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VIA OVERNIGHT MAIL DELIVERY

May 22, 2009

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Docketing Division
Public Utilities Commission of Ohio
180 East Broad Street
Columbus, Ohio 43215

Re: Case No. 09-0090-EL-~~EIO~~ COI

Dear Docketing Division:

Enclosed please find for filing an original and seventeen copies of the *Comments of Duke Energy Ohio, Inc. In Response To The Commission's Investigation Into The Value of The Continued Participation In Regional Transmission Organizations.*

Please file-stamp and return two copies of each in the envelope provided.

Should you have any questions, please contact me at (513) 419-1837.

Very truly yours,

Dianne Kuhnell

Dianne Kuhnell
Senior Paralegal

cc: Parties of Record

Enclosure

BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Commission's Investigation into the Value of Continued Participation in Regional Transmission Organizations	))))	**Case No. 09-90-EL-COI**

COMMENTS OF DUKE ENERGY OHIO, INC. IN RESPONSE TO THE COMMISSION'S INVESTIGATION INTO THE VALUE OF THE CONTINUED PARTICIPATION IN REGIONAL TRANSMISSION ORGANIZATIONS

Comes now Duke Energy Ohio, Inc. (DE-Ohio) and for its comments in connection with the investigation of the Public Utilities Commission of Ohio (Commission) into the value of the continued participation in regional transmission organizations (RTO) hereby submits the following.

I. INTRODUCTION

Pursuant to an Entry dated March 4, 2009, this Commission initiated an investigation into the continued participation in RTOs. Such an investigation is consistent with R.C. 4928.24, which created a federal energy advocate responsible for examining "the value of the participation of this state's electric utilities in regional transmission organizations and [submitting] a report...on whether continued participation of those utilities is in the interest of those consumers."[1]

The Commission now seeks public input from interested persons on various RTO issues. DE-Ohio welcomes the opportunity to provide information to the Commission as it reviews this significant issue. And consistent with the framework established by the

[1] R.C. 4928.24.

Commission, DE-Ohio addresses the specific areas of inquiry in the following order: (1) the value of participation in RTOs; and (2) alternatives to RTOs.

II. DISCUSSION

A. The Value of Participation in Regional Transmission Organizations

1. Are FERC's Order 2000 goals and objectives being realized to promote efficiency in wholesale electric markets and to ensure that electric consumers pay the lowest price possible for reliable service?

The Federal Energy Regulatory Commission's (FERC) goal in FERC Order 2000 was to promote efficiency in wholesale electric markets and to ensure electricity consumers pay the lowest price possible for reliable service. The FERC stated competition in wholesale electric markets is the best way to protect the public interest and ensure its pricing goal is met. The FERC believed that RTOs could address the operational and reliability issues confronting the industry and eliminate any residual opportunity for discrimination in transmission services that can occur when the operation of the transmission system remains in the control of a vertically integrated utility. Specifically, the FERC stated regional transmission institutions could: (1) improve efficiencies in transmission grid management; (2) improve reliability; (3) remove remaining opportunities for discriminatory transmission practices; (4) improve market performance; and (5) facilitate lighter-handed regulation.[2]

DE-Ohio generally believes the FERC's goals are being achieved through the tariffs, practices, and procedures of the Midwest Independent System Operator (ISO). The Midwest ISO has provided independent oversight of transmission services, improved reliability, managed a more cost-effective dispatch of energy and ancillary services,

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[2] *Regional Transmission Organizations*, Order No. 2000, 89 FERC ¶ 61,285 at pp. 70-71 (January 6, 2000).

lowered the planning reserve requirements for its members through regionalization, and provided another view of the region's competitiveness for consideration by federal and state commissions through the independent market monitor (IMM). In offering this opinion, DE-Ohio further acknowledges the regional differences that may lend support for structures other than an RTO.[3]

Specifically, DE-Ohio believes the Midwest ISO has achieved the first of the FERC's goals through managing the transmission systems of its individual transmission owners under a single independent entity that administers service under a single regional tariff. In the Midwest, this structure gains praise for unbiased operations beyond those any affiliated provider may garner. Also, the Midwest ISO employs an IMM who has oversight of Midwest ISO's actions as well as those of the Midwest ISO customers.

When the Midwest ISO was formed, it improved regional planning efficiencies through its scope and configuration. This larger footprint, with its subsequent coordination, easily enabled larger and more encompassing transmission planning studies. The consolidation of reliability oversight under a single Reliability Coordinator (RC) with a large regional view brought with it improvements in the grid's reliability.

Because the Midwest ISO maintains independent operation of the transmission system, it has reduced the potential for discrimination. By implementing an open access tariff and leveling the playing field, transmission customers have equal access to the

[3] Moreover, Duke Energy specifically stated in testimony supporting the Cinergy Corp./Duke Energy merger application filed with the Commission that "Duke Energy believes that regional solutions to transmission issues are preferable and that the Cinergy operating companies' decision to participate in the Midwest ISO is appropriate for the environments in their states of operation." *In the Matter of the Joint Application of Cinergy Corp. on behalf of The Cincinnati Gas & Electric Company and Deer Holding Corp. for Consent and Approval of a Change of Control of The Cincinnati Gas & Electric Company* and *In the Matter of the Application of The Cincinnati Gas & Electric Company for the Authority to Modify the Current Accounting Procedures in Order to Defer Costs Incurred in Order to Realize Cost Savings as a Result of the Merger Transaction*, Case No. 05-731-EL-MER, *et al.*, Direct Testimony of Richard J. Osborne, at pg. 22 (August 1, 2005).

region's transmission assets. The Midwest ISO also employs an independent market monitoring unit that continuously checks for discriminatory practices by the Midwest ISO or any of its market participants.

The structured energy markets based upon the Midwest ISO's locational marginal pricing (LMP) served to improve resource commitment and market dispatch. DE-Ohio believes the Midwest ISO has improved grid reliability and economic efficiency through its use of co-optimized commitment and dispatch of regional resources. A Midwest ISO-commissioned study found the "Day 2" energy market provides benefits of approximately $139 million annually.[4] In addition, the Midwest ISO projects this year's implementation of the Ancillary Services Market (ASM), along with the consolidation of control area functions, would achieve the additional annual gross benefit ranging from $88 to $183 million.[5]

DE-Ohio further agrees with the IMM's statements in the 2007 State of the Market Report, which provides:

> The Midwest ISO energy markets provide substantial benefits for the region. Although the benefits are sometimes difficult to quantify, the energy markets produce substantial savings in the following areas:
>
> - The day-ahead market provides an efficient daily commitment of generating resources in the region. Efficiency is achieved by reducing the quantity of generation that is committed and by ensuring that the most economic generation is committed.
> - The energy markets cause energy to be produced from the most economic resources given the limits of the transmission system. This includes employing the lowest-cost redispatch options to manage congestion and allowing the transmission system to be fully utilized.

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[4] *Independent Assessment of Midwest ISO Operational Benefits, Addendum*, May 1, 2007, submitted by ICF International, at pg. 9.
[5] See, http://elibrary.ferc.gov/idmws/common/opennat.asp?fileID=11454165.

- The Midwest ISO energy markets improve reliability through the five-minute dispatch. This allows far more responsive and accurate control of power flows on the transmission system than the Transmission Loading Relief ("TLR") procedures used in other regions.
- Finally, the LMP markets provide transparent economic signals to guide short and long-run decisions by participants and regulators. Although these benefits are the most difficult to quantify, they may be the largest because they accumulate over time as better investment and retirement decisions are made by participants.[6]

2. Are RTOs providing value to Ohio's customers through more effective management and use of the grid by:

   (a) Addressing discrimination in access to transmission service?

DE-Ohio believes RTOs provide opportunities for more efficient management of the transmission grid and improve access to the grid for all market participants. DE-Ohio agrees with many industry members and experts interviewed by the Government Accounting Office (GAO) in conjunction with the GAO's 2008 report on RTOs. Many of those interviewed concluded that RTOs, such as the Midwest ISO, are federally-mandated unaffiliated providers of transmission service and have independent functional control of a transmission network. This independence minimizes the likelihood of discriminatory transmission access.[7]

Further, DE-Ohio agrees with ICF's assessment in its February 27, 2007, report that when the Midwest ISO was formed, it exceeded FERC's expectations, as expressed in Order No. 888, "because it created an actual separation of duties rather than relying on

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[6] *2007 State of the Market Report for the Midwest ISO*, prepared by Potomac Economics, at pp. i-ii of Executive Summary (hereinafter the 2007 IMM Report).
[7] *Report to the Committee on Homeland Security and Government Affairs, U.S. Senate; Electricity Restructuring – FERC Could Take Additional Steps To Analyze Regional Transmission Organizations' Benefits And Performance*, September 2008, submitted by the United States Government Accountability Office, at pp. 43-44.

a standard transmission tariff to decrease discrimination."[8] Although the utilities that created the Midwest ISO retained ownership and operational control of their transmission facilities, these transmission owners relinquished, to the Midwest ISO, their responsibility for tariff administration and functional control of the transmission assets. Doing so allowed the Midwest ISO "to provide non-discriminatory open access to the regional transmission grid."[9]

(b) Eliminating of pancaked transmission rates?

DE-Ohio agrees with ICF's assessment that when the Midwest ISO ended pancaked rates within its footprint, it provided an overall reduction in transmission costs within the Midwest ISO region.[10] In addition to eliminating the pancaked rates between Midwest ISO Transmission Owners, pancaked rates have also been eliminated for transactions between the Midwest ISO and PJM Interconnection, L.L.C. (PJM).

(c) Regional transmission scheduling, tariff administration, and settlements?

DE-Ohio believes the Midwest ISO's role as the single regional transmission provider responsible for administering its tariff and coordinating transmission scheduling and settlements provides benefits to Ohio's transmission customers.

The Midwest ISO, acting as the transmission provider across the systems of multiple transmission owners, provides a more effective and efficient approach to grid management since one entity has information regarding both the footprint's transmission system as well as information for the systems beyond the borders of the Midwest ISO.

[8] *Independent Assessment of Midwest ISO Operational Benefits,* February 28, 2007, submitted by ICF International, at pg. 27 (hereinafter the ICF Study).
[9] Id.
[10] Id.

As a single provider, the Midwest ISO is able to coordinate transmission outages, interchange schedules, and transmission curtailments both across the Midwest ISO system and its interconnections. Through its market systems, the Midwest ISO can redispatch the region's resources in a very timely manner to address changing interchange schedules and varying transmission conditions. The use of a centralized approach allows resources to be scheduled to their maximum economic value while honoring the system's physical limitations.

This single tariff administration, settlement, and credit management approach provides one point of contact for DE-Ohio when settling transactions within the Midwest ISO footprint. In the past, DE-Ohio would have been forced to coordinate transactions with each individual transmission owner providing administration of its own transmission tariff.

(d) Enhancing reliability?

DE-Ohio believes that as each enhancement to the Midwest ISO's tariff has occurred, reliability has been improved or economic benefits have been garnered without a degradation of reliability. This enhanced reliability is a benefit to DE-Ohio's customers. The reliability benefits provided by the Midwest ISO include: an improved coordination of multi-company operations, which decreased transmission loading problems; a broader, more regional approach to security coordination; an improved ability to coordinate transmission and generator outages that might otherwise adversely affect the transmission system; and increased options available to operators to respond to system loading problems.

As the Midwest ISO has introduced more market-oriented mechanisms to resolve reliability issues, all market participants within the region have benefited. The broad Midwest ISO footprint provides customers greater access to a more diversified generation base from a wider region as merchant plants are fully integrated into the Midwest ISO market operations. It also provides the reliability coordinators with additional tools to resolve issues in real time or before they arise.

The evolution of continued improvement in system coordination and the addition of reliability tools within the Midwest ISO have occurred in four stages: the transition from multiple stand-alone transmission owners to a single regional transmission provider (Day One); from a single provider using TLR to a single provider using security constrained economic dispatch with an LMP clearing market (Day Two); from a single provider with an energy-only market to a co-optimized Energy and Ancillary Services Market with the Midwest ISO becoming the single Balancing Authority (BA) (Day Three); and most recently, the Energy and Ancillary Services Market was combined with a consistent resource adequacy requirement across the entire Midwest ISO footprint.

In stage one, the establishment of the Midwest ISO was a significant step in addressing the need for a regional transmission operator. The Midwest ISO had the authority to approve scheduled transmission outages and coordinate scheduled generation outages for reliability purposes. The Midwest ISO monitored, in real time, all significant regional generation and transmission parameters. If a potential problem was identified, the Midwest ISO had the authority to order generation redispatch, transmission switching, and/or load shedding.

The reliability of the regional bulk transmission system has been improved by the Midwest ISO as a result of two major changes. First, the Midwest ISO has a "big picture" view of the regional system. Prior to Midwest ISO, each individual utility monitored the generation/load balance, equipment loadings, and the Midwest ISO voltages in its area. During emergencies, individual utilities could only monitor and control their system. They did not have significant real-time information on the status of neighboring systems. Various loading problems arose because the regional transmission system is highly interconnected. A serious problem on one utility's system could very likely affect neighboring systems without that neighbor knowing the root cause of their problem.

In order to address the lack of regional oversight of the transmission system, the North American Reliability Counsel (NERC) established "RCs." RCs were typically one of the regional utilities and they were given responsibility to monitor the regional system, identify potential problems, and coordinate actions of the regional utilities. In many instances, the RCs improved the situation. However, in regard to the Midwest ISO footprint, the RCs have not had sufficient data or the authority to effectively react to serious regional problems given that the Midwest ISO footprint is comprised of many small utilities, in addition to large ones, and there is a large volume of bilateral trades n the market.

Prior to the Midwest ISO's 2004 implementation of the Energy Markets (Day Two), the footprint relied on NERC's TLR to manage congestion in and around the Midwest ISO footprint. Under TLR, if a transmission line is approaching a transmission limit, reliability rules require the cancellation or reduction of transmission transactions to reduce loading on the line, without regard to the most efficient (*i.e.*, fewest megawatts

(MW) curtailed) or the most economic (*i.e.*, the least cost for the network) result. The TLR may have created reliability problems elsewhere by forcing curtailment of supply arrangements, which are only slightly related to the transmission congestion addressed by the initial TLR.

Another risk is that the TLR remedy may have aggravated the longer-run reliability and competition problems within the Midwest ISO market. To the extent that TLR orders increased the cost and risk of procuring electric power across the larger Midwest region, reliance on TLR rather than on market-based remedies may have increased longer-term electric power prices for consumers, both directly through higher costs and indirectly through reduced competition.

During the next stage, the second and probably the most significant change to the improvement in system reliability occurred. That was the implementation of Security Constrained Unit Commitment and Security Constrained Economic Dispatch. The Midwest ISO runs a computer simulation of the electrical system every five minutes using real-time load, generation, and transmission data. The algorithm calculates the resiliency of the system if any one system component (*i.e.*, transmission line, transformer, or generator) would fail. The simulation calculates the required output from generators to ensure the contingency would be manageable if it occurred. Prior to the Midwest ISO's Day Two, each Control Area's generation was dispatched to produce the lowest reasonable cost for supplying its load and scheduled interchange. A single Control Area generally would not revise its control or dispatch in anticipation of constraints on another's system.

Additionally, the Midwest ISO's day-ahead and real-time markets made it easier for market participants to meet their load-serving obligations due to the availability of energy at a transparent market price. Furthermore, the use of LMP in the Midwest Region is a much more efficient method of managing transmission congestion as compared to the TLR method. Under Day One operations, when a violation of operating security limits occurred, the only solution available was to curtail one or more transactions using the NERC's certified TLR procedure. As previously suggested, the TLR procedure is a blunt curtailment option that may curtail more transactions than are necessary, as well as transactions that are of greater economic value.

The third stage of the Midwest ISO's evolution occurred in January 2009, when the ASM was implemented as an enhancement to the Energy Market to allow the Midwest ISO to operate an Energy and Operating Reserves Market and become the centralized balancing authority across the Midwest ISO market footprint. The ancillary services, which consist of regulation, spinning, and supplemental reserve, were previously provided by each balancing authority within the Midwest ISO. The Energy and Operating Reserves Market now provides a more integrated determination of the energy dispatch and the allocation of capacity for ancillary services and provides transparent market prices for these services. The result should be lower energy costs for the Midwest ISO footprint, thereby allowing for more participation in the supply of ancillary services and ensuring more consistent expectations and compliance requirements for the ancillary service providers. The Energy and Operating Reserve Market implementation allows the Midwest ISO to economically meet energy dispatch, load following, and contingency reserve deployment while respecting the transmission limitations.

The Midwest ISO recently entered stage four when it gained federal approval for a regional resource adequacy requirement within its tariff. DE-Ohio believes placing a consistent and enforceable resource adequacy requirement on all load serving entities (LSE) is appropriate at the present time. Because the Midwest ISO market covers a vast region, leveling the resource planning requirement among LSEs at some minimum value makes sense and better distributes the responsibility for grid reliability. Defining the right reserve margin is difficult, but the costs of having too low of a reserve margin are high when compared to the costs of a higher reserve margin. DE-Ohio believes the inclusion of demand response in meeting the Midwest ISO's resource adequacy requirement (RAR) is important. DE-Ohio advocated for good enforcement mechanisms and continues to work with the Midwest ISO and its stakeholders to refine the role of Demand Response.

DE-Ohio believes the recently revised Midwest ISO Module E is a good start and will aid the region's reliability, but there may be issues that will arise that will need to be addressed in the future. The Midwest ISO RAR must become more compatible with state retail competition and effectively accommodate retail switching. The costs for maintaining these reserves should yield real net benefits in terms of increased reliability for customers. DE-Ohio believes that the requirements and tariff enforcement mechanisms must be clear and known beforehand.

(e) Improved utilization of transmission assets and management of transmission congestion?

DE-Ohio's membership in the Midwest ISO has allowed for the improved utilization of regional transmission assets and better management of transmission congestion. These benefits accrue to the region as a whole and to DE-Ohio customers.

As previously discussed, prior to the Midwest ISO's 2004 implementation of the Energy Markets (Day Two), the footprint relied on the NERC's TLR to manage congestion in and around the Midwest ISO footprint. The TLR may have created reliability problems elsewhere by forcing curtailment of supply arrangements that are only slightly related to the transmission congestion addressed by the initial TLR. TLR is a rather blunt and slow-acting instrument for redispatch when compared to the five-minute security constrained result the Midwest ISO uses today.

DE-Ohio believes the broader collection of more precise tools available to the Midwest ISO allows for a higher utilization of the Midwest's transmission assets. Because of their wider view, the Midwest ISO is also able to move through and around problems more rapidly than in the past.

Support for DE-Ohio's position is found with Potomac Economics, the Midwest ISO's IMM, whose "2006 State of the Market Report Midwest ISO" concludes that one of the most significant benefits that the Midwest ISO energy market provides is the efficient dispatch of generation to manage transmission congestion, while providing accurate and transparent price signals.[11]

As stated earlier, the TLR remedy for congestion may have aggravated the longer-run reliability and competitive problems within the Midwest ISO market. To the extent

[11] *2007 State of the Market Report for the Midwest ISO*, prepared by Potomac Economics, at pp. i-ii of Executive Summary (hereinafter the 2006 IMM Report).

TLR orders increased the cost and risk of procuring electric power across the larger Midwest region, reliance on TLR rather than on market-based remedies may have increased longer-term electric power prices for consumers, both directly through higher costs and indirectly through reduced competition.

Today, the Midwest ISO employs a day-ahead energy and ancillary services market. Because the day-ahead market and commitments for reliability occur before real-time, a problem may be alleviated before it occurs when compared to a TLR-only redispatch option. By coordinating commitment for the region, the Midwest ISO can avoid the "not-so-obvious" commitment mistakes (*i.e.*, commitment of multiple peakers in two control areas, where one would have sufficed for both) of the past and recoup the lower total production costs for the market.

(f) Regional unit commitment and security constrained economic dispatch?

DE-Ohio's membership in the Midwest ISO has allowed for the improved utilization of regional supply assets and transmission congestion management. These benefits accrue to the region as a whole and to DE-Ohio's customers. DE-Ohio's comments are supported by the Midwest ISO and the Midwest ISO IMM.

The Midwest ISO estimates that the implementation of the day-ahead and real-time energy markets results in annual benefits between \$200 million and \$250 million.[12] The Midwest ISO projects that the implementation of the proposed centralized commitment and dispatch of energy and Ancillary Services, along with the functional consolidation or realignment required for that

[12] See, http://www.midwestmarket.org/page/Value%20Proposition.

implementation, would result in total annual gross benefits ranging from $88 to $183 million, with additional benefits yet to be quantified.[13]

The benefits of regionalized energy dispatch originate from the increased use of the region's most cost-efficient generation. Therefore, it was not surprising to DE-Ohio that the utilization of the region's baseload generation has increased since the creation of the Midwest ISO. The Midwest ISO reports that from 2000 to 2006, the capacity factor for coal generation in the region increased by 14% and during the same period, the capacity factor for intermediate generation (high efficiency gas) increased by 46% (to 17% in 2006). Meanwhile, the utilization of peaking generation (lower efficiency gas) remains low with a 2006 capacity factor of only 4%.[14]

> The Midwest ISO markets have substantially improved the commitment and dispatch of generating resources in the Midwest. The improved commitment is largely due to the day-ahead market, which provides a market-based process to commit generating resources and supply load. Ninety-seven percent of the generation dispatched in 2007 was scheduled through the day-ahead market.
>
> Good convergence between day-ahead and real-time prices indicates efficient commitment decisions. We find price convergence in the Midwest ISO has been consistent with the other RTO markets, which have each been operating longer. Active virtual supply and demand participation in the day-ahead market to arbitrage the price differences has contributed to the good price convergence in the Midwest ISO.[15]

(g) Regional procurement of Ancillary Services and consolidation of Balancing Authorities?

As previously stated, DE-Ohio's membership in the Midwest ISO has allowed for the improved utilization of regional supply assets and transmission congestion management. These benefits accrue to the region as a whole and to DE-Ohio's

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[13] See, http://elibrary.ferc.gov/idmws/common/opennat.asp?fileID=11454165.
[14] See, http://www.midwestmarket.org/page/Value%20Proposition.
[15] 2007 IMM Report, at pg. 12.

customers. DE-Ohio's comments are supported by the Midwest ISO and the Midwest ISO IMM.

The Midwest ISO produced an informational report for the Commission, Informational Filing of Midwest Independent Transmission System Operator, Inc., Docket No. ER04-691, March 3, 2006, that covers the various anticipated benefits of the Midwest ISO ASM and consolidation of BA. DE-Ohio believes the study is valuable and directionally accurate in providing information as to the benefits of the ASM and BA consolation, but DE-Ohio is not in a position to make detailed comment on the specific study results or the achievement of benefits across the Midwest ISO resulting from the ASM and BA consolidation.

The Midwest ISO, in their Value Proposition, proposes that the ASMs will allow portions of cost-efficient generation that were held for operating reserves to be dispatched for energy needs, while shifting the operating reserve locations to less cost-efficient generation and maintaining reliability. This lowers overall costs for the region, providing annual benefits between $115 million and $205 million.[16]

(h) Regional transmission planning?

DE-Ohio has provided a good deal of input to Midwest ISO's local planning revisions, which were filed with FERC on August 13, 2008. DE-Ohio believes that with these changes, the Midwest ISO filing is consistent with or superior to the Order 890 principles.

DE-Ohio believes the long-term transmission planning function of the Midwest ISO is working as designed as indicated by the Midwest ISO Midwest Transmission Expansion Project (MTEP) results. The Midwest ISO's regional transmission planning

[16] See http://www.midwestmarket.org/page/Value%20Proposition.

process has resulted in 475 transmission expansion projects in the 2008 MTEP, totaling $4.2 billion. Additionally, there are $1.6 billion in new projects that are still under consideration, but not yet approved for regional sharing (Appendix B). These projects are expected to provide reliable and efficient transmission service for existing and new load throughout the ten year planning horizon. Additionally, these projects are estimated to provide over $1 billion in annual benefits due to production cost savings and deferral of new unit construction. Since 2003, the MTEP has results in $2.2 billion worth of projects being put into service, out of $6.2 billion that has been recommended for approval.[17]

3. Are the RTOs' locational marginal pricing (LMP) policies providing value to Ohio's consumers?

The Midwest ISO LMP-based energy market provides transparent economic signals to guide short- and long-run decisions by DE-Ohio and other participants, in coordination with their regulators. Although these benefits are the most difficult to quantify and verily impossible for DE-Ohio, they may be among the largest benefits because they accumulate over time as better investment and retirement decisions are made by participants in response to this price signal.

DE-Ohio understands LMP is a very useful method to direct the dispatch of the region's resources and it helps avoid subsidies and encourages resources to follow the dispatch instructions to relieve congestion. The transmission system operator can use LMP to manage the available resources and provide a balancing service to LSEs, allowing them to manage their supply versus demand mix.

[17] *Midwest ISO Transmission Expansion Plan 2008*, at pg. 1 of Executive Summary.

4. <u>Are the RTOs' ancillary services markets and the integration or co-optimization of those markets with the RTOs' energy markets efficient and providing benefits to Ohio's consumers?</u>

Because the ASM started in January of this year, it may be premature for DE-Ohio to identify, with specificity, the benefits of the ASM and its benefits to Ohio's consumers. However, DE-Ohio references the extensive studies performed by the Midwest ISO. These studies indicate that the whole of the Midwest ISO footprint would benefit from ASM. Furthermore, DE-Ohio has observed dispatch patterns consistent with the expectation that lower cost coal-fired units would operate at higher loading levels under the ASM and reserves would be allocated to higher cost resources.

The following are excerpts from the most recent IMM reports to the Midwest ISO's Board of Directors. These reports provide the IMM's view of how the ASMs are performing based on his expectations.

- Initial results of the ASM markets suggest improved the performance of the real-time energy market.
- Price volatility in the real-time energy market has decreased by 30-40 percent.
- This reduction in volatility is likely due, in part, to ability of the market to jointly optimize the allocation of resources between energy and ancillary services.
- Based on our review of the initial ASM market results, we have concluded that the Midwest ISO January 6th ASM launch was highly successful.
- Markets are operating as expected, with no significant issues.
- The prices in the Midwest ISO have been consistent with expectations.
- Regulation prices have been consistent with PJM and ISO-NE, and lower than NYISO (East).
- Spinning Reserve prices have been higher than prices in NYISO and ISO-NE due to market design differences.
- There have been very brief shortages for regulation and spinning reserves.
- The shortages have not raised prices significantly.

- Operational improvements may decrease the frequency of these shortages.[18]

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- Results of the ASM markets continue to suggest improved the performance of the real-time energy market. Real-time volatility decreased by close to 50 percent in February compared to the volatility that prevailed before the ASM markets.
- Based on our continued review of the initial ASM market results, we continue to conclude that the Midwest ISO January 6th ASM launch has been highly successful.
- Markets continue to operate as expected with no significant issues.
- The prices in the Midwest ISO have been consistent with expectations.
- Regulation prices are consistent with PJM and ISO-NE, and lower than NYISO (East).
- Spinning Reserve prices have been higher than prices in NYISO and ISO-NE due to market design differences.
- There have been very brief shortages for regulation and spinning reserves.
- The shortages have not raised prices significantly.
- Operational improvements may decrease the frequency of these shortages.
- Zonal constraints have generally only been binding for regulation primarily in regulation, Zones 5 (MI, NW Ohio), 7 (the West region) and 2 (parts of Missouri/Iowa/Illinois).[19]

5. <u>Are the RTOs' market monitoring and mitigation policies effective in ensuring competitive prices and providing value to Ohio's consumers?</u>

DE-Ohio believes that, outside of known constrained areas, the Midwest ISO's energy markets are competitive and the IMM's mitigation measures are sufficient to ensure exercises of market power are minimized and, if they occur, are remedied. DE-Ohio has no reason to believe the functioning of the Midwest ISO's ASM is not competitive.

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[18] *IMM Monthly Market Metrics Report, February 2009,* Presented to Midwest ISO Board of Directors Markets Committee, March 18, 2009.

[19] *IMM Monthly Market Metrics Report, March 2009,* Presented to Midwest ISO Board of Directors Markets Committee, April 15, 2009.

Further support for DE-Ohio's position is reflected in the following excerpt from the IMM's 2007 State of the Market Report, published in 2008. This excerpt gives a similar view of the competitive performance of the Midwest ISO markets:

> Overall, we find that the market performed competitively in 2007. Although a number of suppliers throughout the Midwest ISO region have substantial local market power associated with specific transmission constraints, there was little evidence of attempts to withhold supply and exercise market power. The mitigation measures, which were designed to prevent abuses of market power, were employed relatively infrequently in 2007. The most frequent mitigation occurred in Minnesota in a new Narrow Constrained Area ("NCA") defined in January 2007.[20]

6. <u>Are the RTOs' resource adequacy requirements and the resulting capacity markets (or, in the case of PJM, its Reliability Pricing Model and Fixed Resource Requirement) reasonable and providing benefits to Ohio's consumers? Are these policies effective in promoting needed resource investment and long-term contracts which could help finance such investment? Do these policies promote an appropriate level of investment that is consistent with the needs and preferences of Ohio consumers?</u>

DE-Ohio has long advocated the need for a permanent RAR in the Midwest ISO and it supports the direction the Midwest ISO has taken. As the FERC observed almost four years ago in its order approving the Midwest ISO market implementation, "[r]esource adequacy is a crucial component of the Energy Markets that can help to ensure new resource development, market efficiency, and reliable operation of the transmission network."[21]

DE-Ohio supported the recent changes to the Midwest ISO's Module E as a necessary step in achieving a regional resource requirement. DE-Ohio worked with this Commission, the Organization of Midwest ISO States (OMS) and the Midwest ISO stakeholders in achieving this goal. It will continue to work with this Commission to

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[20] 2007 IMM Report, at pg. ii of Executive Summary.

[21] *Midwest Indep. Transmission System Operator, Inc.*, 108 FERC ¶ 61,163, para. 397 (2004).

bring about policies that promote appropriate levels of investment to meet the needs of Ohio consumers.

RAR is needed in Midwest ISO because without it, the Commission should not assume sufficient new capacity will be developed to address the region's needs. DE-Ohio believes that although it is not too late for new resources to be built to provide the reserves required within the next few years, the key piece that has been missing in bringing many of these resources on line is the commercial certainty that they will be needed and valued. Alone, energy-only markets fail to provide the scarcity signals required to demonstrate the need for new generation. Furthermore, the Midwest ISO's nascent ASMs were not intended to provide these signals and thus cannot be relied upon to do so.

DE-Ohio has long supported a centralized structured capacity market that provides for procurement on an annual forward basis. DE-Ohio thinks this would be a welcomed addition to the current Midwest ISO RAR. It would provide benefits, such as, the use of fungible products, better complement Ohio's retail switching programs, and provide long-term procurement, compliance, and oversight. DE-Ohio believes the centralized structured capacity market with a forward annual procurement would be an improvement over the short-term nature of the "monthly requirement" Midwest ISO has in place for the 2009-2010 planning year.

Although the current RAR is a step in the right direction, DE-Ohio believes the additional enhancements to the RAR, as discussed above, are needed to attract resource investment and the long-term contracts to finance such investment. Beyond RTO-related changes, additional changes must be made to stimulate adequate long-term investment in new baseload generation resources. For example, DE-Ohio and its parent company, Duke Energy Corporation, believe the federal government should adopt a cap-and-trade system for carbon emissions to establish an accurate price signal for constructing new baseload coal generation. DE-Ohio also believes the Ohio General Assembly may need to consider new legislation, beyond the measures contained in S.B. 221, to authorize this Commission to approve advanced ratemaking mechanisms that would provide electric distribution utilities operating in approved electric security plans a more reasonable opportunity to recover generation investments in a timely manner.

7. Are RTOs effective in facilitating transmission planning and needed transmission investments that benefit Ohio's consumers? Are they effective in facilitating transmission planning and investment that may be needed for the development of renewable energy resources?

DE-Ohio provides additional comment here, but further incorporates by reference to its response to question "2.h" above.

DE-Ohio is not able to respond to the Midwest ISO's effectiveness in facilitating transmission planning and investment relative to the development of renewable energy resources. The Midwest ISO sponsored Regional Expansion Criteria and Benefits RECB taskforce and the OMS, through its Cost Allocation and Regional Planning (CARP) initiative, have just recently begun discussions relative to transmission planning and cost allocation methodologies that are necessary to deliver renewable energy and other remotely located generation resources to the Midwest ISO footprint. DE-Ohio is fully committed to participating in the RECB task force, as well as following the CARP initiative and reserves the right to comment where necessary. Additionally, Duke Energy and the Midwest ISO are both participating in Eastern Interconnection Planning

Collaborative (EIPC). As a general proposition, Duke Energy supports bottom-up regional and interconnection-wide planning processes in expanding the grid to enable delivery of renewable energy and other low or no carbon resources, such as the concepts behind the contemplated EIPC. The EIPC is a proposed collaborative of NERC-registered planning authorities in the Eastern Interconnection whose purpose would be to roll up the individual regional plans (*e.g.*, the Midwest ISO regional plan, the PJM regional plan, the Southern Company regional plan, the North Carolina Transmission Planning Collaborative regional plan, etc.) and find ways to better optimize these plans to meet objectives which would include regional and national energy policy needs.

8. <u>Are the RTOs policies and practices effective in facilitating long-term contracts between load serving entities and generation developers or suppliers that may be needed to support the construction of additional base load generation facilities?</u>

The Midwest ISO's short-term markets provides some transparency on capacity pricing as well as.expected congestion cost, which enables parties in developing bilateral agreements. The Midwest ISO needs to develop longer term markets and obligations for capacity to assist in long-term contracting.

The current Midwest ISO RAR and long-term financial transmission rights (LTTR) business practices are immature. The Midwest ISO and their stakeholders will need more experiences with the current procedures in order to evaluate their long-term effectiveness. The most recent Midwest ISO tariff provisions for LTTRs and Resource Adequacy were only put in place within the last year. DE-Ohio was very active at the FERC and within the Midwest ISO stakeholder processes that developed and implemented LTTRs and Resource Adequacy requirements.

DE-Ohio supported the Midwest ISO's general RAR direction as an appropriate next step, but we have specific concerns that remain. The Midwest ISO tariff should only allow state planning reserve margins (PRM) that are greater than the Midwest ISO's minimum PRM, where those state commissions deemed it necessary. The Midwest ISO IMM proposed stringent mitigation and must-offer requirements for the voluntary capacity auction that precedes an LSE's deficiency determination. DE-Ohio believes the IMM's proposals will shift unnecessary risk to auction sellers and that the must-offer requirement to participate in the capacity auction is inappropriate given the voluntary nature of the market and the lack of a showing of potential market power.

DE-Ohio provides additional information here by incorporating its response to question 6 above.

9. Are the RTOs' transmission cost allocation methodologies and policies resulting in value for Ohio's consumers?

There are currently five different transmission cost allocation methodologies in effect that impact the Midwest ISO customers. These various rate designs and policies have provided value for Ohio customers in that they have resulted in reasonable cost allocation methodologies that promote the construction of transmission facilities that are necessary to maintain reliability within the region, at the most reasonable cost. These cost allocation mechanisms have aided the Midwest ISO in needed transmission expansion and these transmission expansions produce value for consumers by providing access to lower cost generation resources and such investments can also delay or avoid the need for construction of new generating facilities. The Midwest ISO's cost allocation mechanisms have, has to some extent, enabled many of the 475 transmission expansion projects in the 2008 MTEP, as well as the $1.6 billion in new projects that are still under review.

The five approved cost allocation mechanism within the Midwest ISO are for existing transmission facilities, new transmission projects necessary for reliability purposes, new economic projects, the Midwest ISO and PJM cross border reliability projects and Midwest ISO and PJM cross border economic projects.

DE-Ohio, individually and as a member of the Midwest ISO Transmission Owners, advocated policies that resulted in a reasonable cost allocation methodology for each of the cost allocation mechanisms. Certain proposals, if approved, would have resulted large cost shifts within the Midwest ISO and between the Midwest ISO and PJM, and ultimately increased cost for Ohio consumers. DE-Ohio reviewed several analysis and studies provided by the Midwest ISO and others and supported the methodologies that resulted in reasonable cost sharing. Additionally, the cost allocation methodologies that were approved are all consistent with the Organization of the Midwest ISO States' principle that the parties causing and benefiting from an upgrade should fund the project.

10. Are the RTOs' Financial Transmission Rights and other transmission congestion hedging policies and practices effective and providing value to Ohio's consumers?

DE-Ohio believes that FTRs provide a necessary hedge against congestion, but the Midwest ISO should explore reasonable means to increase funding of these instruments. However, there are concerns with regard to the funding of FTR payments.

FTR under-funding has occurred on an annual basis. The two main factors that have contributed to the shortfalls are the Midwest ISO's continued difficulties in accurately forecasting loop flow on the Midwest ISO network within the FTR modeling process, and the significant unplanned line outages that reduce transfer capability assumed in the FTR auctions.

To address the underfunding of FTRs, the Midwest ISO's approach has been the use of more conservative assumptions regarding loop flow and transmission limits used in the FTR auctions. However, the Midwest ISO continues to experience reduced payouts to FTR holders. The Midwest ISO explains that much of the underfunding is due to unanticipated transmission constraints outside of the Midwest ISO footprint and outside of Ohio.

DE-Ohio has actively participated in the redesigns of FTR tariff provisions and continues to work with the Midwest ISO and other stakeholders to explore potential approaches that will enhance the FTR allocation and lessen underfunding of FTRs in light of what is best for DE-Ohio's customers. More work is needed by the Midwest ISO in this area.

11. Are the RTOs' demand response programs, policies toward behind-the-meter generation, and other Load Modifying Resources effective and providing value to Ohio's consumers over and above state sponsored programs?

The Midwest ISO has multiple tariff constructs that promote participation by demand response resources in the Midwest ISO markets. These tariff constructs are currently being developed and refined through the Midwest ISO stakeholder process. Currently, retail demand response programs can participate in the Midwest ISO Energy Markets, the ASM, and as emergency resources through either Load Modifying Resources and/or Emergency Demand Response resources. The mere process of discussing demand response resource participation, setting minimum requirements, and establishing measurement and verification procedures benefits Ohio consumers. Some of these benefits include the opportunity for DE-Ohio to offer new demand response programs for new and potentially increased customer participation. In addition, the incorporation of demand response into the Midwest ISO markets promises increased reliability and potentially lower price energy for all DE-Ohio customers. DE-Ohio has already submitted or will submit shortly the PowerShare CallOption program, the PowerShare Emergency program, and the PowerManager program to Midwest ISO for registration as Load Modifying Resources. Several of these resources can also be utilized by DE-Ohio to provide benefit in the Midwest ISO Energy Markets.

At this time, there is considerable debate among Midwest ISO stakeholders surrounding topics raised by FERC's recent Order 719 regarding demand response on issues such as barriers to entry, comparable treatment, and participation of Aggregators of Retail Customers (ARC). Midwest ISO has been directed to make a compliance filing on April 28, 2009. The discussion will likely continue on these topics for several months to come. DE-Ohio believes it is crucial for Midwest ISO and the State to work with LSEs and ARCs offering demand response programs to coordinate and communicate demand response activities with DE-Ohio as the Provider of Last Resort (POLR) and (Electric Distribution Utility (EDU) to ensure the benefits of demand response are received by all DE-Ohio customers. This coordination and communication need is highlighted by the recent demand response threshold requirements placed upon DE-Ohio as the POLR and EDU. If the demand response requirements are to be based on DE-Ohio total EDU load, then all demand response in the DE-Ohio service territory needs to be coordinated to ensure system benefits and utilized toward fulfilling the minimum demand response requirements.

12. <u>Are the RTOs policies and practices relating to the treatment of Price Responsive Demand (PRD) consistent with facilitating the development of PRD through dynamic and time-differentiated retail pricing? (PRD is consumer demand that predictably responds to changes in wholesale prices as a result of d) Dynamic or time-differentiated retail rates.)</u>

Current Midwest ISO tariff provisions do not prevent retail level PRD development but it would be difficult to conclude they facilitate PRD development. PRD is specifically excluded in Midwest ISO's Module E RAR for LMR. While Midwest ISO states that PRD can qualify as a Capacity Resource through the Demand Response Resource (DRR) construct as provided in section 69.2.1.2.b of the Tariff, this construct requires curtailment in situations that are not based on price and requires planning reserve capacity for the PRD. These requirements are not consistent with PRD that predictably responds at certain price levels. It is also uncertain how PRD would be incorporated into the LSE Forecast Requirement since this value is a 50/50 forecast point estimate. Effectively, these restrictions and the LMR exclusion can create a situation where utilities that create new PRD programs must wait in order to see benefits from PRD implementation. The "wait" is because a program can be developed and implemented by an LSE but the projected impact of the program cannot be incorporated into the Module E Resource Adequacy construct until the LSE's actual loads exhibit the impacts of PRD and are incorporated into LSE load forecasts, unless the LSE can force the PRD into the DRR construct permitted by Midwest ISO. This wait could be years depending on the prices experienced in the market. At the retail level, the restrictions on PRD in Module E can significantly delay some of the demand response benefits of smart grid initiatives.

DE-Ohio and the PUCO, along with other groups, are currently working this issue and preparing proposals for Midwest ISO consideration. At the same time, the FERC recognizes that Midwest ISO has committed to on-going stakeholder discussions surrounding the topic of further incorporating PRD into the tariff and permitting LSEs to submit PRD demand curves instead of a 50/50 load forecast point estimate. In addition, the FERC in a recent order specifically allows Midwest ISO to account for PRD, or per the FERC "LSE responds to locational marginal prices with varied levels of demand", in their review of an LSE's forecast accuracy.[22] FERC recognizes an LSE's load can fluctuate with LMP if they have PRD programs. However, the resource adequacy requirements associated with such PRD do not recognize the load response. Therefore, peak load information must be collected over time to adjust the coefficients in the LSE's forecast model before PRD impacts are embedded into the forecast peak loads. Midwest ISO is working with interested stakeholders to address these issues and has committed to the FERC to address this issue further in 2009.

13. Are the RTOs' queue and interconnection policies providing value to Ohio's consumers?

The Midwest ISO's queue reform filing, among other things, divides the interconnection queuing process into four phases, advances interconnection applications on a "first-ready, first-served" basis, ensures that project sponsors make a greater financial commitment, and allows projects that are progressing at the faster pace to move ahead in the queue.

DE-Ohio believes the Midwest ISO's filing is good starting point for reform of the queue process. DE-Ohio supports the Midwest ISO's proposal to increase deposits required to obtain and maintain queue position, reform of the Feasibility Study Process, and prioritize queue processing based on a first-ready, first-served approach. However,

[22] *Midwest Indep. Transmission Operator, Inc.*, 126 FERC ¶ 61,143 (2009) Order on Rehearing and Compliance, at para. 79.

DE-Ohio will defer to Midwest ISO to provide data that actually demonstrates that the reforms are having a positive impact.[23]

14. Is the resolution of seams issues being thoroughly addressed and resolved by the RTOs operating in Ohio?

DE-Ohio believes most of the major Midwest ISO's seams issues have been resolved or ameliorated and those remaining issues are being addressed by the RTOs and their stakeholder groups.

Although the major seams issues between the Midwest ISO and PJM have been resolved, the two RTOs are continuing to work on issues related to their joint and common market initiative, which is designed to allow market participants to conduct business between the two RTOs more seamlessly and efficiently. The initiative began in 2004 with the elimination of pancaked rates between Midwest ISO and PJM. The RTOs continue to explore various operating and market rules that more closely align their Energy, Ancillary, and Capacity markets. DE-Ohio believes the allocation of flowgate rights between the markets remains a work in progress and further work is needed in this area. DE-Ohio anticipates being actively involved in working within the Midwest ISO stakeholder process to address these needs. The RTOs have addressed certain cost allocation measures for transmission facilities, while other issues continue to be discussed.

The Midwest ISO has also entered into seams agreements with PJM, the Southwest Power Pool, Inc (SPP), the Tennessee Valley Authority (TVA) and Manitoba

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[23] *Midwest Indep. Transmission Operator, Inc.*, Electric Tariff Filing Regarding Interconnection Queuing Practices, Docket No. ER08-1169-000, Proposed Revisions to Open Access Transmission and Energy Markets Tariff (June 26, 2008). See also, *Midwest Indep. Transmission Operator, Inc.*, Electric Tariff Filing Regarding Interconnection Queuing Practices, Docket No. ER08-1169-002, Proposed Revisions to Open Access Transmission and Energy Markets Tariff (Sept. 24, 2008).

Hydro. The Joint Operating Agreement between the Midwest ISO and PJM provides for data exchange, flowgate coordination, transmission planning coordination, emergency procedures and congestion management. The Joint Operating Agreement between MISO and SPP is very similar to the MISO and PJM Joint Operating Agreement. The Joint Reliability Coordination Agreement Among and Between Midwest ISO, PJM and TVA also provides for data exchange between the parties, addresses voltage control and reactive power coordination, reciprocal coordination of flowgates, outage coordination, transmission expansion and congestion management. The congestion management portions of these agreements were initially negotiated individually. However, more recently, the agreements have been revised to follow a uniform format agreed to by the Congestion Management Process Council. The agreements implement standardized market based and traditional congestion management processes that addresses seams coordination issues between RCs. These methodologies ensure parallel flows are treated in a manner that ensures system reliability. The Midwest ISO has also entered into the Manitoba Hydro Coordination Agreement, which provides for exchange of data and other services as well as a separate seams operating agreement.

The Midwest ISO has also entered into a market to non-market redispatch agreement with Eastern Kentucky Power Cooperative.[24] This agreement follows the principles contained in the congestion management agreement portion of the joint operating agreement between the Midwest ISO and PJM.

The FERC has also approved the Midwest ISO's revisions to Module F regarding the proposed Reliability and Seams Services. These services provide enhanced reliability coordination as well as coordination of congestion management across market-to-non-

[24] *Midwest Indep. Transmission Operator, Inc.*, 119 FERC ¶ 61,338 (2007) Order at para. 1.

market seams, on a uniform basis. The Reliability Service was originally targeted toward Mid-Continent Area Planning Pool (MAPP) members but is available to others as well and is consistent with the reliability coordination service Midwest ISO provides to existing Midwest ISO Transmission Owners. The Seams Service provides the same services that are currently available under individual seams or joint operating agreements. Placing these services under the Midwest ISO's tariff is expected to lower the administrative cost and address undue discrimination concerns. Further, the FERC believes requiring redispatch as a part of the Seams Service will provide additional methods to manage congestion and reduce redispatch costs for all parties to the agreement.[25]

15. Does the RTOs' treatment of financial-only market participants (or virtual traders) provide value to Ohio's consumers?

Virtual traders fill a valuable role in assisting in the convergence between the markets, such as day-ahead and real-time; however, the cost-causation principles should apply equally to all market participants who interact with the various markets. Recently, the Midwest ISO and the FERC have addressed the disparate revenue sufficiency guarantee (RSG) rate treatment between "physical" and "virtual" participants. Physical and Virtual market participants are now being charged the same rate for transactions that are similarly situated. As the FERC directed, the Midwest ISO has recently filed a significant RSG redesign that significantly alters their tariff with respect to RSG cost allocation. DE-Ohio generally supported this filing as it better allocates the resource commitment costs with those who cause such costs to be incurred.

[25] *Midwest Indep. Transmission Sys. Operator, Inc.*, 123 FERC ¶ 61,164 (2008) Order at para. 3.

16. <u>Are the RTOs' administrative expenses and corresponding assessments to member companies reasonable and resulting in value to Ohio's consumers?</u>

DE-Ohio has been very active in making sure the Midwest ISO maintain a reasonable level of administrative expenses. DE-Ohio was instrumental in the formation of the Midwest ISO and continues to be actively involved in the Midwest ISO's activities. DE-Ohio employees have served in leadership positions for many stakeholder groups, including, but not limited to, the Transmission Owners Committee, Advisory Committee, Market Subcommittee, Reliability Subcommittee and Finance Committee.

As a participant in the Transmission Owners Committee, DE-Ohio participates in such Committee's meetings and provides ongoing input with respect to issues of interest to the Transmission Owners. DE-Ohio representatives regularly attend the Advisory Committee meetings and the meetings of the Midwest ISO Board of Directors. Representatives also regularly attend the Midwest ISO's Regional Expansion Criteria & Benefits Task Force meetings. This group establishes policy for handling new transmission facilities and allocating the costs for such facilities.

As a participant on the Finance Subcommittee, DE-Ohio reviews proposed Midwest ISO operating and maintenance (O&M) and capital budgets planned for the upcoming year and has questioned Midwest ISO staff about certain proposed O&M spending and staffing levels.

In short, DE-Ohio is actively involved in providing input to the Midwest ISO committees and monitoring Midwest ISO policies, practices, procedures, and general performance. It believes these efforts have helped the Midwest ISO reduce its costs while maintaining efficiency and providing value to its members.

B. Alternatives to Regional Transmission Organizations

1. Are there viable, cost-effective alternatives to the existing RTO memberships of Ohio utilities or to Ohio utility participation in RTO managed functions (*e.g.* renewable tracking, reserve sharing groups, etc.)?

There are alternatives to membership in an RTO. But DE-Ohio believes those other alternatives are not effective given the current structure of the Midwest region. DE-Ohio periodically evaluates its continued participation in the Midwest ISO. DE-Ohio continues to believe membership in the Midwest ISO is consistent with federal and state policy directives.

2. Would it be reasonable, cost effective, and viable for the Ohio Commission to pursue the construct of an Ohio-only RTO?

DE-Ohio submits that the characteristics of Order 2000 preclude an Ohio-only RTO. Some of the companies have jurisdictional facilities that span multiple states. Therefore, inefficiencies would be induced solely from the forced-fragmentation of the transmission operations. Bigger broader footprint brings an economy of scale for transmission costs, energy costs, capacity costs that would be spread over a much smaller load. Smaller RTO would raise hurdle rates (access to markets) and isolate Ohio from the broader Midwest market. The smaller RTO would internalize fewer constraints and provide fewer resources to address constraint resolution.

3. What recommendations could be made to FERC or required of Ohio's RTO member companies that would result in increased value to Ohio's?

DE-Ohio has no recommendations that should be required of RTO members. However, it has made suggestions for improving Midwest ISO operations within its responses to questions set forth in Part A, *infra.*

III. CONCLUSION

Duke Energy Ohio, Inc. appreciates this opportunity to provide comments on the Public Utilities Commission of Ohio's deliberate investigation into the value of regional transmission organizations and welcomes the opportunity to submit additional information.

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CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing motion to dismiss was delivered via first-class mail delivery, postage prepaid or overnight delivery on this the 22 day of May, 2009 to the following:

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