

FILE

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Ohio Edison :
Company, The Cleveland Electric Illuminating : Case No. 08-935-EL-SSO
Company and The Toledo Edison Company for :
Authority to Establish a Standard Service Offer :
Pursuant to R.C. 4928.143 in the Form of an :
Electric Security Plan. :

RECEIVED-DOCKETING DIV.
2008 OCT -6 PM 3:05
PUCO

**PREFILED TESTIMONY
OF
PETER K. BAKER
SERVICE MONITORING & ENFORCEMENT DEPARTMENT
RELIABILITY & SERVICE ANALYSIS DIVISION
PUBLIC UTILITIES COMMISSION OF OHIO**

Staff Exhibit _____

October 6, 2008

This is to certify that the images appearing are an
accurate and complete reproduction of a case file
document delivered in the regular course of business.
Technician TM Date Processed 10/6/2008

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

2 A. My name is Peter Baker. My address is 180 E. Broad Street, Columbus,
3 Ohio 43215-3793.

4

5 2. Q. By who are you employed?

6 A. I am employed by the Public Utilities Commission of Ohio.

7

8 3. Q. What is your present position with the Public Utilities Commission of Ohio
9 and what are your duties?

10 A. I am a section chief in the Reliability and Service Analysis Division of the
11 Service Monitoring and Enforcement Department. My section analyzes
12 reliability and service quality performance, and enforces reliability, service
13 quality, and consumer protection rules for electric, gas, and water utilities.
14 This includes analyzing and assessing the electric reliability and main-
15 tenance performance of electric distribution utilities. My section also
16 reviews the general terms and conditions in the tariffs of electric, gas, and
17 water utilities to ensure compliance with consumer protection rules.

18

19 4. Q. Would you briefly state your educational background and work history?

20 A. I have bachelor's degrees in Psychology (1967) and Philosophy (1971)
21 from the University of Oklahoma, and a 1987 bachelor's degree in Business
22 Administration (with major in Accounting) from Franklin University.

1 From 1972 to 1986, I was employed by Dowell Division of Dow Chemical
2 Company (an oil field service operation later called Dowell Schlumberger)
3 where I functioned as clerk/dispatcher and administrative assistant. In
4 1987, I joined the PUCO, where I worked as an analyst and coordinator in
5 the Performance Analysis Division of the Utilities Department. In
6 December of 1994, I was promoted to Administrator in the Consumer Ser-
7 vices Department (now called the Service Monitoring and Enforcement
8 Department), and assigned to the Compliance Division (now the Facilities
9 and Operations Field Division). In that organization, I enforced electric,
10 gas, and telephone service quality, customer service, and consumer protec-
11 tion rules. In 1997, I was transferred to the Service Quality and Analysis
12 Division (now called the Reliability and Service Analysis Division), and in
13 2000, I was promoted to my current position and duties.

14
15 5. Q. What is the purpose of your testimony in this case?

16 A. My testimony concerns one of the terms in the Electric Service Regulations
17 contained in the FirstEnergy Companies' (Companies') proposed tariffs in
18 this case. More specifically, my testimony raises an issue with one of the
19 Parallel Operation requirements in Paragraph D of Section VIII.

20
21 6. Q. What is Staff's concern with the Companies' Parallel Operation require-
22 ments?

1 A. The proposed language would require that if a customer wanted to establish
2 parallel interconnection to the customer's generating facilities, the Com-
3 pany could (at its option) require the customer to establish and pay for a
4 dedicated telephone line to the Company's load dispatcher.

5
6 7. Q. Why is Staff opposed to such a requirement?

7 A. Staff believes that to the extent it applies to net metered customers, this
8 requirement is contrary to the intent of Rule 4901:1-10-28 (B) of the Ohio
9 Administrative Code (O.A.C.), which prohibits an electric distribution util-
10 ity from including in a tariff for net metering any requirements beyond
11 those established by the National Electrical Code, the Institute of Electrical
12 and Electronics Engineers, and certain interconnection rules in Chapter
13 4901:1-22, O.A.C.

14
15 8. Q. Do any of those sources contain a requirement for a net metered customer
16 to establish a dedicated telephone line with the electric distribution utility's
17 load dispatcher?

18 A. No, to my knowledge, they do not.

19
20 9. Q. Does the Company's Net Energy Metering Rider contain such a require-
21 ment?

1 A. No, but in the past, the Companies attempted to include such a requirement
2 in their Net Energy Metering Rider, and Staff instructed them to remove it.
3 Although the Companies did remove the provision from their Net Energy
4 Metering Rider, that provision remains in the current Parallel Operation
5 paragraph in the Use of Service section of the Companies' Electric Service
6 Regulations.

7
8 10. Q. Does Staff have other concerns with the requirement for a dedicated tele-
9 phone line?

10 A. Yes, aside from being contrary to the above-cited rule, Staff is concerned
11 that this requirement may create a barrier against customers who want to
12 establish a net metering arrangement with the Companies. Having to pay
13 installation charges and monthly service charges for a dedicated telephone
14 line represents additional costs which may convince smaller customers to
15 forgo establishing a net-metering arrangement.

16
17 11. Q. What does Staff recommend to correct this situation?

18 A. Staff recommends that the Companies add the following sentence at the end
19 of the Parallel Operation paragraph: "The requirement for a dedicated tele-
20 phone line does not apply to service for net metering."
21

1 12. Q. Did Staff address this issue in Case Number 07-551-EL-AIR (Rate Case)?

2 A. Yes, Staff adopted a similar position on this issue in testimony that I filed
3 in that case.
4

5 13. Q. Do you have any other recommendations at this time?

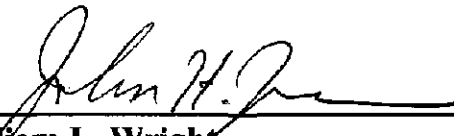
6 A. Yes. There were a number of distribution reliability, net metering, and
7 interconnection issues that were the subject of Staff testimony and
8 recommendations in FE's distribution rate case No. 07-551 that remains
9 pending before the Commission. The Staff believes its recommendations
10 are supported by the record in that case and Staff again requests that the
11 Commission adopt these recommendations as part of its 07-551 decision.
12

13 14. Q. Does this conclude your testimony?

14 A. Yes it does, although I reserve the right to supplement my testimony as new
15 information becomes available.
16

PROOF OF SERVICE

I hereby certify that a true copy of the foregoing Prefiled Testimony of Peter K. Baker, submitted on behalf of the Staff of the Public Utilities Commission of Ohio, was served by regular U.S. mail, postage prepaid, hand-delivered, and/or delivered via electronic mail, upon the following parties of record, this 6th day of October, 2008.



William L. Wright
Assistant Attorney General

Parties of Record:

Jeffrey Small
Jacqueline Lake Roberts
Richard C. Reese
Gregory J. Poulos
Assistant Consumers' Counsel
Office of the Ohio Consumers' Counsel
10 West Broad Street, Suite 1800
Columbus, OH 43215
small@occ.state.oh.us
roberts@occ.state.oh.us
reese@occ.state.oh.us
Poulos@occ.state.oh.us

Langdon Bell
Barth E. Royer
Bell & Royer Co., LPA
33 South Grant Avenue
Columbus, OH 43215-3900
barthroyer@aol.com
lbell33@aol.com

James Burk
Arthur Korkosz
Mark A. Hayden
Ebony Miller
FirstEnergy Service Company
76 Main Street
Akron, OH 44308-1890
burkj@firstenergycorp.com
korkosza@firstenergycorp.com
haydenm@firstenergycorp.com
elmiller@firstenergycorp.com

David F. Boehm
Michael L. Kurtz
Boehm, Kurtz & Lowry
36 East Seventh Street, Suite 1510
Cincinnati, OH 45202
dboehm@bkllawfirm.com
mkurtz@bkllawfirm.com

M. Howard Petricoff
Stephen Howard
Vorys Sater Seymour & Pease
52 East Gay Street
P.O. Box 1008
Columbus, OH 43216-1008
mhpetricoff@vssp.com
showard@vssp.com

David Rinebolt
Colleen L. Mooney
Ohio Partners for Affordable Energy
P.O. Box 1793
Findlay, OH 45839-1793
drinebolt@aol.com
cmooney2@columbus.rr.com

Lisa McAlister
Daniel J. Neilsen
Samuel C. Randazzo
Joseph M. Clark
McNees Wallace & Nurick
21 East State Street, 17th Floor
Columbus, OH 43215-4228
lmcalister@mwncmh.com
dneilsen@mwncmh.com
srandazzo@mwncmh.com
jclark@mwncmh.com

Sheilah McAdams
Marsh & McAdams
204 West Wayne Street
Maumee, OH 43537
sheilahmc@aol.com

Lance Keiffer
Lucas County Commissioners
711 Adams 2nd Floor
Toledo, OH 43624
lkeiffer@co.lucas.oh.us

Cynthia A. Fonner
David Fein
Constellation Energy Group, Inc.
550 West Washington Street
Suite 300
Chicago, IL 60661
david.fein@constellation.com
cynthia.a.fonner@constellation.com

Brian J. Ballenger
Ballenger & Moore Co.
3401 Woodville Road
Suite C
Toledo, OH 43619
ballengerlawbjb@sbcglobal.net

Craig Goodman
National Energy Marketers Assn.
3333 K Street N.W. Suite 110
Washington, D.C. 20007
cgoodman@energymarketers.com

Garrett Stone
Michael K. Lavagna
Brickfield, Burchette, Ritts & Stone
1025 Thomas Jefferson Street, N.W.
8th Floor West Tower
Washington, D.C. 20007
gas@bbrslaw.com
mkl@bbrslaw.com

John Bentine
Mark Yurick
Matthew S. White
Chester, Willcox & Saxbe
65 East State Street, Suite 1000
Columbus, OH 43215-4213
jbentine@cwslaw.com
myurick@cwslaw.com
mwhite@cwslaw.com

Henry Eckhart
Attorney at Law
50 West Broad Street
Suite 2117
Columbus, OH 43215-3301
henryeckhart@aol.com

Richard L. Sites
Ohio Hospital Association
155 East Broad Street, 15th Floor
Columbus, OH 43215-3620
ricks@ohanet.org

David A. Muntean
Sean W. Vollman
Max Rothal
161 South High Street, Suite 202
Akron, OH 44308
munteda@ci.akron.oh.us
vollmse@ci.akron.oh.us

Gregory K. Lawrence
McDermott Will & Emery
28 State Street
Boston, MA 02109
glawrence@mwe.com

Steve Millard
Council of Smaller Enterprises
100 Public Square
Suite 201
Cleveland, OH 44113
smillard@cose.org

Leslie A. Kovacik
City of Toledo
Department of Law
420 Madison Avenue, 4th Floor
Toledo, OH 43604-1219
leslie.kovacik@toledo.oh.gov

Damon E. Xenopoulos
Shaun C. Mohler
Brickfield, Burchette, Ritts & Stone
1025 Thomas Jefferson Street N.W.
8th Floor West Tower
Washington, D.C. 20007
dex@bbrslaw.com
shaun.mohler@bbrslaw.com

Douglas M. Mancino
McDermott Will & Emery
2049 Century Park East, Suite 3800
Los Angeles, CA 90067
dmancino@mwe.com

Glenn Krassen
E. Brett Breitschwerdt
Bricker & Eckler
1375 East Ninth Street, Suite 1500
Cleveland, OH 44114-1718
gkrassen@bricker.com
ebreitschwerdt@bricker.com

Gregory H. Dunn
Andre T. Porter
Christopher Miller
Schottenstein Zox & Dunn
250 West Street
Columbus, OH 43215
gdunn@szd.com
cmiller@szd.com
aporter@szd.com

Nicholas C. York
Eric D. Weldele
Tucker Ellis & West
1225 Huntington Center
41 South High Street
Columbus, OH 43215
nicholas.york@tuckerellis.com
eric.weldele@tuckerellis.com

Craig I. Smith
2824 Coventry Road
Cleveland, OH 44120
wis29@yahoo.com

Larry R. Gearhardt
Ohio Farm Bureau Federation
280 North High Street
P.O. Box 182383
Columbus, OH 43218-2383
lgearhardt@ofbf.org

Joseph P. Meissner
Legal Aid Society of Cleveland
1223 West 6th Street
Cleveland, OH 44113
jpmcissn@lasclv.org

Nolan Moser
Air & Energy Program Manager
The Ohio Environmental Council
1207 Grandview Avenue, Suite 201
Columbus, OH 43212-3449
nolan@theOEC.org

Mark A. Whitt
Andrew J. Campbell
Jones Day
325 John H. McConnell Blvd.
Suite i600
Columbus, OH 43215-2673
mawhitt@jonesday.com
ajcampbell@jonesday.com

Trent A. Dougherty
Ohio Environmental Council
1207 Grandview Avenue
Suite 201
Columbus, OH 43212-3449
trent@theoec.org

Theodore S. Robinson
Citizen Power
2121 Murray Avenue
Pittsburgh, PA 15217
robinson@citizenpower.com

F. Mitchell Dutton
FPL Energy Power Marketing, Inc.
700 Universe Boulevard
CTR/JB
Juno Beach, FL 33408
mitch.dutton@fpl.com

Dane Stinson
Bailey Cavalieri
10 West Broad Street, Suite 2100
Columbus, OH 43215-3422
dane.stinson@baileycavalieri.com

David A. Kutik
Jones Day
North Point, 901 Lakeside Avenue
Cleveland, OH 44114
dakutik@jonesday.com

James F. Lang
Laura McBride
Trevor Alexander
Calfee, Halter & Griswold
1400 Key Bank Center
800 Superior Avenue
Cleveland, OH 44114
[jlang@calfee.com](mailto:jl原因@calfee.com)
lmcbridge@calfee.com
tallexander@calfee.com

Paul Skaff
Leatherman, Witzler
353 Elm Street
Perrysburg, OH 43551
paulskaff@justice.com

Paul S. Goldberg
Phillip D. Wurster
4330 Seaman Road
Oregon, OH 43616
pgoldberg@ci.oregon.oh.us

Sally Bloomfield
Terrence O'Donnell
Bricker & Eckler
100 South Third Street
Columbus, OH 43215-4291
sbloomfield@bricker.com
todonnell@bricker.com
bbreitschwerdt@bricker.com

Thomas R. Hays
3315 Centennial Road
Suite A-2
Sylvania, OH 43560
hayslaw@buckeye-express.com

Grace Wung
McDermott Will & Emery
600 Thirteenth Street, N.W.
Washington, D.C. 20005
gwung@mwe.com

James E. Moan
4930 Holland-Sylvania Road
Sylvania, OH 43560
jimmoan@hotmail.com

Kevin Schmidt
Ohio Manufacturers' Association
33 North High Street
Columbus, OH 43215-3005
kschmidt@ohiomfg.com

Bobby Singh
Integrays Energy Services, Inc.
300 West Wilson Bridge Road
Suite 350
Worthington, OH 43085
bsingh@integraysenergy.com

Gary A. Jeffries
Dominion Retail, Inc.
501 Martindale Street, Suite 400
Pittsburgh, PA 15212-5817
gary.a.jeffries@dom.com

Robert J. Triozzi
Steven L. Beeler
City of Cleveland
601 Lakeside Avenue, Room 106
Cleveland, OH 44114
sbeeler@ci.cleveland.oh.us