

BEFORE THE STATE CORPORATION COMMISSION  
OF THE STATE OF KANSAS

IN THE MATTER OF THE APPLICATION ]  
OF EVERGY METRO, INC., EVERGY ]  
CENTRAL, INC., AND EVERGY KANSAS ] KCC Docket No. 21-EKME-320-TAR  
SOUTH, INC. FOR APPROVAL OF ]  
TRANSPORTATION ELECTRIFICATION ]  
PORTFOLIO ]

CROSS ANSWERING TESTIMONY OF

ANDREA C. CRANE

ON BEHALF OF

THE CITIZENS' UTILITY RATEPAYER BOARD

July 2, 2021

1 **I. INTRODUCTION**

2 **Q. Please state your name and business address.**

3 A. My name is Andrea C. Crane and my business address is 2805 E. Oakland Park Boulevard,  
4 #401, Fort Lauderdale, FL 33308.

5  
6 **Q. Did you previously file testimony in this proceeding?**

7 A. Yes, on June 25, 2021, I filed Direct Testimony on behalf of the Citizens’ Utility Ratepayer  
8 Board (“CURB”). My Direct Testimony addressed the Application filed on February 24,  
9 2021, by Evergy Metro, Inc., Evergy Kansas Central, Inc., and Evergy Kansas South, Inc.  
10 (collectively “Evergy” or “Company”) with the Kansas Corporation Commission (“KCC”  
11 or “Commission”) seeking approval of a Transportation Electrification Portfolio  
12 (“Portfolio”).

13  
14 **Q. What were your conclusions concerning the Company’s Portfolio and its request to  
15 defer the associated costs for future recovery from Kansas ratepayers?**

16 A. As discussed in my Direct Testimony, CURB is generally supportive of national efforts to  
17 promote cleaner transportation options, including Electric Vehicles (“EVs”). In my Direct  
18 Testimony, I recommended that the KCC approve the Company’s request to offer two new  
19 Time-of-Use (“TOU”) rate structures that promote EV charging during off-peak hours. I  
20 also recommended that the KCC permit the Company to defer incremental customer  
21 education and administration costs associated with these two new TOU rate structures, for  
22 consideration in the Company’s next base rate case.

1           However, CURB has serious public policy concerns regarding the Company’s  
2           proposals to provide rebates for charging equipment and I recommended that the KCC  
3           reject the Company’s proposals to provide ratepayer-funded rebates to residential  
4           customers, residential developers, and commercial customers. If the KCC decides to  
5           authorize some level of rebates for EV charging equipment, then I recommended that these  
6           rebates be limited to public entities including public transit systems, and that costs be  
7           shared between ratepayers and shareholders. I also recommended that the KCC reject the  
8           Company’s proposed expansion of its Clean Charge Network (“CCN”), which has  
9           previously been rejected by the KCC.

10  
11   **II.    DISCUSSION OF THE ISSUES**

12   **A.    Comments on Staff Testimony**

13   **Q.    Have you reviewed the Direct Testimony filed by Staff in this proceeding?**

14   A.    Yes, I have reviewed the Direct Testimony filed by Justin T. Grady, Robert H. Glass, and  
15   Leo M. Haynos. Staff recommends that the KCC approve a scaled-down version of the  
16   rebate program and approve the TOU rates. Staff also recommends that the KCC deny the  
17   Company’s request to expand the CCN at ratepayer expense.

18  
19   **Q.    Do you agree with Staff that a scaled-down version of the rebate program is**  
20   **reasonable?**

21   A.    No, I do not. While I agree with Staff that the scope of the Portfolio proposed by the  
22   Company is excessive in any case, Staff’s testimony is focused on quantitative details

1 without addressing the larger issue of public policy. The fundamental policy question in  
2 this case is whether Evergy should be using ratepayer funds to promote a competitive  
3 product. In my Direct Testimony, I concluded that the use of ratepayer funds to provide  
4 rebates to select customers, and utility ownership of charging stations, was not an  
5 appropriate use of ratepayer funds. While some of the goals of these activities may be  
6 admirable, such as promoting a cleaner environment, Evergy’s function is to provide  
7 electricity to customers in its service territory – not to promote a competitive product  
8 simply because it is environmentally friendly.

9 Evergy should let the competitive market, or government agencies, determine the  
10 most appropriate way to support development of the EV market. If public intervention is  
11 determined to be necessary, such intervention should be undertaken by federal, state, and/or  
12 local governments, not by monopolistic utilities with captive ratepayers, some of whom  
13 have difficulty covering their own energy bills.

14 Finally, even Dr. Glass admits that “[i]t is difficult to imagine many situations  
15 where a \$500 rebate for installing a 240V plug is going to make much of a difference in  
16 the decision to buy [an EV].”<sup>1</sup> It is similarly difficult to imagine many situations where a  
17 \$250 rebate is going to make a difference to a residential developer as to whether or not to  
18 install a 240V outlet in a new home.

---

19  
<sup>1</sup> Testimony of Dr. Glass, page 10, lines 7-8.

1 **Q. Please comment on Staff’s recommendation that expansion of the CCN should not be**  
2 **approved at this time?**

3 A. I agree with Staff’s conclusion that the KCC should not authorize expansion of the CCN  
4 at this time. However, Staff’s conclusion is somewhat based on legal and procedural  
5 concerns. Staff largely ignores the prior proceeding before the KCC where the CCN  
6 program was fully vetted, and ultimately rejected, by the KCC. While I understand that a  
7 prior KCC decision does not permanently preclude all future commissions from reaching  
8 a different outcome, there is nothing in this case to support a finding that is different from  
9 the KCC’s findings in Docket No. 16-KCPE-160-MIS (“16-160 Docket”). In fact, the  
10 most significant relevant change between the 16-160 Docket and now has been the  
11 enactment of House Bill (“HB”) 2145 which exempts private or public entities providing  
12 EV charging services from being classified as public utilities, provided that the electricity  
13 used for the electric vehicle charging service is purchased through a retail electric supplier  
14 in the certified territory of the supplier. This legislation eliminates a major obstacle to the  
15 expansion of EV charging stations by private entities and facilitates a competitive market  
16 for EV charging services.

17  
18 **B. Response to ChargePoint Testimony**

19 **Q. Have you reviewed the Direct Testimony of Justin D. Wilson on behalf of**  
20 **ChargePoint?**

21 A. Yes, I have. I find ChargePoint’s testimony to be self-serving. ChargePoint supports using  
22 ratepayer funds to support a competitive activity – namely one provided by ChargePoint.

1 In addition, while ChargePoint recommends using ratepayer funds to promote these  
2 activities, ChargePoint opposes any requirement that participants provide usage  
3 information to Evergy, arguing that such information is competitively sensitive. This is  
4 exactly why Evergy should not be in the business of promoting a competitive activity –  
5 because it creates conflicts of interest between a regulated monopoly utility and the  
6 competitive market. Being lost in the discussion are the ratepayers who would ultimately  
7 bear the costs associated with promotion of these competitive activities.

8 In addition, Mr. Wilson recommends that site hosts be permitted to establish the  
9 prices and pricing policies for EV charging services provided at the utility-owned  
10 chargers.<sup>2</sup> This provision would also blur the distinction between the competitive activity  
11 and regulated public utility service, would weaken the authority of the KCC, and would  
12 effectively result in the reselling of regulated electric service.

13 Finally, Mr. Wilson states that “treating the customer meter as the point of  
14 demarcation of responsibility is a result of tradition and not of any particular law.”<sup>3</sup> While  
15 I will not comment on the legal issues surrounding the point of demarcation, I believe that  
16 the demarcation point is more than just “tradition.” Allowing Evergy to use ratepayer funds  
17 to promote a specific product behind the meter is at odds with the nature of a regulated  
18 monopoly public utility.

---

2 Testimony of Mr. Wilson, page 18, lines 8-9.

3 Testimony of Mr. Wilson, page 5, lines 20-21.

1 **C. Summary**

2 **Q. Please summarize your Cross Answering Testimony.**

3 A. Staff’s proposals, although a vast improvement over those filed by Evergy in its  
4 Application, do not address the important public policy issue – whether regulated  
5 monopoly ratepayers should be forced to subsidize a competitive entity. I contend that  
6 they should not and I continue to recommend that the KCC reject the residential, residential  
7 developer, and commercial rebates proposed by Evergy. In addition, in view of the KCC’s  
8 prior rejection of the CCN, as well as the enactment of HB 2145, the Company’s proposed  
9 CCN expansion should be denied.

10 The KCC should also reject the proposed modifications to the rebate programs  
11 proposed by ChargePoint. However, in the event that the KCC does approve some level  
12 of rebates to some customer classes, then participants should be required to share usage  
13 information with Evergy, in order to evaluate the effectiveness of the proposed program,  
14 including costs and benefits. The sharing of usage data would also provide maximum  
15 transparency to ratepayers as well as information that may be helpful in designing future  
16 rates or grid enhancements, if any. In the event that the KCC approves some or all of the  
17 proposed rebate programs, CURB also recommends that Evergy be required to periodically  
18 report the results of the rebate programs, and to work with the KCC Staff and CURB to  
19 determine the impact of the rebate programs on Kansas ratepayers.

20

21 **Q. Does this conclude your Rebuttal Testimony?**

22 A. Yes, it does.

**VERIFICATION**


STATE OF FLORIDA                    )  
  ) ss:  
COUNTY OF BROWARD            )

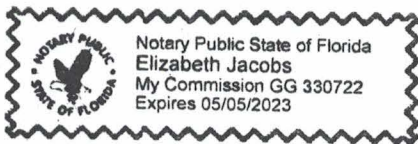
**Andrea C. Crane, President of The Columbia Group, Inc.**, upon being duly sworn upon her oath, deposes and states that she is a consultant for the Citizens' Utility Ratepayer Board, that she has read and is familiar with the foregoing Cross Answering Testimony of Andrea C. Crane, and that the statements made therein are true and correct to the best of her knowledge, information and belief.

**SIGNED** this 2nd day of July, 2021.

  
\_\_\_\_\_  
**ANDREA C. CRANE**

**SUBSCRIBED AND SWORN TO** before me by Andrea C. Crane on this 2nd day of July, 2021.

  
\_\_\_\_\_  
**NOTARY PUBLIC IN AND FOR THE  
STATE OF FLORIDA**



My Commission Expires: 5/5/2023



**CERTIFICATE OF SERVICE**

21-EKME-320-TAR

I, the undersigned, hereby certify that a true and correct copy of the above and foregoing document was served by electronic service on this 2<sup>nd</sup> day of July, 2021, to the following:

C. EDWARD PETERSON  
C. EDWARD PETERSON, ATTORNEY AT LAW  
5522 ABERDEEN  
FAIRWAY, KS 66205  
[ed.peterson2010@gmail.com](mailto:ed.peterson2010@gmail.com)

CATHRYN J. DINGES, CORPORATE COUNSEL  
EVERGY KANSAS CENTRAL, INC  
818 S. KANSAS AVE  
PO BOX 889  
TOPEKA, KS 66601-0889  
[Cathy.Dinges@evergy.com](mailto:Cathy.Dinges@evergy.com)

AMBER HOUSHOLDER, REGULATORY  
AFFAIRS, MGR  
EVERGY KANSAS CENTRAL, INC  
818 S. KANSAS AVE  
PO BOX 889  
TOPEKA, KS 66601-0889  
[amber.housholder@evergy.com](mailto:amber.housholder@evergy.com)

LARRY WILKUS, DIRECTOR, RETAIL RATES  
EVERGY KANSAS CENTRAL, INC  
FLOOR #10  
818 S. KANSAS AVE  
TOPEKA, KS 66601-0889  
[larry.wilkus@evergy.com](mailto:larry.wilkus@evergy.com)

LESLIE WINES  
EVERGY KANSAS CENTRAL, INC  
818 S. KANSAS AVE  
PO BOX 889  
TOPEKA, KS 66601-0889  
[leslie.wines@evergy.com](mailto:leslie.wines@evergy.com)

ANTHONY WESTENKIRCHNER, SENIOR  
PARALEGAL  
EVERGY METRO, INC D/B/A EVERGY KANSAS  
METRO  
ONE KANSAS CITY PLACE  
1200 MAIN ST., 19<sup>th</sup> FLOOR  
KANSAS CITY, MO 64105  
[anthony.westenkirchner@evergy.com](mailto:anthony.westenkirchner@evergy.com)

BRIAN G. FEDOTIN, GENERAL COUNSEL  
KANSAS CORPORATION COMMISSION  
1500 SW ARROWHEAD RD  
TOPEKA, KS 66604  
[b.fedotin@kcc.ks.gov](mailto:b.fedotin@kcc.ks.gov)

CARLY MASENTHIN, LITIGATION COUNSEL  
KANSAS CORPORATION COMMISSION  
1500 SW ARROWHEAD RD  
TOPEKA, KS 66604  
[c.masenthin@kcc.ks.gov](mailto:c.masenthin@kcc.ks.gov)

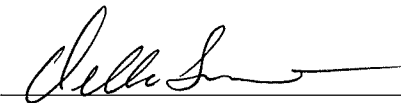
MICHAEL NEELEY, LITIGATION COUNSEL  
KANSAS CORPORATION COMMISSION  
1500 SW ARROWHEAD RD  
TOPEKA, KS 66604  
[m.neeley@kcc.ks.gov](mailto:m.neeley@kcc.ks.gov)

SCOTT DUNBAR  
KEYES & FOX LLP  
1580 LINCOLN STREET  
SUITE 880  
DENVER, CO 80203  
[SDUNBAR@KFWLAW.COM](mailto:SDUNBAR@KFWLAW.COM)

JENNIFER S. GRIFFIN  
LATHROP GPM LLP  
314 EAST HIGH STREET  
JEFFERSON CITY, MO 65101  
[jennifer.griffin@lathropgpm.com](mailto:jennifer.griffin@lathropgpm.com)

GLEND A CAFER, ATTORNEY  
MORRIS LAING EVANS BROCK & KENNEDY  
800 SW JACKSON  
SUITE 1310  
TOPEKA, KS 66612-1216  
[GCAFER@MORRISLAING.COM](mailto:GCAFER@MORRISLAING.COM)

THOMAS J. CONNORS, Attorney at Law  
TITUS CONNORS, LLC  
6600 W. 95<sup>th</sup> ST., STE. 200  
OVERLAND PARK, KS 66212  
[tommy@tituslawkc.com](mailto:tommy@tituslawkc.com)



Della Smith  
Senior Administrative Specialist