection is the fact that you don't know what
4 the program is all about more or less?

5 A. That's precisely what my objection is.

6 Q. Okay. And you don't oppose the Commission
7 granting assistance to those individuals who fall outside of
8 the income guidelines for them to put something in place that
9 would assist those individuals. You don't have any objection?

10 A. No, I do not.

11 Q. Okay. Now, provided that Kansas City Power &
12 Light and the Commission -- or the Commission decides that --
13 that weatherization for those individuals that fall outside of
14 the guidelines, what role could the City of Kansas City,
15 Missouri play in that, if any?

16 A. Well, any form of weatherization -- and I want
17 to contrast energy efficiency or conservation to general home
18 repairs. But any component of energy efficiency or
19 weatherization or residential properties, the City would
20 certainly have an interest to ensure that it is done
21 effectively, efficiently and appropriately.

22 Q. Now, that interest is based upon the
23 providers -- in other words, the vendors that's actually doing
24 the work?

25 A. Well, as long as they were qualified and can

1 do the work on an exact and efficient manner and per the
2 specifications, I would certainly support that.

3 Q. So if the Commission decides that the time has
4 come for weatherization for those -- for those individuals --
5 I'm going to categorize them as middle class yet and still
6 they can't still afford the finances -- that the Commission
7 decides that such a program's time has come, would you be open
8 to working with those individuals to formulate that program?

9 A. Yes, I would.

10 Q. Okay. Could you tell us what your background
11 is?

12 A. Well, I've been in housing since 1969. I have
13 developed multi-family housing, I was also a property manager
14 for approximately 1,000 low-income housing units, both Kansas
15 City, Kansas, Kansas City, Missouri. I've been in real estate
16 and I've been the City's -- in the City's weatherization
17 program since 1983 and I've been the director of the City's
18 weatherization program since 1985.

19 I've made a number of national presentations,
20 testified on many national forums. I'm also chair of the --
21 of DNR's policy advisory counsel for the weatherization
22 program. And I was just recently elected co-chair of the
23 Committee to Keep Missourians Warm, which is about a
24 26-year-old organization made up of state officials,
25 Commission Staff, executive department staff, legislators,

1 social service networks and primarily participating in the
2 organization are the CAP agencies.

3 Q. Okay. And all of those things that you've
4 done, and assuming you do extensive travel, are there other
5 utility companies that have enacted some type of
6 weatherization assistance for those persons above -- above the
7 low-income qualification lines; and if so, do you -- have you
8 had an opportunity to see any utility company anywhere in the
9 United States that's doing that?

10 A. I've seen a number of programs that do fund
11 programs for those customers that are above the low-income
12 program and they use various in sundry funding mechanisms to
13 do so.

14 Q. Once again, if the Commission decided that
15 that was the type of program they wanted to do, you would
16 be -- be willing to sit down with the community -- the
17 Department of Energy, Kansas City Power & Light and -- and put
18 the details to that particular kind of program?

19 A. Whatever the city fathers and mothers, if you
20 will, of the City of Kansas City direct I do, I guarantee you
21 I'd be willing to do it.

22 Q. Have you talked to any of the City Council
23 people about this hearing?

24 A. About this hearing?

25 Q. Yeah. Have you been contacted by any of the

1 City Council about this hearing?

2 A. No, I have not.

3 Q. Okay. So you know Councilman Terry Riley.
4 Right?

5 A. Yes, I do.

6 Q. Okay. And, once again, no one has contacted
7 you about -- about the -- about this hearing?

8 A. No one on the council have. If you ask
9 whether anyone else outside of the council has contacted me, I
10 can honestly tell you the answer is yes. I haven't talked to
11 them, but they called me.

12 Q. Okay. All right.

13 MR. DIAS: Okay. Judge, that's about all I
14 have.

15 JUDGE PRIDGIN: All right, Mr. Dias. Thank
16 you.

17 Further recross? Questions from the Bench,
18 Commissioner Appling?

19 COMMISSIONER APPLING: I don't think so.

20 JUDGE PRIDGIN: Okay. I have no questions.

21 Redirect?

22 REDIRECT EXAMINATION BY MR. COMLEY:

23 Q. Two. Mr. Jackson. Does the City of Kansas
24 City through your department have a program for subscribers to
25 electric or energy services for weatherization assistance

1 irrespective of low-income eligibility?

2 A. Yes, they do.

3 Q. Can you describe that for the Commission,
4 please?

5 A. What we have is what is called a fee for
6 service program where any person of the public may contact the
7 City and if they have the resources to pay the contractors
8 that participate and have been trained by the City's
9 weatherization program, they can pay for the services, pay for
10 the City's expertise at cost. And use the same methodology,
11 same process, same contractors and same oversight to ensure
12 that any services that were provided through the program have
13 been installed and installed effectively and efficiently.

14 Q. Is information about that program available on
15 the City's website?

16 A. Yes, it is.

17 Q. Are there any other sources of information
18 about that besides the website?

19 A. We certainly -- when I make presentations to
20 the public, to neighborhood groups, neighborhood
21 organizations, community at large, that is a part of my
22 presentation to let them know that those services are
23 available. And all the utilities also have a link from their
24 website to the City's website.

25 If I may, the other things that we have done

1 to make this knowledge known has been through a number of
2 formal workshops that were conducted this year -- I mean last
3 year and those forthcoming this year. One of them is with
4 the -- an organization called HUEE, which stands for the
5 Heartland's Utilities for Energy Efficiency, which all the
6 regulated utilities in the Kansas City area are part of.

7 And we've had some very extensive -- these
8 were three-, four- and five-hour workshops throughout the
9 winter of last year that were publicized and public attended
10 and weatherization kits were provided along with information
11 on programs, strategies for them installing the materials.

12 Q. For the record, is Kansas City Power & Light a
13 member of the HUEE organization?

14 A. I believe they are. Yes, they are.

15 Q. Mr. Dias asked a little bit about your
16 qualifications. Let me ask this question. Are you a member
17 or participant in any other organizations the goal of which is
18 weatherization or energy efficiency programs?

19 A. There are a number of them. We certainly have
20 a local organiz-- organization called American Association of
21 Blacks in Energy, which is part of a national organization.
22 I'm a charter member. And through this organization, we
23 certainly provide funding for college students for engineering
24 disciplines and make sure that those -- particularly those
25 that could have some impact within the engineering arena, and

1 obviously they fall more so to the utility areas often, I am a
2 member of that organization.

3 There are three or four other organizations
4 that just kind of slip my mind at the moment, but the one
5 thing that I think is important is that these organizations
6 have certainly provided me an opportunity -- and just one did
7 cross my mind which I think is important that at least I want
8 the Commission to be aware of.

9 That is the Energy and Housing Professional
10 Alliance, which is a group of the umbrella organization of the
11 community action agencies for the state. I am a member of
12 that organization and have been participating in the forums
13 and venues where we discuss energy efficiency and
14 affordability for about the last 15 years. And we actually
15 have some input and help shape some public policy when it
16 comes to energy efficiency programs throughout the state.

17 MR. COMLEY: Thank you. I have no other
18 questions.

19 JUDGE PRIDGIN: Mr. Comley, thank you. I
20 believe Commissioner Appling has some questions.

21 QUESTIONS BY COMMISSIONER APPLING:

22 Q. Mr. Jackson, how you doing?

23 A. I'm doing fine, sir.

24 Q. Good. Weatherization program for Kansas City,
25 do you have a feel for what your -- the number of annual

1 participation is in your program?

2 A. Homes that are weatherized, we are probably
3 going to approach between 7- and 800 this -- for a program
4 year for 12-month period. We are probably in another
5 200, 250 homes.

6 One of the things I think is important to be
7 recognized is that we may not weatherize a property, but
8 anyone's home we go into we're going to give them some
9 information, we're going to give them avenues and direction on
10 how they can, if possible, assist themselves in minimizing
11 their energy consumption and deal with health and safety
12 aspects of that consumption.

13 There are some homes that cannot be
14 weatherized that are basically beyond economic investment.
15 We're obligated with all the funds that we have to make sure
16 that any investment we make is going to pay for itself in
17 energy savings and if that investment does not result in
18 energy savings, those -- that investment cannot be made.

19 What that really means is some homes state of
20 deferred -- deferred maintenance may mean that you can't apply
21 any assistance to them because you have no outcome that would
22 be beneficial, you know, for -- from a ratepayer perspective
23 and an impact on energy consumption.

24 COMMISSIONER APPLING: Thank you very much,
25 sir.

1 JUDGE PRIDGIN: Commissioner Appling, thank
2 you.

3 Recross based only on Commissioner Appling's
4 questions?

5 MR. CONRAD: I have one, your Honor.

6 FURTHER RE-CROSS-EXAMINATION BY MR. CONRAD:

7 Q. Mr. Jackson, in response to Commissioner's
8 question you used the term "weatherization." I understand
9 that probably describes a large scope of objectives, but very
10 briefly, could you set out the major components of what you
11 define as weatherization?

12 A. Yes, I can. Contrarily, weatherization is not
13 general home repairs. Weatherizations are such things as
14 repairing windows to stop air from leaking; installing
15 insulation in attics, sidewalls and on floors; addressing
16 areas where air can leak in or out of a property; looking at
17 such things as health and safety aspects of furnaces,
18 particularly those that have atmospheric combustion like
19 natural gas or propane which there's a potential problem on
20 health and safety with regard to carbon monoxide, we can
21 repair and replace those items.

22 What it is not, and we find this often, that
23 it is the public's perception that it is a window replacement
24 program or major home repairs. Again, it is a narrowly
25 defined field of measures to reduce the consumption and use of

1 energy in a residential property.

2 MR. CONRAD: Your Honor, thank you.

3 Mr. Jackson, thank you for your efforts.

4 That's all I had.

5 JUDGE PRIDGIN: Thank you.

6 Redirect?

7 MR. COMLEY: Just two more.

8 FURTHER REDIRECT EXAMINATION BY MR. COMLEY:

9 Q. In response to Mr. Conrad, could you describe
10 for the Commission the kind of audit your department goes
11 through to determine whether a particular home is eligible for
12 weatherization?

13 A. Yes. What we do is take a lot of diagnostic
14 equipment -- one of the primary pieces of equipment is called
15 a blower door where we will actually measure the volume air
16 change of any given property against some known parameters.

17 We will take the size of the property, the
18 construction of the properties and contrast that against the
19 cost of energy, run that on some computer simulations which
20 have all the algorithms that have been developed by the
21 Department of Energy.

22 And that feedback tells us whether that is
23 what you would call a cost-effective measure, what needs to be
24 done and to what extent we will address that measure. And
25 from there we will develop specifications that will go out on

1 a competitive bid basis.

2 So each audit takes anywhere from two to three
3 hours onsite and then another two to three hours in the office
4 to input data and develop specifications and put it out for a
5 competitive bid.

6 Q. So what I'm gathering is that based upon the
7 audit, there could be different solutions for different homes?

8 A. That's correct.

9 Q. Also, Commissioner Appling asked you about the
10 number of homes weatherized over the last 12 months. Can you
11 tell the Commission what percentage -- if you can tell the
12 Commission what percentage -- may be represented by KCPL
13 customers?

14 A. That's a hard one. I would say probably
15 95 percent of those customers will be KCPL. Obviously we
16 would not weatherize a home that doesn't have electricity. So
17 whether we use KCPL funds or any funds, most likely those
18 customers of those homes are customers of Kansas City Power &
19 Light.

20 MR. COMLEY: That's all I have.

21 JUDGE PRIDGIN: Mr. Comley, thank you. We've
22 already had a chance for recross. Thank you.

23 Mr. Jackson, thank you, sir. Appreciate it.

24 All right. I see no more witnesses. Just
25 looking at the procedural schedule, I see some true-up

1 testimony due in early November, true-up hearing which
2 apparently is needed, November 16th and 17th, some briefs due.
3 I'll remind the court reporter we do need to expedite the
4 transcript so that counsel can begin working on briefs. Is
5 there anything else that counsel need to bring to my
6 attention?

7 MR. FISCHER: Yes, Judge. I just wanted to
8 check my records to make sure they match yours. Has all the
9 Kansas City Power & Light marked exhibits, particularly the
10 testimony that's been unobjected to, been admitted -- offered
11 and admitted?

12 JUDGE PRIDGIN: I show that it has. I was
13 going through my list while -- while the last witness was
14 speaking.

15 MR. FISCHER: That includes David Cross who
16 didn't appear?

17 JUDGE PRIDGIN: Let me verify that. I show
18 that it's received without objection.

19 MR. FISCHER: Thank you very much.

20 JUDGE PRIDGIN: You're welcome.

21 MR. CONRAD: Same question, Judge, as to our
22 materials. We didn't have that many. And I apologize because
23 Mr. Woodsmall has basically been here most of the time, but
24 he's got the list. And he's just arrived.

25 JUDGE PRIDGIN: So your numbers are 601

1 through 605. And I show they've all been admitted without
2 objection.

3 MR. CONRAD: Thank you.

4 JUDGE PRIDGIN: You're quite welcome.

5 MR. WILLIAMS: Judge, as to Staff's exhibits,
6 which I believe are Exhibits No. 101 through 152, have all of
7 those been admitted?

8 JUDGE PRIDGIN: My records may be faulty. I
9 don't show that 112 was offered or admitted, Direct Testimony
10 of I guess it's David Elliott.

11 MR. WILLIAMS: Is that the only one that you
12 show as not being offered or admitted?

13 JUDGE PRIDGIN: No.

14 MR. WILLIAMS: I was afraid of that.

15 JUDGE PRIDGIN: I'm showing 112, 126 and 127,
16 McDuffey direct and rebuttal; Taylor direct, 133 -- and again
17 with the caveat that sometimes my note taking's wrong --
18 Wells' direct, 141; Accounting Schedule 142, that none of
19 those have been offered.

20 MR. MILLS: For what it's worth, that concurs
21 with my records.

22 MR. WILLIAMS: They're not shown on mine as
23 being marked -- as admitted either. I would like to offer
24 then Exhibits 112, which includes highly confidential
25 testimony, Exhibits 126, 127, 133, 141 and 142, and I can

1 describe those if need be.

2 JUDGE PRIDGIN: First, we'll see if we have
3 any objections.

4 MR. FISCHER: No objections for the company.

5 MR. WOODSMALL: I guess, your Honor, I'd
6 question the relevancy of 142 given how much the case has
7 changed as all the reconciliations have changed. This is
8 Staff's original accounting schedules and at this point they
9 are very much outdated.

10 JUDGE PRIDGIN: I'll overrule and Exhibits
11 112, 126, 127, 133, 141 and 142 -- were those the exhibits you
12 offered, Mr. Williams?

13 MR. WILLIAMS: Yes, they are.

14 JUDGE PRIDGIN: They're all admitted.

15 (Staff Exhibit Nos. 112, 126, 127, 133, 141
16 and 142 were received into evidence.)

17 MR. WILLIAMS: And your records reflect that
18 Exhibits 101 through 103 have been admitted? I just want to
19 verify that.

20 JUDGE PRIDGIN: I do.

21 MR. WILLIAMS: Thank you.

22 JUDGE PRIDGIN: You're welcome.

23 MR. FISCHER: Judge, could you check 46 for
24 me? Was that offered and admitted? It was the updated
25 reconciliation.

1 JUDGE PRIDGIN: Yes, I show it as being
2 received without objection.

3 MR. FISCHER: Thank you.

4 JUDGE PRIDGIN: You're welcome. Anything
5 further?

6 MR. MILLS: And this really -- I guess I could
7 say this isn't my problem, but I was just wondering if you
8 have anything in mind with Wal-Mart's exhibits 901 through
9 903?

10 JUDGE PRIDGIN: I don't think they offered
11 them.

12 MR. MILLS: Counsel for Wal-Mart hasn't been
13 here very much and I don't believe Mr. Selecky has been here
14 at all.

15 JUDGE PRIDGIN: They've not been offered,
16 they're not admitted.

17 MR. MILLS: Okay.

18 JUDGE PRIDGIN: Anything further?

19 All right. If there's nothing further from
20 counsel, we will adjourn the hearing in Case No. ER-2006-0314.
21 Thank you. We're off the record.

22 WHEREUPON, the hearing was adjourned.

23

24

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