***OCC EXHIBIT NO. \_\_\_\_\_\_***

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

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|   |  |  |
| In the Matter of the Application of Northeast Ohio Natural Gas Corp. for an Increase in Gas Distribution Rates.  In the Matter of the Application of Northeast Ohio Natural Gas Corp. for Tariff Approval.  In the Matter of the Application of Northeast Ohio Natural Gas Corp. for Approval of Alternative Regulation.  | ) ) )  ) ) )  )  |  Case No. 18-1720-GA-AIR    Case No. 18-1721-GA-ATA     |
| ) Case No. 18-1722-GA-ALT )  |

**DIRECT TESTIMONY**

**OF**

**Robert B. Fortney**

**On Behalf of**

**The Office of the Ohio Consumers’ Counsel**

***65 East State Street, 7th Floor***

***Columbus, Ohio 43215-4213***

**July 25, 2019**

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Attachment RBF-1 Prior Testimony Listing

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# I. INTRODUCTION

***Q1. PLEASE STATE YOUR NAME, ADDRESS AND POSITION.***

***A1.*** My name is Robert B. Fortney. My business address is 65 East State Street, Suite 700, Columbus, Ohio 43215. I am a Rate Design and Cost of Service Analyst for the Office of the Ohio Consumers’ Counsel (“OCC”).

***Q2. WHAT ARE YOUR RESPONSIBILITIES AS A RATE DESIGN AND COST OF SERVICE ANALYST?***

***A2***. I am responsible for investigating utility applications regarding rate and tariff activities related to tariff language, cost of service studies, revenue distribution, cost allocation, and rate design that impact the residential consumers of Ohio. My primary focus is to make recommendations to protect residential consumers from unnecessary utility rate increases and unfair regulatory practices.

***Q3. PLEASE SUMMARIZE YOUR EDUCATIONAL BACKGROUND.***

***A3***. I earned a Bachelor of Science degree in Business Administration from Ball State University in Muncie, Indiana in 1971. I earned a Master of Business Administration degree from the University of Dayton in 1979.

***Q4. PLEASE SUMMARIZE YOUR PROFESSIONAL BACKGROUND AS IT RELATES TO UTILITY REGULATION.***

***A4.*** From July 1985 to August 2012, I was employed by the Public Utilities Commission of Ohio (“PUCO”). During that time, I held a number of positions (e.g., Rate Analyst, Rate Analyst Supervisor, Public Utilities Administrator) in various divisions and departments that focused on utility applications regarding rates and tariff issues. In August 2012, I retired from the PUCO as a Public Utilities Administrator 2, Chief of the Rates and Tariffs Division, which focused on utility rates and tariff matters. The role of that division was to investigate and analyze the rate- and tariff-related filings and applications of the electric, gas, and water utilities regulated by the PUCO and to make Staff recommendations to the PUCO regarding those filings. I joined the OCC in December of 2015.

***Q5. HAVE YOU PREVIOUSLY SUBMITTED TESTIMONY BEFORE THE PUCO?***

***A5.*** Yes. I have testified on numerous occasions to advocate to the PUCO the positions of the PUCO Staff. Over the course of my career at the PUCO, I often recommended to the PUCO cost allocation methodologies needed to develop a reasonable distribution of revenues. I also was responsible for recommending reasonable rate designs needed to recover the revenue requirement, by class of service and in total. In addition, I have testified for OCC in five proceedings since joining its staff. A list of proceedings where I have submitted testimony to the PUCO is provided in Attachment RBF-1 to this testimony.

# II. PURPOSE OF TESTIMONY

***Q6. WHAT IS THE PURPOSE OF YOUR TESTIMONY IN THIS PROCEEDING?***

***A6.*** The purpose of my testimony is to explain and support OCC’s position protecting residential customers as it relates to the Application of Northeast Ohio Natural Gas Company for an Increase in Gas Distribution Rates (“Application”) filed by Northeast Ohio Natural Gas Company (“NEO” or the “Utility”) in Case No. 18-1720-GA-AIR.[[1]](#footnote-2) OCC filed its Objections to the PUCO Staff Report of Investigation. Specifically, I provide support for the OCC Objection Nos. 5, 6, 7, and 8 to certain recommendations made by the PUCO Staff in the Rates and Tariffs Section of the June 25, 2019 Staff Report of Investigation (“Staff Report”). The Staff Report was issued in response to NEO’s Application.

# III. RECOMMENDATIONS REGARDING RATES AND TARIFFS

## A. Revenue Tables

***Q7. Did Staff make a recommendation regarding the allocation of revenues to the classes as a result of this Proceeding.***

***A7*.** Yes. On Tables 3 and 4 on page 24 of the Staff Report, Staff presents the current revenue, the Applicant’s proposed revenue and Staff’s proposed revenue. The Tables also show the resulting increases excluding gas costs (Table 3) and including gas costs (Table 4). Table 3 indicates that Staff is proposing a $1,393,620 increase to revenues excluding gas cost and contract customers and a $2,309,795 increase to revenues including gas costs, miscellaneous revenues and contract customers. Generally, the increases in revenues excluding and including fuel should be equal.As indicated in OCC Objection No. 8, the Staff Report does not explain why the increase is substantially higher when including gas costs, miscellaneous revenue, and contract customers. Until this apparent discrepancy is explained and becomes transparent, the PUCO should not consider adopting the Staff Report’s proposed revenue increases.

***Q8. HOW DID STAFF RECOMMEND THAT THE REVENUE INCREASE BE ALLOCATED?***

***A8****.*  As noted in OCC Objection No. 5, the Staff Report unreasonably recommends a rate decrease for the nonresidential large general service class while recommending a significant rate increase for residential and small commercial classes. The Staff Report recommends a 15% increase in distribution charges to residential and small business customers in the Small General Service (“SGS”) class, a 2% increase in distribution charges to nonresidential customers in the General Service (“GS”) class, but a 14% ***decrease*** in the distribution charges to large nonresidential customers in the Large General Service (“LGS”) class.[[2]](#footnote-3) As a result, SGS (including residential customers) and GS customers would pay for the entirety of NEO’s rate increase. On top of that, they would pay for the LGS customers’ rate decrease. This would result in unjust and unreasonable rates for residential customers. Other than moving closer to the class costs of service, there are no fast and hard rules for allocating approved revenue increases. Based on my experience as a regulatory expert, in order to maintain continuity of rates, I recommend setting a revenue increase allocation guideline that if an overall revenue increase is granted, then no customer class should receive a rate decrease. As an alternative, in order to move revenues closer to the cost of service, that rate class could simply be assigned a “0” increase, or a relatively small increase.

In addition, Staff has indicated on page 24 of the Staff Report that “Staff finds the Company’s revenue allocation proposal to be reasonable because it moves the customer classes closer to the average rate of return while respecting the principles of gradualism”[[3]](#footnote-4) One of the components of the Utility’s revenue allocation proposal is that there should be increases to all classes, spreading the costs more equitably between customer class while serving to moderate the resulting bill impacts[[4]](#footnote-5). So, in spite of finding the Utility’s revenue allocation proposal reasonable, Staff has modified the revenue allocation to violate one of the important guidelines of the Utility’s proposal.[[5]](#footnote-6)

 If the PUCO grants a rate increase for NEO in this case, then no class of service should receive a rate decrease.

***Q9.*** ***DO YOU HAVE A RECOMMENDATION AS TO HOW THE RATE INCREASE (IF ANY) GRANTED BY THE PUCO IN THIS PROCEEDING SHOULD BE ALLOCATED?***

***A9.*** Yes. Any increase granted by the PUCO in this case should be allocated as shown in Attachment RBF-2 to my testimony. That is, the allocation of the increase to the SGS class excluding fuel should be 81.62% of the total increase.[[6]](#footnote-7)

## B. Tariff Modification

***Q10. DID THE STAFF MAKE ANY RECOMMENDATIONS REGARDING THE CUSTOMER MAKE-UP OF THE TARIFF CLASSES?***

***A10.*** Yes. The Staff recommended that NEO’s proposed rate design be accepted, but General Service customers using less than 200 Mcf per year be reclassified as Small General Service customers.[[7]](#footnote-8)

***Q11. DO YOU AGREE WITH THAT RECOMMENDATION?***

***A11.*** No. I believe the recommendation is unnecessary. Rate SGS is available for residential, commercial and industrial customers using less than 500 Mcf per year between August 1st and July 31st. Rate GS is available to any nonresidential customer using at least 500 Mcf per year between August 1st and July 31st. Plus, both Rate Sheets indicate that the customer’s rate selection is subject to review by the Utility of their annual usage or by customer request of review and rate change.[[8]](#footnote-9) It appears to me that if a General Service customer is using less than 200 Mcf per year, it would already have been reclassified to the SGS class, so the Staff recommendation is unnecessary. Plus, even if there are GS customers that have not already been reclassified, and now are reclassified at SGS customers, the billing determinants for all GS and SGS customers—including residential customers—would change. This reclassification could result in consumer migration causing costs to shift from current nonresidential GS customers to current residential SGS customers, potentially increasing residential customers’ rates. The PUCO should not adopt this recommendation.

## C. Rate Design

***Q12. WHAT CUSTOMER CHARGES DID STAFF RECOMMEND FOR THE SGS CLASS?***

***A12.*** The Staff Report unreasonably recommends that the fixed monthly charge for residential NEO customers increase from $6.30 to $20.00, a 217% increase.[[9]](#footnote-10) The Staff Report unreasonably recommends that the fixed monthly charge for residential Brainard customers increase from $7.00 to $20.00, a 185% increase.[[10]](#footnote-11) The Staff Report unreasonably recommends that the fixed monthly charge for residential Orwell customers increase from $9.00 to $20.00, a 122% increase.[[11]](#footnote-12)

***Q13.*** ***WHY DO YOU CHARACTERIZE THE STAFF-PROPOSED CUSTOMER CHARGES AS “UNREASONABLE?”***

***A13.*** The $20 customer charges are what the Applicant has proposed. However, that proposal was accompanied by a proposed overall revenue increase of $3,526,053.[[12]](#footnote-13) The midpoint of the Staff-recommended revenue increase is $688,797.[[13]](#footnote-14) So, even though the Staff -recommended revenue increase is less than 20% of what the Applicant has requested, Staff recommends that the PUCO approve the $20 Customer Charges for the SGS Class as proposed by the Applicant.

***Q14. WHAT RATIONALE DID STAFF GIVE FOR THE LARGE INCREASES TO THE SGS CUSTOMER CHARGES?***

***A14.*** Staff states that “The current rate design leaves the Applicant very sensitive to weather. Increasing the amount of base revenue recovered through a fixed charge would make a monthly distribution charge less weather sensitive. It also will reduce large spikes in winter bills while still giving customers the opportunity to control costs by reducing consumption.”[[14]](#footnote-15)

***Q15.*** ***IS THIS RATIONALE SUFFICIENT JUSTIFICATION FOR THE LARGE INCREASES TO THE SGS CUSTOMER CHARGE?***

***A15.*** No. The PUCO has approved several applications for the adoption of a modified Straight Fixed Variable (“SFV”) rate design (a relatively large fixed customer charge accompanied by a relatively small volumetric component) or a full SFV rate design (a fixed customer charge with no volumetric component) for the residential customers of gas utilities. While I have great respect for PUCO precedent, there have been some significant changes to the relevant circumstances that the PUCO relied upon as rationale for implementing its initial SFV policy. The PUCO should avoid a situation where a costing method, once adopted, becomes the predominant and unchallenged determinant of rate design.[[15]](#footnote-16) I recommend that the PUCO revisit its policy of promoting a full, or nearly full, SFV rate design for residential gas customers.

***Q16. WHAT CHANGES HAVE OCCURRED IN THE CIRCUMSTANCES UPON WHICH THE PUCO RELIED?***

***A16***. Very simply, the price of gas has decreased significantly in recent years. In Case No. 03-2170-GA-AIR, the assumed cost of gas utilized in NEO’s E-4 schedules (which summarize current and proposed revenues, excluding and including fuel) was $7.00 per Mcf. In the current proceeding the assumed cost of gas for NEO is $4.7611, a reduction of 32%. Contrary to what the PUCO previously observed in Case No. 07-829-GA-AIR (“Therefore, the largest portion of the bill, the other 70%, is for the gas that the customer uses. This commodity portion, the cost of the actual gas used, is the biggest driver of the amount of a customer’s bill. Therefore, we believe that the gas usage will still have the biggest influence on the price signals received by customers when making gas consumption decisions”[[16]](#footnote-17)), the price of gas is no longer the biggest influence on the price signals received by consumers when making gas consumption decisions. The distribution portion of the bill, not the cost of gas, is the biggest influence on the price signals sent to consumers when they are making gas consumption decisions.

In Case No. 07-589-GA-AIR, the PUCO further observed that “Conditions in the natural gas industry have changed markedly in the past several years. The natural gas market is now characterized by volatile and sustained price increases, causing customers to increase their efforts to conserve gas.”[[17]](#footnote-18) The natural gas market is not now characterized by volatile and sustained price increases. Just as the PUCO recognized in 2008 that the gas industry had changed markedly in the past several years, thus justifying SFV rate design, the gas industry has once again had some significant changes that warrant revisiting the SFV rate design.

***Q17. WHAT PRICE SIGNALS ARE SENT TO THE CONSUMER BY A SFV RATE DESIGN?***

***A17.*** The SFV rate design sends an improper price signal to the consumer, fails to encourage customer-initiated conservation, and adversely affects the Utility’s and its customers' energy efficiency efforts. High fixed rate structures actually promote additional consumption because a customer’s price of incremental consumption is less than what an energy efficient price structure would otherwise be. A pricing structure that is largely fixed, such that prices do not vary with consumption, promotes the inefficient utilization of resources. One of the most effective tools that a regulatory agency has to promote conservation and energy efficiency is by developing rates that send proper pricing signals to customers to conserve and utilize resources efficiently. Pricing structures that are based predominantly on fixed charges are inferior from a conservation and energy efficiency standpoint, to pricing structures that require customers to pay more for additional consumption.[[18]](#footnote-19) Increasing fixed charges can significantly diminish incentives for customers to reduce consumption through energy efficiency. By reducing the value of a Ccf saved, a higher fixed charge gives customers less incentive to lower their bills by reducing consumption.[[19]](#footnote-20)

***Q18. ARE THERE CONSUMERS WHO ARE MORE ADVERSELY IMPACTED BY A SFV RATE DESIGN?***

***A18.*** Yes. The SFV rate design causes a disproportionately higher bill impact (some of the increases are double digit) to low usage residential customers when compared to large residential users. Residential customers who use less energy will experience the greatest percentage jumps in their gas bill under the SFV rate design. The larger the customer charge, the lower the percentage increase in bills for high use customers. Under the rates proposed in the Staff Report, a residential customer of NEO using 0 Ccf would see a total bill **increase** of 217.53%. A customer using 150 Ccf would see a total bill **decrease** of 4.62%.[[20]](#footnote-21)

***Q19. ARE THERE ANY OTHER SHORTFALLS IN THE SFV RATE DESIGN?***

***A19****.* For residential customers, Staff erred in recommending that the proposed modified SFV concept be adopted (*i.e.* there will be a $20.00 Customer Charge and a small volumetric component to base distribution rates). While the SFV rate design may produce less volatile bills over the course of a year for gas consumers than those based on consumption, it is generally preferable that individual customers make their own decisions. If a gas customer wants year-around stable bills, the customer can opt to enroll in budget billing. The SFV rate design is not easier for consumers to understand than a rate per Ccf that charges a set amount for each Ccf used. Most items are purchased on a per unit basis and customers understand that concept. Customers do not understand why a consumer who uses 100 Ccf of gas pays nearly the same distribution bill as one who uses no gas whatsoever.

***Q20. WHAT SHOULD STAFF HAVE RECOMMENDED REGARDING THE RATE DESIGN FOR CONSUMERS IN THE SGS RATE CLASS?***

***A20***. Given the significant reduction in the requested revenue increase, as summarized in the A-1 Schedule of the Staff Report*,*Staff should have recommended a much smaller increase to the proposed customer charge. For example, instead of recommending a fixed charge of $20.00, Staff should have recommended that NEO’s fixed charge for consumers on the SGS rate schedule should be no more than $12.50, and the volumetric charge should be reduced to $2.00/MCF for Northeast, $2.95/MCF for Orwell and $2.24/MCF for Brainard in order to recover the OCC-recommended SGS revenue of $10,168,586.[[21]](#footnote-22) These rates are solely for illustrative purposes. The revenue is derived by assuming the OCC-proposed distribution of the revenue increase to the Staff-recommended revenue increase of $688,797 from Schedule A-1 of the Staff Report. In providing this example, OCC does not concede that the Staff Report’s recommended revenue increase is appropriate.

***Q21.*** ***Does that conclude your testimony?***

***A21.*** Yes, it does. However, I reserve the right to incorporate new information that may subsequently become available. I also reserve the right to supplement my testimony in the event the Utility, the PUCO Staff, or any other party submits new or corrected information in connection with this proceeding.

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing *Direct Testimony of Robert B. Fortney on behalf of the Office of the Ohio Consumers’ Counsel* has been served upon those persons listed below via electronic service this 25th day of July 2018.

*/s/ Christopher Healey*

 Christopher Healey

 Assistant Consumers’ Counsel

 **SERVICE LIST**

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**Attachment RBF-1**

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Robert Fortney

Proceedings with Testimony Submitted to the Public Utilities Commission of Ohio

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| --- | --- | --- |
| Company | Docket No. | Date |
| Cleveland Electric Illuminating Company | 85-675-EL-AIR | 1986 |
| Cleveland Electric Illuminating Company | 86-2025-EL-AIR | 1987 |
| Toledo Edison Company | 86-2026-EL-AIR | 1987 |
| Ohio Edison Company | 87-689-EL-AIR | 1987 |
| Cleveland Electric Illuminating Company | 88-170-EL-AIR | 1988 |
| Toledo Edison Company | 88-171-EL-AIR | 1988 |
| Ohio Edison Company | 89-1001-EL-AIR | 1990 |
| Cincinnati Gas & Electric Company | 91-410-EL-AIR | 1991 |
| Columbus Southern Power Company | 91-418-EL-AIR | 1992 |
| Cincinnati Gas & Electric Company | 92-1464-EL-AIR | 1993 |
| Ohio Power Company | 94-996-EL-AIR | 1994 |
| Toledo Edison Company | 94-1987-EL-CSS | 1995 |
| Cleveland Electric Illuminating Company | 94-1964-EL-CSS | 1995 |
| Toledo Edison Company | 95-299-EL-AIR | 1995 |
| Cleveland Electric Illuminating Company | 95-300-EL-AIR | 1996 |
| All Electric Companies (Rulemaking Proceeding) | 96-406-EL-COI | 1998 |
| Cleveland Electric Illuminating Company | 97-358-EL-ATA | 1998 |
| Toledo Edison Company | 97-359-EL-ATA | 1998 |
| Cleveland Electric Illuminating Company | 97-1146-EL-COI | 1998 |
| Toledo Edison Company | 97-1147-EL-COI | 1998 |
| FirstEnergy | 96-1211-EL-UNC | 1998 |
| Columbus Southern Power Company | 01-1356-EL-ATA | 2002 |
| Columbus Southern Power Company | 01-1357-EL-AAM | 2002 |
| Rulemaking Proceeding | 01-2708-EL-COI | 2002 |
| FirstEnergy  | 01-3019-EL-UNC | 2002 |
| Ohio Power Company | 01-1358-EL-ATA | 2002 |
| Ohio Power Company | 01-1359-EL-AAM | 2002 |
| The Dayton Power and Light Company | 02-0570-EL-ATA | 2003 |
| Dayton Power and Light Company | 02-2364-EL-CSS | 2003 |
| Dayton Power and Light Company | 02-2879-EL-AAM | 2003 |
| Dayton Power and Light Company | 02-2779-EL-ATA | 2003 |
| FirstEnergy Corporation  | 03-2144-EL-ATA | 2004 |
| Cincinnati Gas & Electric Company | 03-0093-EL-ATA | 2004 |
| Cincinnati Gas & Electric Company | 03-2079-EL-AAM | 2004 |
| Cincinnati Gas & Electric Company | 03-2081-EL-AAM | 2004 |
| Monongahela Power Company  | 04-0880-EL-UNC | 2004 |

**Attachment RBF-1**

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| --- | --- | --- |
| Monongahela Power Company | 05-0765-EL-UNC | 2005 |
| Dayton Power and Light Company | 05-0276-EL-AIR | 2005 |
| FirstEnergy | 07-0551-EL-AIR | 2008 |
| FirstEnergy  | 08-0936-EL-SSO | 2008 |
| FirstEnergy | 08-0935-EL-SSO | 2008 |
| Ormet Primary Aluminum Corporation  | 09-0119-EL-AEC | 2009 |
| Cleveland Electric Illuminating Company | 08-1238-EL-AEC | 2009 |
| Columbus Southern Power Company  | 09-0516-EL-AEC | 2009 |
| FirstEnergy | 10-0388-EL-SSO | 2010 |
| FirstEnergy | 10-0176-EL-ATA | 2011 |
| Columbus Southern Power Company | 11-0346-EL-SSO | 2011 |
| Ohio Power Company | 11-0348-EL-SSO | 2011 |
| Columbus Southern Power Company | 10-0343-EL-ATA | 2011 |
| Ohio Power Company | 10-0344-EL-ATA | 2011 |
| AEP Ohio | 10-2376-EL-UNC | 2011 |
| AEP Ohio | 10-2929-EL-UNC | 2011 |
| AEP Ohio | 11-4921-EL-RDR | 2011 |
| FirstEnergy | 12-1230-EL-SSO | 2012 |
| AEP Ohio | 14-1693-EL-RDR | 2015 |
| Aqua | 16-0907-WW-AIR | 2016 |
| Dayton Power and Light CompanyAEP OhioDayton Power and Light CompanyVectren Energy DeliverySuburban Gas | 16-0395-EL-SSO16-1852-EL-SSO15-1830-EL-AIR18-0298-GA-AIR18-1205-GA-AIR | 20172017201820182019 |

**ATTACHMENT RBF-2**



**ATTACHMENT RBF-3**



1. *See* *In the Matter of the Application of Northeast Ohio Natural Gas Company. for an Increase in Gas Distribution Rates,* Case No 18-1720-GA-AIR (December 28, 2018) (“Application”). [↑](#footnote-ref-2)
2. Staff Report at 24, Table 3. [↑](#footnote-ref-3)
3. Staff Report at 24. [↑](#footnote-ref-4)
4. Case No. 18-1720-GA-AIR, Direct Testimony of Charles Lo, pgs. 9 – 10. [↑](#footnote-ref-5)
5. Staff Report at 24, Table 3. [↑](#footnote-ref-6)
6. Attachment RBF-2. [↑](#footnote-ref-7)
7. Staff Report at 25. [↑](#footnote-ref-8)
8. Application, Schedule E-1, Proposed Tariffs, Original Sheets 39 – 42. [↑](#footnote-ref-9)
9. Staff Report at 25. [↑](#footnote-ref-10)
10. Staff Report at 25. [↑](#footnote-ref-11)
11. Staff Report at 25, Table 5. [↑](#footnote-ref-12)
12. Staff Report, Schedule A-1, p. 31. [↑](#footnote-ref-13)
13. Staff Report, Schedule A-1, p. 31. [↑](#footnote-ref-14)
14. Staff Report at 24. [↑](#footnote-ref-15)
15. Charging for Distribution Utility Services: Issues in Rate Design, page 39, December 2000, Frederick Weston, The Regulatory Assistance Project, Montpelier VT (“Weston”). [↑](#footnote-ref-16)
16. Case No. 07-829-GA-AIR, East Ohio Gas, Opinion and Order, October 15, 2008, page 24. [↑](#footnote-ref-17)
17. Case No. 07-589-GA AIR, Duke Energy Ohio, Inc., Opinion and Order, May 28, 2008, page 17. [↑](#footnote-ref-18)
18. *See, e.g.,* Petition of Indianapolis Power & Light Company to Increase Rates and Charges for Electric Utility Services, Cause Nos. 44756 and 44602, Direct Testimony of Glenn A, Watkins on behalf of the Indiana Office of Utility Consumer Counsel, July 27, 2015 (“Watkins”), page 60. [↑](#footnote-ref-19)
19. *See, e.g.,* Caught In a Fix: The Problem with Fixed Charges for Electricity, February 9, 2016, pages 16 and 17, Melissa Whited, Tim Woolf, and Joseph Daniel, Prepared for Consumers Union by Synapse Energy Economics, Cambridge, MA (“Whited et al”). [↑](#footnote-ref-20)
20. Staff Report, page 82, Schedule E-5, page 1 of 13. [↑](#footnote-ref-21)
21. Attachment RBF-3. [↑](#footnote-ref-22)