BEFORE

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

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| In the Matter of the Application of Ohio  Edison Company, The Cleveland Electric  Illuminating Company and The Toledo  Edison Company for Authority to Provide  for a Standard Service Offer Pursuant to R.C. 4928.143 in the Form of an Electric Security Plan | )  )  )  )  )  )  ) | Case No. 14-1297-EL-SSO |

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**SECOND SUPPLEMENTAL TESTIMONY OF MATTHEW WHITE**

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On behalf of Interstate Gas Supply, Inc.

**I. INTRODUCTION AND PURPOSE OF TESTIMONY**

**Q.** **Please introduce yourself.**

A. My name is Matthew White. I am employed by Interstate Gas Supply, Inc. (“IGS” or “IGS Energy”) as General Counsel, Legislative and Regulatory Affairs. My business address is 6100 Emerald Parkway, Dublin, Ohio 43016.

**Q. Are you the same Matthew White that filed testimony on behalf of IGS earlier in this proceeding?**

A. Yes, I am.

**Q. What is the purpose of your testimony?**

A. The purpose of my testimony is to address the Third Supplemental Stipulation filed in this proceeding on December 1, 2015 (“Third Supplemental Stipulation”). IGS has previously filed testimony opposing FirstEnergy’s proposal to implement Rider RRS which would guarantee cost recovery, plus a significant rate of return, on approximately 3,000 MW of FirstEnergy Solutions (“FES”) aging generation units. IGS continues to oppose approval of Rider RRS; moreover additional provisions contained in Third Supplemental Stipulation are actually worse for customers and the competitive markets than FirstEnergy’s ESP application as filed. Specifically:

* The Third Supplemental Stipulation would adopt Rider RRS, the economics of which have gotten worse, given the significant decline in natural gas prices since FirstEnergy originally filed its original Application. Thus, it is becoming increasingly obvious that approving Rider RRS will have a significant adverse economic impact on Ohio ratepayers;
* The Ohio General Assembly has adopted a competitive retail electric structure and abandoned monopoly regulation as the means to procure electric generation service. Yet the provisions in the Third Supplemental Stipulation would allow for a regression towards re-regulation. Further, there are no additional provisions the Third Supplemental Stipulation that would off-set the damage done to the competitive market, or that otherwise can be said to benefit competition in Ohio;
* Not only is Rider RRS anti-competitive, and would thwart the will of the General Assembly, there are a number of *additional* provisions in the Stipulation that would harm customers by adding costs that would largely go to benefiting only FirstEnergy. With the additional provisions in the Stipulation, it appears that the Third Supplemental Stipulation is more lucrative for FirstEnergy than had the Commission simply approved FirstEnergy’s application as filed.

For these reasons, in my testimony I explain that the Commission should not approve the Third Supplemental Stipulation, as it would approve an uneconomic and anti-competitive Rider RRS. Further, the additional provisions in the Third Supplemental Stipulation do nothing to mitigate Rider RRS and would actually compound the damage done to competitive markets and customers.

**Q. If the Commission approves the Third Supplemental Stipulation, are there modifications to the ESP that you recommend?**

A. Yes. In my Direct Testimony filed in this proceeding, I recommended that the Commission approve a number of retail electric enhancements that would mitigate the impact of anti-competitive elements in FirstEnergy’s ESP application. Specifically I recommended:

* Unbundling SSO costs that are recovered through distribution rates and charge the SSO all costs required to provide retail electric service in the market as required by Ohio statute;
* Requiring FirstEnergy to end its discriminatory practice of allowing only select third party companies to bill for non-commodity charges on the electric distribution (“EDU”) bill, and allow CRES providers to also bill for non-commodity charges on the EDU bill;
* Starting a process to initiate supplier consolidated billing (“SCB”) that would allow CRES providers to issue a consolidated bill directly to the customers that includes generation charges and distribution charges.

If the Commission approves the Stipulation, I recommend that at a minimum the Commission also approve the retail enhancements described in my testimony to mitigate the adverse impact the Third Supplemental Stipulation will have on competitive markets and customers.

**II. TESTIMONY**

**1. The Economics of Rider RRS Continue to Get Worse**

**Q. Have natural gas trends over the last year harmed the economics of Rider RRS for customers?**

A.Yes.The marginal price of electricity is often set by the price of gas fired generation. Further, the price of gas electric generation is highly correlated with the price of natural gas. Thus, there is a strong correlation between natural gas prices and electric prices. Even since FirstEnergy has filed its original ESP Application, natural gas production in the region has continued to increase and natural gas prices have continued to decline. These trends have led to a fundamental and lasting shift away from coal and nuclear generation, towards natural gas generation. Thus, approval of Rider RRS would force FirstEnergy ratepayers to place a giant long-term bet on coal and nuclear generation when it is becoming increasingly obvious that this type of generation (particularly coal) is, and will be, uneconomical for the life of Rider RRS.

**Q. Is your company familiar with the natural gas markets in Ohio?**

A. Yes. IGS has been buying and selling natural gas in Ohio for over 25 years. In the mid-1980s, IGS started out as a natural gas supplier selling to large industrial customers in Ohio. IGS has since expanded its geographic footprint and now sells natural gas in multiple states throughout the Midwest and other areas of the country to residential, commercial, and industrial customers. IGS also has extensive experience buying, selling, transporting, and storing natural gas on pipelines throughout the Northeast, Midwest, and Gulf regions.

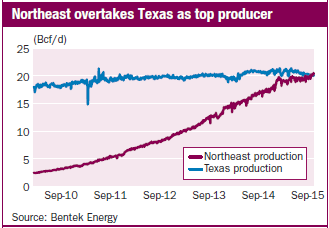
**Q. Can you summarize the trends in the Ohio natural gas market that have intensified over the last two years?**

A. Yes. Put simply, with the development of horizontal drilling and hydraulic fracking technologies, natural gas in our region has become significantly more abundant, much less costly to extract, and increasingly accessible. This fundamental shift in the natural gas markets has resulted in lower natural gas prices and much less price volatility even since FirstEnergy filed its original ESP application. Further, as I explain below, this trend towards lower gas prices and less volatility will likely only continue for a long time in the future.

**Q. What are the reasons to believe that the trend toward less volatility in Ohio natural gas prices is likely to continue?**

A. The amount of natural gas production throughout the United States has increased substantially even over the last five years. Further, much of that production has come from the Marcellus shale, which is located in Pennsylvania, West Virginia, New York, and to a lesser extent, Ohio. In fact, as shown in Figure 1, according to a Bentek Energy report published in Platts Gas Daily, the Northeast surpassed Texas as the largest production region in the US by producing 20.37 BCF and is expected to average 21.1 BCF/day through the end of the year.

**Figure 1**

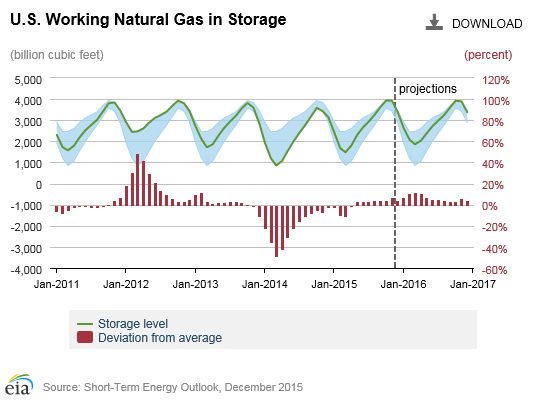


This increased production in and around Ohio has not only led to decreased prices, but it has also led to decreased volatility in natural gas markets given there are more opportunities to deliver gas from diverse range of sources. Thus, volatility in natural gas prices has decreased substantially even over the last few years. Moreover, given the long term trends in natural gas markets, this decreased volatility in natural gas pricing is likely to continue for the foreseeable future. Further, Bentek indicates the Northeast region, on an annual basis, has recently moved from a net importer of natural gas to a net exporter. In fact, Bentek projects in the Northeast will be exporting roughly 10 BCF/day out of the Northeast region by 2020.

Q. **Does storage inventory data also indicate lower expected volatility in the natural gas markets?**

A. Yes. Natural gas storage plays an important role in price volatility. This year the natural gas industry had the largest storage balance in history at above 4 TCF. As you can see from the latest EIA graph below (taken from the December 8, 2015 Short Term Energy Outlook[[1]](#footnote-1)), Figure 2, not only will the balance this year be a record but the US will struggle to not break another record next year.

**Figure 2**



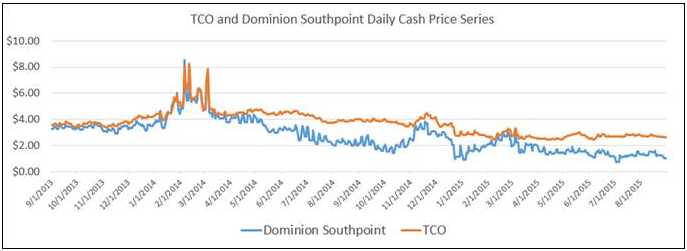
**Q. Was the polar vortex prices indicative of volatility expected in the future?**

A. No. First, it is important to keep the polar vortex in perspective. The polar vortex was the coldest winter that Ohio had experienced in over thirty years.[[2]](#footnote-2) While there was increased volatility during that winter, the average daily Henry Hub Spot Price, as referenced by the EIA for the period November 2013 through March 2014, was still only $4.68 per mmBTU for the winter.[[3]](#footnote-3) Also, much has changed in the Ohio gas markets even since the polar vortex. Production in the Marcellus and Utica shale regions has increased substantially. Additional pipeline has also been added which has increased liquidity in the markets and reduced daily and geographic volatility. Again, we saw this decreased volatility play out during the 2014-2015 winter which was nearly as cold as the 2013-2014 winter where we experienced the polar vortex.

**Q. Has volatility also been reduced at Ohio specific trading hubs?**

A. Yes. The Columbia Gas Pool (also known as TCO IPP) is generally considered the most liquid trading hub for supplies moving into Ohio. Columbia has over a thousand miles of pipeline in Ohio with hundreds of physical interconnects along with over 100 BCF of underground storage capacity in Ohio. Depending on specific plant location, some facilities receive supplies from Dominion Transmission which has a liquid trading point called the Dominion South Point pool. As you can see from Figure 3, which shows the daily midpoint cash prices as defined by Platts Gas Daily, both TCO & Dominion South Point did in fact see elevated prices and increased volatility during the polar vortex winter. During the following winter, however, which was only marginally milder, there was dramatically reduced volatility and very little price increases especially during the extreme cold periods of January and February 2015.

**Figure 3**



**Q. Is lower natural gas prices leading to the build of new electric generation?**

A. Yes. The ability to extract an abundant supply of low cost natural gas in the region is leading to the construction of numerous natural gas generation units. It’s my understanding that currently there are at least 5 projects to add natural gas capacity *right here in Ohio*.[[4]](#footnote-4) That is what happens when technological advancement occurs. New, more efficient technology replaces older less efficient technology. And when governmental entities try to disrupt this cycle by artificially intervening in the markets, it almost always leads to higher costs for consumers and slower technological advancement.

**Q. Is it a prudent policy decision to lock Ohio ratepayers into supporting FirstEnergy’s most uneconomic generation given the trends in the natural gas and electric generation markets?**

A. No. To accept FirstEnergy’s Rider RRS proposal would require the Commission to completely ignore the long term shift in electric generation toward natural gas. This is particularly true given Ohio is located so close to such an abundant supply of natural gas. Adopting Rider RRS would require FirstEnergy ratepayers to place a giant bet on aging coal and nuclear generation in the midst of a natural gas revolution that is increasingly making coal generation less competitive. Accepting FirstEnergy’s proposal would be analogous to requiring FirstEnergy ratepayers to make a large investment in the horse and buggy industry just as Henry Ford was rolling out the Model T.

**2. The Third Supplemental Stipulation Would Be a Step Backwards for Electric Competition in Ohio**

**Q. Does the Third Supplemental Stipulation benefit competitive retail electric markets?**

A. No. In my initial testimony filed in this proceeding, I explained that allowing FirstEnergy to enter into power purchase agreements (“PPAs”) with its affiliate FirstEnergy Solutions (“FES”) would be a significant step backwards for competitive retail electric markets. That is why I proposed in my initial testimony that in order to mitigate the damage to the competitive retail electric markets, the Commission adopt provisions to enhance competitive retail markets, including, but not limited to:

* Unbundling SSO costs that are recovered through distribution rates and charge the SSO all costs required to provide retail electric service in the market place as required by Ohio statute;
* Requiring FirstEnergy to end its discriminatory practice of allowing only select third party companies to bill for non-commodity charges on the electric distribution (“EDU”) bill, and to allow CRES providers to also bill for non-commodity charges on the EDU bill;
* Starting a process to initiate supplier consolidated billing (“SCB”) that would allow CRES providers to issue a consolidated bill (that includes generation charges and distribution charges) directly to the customers.

**Q.**  **Does the Third Supplemental Stipulation adopt any provisions that would enhance the competitive retail electric market?**

A. No. There are no provisions in the Third Supplemental Stipulation that would materially benefit the competitive retail electric market during the duration of the ESP. In fact, there are a number of additional provisions in the Third Supplemental Stipulation that would actually harm competition, beyond just authorizing approval of the anti-competitive rider RRS.

**Q. What additional provisions in the Third Supplemental Stipulation** **beyond rider RRS pose a threat to competitive retail electric markets and risk moving backwards toward re-regulation?**

A. There are a number of *additional* provisions in the Third Supplemental Stipulation that would be harmful to competitive retail electric markets. Specifically:

* Provision E(4) contemplates FirstEnergy developing 100 MW of renewable energy resources and recovering those costs through a non-bypassable renewable resources rider. This provision (which was not contemplated in the original ESP application) contains the same anti-competitive aspects of Rider RRS and it represents a return to the electric distribution utility owning regulated generation. Further, this provision is particularly egregious because there are numerous companies willing to develop and own renewable projects; and there is no reason to hand the ownership of those projects over to the electric distribution utility. To the extent the Commission believes it reasonable to subsidize renewable generation, the Commission should make renewable incentives available on a competitively neutral basis. Adopting provision E(4) will send a signal to the renewable energy business community that Ohio is *not* open for business, but rather Ohio is more interested in just giving hand-outs to its incumbents.
* Provision C(3) contemplates the Commission opening a docket to address Ohio’s long term generation resource adequacy needs. However, all of the Ohio’s electric utilities have divested, or have been ordered to divest, their electric generation assets to un-regulated competitive companies. Therefore, the regulated electric distribution companies (over which the Commission has jurisdiction) are not in the business of owning electric generation. If the Commission were to take measures to address resource adequacy that would necessarily mean the regulated utilities would be required to get back into the electric generation business either by directly owning electric generation assets, or indirectly, by anti-competitive mechanisms such as utility affiliate PPAs. This is a dangerous precedent to set and should not be contemplated, especially given that the notion of state-specific generation is fundamentally at odds with the physical operation of the PJM Interconnection transmission grid, which maintains *regional* reliability regardless of the location of any specific generation unit.
* Provision A(1) of the Third Supplemental Stipulation would extend the ESP period from May 31, 2019 to May 31, 2024, locking the provisions in FirstEnergy’s ESP, and Third Supplemental Stipulation, for a period of 8 years. As I already noted in this testimony, the Third Supplemental Stipulation and FirstEnergy’s ESP, as a whole, are anti-competitive. Historically, the Commission has used ESP proceedings to adopt pro-competitive provisions and to move competitive electric markets forward in accordance with Ohio Statute and the intent of the Ohio legislature. The adoption of provision A(1), however, would lock in an anti-competitive ESP and would substantially limit the CRES community to advocate for any changes that would enhance the competitive market for a period of 8 years.
* Provision G of the Stipulation would effectively eliminate the possibility of FirstEnergy filing a base distribution rate case for a period of 8 years; thus the CRES community would be foreclosed from advocating for enhancements to the competitive retail electric market in a base distribution rate case for 8 years as well. The lack of channels for retail advocacy (via the foreclosure of an ESP or distribution case for 8 years) will make it difficult for needed changes to be made to competitive retail electric markets in order for customers to realize the full benefits of competition. This problem is compounded by the fact that the Ohio Market Development Working Group (“OMDWG”), which was established by the Commission approximately two years ago, has failed to achieve any meaningful progress for the retail electric markets. Further, given the posture taken by some of the participants in the OMDWG (including FirstEnergy), I am not encouraged that the OMDWG will yield any significant progress in the future either.

**Q.**  **Does Ohio law favor competition over monopoly regulation?**

A. Yes. With the enactment of Senate Bill 2, the Ohio General Assembly chose to abandon the vertically integrated monopoly utility model and set Ohio down the path of electric competition. For the last 15 years, Ohio has moved down that path (albeit at times slowly) in no small part due to the efforts of the Commission. Ohio customers are just now starting to realize the benefits of competition and the Commission’s efforts. Adoption of the Third Supplemental Stipulation would be a fundamental shift of the Commission’s previous pro-competitive policies and decisions. Certainly there is still much work to be done for Ohio customers to realize the full benefits of retail competition, and this is why I continue to recommend additional retail market enhancements; however, adoption of the Third Supplemental Stipulation would subvert Ohio’s pro-competitive policies, and the Commission’s previous efforts to move competitive retail electric markets forward.

**3. The Third Supplemental Stipulation Has a Number of Significant Add-Ons that Will Largely Benefit FirstEnergy Shareholders at the Expense of Customers**

**Q. Are many of the additional provisions in the Third Supplemental Stipulation reasonable?**

A.No. Given the significant benefits that FirstEnergy shareholders would receive from approval of Rider RRS, one would expect that additional provisions in a Stipulation approving Rider RRS would not result in additional monetary benefits to FirstEnergy. However, that is not the case with the Third Supplemental Stipulation - there are a number of additional provisions in the Third Supplemental Stipulation that would make the ESP, as a package, *even more lucrative for FirstEnergy shareholders* than the ESP application as filed.

**Q. Can you please discuss the *additional* provisions in the Third Supplemental Stipulation that will result in increased earnings for FirstEnergy shareholders, beyond what would be received from Rider RRS?**

A. Yes. There are a number of additional provisions in the Stipulation that would result in *increased* earnings for FirstEnergy shareholders, in addition *to* Rider RRS. Those provisions include:

* Provision E(3)(c) of the Third Supplemental Stipulation which would increase the amount of “shared savings” FirstEnergy can earn from its energy efficiency programs from $10 million to $25 million. FirstEnergy’s shared savings cap was set by the Commission in a previous energy efficiency plan case, and there is no apparent reason why Third Supplemental Stipulation should attempt to unilaterally give FirstEnergy shareholders $15 million *more* in earnings above what the Commission already approved in a previous case.
* Provision (G)(2) of the Third Supplemental Stipulation increases the amount FirstEnergy can recover through its delivery capital recovery rider (“Rider DCR”) by over $100 million over the course of the ESP period. This provision simply allows FirstEnergy to earn more distribution revenue without having to come in for a distribution rate case to evaluate whether FirstEnergy’s return on distribution investments is reasonable. Again, there is no apparent reason why FirstEnergy shareholders are being afforded this additional profit earning opportunity, given FirstEnergy shareholders would already be reaping the benefit of Rider RRS.
* Provision D(3) of the Stipulation would give FirstEnergy a 50 basis point adder on an already substantial 10.38% return on equity FirstEnergy would be able to earn in its grid modernization infrastructure deployment. It is not clear why the Third Amended Stipulation would just give FirstEnergy Shareholders an addition 50 basis points return on equity, above the Commission approved rate of return, which is already generous in this low interest rate environment.

**Q. Can you discuss the provisions in the Third Supplemental Stipulation that insulate FirstEnergy from the risk of collecting distribution revenue at the expense of distributed generation development?**

A.Yes. The Stipulation indicates that FirstEnergy will file a proposal to collect its distribution rates through a straight fixed variable (“SFV”) rate design. Such a rate design would largely decouple the collection of FirstEnergy’s distribution revenue requirement from the amount of kilowatt hours its customers use. This type of rate design reduces FirstEnergy’s risk of recovering the revenue requirement and disincentives distributed generation and energy efficiency. However, even though FirstEnergy’s risk is reduced, there is no corresponding reduction to FirstEnergy’s rate of return which was approved based on the risk profile of FirstEnergy’s current distribution rate design. Again, this provision in the Stipulation that allows FirstEnergy to maintain the same rate of return, while significantly reducing FirstEnergy’s risk, is another give-away to FirstEnergy shareholders, on top of what is being received from Rider RRS.

**Q. How does a SFV rate design provide a disincentive to distributed generation and energy efficiency?**

A. An SFV rate design largely uses a customer charge to collect the distribution revenue requirement. In so doing, a customer that takes less electricity from the grid will pay the same amount for distribution service as a customer that uses significantly more electricity. Thus, customers that displace the electricity that they would otherwise take from the grid—as a result of either distributed generation or energy efficiency—are unfairly punished by a SFV rate design. As FirstEnergy noted in when the Commission opened a proceeding to evaluate the appropriateness of a distribution decoupling mechanism “[m]oving to a SFV design where customers are charged a fixed charge for distribution and a variable charge for generation diminishes the customer incentive needed to spur distribution efficiency and demand reductions from a customer perspective.”[[5]](#footnote-5)

**Q. Should customers that reduce the amount of electricity they take from the grid be required to pay the same customer charge as other less efficient users of electricity?**

A. No. When a customer reduces the amount of electricity that they take from the grid, they may reduce the need for expensive utility distribution infrastructure investment. This concept is the basis for establishing distribution level markets, such as in New York, broadly referred to as Reforming the Energy Vision (“REV”).

**Q. Are there other problems with the proposal to establish an SFV?**

A. Yes. Normally such a drastic change in rate design would occur within the context of a distribution rate case and pursuant to a cost of service study. Indeed, FirstEnergy raised this very issue when the Commission opened a proceeding to evaluate the appropriateness of a distribution decoupling mechanism: “The Companies also recommend that any efforts to implement a straight fixed variable approach for electric utilities not move forward until the electric utility's filing of its next base distribution rate case.”[[6]](#footnote-6)

**Q. Does the Third Supplemental Stipulation contain any additional inappropriate subsidies of generation-related resources?**

A. Yes. The Stipulation proposes that FirstEnergy has the authority to develop battery resources and recover the cost of such investment through rate base. Batteries are distributed generation resources that can be used to sell energy, capacity, demand response, and ancillary services (frequency regulation) into the wholesale market. Moreover, batteries can be used in conjunction with renewable energy (such as solar and wind) to enhance the value of these resources. Because batteries relate to generation service, it would run afoul of state policy to recover the cost of these resources through distribution rates. Finally, given that CRES providers such as IGS have already invested in these resources without the guarantee of a regulated return, it would be unfair, unjust, and unreasonable to allow FirstEnergy to place the risk of its investment on the backs of distribution customers.

**Q. As a whole is approval of the Third Supplemental Stipulation more lucrative for FirstEnergy than just approving the ESP Application as filed?**

A. Yes. Many of the additional provisions in the Third Amended Stipulation actually made the ESP more lucrative for FirstEnergy. One would think if FirstEnergy shareholders were to receive such a great benefit as Rider RRS, the Commission would not want to then give FirstEnergy shareholders even more monetary benefit. For this reason, the Commission should not approve the Third Supplemental Stipulation.

**III. CONCLUSION**

**Q. Can you please summarize your testimony and recommendations?**

A. Yes. As I explained in my previous testimony filed in this proceeding, FirstEnergy’s ESP Application as filed is unreasonable and should be rejected unless substantial modifications are made to the application that would enhance the retail electric market. However, the Third Supplemental Stipulation does not improve FirstEnergy’s ESP Application – it makes it worse. The Third Amended Stipulation contains no retail market enhancements such as those I described in my direct testimony; rather the Third Supplemental Stipulation contains provisions that would actually be even more harmful for Ohio’s retail electric markets. Moreover, natural gas trends over the last year have made the economics of FirstEnergy’s proposed Rider RRS even more unattractive for customers. For these reasons, I recommend that the Commission reject the Third Supplemental Stipulation. At a minimum, if the Commission is inclined to adopt the provisions in the Third Supplemental Stipulation, the Commission should also adopt provisions I recommend in my direct testimony including:

* Unbundling SSO costs recovered through distribution rates, and charge those costs to SSO customers directly;
* Allowing non-discriminatory access for CRES suppliers to bill for non-commodity charges on the utility bill;
* Start a process that ultimately moves to a supplier consolidated billing model.

**Q.**  **Does this conclude you supplemental testimony?**

A. Yes, it does.

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing *Second Supplemental Testimony of Matthew White* was served this the 30th day of December 2015 via electronic mail upon the following:

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/s/Joseph Oliker

Counsel for IGS Energy

1. <https://www.eia.gov/forecasts/steo/report/natgas.cfm> [↑](#footnote-ref-1)
2. In Ohio, according to NOAA’s monthly statewide temperature reporting, the winter of the Polar Vortex, defined as October, 2013 through April, 2014, was the coldest winter in the last 30 years, where the temperature for each winter is defined as the average of the monthly average temperatures reported by NOAA in each winter.  This past winter in Ohio, as defined as October, 2014 through April 2015, was the third coldest winter in the last thirty years.  Source: <http://www.ncdc.noaa.gov/cag/>. [↑](#footnote-ref-2)
3. Source: Source: http://www.eia.gov/dnav/ng/ng\_pri\_fut\_s1\_d.htm [↑](#footnote-ref-3)
4. Currently there is a 799 MW Oregon Clean Energy plant under construction in Oregon, Ohio. Also, there is a 700 MW plant under construction in Carrolton, Ohio. Advanced Power also announced it will construct a second facility in this area, named the South Field Energy facility, totaling an additional 1,100 megawatts. There is also a 500 MW NTE Energy plant in Middleton, Ohio that will be under construction. Further, Tenaska has announced plans to convert its 850 MW peaking plant into a 1,414 MW combined cycle plant in Vincent County, Ohio. Finally, Clean Energy Future announced plans to build an 800 MW plant in Lordstown, Ohio. [↑](#footnote-ref-4)
5. *In the Matter of Aligning Electric Distribution Utility Rate Structure With Ohio's Public Policies to Promote Competition, Energy Efficiency, and Distributed Generation*, Case No. 10-3126, Comments of FirstEnergy at 11 (Feb. 11, 2011)(see Exhibit MW-1). [↑](#footnote-ref-5)
6. *Id.* at 1. [↑](#footnote-ref-6)