

**BEFORE THE**  
**PUBLIC UTILITIES COMMISSION OF OHIO**

<b>In the Matter of the Application of</b>	)	
<b>Dayton Power and Light Company for</b>	)	<b>Case No. 12-426-EL-SSO</b>
<b>Approval of Its Electric Security Plan</b>	)	
<b>In the Matter of the Application of</b>	)	
<b>The Dayton Power and Light Company for</b>	)	<b>Case No. 12-427-EL-ATA</b>
<b>Approval of Revised Tariffs</b>	)	
<b>In the Matter of the Application of</b>	)	
<b>The Dayton Power and Light Company for</b>	)	<b>Case No. 12-428-EL-AAM</b>
<b>Approval of Certain Accounting Authority</b>	)	
<b>In the Matter of the Application of</b>	)	
<b>The Dayton Power and Light Company for</b>	)	<b>Case No. 12-429-EL-WVR</b>
<b>the Waiver of Certain Commission Rules</b>	)	
<b>In the Matter of the Application of</b>	)	
<b>The Dayton Power and Light Company</b>	)	<b>Case No. 12-672-EL-RDR</b>
<b>to Establish Tariff Riders</b>	)	

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**DIRECT TESTIMONY OF**  
**SHARON L. NOEWER**  
**ON BEHALF OF**  
**FIRSTENERGY SOLUTIONS CORP.**

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***PUBLIC VERSION***

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1 **I. BACKGROUND**

2 **Q. PLEASE STATE YOUR NAME, BUSINESS ADDRESS, AND POSITION.**

3 A. My name is Sharon L. Noewer. My business address is 341 White Pond Drive,  
4 Akron, Ohio 44320. I am employed by FirstEnergy Solutions Corp. ("FES") as the  
5 Director of Competitive Market Policies.

6 **Q. PLEASE DESCRIBE YOUR EDUCATIONAL BACKGROUND AND**  
7 **PROFESSIONAL QUALIFICATIONS.**

8 A. I have a Bachelor of Arts degree in Economics from Hiram College, and a Master  
9 of Business Administration degree from Lake Erie College. I have nearly 30 years of  
10 experience in the electric industry. I worked for 14 years at Centerior Energy  
11 Corporation (and its predecessor), the holding company of utilities The Toledo  
12 Edison Company and The Cleveland Electric Illuminating Company, in the Rates and  
13 Strategy & Planning departments, and ultimately became Manager of Customer  
14 Pricing in the Rates Department. Following the merger of Ohio Edison Company and  
15 Centerior Energy and the founding of FES, I joined FES in 1998 as the Director of  
16 Market Segments. In 2009, after a number of years and different positions at FES, I  
17 was named the Director of Mass Marketing, Government Aggregation and Product  
18 Development. I was named the Director of State Competitive Market Policies in  
19 2011 and then was named the Director of Competitive Market Policies in 2013.

20 **Q. WHAT ARE YOUR RESPONSIBILITIES AS THE DIRECTOR OF**  
21 **COMPETITIVE MARKET POLICIES?**

22 A. As the Director of Competitive Market Policies, I am responsible for overseeing  
23 and coordinating initiatives involving state public utility commissions, including the  
24 Public Utilities Commission of Ohio (the "Commission"), the Federal Energy

1 Regulatory Commission (“FERC”), regional transmission organizations (“RTOs”), as  
2 well as other policy developments that impact competitive energy markets.

3 **Q. ON WHOSE BEHALF ARE YOU TESTIFYING?**

4 A. I am testifying on behalf of FES. FES is a licensed competitive retail electric  
5 service (“CRES”) provider in Ohio and a leading energy supplier serving  
6 residential, commercial and industrial customers in the Midwest and Mid-Atlantic  
7 regions, including the territory of The Dayton Power and Light Company  
8 (“DP&L”). FES supplies electricity to customers in Illinois, Maryland, Michigan,  
9 New Jersey, Ohio and Pennsylvania.

10 **Q. CAN YOU FURTHER DESCRIBE FES’ EXPERIENCE IN THE**  
11 **COMPETITIVE MARKETS IN OHIO?**

12 A. Yes. FES owns and operates competitive generation in Ohio and elsewhere. FES  
13 offers a range of energy and energy-related products and services to wholesale and  
14 retail customers across Ohio, including the generation and sale of electricity, as well  
15 as energy planning, procurement, and other services. FES serves and provides  
16 savings to all customer classes. It also serves customers in all of the Ohio electric  
17 distribution utilities’ (“EDUs”) service territories. FES also has substantial  
18 experience as a supplier at the wholesale level, including competitive bid  
19 procurements (“CBPs”) in Ohio and other states.

20 **Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY IN THIS PROCEEDING?**

21 A. I am providing FES’ overall response to DP&L’s proposed Electric Security Plan  
22 (“ESP”). DP&L’s proposed ESP should be rejected. Should the Commission choose

1 to accept it, the ESP should be modified as identified below and described in further  
2 detail in the testimony provided by FES witnesses.

3 In Section II below, I summarize FES' overall position and describe the reasons  
4 for this position. In Section III, I demonstrate that DP&L's proposed ESP does not  
5 include any qualitative benefits that would provide a basis on which to approve the  
6 ESP. In Section IV, I discuss Ohio state policy regarding competition and how  
7 competition benefits customers. In Section V, I discuss the problems associated with  
8 DP&L's proposed delay in its corporate separation. In Section VI, I explain why  
9 DP&L should transition its SSO to full market pricing, beginning with the effective  
10 date of the approved ESP. In Section VII, I discuss necessary modifications to the  
11 CBP Plan and associated documents, which will promote competition and lower  
12 prices. In Section VIII, I demonstrate that all proposed generation-related riders  
13 should be fully bypassable and propose modifications to the Rider CB methodology.  
14 Finally, in Section IX, I explain why DP&L should be required to remove barriers to  
15 competition in its territory relating to customer metering, billing, enrollment,  
16 switching fees, and the eligibility file.

## 17 **II. THE PROPOSED ESP SHOULD BE REJECTED**

### 18 **Q. PLEASE SUMMARIZE FES' OVERALL POSITION REGARDING DP&L'S** 19 **PROPOSED ESP.**

20 A. The proposed ESP should be rejected in its entirety because it would have serious  
21 negative impacts on competition in Ohio if approved as filed. DP&L's proposed ESP  
22 violates the state's policy (and the Commission's mission) to promote effective  
23

1 competition in the provision of retail electric service. DP&L's proposal violates this  
2 policy by, among other things, seeking to continue to collect unsupported cross  
3 subsidies for its generation assets through the non-bypassable Service Stability Rider  
4 ("SSR") and Switching Tracker. These excessive revenue streams, combined with  
5 the above-market SSO rates collected over the proposed three and a half year  
6 blending period, provides DP&L with \$988 million in above-market revenues over  
7 the ESP term (as calculated by FES witness Ruch) that would allow DP&L to  
8 subsidize its own generation resources, thereby distorting the competitive market in  
9 Ohio and elsewhere. Moreover, DP&L has proposed to unnecessarily delay the  
10 corporate separation of its competitive generation assets until December 31, 2017.  
11 Not only is there no basis to delay this important requirement for Ohio's competitive  
12 market, the proposed CBP Plan places no restrictions on DP&L's ability to bid into  
13 the CBP while collecting the unreasonable subsidies included in its proposed ESP.  
14 Lack of full structural separation and the subsidies to DP&L generation  
15 independently place FES and other suppliers at a competitive disadvantage that will  
16 stifle participation in DP&L's SSO auctions and reduce retail supply offers. The  
17 proposed ESP will harm competition to the detriment of all DP&L customers –  
18 shopping and non-shopping customers.

19 If the Commission declines to reject DP&L's ESP in its entirety, the following  
20 modifications need to be made to ensure that DP&L's ESP better conforms to state  
21 law and policy:

- 1       • DP&L should complete full structural separation as soon as possible, in  
2       accordance with Ohio law.
- 3       • The proposed SSR charge should be eliminated because it violates the  
4       Commission's charge to promote competition and is an unjustified subsidy to  
5       DP&L's generation business.
- 6       • The proposed Switching Tracker should be eliminated because it violates state  
7       policy to promote competition and unjustifiably subsidizes DP&L's  
8       generation business.
- 9       • The proposed Blending Period and the CBP Plan should be modified so that  
10      DP&L's rates are at 100% market pricing at the onset of the ESP.
- 11      • The proposed CBP Plan should be modified so that DP&L and its related  
12      entities are not allowed to bid into Ohio SSO auctions until corporate  
13      separation has taken place and DP&L is not receiving any generation-related  
14      subsidies.
- 15      • The proposed CBP Plan should be modified so that the auction results for  
16      each delivery period are a blend of one, two, and three year products.
- 17      • The proposed CBP Plan should be modified so that load associated with  
18      Reasonable Arrangements are included in the auction product.
- 19      • The proposed CBP Plan should be modified so that load caps and credit limit  
20      caps are eliminated.
- 21      • All generation-related riders should be fully bypassable.
- 22      • The Competitive Bid Rate methodology should be modified consistent with  
23      the FirstEnergy Ohio and Duke Energy Ohio methodologies.
- 24      • Prior to full corporate separation, the Fuel Rider methodology should be  
25      modified such that there is no cross-subsidization of DPLER by SSO  
26      customers.
- 27      • The existing treatment of deferrals should remain in effect, the Reconciliation  
28      Rider should be eliminated, and the auction costs should be collected through  
29      a bypassable rider.
- 30      • DP&L should remove other barriers to retail competition in its territory.

1 **Q. WHO ARE FES' OTHER WITNESSES?**

2 A. Witness Roger Ruch will demonstrate that, under a more reasonable analysis of  
3 DP&L's proposed ESP, it drastically fails the aggregate price test. In fact, DP&L's  
4 customers can expect to pay \$■ million more than they would under an MRO that  
5 includes blended rates. Witness Ruch will also demonstrate that the ESP will cost  
6 DP&L's customers \$988 million more than what the market could provide them over  
7 the ESP term.

8 Witness Dr. Jonathan Lesser will demonstrate that DP&L's proposed SSR is  
9 inappropriate, unsubstantiated and anticompetitive. Dr. Lesser also will explain the  
10 numerous (and similar) problems with DP&L's proposed Switching Tracker, AER-N  
11 placeholder and nonbypassable Reconciliation Rider. Finally, Dr. Lesser discusses  
12 the inherent flaws with DP&L's proposal to delay corporate separation for another  
13 four plus years.

14  
15 **III. THE PROPOSED ESP DOES NOT INCLUDE ANY QUALITATIVE**  
16 **BENEFITS THAT WOULD OVERCOME ITS \$■ MILLION PRICE TAG**

17 **Q. DP&L HAS ASSERTED THAT ITS PROPOSED ESP CONTAINS**  
18 **QUALITATIVE BENEFITS. DO YOU AGREE?**

19 A. No. None of the terms and conditions identified by DP&L as non-quantifiable  
20 benefits reflect benefits of the proposed ESP – and, even if they were benefits, they  
21 would not in any event overcome the proposed ESP's \$■ million cost, as calculated by  
22 FES witness Ruch. First, DP&L suggests that the proposed ESP reflects a “faster  
23 transition to market rates.” However, under the proposed ESP, DP&L's SSO customers  
24 will not have access to full market rates until June 2016, over three more years. There is

1 no reason that DP&L could not implement a fully market-based SSO now. As I discuss  
2 further in my testimony below, DP&L's customers should be allowed to access market-  
3 based pricing as soon as possible and there is no need to preclude DP&L's customers  
4 from receiving the benefits of the market now. Second, DP&L suggests that certain  
5 "competitive retail enhancements" included in the proposed ESP will facilitate  
6 competition. Of course, DP&L is seeking to charge customers for these enhancements  
7 and so they cannot be deemed a benefit of the ESP. Further, DP&L should have  
8 instituted most of these enhancements years ago. There continue to be a number of  
9 barriers to competition in DP&L's service territory, many of which would continue under  
10 the proposed ESP. Finally, DP&L points to statutory language generally relating to ESPs  
11 as a non-quantifiable benefit of its ESP. I do not understand how DP&L could claim that  
12 the terms of a statute are a significant benefit of the proposed ESP. Furthermore, it is my  
13 understanding that since DP&L has already filed its first MRO, any subsequent MRO  
14 filing will not be subject to the same restrictions from a regulatory perspective. This  
15 substantially diminishes DP&L's claim that the proposed ESP benefits from increased  
16 regulatory flexibility. In sum, DP&L's proposed ESP does not reflect any qualitative  
17 benefits and instead seeks to maintain barriers to wholesale and retail competition in its  
18 service territory for years to come.

19  
20 **IV. OHIO'S COMPETITIVE MARKET FOR ELECTRIC SERVICE**  
21 **BENEFITS CUSTOMERS**

22 **Q. DO CUSTOMERS BENEFIT FROM COMPETITION FOR ELECTRIC**  
23 **SERVICE?**

1 A. Yes. Competition – at both the retail level for customers that choose to shop and  
2 at the wholesale level for SSO procurements – results in numerous benefits for  
3 customers and the economy. First and foremost, as opposed to regulated rates,  
4 competition promotes lower prices to customers in both the near- and long-term. A  
5 competitive market encourages electric suppliers to reduce their costs in order to  
6 secure more customers. These cost reductions may come from reduced supplier  
7 profits or increased operating efficiencies. In a competitive market, such cost  
8 reductions are reflected in lower electric prices that are enjoyed at the wholesale and  
9 retail levels by all customers (including the industrial and commercial customers who  
10 play vital roles in Ohio’s economy). As a result, competition promotes a favorable  
11 environment for the overall development of Ohio’s economy.

12 Competition also shifts the inherent risks of capital investments in generation  
13 away from customers. In a competitive market, owners of generation (and their  
14 shareholders) bear the risk that generation investments will not be economic. Under a  
15 market system with effective competition, generation owners have a strong incentive  
16 to minimize their costs and make their generation resources more efficient because  
17 they bear the risks of their business decisions. Thus, competition provides incentives  
18 for generation owners to reduce their costs while maintaining or increasing  
19 production – leading to improved operating performance from existing generating  
20 plants. As a result, competition promotes more innovative, least-cost solutions to  
21 provide electric service in the most efficient and cost-effective manner.

22 **Q. WOULD DP&L’S PROPOSED ESP IMPACT COMPETITION?**

1 A. Yes. DP&L's proposed ESP would hinder competition and its customers' ability  
2 to receive the benefits of competition by, among other things, creating new anti-  
3 competitive subsidies and shifting generation-related charges to shopping customers  
4 who do not receive generation service from DP&L. The proposed ESP would also  
5 maintain existing barriers to competition by, among other things, continuing policies  
6 that penalize shopping customers and that impose unnecessary hurdles for suppliers  
7 and customers. Most notably, DP&L's proposed ESP seeks to continue DP&L's  
8 vertical integration when Ohio's competitive market requires full structural separation  
9 of DP&L's regulated distribution assets and its unregulated generation assets.

10  
11 **V. DP&L'S PROPOSED DELAY IN CORPORATE SEPARATION IS**  
12 **IMPROPER AND UNSUPPORTED**

13 **Q. WHAT ARE FES' RECOMMENDATIONS REGARDING DP&L'S**  
14 **PROPOSAL FOR CORPORATE SEPARATION?**

15 A. While FES has no comments on the proposed Third Amended Corporate  
16 Separation Plan itself, the Commission should reject the proposed ESP because  
17 DP&L proposes to delay structural corporate separation for another five years.  
18 DP&L has not provided any compelling reason or rationale as to why its generation  
19 assets cannot be transferred out of the EDU before December 31, 2017. By  
20 December 2014, all other Ohio utilities will have completed corporate separation.  
21 But DP&L inexplicably requires another three years. Such delay is unacceptable.  
22 Almost fourteen years has passed since S.B. 3 was enacted and EDUs were put on  
23 notice of the requirement for corporate separation. DP&L should be required to  
24 pursue full structural separation as soon as possible, to prevent further cross subsidies

1 between the utility and competitive affiliates and to ensure that DP&L's customers  
2 (and all Ohio customers) receive the benefits of a competitive market for electric  
3 generation service. Full corporate separation also would ensure that DP&L does not  
4 have any basis in which to request above-market revenues, as it seeks to do through  
5 the proposed ESP's blending plan, SSR, and Switching Tracker.

6  
7 **VI. THE PROPOSED BLENDING PLAN SHOULD BE REJECTED**

8 **Q. WHAT IS YOUR UNDERSTANDING OF DP&L'S PROPOSED BLENDING**  
9 **PLAN?**

10 A. DP&L has proposed to establish SSO rates through a 3-year, 5-month blending  
11 plan in which ESP generation prices will be blended with the Competitive Bidding  
12 ("CB") Rate at a 90%/10% ratio through May of 2014, 60%/40% through May of  
13 2015, and 30%/70% through May of 2016. Beginning June of 2016, DP&L will be at  
14 100% market-based rates (the CB Rate). Trackers, including the Fuel Rider, PJM  
15 RPM Rider, and the Transmission Cost Recovery Rider – Bypassable ("TCRR-B"),  
16 will be trued up on a seasonal quarterly basis. The Alternative Energy Rider ("AER")  
17 will not be part of the Blended SSO Rate.

18 **Q. WILL CUSTOMERS BENEFIT IF THE COMMISSION DECIDES DP&L**  
19 **SHOULD IMPLEMENT 100% MARKET BASED RATES AT THE**  
20 **BEGINNING OF THE ESP?**

21 A. Yes. Market prices are near historic lows, as evidenced by the recent auctions  
22 conducted by Duke Energy Ohio and the FirstEnergy Ohio utilities. If, in the first  
23 year of the ESP Plan, the Commission approves a CBP for 100% of the load, it would  
24 create significant value for DP&L's customers and allow them to take full advantage

1 of today’s low market prices. In addition, a fully market-based SSO price would  
2 promote lower prices in the competitive market that DP&L customers could access  
3 through shopping, by setting a lower price-to-compare that competitive suppliers  
4 must beat to attract customers.

## 6 **VII. THE PROPOSED CBP PLAN SHOULD BE MODIFIED**

### 7 **Q. WHAT ARE FES’ RECOMMENDATIONS REGARDING MODIFICATIONS** 8 **TO THE CBP PLAN?**

9 A. FES recommends that the proposed CBP Plan be modified to include detailed  
10 information around the proposed auctions and auction products. The CBP also  
11 should incorporate a mix of 1-, 2-, and 3-year auction products (for example, 33  
12 tranches of a 1-year product, 33 tranches of a 2-year product, and 34 tranches of a 3-  
13 year product being auctioned at the same time). The credit limit caps and 80% load  
14 cap should be eliminated, and the load associated with customers who have a  
15 Reasonable Arrangement with DP&L should be included in the auction product.

### 16 **Q. WHAT ADDITIONAL INFORMATION SHOULD BE INCLUDED IN THE** 17 **CBP PLAN?**

18 A. DP&L should be required to file specific auction details including the number of  
19 auctions, the proposed auction timeline, and the products offered in each auction.  
20 DP&L should be required to propose fixed dates for future auctions, which would  
21 generate supplier interest and provide clarity to the CBP process.

22 Further, DP&L states that subsequent auctions will offer “one or more 12, 24,  
23 and/or 36 month products.” DP&L should be required to specify the products that  
24 will be included in the future auctions. Without such information, it is difficult to

1 evaluate the impact of DP&L's proposal. This will provide greater certainty to the  
2 supplier community, which will result in increased supplier participation and, in turn,  
3 promote the benefits that result from competition.

4 **Q. WHY SHOULD THE CBP PLAN INCLUDE A MIX OF 1-, 2-, AND 3-YEAR**  
5 **PRODUCTS BEGINNING IN YEAR 2?**

6 A. Market prices are near historic lows, as evidenced by the recent auctions  
7 conducted by Duke Energy Ohio and the FirstEnergy Ohio utilities. Customers will  
8 benefit by capturing such favorable generation prices in the auction and the varying  
9 length products will ensure that those favorable prices are incorporated into customer  
10 prices over the long term. Blending of different products helps to mitigate market  
11 price fluctuations. In addition, offering a variety of products will help attract more  
12 bidders, which, in turn, promotes more effective competition and lower prices.

13 **Q. WHAT BARRIERS TO EFFECTIVE COMPETITION EXIST IN THE**  
14 **PROPOSED CBP PLAN?**

15 A. DP&L's proposals to: (1) institute an 80% load cap on supplier participation; (2)  
16 implement an unnecessarily low Credit Limit Cap related to the Max Independent  
17 Credit Threshold; and (3) remove its reasonable arrangement load from the CBP  
18 product, are barriers to effective competition.

19 **Q. WHAT DOES FES RECOMMEND REGARDING THE 80% LOAD CAP?**

20 A. The CBP Plan and associated documents should be amended to eliminate the 80%  
21 load cap on supplier participation. FES is aware that a similar load cap is used in  
22 other Ohio EDU auction processes. However, FES is strongly opposed to any load  
23 caps. Load caps serve as an artificial limit on competition because, when the cap is

1 triggered, it necessarily means that a lower-priced bidder was willing to serve more of  
2 the available load. As a result, customers will be left to pay a higher price than the  
3 market was willing to provide.

4 **Q. WHAT DOES FES RECOMMEND REGARDING THE CREDIT LIMIT CAP?**

5 A. Section 6.4 of the Master SSO Supply agreement lists a credit limit cap of  
6 \$3,000,000 for a BB+/Ba1/BB+ rating, \$2,000,000 for a BB/Ba2/BB rating, and  
7 \$1,000,000 for a BB-/Ba3/BB- rating. Capping the maximum level of the  
8 Independent Credit Threshold (“ICT”) at these amounts will limit supplier  
9 participation. These caps should be eliminated entirely. If the Commission instead  
10 finds that having a credit limit cap related to the maximum ICT is appropriate, the  
11 caps should, at a minimum, be raised to \$30,000,000 for a BB+/Ba1/BB+ rating,  
12 \$20,000,000 for a BB/Ba2/BB rating, and \$5,000,000 for a BB-/Ba3/BB- rating.  
13 Eliminating the caps or, at a minimum increasing the caps, is an important step to  
14 ensuring robust supplier participation and therefore greater competition.

15 **Q. DOES DP&L PROPOSE ANY SPECIAL TREATMENT OF REASONABLE**  
16 **ARRANGEMENTS?**

17 A. Yes. DP&L has proposed to exclude the load associated with reasonable  
18 arrangements from the auction product.

19 **Q. WHAT DOES FES RECOMMEND REGARDING REASONABLE**  
20 **ARRANGEMENTS LOAD?**

21 A. DP&L should include the load associated with customers who have entered into  
22 reasonable arrangements with DP&L in the auction product. The DP&L customer  
23 load associated with reasonable arrangements represents a significant portion of

1 DP&L's total load. It is my understanding, for example, that the reasonable  
2 arrangement load associated with Wright-Patterson Air Force Base – just one of  
3 DP&L's reasonable arrangements – accounts for a significant percentage of the SSO  
4 load. DP&L also has a reasonable arrangement with Caterpillar, Inc.<sup>1</sup> for a 1.4  
5 million square foot distribution facility, which represents another significant  
6 percentage of DP&L's SSO load.<sup>2</sup> With such a significant amount of SSO load  
7 removed from the auction product, the remaining SSO load available for bid in the  
8 SSO auctions will be substantially smaller. This will render the CBP less attractive to  
9 potential bidders, lowering participation and ultimately precluding SSO customers  
10 from receiving the maximum benefits of competition.

11 Further, DP&L's reasonable arrangement customers also should receive the  
12 benefits of competition at the current historically low market prices. Reasonable  
13 arrangement customers generally represent large employers in the service territory.  
14 Every opportunity to reduce their electric rates is an opportunity to promote economic  
15 development in DP&L's service territory – another state policy the Commission is  
16 charged to promote. Moreover, if the reasonable arrangement customers' rates are  
17 lowered through their inclusion in DP&L's SSO auctions, the delta revenue  
18 associated with these customers – which is recovered from all customers – also will  
19 decrease. Thus, including the reasonable arrangement load in the CBP product  
20 directly benefits reasonable arrangement customers, while also indirectly benefitting  
21 all customers.

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<sup>1</sup> See April 5, 2011 Opinion and Order in Case No. 10-0734-EL-AEC.

<sup>2</sup> See June 8, 2011 Opinion and Order in Case No. 11-1163-EL-AEC.

1

2 **VIII. ALL GENERATION-RELATED RIDERS SHOULD BE FULLY**  
3 **BYPASSABLE AND RIDER CB SHOULD BE MODIFIED**

4 **Q. WHAT IS FES' POSITION REGARDING THE BYPASSABILITY OF**  
5 **GENERATION-RELATED RIDERS?**

6 A. All generation-related riders should be fully bypassable, otherwise shopping  
7 customers will pay twice for the same service – once to the utility and once to the  
8 supplier.

9 **Q. DID DP&L PROPOSE ANY GENERATION-RELATED RIDERS THAT ARE**  
10 **NON-BYPASSABLE OR CONDITIONALLY BYPASSABLE?**

11 A. Yes. DP&L proposed a non-bypassable Reconciliation Rider (“RR”), which  
12 includes: 1) the costs of administering and implementing the CBP; 2) the cost of  
13 implementing certain competitive retail enhancements; 3) any deferred balance that  
14 exceeds 10% of the base recovery associated with the Fuel Rider, RPM Rider, TCRR-  
15 B, Alternative Energy Rider (“AER”), and the Competitive Bidding True-Up  
16 (“CBT”) Rider; and 4) any remaining deferral balance or credit after the Fuel, RPM,  
17 TCRR-B are eliminated as of June 1, 2016. DP&L has also proposed the Alternative  
18 Energy Rider – Non-bypassable (“AER-N”), a placeholder cost recovery mechanism  
19 for charges relating to the Yankee Solar Generating Facility. Finally, the Switching  
20 Tracker and SSR would be recovered on a non-bypassable basis.

21 **Q. WHAT IS FES' RECOMMENDATION REGARDING THE RR AS A**  
22 **WHOLE?**

1 A. The RR should be rejected because its component parts are not appropriate for non-  
2 bypassable cost recovery and/or because DP&L should not be entitled to recover the  
3 costs included in the RR.

4 **Q. WHAT IS FES' RECOMMENDATION REGARDING THE CBP**  
5 **COMPONENT OF THE RR?**

6 A. The auction-related costs should be recovered in a separate, fully bypassable rider  
7 because shopping customers should not have to pay for generation-related costs  
8 associated with obtaining SSO service. The CBP auction is intended to procure  
9 generation for SSO customers who do not shop. Shopping customers do not receive  
10 any of the services being procured in the auction process. It is inappropriate to ask  
11 that shopping customers pay for the costs associated with administering the auction  
12 they do not benefit from.

13 **Q. WHAT IS FES' RECOMMENDATION REGARDING THE DEFERRED**  
14 **BALANCE COMPONENTS OF THE RR?**

15 A. As discussed in Witness Lesser's testimony, DP&L's rationale for transferring the  
16 currently bypassable expenses (e.g. Fuel, RPM, TCRR-B and AER) to the  
17 nonbypassable RR is flawed. DP&L proposes to include certain deferrals in the RR  
18 that are related to charges that are fully bypassable today. However, these expenses  
19 were incurred on behalf of non-shopping customers and should be recovered from  
20 non-shopping customers on a going-forward basis. To do so ensures a continuation  
21 of the proper cost-causation alignment. To allow these currently bypassable charges  
22 to change to nonbypassable charges in the future also would result in a rate increase  
23 for shopping customers.

1 DP&L's proposal is anticompetitive for a number of reasons. First, the change  
2 from bypassable to nonbypassable could disrupt the underlying economic value of the  
3 contract shopping customers entered into with CRES providers. For example, a  
4 customer may enter into a fixed price contract with a supplier that produces savings  
5 based on the current bypassable charges. If the bypassable charges become  
6 nonbypassable, the shopping customer would still have to pay the contracted fixed  
7 price to its supplier and then pay the nonbypassable charge to DP&L. Second, it  
8 would be difficult, if not impossible, for suppliers and customers to predict whether  
9 or not one or more of the riders would trigger the 10% provision. Finally, just the  
10 uncertainty of whether the charges would be applicable on a nonbypassable basis in  
11 the future may have a chilling effect on customers' willingness to shop or suppliers'  
12 ability to make firm offers. Charges that are currently bypassable should remain  
13 bypassable during the term of this ESP. Therefore, DP&L's proposal to switch to  
14 non-bypassable recovery if any deferred balance exceeds 10% of the base recovery  
15 rate and after June 1, 2016 should be rejected, and the deferrals should continue to  
16 operate as they do today. As of June 1, 2016, the affected riders should remain in  
17 effect until any over- or under-recovery has been returned to or collected from  
18 customers, at which time the riders will be eliminated.

19 **Q. WHAT IS FES' RECOMMENDATION REGARDING THE AER-N?**

20 A. The AER-N is inappropriate and should be rejected. FES witness Lesser describes a  
21 number of problems with the AER-N, but fundamentally the AER-N is improper  
22 because generation service is competitive. DP&L, as a regulated distribution utility,  
23 should not receive nonbypassable cost recovery for a generating facility. Generation

1 service is provided through the market and the market is capable of providing such  
2 service.

3 **Q. WHAT IS FES' RECOMMENDATION REGARDING THE SWITCHING**  
4 **TRACKER AND SSR?**

5 A. As discussed in Witness Lesser's testimony, the Switching Tracker and SSR are  
6 inappropriate and should be rejected.

7 **Q. IF DP&L IS AUTHORIZED TO RECOVER UNDER THE SSR, WHAT ARE**  
8 **FES' RECOMMENDATIONS?**

9 A. The SSR is an improper subsidy that would provide an unfair advantage to DP&L in  
10 the form of a guaranteed above-market (and generation-related) revenue stream. If  
11 DP&L is authorized to recover under the SSR and/or DP&L has not completed  
12 structural separation, DP&L and its holding company, subsidiaries and affiliates  
13 should not be allowed to participate in any Ohio EDU SSO auctions, including  
14 DP&L's. Further, the Commission should require DP&L to take certain steps to  
15 ensure that DP&L's affiliates and subsidiaries do not receive a competitive  
16 advantage. First, the transfer price between DP&L and its retail affiliate(s) should be  
17 set at wholesale market prices. Second, DP&L should be required to sell the energy  
18 from all of its generation assets into the Day Ahead or Real Time PJM energy  
19 markets, or on a forward basis through a bilateral agreement. Any forward bilateral  
20 sales must be done at a liquid trading hub (i.e., Western Hub, AD-Hub) at the then-  
21 current market wholesale equivalent price.

22 **Q. WHAT ARE FES' CONCERNS REGARDING THE PROPOSED RIDER CB**  
23 **METHODOLOGY?**

1 A. As discussed in Witness Seger-Lawson's testimony, DP&L is proposing a blend of  
2 two methodologies to assign the costs associated with the CBP to tariff classes. The  
3 approach is confusing and overly (and unnecessarily) complicated. Since the  
4 proposed auctions are on a slice-of-system basis, the differences between tariff  
5 classes in the existing rate design do not go into the suppliers' bids to create the  
6 auction price, and should therefore not be preserved via the CB rate design.  
7 Approving the proposed methodology would effectively defeat the whole purpose of  
8 going to market, as existing non-market-based relationships would still exist even  
9 after DP&L is at 100% auction based pricing.

10 **Q. WHAT IS FES' RECOMMENDATION REGARDING THE PROPOSED**  
11 **RIDER CB METHODOLOGY?**

12 A. DP&L should use a similar methodology to the FirstEnergy Ohio utilities and Duke  
13 Energy Ohio, in which the wholesale auction price is broken into energy and capacity  
14 components and are both charged on a cent per kWh basis. The energy piece should  
15 simply be grossed up for losses, resulting in voltage differentiated rates. There is no  
16 need to preserve any existing cost relationships, as gradualism will naturally occur  
17 through the blending process.

18  
19 **IX. BARRIERS TO RETAIL COMPETITION IN DP&L'S TERRITORY**  
20 **SHOULD BE ELIMINATED**

21 **Q. WHAT BARRIERS TO RETAIL COMPETITION EXIST IN DP&L'S**  
22 **TERRITORY?**

23 A. DP&L's customer choice program includes many inappropriate barriers to retail  
24 competition. Examples of these provisions include, but are not limited to, issues

1 around customer metering, billing, enrollment, switching fees, and eligibility file.  
2 These barriers must be removed in order to enhance competition in DP&L's territory  
3 and ensure that DP&L customers are receiving the full benefits of competition.

4 **Q. PLEASE DESCRIBE THE CUSTOMER METERING ISSUES THAT ARE A**  
5 **BARRIER TO COMPETITION.**

6 A. DP&L requires customers who have a maximum peak demand of 100 kW over a  
7 12 month period or who reach 100 kW at any time while on CRES service to install  
8 an interval meter. Customers must pay for the installation of the interval meter at  
9 their own expense. The proposed interval meter threshold unnecessarily requires a  
10 larger number of customers to incur a charge in order to shop. The significant charge  
11 associated with an interval meter reduces, if not eliminates, the savings that customers  
12 can enjoy from shopping. Further, it is FES' experience that any charge solely  
13 associated with shopping reduces customers' willingness to explore the competitive  
14 market. Raising the threshold level to 200 kW and making this rule apply to all  
15 customers equally would remove the financial penalty for the group of customers  
16 between 100 and 200 kW and will promote competition by allowing them to shop for  
17 the best available electricity rates.

18 **Q. PLEASE DESCRIBE THE BILLING ISSUES THAT SERVE AS A BARRIER**  
19 **TO COMPETITION.**

20 A. Unlike Ohio Power Company, Duke Energy Ohio, and the FirstEnergy Ohio  
21 utilities, DP&L does not offer rate ready percentage off price-to-compare ("PTC")  
22 billing in its territory. A CRES provider in DP&L's service territory is essentially  
23 precluded from offering customers percentage-off PTC billing, which is one of the

1 most popular and easily understandable products. DP&L's inability to provide for  
2 rate-ready percentage-off billing substantially and unnecessarily limits the types of  
3 discounts and pricing options that CRES providers are able to offer DP&L customers.  
4 Indeed, percentage-off PTC billing is the predominant product offered through  
5 governmental aggregation programs in Ohio. For this reason alone, DP&L's  
6 proposed ESP, which does not remedy its failure to provide rate ready percentage off  
7 PTC billing, cannot be said to promote large-scale governmental aggregation.  
8 Further, residential customers, who represent the bulk of the participants in  
9 aggregation programs, are further burdened by the per-bill fee that I discuss later.

10 Further, while DP&L technically allows suppliers to submit new rates each time  
11 the PTC changes, this process is overly burdensome, inefficient, and ineffective.  
12 DP&L's PTC changes several times throughout the year. Thus, suppliers would have  
13 to stay on top of DP&L's PTC changes and submit new rates each time it changes.  
14 DP&L's tariff also authorizes DP&L to charge suppliers \$1,000 for each change to its  
15 billing system. The issue is further complicated by the fact that some of the  
16 components in DP&L's PTC are calculated on a service-rendered basis, and others  
17 are calculated on a bills rendered basis, thereby making a correct percent off bill  
18 nearly impossible for a CRES provider to calculate. One of the benefits of  
19 competition is the variety of service products. However, DP&L's system precludes  
20 one of the most popular service products. DP&L should be required to permit  
21 suppliers to submit percentages through a rate ready billing process, which DP&L  
22 would apply at a discount off the customer's PTC.

1       The per-bill cost of consolidated billing and dual billing for DP&L's residential  
2 customers also is excessive. DP&L charges 20¢ per consolidated bill and 12¢ per  
3 dual bill to all customers. No other Ohio EDU charges similar fees. In fact, as shown  
4 in Attachment SLN-1, of the six states (and 24 EDU service territories) in which FES  
5 operates, only one utility charges a per bill fee for consolidated billing. That utility's  
6 fee of 3¢ per bill is significantly smaller than that proposed by DP&L and is tied in  
7 with the purchase of receivables program, so there are additional program features  
8 associated with this charge that do not exist with DP&L's markedly higher charge.  
9 DP&L's unsupported charge of 20¢ and 12¢ per bill is cost-prohibitive for many  
10 providers and inhibits retail shopping at the residential level. Simply put, DP&L  
11 should not charge providers for consolidated or dual bills, and this practice should be  
12 disallowed.

13       It also is cost-prohibitive to register rate codes in DP&L's consolidated billing  
14 system. DP&L's tariff authorizes DP&L to charge a \$5,000 initial set up fee and  
15 \$1,000 for each change to its billing system – even where only a single rate code is  
16 added. No other EDU in Ohio applies this type of charge. Further, as shown in  
17 Attachment SLN-1, out of the six states (and 24 EDU service territories) in which  
18 FES operates, only one other EDU imposes a large initial set up fee. However, that  
19 utility's subsequent fee is \$30 per month, as opposed to the \$1,000 per change fee  
20 charged by DP&L. No other EDU in any other state in which FES does business  
21 charges this type of subsequent change fee.

22       Finally, as shown in Attachment SLN-2, components in DP&L's PTC are not  
23 consistently charged on either a service-rendered or bills-rendered basis. In other

1 words, some components that make up the PTC are prorated, while others are not. As  
2 a result, it is very difficult for suppliers wishing to calculate percent off PTC billing  
3 as described above, and it is confusing for any customers who are trying to make an  
4 apples-to-apples comparison between DP&L and a potential supplier. For this  
5 reason, if DP&L does not implement rate-ready percentage-off PTC billing, DP&L  
6 should switch their base generation rates (which are proposed to also include the  
7 Environmental Investment Rider rates) to a bills-rendered format, as well as the  
8 proposed CB Rate. This change will result in all PTC components being charged on a  
9 bills-rendered basis.

10 **Q. PLEASE DESCRIBE THE ENROLLMENT ISSUES THAT SERVE AS A**  
11 **BARRIER TO COMPETITION.**

12 A. As with the issues raised above, DP&L's customer enrollment process includes  
13 barriers that have a negative effect on competition. For example, DP&L has accounts  
14 with both a residential and a commercial meter; however, DP&L does not allow  
15 CRES providers to enroll individual meter accounts. Because rules and pricing are  
16 substantially different for these customer groups, the prohibition against individual  
17 meter enrollment by a CRES provider erects an undue barrier to customer switching.  
18 Switching should be permitted on either a per meter basis, or customers with  
19 commercial and residential meters should be split into two accounts – thereby  
20 allowing these customers to shop and save.

21 **Q. PLEASE DESCRIBE HOW DP&L'S CUSTOMER SWITCHING FEE IS A**  
22 **BARRIER TO COMPETITION.**

1 A. As shown in Attachment SLN-3, of the 24 EDU service territories in which FES  
2 operates, only seven charge any fees related to switching. The three FirstEnergy  
3 Ohio EDUs refer to this fee as a processing fee, not a switching fee, and it is charged  
4 to the supplier, not the customer. Similarly, Duke Energy Ohio charges a \$5  
5 switching fee directly to the supplier. DP&L charges a \$5 fee to customers.<sup>3</sup> DP&L  
6 should allow providers to pay the fee on behalf of a customer.

7 **Q. PLEASE DESCRIBE THE ELIGIBILITY FILE ISSUE THAT SERVES AS A**  
8 **BARRIER TO COMPETITION.**

9 A. DP&L has made changes to its eligibility file that make it impossible for a  
10 supplier to determine whether a customer is shopping or is on default service. At one  
11 time, suppliers were able to derive the shopping status of a customer based on the rate  
12 code provided in the file. However, DP&L now uses more generic language to  
13 describe what rate a customer is on, so that detail is lost. As a result, CRES providers  
14 spend unnecessary time and resources marketing to customers who already are  
15 shopping. By including a flag in the system to identify shopping status,  
16 communications will be streamlined, customers will be less confused by marketing  
17 materials, and CRES providers' costs will be decreased – thus promoting greater  
18 competition and further savings. DP&L should include a “Y/N” shopping indicator  
19 field, similar to Duke Energy Ohio.

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<sup>3</sup> Ohio Power Company charges an unnecessary \$10 fee directly to retail customers. However, the Commission recently ordered Ohio Power Company to reduce its fee to \$5 and allow the charge to be paid by suppliers. *See* Case No. 11-346-EL-SSO *et al.*, Entry on Rehearing (Jan. 30, 2013) at p. 43.

1    **Q. DOES FES HAVE ANY OTHER CONCERNS ABOUT DP&L'S BILLING**  
2    **PROCEDURES?**

3    A.     Yes, it is my understanding that when a customer is dropped by a CRES provider,  
4       the customer's past due CRES charges are only shown on the consolidated bill for  
5       three months at most. DP&L should include past due CRES charges on the  
6       consolidated bill until those charges are paid in full.

7    **Q. PLEASE SUMMARIZE FES' RECOMMENDATIONS FOR DP&L'S**  
8    **BARRIERS TO COMPETITION.**

9    A.     In addition to the proposals included in DP&L's Application, FES'  
10    recommendations are as follows:

- 11       • DP&L should raise its interval meter threshold to 200 kW;
- 12       • DP&L should offer percentage-off PTC rate ready billing;
- 13       • DP&L should eliminate the 20¢ per consolidated bill charge and eliminate the 12¢  
14       per-dual bill charge;
- 15       • DP&L should eliminate the \$5,000 initial set up fee and \$1,000 per change charge  
16       for registering rate codes;
- 17       • If DP&L does not implement rate-ready, percentage-off PTC billing, DP&L  
18       should charge all PTC components on a bills rendered basis;
- 19       • DP&L should allow suppliers to enroll individual meters or should split accounts  
20       with both residential and commercial meters into two accounts;
- 21       • DP&L should allow suppliers to pay the \$5 switching fee on behalf of the  
22       customer;

1       • Supplier past due charges should remain on the bill of dropped customers until  
2       they are paid off; and

3       • The eligibility file should include a shopping flag.

4       **Q. DOES THIS CONCLUDE YOUR TESTIMONY AT THIS TIME?**

5       A. Yes.



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SLN-1

**Charges for Changes to Rate Ready Billing**

EDC	Rate Ready	Charges for Rate Ready Billing
Ameren Illinois	Yes	\$0.03 per customer account per month <sup>1</sup>
Atlantic City Electric	No	Not applicable
Baltimore Gas and Electric	No	Not applicable
The Cleveland Electric Illuminating Company	Yes	None
Commonwealth Edison	No	Not applicable
Consumers Energy	Yes	\$4000 initial set up fee, \$30 per month thereafter <sup>2</sup>
Dayton Power & Light	Yes <sup>3</sup>	\$5000 initial set up fee, \$1000 for subsequent changes, plus \$0.20 per consolidated bill
Delmarva Power	No	Not applicable
Detroit Edison	Yes	None
Duke Energy Ohio	Yes	\$75 per hour charge for modifications related to non-standard rates only
Duquesne Light	Yes	None
Jersey Central Power & Light	Yes	None
Metropolitan Edison	Yes	None
Ohio Edison	Yes	None
Ohio Power Company	Yes	None
PECO Energy	No	Not applicable
Pepco	No	Not applicable
Penelec	Yes	None
Penn Power	Yes	None
Potomac Edison	Yes	None
PPL Utilities	Yes	None
PSEG	No	Not applicable
Toledo Edison	Yes	None
West Penn Power	Yes	None

<sup>1</sup> Ameren's consolidated billing program is tied in with the purchase of receivables program.

The \$0.03 charge is a program charge for the combined UCB/POR program, and is paid by customers; a POR discount is paid by suppliers.

<sup>2</sup> Consumers' \$30 per month fee is a flat fee; it is not charged on a per customer basis.

<sup>3</sup> Rate ready billing is only available to the extent that price plans are based on fixed and variable charges similar to those employed by DP&L.

**RESPONSES TO INTERROGATORIES**

**INTERROGATORY NO. 7-1:** For the following currently effective tariffs, please state whether the rate is charged on a bills rendered or a service rendered basis:

- a. Electric Generation Service Standard Offer Tariffs (G10-G18)

**RESPONSE:** Subject to all general objections, DP&L states: service rendered.

- b. Environmental Investment Rider (G24)

**RESPONSE:** Subject to all general objections, DP&L states: service rendered.

- c. Alternative Energy Rider (G26)

**RESPONSE:** Subject to all general objections, DP&L states: bills rendered.

- d. PJM RPM Rider (G27)

**RESPONSE:** Subject to all general objections, DP&L states: bills rendered.

- e. Fuel Rider (G28)

**RESPONSE:** Subject to all general objections, DP&L states: bills rendered.

- f. Transmission Cost Recovery Rider (T15)

**RESPONSE:** Subject to all general objections, DP&L states: bills rendered.

**WITNESS RESPONSIBLE: Dona Seger-Lawson.**

**INTERROGATORY NO. 7-2:** For the following proposed tariffs, please state whether the rate will be charged on a bills rendered or a service rendered basis:

- a. Electric Generation Service Standard Offer Tariffs (G10-G18)

**RESPONSE:** Subject to all general objections, DP&L states: service rendered.

- b. Competitive Bidding Rate (G19)

**RESPONSE:** Subject to all general objections, DP&L states: service rendered.

- c. Alternative Energy Rider (G26)

**RESPONSE:** Subject to all general objections, DP&L states: bills rendered.

- d. PJM RPM Rider (G27)

**RESPONSE:** Subject to all general objections, DP&L states: bills rendered.

- e. Fuel Rider (G28)

**RESPONSE:** Subject to all general objections, DP&L states: bills rendered.

- f. Service Stability Rider (G29)

**RESPONSE:** Subject to all general objections, DP&L states: service rendered.

- g. Competitive Bid True-Up Rider (G30)

**RESPONSE:** Subject to all general objections, DP&L states: bills rendered.

- h. Alternative Energy Rider – Non-Bypassable (G31)

**RESPONSE:** Subject to all general objections, DP&L states that this information will be provided when DP&L files for cost recovery six months after receiving a Commission order approving the DP&L's ESP.

i. Reconciliation Rider (D29)

**RESPONSE:** Subject to all general objections, DP&L states: bills rendered.

j. Transmission Cost Recovery Rider – Non-Bypassable (T14)

**RESPONSE:** Subject to all general objections, DP&L states: bills rendered.

k. Transmission Cost Recovery Rider – Bypassable (T15)

**RESPONSE:** Subject to all general objections, DP&L states: bills rendered.

**WITNESS RESPONSIBLE: Dona Seger-Lawson.**



**12-0426-EL-SSO**  
**SLN-3**  
**Switching Fees**

EDC	Switching Fee	Supplier May Pay on Customer's Behalf
Ameren Illinois	None <sup>1</sup>	Not applicable
Atlantic City Electric	None	Not applicable
Baltimore Gas and Electric	None	Not applicable
The Cleveland Electric Illuminating Company	\$5 <sup>2</sup>	Fee is charged directly to supplier
Commonwealth Edison	None	Not applicable
Consumers Energy	\$5 <sup>3</sup>	No
Dayton Power & Light	\$5 <sup>3</sup>	No
Delmarva Power	None	Not applicable
Detroit Edison	None	Not applicable
Duke Energy Ohio	\$5	Fee is charged directly to supplier
Duquesne Light	None	Not applicable
Jersey Central Power & Light	None	Not applicable
Metropolitan Edison	None	Not applicable
Ohio Edison	\$5 <sup>2</sup>	Fee is charged directly to supplier
Ohio Power Company	\$5 <sup>4</sup>	No
PECO Energy	None	Not applicable
Pepco	None	Not applicable
Penelec	None	Not applicable
Penn Power	None	Not applicable
Potomac Edison	None	Not applicable
PPL Utilities	None	Not applicable
PSEG	None	Not applicable
Toledo Edison	\$5 <sup>2</sup>	Fee is charged directly to supplier
West Penn Power	None	Not applicable

<sup>1</sup> Ameren has a switch fee of \$50 per meter per account for non-mass market customers who are switched off cycle, but the standard switch fee is \$0

<sup>2</sup> FirstEnergy Ohio Utilities refer to this fee as a processing fee, not a switching fee

<sup>3</sup> In DP&L and Consumers, this fee is charged when customers shop AND when they return to SSO service

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Summary: Testimony of Sharon L. Noewer (Public Version) electronically filed by Ms. Laura C. McBride on behalf of FirstEnergy Solutions Corp.