

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Establishment of)	
4901:1-10-10(B) Minimum Reliability)	Case No. 09-756-EL-ESS
Performance Standards for)	
Columbus Southern Power Company)	
and Ohio Power Company)	

**REPLY COMMENTS
BY
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I. INTRODUCTION

A. Preliminaries.

On May 6, 2009, the Public Utilities Commission of Ohio (“PUCO” or “Commission”) issued an Entry on Rehearing modifying the previously adopted Electric Service and Safety Standards (“ESSS”) and ordered the electric distribution utilities (“EDUs”) to file proposed new performance standards for reliability of service to customers. The Commission also ordered that the filing of the proposed new standards take place within sixty days following the effective date of the amended chapter.¹ Columbus Southern Power Company (“CSP”) and Ohio Power Company (“OP”) (CSP and OP will be referred to collectively as “AEP” or “Companies”) filed an Application

¹ *In re the Commission’s Review of Chapters 4901:1-9, 4901:1-10, 4901:1-21, 4901:1-22, 4901:1-24, and 4901:1-15 of the Ohio Administrative Code*, Case No. 06-653-EL-ORD, Entry on Rehearing (May 6, 2009) (“ESSS case”). The Ohio Administrative Code sections referred to constitute Ohio’s ESSS.

proposing new performance reliability standards on August 27, 2009.² OCC submitted comments on AEP's Application on November 23, 2009, in accordance with the procedural Entry issued in this case.³ The PUCO Staff's Comments were filed on December 3, 2003. OCC files these Reply Comments in response to the PUCO Staff's Comments regarding AEP's Application.

B. The PUCO Staff unreasonably failed to ensure that the methodology AEP applied in proposing new reliability standards complied with the ESSS or the PUCO Staff's Guidelines.

The ESSS require that each electric distribution utility ("EDU") fully support its proposed performance reliability standards. Specifically, Ohio Adm. Code 4901:1-10-10(B)(3) requires that the applications proposing the performance standards contain:

- (a) A proposed methodology for establishing reliability standards.
- (b) A proposed company-specific reliability performance standard for each service reliability index based on the proposed methodology.
- (c) Supporting justification for the proposed methodology and each resulting performance standard.

Ohio Adm. Code 4901:1-10-10(B)(4) requires that certain supporting justification for the methodology must accompany each application and:

- (a) Performance standards should reflect historical system performance, system design, technological advancements, service area geography, customer perception survey results as defined in paragraph (B)(4)(b) of this rule, and other relevant factors.

² The standards measure the frequency and duration of electric outages and consist of:

"CAIDI," or the customer average interruption duration index, represents the average interruption duration or average time to restore service per interrupted customer. CAIDI is expressed by the following formula:
CAIDI equals sum of customer interruption durations divided by total number of customer interruptions.

"SAIFI," or the system average interruption frequency index, represents the average number of interruptions per customer. SAIFI is expressed by the following formula:

SAIFI equals total number of customer interruptions divided by total number of customers served.

³ OCC was the sole party to file comments regarding AEP's Application.

Finally, Ohio Adm. Code 1-10-10(B)(5) requires that a complete set of workpapers must be filed with the application. The PUCO Staff also developed guidelines for the completion and submission of the applications and supporting workpapers. These guidelines were posted on the Commission's website below the ESSS rules in Ohio Adm. Code 4901:1-10. AEP has the burden of proving that its proposed performance standards are just and reasonable and this requires sufficient information to justify its claims.⁴

In the event that AEP does not file additional, supporting documentation for its proposed outage standards within the next thirty days, AEP's Application should be denied. Absent AEP's filing of the information at that time and in the manner required by Ohio Adm. Code 4901:1-10-10 and the PUCO Staff's guidelines, the Commission should schedule a hearing to determine the appropriate reliability standards for AEP.

AEP must support its proposed performance reliability standards.⁵ The Commission's rules require that certain information and supporting material must be provided in the application process in order for AEP to demonstrate that it has employed the proper methodology in determining its proposed standards.⁶ In its initial comments, OCC noted that AEP's Application failed to demonstrate, among other things, how geographic considerations and the results of customer perception surveys are integrated

⁴ Ohio Adm. Code 4901:1-10-10(B)(6)(e). "If it appears to the commission that the proposals in the application may be unjust or unreasonable, the commission shall set the matter for hearing and shall publish notice of the hearing in accordance with section 4909.10 of the Revised Code. At such hearing, the burden of proof to show that the proposals in the application are just and reasonable shall be upon the electric utility."

⁵ Ohio Adm. Code 4901:1-10-10(B)(3)-(5).

⁶ Id.

in the methodology for proposing standards.⁷ AEP's Application also failed to address system design or technological advancements which might affect reliability.⁸ OCC also noted AEP's failure to address these issues in its Application. These issues were not addressed by the PUCO Staff in its comments. The PUCO Staff's comments, in fact, failed to address most of the deficiencies in AEP's Application and did not directly address any of the comments provided by OCC, the only intervening party to comment in this proceeding.

OCC initially supported the PUCO Staff for requiring the EDUs to fully support the methodology utilized to develop their proposed performance standards.⁹ The technical conferences and comment period were a welcome addition to the prior process which limited participation to the Staff and the electric utility. However, OCC has seen little or no information from AEP which comports with the ESSS requirements in Ohio Adm. Code 4901:1-10-10(B). In order for the Commission to truly make the transition from aspirational targets to firm reliability standards, AEP must be much more forthcoming.

II. PUCO STAFF'S ADJUSTMENTS TO AEP'S PROPOSED RELIABILITY STANDARDS

A. Historical Average Anomalies.

OCC agrees with the PUCO Staff that, in general, an initial baseline for historical reliability performance should be established utilizing at least five years of data.¹⁰ OCC also agrees, however, that the historical performance baseline for AEP should exclude

⁷ OCC Initial Comments at 6.

⁸ Ohio Adm. Code 4901:1-10-10(B)(4)(a).

⁹ Ohio Adm. Code 4901:1-10-10(B)(4).

¹⁰ Staff comments at 5.

reliability data from 2004-2005 when AEP was operating under the terms of a Stipulation with the PUCO Staff.¹¹ During the two-year term of the Stipulation, the reliability of the majority of AEP's circuits declined, as measured by the System Average Interruption Duration Index ("SAIDI"). The PUCO Staff agrees with the Companies' exclusion from the historical average of annual performance during 2004 and 2005. OCC agrees with PUCO Staff that the inclusion of the 2004-2005 data would skew AEP's historical reliability performance standards thereby resulting in even more lax standards for the future.

OCC welcomes the Staff's recognition that a statistics-based adjustment (whether it consists of one, two, or three standard deviations) to the historical performance baseline is flawed and unreasonable.¹² However, OCC is concerned with the Staff's proposed solution of adding ten percent to the most recent five-year average to permit additional variability of the annual data. The Staff's proposal of "historical average plus ten percent" is flawed and unreasonable for the reasons discussed in the following sections. OCC believes that the baseline of minimum performance standard should be the historical average of the most recent five years. No adjustment to account for the so-called "variability of the annual data" is necessary or justified.

B. Staff's Proposal (historical average plus ten percent) is devoid of any supporting data and analysis.

The PUCO Staff provides no explanation on the choice of the ten percent addition. The Staff Comment merely re-states its decision by saying "This methodology

¹¹ *In the Matter of the Commission Consideration of a Settlement Agreement between the Staff of the PUCO and Columbus Southern Power and Ohio Power Company*, Case No. 03-2570-EL-UNC.

¹² OCC's Initial Comments at 11-14 for OCC's arguments against the use of a statistics-based adjustment such as the addition of 1.5 standard deviations.

produces a more consistent result across all utilities regardless the range of the variability in the historical data.”¹³ One may wonder about the justifications, if any, of a ten-percent addition to the historical average. Why not a five-percent, an eight-percent, or a fifteen-percent addition? The Staff Comments do not provide any answer to this critical question. The Staff has not performed any analysis to ascertain whether such an adjustment is consistent with customers’ expectation of electric service. The Staff Comment did not even bother to describe and analyze how an ordinary customer will be affected by this ten-percent addition to the minimum reliability standard.

1. The PUCO Staff’s Proposal rewards Companies that have historically consistent, but very poor, performance in service reliability, such as AEP.

The PUCO Staff correctly noted in its comments that “a standard deviation provided little room for variance for those companies with historically consistent performance. In contrast, those electric utilities whose historical performance varied more widely enjoyed an excessive amount of variance for their performance standards.”¹⁴ So the PUCO Staff’s comments address the issue of consistent reliability performance by not using a standard-deviation-based addition to the historical average performance.

The Staff’s Proposal, however, failed to establish a minimum reliability standard that can be implemented to properly monitor Ohio EDU’s service performance and force poorly performing utilities such as CSP and OP to improve their distribution reliability. Instead, the Staff’s Proposal rewards companies with consistently bad performance by permitting larger variations to their historical average performance indices. Table 1 clearly illustrates this inverted incentive caused by the Staff Proposal.

¹³ Staff’s Comments at 3.

¹⁴ Staff’s Comments at 6.

**Table 1: 2009 Staff-recommended Minimum Performance Standards
for CSP, OP and DP&L¹⁵**

SAIFI			
	Historical Average	10% of Historical Average	Staff-recommended Minimum Standard
CSP	1.55	0.16	1.71¹⁶
OP	1.25	0.12	1.37¹⁷
DP&L	0.98	0.10	1.08¹⁸
CAIDI			
	Historical Average	10% of Historical Average	Staff-recommended Minimum Standard
CSP	125.45	12.55	138.00
OP	157.41	15.74	173.15
DP&L	115.15	11.52	126.67

In applying the Staff’s Proposal for setting the minimum reliability standard, CSP and OP are given much larger allowances (additions) to the minimum performance standards than Dayton Power and Light Company (“DP&L”) even though DP&L has performed better than both AEP Ohio companies as demonstrated by DP&L’s much lower historical average of SAIFI and CAIDI. CSP and OP have performed less reliably than DP&L in providing electric distribution service in the past, yet both are “awarded”

¹⁵ DP&L is added to this table to illustrate the disparate treatment it receives when the PUCO Staff’s 10% adjustment is applied.

¹⁶ Id. at 7. This is the baseline minimum standard before adjustment for enhanced vegetation management.

¹⁷ Id. This is the baseline minimum standard before adjustment for enhanced vegetation management.

¹⁸ Staff’s Comments on Dayton Power and Light Company (“DP&L”) at 4.

much higher additions to their historical average SAIFI and CAIDI, than those “awarded” to DP&L.¹⁹ There is no justification for this kind of inverted incentive.

2. Staff’s Proposal leads to unreasonably lax minimum reliability performance standards.

This ten-percent addition to the historical average, as recommended by the Staff, is unreasonably generous to the EDUs. There are few instances in which annual SAIFI or CAIDI have exhibited year-to-year variations of more than 10%. In the case of Ohio Power, for example, it has only one year (from 2005 to 2006) out of five (from 2003 to 2008) where the annual SAIFI changes more than 10%. The same can be said for the variation of annual CAIDI for OP. Only one year (from 2007 to 2008) out of the same five-year period exhibits a year-to-year change of more than 10%.

More importantly, the ten-percent addition in some instances can result in an addition to the historical average performance indices that may be significantly higher than the addition associated with a statistics-based adjustment such as the 1.5 standard deviation advocated by AEP. The proposed minimum performance standard of SAIFI for OP can be used as an example here. The addition to the historical SAIFI based on Commission Staff’s Proposal (the ten-percent addition) is 0.1246. On the other hand, the addition to the historical SAIFI, as proposed by OP (the 1.5 standard deviation addition) is only 0.0709. In this particular instance, the Staff’s proposal will lead to an addition (allowance) to historical SAIFI that is more than 50% higher than the addition proposed by the EDU. See Table 2. This is unacceptable. OP’s proposed SAIFI adjustment is

¹⁹ The discussion here is limited and is in no way an endorsement of DP&L’s service reliability performance in the past or the proposed service standards by DP&L.

inappropriately high and the Staff is proposing an even higher adjustment, resulting in an even more lax SAIFI standard. .

Table 2: Comparison of Staff-recommended and AEP-proposed Additions to Baseline Minimum Performance Standards²⁰

Additions to Historical Average SAIFI		
	Staff-recommended	AEP-proposed
CSP	0.1553	0.1618
OP	0.1246	0.0709
Additions to Historical Average CAIDI		
	Staff-recommended	AEP-proposed
CSP	12.5467	11.0892
OP	15.7433	29.3546

3. Staff’s Proposal can result in minimum performance standards that are even less stringent than those proposed by the AEP Ohio Companies.

Given the serious deficiencies of the PUCO Staff’s proposed adjustments, it is no surprise that the resultant CSP and OP minimum service standards proposed in the Staff comment are, at best, a continuation of the status quo. The Staff’s proposed adjustments, if adopted, potentially lock in weak performance reliability standards and perpetuate poor service to the customers of AEP. In several instances, the Staff’s proposed performance standard is even lower than what the CSP and OP proposed in their Application. Specifically, the annual minimum SAIFI standards as proposed by the PUCO Staff for OP are consistently higher (meaning less stringent) than those proposed by the Company.

²⁰ Calculated from data contained in AEP’s Application at 18, Figure 9.

The annual minimum CAIDI standards as proposed by the PUCO Staff for CSP are also less stringent than those proposed by CSP. See Table 3.

There is no specific prohibition in the ESSS or the Staff Guidelines which prevents the PUCO Staff from proposing more lax performance standards than those proposed by an EDU. The PUCO Staff, however, needs to provide strong evidence that doing so is in the public interest and provides even more reliable electric service to the customers of the EDUs.²¹ The Staff's comments fail to do so. A comparison of the minimum service standards proposed by PUCO Staff, relative to those proposed by AEP, is shown in Table 3 below.

Table 3: Selected Comparison of Staff-recommended and AEP-proposed Minimum Performance Standards²²

Annual SAIFI						
	Staff-recommended			AEP-proposed		
	2009	2010	2011	2009	2010	2011
OP	1.35	1.30	1.26	1.30	1.26	1.23
Annual CAIDI						
	Staff-recommended			AEP-proposed		
	2009	2010	2011	2009	2010	2011
CSP	137.4	136.2	135.4	136.1	135.1	134.4

²¹ Staff's comments at 1 state "The amended Rule O.A.C. 4901:1-10-10(B), changes the previous requirement that each electric utility have performance targets to the more stringent requirement that each utility shall have minimum performance standards."

²² The standards are already adjusted in consideration of enhanced vegetation management. See AEP Application at 28 for the AEP-proposed standards, and PUCO Staff's comments at 9 for the Staff-proposed standards considering vegetation management efforts.

C. Additional adjustments to the historical performance.

The PUCO Staff recommends that AEP's calculations of the adjustments associated with the enhanced vegetation management program be revised to utilize 2008 as a baseline.²³ In addition, the PUCO Staff and AEP have agreed to increase the number of circuits which will be completed during the first three years of transition to the new vegetation management program. Using 2008 as a baseline, in consideration of increased vegetation management efforts, results in a slight additional adjustment which results in somewhat stricter performance reliability standards. The additional adjustments somewhat mitigate the impact of the ten percent adjustment to CAIDI and SAIFI that the PUCO Staff's comments proposed. In principle, OCC commends the PUCO Staff for considering this adjustment. However, the enhanced vegetation management adjustment is nearly impossible for OCC to quantify based on the information provided.

III. THE PUCO STAFF UNREASONABLY PROPOSED RELIABILITY STANDARDS FOR CAIDI AND SAIFI THAT RESULT IN REDUCED RELIABILITY PERFORMANCE COMPARED WITH THE HISTORICAL TARGETS

A. The PUCO Staff-proposed CAIDI and SAIFI reliability standards that are considerably more relaxed than the existing targets.

Table 4 provides the current reliability targets for CSP and OP compared with the standards proposed by AEP in this proceeding and the proposed Staff methodology. As can be seen, customers in both the CSP and OP service territories will be subject to standards which permit outages of greater duration and frequency than the current targets. Even an eight-year average of CAIDI and SAIFI for both OP and CSP reflect higher reliability expectations than the standards proposed by PUCO Staff. When adopting the

²³ Staff comments at 8.

new reliability rules, the Commission noted that the purpose of the standards was to balance the interests of oversight and reporting with the need to hold EDUs accountable in providing reliable and safe electric service.²⁴ Providing customers with reliability standards that are even less stringent than the current standards (albeit in the form of targets) is clearly not in the public interest. Outages are costly for both businesses and consumers and history has demonstrated that hundreds of thousands of Ohioans can be without service even a week after a major event.²⁵

Table 4: CSP and OP CAIDI and SAIFI Comparison

	Current Target (MS Excluded)*	Eight Year Average (MS Excluded)	Reliability Standard Proposed by Staff
CSP CAIDI	122.4	123.4	138
CSP SAIFI	1.61	1.675	1.71
OP CAIDI	153.9	148.1	173.15
OP SAIFI	1.27	1.321	1.37

*“MS” stands for “major storms” which are considered as exceptions for purpose of the EDUs’ current reliability reporting.

B. Staff unreasonably failed to propose reliability standards that reflect the significant improvements in reliability that residential consumers are paying for in rates.

In the initial comments, OCC pointed out that AEP has projected spending in excess of \$419 million between 2010 and 2012 for distribution equipment upgrades.²⁶ Yet, the PUCO Staff’s comments neither reflect a consideration of the impact that these investments will have on the future electric distribution reliability of AEP nor do the PUCO Staff’s comments consider the impact of such investments on the proposed reliability standards of CSP and OP. The necessity of these investments, given the

²⁴ Case No 06-653-EL-ORD, Finding and Order (November 5, 2008) at 12.

²⁵ Case No. 08-1299-EL-UNC, Request for a COI, at 2.

²⁶ OCC Initial Comments at 14.

decline in service reliability that customers of AEP have recently experienced, calls for increased oversight of AEP's reliability performance as well as their reliability standards. The PUCO should protect residential customers from paying for distribution system equipment, facilities, and upgrades that are not leading to improved reliability performance standards.

IV. REQUEST FOR HEARING

The ESSS contemplate a hearing when "it appears to the commission that the proposals in the application may be unjust or unreasonable,"²⁷ The requirement for a hearing when the utility's proposed performance standards are unjust or unreasonable is a welcome and necessary ingredient to achieving success in the comment process proposed above.²⁸ The Commission, in determining whether to hold a hearing, should keep in mind that the burden is on the *EDU* to support its proposed performance standards. (Emphasis added.) AEP has not met its burden in supporting its new performance reliability standards. The PUCO Staff's comments reflected little or no consideration of the factors that the Staff itself stated were essential to the granting of an Application for new reliability standards.²⁹ Consumers pay for and are entitled to reliable, safe, and efficient service.³⁰

²⁷ Ohio Adm. Code 4901:1-10-10(B)(6)(e).

²⁸ Ohio Adm. Code 4901:1-10-10(B)(6)(e).

²⁹ See Attachment 1. Attachment 1 is a WORD version of the Staff Guidelines posted on the PUCO's website which outlines Staff's expectations for Applications.

³⁰ R. C. 4928.02.

V. CONCLUSION

On behalf of residential customers in Ohio, OCC respectfully requests that the Commission reject AEP's Application because its proposed reliability standards are unjust and unreasonable. The Commission should ensure that the nearly 1.3 million residential customers of AEP in Ohio households are receiving the reliable electric service they pay for and are entitled to, by granting OCC's request for a hearing.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the *Reply Comments by the Office of the Ohio Consumers' Counsel*, was served on the persons stated below via regular U.S. Mail Service, postage prepaid, this 23rd day of December, 2009.

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Summary: Reply Reply Comments by the Office of the Ohio Consumers' Counsel electronically filed by Mrs. Mary V. Edwards on behalf of Reese, Richard C. Mr. and Office of the Ohio Consumers' Counsel