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September 13, 2011

Public Utilities Commission of Ohio
PUCO Docketing
180 E. Broad Street, 10th Floor
Columbus, Ohio 43215

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**In re: 11-237-EL-UNC,
11-0346-EL-SSO, 11-348-EL-SSO
11-349-EL-AM, 11-350-EL-AAM
10-343-EL-ATA, 10-344-EL-ATA
10-2929-EL-UNC
11-4920-EL-RDR, 11-4921-EL-RDR**

Dear Sir/Madam:

Please find enclosed an original and twenty (20) copies of the **TESTIMONY IN SUPPORT OF STIPULATION AND RECOMMENDATION OF STEPHEN J. BARON** on behalf of **THE OHIO ENERGY GROUP** fax-filed in the above-referenced matters.

Copies have been served on all parties on the attached certificate of service. Please place this document of file.

Respectfully yours,

Michael L. Kurtz

Michael L. Kurtz, Esq.
Kurt J. Boehm, Esq.
BOEHM, KURTZ & LOWRY

MLKkew
Encl.
Cc: Certificate of Service

BEFORE THE

PUBLIC UTILITY COMMISSION OF OHIO

In the Matter of the Application of Ohio Power Company and Columbus Southern Power Company for Authority to Merge and Related Approvals.	:	Case No. 10-2376-EL-UNC
In the Matter of the Application of Columbus Southern Power Company and Ohio Power Company for Authority to Establish a Standard Service Offer Pursuant to §4928.143, Ohio Rev. Code, in the Form of an Electric Security Plan.	:	Case No. 11-346-EL-SSO Case No. 11-348-EL-SSO
In the Matter of the Application of Columbus Southern Power Company and Ohio Power Company for Approval of Certain Accounting Authority	:	Case No. 11-349-EL-AAM Case No. 11-350-EL-AAM
In the Matter of the Application of Columbus Southern Power Company to Amend its Emergency Curtailment Service Riders	:	Case No. 10-343-EL-ATA
In the Matter of the Application of Ohio Power Company to Amend its Emergency Curtailment Service Riders	:	Case No. 10-344-EL-ATA
In the Matter of the Commission Review of the Capacity Charges of Ohio Power Company and Columbus Southern Power Company.	:	Case No. 10-2929-EL-UNC
In the Matter of the Application of Columbus Southern Power Company for Approval of a Mechanism to Recover Deferred Fuel Costs Ordered Under Ohio Revised Code 4928.144	:	Case No. 11 -4920-EL-RDR
In the Matter of the Application of Ohio Power Company for Approval of a Mechanism to Recover Deferred Fuel Costs Ordered Under Ohio Revised Code 4928.144	:	Case No. 11-4921-EL-RDR

TESTIMONY IN SUPPORT OF

STIPULATION AND RECOMMENDATION

OF

STEPHEN J. BARON

ON BEHALF OF

THE OHIO ENERGY GROUP

J. KENNEDY AND ASSOCIATES, INC.
ROSWELL, GEORGIA

September 2011

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I. Qualifications and Summary

Q. Please state your name and business address.

A. My name is Stephen J. Baron. My business address is J. Kennedy and Associates, Inc. ("Kennedy and Associates"), 570 Colonial Park Drive, Suite 305, Roswell, Georgia 30075.

Q. Have you previously filed testimony in this proceeding?

A. Yes. I filed direct testimony in Case Nos. 11-346 and 11-348.

Q. On whose behalf are you testifying in this proceeding?

A. I am testifying on behalf of The Ohio Energy Group ("OEG"), a group of large industrial customers of Columbus Southern Power Company ("CSP") and Ohio Power Company ("OPC"), hereinafter referred to as "the Companies" or "AEP."

The members of OEG who take service from the Companies are: AK Steel Corporation, Aleris International, Inc. Amsted Rail, ArcelorMittal USA, Cargill, Incorporated, E.I. duPont de Nemours and Company, Ford Motor Co., GE Aviation, Linde, LLC, Praxair Inc., RG Steel, The Procter and Gamble Co., The Timken Company and Worthington Industries.

These industrial companies purchase approximately 4.4% of the Companies' total retail sales in Ohio. All of these companies compete in national or international markets and reasonably priced electricity is very important to their competitiveness and viability.

Q. What is the purpose of your testimony?

A. I provide testimony in support of the Stipulation and Recommendation agreed to by AEP, the Commission Staff, OEG and numerous other parties to these proceedings on September 7, 2011.

Q. Did you directly participate in the negotiation of the Stipulation and Recommendation?

A. No, but I was periodically advised by counsel about the progress of settlement negotiations.

Q. Have you reviewed the Stipulation and Recommendation?

A. Yes. I have reviewed the entire Stipulation.

Q. Please summarize your testimony.

A. OEG supports divestiture of AEP Ohio's existing generating assets, but only if the Stipulation is approved without material modification. OEG was very reluctant to agree to the divestiture of the existing generating assets of AEP Ohio because without utility ownership of the power plants a cost based standard service offer is much less feasible. Divestiture is a fundamental change to the regulatory system that has been applied to AEP Ohio, and which may not necessarily end up serving the best interests of consumers. OEG agreed to support divestiture for AEP Ohio primarily because of the rate design mechanisms in the Stipulation which are intended to stabilize pricing for industrial and other high load factor customers during the transition period. There are other beneficial elements of the Stipulation, but without the carefully negotiated rate design elements it is doubtful that OEG would have supported divestiture at this Commission or at the FERC during the AEP Interconnection Agreement amendment proceeding.

From the perspective of large energy intensive manufacturing customers located in Ohio, who compete nationally and internationally, the Stipulation is reasonable and should be approved. There are many rate design features in the Stipulation which have the effect of stabilizing electric rates and providing certainty regarding retail electric service. These rate provisions help to promote economic development, job retention, energy efficiency, thus facilitating Ohio manufacturing customers' effectiveness in the global economy. These rate design features include the Market Transition Rider, the Load Factor Provision, and the interruptible rate program. Because the Stipulation is within the context of an Electric Security Plan ("ESP") and not a Market Rate Offer ("MRO"), the Stipulation will not result in absolute deregulation and the Commission will retain jurisdiction over rate design and other ratemaking features to a substantial degree.

I believe that the Reliability Pricing Mode ("RPM") "set aside" provision is reasonable. In pending cases at both the Commission and FERC, AEP Ohio has argued that all shopping customers should be charged a full embedded cost capacity rate, while others have argued that all shopping customers should pay only RPM capacity rates. Since no one can accurately predict how this Commission, PJM, FERC or the Courts will ultimately decide this issue, I believe that the compromise contained in the Stipulation is in the public interest and will result in an efficient transition to full RPM capacity pricing.

While the Stipulation includes a divestiture of existing generation, within the context of an ESP the Stipulation will not result in absolute deregulation because of the provision allowing for utility ownership of at least a new 500 mw gas combined cycle power plant. If approved by the Commission, the capacity and energy of this dedicated plant would be made available to consumers on a cost basis. This would provide a cost based hedge to full market pricing and could be a long run benefit to consumers.

The "more favorable in the aggregate" test cannot be conducted with mathematical precision or certainty as to future projections. It certainly cannot be conducted with mathematical precision without being able to predict with certainty the outcome of the capacity pricing case (10-2929-EL-UNC), which is not possible. The "more favorable in the aggregate" test is both a quantitative and qualitative test based on judgment. In my opinion, an ESP is inherently superior to an MRO because an MRO results in absolute deregulation, whereas the ESP continues to maintain state jurisdiction over important matters such as new generation, rate design and economic development.

II. Divestiture of Generation

Q. Does OEG support the divestiture of existing AEP Ohio generation as set forth in the Stipulation?

A. Yes, OEG supports divestiture of AEP Ohio's existing generating assets, but only if the Stipulation is approved without material modification. The divestiture of generating assets is a fundamental change to the regulatory system that has been applied to AEP Ohio. Divestiture will give this Commission less jurisdiction and control over utility rates and, absent the mitigating rate protections negotiated as part of the Stipulation, could very well turn out not to be in the best interests of the utility or its customers. Currently, all consumers have the option of choosing the lower of a cost-based standard service offer if they do not shop and a market based generation rate if they do. "Lower of" pricing is a significant benefit for consumers and that option will effectively be eliminated under the Stipulation once there is an auction for standard service offer load.

Nevertheless, OEG has agreed to support divestiture at this Commission and at FERC because of the mitigating rate protections contained in the Stipulation, primarily the rate design features. There are other beneficial provisions in the Stipulation, but without the carefully negotiated rate design provisions it is unlikely that OEG would support divestiture at the Commission or at FERC during the AEP Power Pool modification proceeding.

III. Rate Design Provisions

Q. Has the Ohio General Assembly recognized that it is appropriate to address economic development and job retention concerns in an ESP?

A. Yes. I have been advised by counsel that under R.C. 4928.143(B)(2), an ESP "may provide for or include, without limitation...[p]rovisions under which the electric distribution utility may implement economic development, job retention, and energy efficiency programs, which provisions may allocate program costs across all classes of customers of the utility and those of electric distribution utilities in the same holding company system."

Q. Has the Ohio General Assembly recognized that it is appropriate to address rate stability and certainty concerns in an ESP?

A. Yes. I have been advised by counsel that under R.C. 4928.143(B)(2)(d), an ESP may also include provisions that "would have the effect of stabilizing or providing certainty regarding retail electric service." Accordingly, rate stability and certainty were recognized by the General Assembly as appropriate considerations when analyzing an ESP.

Q. Please explain the Load Factor Provision ("LFP") discussed on pages 3-4 of the Stipulation and Recommendation.

A. The LFP provides that a nonbypassable demand charge and nonbypassable energy credit will be established on a revenue-neutral basis among all demand-metered customers until May 31, 2016. The LFP is intended to promote economic development and provide certainty and stability regarding retail electric service. AEP Ohio does not earn any profit or margin on the LFP and it is therefore appropriate for the LFP to be non-bypassable. The LFP does not affect residential customers since residential customers are not in a demand metered customer class.

The LFP recognizes the lower relative cost of serving high load factor customers (whether they are large or small; industrial or commercial) compared to lower load factor customers. By definition, high load factor customers use fixed generation assets more efficiently than lower load factor customers. Consequently, high load factor customers are less costly to serve. As a result, utility rates have traditionally been designed in order to recognize this difference in the cost of service for high load factor customers versus lower load factor customers. The LFP maintains an element of this cost-of-service rate design during the transition to full market pricing and complete divestiture. While on-peak and off-peak market energy pricing also recognizes the importance of load factor, it is to a lesser degree than under cost based ratemaking in which fixed costs are recovered through a kW demand charge for large customer rate classes. The LFP provides rate certainty and stability to high load factor industrial and commercial customers during the transition to market rates contemplated by the Stipulation. This further promotes economic development. The LFP also encourages energy efficiency and peak demand reduction by rewarding the efficient use of generation resources.

Q. Are there any other distribution utilities that have a mechanism similar to the LFP in their rates?

A. Yes, Toledo Edison, Ohio Edison and Cleveland Electric Illuminating Company each have a nearly identical non-bypassable load factor rider applicable to GT customers in their current rates. Within the context of an ESP, a load factor provision is an accepted rate design feature.

Q. Is it reasonable that the Load Factor Provision (LFP) does not apply to any customer with a monthly peak demand of greater than 250 MW?

A. Yes. The effect of this limitation on the applicability of the LFP is that it excludes only one large customer of the Companies, Ormet Primary Aluminum Corporation ("Ormet"). If the LFP was applicable to Ormet, the intended purpose of the LFP would be defeated. Ormet has a peak demand of approximately 520 mw and a load factor of approximately 98%. Applying the LFP to Ormet would dramatically skew the intended results of the LFP and would result in a significant rate increase to all of the GS 2, GS 3 and GS 4 commercial and industrial customers of AEP Ohio. Including Ormet in the LFP would cost the GS2 customers of AEP Ohio approximately $11.9 million and would cost the GS3/GS4 customers $50.9 million. Further, Ormet has often been treated as a unique customer, frequently operating under a series of special arrangements for its electric service.[1] It is reasonable to treat Ormet as unique in this proceeding as well.

Q. Please explain the Market Transition Rider ("MTR") discussed on pages 5-6 of the Stipulation and Recommendation.

A. The MTR is a non-bypassable rider designed to facilitate the transition from CSP and OPCo's current generation rates to market-based rates. AEP Ohio's current generation rates were originally the result of the SB 3 unbundling process in 2001, as modified by the Rate Stability Plan increases in 2006-2008, as modified yet again in the first ESP for the period 2009-2011. Customers have relied on this rate design and planned their manufacturing operations and production schedules accordingly. The MTR is intended to provide rate certainty and stabilized pricing during the transition to the deregulation of generation service pricing for standard service offer customers. This is particularly important to business customers because AEP Ohio is transitioning from a demand/energy rate structure to an energy-only rate structure. The MTR limits the rate changes for customer classes by uniformly transitioning any above or below average changes. Any revenue shortfall that is produced by limiting the increases for certain customer classes is collected from those classes whose decreases are limited. This rate design feature is revenue neutral to AEP Ohio and provides the Companies with no additional revenue or earnings.

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[1] *See In the Matter of the Application of Ohio Power Company for Approval of a Special Contract Arrangement with Ormet Primary Aluminum Corp.*, Case No. 96-999-EL-AEC, Finding and Order (Nov. 14, 1996); *In the Matter of the Complaint of Ormet Primary Aluminum Corp. and Ormet Aluminum Mill Products Corp. v. South Central Power Co. and Ohio Power Co.*, Case No. 05-1057-EL-CSS, Supplemental Opinion and Order (Nov. 8, 2006); *In the Matter of the Application of Ormet Primary Aluminum Corporation for Approval of a Unique Arrangement with Ohio Power Company and Columbus Southern Power Company*, Case No. 09-119-EL-AEC (July 15, 2009).

Over the 41 months of this ESP, the MTR will provide a credit to the residential customers of Columbus Southern of approximately \$62.9 million. For the Ohio Power residential customers the comparable number is \$12.8 million.

Q. Are either the MTR or LFP provisions "generation charges"?

A. No, both the LFP the MTR are rate design mechanisms, not elements of the generation charge. They are 100% revenue neutral to the Companies. They are specifically designed to help customers transition to market-based rates. They do not provide any additional revenue to the Companies for generation service and are therefore appropriately non-bypassable.

Q. Can you please discuss how the interruptible credit is dealt with in the Stipulation?

A. The Stipulation states (on page 5) that the Company will maintain an interruptible credit of \$8.21/kW/month through the end of the ESP on May 31, 2016 for existing IRP-D customers. The incremental costs associated with this interruptible credit (approximately \$5 million) will be collected through the Economic Development Rider. The \$8.21/kW/month demand credit is equal to the Companies' Fixed Resource Requirement ("FRR") revenue requirement that it proposes to charge CRES suppliers. There is an economic development aspect to the interruptible rate program by enhancing the national and international competitiveness of those energy intensive customers who can utilize power with a lower level of reliability. Also, to the extent that the interruptible rate program encourages certain customers to remain SSO customers of AEP Ohio, a larger portion of the RPM set aside is available to other customers. During the transition period this benefits all consumers who desire to purchase generation from alternative suppliers.

Q. How does the level of the interruptible credit contained in the Stipulation compare to the interruptible credit of the other Ohio utilities that have divested their generating assets?

A. The interruptible credit contained in the AEP Stipulation is considerably lower than similar credits for Toledo Edison, Ohio Edison and Cleveland Electric Illuminating Company, which each provide credits of $10/kW/month to their interruptible customers. Like the interruptible credit described in the AEP Stipulation, a portion of the Toledo Edison, Ohio Edison and Cleveland Electric Illuminating Company interruptible credit is recovered through an Economic Development Rider.

Q. Why is it appropriate to include rate design provisions in the Stipulation that benefit Ohio's industrial manufacturing base?

A. Economists classify industrial companies that compete in national and international markets as "export industries" since these companies primarily serve customers outside of the state. Such companies have the option to move production to any location with features that may be attractive to the company, including lower electric rates. These industrial companies typically provide a large number of well-paying, household-sustaining jobs. Employees of such companies spend their wages on local goods and services, further bolstering the state's economy. In contrast, lower load factor customers generally include smaller commercial customers like local service and retail companies.

State and local governments use many tools to try to spawn, grow, retain, and attract industrial firms in export industries. The rationale behind using such tools is that the costs of any incentives provided will be sufficiently offset by the economic benefits of having the export industry company in the state. In contrast, commercial businesses rarely receive incentives because those businesses are population based and have relatively little choice regarding their location.

Providing lower electric rates is one incentive Ohio can use to attract and retain industrial customers, benefitting the state's economic development. Accordingly, it is appropriate to include provisions in the Stipulation that address economic development concerns by benefitting large, high load factor customers.

IV. RPM Set Aside

Q. Is the Reliability Pricing Model ("RPM") "set aside" provision in the Stipulation reasonable?

A. Yes. Under that provision, AEP commits to "set aside" the following amounts of capacity at an RPM-based price: 21% of AEP Ohio's total retail load in 2012, 29%-31% in 2013, and 41% in 2014.[2]

This provision reflects a reasonable compromise in the face of substantial uncertainty regarding the outcome of litigation that could impact AEP Ohio's capacity price. In PUCO Case No. 10-2929-EL-UNC, parties are currently disputing whether all shopping customers should pay a full embedded cost-based capacity price rather than an RPM-based capacity price. There is also pending FERC litigation that could impact the price of AEP's capacity.[3]

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[2] Stipulation at 21.
[3] FERC Docket Nos. EL11-32 and ER11-2183.

In the midst of the uncertainty surrounding this litigation, the "set aside" provision is a reasonable compromise.

The "set aside" provision facilitates a reasonable transition to market. The amounts of capacity that AEP commits to "set aside" each year are substantial because AEP is such a large utility. AEP Ohio's total annual retail load is approximately 48 million MWh. The 2012 RPM "set aside" of 21% of AEP Ohio's load is approximately equal to the entire load of Toledo Edison;[4] the 2013 set aside of 31% of its load is approximately equal to the entire load of Dayton Power & Light;[5] and the 2014 set aside of 41% of its load is approximately equal to the entire load of Duke Ohio.[6]

V. New Generation Dedicated to Ohio

Q. Is the possibility that AEP Ohio would own new generation after the divestiture of its existing generation a potential benefit to consumers?

A. Yes. Allowing for recovery of the costs of new generation plants dedicated to serving Ohio customers encourages the construction of new plants in Ohio that can: 1) enhance the reliability of the electric system; and 2) provide a cost-based hedge against fluctuations in market prices. In contrast with a reliance on 100% market pricing for energy and capacity, a cost-based hedge would provide customers a blended rate that is mostly market but also part cost of service. While 100% market pricing is currently attractive, in years past that was not

[4] SNL Brief Book: Electric Sales Detail for Toledo Edison Co. (reflecting 10,333,757 MWh of Total Retail Electric Volume in 2010).
[5] SNL Brief Book: Electric Sales Detail for the Dayton Power & Light Co. (reflecting 14,277,069 MWh of Total Retail Electric Volume in 2010).
[6] SNL Brief Book: Electric Sales Detail for Duke Energy Ohio, Inc. (reflecting 20,830,286 MWh of Total Retail Electric Volume in 2010).

the case. Properly designed, a cost-based hedge can be a risk mitigation tool for consumers. Further, such costs would still be subject to Commission review and approval under R.C. 4928.143(B)(2)(b) and (c).

VI. ESP Vs. MRO Comparison

Q. Is the ESP that is developed in the Stipulation more favorable in the aggregate than the expected results of an MRO?

A. I believe that it is more favorable. The "more favorable in the aggregate" test cannot be conducted with mathematical precision. It certainly cannot be conducted with mathematical precision without being able to predict with certainty the outcome of the capacity pricing case (10-2929-EL-UNC), which is not possible. The "more favorable in the aggregate" test is both a quantitative and qualitative test based on judgment. Although I did not perform a quantitative analysis of the MRO versus ESP comparison, all else being equal, I believe that an ESP is inherently superior to an MRO. I also understand based on Paragraph IV.7 of the Stipulation that Company witness Hamrock and Staff witness Fortney will be addressing the MRO test in more detail as part of their testimony. An MRO results in absolute deregulation leaving the Commission with little or no jurisdiction over the construction of new generation or future generation rates to consumers. On the other hand, the ESP continues to maintain state jurisdiction over important matters such as new generation, rate design and economic development. It is in the best interest of consumers and utilities for the Commission to have some ability to address future issues regarding generation rates that is provided in the ESP.

Q. Does that complete your testimony?

A. Yes.

CERTIFICATE OF SERVICE

I hereby certify that true copy of the foregoing was served by electronic mail (when available) or ordinary mail, unless otherwise noted, this 13th day of September, 2011 the following:

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