

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

<b>In the Matter of the Application of Ohio</b>	]
<b>Edison Company, The Cleveland Electric</b>	]
<b>Illuminating Company, and The Toledo</b>	<b>Case No. 12-1230-EL-SSO</b>
<b>Edison Company, for Authority to</b>	]
<b>Establish a Standard Service Offer</b>	]
<b>Pursuant to § 4928.143, Ohio Rev. Code,</b>	]
<b>in the Form of an Electric Security Plan.</b>	]

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**DIRECT TESTIMONY OF**

**DAVID I. FEIN**

**ON BEHALF OF INTERVENORS**

**CONSTELLATION NEWENERGY, INC.**

**AND**

**EXELON GENERATION COMPANY, LLC**

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**May 21, 2012**

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**DIRECT TESTIMONY OF DAVID I. FEIN**

**I. INTRODUCTION**

**A. Identification of Witness**

**Q. PLEASE STATE YOUR NAME AND YOUR BUSINESS ADDRESS.**

**A.** My name is David I. Fein, and my business address is 550 West Washington Boulevard, Suite 300, Chicago, Illinois 60661.

**Q. BY WHOM ARE YOU EMPLOYED?**

**A.** I am employed by Exelon Corporation.

**Q. PLEASE DESCRIBE YOUR POSITION WITH EXELON CORPORATION.**

**A.** I am Vice President of State Government Affairs, East for Exelon Corporation. In this role, I am responsible for directing and implementing regulatory and legislative policies for Exelon Corporation's retail, wholesale, power generation, and other business interests in the eastern portion of the United States, which includes the State of Ohio.<sup>1</sup>

**Q. PLEASE DESCRIBE YOUR EDUCATIONAL AND BUSINESS EXPERIENCE.**

**A.** I earned a Bachelor of Arts in Political Science and Behavioral Science & Law from the University of Wisconsin-Madison in 1989 and a Juris Doctorate from DePaul

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<sup>1</sup> On March 12, 2012, Exelon Corporation acquired the Constellation Companies. *See Exelon Corp. et al.*, 138 FERC ¶ 61,167 (2012).

1 University College of Law in 1993. I have almost 20 years of experience in all facets  
2 of the energy industry. Previously, I was Vice President of Energy Policy in the  
3 Midwest and Pennsylvania and Director of Energy Policy for Constellation. Also, I  
4 served as Senior Regulatory Counsel for Constellation and was responsible for  
5 providing legal and regulatory support to all of the regulatory activities of  
6 Constellation NewEnergy, Inc. before state and federal regulatory agencies across  
7 the country and in Canada. In addition, I acted as Senior Counsel providing primary  
8 legal support and counsel for all of CNE's commercial activities in Illinois and  
9 Alberta, Canada as well as support for other markets. My previous experience prior  
10 to joining Constellation includes over five years at DLA Piper, LLP, a 3,600-lawyer  
11 law firm, specializing in energy and telecommunications law and regulation and  
12 over four years as an Assistant State's Attorney, in the Illinois Cook County State's  
13 Attorney's Office, focusing on public utility law and regulation.

14  
15 **Q. ON WHOSE BEHALF ARE YOU TESTIFYING?**

16 **A.** I am testifying on behalf of Constellation NewEnergy, Inc. and its parent corporation,  
17 Exelon Generation Company, LLC (collectively "Exelon").

18  
19 **Q. PLEASE PROVIDE SOME BACKGROUND ON THE EXELON COMPANIES ON**  
20 **WHOSE BEHALF YOU ARE TESTIFYING IN THE INSTANT PROCEEDING.**

1    **A.**    The Exelon family of companies participates in every segment of the energy  
2           marketplace, from generation to competitive energy sales to transmission to  
3           delivery. Exelon has operations and business activities in 47 states, the District of  
4           Columbia and Canada. The company is the largest competitive U.S. power generator,  
5           with approximately 35,000 megawatts of owned capacity comprising one of the  
6           nation's cleanest and lowest-cost power generation fleets. Its Constellation business  
7           unit provides energy products and services to approximately 100,000 business and  
8           public sector customers and approximately 1 million residential customers.  
9           Exelon's utilities deliver electricity and natural gas to approximately 6.6 million  
10          customers in central Maryland, northern Illinois and southeastern Pennsylvania.

11         *Exelon Generation Company, LLC* ("Exelon Generation") owns or controls  
12          approximately 30,000 megawatts ("MW") of generation, including nuclear, fossil,  
13          hydroelectric, solar, landfill gas, and wind generation assets. It is the nation's largest  
14          nuclear operator with 17 reactors located in Illinois, Pennsylvania and New Jersey  
15          and has a growing renewable energy business. It is the nation's ninth largest wind  
16          energy generator. In addition, Exelon Generation operates the nation's largest  
17          urban solar power plant, Exelon City Solar, a 10 MW solar installation located on a  
18          41-acre brownfield in Chicago, and two of the largest hydroelectric facilities in the  
19          Eastern United States, Conowingo Hydroelectric Generating Station and Muddy Run  
20          Pumped Storage Facility totaling nearly 1,600 MWs of capacity. Exelon Generation  
21          markets wholesale energy and capacity products to municipal, cooperative, and  
22          investor-owned utilities, retail suppliers, retail energy aggregators, merchant  
23          participants, power marketers, and major commodity trading houses.

1       *Constellation NewEnergy, Inc.* ("CNE"), a subsidiary of Exelon Generation, provides  
2       electricity and energy-related services to retail customers in Ohio as well as in 15  
3       other states, the District of Columbia, and two Canadian provinces and serves more  
4       than 15,000 megawatts of load and more than 10,000 customers. CNE holds a  
5       certificate as a competitive retail electric service ("CRES") provider from the Public  
6       Utilities Commission of Ohio ("PUCO" or "the Commission") to engage in the  
7       competitive sale of electric service to retail customers in Ohio. CNE currently  
8       provides service to retail electric customers in Ohio.

9  
10    **Q.     PLEASE DESCRIBE EXELON'S INTEREST IN THIS PROCEEDING.**

11    **A.**    As a competitive retail electric provider and wholesale power provider to customers  
12       located in the service territories of Ohio Edison Company, The Cleveland Electric  
13       Illuminating Company, and The Toledo Edison Company (collectively, "FirstEnergy"),  
14       Exelon is extremely interested in this proceeding. The decisions that the  
15       Commission makes in this proceeding will determine whether retail and wholesale  
16       competition can remain viable in the FirstEnergy service territories and whether  
17       CRES providers like CNE and wholesale power providers like Exelon Generation  
18       have an opportunity to provide customers with an alternative to service with  
19       FirstEnergy. Due to its vast experience and participation in the competitive retail  
20       and wholesale markets in Ohio and across the country, Exelon will be able to assist  
21       in the development of a full and complete record to assist the Commission in its  
22       consideration of the Application.

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**Q. HAVE YOU PREVIOUSLY SUBMITTED TESTIMONY BEFORE THIS COMMISSION?**

**A.** Yes. I have testified before this Commission in a number of Standard Service Offer (“SSO”) proceedings involving AEP, FirstEnergy, Duke Energy Ohio, and Dayton Power & Light Company.

**B. Summary of Position and Recommendations**

**Q. PLEASE SUMMARIZE EXELON’S POSITION IN THIS PROCEEDING.**

**A.** Exelon recognizes and appreciates FirstEnergy’s desire and goal to extend its current ESP for an additional two-year period until May 31, 2015. However, that goal should be balanced with the interests of the other parties like Exelon who have not signed the Stipulation and who would like to see FirstEnergy and the Commission take this opportunity to improve the competitive retail market and improve upon the successful competitive bidding process (“CBP”) that has been administered by FirstEnergy for the past few years. Exelon is concerned that certain aspects of FirstEnergy’s ESP would hinder competition by, among other things, limiting the type and quality of information and data provided to both wholesale and retail suppliers operating in FirstEnergy’s service territory, to the ultimate detriment of consumers in that territory. Exelon also believes, however, that these deficiencies and others present in the current plan can be remedied through a number of specific modifications.



1 **Q. DID YOU PREVIOUSLY SUPPORT THE MARCH 2010 STIPULATED ESP THAT**  
2 **FIRSTENERGY IS SEEKING TO EXTEND IN THIS PROCEEDING?**

3 **A.** Yes, CNE (which later became a subsidiary of Exelon Generation) was a supporter  
4 and signatory of the March 2010 Stipulation. At that time, we believed that the CBP  
5 embodied in the stipulated ESP represented an important step toward a competitive  
6 model that would benefit consumers in the FirstEnergy service territory.

7  
8 **Q. WHY DID EXELON NOT JOIN IN SUPPORT OF THE NEW STIPULATION?**

9 **A.** Because our experience in Ohio and other markets tells us that while the March 2010  
10 Stipulation was an important step toward viable competition, improvements that  
11 will provide increased benefits to Ohio customers are yet to be achieved. As noted  
12 above, Exelon is concerned that certain aspects of the proposed ESP interfere with  
13 robust competition in FirstEnergy's service territory to the ultimate detriment of  
14 consumers in that territory. In submitting this testimony, our goal is to improve  
15 upon the competitive wholesale procurement process, reduce regulatory  
16 uncertainty, provide greater clarity of process, improve the flow of critical data and  
17 information, and—in the end—create a competitive process that results in the  
18 lowest available price for consumers in FirstEnergy's service territory. In this  
19 regard, we propose a number of specific modifications and refinements.



1    **Q.    WHAT ARE EXELON'S RECOMMENDATIONS?**

2    **A.**    Exelon has seven basic recommendations for improving upon the ESP proposed by  
3            FirstEnergy: (1) the percentage of income payment program ("PIPP") load should  
4            not be reserved for FirstEnergy's affiliated generation company, but should be  
5            included in the auction; (2) FirstEnergy's Master Supply Agreement ("MSA") and the  
6            ESP should be modified so that FirstEnergy's business practices align with the  
7            accepted industry practices and standards for PJM; (3) FirstEnergy's proposed  
8            bidding rules should be revised to provide for enhanced data and information for  
9            prospective bidders and winning suppliers; (4) FirstEnergy should be required  
10           to institute a purchase of receivables ("POR") program similar to the one that its  
11           affiliates have implemented in Pennsylvania and has been implemented by other  
12           electric utilities in Ohio; (5) the ESP should be modified to require that enhanced  
13           data and information be provided to CRES providers operating in FirstEnergy's  
14           service territory; (6) FirstEnergy should be required to institute a collaborative  
15           process that includes a variety of market participants, including CRES providers, to  
16           implement a fully functional supplier consolidated billing ("SCB") platform that  
17           utilizes standardized EDI transactions; and finally, (7) the ESP should be modified to  
18           provide for the Commission to conduct a collaborative stakeholder process to  
19           explore potential refinements to the CBP in advance of any future ESP or MRO  
20           filing by FirstEnergy.

1    **II.    A COMPETITIVE PROCUREMENT PROCESS SHOULD BE USED TO SERVE THE**  
2        **PIPP LOAD**

3    **Q.    PLEASE DESCRIBE HOW FIRSTENERGY PROPOSES TO SOLICIT POWER AND**  
4        **ENERGY FOR PIPP CUSTOMERS?**

5    **A.**    Pursuant to the March 2010 Stipulation (adopted by the Commission in 10-388),  
6        FirstEnergy awarded a no-bid contract to its affiliated generation company,  
7        FirstEnergy Solutions (“FES”) to provide the wholesale power to FirstEnergy to  
8        serve the PIPP load in FirstEnergy’s service territory.<sup>2</sup> In its current application,  
9        FirstEnergy proposes to perpetuate this arrangement.

10  
11   **Q.    DOES EXELON SUPPORT THE PIPP PORTION OF THE FIRSTENERGY PROPOSAL**  
12        **IN THIS PROCEEDING?**

13   **A.**    No. Put simply, it is bad public policy to provide an unregulated affiliate of an  
14        electric utility with a no bid contract to serve any class of customers. Service of the  
15        PIPP load should be determined in an open, transparent, competitive process. This  
16        is consistent with the position taken by CNE and Exelon in other Ohio proceedings.  
17        Open, competitive, and transparent wholesale auctions have resulted in FirstEnergy  
18        and other Ohio electric utilities achieving very positive results for consumers. It is

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<sup>2</sup> CNE did not support this aspect of the March 2010 Stipulation. *See* Stipulation and Recommendation dated March 23, 2010 (PUCO Case No. 0388-EL-SS0) at p. 8, fn. 2 (“At this time, Constellation New Energy, Inc. and Constellation Energy Commodities Group, Inc. take no position regarding this specific provision of the Stipulation regarding the pricing and source of power for PIPP customers but for purposes of Settlement support the Stipulation as a whole.”).

1 most efficient and consistent with the Ohio statute to have all load be part of the  
2 procurement process so all competitive bidders compete on a level playing field.<sup>3</sup>

3  
4 **Q. WHAT DOES EXELON RECOMMEND REGARDING THE PIPP LOAD?**

5 **A.** Exelon recommends that the PIPP load not be carved out of the slice of system  
6 procurement process and that FirstEnergy not be allowed to provide its' affiliated  
7 generation company with a no bid contract. Alternatively, if the Commission's goal  
8 is to provide power to the PIPP load at some discount to the results of the SSO  
9 auction, then the Commission should conduct a separate, competitive procurement  
10 process wherein the product must meet some fixed percentage discount to the SSO  
11 (e.g. no less than a 6% discount) but would entail a competitive procurement  
12 process amongst a host of qualified bidders. By doing so, the Commission would  
13 achieve two goals: relying upon an open, transparent and competitive process to  
14 meet the electric supply needs of PIPP customers and also providing such power at a  
15 discount to the cost paid by all other customers.

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<sup>3</sup> See Ohio Revised Code, Sections 4928.141 and 4928.143.

1    **III.    MODIFICATIONS TO THE MSA**

2    **Q.    WHAT MODIFICATIONS OR CLARIFICATIONS DO YOU PROPOSE THAT THE**  
3    **COMMISSION MAKE WITH RESPECT TO FIRSTENERGY'S MSA?**

4    **A.**    Three principal changes or clarifications are required. First, the MSA should be  
5    revised to require that FirstEnergy, not wholesale or retail suppliers, be responsible  
6    for the new Economic Load Response ("ELR") charges that result from PJM's  
7    implementation of its revised ELR program, in compliance with FERC Order No. 745.  
8    This change would be consistent with the business practices of other electric  
9    utilities in Ohio, including Duke Energy, which agreed to assume this responsibility  
10    in its recent ESP proceeding. Second, FirstEnergy should further revise the MSA to  
11    make optional, at the seller's discretion, the "notional quantity language" contained  
12    in Section 5.3(b) of the MSA<sup>4</sup>, as has become industry standard in PJM. And third,  
13    FirstEnergy should revise the MSA to provide for weekly settlements in order to  
14    reflect and operate in concert with PJM's move to a weekly settlement process. Each  
15    of these modifications is necessary to bring FirstEnergy's business practices in line  
16    with the standard practices of other utility companies operating within the PJM  
17    construct. These standard practices are resulting in successful auctions that bring  
18    competitive benefits to customers in these utility service territories. Given that  
19    adoption of standard practices in Ohio will help increase the efficiency of the CBP  
20    and therefore lower supplier costs, these same benefits should inure to Ohio

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<sup>4</sup> See Application, Attachment 1, page 10 (definition of "Settlement Amount") and Section 5.3(b).

1 customers as well. As such, there is no legitimate reason to allow FirstEnergy to  
2 deviate from these standard practices.

3  
4 **A. Responsibility for New ELR Charges under FERC Order 745**

5 **Q. PLEASE EXPLAIN FERC ORDER 745?**

6 **A.** On March 15, 2011, FERC issued an important order ("Order No. 745") regarding  
7 demand response compensation in organized wholesale energy markets.<sup>5</sup> As PJM  
8 explains:

9 [FERC] issued Order No. 745 to establish [locational marginal price  
10 ("LMP")] as the compensation for demand response resources at  
11 times when dispatch of that demand response resource is cost-  
12 effective as determined by the net benefits test. Order No. 745  
13 mandates that regional transmission organizations ("RTOs") and  
14 independent system operators ("ISOs") submit a compliance filing  
15 to implement [FERC]'s LMP compensation approach . . . In  
16 addition, each RTO and ISO is required to demonstrate in its  
17 compliance filing whether its current demand response cost  
18 allocation methodology appropriately allocates costs to those that  
19 benefit from demand reduction, and if not, then to propose tariff  
20 revisions that implement such a methodology.<sup>6</sup>

21 In its Order No. 745 Compliance Filing (submitted July 22, 2011), PJM lays out  
22 revisions to its tariff and market rules to enable ELR resources "to participate in the  
23 real-time energy market in the manner contemplated by Order No. 745,"<sup>7</sup> and be

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<sup>5</sup> *Demand Response Compensation in Organized Wholesale Energy Markets*, Order No. 745, III FERC Stats. & Regs., Regs. Preambles ¶ 31,322 (2011) ("Order No. 745").

<sup>6</sup> *Order No. 745 Compliance Filing*, FERC Docket No. ER11-4106-000 (filed July 22, 2011) ("July 2011 Compliance Filing") (available at <http://www.pjm.com/~media/documents/ferc/2011-filings/20110722-er11-4106-000.ashx>).

<sup>7</sup> July 2011 Compliance Filing at p.10.

1 compensated an amount based on LMP – a significant incentive over the  
2 compensation previously provided to ELR resources. With respect to covering the  
3 costs for such compensation, PJM explains that “Order No. 745 rejected the type of  
4 cost allocation . . . that PJM currently uses . . . .”<sup>8</sup>

5  
6 In order to comply with Order No. 745, PJM proposes to offer LMP-based  
7 compensation to ELR resources that satisfy Order No. 745’s standards, where the  
8 LMP is “at or above” a “net benefit threshold price,”<sup>9</sup> as defined in formulaic terms  
9 by FERC.<sup>10</sup> PJM’s revisions will allocate the costs (“New ELR Charges”) of such  
10 compensation to loads in “any area where the price [paid to an ELR resource] is at or  
11 above that threshold price . . . .”<sup>11</sup> PJM explains that responsibility for these New  
12 ELR Charges will be “on a region-wide basis (rather than on a locational basis) . . .  
13 .”<sup>12</sup> PJM only very recently finalized for billing purposes the names assigned to these  
14 New ELR Charges, which it now identifies as line item ID# 1242 - Day-Ahead Load  
15 Response Charge Allocation, and line item ID# 1243 - Real-Time Load Response  
16 Charge Allocation.

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<sup>8</sup> July 2011 Compliance Filing at p.10.

<sup>9</sup> July 2011 Compliance Filing at p.22.

<sup>10</sup> July 2011 Compliance Filing at p.11.

<sup>11</sup> July 2011 Compliance Filing at p.22.

<sup>12</sup> July 2011 Compliance Filing at p.22.



1   **Q.   DOES EXELON HAVE A RECOMMENDATION REGARDING HOW ELR CHARGES**  
2       **ARE COLLECTED?**

3   **A.**   Yes, Exelon believes that the ELR charges should be collected through the NITS  
4       rider.

5  
6   **Q.   WHY DO YOU RECOMMEND THAT THESE NEW CHARGES BE RECOVERED**  
7       **THROUGH THE NITS RIDER INSTEAD OF FROM CBP BIDDERS?**

8   **A.**   Exelon is concerned that the effects of this significant change in market structure to  
9       promote ELR participation are unknown at this time, and will be difficult for  
10      potential CBP Bidders to predict and manage as part of their bids to provide the  
11      electric utilities' wholesale supply requirements. If FirstEnergy takes the position  
12      that such charges should not be recovered under the NITS Rider, CBP Bidders  
13      arguably will bear the risk that if the new change in ELR compensation results in  
14      significant immediate increases in ELR market participation – as may be desired by  
15      regulators – and if the New ELR Charges to cover those costs are allocated to CBP  
16      Bidders as the entities supplying the electric utilities that serve customer load rather  
17      than directly “among all customers who benefit” (*i.e.*, the electric utilities'  
18      customers),<sup>13</sup> such CBP Bidders may bear significant increases in their costs to  
19      supply default service.

20      As with all other non-market based charges, if CBP Bidders – rather than electric  
21      utilities – are responsible for these unknown and unpredictable New ELR Charges

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<sup>13</sup> Order No. 745 at ¶ 5.

1 that *may* occur, then, in order to account for such risk, CBP Bidders will need to  
2 factor a premium into their default service bids for such *potential* charges *regardless*  
3 of the frequency and extent to which such New ELR Charges *actually* occur. Prudent  
4 bidders would have to consider the costs that they *could* incur for compensating ELR  
5 participants taking advantage of the new opportunity provided under Order No.  
6 745. To be sure, if the new ELR structure *does not* elicit robust participation over  
7 the course of the three years covered by a SMA entered into pursuant to the DSP's  
8 Auctions, absent Exelon's suggested clarification, FirstEnergy's consumers may –  
9 through costs embedded in default service bids – pay for desired market benefits  
10 which were never *actually* realized.<sup>14</sup>

11  
12 Under these circumstances, the default service product – absent Exelon's suggested  
13 clarification – potentially raises the ultimate costs for default service supply for  
14 consumers. Exelon's suggested clarification, on the other hand, would be more  
15 likely to result in more competitive default service supply costs for consumers. As  
16 FERC intended for New ELR Charges to be borne by loads in the various  
17 RTOs/ISOs,<sup>15</sup> it is appropriate that such customers bear any *actual* costs for the

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<sup>14</sup> FirstEnergy-PA recognized this concern with respect to all other NMB Charges:

[I]t is very difficult for [CBP Bidders] to financially hedge NMB charges because of how those charges are calculated and imposed . . . . By having [FirstEnergy-PA] provide NMB services and recover the costs from all customers through a rider that imposes a reconcilable, non-bypassable charge, competitive neutrality can be maintained and all customers should benefit.

See Direct Testimony of Charles V. Fullem (Pa. Public Utility Comm., No. P-2011-2273650) at p.9:12-19.

<sup>15</sup> See, e.g., Order No. 745 at ¶¶ 5, 99-102.

1 revised ELR program *directly*, rather than leaving default service bidders  
2 responsible for trying to predict the success and impacts of a newly developed and  
3 implemented, significant market structural change.

4  
5 **Q. HAVE ANY OTHER UTILITIES PROCURING THE EQUIVALENT OF DEFAULT**  
6 **SERVICE TAKEN STEPS TO MOVE TO CLARIFY THAT THEY WILL BE**  
7 **RESPONSIBLE FOR THESE NEW ELR CHARGES?**

8 **A.** Yes. As these charges were only very recently defined and identified by PJM, most  
9 utilities have not had the chance to consider how they should be recovered.  
10 However, Duke Energy Ohio (“Duke Ohio”) recently identified in its Standard Service  
11 Offer CBP that Duke Ohio will be responsible for these New ELR Charges that result  
12 from PJM’s implementation of its revised ELR program, in compliance with FERC  
13 Order No. 745.<sup>16</sup>

14  
15 **B. Notional Quantity Language**

16 **Q. PLEASE DISCUSS EXELON’S RECOMMENDATION REGARDING PROVIDING THE**  
17 **CBP BIDDER THE OPTION TO USE NOTIONAL QUANTITY LANGUAGE.**

18 **A.** Exelon recommends that the CBP rules allow the CBP Bidder the option of including  
19 Notional Quantity Language in the MSA only if the CBP Bidder chooses to do so.  
20 Accounting treatment allows for the creation of a “notional quantity” when a CBP

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<sup>16</sup> See *Duke Ohio CBP Website FAQs* at <http://www.duke-energyohiocbp.com/FAQ.aspx>, FAQ number AGR 00005.

Bidder net settles a default service contract (i.e. MSA) with such language. The existence of the notional quantity in turn transforms the MSA into a derivative instrument as defined under Rule 133 of the Statement of Financial Accounting Standards ("SFAS 133"). Once defined as a derivative, a SSO Supplier that chooses to do so may account for the MSA using "mark-to-market" (i.e. derivative) accounting. While some CBP Bidders may choose to use mark-to-market accounting, others will not for various reasons including complications with contract assignability that are further explained below. Mandatory Notional Quantity Language in the MSA creates risk and complexity for those CBP Bidders that choose not to use mark-to-market accounting. Making the language optional, at the discretion of the CBP Bidder, removes those risks and opens the CBP to more bidders.

**Q. PLEASE EXPLAIN WHAT THE IMPLICATIONS ARE FOR THE MANDATORY INCLUSION OF THE NOTIONAL QUANTITY LANGUAGE IN THE MSA.**

**A.** Due to the mandatory inclusion of the Notional Quantity Language in the proposed MSA and the MSA's resulting status as a derivative, a CBP Bidder that wishes to account for this contract on an accrual basis (*i.e.*, not on a "mark-to-market" basis) must designate it as a "normal purchase and sale" for accounting purposes. One of the requirements for electing the "normal" designation is that such contracts must be taken to physical delivery throughout their entire term. Because of this requirement, the future assignability of the contract is compromised.

1 **Q. PLEASE EXPLAIN HOW THE FUTURE ASSIGNABILITY OF THE CONTRACT**  
2 **WOULD BE COMPROMISED.**

3 **A.** If the MSA is initially designated as normal and subsequently net settled, as might  
4 occur if the MSA were ever assigned, it would call into question the CBP Bidder's  
5 initial designation as normal and could require, under current accounting rules, that  
6 the MSA be rebooked as a mark-to-market contract unless the assignment was  
7 caused by exogenous circumstances (*e.g.*, bankruptcy), potentially causing  
8 significant negative financial and accounting consequences for the CBP Bidder.  
9 More specifically, net settlement of a contract designated as normal under SFAS 133  
10 paragraph 10(b), as could occur if the contract were ever to be assigned, would be  
11 considered an accounting "error," not just for that particular MSA, but also for any  
12 other similar contracts to which the CBP Bidder is a party. Such an error, if material,  
13 would cause the CBP Bidder to restate its financial results using mark-to-market  
14 (derivative) accounting for such contract(s) for all affected periods. Such a  
15 restatement of several years of financial results would be unduly burdensome and  
16 viewed as a very adverse event in financial markets, to the point that assignment,  
17 under such circumstances, is not a viable option.

18  
19 **Q. WHAT ARE THE BENEFITS TO CONSUMERS AS WELL AS THE CBP FROM**  
20 **ADOPTING THIS RECOMMENDATION?**

21 **A.** An ability to assign the MSA provides reassurance to CBP Bidders that they will be  
22 able to appropriately manage their obligations. Moreover, an ability to assign the  
23 MSA promotes the interests of consumers in that a CBP Bidder that unexpectedly



finds itself unable to meet its obligations under the MSA due to financial or other reasons will be able to transfer its supply obligations to a supplier that is more readily able to meet the MSA's requirements.

**Q. HOW DO YOU PROPOSE TO IMPLEMENT THIS RECOMMENDATION?**

**A.** Exelon proposes that the definition of "Settlement Amount" be revised and that the Notional Quantity Language be made optional, at the discretion of the CBP Bidder, due to the potential accounting consequences to a supplier arising from such language noted above. This optionality can be achieved using one of two approaches. The MSA could first be revised simply by identifying the Notional Quantity Language as new subsection 5.3(b)(i) and including the following prior to the Notional Quantity Language:

"☐ SSO Supplier may, in its sole discretion, add the following subsection 5.4(a)(i) by checking this box. If the ISO Supplier does not check this box, subsection 5.4(a)(i) will not be deemed to be included as part of the Parties' Agreement."

In the alternative, the MSA could be revised by moving the Notional Quantity Language to a new Appendix [X] to the MSA, as subsection 5.3(b)(i), and adding after the first part of subsection 5.3(b) the following language:

"☐ SSO Supplier may, in its sole discretion, add subsection 5.3(b)(i) included in Appendix [X] by checking this box. If Supplier does not check this box, subsection 5.3(b)(i) will not be deemed to be included as part of the Parties Agreement."

Without such a revision to the MSA, certain wholesale suppliers likely will account for their inability to appropriately manage their obligations (*i.e.*, their inability to assign the MSA without incurring potentially significant financial consequences as a



1 result of accounting practices) by limiting their participation in the process and/or  
2 including an additional risk premium in their bids. Thus, by making the Notional  
3 Quantity Language optional as explained herein, the Commission may reduce the  
4 likelihood of additional risk premiums and increase the robustness of the bidding  
5 process by attracting more wholesale suppliers to the procurement, resulting in a  
6 more competitive procurement process and more competitive prices for consumers.  
7 Making such language optional will allow for an *equal* ability to assign the MSA for  
8 all potential CBP Bidder (rather than only by those bidders who utilize mark-to-  
9 market accounting). However, making such a revision will do nothing to either  
10 undermine the requirement that a SSO Supplier must meet its supply and other  
11 obligations under the MSA or limit the Companies' ability under the MSA to reject  
12 any proposed assignment by a Supplier.

13  
14 **Q. HAVE OTHER JURISDICTIONS WITH CBPs MADE CHANGES LIKE THOSE THAT**  
15 **YOU PROPOSE HERE?**

16 **A.** Yes. Other jurisdictions have made changes similar to those proposed by Exelon  
17 with respect to the Notional Quantity Language. Delaware, Maryland, the District of  
18 Columbia, and Pennsylvania all revised their agreements equivalent to the MSA in  
19 order to make their respective versions of the Notional Quantity Language optional,  
20 at the wholesale supplier's discretion, as Exelon has proposed. In approving the  
21 revision to make the Notional Quantity Language optional, at the supplier's  
22 discretion, the Maryland Public Service Commission ("Maryland Commission")  
23 stated that:

1 It has always been the intent of the [Maryland] Commission that  
2 language in the [contract] should provide for the optionality discussed  
3 in [Exelon's] "notional quantity" proposal. [Making the Notional  
4 Quantity Language optional] broadens the pool of potential bidders.<sup>17</sup>  
5  
6

7 The Public Service Commission of the District of Columbia ("DC Commission"), in  
8 deciding to make the Notional Quantity Language optional at the supplier's  
9 discretion, stated that the DC Commission:

10 recalls that [the Notional Quantity Language] was included in the  
11 contract [in order] to allow more diverse parties such as investment  
12 banks to participate in the SOS process. The [DC Commission] does  
13 not believe that [making the Notional Quantity Language optional] will  
14 detract from the clause's intended purpose and therefore accepts . .  
15 .[the] revision to [the contract].<sup>18</sup>  
16

17 The Delaware Public Service Commission ("Delaware Commission") similarly  
18 approved the proposal to make the Notional Quantity Language optional at the  
19 discretion of the supplier.<sup>19</sup>

20 The Pennsylvania Public Utility Commission ("Pennsylvania Commission") has  
21 approved agreements containing language similar to that which Exelon is proposing.  
22 For example, it approved an agreement that makes such Notional Quantity Language  
23 optional under West Penn Power Company's (d/b/a Allegheny Power) competitive  
24 procurement process for a product similar to that proposed here.<sup>20</sup> Most recently,

---

<sup>17</sup> Order No. 81102, Maryland Commission Case No. 9064 (issued Nov. 8, 2006), at p.49 (emphasis added).

<sup>18</sup> Order No. 14065, DC Commission Formal Case No. 1074 (Issued Sept. 21, 2006) at P36.

<sup>19</sup> See Order No. 7053, Delaware Commission Docket No. 04-391 (issued Oct. 17, 2006) at P70 (stating that all parties "have agreed on" making the Notional Quantity Language optional at the supplier's discretion and approving "the parties' agreement as being in the public interest").

<sup>20</sup> See generally, *Petition of the West Penn Power Company dba Allegheny Power for Approval of its Retail Electric Default Service Program and Competitive Procurement Plan for Service at the*

1 the Pennsylvania Commission approved an agreement that contains similar  
2 optionality for Notional Quantity Language under the competitive procurement  
3 process of two of FirstEnergy's affiliated utilities -- Metropolitan Edison Company  
4 and Pennsylvania Electric Company.<sup>21</sup>

5  
6 **Q. PLEASE SUMMARIZE THE BENEFITS OF HAVING SUCH AN OPTION IN THE MSA.**

7 **A.** Having such an option will increase flexibility in the types of accounting treatment  
8 that CBP Bidders may elect for the MSA. Making the Notional Quantity Language  
9 optional in this way may lead to increased willingness of certain companies to  
10 participate, to the benefit of the competitiveness of the procurement and, ultimately,  
11 to the benefit of consumers in FirstEnergy's service territory.

12  
13 **C. Weekly Settlement Process**

14 **Q. PLEASE EXPLAIN YOUR NEXT PROPOSAL RELATED TO THE MSA SETTLEMENT**  
15 **PROCEDURES AND PJM'S PROCESSES.**

16 **A.** As of June of 2009, PJM moved from its prior monthly settlement schedule to a  
17 weekly settlement process, in order to move to a more efficient and liquid  
18 marketplace. Due to this change in process, as currently proposed, the MSA is not  
19 structured to provide to suppliers, FirstEnergy and their customers the benefits that

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*Conclusion of the Restructuring Transition Period*, Pennsylvania Commission Docket No. P-00072342; *see also Opinion and Order*, Pennsylvania Commission Docket No. P-00072342 (entered July 25, 2008).

<sup>21</sup> Pennsylvania Commission Docket Nos. P-2009-2093053 and P-2009-2093054, Joint Petition Exhibit B-1 (Met-Ed) and Exhibit B-2 (Penelec), p.28 (August 12, 2009), Opinion and Order (entered Nov. 6, 2009).

1 arise from PJM's new, more efficient process. Exelon proposes that the MSA be  
2 revised so as to also provide for weekly settlements of amounts due to and due from  
3 each party to the MSA.

4 **Q. WHAT ARE THE BENEFITS THAT WOULD BE ACHIEVED FROM IMPLEMENTING**  
5 **WEEKLY SETTLEMENT PROCEDURES TO REFLECT PJM'S NEW WEEKLY**  
6 **SETTLEMENT PROCESS?**

7 **A.** Experience in other states is instructive. For example, the New Jersey Board of  
8 Public Utilities' ("New Jersey BPU") independent advisor, Boston Pacific Company,  
9 Inc., explains in its April 22, 2009 report to the New Jersey BPU regarding New  
10 Jersey's own auction process that a:

11 change in rules that could have had an effect on bid prices is PJM's  
12 proposed switch to weekly settlements. Under this design, PJM  
13 will send out weekly bills to suppliers . . . suppliers, however, will  
14 only get paid monthly. This creates a credit need for suppliers,  
15 who now must have the cash to pay their PJM bills prior to  
16 receiving cash from [the New Jersey utilities]. This additional cost  
17 may be driving bids up slightly.<sup>22</sup>

18 By adjusting the MSA's billing and payment provisions to settle on a weekly basis, in  
19 concert with PJM's new process, these identified costs for suppliers will be  
20 eliminated, allowing for more competitive pricing in bids to supply FirstEnergy's  
21 SSO requirements, to the ultimate benefit of consumers.

---

22 <sup>22</sup> 2009 NJ Auction Report at p.7.

1 **Q. HAVE ANY OTHER UTILITIES TAKEN STEPS TO MOVE TO WEEKLY**  
2 **SETTLEMENTS IN ORDER TO ACCOUNT FOR THE CHANGES AT PJM?**

3 **A.** Yes. FirstEnergy's own affiliate in Pennsylvania, the West Penn Power Company  
4 ("West Penn") previously made clear to potential bidders in its procurement process  
5 for Default Service (Pennsylvania's equivalent of SSO) that, "when PJM moves to  
6 weekly billing in June [2009], any winning suppliers will be paid weekly according  
7 to the PJM schedule."<sup>23</sup> West Penn in this way made clear that the "the billing and  
8 payment provisions [of its SMAs] will be adjusted accordingly."<sup>24</sup> Similarly,  
9 FirstEnergy's Maryland affiliate, the Potomac Edison Company, also provides for  
10 weekly payments under its supply contract for Maryland's equivalent of SSO. Such a  
11 change is becoming increasingly industry standard, and has already been  
12 implemented by five other utilities in Delaware, the District of Columbia and  
13 Maryland, in addition to FirstEnergy's Pennsylvania and Maryland affiliates.

14 **Q. DO YOU HAVE AN ALTERNATIVE PROPOSAL IN THE EVENT THAT THE**  
15 **COMMISSION DOES NOT ACCEPT YOUR CHANGE TO IMPLEMENT WEEKLY**  
16 **SETTLEMENTS UNDER THE MSA?**

17 **A.** Yes. Even where weekly payments were not originally provided for under the MSA  
18 of utilities that are now making the switch to weekly settlements, such utilities'  
19 MSAs - including those for FirstEnergy's Pennsylvania and Maryland affiliates -  
20 nevertheless provided for weekly payments *in the event* that the utility was

---

<sup>23</sup> March 25 Pre-Bid Questions and Answers, available at <http://www.alleghenypower.com/rfp/Penn/Attachments/PA%20QA%202009%20Pre-bid%203.27.doc>, at Q2.

<sup>24</sup> Pre-Bid Informational Webinar, available at <http://www.alleghenypower.com/rfp/Penn/Attachments/WPP%20Pre-Bid%20Webinar%203-25-09%20Final.ppt> (presented Mar. 25, 2009) at p.32.



1 downgraded.<sup>25</sup> In the event that the Commission does not accept the proposal to  
2 include weekly settlements, I would urge the Commission nevertheless to adopt  
3 such language to help in part to account for the risk of a utility downgrade event.  
4

5 **IV. MODIFICATIONS TO THE BIDDING RULES**

6 **Q. WHAT MODIFICATIONS DO YOU RECOMMEND WITH RESPECT TO BIDDING**  
7 **RULES?**

8 **A.** The bidding rules proposed by FirstEnergy should be revised to provide for  
9 enhanced data and information for prospective bidders and winning suppliers.  
10 We propose three revisions to the bidding rules: First, FirstEnergy should be  
11 required to provide bidders monthly information specific to the PIPP load in its  
12 service territory, including peak load, hourly consumption, and population statistics.  
13 Second, FirstEnergy should be required to provide monthly information specific to  
14 any municipal opt-out aggregation program, including peak load, hourly  
15 consumption, and population statistics for existing programs and programs that are  
16 proposed for commencement during the term of an SSO. And third, FirstEnergy

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<sup>25</sup> See, e.g., *Provider of Last Resort Supply Master Agreement Between West Penn Power Company, dba Allegheny Power and [Seller Name]* at Section 14.8 (avail. at <http://www.alleghenypower.com/rfp/Penn/Attachments/AP%20PA%20FSA%20For%20Website%20final.doc>), and stating that:

[i]f at any time and from time to time during the term of this Agreement, a Buyer Downgrade Event occurs, notwithstanding the provisions of Article 7 (Billing and Settlement), Seller shall have the right to require Buyer to divide the Monthly Settlement Amount into weekly amounts and pay such amounts on a weekly basis for so long as the Buyer Downgrade Event continues.



1 should be required to provide network service peak load ("NSPL") data for non-  
2 shopping and shopping customers on an aggregate basis.

3  
4 **Q. WHY IS THIS ADDITIONAL INFORMATION IMPORTANT TO BIDDERS AND**  
5 **SUPPLIERS?**

6 **A.** Because without this information, bidders seeking to provide service in  
7 FirstEnergy's territory are placed in an unfair competitive position. The  
8 information at issue is basic market information that is necessary for competing  
9 bidders to formulate their bids. The information is readily available to  
10 FirstEnergy, and it should be shared with all suppliers seeking to compete in  
11 FirstEnergy's service territory.

12  
13 **V. RETAIL MARKET ENHANCEMENTS**

14 **Q. WHAT RETAIL MARKET ENHANCEMENT DO YOU PROPOSE TO HELP FURTHER**  
15 **DEVELOP A SUSTAINABLE COMPETITIVE MARKETPLACET?**

16 **A.** Exelon believes that FirstEnergy should be required to institute a purchase of  
17 receivables ("POR") program similar to the one that the FirstEnergy companies  
18 have implemented in Pennsylvania for Allegheny West Penn, Met-Ed, Penelec, and  
19 Penn Power<sup>26</sup> (or similar to the program recently adopted by Duke Energy Ohio).  
20 While the specific details of the program would have to be worked out separately,

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<sup>26</sup> See, e.g., Pennsylvania Public Utility Commission Docket Nos. P-2010-2157862 (Penn Power), P-2009-2093053 (Met-Ed), and P-2009-2093054 (Penelec).

1 such a POR program should include the following attributes:

- 2 • Applicable to residential and small commercial customers on Consolidated  
3 Billing with FirstEnergy;
- 4 • Subject to applicable consumer protections, FirstEnergy will have the  
5 ability to terminate service for customer non-payment of CRES charges in  
6 the same manner and to the same extent as FirstEnergy could terminate  
7 service to a customer for failure to pay distribution charges; and
- 8 • FirstEnergy will not discount POR payments to CRES providers.

9 For present purposes, Exelon requests that the Commission create and oversee a  
10 collaborative process whereby FirstEnergy would be required to work with  
11 interested CRES providers and other interested parties in a cooperative manner  
12 to develop a program that would culminate in the filing of an application for an  
13 equitable POR program with a target implementation date of June 1, 2013.  
14 Finally, Exelon believes that FirstEnergy should be held harmless for instituting  
15 POR and should be allowed to collect all reasonable and prudently incurred costs  
16 of implementing a POR program through a rider, which is consistent with standard  
17 practice in other states where FirstEnergy operates and elsewhere in Ohio.

18  
19 **Q. PLEASE EXPLAIN SOME OF YOUR RECOMMENDATIONS REGARDING DATA AND**  
20 **INFORMATION ENHANCEMENTS FOR CRES PROVIDERS.**

21 **A.** Based upon our experience, Exelon recommends that FirstEnergy modify its existing  
22 retail tariffs and business practices so that CRES providers are provided with certain

1 additional data and information to better facilitate the development of retail  
2 competition in the FirstEnergy service territory. Exelon has seven (7) specific  
3 proposals in this regard. They are:

4 *First*, Exelon proposes that the following sentence be added to Attachment C:

5 “No later than June 1, 2013, the web system will be further developed so that  
6 all of the features are contained in a web system that provides electronic  
7 access to key customer usage and account data that can be accessed via a  
8 supplier website that presents the data and information in a format that can  
9 be automatically retrieved.”

10 *Second*, Exelon proposes that the following data segments be added to the 867  
11 Historical Usage EDI transaction in Ohio (specifically the PTD\*FG loop of the  
12 867HU): (1) EDU Bill Cycle (REFBF), (2) Load Profile (REFLO), (3) EDU Rate Class  
13 (REFNH), (4) Loss Factor (REFLF), (5) Service Voltage (REFSV), and (6) Special  
14 Meter Configuration (REFKY). These six EDI segments are identical to those already  
15 used in Pennsylvania, New Jersey and Maryland, and Ohio EDI Working Group  
16 (“OEWG”) has already approved EDI Change Control #82 which would require all  
17 EDUs to provide three of the six account attributes that Exelon is requesting here.<sup>27</sup>

18 *Third*, under Utility Consolidated Bill Ready Bill Option, when FirstEnergy cancels  
19 and rebills a customer’s usage from a prior period, FirstEnergy should automatically  
20 cancel any related supplier charges that were based on the old usage when it  
21 performs cancel/rebills on customer usage in Ohio. This is currently supported by  
22 utilities in other states like Pennsylvania (where FirstEnergy is the only utility

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<sup>27</sup> See OEWG Change Control #82 (approved for implementation on August 9, 2011) (requiring all EDUs to provide Rate Class, Load Profile and Bill Cycle to the 867 HU transaction).

1 supporting Bill Ready that does not auto cancel supplier charges in this scenario),  
2 Illinois, Maryland and New Jersey.

3 *Fourth*, FirstEnergy should be required to adopt PA EDEWG EDI Change Control  
4 85/90 (a copy of which is attached as Exhibit A). This change control would add  
5 notification in certain EDI transactions from the EDU (using a special meter  
6 configuration segment REFKY) to CRES that a net meter device such as a solar panel  
7 or windmill is present or added to a customer account.

8 *Fifth*, FirstEnergy should cease sending negative KWH consumption in the PTD\*SU  
9 (summary) loop of the EDI 867 Monthly/Interval Usage when a customer with a net  
10 meter device generates more electricity than they consume. The usage in the  
11 summary loop (SU) of the 867 EDI transaction should be zero when this situation  
12 occurs in all states where FirstEnergy operates. FirstEnergy should pass the net  
13 customer generation consumption as a positive number with the applicable EDI  
14 quantity (QTY) qualifier to denote the excess customer generation with an identifier  
15 like 87 or 9H. The accurate delivery of this information by EDU to CRES is  
16 increasingly important for accurate billing and interaction with customers as more  
17 are installing net meter devices. A copy of a net metering proposal presented in  
18 state working groups, which Exelon supports, is attached hereto as Exhibit B.

19 *Sixth*, FirstEnergy should be required to support supplier bill messaging on UDC  
20 consolidated billing (via the NTE segment), minimum two lines of 60 characters  
21 each in the utility consolidated bill ready 810 in Ohio. FirstEnergy is the only EDU in

1 Ohio, Pennsylvania, and Maryland that does not support bill messaging in the bill  
2 ready 810.

3 *Seventh*, FirstEnergy should be required to support supplier drop rescission request  
4 via supplier initiated EDI 814 Reinstatement. It should be noted that FirstEnergy is  
5 the only EDU in Ohio that does not support this.

6  
7 **Q. WHY IS IT IMPORTANT THAT SUCH INFORMATION BE MADE AVAILABLE TO**  
8 **CRES PROVIDERS?**

9 **A.** If FirstEnergy is required to present this information in the manner in which Exelon  
10 recommends, CRES providers will be better able to offer services to prospective  
11 customers, better able to meet the needs of existing customers, and better able to  
12 manage their businesses by aligning data exchange standards across Ohio and other  
13 states with competitive electric markets. Further, provision of this type of data and  
14 information allows a CRES Provider to provide a prospective customer with a  
15 competitive offer for electric service, check the enrollment status of a new customer,  
16 and perform other functions designed to better serve customers. The process  
17 efficiency and standardization that Exelon recommends should ultimately result in  
18 more efficient pricing for Ohio customers. The Commission should direct  
19 FirstEnergy to allow CRES Providers to obtain such usage and account information,  
20 including interval data through a website or through other electronic exchange of  
21 data.

1 **Q. WHAT CAN HAPPEN IF THIS TYPE OF DATA AND INFORMATION IS NOT**  
2 **PROVIDED ON A TIMELY BASIS?**

3 **A.** Unnecessary delays in the provision of this data and information can affect the  
4 ability of a CRES provider to contract with customers in a timely manner, to render  
5 accurate and timely invoices, and to provide other services to consumers. The value  
6 a customer derives from the competitive market as well as their perception of the  
7 market can be irreversibly harmed by unnecessary delays and inefficient EDU-CRES  
8 provider interactions. Ultimately, given the fact that a CRES provider may be forced  
9 to change contract pricing during the intervening time caused by delays or  
10 inefficiencies in the acquisition of customer information or enrollment, a customer  
11 may be economically harmed.

12  
13 **Q: WHAT MODIFICATIONS DO YOU PROPOSE WITH RESPECT TO CRES PROVIDER**  
14 **CONSOLIDATED BILLING?**

15 **A:** Exelon believes that FirstEnergy should be required to participate in a Commission  
16 sanctioned collaborative process to discuss and implement a fully functioning  
17 supplier consolidated billing platform for CRES providers who desire to use such a  
18 platform. In this regard, we propose that the following language be included:

19 "FirstEnergy agrees to institute a collaborative process that  
20 includes a variety of market participants, including CRES  
21 providers, to discuss the implementation of a fully functional  
22 supplier consolidated billing (SCB) platform that utilizes  
23 standardized EDI transactions. FirstEnergy shall hold at least  
24 six meetings in 2012 on the issue with the first collaborative



1 meeting to be held by the end of June 2012. FirstEnergy agrees  
2 to implement this fully functional supplier consolidated billing  
3 platform, by June 1, 2013 for use by CRES providers that  
4 choose, at their sole discretion to employ SCB. CRES providers  
5 that elect, either initially or subsequently, to utilize SCB will not  
6 be directly assessed fees (separately or otherwise) for the  
7 requisite system changes to support SCB.”  
8

9 **Q. WHAT ARE THE BENEFITS OF SUCH A CONSOLIDATED BILLING**  
10 **PLATFORM?**

11 **A.** Consolidated billing programs like the one we are advocating lead to  
12 standardization and uniformity of billing procedures that ultimately benefits  
13 consumers, and facilitate offering additional competitive products and services  
14 that cannot be billed through current utility consolidated billing options.  
15

16 **Q. WHAT MODIFICATIONS DO YOU PROPOSE WITH RESPECT TO A COMPETITIVE**  
17 **BIDDING PROCESS?**

18 **A.** As with the CRES consolidated billing issue discussed above, Exelon believes that  
19 FirstEnergy should be required to participate in a Commission sanctioned  
20 collaborative process to explore potential refinements to the competitive bidding  
21 process in advance of any future ESP or MRO filings. In this regard, we propose  
22 that the following sentence be added to the ESP:

23 “The Parties recommend that the Commission conduct a  
24 collaborative stakeholder process regarding potential  
25 refinements to the competitive bidding process to establish  
26 the standard service offer at least 150 days prior to the  
27 Companies filing another ESP or MRO.”  
28

1    **Q.**    **Does this conclude your testimony?**

2    **A.**    Yes, it does

3

## CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing document was served this 21<sup>st</sup> day of May, 2012 by electronic mail upon the persons listed below.

  
M. Howard Petricoff

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## **EXHIBIT A**

## EDEWG Change Request #085

This EDEWG Change Request can be found on the PUC website at  
[http://www.puc.state.pa.us/electric/electric\\_edewg\\_download.aspx](http://www.puc.state.pa.us/electric/electric_edewg_download.aspx)

<b>Requester's Name:</b> Susan Scheetz	<b>EDC/EGS Name:</b> PPL Electric Utilities	<b>Phone # :</b> 610-774-3616
<b>Date of Request:</b> 3/3/2011	<b>Affected EDI Transaction Set #(s):</b> 814E, 814C, 814R, 867HU, 867HIU	<b>E-Mail Address:</b> smscheetz@pplweb.com
<b>Requested Priority</b> (emergency/high/low): Low	<b>Requested Implementation Date:</b> TBD	<b>Status:</b> Open; non-consensus – escalated to PUC Staff / CHARGE

### Brief Explanation (This will be copied into the description in the Change Control Summary Spreadsheet):

This change control adds a new segment to 814E/C/R & 867HU/HIU to inform the EGS a net meter is present, added, or removed from an LDC account. Also adds net metering/reverse flow quantity codes in the 867HU/HIU.

### Detail Explanation (Exactly what change is required? To which EDEWG Standards? Why?):

1. 814 Enrollment, Change and Reinstatement - Add new REF\*KY segment to the LIN Loop to indicate Special Meter Configuration exists on the account. REF02 codes from PPLEU have been suggested as follows... (The A is for Act129 metering, and the N is for non-act 129.)

Value	Description
ASUN	Net Metering Solar
AWIN	Net Metering Wind
AHYD	Net Metering Hydro
ABIO	Net Metering Biomass
AWST	Net Metering Waste
ACHP	Net Metering Combined Heat and Power
AMLT	Net Metering Multiple Different Sources
NSUN	Non-Net Metering Solar
NWIN	Non-Net Metering Wind
NHYD	Non-Net Metering Hydro
NBIO	Non-Net Metering Biomass
NWST	Non-Net Metering Waste
NCHP	Non-Net Metering Combined Heat and Power
NFOS	Non-Net Metering Fossil Fuel
NMLT	Non-Net Metering Multiple Different Sources

2. 814 Change - Add new REF\*KY code to the Reason for Change (REF\*TD) segment and use the existing REF\*03 to indicate Add or Delete of the Special Meter Configuration.

3. 867 Historical Usage & 867 Historical Interval Usage - Add QTY01 values 87 = Actual Quantity Received for net metering and 9H = Estimated Quantity Received for net metering to PTD Loops SU, RT and PM.

4. 867 Historical Usage & 867 Historical Interval - Add new REF\*KY segment to the PTD\*FG Loop to indicate Special Meter Configuration exists on the account. REF02 codes will be determined at a future date.

The addition of this segment will also provide future capability to denote other special meter configurations such as electric vehicle, Type B, Multi-Feed, etc. The EDEWG leadership met on 4/25 and agreed this change would be required by all EDCs in PA.

### For Change Control Manager Use Only:

<b>Date of EDEWG Discussion:</b> 4/7/11, 5/12/11, 6/2/11	<b>Expected Implementation Date:</b> TBD	
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### EDEWG Discussion and Resolution:

3/9/2011-Received change request, entered into tracking, assigned #085, and placed on agenda for 4/7/11 EDEWG meeting.



4/7/2011-EDEWG reviewed and discussed CC85. PPLEU would like to adopt the concept of this change ASAP so immediate coding may begin to support the REFKY in the 867HU/HIU transaction sets. EDEWG leadership will meet to determine potential REF02 codes for net metering/reverse flow metering support. EDI CC85 remains open pending further EDEWG review.

5/12/2011-EDEWG discussed CC85. Leadership met on 4/25 to confirm this change is required by all EDCs to implement. EDEWG requested the EDCs review and report back with implementation timelines during the June meeting. CC85 remains open pending further review.

5/18/2011-PPLEU provided initial list of REF02 codes, see p3

6/2/2011-EDEWG reviewed EDI Change Control #85. Suppliers believe this change will improve the handling of accounts with customer generation by information the EGS there is some form of customer generation present on the account which is currently unavailable on either the ECL or in the existing EDI transaction sets. The EDC's position regarding EDI CC 85 is as follows:

WPP: under a code freeze due the FE merger, needs addressed under FE's system.

FE: currently a manual process to identify these accounts, legal dept. assessing customer generation rules.

DLC: currently system unable to identify, customer generation accounts are manually supported.

UGI: Same as DLC, unable to identify, manually supported.

PPLEU: supports change, currently a manual process but moving to automated support, eliminating manual efforts.

PECO: will not support EDI CC85 without cost recovery.

Due to PECO's non-support and other EDC's manual processes, EDEWG is unable to reach consensus on EDI Change Control 85. The EDI Change Control will be escalated to CHARGE for resolution by the EDI Change Control Manager.

6/15/11 – EDI Change Control Manager escalated to CHARGE/PUC Staff. EDI CC 85 remains open.

9/23/11-Brandon Siegel: PPLEU voluntarily implemented EDI CC85, change remains open pending PUC order.

12/1/11-Brandon Siegel: Due to PPLEU's implementation, incorporated into each affected transaction set IG; various versions. EDI CC85 will remain open pending PUC final order.

**Priority Classifications**

<i>Emergency Priority</i>	<i>Implemented within 10 days or otherwise directed by EDEWG</i>
<i>High Priority</i>	<i>Changes / Enhancements implemented with 30 days. The next release, or as otherwise directed by EDEWG</i>
<i>Low Priority</i>	<i>Changes / Enhancements implemented no earlier than 90 days, Future Release, or as otherwise directed by EDEWG</i>

***Please submit this form via e-mail to both the PUC at [annmarino@state.pa.us](mailto:annmarino@state.pa.us) and to the Change Control Manager, Brandon Siegel at [bsiegel@ista-na.com](mailto:bsiegel@ista-na.com)***  
***Your request will be evaluated and prioritized at an upcoming EDEWG meeting or conference call.***

# 1. 814 Enrollment, Change and Reinstatement – LIN Loop

**Segment:** **REF** Reference Identification (KY=Special Meter Configuration)

**Position:** 030

**Loop:** LIN

**Level:** Detail

**Usage:** Optional

**Max Use:** >1

**Purpose:** To specify identifying information

**Syntax Notes:** 1 At least one of REF02 or REF03 is required.

2 If either C04003 or C04004 is present, then the other is required.

3 If either C04005 or C04006 is present, then the other is required.

**Semantic Notes:** 1 REF04 contains data relating to the value cited in REF02.

**Comments:**

<b>PA Use:</b>	Required when special meter configuration is present on an account
<b>NJ Use:</b>	Not Used
<b>DE Use:</b>	Not Used
<b>MD Use:</b>	Not Used
<b>Example:</b>	REF*KY* NMSUN000000000

## Data Element Summary

	<u>Ref.</u> <u>Des.</u>	<u>Data</u> <u>Element</u>	<u>Name</u>	<u>X12 Attributes</u>
Must Use	REF01	128	Reference Identification Qualifier Code qualifying the Reference Identification KY Site Specific Procedures, Terms, and Conditions Special Meter Configuration	M ID 2/3
Must Use	REF02	127	Reference Identification Reference information as defined for a particular Transaction Set or as specified by the Reference Identification Qualifier ASUN Net Metering Solar AWIN Net Metering Wind AHYD Net Metering Hydro ABIO Net Metering Biomass AWST Net Metering Waste ACHP Net Metering Combined Heat and Power AMLT Net Metering Multiple Different Sources NSUN Non-Net Metering Solar NWIN Non-Net Metering Wind NHYD Non-Net Metering Hydro NBIO Non-Net Metering Biomass NWST Non-Net Metering Waste NCHP Non-Net Metering Combined Heat and Power NFOS Non-Net Metering Fossil Fuel NMLT Non-Net Metering Multiple Different Sources	X AN 1/30

## 2. 814 Change

### Segment: **REF** Reference Identification (TD=Reason for Change)

**Position:** 030  
**Loop:** LIN  
**Level:** Detail  
**Usage:** Optional  
**Max Use:** >1  
**Purpose:** To specify identifying information  
**Syntax Notes:**

- 1 At least one of REF02 or REF03 is required.
- 2 If either C04003 or C04004 is present, then the other is required.
- 3 If either C04005 or C04006 is present, then the other is required.

**Semantic Notes:**

- 1 REF04 contains data relating to the value cited in REF02.

**Comments:**

<b>Notes:</b>	This convention of the REF segment is used for account maintenance, to convey change reason codes. The codes used in REF02 are maintained by the UIG. The first portion of the code identifies the segment that contains the data that has been changed; the remaining portion of the code identifies the relevant code qualifier for the data that has been changed. The changed data will appear in the appropriate element of the identified segment. For example, a REF02 code of AMT7N indicates that data in the AMT segment that is identified by the qualifier 7N (i.e., Percentage of Service Supplied) has been changed to the value now shown in AMT02.		
<b>PA Use:</b>	<b>Request:</b>	Required if change is at an account (LIN) or header level	
	<b>Response:</b>	Optional	
<b>NJ Use:</b>	Same as PA		
<b>DE Use:</b>	Same as PA		
<b>MD Use:</b>	Same as PA		
<b>Example:</b>	REF*TD*REFBLT REF*TD*N1PK*D REF*TD*REFKY*A		

### Data Element Summary

	<u>Ref.</u> <u>Des.</u>	<u>Data</u> <u>Element</u>	<u>Name</u>	<u>Attributes</u>
Must Use	REF01	128	<b>Reference Identification Qualifier</b> Code qualifying the Reference Identification TD Reason for Change	M ID 2/3
Must Use	REF02	127	<b>Reference Identification</b> Reference information as defined for a particular Transaction Set or as specified by the Reference Identification Qualifier	X AN 1/30
			AMT5J	Change Number of Load Management Air Conditioners
			AMT7N	Change Percentage of Service Supplied
			AMTDP	Change Percentage of Service Tax Exempt
			AMTF7	Change Percentage of State Sales Tax
			AMTKC	Change Peak Load Capacity
			AMTKZ	Change Network Service Peak Load
			AMTL0	Change Number of Load Management Water Heaters
			AMTQY	Change Eligible Load Percentage
			AMTRJ	Change of ESP Rate Amount
			DTM150	Change Service Period Start Date
			DTM151	Change Service Period End Date
			N12C	Change in party to receive copy of bills
			N18R	Change in Customer Name and/or Service Address
			N1BT	Change in Billing Address
			N1PK	Change in party to receive copy of notices (not bills)

REF11	Change ESP-Assigned Account Number for the End Use Customer
REF12	Change LDC-Assigned Account Number for the End Use Customer
REF17	Change of Interval Status Change in Interval status will have a LIN05 value of SI.
REFBF	Change Billing Cycle
REFBLT	Change Billing Type (Bill Presenter)
REFKY	Change Special Meter Configuration
REFPC	Change Party that Calculates the Bill
REFSPL	Change Point at Which the Customer is Connected to Transmission Grid
	Change in PJM LMP Bus

Condition	REF03	352	Description	X	AN 1/80
al			A		
					Indicates the data element to be added
					<del>Optional when adding additional address</del>
					<ul style="list-style-type: none"> <li>• Party to Receive copy of notices (Not bills) -N1PK</li> <li>• Special Meter Configuration (net meter added)</li> </ul>
			D		Indicates the data element to be deleted
					Required if deleting the following address types:
					<ul style="list-style-type: none"> <li>• Party to Receive copy of bills -N12C</li> <li>• Billing Address -N1BT</li> <li>• Party to Receive copy of notices (Not bills) -N1PK</li> <li>• Number of Load Mgmt water heaters -AMTL0 (use when changing quantity to zero)</li> <li>• Number of Load Mgmt air conditioners -AMT5J (use when changing quantity to zero)</li> <li>• Special Meter Configuration (net meter removal)</li> </ul>

### 3. 867 Historical Usage / 867 Historical Interval Usage – PTD Loop

**Segment:** REF Reference Identification (KY=Special Meter Configuration)  
**Position:** 120  
**Loop:** PTD  
**Level:** Detail  
**Usage:** Optional  
**Max Use:** 20  
**Purpose:** To specify identifying information  
**Syntax Notes:** 1 At least one of REF02 or REF03 is required.  
                   2 If either C04003 or C04004 is present, then the other is required.  
                   3 If either C04005 or C04006 is present, then the other is required.  
**Semantic Notes:** 1 REF04 contains data relating to the value cited in REF02.  
**Comments:**

<b>PA Use:</b>	Required when special meter configuration is present on an account
<b>NJ Use:</b>	Not Used
<b>DE Use:</b>	Not Used
<b>MD Use:</b>	Not Used
<b>Example:</b>	REF*KY* NSUN

#### Data Element Summary

	<u>Ref.</u> <u>Des.</u>	<u>Data</u> <u>Element</u>	<u>Name</u>	<u>X12 Attributes</u>
Must Use	REF01	128	Reference Identification Qualifier Code qualifying the Reference Identification KY Site Specific Procedures, Terms, and Conditions Special Meter Configuration	M ID 2/3
Must Use	REF02	127	Reference Identification Reference information as defined for a particular Transaction Set or as specified by the Reference Identification Qualifier ASUN Net Metering Solar AWIN Net Metering Wind AHYD Net Metering Hydro ABIO Net Metering Biomass AWST Net Metering Waste ACHP Net Metering Combined Heat and Power AMLT Net Metering Multiple Different Sources NSUN Non-Net Metering Solar NWIN Non-Net Metering Wind NHYD Non-Net Metering Hydro NBIO Non-Net Metering Biomass NWT Net Metering Waste NCHP Non-Net Metering Combined Heat and Power NFOS Non-Net Metering Fossil Fuel NMLT Non-Net Metering Multiple Different Sources	X AN 1/30



## EDEWG Change Request #090

This EDEWG Change Request can be found on the PUC website at  
[http://www.puc.state.pa.us/electric/electric\\_edewg\\_download.aspx](http://www.puc.state.pa.us/electric/electric_edewg_download.aspx)

<b>Requester's Name:</b> Susan Scheetz	<b>EDC/EGS Name:</b> PPL Electric Utilities	<b>Phone # :</b> 610-774-3616
<b>Date of Request:</b> 7/13/2011	<b>Affected EDI Transaction Set #(s):</b> 814E, 814C, 814R, 867HU, 867HIU	<b>E-Mail Address:</b> smscheetz@pplweb.com
<b>Requested Priority</b> (emergency/high/low): High	<b>Requested Implementation Date:</b> 9/23/2011	<b>Status:</b> Incorporated into each IG, various versions.

### Brief Explanation (This will be copied into the description in the Change Control Summary Spreadsheet):

This change control adds a new element REF03 to the REF\*KY Special Meter Configuration segment 814E/C/R & 867HU/HIU that is used to inform the EGS a net meter is present, added, or removed from an LDC account. The REF03 element is going to be used to inform the EGS of the output rating of the generation equipment, which is going to be a 7 byte numeric field. The Rating (populated in REF03) is stated in KW and reflects the maximum generation the equipment can produce at any one time.

### Detail Explanation (Exactly what change is required? To which EDEWG Standards? Why?):

1. 814 Enrollment, Change and Reinstatement - Add new REF03 element to the REF\*KY segment to the LIN Loop which is used to indicate Special Meter Configuration exists on the account. REF03 is a 7 byte numeric field used for the output rating of the generation equipment reporting in KW and reflects the maximum generation the equipment can produce at any one time.
2. 867 Historical Usage & 867 Historical Interval - Add new REF03 element to the REF\*KY segment in the PTD\*FG Loop which is used to indicate Special Meter Configuration exists on the account. REF03 is a 7 byte numeric field used for the output rating of the generation equipment reporting in KW and reflects the maximum generation the equipment can produce at any one time.

### For Change Control Manager Use Only:

<b>Date of EDEWG Discussion:</b> 9/1/2011	<b>Expected Implementation Date:</b> 9/23/2011	
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### EDEWG Discussion and Resolution:

8/31/2011-Brandon Siegel: Added to tracking, assigned #090, & placed on September EDEWG meeting agenda. EDI CC 90 adds to EDI CC 85 which is currently pending CHARGE resolution.  
9/1/2011 - Brandon Siegel: EDEWG reviewed and approved the REF03 as optional. Will be incorporated into next revision of the EDI guidelines  
10/13/2011-Brandon Siegel: Updated EDI CC 90 to correct the samples on pages 2-3 of the change control. Administrative update only.  
12/1/11-Brandon Siegel: Incorporated into each affected IG; various versions.

### Priority Classifications

<b>Emergency Priority</b>	<b>Implemented within 10 days or otherwise directed by EDEWG</b>
<b>High Priority</b>	<b>Changes / Enhancements implemented with 30 days. The next release, or as otherwise directed by EDEWG</b>
<b>Low Priority</b>	<b>Changes / Enhancements implemented no earlier than 90 days, Future Release, or as otherwise directed by EDEWG</b>

Please submit this form via e-mail to both the PUC at [annmarino@state.pa.us](mailto:annmarino@state.pa.us) and to the  
Change Control Manager, Brandon Siegel at [bsiegel@ista-na.com](mailto:bsiegel@ista-na.com)  
Your request will be evaluated and prioritized at an upcoming EDEWG meeting or conference call.

# 1. 814 Enrollment, Change and Reinstatement – LIN Loop

**Segment:** **REF** Reference Identification (KY=Special Meter Configuration)

**Position:** 030

**Loop:** LIN

**Level:** Detail

**Usage:** Optional

**Max Use:** >1

**Purpose:** To specify identifying information

**Syntax Notes:** 1 At least one of REF02 or REF03 is required.

2 If either C04003 or C04004 is present, then the other is required.

3 If either C04005 or C04006 is present, then the other is required.

**Semantic Notes:** 1 REF04 contains data relating to the value cited in REF02.

**Comments:**

**PA Use:** Required when special meter configuration is present on an account

**NJ Use:** Not Used

**DE Use:** Not Used

**MD Use:** Not Used

**Example:** REF\*KY\*NSUN\*0000026

## Data Element Summary

	Ref. Des.	Data Element	Name	X12 Attributes
Must Use	REF01	128	Reference Identification Qualifier Code qualifying the Reference Identification KY Site Specific Procedures, Terms, and Conditions Special Meter Configuration	M ID 2/3
Must Use	REF02	127	Reference Identification Reference information as defined for a particular Transaction Set or as specified by the Reference Identification Qualifier ASUN Net Metering Solar AWIN Net Metering Wind AHYD Net Metering Hydro ABIO Net Metering Biomass AWST Net Metering Waste ACHP Net Metering Combined Heat and Power AMLT Net Metering Multiple Different Sources NSUN Non-Net Metering Solar NWIN Non-Net Metering Wind NHYD Non-Net Metering Hydro NBIO Non-Net Metering Biomass NWST Non-Net Metering Waste NCHP Non-Net Metering Combined Heat and Power NFOS Non-Net Metering Fossil Fuel NMLT Non-Net Metering Multiple Different Sources	X AN 1/30
Optional	REF03	352	Description A free-form description to clarify the related data elements and their content	X AN 1/80

PPLEU: 7 byte numeric field used for the output rating of the generation equipment reporting in KW and reflects the maximum generation the equipment can produce at any one time

## 2. 867 Historical Usage / 867 Historical Interval Usage – PTD Loop

**Segment:** REF Reference Identification (KY=Special Meter Configuration)  
**Position:** 030  
**Loop:** PTD  
**Level:** Detail  
**Usage:** Optional  
**Max Use:** 20  
**Purpose:** To specify identifying information  
**Syntax Notes:**

- 1 At least one of REF02 or REF03 is required.
- 2 If either C04003 or C04004 is present, then the other is required.
- 3 If either C04005 or C04006 is present, then the other is required.

**Semantic Notes:**

- 1 REF04 contains data relating to the value cited in REF02.

**Comments:**

<b>PA Use:</b>	Required when special meter configuration is present on an account
<b>NJ Use:</b>	Not Used
<b>DE Use:</b>	Not Used
<b>MD Use:</b>	Not Used
<b>Example:</b>	REF*KY*NSUN*0000026

### Data Element Summary

	<u>Ref.</u> <u>Des.</u>	<u>Data</u> <u>Element</u>	<u>Name</u>	<u>X12 Attributes</u>
Must Use	REF01	128	<b>Reference Identification Qualifier</b> Code qualifying the Reference Identification KY Site Specific Procedures, Terms, and Conditions Special Meter Configuration	M ID 2/3
Must Use	REF02	127	<b>Reference Identification</b> Reference information as defined for a particular Transaction Set or as specified by the Reference Identification Qualifier ASUN Net Metering Solar AWIN Net Metering Wind AHYD Net Metering Hydro ABIO Net Metering Biomass AWST Net Metering Waste ACHP Net Metering Combined Heat and Power AMLT Net Metering Multiple Different Sources NSUN Non-Net Metering Solar NWIN Non-Net Metering Wind NHYD Non-Net Metering Hydro NBIO Non-Net Metering Biomass NWST Non-Net Metering Waste NCHP Non-Net Metering Combined Heat and Power NFOS Non-Net Metering Fossil Fuel NMLT Non-Net Metering Multiple Different Sources	X AN 1/30
Optional	REF03	352	<b>Description</b> A free-form description to clarify the related data elements and their content	X AN 1/80

PPLEU: 7 byte numeric field used for the output rating of the generation equipment reporting in KW and reflects the maximum generation the equipment can produce at any one time

## **EXHIBIT B**



## Net Metering Information & Samples – Regional EDI Standard Proposal

This document provides samples of EDI 867 Monthly Usage (MU) transactions for net metered accounts as documented in the regional EDI 867 Implementation Guideline. In PA, suppliers are not required to reimburse their customers for excess generation. The Supplier has the option to contract with Net Metered customer for excess generation. If a Supplier wishes to provide the excess generation 'credit', the EDI 867MU must provide net metering data. However in NJ, the Supplier is required to reimburse the customer while for MD or DE the analysis has yet to determine the State rules for net metered customers.

Suppliers needing to determine the netted usage can use the information in the meter detail (PM) loops. Within the EDI 867, the data for the 'IN' meter would be sent as having a meter role of A = additive (REF|JH|A) and the 'OUT' meter (the solar/wind/etc contribution meter) would be sent as having a meter role of S = subtractive (REF|JH|S). Usage amounts for both meters should be positive. In the event a single meter registers both IN and OUT flow, the PM is looped, one for each flow, both with the same meter number. For example:

- SU loop (summary usage) in 867 = 886 kwh, the difference between the two meters
- BB loop (billed usage) in 867 = 886 kwh, the difference between the two meters
- PM loop Meter 1 (IN meter) in 867 = 1183 kwh
- PM loop Meter 2 (OUT meter, may be same as Meter #) in 867 = 297 kwh

As shown in the math above, the summary usage in the 867 is calculated by subtracting the energy delivered to the Utility's grid from the energy consumed by the customer, all numbers are positive. There can be instances where the net usage is "negative" where the value in Meter 2 exceeds the value in Meter 1. In this scenario, the customer may be due a credit for the excess generation depending upon the State regulations and utility business practices. For example:

- SU loop (summary usage) in 867 = 780kwh w/qualifier of '87' denoting excess customer gen.
- BB loop (billed usage) in 867 = 0 kwh billed
- PM loop Meter 1 (IN meter) in 867 = 80 kwh
- PM loop Meter 2 (OUT meter, may be same as Meter #) in 867 = 960 kwh

The EDI 867s will contain the net billed usage in the billed (BB) loop of the transaction. The net billed usage has a minimum of zero so it should never be sent as a negative value.



**867MU: Net Metering Proposal - Consumption greater than generation**

BPT|00|2010-09-08-20.28.58.478363|20100908|DD||||

DTM|649|20100913|1000

N1|8S|UTILITY A|1|000000000

N1|SJ|SUPPLIER NAME|1|111111111

N1|8R|CUSTOMER NAME

REF|12|9999999999

REF|45|888888888888

REF|BLT|LDC

REF|PC|DUAL

PTD|BB

DTM|150|20100808

DTM|151|20100907

QTY|D1|886|KH

Net Consumption Billed

PTD|SU

DTM|150|20100808

DTM|151|20100907

QTY|QD|886|KH

Summary equals Net Consumption  
Consumption Meter

PTD|PM

DTM|150|20100808

DTM|151|20100907

REF|NH|R

REF|MG|311804672

REF|PR|URO

REF|JH|A

Meter Role "additive"

REF|IX|5.0

QTY|QD|1183|KH

Actual Quantity Consumed

MEA|AA|PRQ|1183|KH|3009|4192|51

PTD|PM

Generation Meter

DTM|150|20100808

DTM|151|20100907

REF|NH|R

REF|MG|311804673

REF|PR|URO

REF|JH|S

Meter Role "subtractive"

REF|IX|5.0

QTY|87|297|KH

Actual Quantity Generated

MEA|AA|PRQ|297|KH|316|613|51

**867MU: Net Metering Proposal - Generation greater than consumption (excess generation) – SU loop w/net generation KWH**

BPT|00|2010-09-08-20.28.58.478363|20100908|DD||||

DTM|649|20100913|1000

N1|8S|UTILITY A|1|000000000

N1|SJ|SUPPLIER NAME|1|111111111

N1|8R|CUSTOMER NAME

REF|12|9999999999

REF|45|888888888888

REF|BLT|LDC

REF|PC|DUAL

PTD|BB

DTM|150|20100808

DTM|151|20100907

QTY|D1|0|KH

**Net Consumption Billed**

PTD|SU

DTM|150|20100808

DTM|151|20100907

QTY|87|58|KH

**Summary [58KH Net Generation Excess]  
Consumption Meter**

PTD|PM

DTM|150|20100808

DTM|151|20100907

REF|NH|R

REF|MG|311804672

REF|PR|URO

REF|JH|A

**Meter Role "additive"**

REF|IX|5.0

QTY|QD|660|KH

**Actual Quantity Consumed**

MEA|AA|PRQ|660|KH|3009|3669|51

PTD|PM

**Generation Meter**

DTM|150|20100808

DTM|151|20100907

REF|NH|R

REF|MG|311804673

REF|PR|URO

REF|JH|S

**Meter Role "subtractive"**

REF|IX|5.0

QTY|87|718|KH

**Actual Quantity Generated**

MEA|AA|PRQ|718|KH|316|1034|51

**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

**5/21/2012 2:44:48 PM**

**in**

**Case No(s). 12-1230-EL-SSO**

Summary: Testimony Direct Testimony of David I. Fein on Behalf of Intervenors Constellation NewEnergy, Inc. and Exelon Generation Company, LLC electronically filed by M HOWARD PETRICOFF on behalf of Exelon Generation Company, LLC and Constellation NewEnergy, Inc.