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Via E-File

October 29, 2012

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

In re: 11-346-EL-SSO, 11-348-EL-SSO
11-349-EL-AAM, 11-350-EL-AAM

Dear Sir/Madam:

Please find attached the OHIO ENERGY GROUP's INITIAL COMMENTS TO THE OCTOBER 25, 2012 CBP STAKEHOLDER WORKSHOP for filing 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,

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Commissioner Steven D. Lesser (via electronic mail)
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Commissioner Lynn Slaby (via electronic mail)
Eric Weldele, PUCO Chief of Staff (via electronic mail)
Certificate of Service

BEFORE THE
PUBLIC UTILITIES COMMISSION OF OHIO

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**

INITIAL COMMENTS TO THE
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THE OHIO ENERGY GROUP

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INITIAL COMMENTS TO
THE OCTOBER 25, 2012 CBP STAKEHOLDER WORKSHOP OF
THE OHIO ENERGY GROUP

The Ohio Energy Group ("OEG") files these comments in response to the October 25, 2012 CBP Stakeholder Workshop held pursuant to the Commission's August 8, 2012 Order establishing a new ESP for AEP Ohio ("ESP Order"). With respect to the CBP bidding rules, the ESP Order provided:

> *...the substantive details of the CBP process need to be established to maximize the number of participants in AEP-Ohio's auctions through an open and transparent auction process. We direct AEP-Ohio to establish a CBP process consistent with Section 4928.142, Revised Code, by December 31, 2012. The CBP should include guidelines to ensure an independent third party is selected to ensure there is an open and transparent solicitation process, a standard bid evaluation, and clear product definitions. We encourage AEP-Ohio to look to recent successful CBP processes, such as Duke Energy-Ohio's, in formulating its CBP. Further, AEP-Ohio is ordered to initiate a stakeholder process within 30 days from the date of this opinion and order.*[1]

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[1] ESP Order at 40.

The ESP Order, inter alia, determined that in order for customers to "*take advantage of market-based prices and the benefits of developing a healthy competitive market,*" non-shopping SSO customers should transition to market pricing prior to the June 1, 2015 energy and capacity auction for AEP Ohio's entire SSO load.[2] Unlike the competitive bid processes established for the FirstEnergy and Duke utilities, wherein non-shopping SSO customers were served by a "*flash-cut*" auction for both energy and capacity without a transition period, a transitional hybrid approach was established for AEP Ohio. Under the AEP Ohio hybrid approach, non-shopping SSO customers will continue to pay for legacy generation capacity priced at average embedded cost until June 1, 2015, but their energy will be subject to a blend of average cost pricing (fuel adjustment clause, or "FAC") and marginal cost (market) pricing resulting from an energy-only auction. Pricing in the energy-only auctions will also include a risk premium to compensate bidders for migration risk as well as a profit margin.

The ESP Order states that, six months after a corporation separation order is issued, 10% of AEP Ohio's SSO energy requirements will be subject to a CBP auction process.[3] AEP Ohio estimates that this 10% energy-only auction will be effective July 1, 2013.[4] At the October 25, 2012 Stakeholder Workshop, AEP Ohio also estimated that 10% of the SSO energy load will equal approximately 2.5 million MWh. Later, for service commencing June 1, 2014, non-shopping SSO load will be served with capacity priced at average embedded cost and 40% of energy priced at average cost through the FAC and 60% of energy priced at marginal cost through an energy-only auction.[5] According to AEP Ohio's auction consultant, NERA Economic Consulting, Ohio is the only jurisdiction which has established a hybrid rate structure for service to non-shopping SSO load, whereby capacity is priced at average embedded cost while some portion of energy is priced at marginal cost via auction.

[2] ESP Order at 39-40.
[3] ESP Order at 39.
[4] "AEP Ohio CBP First Stakeholder Workshop" Presentation by AEP Ohio (October 25, 2012) at 5.
[5] ESP Order at 40.

Because of the uniqueness of AEP Ohio's hybrid structure, and to ensure that customers actually do benefit from competition during the transition period, as the Commission intends, the Commission should establish one important auction protocol: the starting price for the descending clock energy-only auctions for each AEP Ohio rate zone should be the forecasted FAC rate that customers would otherwise pay. Establishing the forecasted FAC rate for the Ohio Power ("OP") and Columbus Southern ("CSP") rate zones as the "price to beat" will guard against a self-imposed and unnecessary rate increase on SSO customers. In addition, because AEP Ohio is allowed to participate in its own auctions, setting the forecasted FACs as the auction starting prices will prevent a situation where the same utility provides the same energy to the same customers, but at a higher price.

1. The Commission Should Establish The Starting Price For The Descending Clock Energy-Only Auctions For Each AEP Ohio Rate Zone At The Forecasted FAC Rate That Customers Would Otherwise Pay.

There is a risk that the energy-only auctions based upon locational marginal cost ("LMP") plus a risk premium and a profit margin for the bidders could result in unnecessary and avoidable rate increases to customers compared to the cost-based energy rates that those customers would otherwise have paid through the FAC. SSO customers are entitled to cost-based energy rates with no risk premium or profit margin in exchange for the payment of a cost-based charge (including a return of and a return on invested capital) for generating capacity. As the Commission is painfully aware, AEP Ohio's cost-based capacity charge embedded in its legacy SSO generation rates significantly exceeds the marginal or market-based cost of capacity as determined through the PJM RPM capacity auctions. For example, OP's GS-4 primary voltage demand charge of \$10.44/kW/month is equivalent to \$343/MW-day.

SSO customers pay average embedded costs for capacity through the legacy cost-based rate structure. Historically, this has meant that customers paid high capacity costs associated with AEP Ohio's predominately base load coal generation (in excess of $300/MW-day), but those high capacity costs were offset by low coal-based energy prices based upon the utilities' actual costs with no profit margin or risk premium. However, an energy-only auction will be based upon marginal prices (market pricing) plus a risk premium and profit margin. The result of the energy-only auction could be that SSO customers will pay the utility's average embedded cost for capacity and marginal or market rates for 10%-60% of their energy. This hybrid structure is unique to Ohio and unique to the rest of the country.

The worst case scenario for SSO customers would be if they are required to pay high average embedded capacity costs based upon base load coal generation and high marginal cost (market) energy rates, plus a risk premium and supplier profit margin. By properly setting the starting auction price at the projected FACs of OP and CSP (which AEP Ohio can provide through its normal budgeting process), the Commission can avoid this scenario.

There will be no harm to AEP Ohio as a result of setting the starting price for the energy-only auction at the price consumers would have otherwise paid. The quid pro quo for receiving a cost-based rate for legacy generation from SSO customers is the provision of energy from those coal units at cost. Of course, the $188.88/MW-day capacity rate that AEP Ohio is authorized to charge CRES providers is net of energy margins, which largely explains why it is lower than the cost-based capacity rate charged to SSO load. In this sense, it is more accurate to describe the cost-based rate for capacity to serve SSO load as "*gross cost*" and for capacity provided to CRES providers as "*net cost*." This distinction is similar to the net versus gross CONE (cost of new entry) used by PJM.

It is important to recognize that if 2.5 million MWh of SSO load is served by auction, then that will free up a like amount of energy for AEP Ohio to sell into the wholesale market as off-system sales. The Commission should be aware that for the first six months of the 10% energy auction the AEP Pool Agreement will still be in effect. This means that off-system sales profits earned by AEP Ohio during that six month period will be shared according to their respective Member Load Ratios with the AEP affiliates in West Virginia, Virginia, Kentucky, Indiana and Michigan. The end result would be that SSO consumers in Ohio will suffer, while the out-of-state AEP affiliates and their ratepayers will benefit at our expense.

Alternatively, instead of making wholesale sales with the freed up 2.5 million MWh, AEP Ohio could bid on its own auction load. If the starting auction price is not set at the forecasted FACs, then for any auction tranches won AEP Ohio, the same utility would be providing the same energy to the same customers, but at a higher price.

It is hard to estimate how much consumers stand to lose if the 10% energy-only auction starting price is not set at the projected FACs. But based upon the results of the October 23, 2012 FirstEnergy auction, where the clearing price for energy and capacity was $60.89/MWh, a reasonable estimate can be made. (Because the Commission has access to the unredacted bid documents, it is possible that the Commission knows the non-capacity component of that bid with certainty). If the capacity component of the $60.89/MWh auction clearing price was $15/MWh, then the remainder of $45.89 represents marginal cost energy, risk premium and supplier profit. On average between the OP and CSP rate zones, this represents an increase of about $10/MWh, or about $25 million annually. If the Commission wants a more accurate estimate, then NERA Economic Consulting is certainly is a good position to provide that.

For the final year of the ESP (June 1, 2014 through June 1, 2015), where the marginal cost energy-only auction blend is 60%, simple multiplication puts the harm to consumers at $150 million. But that number could be higher or lower as future market prices for energy are largely a function of natural gas prices and are therefore difficult to predict, as are AEP Ohio's coal costs. However, it would be unfair to assert that the additional profit which AEP Ohio or its out-of-state affiliates could earn from the energy-only auctions was part of a comprehensive strategy. After all, AEP Ohio originally sought an energy-only auction of just 5%.

A belief that consumers will be protected in the final year of the ESP through the 12% ROE earnings cap is probably unfounded. After the AEP Pool Agreement is terminated and generation divestiture is complete on December 31, 2013, the earnings from generation will no longer be on the books of the utility. As a practical matter, the 12% ROE earnings cap established in the ESP will probably only provide protection from excess generation profits for calendar years 2012 and 2013.

It is possible that individual customers may be protected from undue rate increases stemming from the energy-only auctions by the 12% customer rate impact cap established in the ESP. The 12% customer rate impact cap applies to "*items approved within this modified ESP*."[6] To the extent that the energy-only auctions are covered, then individual customers would be protected. But that would simply mean deferrals would be created which could raise rates on all consumers. The problem would not go away. The better solution is to stop the damage in the first place by setting the auction starting price at the FAC rates customers would have otherwise paid.

There may be some concern that setting the descending clock auction starting price at the forecasted FAC rates will somehow chill the market or deter bidding. If bidding is deterred, then it simply means that competitors cannot beat the energy rate to which consumers are entitled by virtue of

[6] ESP Order at 70.

paying a cost-based rate for capacity. From a consumer and economic development point of view, there is certainly nothing wrong with maintaining low prices. Any concern about a long-term chilling of the market for auction bids is overstated. The *"flash cut"* energy and capacity auction at the end of 2011 for 100% of Duke's SSO load had multiple bidders and went smoothly. No transitional auctions were needed for Duke. Likewise, no transitional auctions were needed for FirstEnergy as it has been conducting energy and capacity auctions for 100% of its SSO load without incident for many years. The same will almost certainly be true for AEP Ohio on June 1, 2015.

AEP Ohio's ESP and related Capacity Case forced the Commission to quickly grapple with many complicated and inter-related issues. Unintended consequences were inevitable. We respectfully suggest that the concerns raised herein may not have been anticipated by the Commission, but are curable.

The Commission has the authority to establish the descending clock energy-only auction starting price at the rate consumers would otherwise pay (the forecasted FAC by rate zone). Given the unique hybrid auction structure established in the ESP, which is a first in America, exercising that authority is warranted so that the transition to full competition is truly a benefit for consumers as the Commission intended.

2. **Separate Energy-Only Auctions Should Be Held For Each AEP Ohio Rate Zone To Maintain Consistency With The Manner In Which The Fuel Adjustment Clause Will Be Recovered.**

Because the Commission decided to maintain separate FAC rates for the OP and CSP rate zones during the term of the ESP,[7] the energy-only auctions approved by the Commission should likewise be

[7] ESP Order at 17.

held separately for each rate zone. This is because the "*price to beat*" differs significantly for each rate zone.

For high voltage customers the FAC rate for the OP rate zone is $32.41/MWh. The corresponding FAC rate for the CSP rate zone is $38.38/MWh. Hence, the FAC rate for CSP customers is approximately $6/MWh higher than OP's rate. This approximately $6/MWh difference between rate zones also applies to the FAC rates of secondary and primary voltage customers.[8] Because the FAC rate for CSP customers is significantly higher than OP's rate, the "*price to beat*" is also significantly higher for the CSP rate zone. Consequently, if the energy-only auctions are not held separately for each rate zone, then the auction clearing price may lead to unreasonably high energy rates for OP customers. To avoid this result, the energy-only auctions should be held separately for each rate zone.

Respectfully Submitted,

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[8] OP's FAC rate for Secondary customers is $34.26/MWh and CSP's FAC rate for such customers is $40.57/MWh. OP's FAC rate for Primary customers is $33.07/MWh and CSP's FAC rate for such customers is $39.16/MWh.

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 29th day of October, 2012 the following:

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