

THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

JUL 07 2011

by
State Corporation Commission
of Kansas

In the Matter of the Petition of Kansas City)
Power & Light Company (“KCP&L”) for) Docket No. 11-KCPE-581-PRE
Determination of the Ratemaking Principles)
and Treatment that Will Apply to Recovery)
in Rates of the Cost to be Incurred by)
KCP&L for Certain Electric Generation)
Facilities Under K.S.A. 66-1239.)

**CURB’S REPLY TO STAFF’S RESPONSE TO
MOTION TO COMPEL OR STRIKE PORTIONS
OF STAFF TESTIMONY AND BATES WHITE REPORTS**

COMES NOW, the Citizens’ Utility Ratepayer Board (“CURB”) and submits CURB’s Reply to Staff’s Response to CURB’s Motion to Compel or Strike portions of Staff Testimony and Bates White Reports.

1. On July 1, 2011, CURB filed its Motion to Compel or Strike portions of Staff testimony and the Bates White Reports (Motion to Compel/Strike), detailing how Staff had:

- failed to file objections to CURB data requests dated June 10, 2010, requesting the model and underlying data utilized in the modeling performed by Staff, as required by the Discovery Order;
- refused to provide both the model and the underlying data utilized in the modeling performed by Staff requested by CURB in data requests, but instead indicated CURB would need to obtain the data from a third party (contrary to a prior ruling by the Prehearing Officer);
- refused to run two variations on three cases (retrofit, retire, and retire with no replacement capacity) that were referenced in the Bates White Report but not run through Staff’s model, unless CURB agreed to pay over \$26,000 (in lieu of providing the model and underlying dataset);

2. The SPP data set utilized in the modeling performed by Staff:

- “had been subject to some customization by the SPP staff.”¹

¹ Bates White Report, p. 49, ¶ (140).

- “required a significant amount of Bates White's time to characterize its contents in order to proceed with its customization. Combing through and customizing the database has required about three weeks of time because there are about 100,000 buses and over 400 fuel price time series in this file.”²
- contained errors in the database which forced Bates White to abort and rerun cases repeatedly.³
- formed the basis for a portion of Staff's testimony.⁴

3. On July 7, 2011, Staff filed its Response to CURB's Motion to Compel or Strike portions of Staff Testimony and Bates White Reports.

4. Staff first argues that CURB's Motion is defective and should be denied because it fails to adhere to paragraph 4 of the Discovery Order in this docket that requires the data requests and responses at issue to be attached to the motion. Staff is being less than candid with the Commission, as Staff fails to note that CURB's Motion quotes, verbatim, the data requests and responses at issue. Notably, Staff does not dispute the data requests or Staff responses quoted by CURB. Nonetheless, CURB has attached the discovery requests and responses thereto to this Reply to “cure” the technical omission noted by Staff.⁵

5. In response to CURB's argument that Staff has effectively precluded CURB from investigating or analyzing the Bates White Reports or the data that forms the basis for the Bates White Reports, Staff glibly states that it has not prevented CURB from doing anything, and instead points to CURB's budget limitations. However, Staff's responses clearly refuse to provide the model and the underlying SPP data set, and required CURB to obtain the data set from SPP under a separate contract (“CURB must obtain the information directly from SPP under separate confidentiality

² Staff's Motion for Extension of Time to File a Portion of its Direct Testimony, ¶ 5.

³ *Id.*, ¶ 6 (“the presence of errors in the database has forced Bates White to abort and rerun cases repeatedly, thus requiring additional time to complete the modeling assignment.”).

⁴ *Id.*, ¶ 7 (“A portion of non-Bates White Staff witnesses' testimony is dependent on Bates White witnesses' testimony.”).

⁵ CURB DRs 158 and 161 and Staff's responses thereto, are attached. CURB DR 173, and Staff's objections thereto, are also attached.

arrangements”). As pointed out by CURB in its Motion to Compel/Strike, the Prehearing Officer has previously held in this docket on a similar issue that: “Parties will not be required to negotiate a separate contract with a vendor to access information relevant to this proceeding.”⁶

6. Interestingly, since Staff raised the issue of CURB’s limited budget, the Commission is required by statute to “provide such technical and clerical staff assistance as may be requested” by CURB.⁷ Yet when such technical assistance was requested by CURB to determine the basis for Staff’s support of KCPL’s request for predetermination, Staff refuses to provide the technical assistance CURB has requested but instead demands that CURB pay over \$26,000 to run the two variations on three cases (retrofit, retire, and retire with no replacement capacity) that were referenced in the Bates White Report but not run through Staff’s model.

7. As demonstrated in CURB’s Motion to Compel/Strike, the SPP data set forming the basis for the modeling performed by Staff and conclusions made by Staff was both “subject to some customization by the SPP staff” and contained “errors in the database” which “forced Bates White to abort and rerun cases repeatedly.” Staff refuses to provide this underlying data set to CURB, and insists CURB must negotiate a separate contract with the SPP to access the “customized and erroneous” information that forms the basis for Staff’s opinions and the Bates White Report that Staff relies upon.

8. Staff states that SPP is willing to provide the information to CURB, yet fails to acknowledge that this would require CURB to enter into a separate contract with Staff’s vendor contrary to the prior ruling by the Prehearing Officer. Staff also fails to acknowledge that obtaining

⁶ Prehearing Officer’s Order Granting (1) KCP&L’s Motion to Amend Protective Order in Part and (2) GPACE’s Motion to Withdraw Motion for Extension of Time to File Direct Testimony and Motion to Compel Response to Discovery Requests, ¶¶ 3, 8; Motion to Amend Protective Order, ¶ 8.

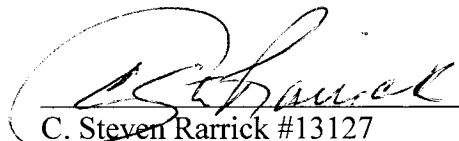
⁷ K.S.A. 66-1222(d).

the SPP data set that has been “customized by the SPP staff” and contains “errors in the database” that “forced Bates White to abort and rerun cases repeatedly”, is meaningless at this late date since it took Bates White over three weeks to characterize its contents, comb through, and customize the database.

9. Staff’s explanation for its failure to object to CURB’s data requests is simply without merit. The data requests were clear and unambiguous, and Staff simply refused to provide the information requested. Nothing in DRs 158 and 161 constitute improper cross examination; instead, CURB simply requests the model and data underlying Staff’s testimony and the Bates White Reports.

10. At this point, just two business days prior to the hearing, providing the model and data requested, or even the compromise offered by CURB in CURB DR 173, is meaningless because nothing could be done with the information at this late date. Nothing short of striking the portions of Staff testimony referencing or relying upon the alternative modeling conducted by Bates White utilizing a confidential data set provided by the Southwest Power Pool (SPP), and striking portions of the Bates White Reports related to the alternative modeling will be sufficient.

Respectfully submitted,



C. Steven Rarrick #13127
Citizens’ Utility Ratepayer Board
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Kansas Corporation Commission
Response to Information Request

| | |
|-------------------------|-----------------|
| Request No. | CURB-158 |
| Docket Number | 11-KCPE-581-PRE |
| Request Date | June 10, 2011 |
| Date Information Needed | June 22, 2011 |

Data Request:

Please refer to page 2, ¶ (4) C of Exhibit BW-1. Please provide (1) the referenced "economic dispatch model," (2) full documentation for the model and, if not included in the documentation, a complete list and explanation of the input and output variables for the model, (3) workpapers showing the development of the inputs for the model, and (4) copies of all input and output reports generated in the course of the study, the results of which are presented in Exhibit BW-1. All calculation workpapers should be provided in electronic spreadsheet format with all formulae intact.

Requestor: C. Steven Rarrick

Response

Model

The economic dispatch model referenced in page 2, ¶ (4) C of Exhibit BW-1 is called PROMOD IV[®]. PROMOD IV is a Security Constrained Optimal Dispatch (SCOD) and Locational Marginal Price (LMP) model. The solution algorithm used for this case was the Hourly Monte Carlo / Transmission Analysis (HMC/TAM) module. It combines a production cost model with a DC power flow model.

PROMOD IV is a proprietary model licensed by Ventyx to Kenneth Slater of Slater Consulting, Bates White's subcontractor. The terms of his license prevents him from transferring the software to any party outside of his firm. The proprietary nature of the model extends to all of its documentation (model manuals, help files, etc). Thus, we are legally bound not to provide the model nor its documentation to CURB (an unlicensed party) as requested.

Exhibit CURB-158-1 contains a brochure for PROMOD providing a general description of the model and its applications. Exhibit CURB-158-2 contains a description of the PROMOD HMC/TAM algorithm.

Inputs

As the assembly of a full data set for a 20-yr analysis period was beyond the level of funding available for this analysis, we planned to obtain a validated PROMOD dataset from the Staff at SPP, who uses the

PROMOD model to model future conditions on the SPP system. SPP provided us with one such dataset customized by SPP Staff to represent expected conditions in the 2021-2023 time period, during which the retrofitted LaCygne units would remain in operation.

The dataset covers the whole of the North American “Eastern Interconnect,” with emphasis on SPP and its major markets. It contained 59 load areas, each with its own load forecast and totaling over 75,000 load buses, over 5,000 generating units plus all of the Hydro Stations and present and future wind farms.

| PROMOD IV Input | Data Source | | |
|---|-------------|-------|-----------|
| | SPP | KCP&L | BW Slater |
| Demand | | | |
| Multiple load areas and multiple load buses per area | ✓ | ✓ | |
| Annual peak & energy forecasts are applied to an hourly load shape (adjusted over time) | ✓ | | |
| Generation Inputs | | | |
| Costs & Characteristics | ✓ | ✓ | ✓ |
| Operating Capacity with monthly deration profiles and Percent Firm | ✓ | ✓ | ✓ |
| Fully Loaded Average Heat Rates with monthly detailed 6 segments input/output curves | ✓ | ✓ | |
| Fixed & Variable O&M | | | |
| Scheduled Maintenance Dates and unscheduled maintenance requirements | ✓ | | |
| Forced outage rates with mean time to repair | ✓ | ✓ | ✓ |
| Energy Bid Options (% of cost plus adder) | ✓ | | |
| Location, Operator, CoGen, Alt Name & ID | ✓ | | ✓ |
| Operating Reserve Type and Contribution Level | ✓ | | |
| Minimum runtime and downtime | ✓ | | ✓ |
| Startup fuel and requirements, plus adder | ✓ | | |
| Ramp Up and Ramp Down rates | ✓ | | |
| Fuel & Emissions | | | |
| Fuel costs (commodity, basis, and delivery costs. | ✓ | ✓ | ✓ |
| Multiple fuel plant input percentages | ✓ | ✓ | |
| Average Heat Content used to report consumption | ✓ | ✓ | ✓ |
| Generator and pollutant specific emission release rates | ✓ | ✓ | |
| Emissions allowance prices | ✓ | | ✓ |
| Transmission Inputs | | | |
| Topology | ✓ | | |
| Buses and Branches imported from solved power flow case | ✓ | | |
| Generator and Load Area bus mapping | ✓ | | ✓ |
| Flowgates and contingencies | ✓ | | |

The SPP PROMOD database contains member proprietary and confidential data, as well as information considered Critical Energy Infrastructure Information (CEII) – refer to our response to CURB-161 for further information on the sensitive nature of the SPP dataset.

The following input matrix lists the types of inputs required by the PROMOD modeling of La Cygne and the sources of the information used in this study. Only those inputs that originated data provided by KCP&L, Bates White and/ or other sources in the public domain are attached herein. This includes all information for KCP&L's load forecasts, fuel costs and generating unit characteristics and historical availability. All these data are attached in files within the archive titled Exhibit-CURB-158. The files contain information designated as CONFIDENTIAL by KCP&L, thus are marked CONFIDENTIAL and should be treated accordingly.

Referenced files in Exhibit-CURB-158-3.zip:

Load Forecast:

Confidential-Modeled loads for KCPL.docx
Confidential-EEI-format-KCPL-hourlyloadforecast-2010-2012.txt
Confidential-EEI-format-KCPL-hourlyloadforecast-2021-2023.txt

Fuel Price Forecasts:

Confidential-Fuel and CO2 Price Inputs.xlsx
Confidential-PROMOD 2016-2021-2026-FuelCosts.xlsx

KCP&L Generating Unit Data:

Confidential-KCPL Generating Unit-PROMOD Inputs.txt

Outputs

Our analysis of the economic viability of the La Cygne generating facility focused on comparing the economics of various alternatives to serve KCP&L's load between 2016 and 2034. The PROMOD model was used to estimate the cost to serve said load between 2016 and 2034. Because of the very long run times for the model (about 7 to 8 hours for a one year run), we ran the model for three representative years, 2016, 2021 and 2026.

PROMOD was used to estimate the annual cost of production of each of KCP&L's generating facilities, as well as to report on the difference between that cost, and the cost of serving the same load by purchasing energy at the SPP market clearing price of energy.

No results of the analysis were incorporated in Exhibit BW-1. For a description of the alternatives analyzed, please refer to Appendix A of the Bates White Supplemental Report (Sensitivities). The PROMOD output reports are attached as Exhibit-CURB-158-4.

There are no output files for 2016 for either Case 8 or Case 9 (the delayed Waxman-Markey Cases), because those Cases would be identical to 2016 for the zero-CO2 price Cases, Case 3 and Case 4, respectively, thus Bates White saw no need to run them.

The attached files contain information designated as CONFIDENTIAL by KCP&L, thus are marked CONFIDENTIAL and should be treated accordingly.

Referenced files in Exhibit-CURB-158-4.zip:

Confidential-Case-1-KCPL-2016.txt
Confidential-Case-1-KCPL-2021.txt
Confidential-Case-1-KCPL-2026.txt
Confidential-Case-2-KCPL-2016.txt
Confidential-Case-2-KCPL-2021.txt
Confidential-Case-2-KCPL-2026.txt
Confidential-Case-3-KCPL-2016.txt
Confidential-Case-3-KCPL-2021.txt
Confidential-Case-3-KCPL-2026.txt
Confidential-Case-4-KCPL-2016.txt
Confidential-Case-4-KCPL-2021.txt
Confidential-Case-4-KCPL-2026.txt
Confidential-Case-5-KCPL-2016.txt
Confidential-Case-5-KCPL-2021.txt
Confidential-Case-5-KCPL-2026.txt
Confidential-Case-6-KCPL-2021.txt
Confidential-Case-6-KCPL-2026.txt
Confidential-Case-6-KPCL-2016.txt
Confidential-Case-7-KCPL-2016.txt
Confidential-Case-7-KCPL-2021.txt
Confidential-Case-7-KCPL-2026.txt
Confidential-Case-8-KCPL-2021.txt
Confidential-Case-8-KCPL-2026.txt
Confidential-Case-9-KCPL-2021.txt
Confidential-Case-9-KCPL-2026.txt

Submitted By: Kenneth J. Slater

Submitted By: Kenneth J. Slater

VERIFICATION OF RESPONSE

I have read the foregoing Data Requests and Answers thereto and find the answers to be true, accurate, full and complete and contain no material misrepresentations or omissions to the best of my knowledge and belief; and I will disclose to Citizens Utility Ratepayer Board any matter subsequently discovered which affects the accuracy or completeness of the answers to these Data Requests.

Signed: 

Name: Kenneth J. Slater

Position: Affiliated Consultant

Dated: 06/20/2011



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Mark Sievers, Chairman
Ward Loyd, Commissioner
Thomas E. Wright, Commissioner

Sam Brownback, Governor

Kansas Corporation Commission
Response to Information Request

Request No. CURB-161
Docket Number 11-KCPE-581-PRE
Request Date June 10, 2011
Date Information Needed June 22, 2011

Data Request:

Please refer to page 49, ¶¶ (140) and (141) of Exhibit BW-1. Please provide a copy of the referenced dataset provided by SPP, which models "the whole of the North American "Eastern Interconnect."

Requestor: C. Steven Rarrick


Response

The SPP PROMOD dataset requested has proprietary information from SPP members throughout the SPP region and, as such, SPP released the data to Staff's consultant under the condition that none of the underlying data be transmitted to any parties in the docket and that any resulting report not contain a means of obtaining the underlying data. Thus, the information requested cannot be provided by Bates White under the confidentiality arrangements with SPP. CURB must obtain the information directly from SPP under separate confidentiality arrangements and under FERC's Critical Energy Infrastructure Information (CEII) guidelines, as a "State Agency Requester" in order to become a qualified CEII "Recipient" in accordance with the provisions of 18 C.F.R. § 388.113(d). These guidelines also prevent Staff from disclosing information classified as CEII.

Submitted By: JNPuga

VERIFICATION OF RESPONSE

I have read the foregoing Data Requests and Answers thereto and find the answers to be true, accurate, full and complete and contain no material misrepresentations or omissions to the best of my knowledge and belief; and I will disclose to the Citizen's Utility Ratepayer Board any matter subsequently discovered which affects the accuracy or completeness of the answers to these Data Requests.

Signed: 

Name: J. Nicolas Puga

Position: Partner

Dated: 06/16/2011

Kansas Corporation Commission
Response to Information Request

| | |
|-------------------------|-----------------|
| Request No. | CURB 173 |
| Docket Number | 11-KCPE-581-PRE |
| Request Date | June 24, 2011 |
| Date Information Needed | July 11, 2011 |

Request:

Please refer to paragraphs (16), (19) and (40)c of Exhibit BW-1S, the Bates White Supplemental Report. Please run Cases 1, 2 and 5 making only the following specified changes to the assumptions: (1) assume the "Full Model Period" CO₂ prices referenced in paragraph (19) rather than the Waxman-Markey CO₂ Prices – refer to these as Cases 1A, 2A and 5A – and (2) assume the "Delayed CO₂ prices" CO₂ prices referenced in paragraph (19) rather than the Waxman-Markey CO₂ Prices – refer to these Cases as 1B, 2B and 5B. Provide all input and output reports generated for these cases and specify the discount rate used in each case.

Requestor: C. Steven Rarrick

Response

Staff objects to CURB DR 173 because it is unduly burdensome, and requests Staff to perform extensive and costly analyses that are not necessary for Staff's testimony and position in the case that constitutes improper cross-examination.

CURB DR 173 requests Staff's consultant to perform computer modeling of various assumptions that are in addition to those computer models Staff found relevant and necessary to support Staff's conclusions in this docket. CURB DR 173 arises out of CURB's request in CURB DR 161 (served on Staff on June 10, 2011, at 4:34PM) for underlying modeling data Staff obtained from the Southwest Power pool ("SPP"). On June 16, 2011, Staff responded to CURB DR 161 informing CURB that the SPP database was proprietary in nature and that CURB would need to obtain the information from SPP under confidentiality arrangements and pursuant to Homeland Security guidelines. In the meantime, Staff made arrangements for SPP to transmit the proprietary and licensed database to CURB, but CURB rejected the offer because CURB's consultant was not licensed to obtain and/or utilize the SPP database because CURB's consultant did not have, and would not purchase, the Ventyx-licensed PROMOD software necessary to utilize the SPP database.


As an alternative, on June 24, 2011 CURB served CURB DR 173 requesting Staff to perform modeling runs on behalf of CURB's consultant incorporating specific assumptions in the modeling deemed necessary by CURB's consultant. Staff notified CURB on June 27, 2011, that Staff was willing to accommodate this request if CURB was willing to pay the significant costs of the additional and time-consuming modeling by Staff's consultant and provided CURB with a cost estimate. The additional modeling and associated work was estimated to take 60 hours of Staff's consultant's time at a cost of \$26,070.00. The cost estimate for these services was rejected by CURB as too expensive for their budget.

As such, Staff has made reasonable accommodations for CURB to either obtain the proprietary and licensed database from SPP, and Staff also offered to conduct the additional modeling if Staff's consultant was compensated by CURB for the additional work beyond what is necessary for Staff to present its case in this docket. Therefore, Staff objects to CURB DR 173 as unduly burdensome without compensation to Staff's consultant. Staff also objects because CURB's request seeks information and analysis that Staff does not deem necessary to support its positions in this docket and therefore constitutes improper cross-examination.

Submitted by: Patrick Smith

VERIFICATION OF RESPONSE

I have read the foregoing Data Request and Answer thereto and find the answer to be true, accurate, full and complete and contain no material misrepresentations or omissions to the best of my knowledge and belief; and I will disclose to the Citizens' Utility Ratepayer Board any matter subsequently discovered which affects the accuracy or completeness of the answer to this Data Request.

Signed: 
Name: Patrick Smith
Position: Litigation Council
Dated: July 1, 2011

CERTIFICATE OF SERVICE

11-KCPE-581-PRE

I, the undersigned, hereby certify that a true and correct copy of the above and foregoing document was placed in the United States mail, postage prepaid, electronic service, or hand-delivered this 7th day of July, 2011, to the following:

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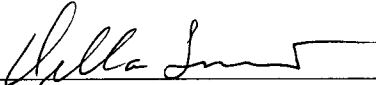
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