

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

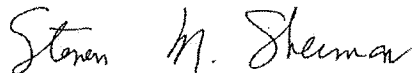
In the matter of the Application of The Dayton Power and Light Company Approval of its Market Offer	) ) ) )	Cause No. 12-426-EL-SSO
In the matter of the Application of The Dayton Power and Light Company Approval of Revised Tariffs	) ) ) )	Cause No. 12-427-EL-ATA
In the matter of the Application of The Dayton Power and Light Company Approval of Certain Accounting Authority	) ) ) )	Cause No. 12-428-EL-AAM
In the matter of the Application of The Dayton Power and Light Company The Waiver of Certain Commission Rules	) ) ) )	Cause No. 12-429-EL-WVR
In the matter of the Application of The Dayton Power and Light Company To Establish Tariff Riders	) ) ) )	Cause No. 12-672-EL-RDR

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**DIRECT TESTIMONY OF STEVE W. CHRISS ON BEHALF OF  
WAL-MART STORES EAST, LP AND SAM'S EAST, INC.**

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Respectfully submitted,



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Record

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Attorneys for Wal-Mart Stores East, LP  
and Sam's East, Inc.

1       **Q.     PLEASE STATE YOUR NAME, BUSINESS ADDRESS, AND OCCUPATION.**

2       A.     My name is Steve W. Chriss. My business address is 2001 SE 10th St.,  
3           Bentonville, AR 72716-0550. I am Senior Manager, Energy Regulatory Analysis,  
4           for Wal-Mart Stores, Inc.

5       **Q.     ON WHOSE BEHALF ARE YOU TESTIFYING IN THIS DOCKET?**

6       A.     I am testifying on behalf of Wal-Mart Stores East, LP and Sam's East, Inc.  
7           (collectively "Walmart").

8       **Q.     PLEASE DESCRIBE YOUR EDUCATION AND EXPERIENCE.**

9       A.     In 2001, I completed a Master of Science in Agricultural Economics at Louisiana  
10          State University. From 2001 to 2003, I was an Analyst and later a Senior Analyst  
11          at the Houston office of Econ One Research, Inc., a Los Angeles-based consulting  
12          firm. My duties included research and analysis on domestic and international  
13          energy and regulatory issues. From 2003 to 2007, I was an Economist and later a  
14          Senior Utility Analyst at the Public Utility Commission of Oregon in Salem,  
15          Oregon. My duties included appearing as a witness for PUC Staff in electric,  
16          natural gas, and telecommunications dockets. I joined the energy department at  
17          Walmart in July 2007 as Manager, State Rate Proceedings, and was promoted to  
18          my current position in June 2011. My Witness Qualifications Statement is found  
19          on Exhibit SWC-1.

20

1       **Q.     HAVE YOU PREVIOUSLY SUBMITTED TESTIMONY BEFORE THE PUBLIC UTILITIES**  
2       **COMMISSION OF OHIO (“THE COMMISSION”)?**

3       A.     Yes. I submitted testimony in Docket Nos. 10-2586-EL-SSO and 11-346-EL-SSO.

4       **Q.     HAVE YOU PREVIOUSLY SUBMITTED TESTIMONY BEFORE OTHER STATE**  
5       **REGULATORY COMMISSIONS?**

6       A.     Yes. I have submitted testimony in over 70 proceedings before 31 other utility  
7       regulatory commissions and before the Missouri House Committee on Utilities  
8       and the Missouri Senate Veterans’ Affairs, Emerging Issues, Pensions, and Urban  
9       Affairs Committee. My testimony has addressed topics including cost of service  
10      and rate design, ratemaking policy, qualifying facility rates, telecommunications  
11      deregulation, resource certification, energy efficiency/demand side  
12      management, fuel cost adjustment mechanisms, decoupling, and the collection  
13      of cash earnings on construction work in progress.

14      **Q.     HAVE YOU PREPARED EXHIBITS?**

15      A.     Yes. I have prepared Exhibit SWC-1, consisting of eight pages.

16      **Q.     WHAT IS THE PURPOSE OF YOUR TESTIMONY?**

17      A.     The purpose of my testimony is to address issues related to the standard service  
18      offer (“SSO”) through an electric security plan (“ESP”) proposed in the  
19      application of The Dayton Power and Light Company (“DP&L” or “the  
20      Company”).

1       **Q.     PLEASE BRIEFLY DESCRIBE WALMART'S OPERATIONS IN OHIO.**

2       A.     Walmart operates 173 retail stores and 4 distribution centers in Ohio, employing  
3           over 50,500 associates. In its fiscal year ending 2012, Walmart purchased \$6.6  
4           billion worth of goods and services from Ohio-based suppliers, supporting  
5           178,799 supplier jobs.<sup>1</sup> Walmart has approximately 21 facilities serviced by  
6           DP&L in Ohio.

7       **Q.     WHAT ARE YOUR RECOMMENDATIONS TO THE COMMISSION?**

8       A.     For the purposes of this docket, my recommendations to the Commission are:

9           1) Generally, it is appropriate for any generation-related riders to be bypassable  
10           by customers who take competitive supply service. The price paid to the  
11           supplier by customers taking competitive supply includes the cost of power  
12           and the cost of procurement for that power, compliance costs, and other  
13           underlying operating costs. Charging competitively supplied customers for  
14           any part of DP&L's generation-related costs misaligns cost causation and cost  
15           responsibility, results in inequitable rates as those customers will pay a cost  
16           for which they will receive no benefit, and can result in double payment of  
17           costs, such as compliance costs, that are incurred by DP&L to serve their SSO  
18           customers and likewise incurred by competitive suppliers to serve their  
19           respective customers. Additionally, this cost misalignment moves generation

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<sup>1</sup> <http://corporate.walmart.com/our-story/locations/united-states#/united-states/ohio>

1 rates for the Company's SSO customers and competitively supplied  
2 customers away from the respective cost of service for each, and does not  
3 provide for rates that reflect cost causation, send proper price signals, and  
4 minimize price distortions.

5 2) The Commission should reject the Reconciliation Rider ("RR") as proposed.

6 i. To the extent the Commission approves and the Company  
7 implements projects that benefit competitive suppliers, the costs  
8 of those projects should be recovered on a separate new non-  
9 bypassable rider set up solely for that purpose.

10 ii. To the extent the Commission determines it is appropriate to  
11 make the rider non-bypassable and include competitive bidding  
12 costs and deferred SSO rider balances, it should condition the  
13 rider such that it is non-bypassable only for the first three billing  
14 months after a customer switches from SSO to competitive  
15 service, to reflect the true-up interval of any rider or competitive  
16 bidding costs incurred while that customer took SSO service.

17 3) The Commission should reject the Company's proposed switching tracker.

18 4) If the Commission approves the Service Stability Rider ("SSR"), it should limit  
19 the revenue requirement to no more than \$72.5 million, the revenue  
20 requirement of the current Rate Stabilization Charge.

1 5) The Commission should reject DP&L's request to waive OAC § 4901:1-36-  
2 04(B) and also reject the Company's proposed Transmission Cost Recovery  
3 Rider Non-Bypassable ("TCRR-N").

4 The fact that an issue is not addressed should not be construed as an  
5 endorsement of any filed position.

6 **Q. WHAT IS YOUR GENERAL UNDERSTANDING OF DP&L'S ESP PROPOSAL?**

7 A. My general understanding of DP&L's proposal is that for the period ending May  
8 31, 2016 that, for customers who do not take supply from competitive suppliers,  
9 the Company's SSO, or the generation portion of rates, will be based on the  
10 proposals in the Company's filing pursuant to §§ 4928.141 and 4928.143 of the  
11 Ohio Revised Code and other waivers. While I am not an attorney, my  
12 understanding is that § 4928.143 provides for a broad array of utility costs to be  
13 considered as part of an ESP proposal.

14 **Q. HAS THE COMPANY PROPOSED THAT ALL GENERATION-RELATED RIDERS BE**  
15 **BYPASSABLE?**

16 A. No.

17 **Q. IS IT GENERALLY APPROPRIATE FOR GENERATION-RELATED RIDERS TO BE**  
18 **BYPASSABLE BY CUSTOMERS TAKING SUPPLY FROM A COMPETITIVE SUPPLIER?**

19 A. Yes. The price paid to the supplier by customers taking competitive supply  
20 includes the cost of power and the cost of procurement for that power,

1 compliance costs, and other underlying operating costs. Charging competitively  
2 supplied customers for any part of DP&L's generation-related costs misaligns  
3 cost causation and cost responsibility, results in inequitable rates as those  
4 customers will pay a cost for which they will receive no benefit, and can result in  
5 double payment of costs, such as compliance costs, that are incurred by DP&L to  
6 serve their SSO customers and likewise incurred by competitive suppliers to  
7 serve their respective customers. Additionally, this cost misalignment moves  
8 generation rates for the Company's SSO customers and competitively supplied  
9 customers away from the respective cost of service for each, and does not  
10 provide for rates that reflect cost causation, send proper price signals, and  
11 minimize price distortions.

12 **Q. GENERALLY, WHAT IS WALMART'S POSITION ON SETTING RATES BASED ON**  
13 **THE UTILITY'S COST OF SERVICE?**

14 A. Walmart advocates that rates be set based on the cost of service. This produces  
15 equitable rates that reflect cost causation principles, send proper price signals,  
16 and minimize price distortions.

17 **Q. DOES THE COMPANY DISCUSS THE STATE POLICIES CONTAINED IN OHIO**  
18 **REVISED CODE § 4928.02?**

19 A. Yes. The Company specifically addresses the policy in 4928.02(H), which states:  
20 "Ensure effective competition in the provision of retail electric service by  
21 avoiding anticompetitive subsidies flowing from a noncompetitive retail

1 electric service to a competitive retail electric service or to a product or  
2 service other than retail electric service, or vice versa, including by  
3 prohibiting the recovery of any generation-related costs through distribution  
4 or transmission rates." See Second Revised Testimony of Philip R.  
5 Herrington, page 5, line 23, to page 6, line 7.

6 **Q. DO SOME OF THE COMPANY'S PROPOSED ESP PROVISIONS APPEAR TO**  
7 **CONTRADICT THE STATE POLICY CITED ABOVE?**

8 A. Yes. As I will describe in my testimony, a number of the Company's proposed  
9 ESP provisions would charge competitive supplied customers for SSO service-  
10 related generation costs.

11  
12 ***Reconciliation Rider***

13 **Q. WHAT IS YOUR UNDERSTANDING OF THE COMPANY'S PROPOSED RR?**

14 A. My understanding of the proposed RR is that it would be non-bypassable and  
15 recover the following costs:  
16 1) Costs associated with administering and implementing the competitive  
17 bidding process for the SSO customers;  
18 2) Costs associated with implementing competitive retail enhancements; and  
19 3) Any deferred balance that exceeds 10 percent of the base recovery rate  
20 associated with a number of the Company's proposed SSO service true-up  
21 riders and any remaining deferral balance or credit upon the expiration of  
22 several riders in June, 2016. See Testimony of Emily W. Rabb, page 8, line 3



1 to line 18 and page 12, line 15, as adopted by Dona R. Seger-Lawson (page  
2 19).

3 **Q. WHY HAS THE COMPANY MADE THE PROPOSED RR NON-BYPASSABLE?**

4 A. The Company states that a non-bypassable RR is necessary to "avoid the  
5 potential for having the remaining SSO customers pay for all of the costs that  
6 were incurred to provide service to the customers who have already switched."  
7 *Id.*, page 13, line 12 to line 14, as adopted by Dona R. Seger-Lawson.

8 **Q. AT WHAT INTERVAL WOULD THE RIDER BE TRUED-UP?**

9 A. The Company proposes to true-up the rider quarterly. *Id.*, page 12, line 10 to  
10 line 13, as adopted by Dona R. Seger-Lawson. This true-up schedule matches the  
11 true-up schedule for the riders for which the Company proposes to include  
12 deferral balances in the RR.

13 **Q. IS THERE A PORTION OF THE COMPANY'S PROPOSED RR THAT IS  
14 APPROPRIATE?**

15 A. Yes. To the extent the Commission approves and the Company implements  
16 projects that benefit competitive suppliers, it is appropriate to make recovery of  
17 those costs non-bypassable.

18 **Q. DO YOU HAVE CONCERNS WITH THE REMAINDER OF THE PROPOSED RR?**

19 A. Yes. Making the portion of the proposed RR that includes competitive bidding  
20 and true-up costs non-bypassable inappropriately shifts risks that DP&L, as a

1 generation service provider, faces in a competitive environment, to customers  
2 who have chosen to take service from a competitor. Allowing the non-  
3 bypassable recovery of true-up deferral balances through the rider also  
4 potentially protects DP&L from a misalignment of the Company's rate-setting,  
5 collection, and generation contracting practices that may not be related to  
6 customer switching. Finally, as I stated earlier in my testimony, it is not  
7 appropriate to charge customers taking competitive generation supply for  
8 generation-related costs incurred for serving the Company's SSO customers, as it  
9 misaligns cost causation and cost responsibility principles and results in  
10 inequitable rates as those customers will pay a cost for which they will receive  
11 no benefit.

12 **Q. WHAT IS YOUR RECOMMENDATION TO THE COMMISSION ON THIS ISSUE?**

13 A. The Commission should reject the RR as proposed. To the extent the  
14 Commission approves and the Company implements projects that benefit  
15 competitive suppliers, the costs of those projects should be recovered on a  
16 separate new non-bypassable rider set up solely for that purpose. To the extent  
17 the Commission determines it is appropriate to make the rider non-bypassable  
18 and include competitive bidding costs and deferred SSO rider balances, it should  
19 condition the rider such that it is non-bypassable only for the first three billing  
20 months after a customer switches from SSO to competitive service, to reflect the

1 true-up interval of any rider or competitive bidding costs incurred while that  
2 customer took SSO service.

3  
4 ***Service Stability Rider and Switching Tracker***

5 **Q. WHAT IS YOUR UNDERSTANDING OF THE SSR?**

6 A. My understanding is that the SSR is proposed as a non-bypassable earnings  
7 stabilization mechanism that would insulate the Company from earnings losses  
8 due to customer switching.

9 **Q. WHAT IS THE COMPANY'S PROPOSED ANNUAL REVENUE REQUIREMENT FOR**  
10 **THE SSR?**

11 A. The Company proposes an annual SSR revenue requirement of \$137.5 million.  
12 See Second Revised Application, Schedule 8.

13 **Q. WHAT IS YOUR UNDERSTANDING OF THE COMPANY'S PROPOSED SWITCHING**  
14 **TRACKER?**

15 A. My understanding of the proposed switching tracker is that it would be a  
16 deferral account in which the Company would track generation revenues lost  
17 due to customer switching. The tracker account would begin with the start of  
18 the ESP and cost recovery would be applicable, ostensibly through the SSR, after  
19 January 1, 2014 until June 1, 2016. See Second Revised Testimony of Craig L.

1 Jackson, page 11, line 10 to line 14 and page 12, line 7 to line 8 and Second  
2 Revised Application, ESP Rate Blending Plan, page 22.

3 **Q. WHAT IS YOUR UNDERSTANDING OF HOW THE TRACKER ACCOUNTING WOULD**  
4 **WORK?**

5 A. My understanding is that the Company would calculate the incremental  
6 switching percentage for all customer classes relative to the switching  
7 percentage for all customer classes as of August 30, 2012. The incremental  
8 percentage would be multiplied by the distribution load and the resulting MWh  
9 would be multiplied by the difference in the Blended SSO rate and the  
10 competitive bidding rate. *Id.*, page 11, line 16 to line 21.

11 **Q. DOES THE COMPANY PROPOSE TO CHARGE THE SWITCHING TRACKER TO ALL**  
12 **CUSTOMERS, WHETHER OR NOT THEY TAKE SERVICE FROM A COMPETITIVE**  
13 **SUPPLIER?**

14 A. Yes. The Company proposes to charge all customers until the deferral balance  
15 plus carrying costs is zero. *Id.*

16 **Q. HAS THE COMPANY PROVIDED AN ILLUSTRATION OF THE INCREMENTAL**  
17 **REVENUE REQUIREMENT IMPACTS OF THE SWITCHING TRACKER?**

18 A. Yes. Assuming a constant switching level of 70 percent, the Company has  
19 illustrated additional revenue requirement impacts of \$32.8 million in 2013,

1           \$23.3 million in 2014, \$8.4 million in 2015, and \$1.2 million in 2016. See Exhibit  
2           CLJ-5, page 2.

3           **Q.     DOES THE COMPANY CURRENT HAVE A SIMILAR EARNINGS STABILIZATION**  
4           **MECHANISM IN RATES?**

5           A.     Yes. The Company currently employs the Rate Stabilization Charge, which has an  
6           annual revenue requirement of \$72.5 million. *Id.*, Schedule 1B.

7           **Q.     WOULD APPROVAL OF BOTH THE SSR AND SWITCHING TRACKER**  
8           **SIGNIFICANTLY IMPACT CUSTOMERS?**

9           A.     Yes. Before adding the impacts of the switching tracker, the proposed SSR would  
10          constitute an increase in earnings stabilization revenue requirement of almost 90  
11          percent. Using the first year illustration of the switching tracker in addition to  
12          the proposed SSR revenue requirement would constitute an increase in earnings  
13          stabilization revenue requirement of almost 135 percent. See Table 1.

**Table 1. Calculation of SSR and Switching Tracker Revenue Requirement Impacts**

(1) (\$000)	Rate Stabilization Revenue Requirement	\$	72.5
(2) (\$000)	Service Stability Rider	\$	137.5
(3) (%)	(2) / (1) - 1 Increase		89.7%
(4) (\$000)	First Year Revenue Requirement, Switching Tracker Illustration	\$	32.8
(5) (\$000)	(2) + (4) Potential Revenue Requirement, Earnings Stabilization	\$	170.3
(6) (%)	(5) / (1) - 1 Increase		134.9%

Sources:

(1) Second Revised Application, Schedule 1B

(2) Second Revised Application, Schedule 8

(4) Exhibit CLJ-5, page 1

14

1       **Q.     THE BILLING IMPACTS INCLUDED IN SCHEDULE 10 OF THE SECOND REVISED**  
2       **APPLICATION LARGELY SHOW RATE DECREASES FOR CUSTOMERS. HOW DO**  
3       **THE SSR IMPACTS FIT IN TO THAT ANALYSIS?**

4       A.     The billing impacts presented in Schedule 10 are representative of the  
5       Company's proposed ESP as a whole, and the proposed reductions in SSO  
6       generation costs for SSO customers offset the impact of the SSR. However, for  
7       shopping customers, those SSO generation cost offsets do not occur and the  
8       primary cost impact from this docket is the increase in earnings stabilization  
9       revenue requirement. The Commission should consider this in their evaluation  
10      of the proposed SSR and switching tracker.

11      **Q.     TO YOUR KNOWLEDGE, ARE COMPETITIVE SUPPLIERS COMPENSATED FOR**  
12      **CUSTOMER LOSS DUE TO COMPETITION?**

13      A.     No. To my knowledge, mechanisms such as the proposed SSR and switching  
14      tracker are only available to the electric utility, and competitive suppliers do not  
15      have the ability to charge customers who have left for lost revenues or earnings.

16      **Q.     DO YOU HAVE CONCERNS WITH THE PROPOSED THE SSR AND SWITCHING**  
17      **TRACKER?**

18      A.     Yes, I have several concerns with both the SSR and the switching tracker in  
19      addition to being concerned about the incremental cost over the current Rate  
20      Stabilization Charge. First, the SSR and switching tracker would inappropriately

1 charge all competitively supplied customers for SSO-related generation costs and  
2 "lost opportunity" and inappropriately shifts risk that DP&L, as a generation  
3 service provider, faces in a competitive environment, to customers who have  
4 chosen to take service from a competitor. As I stated earlier in my testimony, it  
5 is not appropriate to charge customers taking competitive generation supply for  
6 generation-related costs incurred for serving the Company's SSO customers, as it  
7 misaligns cost causation and cost responsibility principles and results in  
8 inequitable rates as those customers will pay a cost for which they will receive  
9 no benefit.

10 **Q. DO YOU HAVE SPECIFIC CONCERNS WITH THE PROPOSED SWITCHING**  
11 **TRACKER?**

12 A. Yes. First, the switching tracker would inappropriately charge customers who  
13 taken continuous service from a competitive supplier since before August 30,  
14 2012, for SSO-related generation costs and lost generation revenue that could  
15 not have been incurred on their behalf or expected to be collected from them as  
16 SSO customers. Additionally, it is unclear if the Company intends to track the  
17 incremental lost revenues by customer class, such that any resulting cost  
18 recovery mechanism would introduce cross-subsidization between customer  
19 classes. There are significant differences in the shopping levels for residential  
20 and non-residential customers, and one class should not be charged for

1 generation costs related to SSO service to the other. See Second Revised  
2 Testimony of Aldyn W. Hoekstra, page 6, line 9 to line 11.

3 **Q. ARE YOU ALSO CONCERNED THAT THE SWITCHING TRACKER, IN CONCERT**  
4 **WITH THE PROPOSED RR, POTENTIALLY CONSTITUTES DOUBLE RECOVERY OF**  
5 **SOME INCURRED COSTS?**

6 A. Yes. As I discuss above, the SSO service riders are true-up quarterly and the RR  
7 as proposed would provide the Company the ability to collect any deferred  
8 balance that exceeds 10 percent of the base recovery rate associated with a  
9 number of the Company's proposed SSO service true-up riders. It would appear  
10 that the "lost generation revenues" tied to actual incurred costs in a given month  
11 due to customer switching would first show up as an under-recovery in a  
12 quarterly rider true-up (and possible be offset by increased sales from continuing  
13 SSO load or other changes in SSO cost structure) and, to the extent the deferred  
14 balance exceeds 10 percent, would show up in the proposed RR. As a result,  
15 those lost revenues would be recovered from SSO customers and, as proposed,  
16 potentially shopping customers as well.

17 As such, charging customers for lost revenues through the switching  
18 tracker, without taking into account cost recovery through SSO rider true-ups  
19 and the proposed RR, would constitute double recovery.



1                   Finally, the methodology proposed by the Company does not appear  
2                   to include offsets for off-system sales, even though DP&L states that they will  
3                   sell the freed-up electricity at current market prices, which could potentially  
4                   exceed the blended SSO rate and provide the Company more revenue than a lost  
5                   sale to the SSO customers. See Exhibit CLJ-5, page 1. Additionally, the Company  
6                   does not state what would happen were shopping levels to decrease from the  
7                   August 30, 2012 levels.

8                   **Q. DOES WALMART RECOGNIZE THAT THE COMMISSION HAS APPROVED**  
9                   **EARNINGS STABILIZATION MECHANISMS IN RECENT ELECTRIC UTILITY ESP**  
10                   **DOCKETS?**

11                   A. Yes.

12                   **Q. WHAT ARE YOUR RECOMMENDATIONS TO THE COMMISSION ON THIS ISSUE?**

13                   A. Based on the competitive implications, as competitive suppliers do not get  
14                   earnings support, the cost to customers, and the charging of SSO related costs to  
15                   shopping customers, Walmart opposes the SSR and switching tracker. For the  
16                   purposes of this docket, my specific recommendations to the Commission are:  
17                   1) The Commission should reject the Company's proposed switching tracker.  
18                   2) If the Commission approves the SSR, it should limit the revenue requirement  
19                   to no more than \$72.5 million, the revenue requirement of the current Rate  
20                   Stabilization Charge.

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***Transmission Cost Recovery***

**Q. WHAT IS YOUR UNDERSTANDING OF THE COMPANY'S PROPOSED TCRR-N?**

A. My understanding is that the Company proposes to separate their current transmission cost recovery rider into a bypassable portion ("TCRR-B") to collect market-based transmission costs and a non-bypassable portion, the TCRR-N, to collect non-market based transmission costs. See Testimony of Claire E. Hale, page 3, line 14 to line 22. My understanding is that, in the ESP era, DP&L has not supplied transmission service to shopping customers and that this proposal would move the supply of transmission service from the competitive suppliers to DP&L.

**Q. DOES DP&L'S PROPOSAL REQUIRE A WAIVER OF A PORTION OF THE OHIO ADMINISTRATIVE CODE?**

A. While I am not a lawyer, it is my understanding that DP&L's proposal requires a waiver of OAC § 4901:1-36-04(B) because DP&L is prohibited from charging a transmission cost recovery rider to competitively supplied customers. See Second Revised Testimony of Dona R. Seger-Lawson, page 5, line 17 to line 21. OAC § 4901:1-36-04(B) states:

"The transmission cost recovery rider shall be avoidable by all customers who choose alternative generation suppliers and the electric utility no longer bears the responsibility of providing generation and transmission service to the customers."

1       **Q.     DO YOU HAVE A CONCERN WITH DP&L'S PROPOSED TCRR-N?**

2       A.     Yes. My concern with the DP&L's proposal is that the change in treatment of  
3       transmission service and related charges will double charge competitively  
4       supplied customers for transmission service.

5       **Q.     PLEASE EXPLAIN.**

6       A.     At present, the alternative generation suppliers are tasked with providing  
7       transmission service to shopping customers, so shopping customers are charged  
8       for transmission service as part of their contracts with their suppliers. Unless the  
9       contracts of every shopping customer expire when the proposed TCRR-N is made  
10      effective, there will be shopping customers who are paying for transmission  
11      service in their supply contracts and paying for the same transmission service  
12      from DP&L. This is an inappropriate and inequitable result. Additionally,  
13      pending any evidence presented in this docket that the provision of transmission  
14      service by alternative generation suppliers is problematic, DP&L's proposal  
15      appears to be unnecessary.

16      **Q.     WHAT IS YOUR RECOMMENDATION TO THE COMMISSION?**

17      A.     The Commission should reject DP&L's request to waive OAC § 4901:1-36-04(B)  
18      and also reject the Company's proposed TCRR-N.

19      **Q.     DOES THIS CONCLUDE YOUR DIRECT TESTIMONY?**

20      A.     Yes.

# Steve W. Chriss

Senior Manager, Energy Regulatory Analysis  
Wal-Mart Stores, Inc.

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## EXPERIENCE

July 2007 – Present

Wal-Mart Stores, Inc., Bentonville, AR

Senior Manager, Energy Regulatory Analysis (June 2011 – Present)

Manager, State Rate Proceedings (July 2007 – June 2011)

June 2003 – July 2007

Public Utility Commission of Oregon, Salem, OR

Senior Utility Analyst (February 2006 – July 2007)

Economist (June 2003 – February 2006)

January 2003 - May 2003

North Harris College, Houston, TX

Adjunct Instructor, Microeconomics

June 2001 - March 2003

Econ One Research, Inc., Houston, TX

Senior Analyst (October 2002 – March 2003)

Analyst (June 2001 – October 2002)

## EDUCATION

2001 Louisiana State University

M.S., Agricultural Economics

1997-1998 University of Florida

Graduate Coursework, Agricultural Education  
and Communication

1997 Texas A&M University

B.S., Agricultural Development

B.S., Horticulture

## TESTIMONY BEFORE REGULATORY COMMISSIONS

2013

Minnesota Public Utilities Commission Docket E-002/GR-12-961: In the Matter of the Application of Northern States Power Company for Authority to Increase Rates for Electric Service in Minnesota.

North Carolina Utilities Commission Docket E-2, Sub 1023: In the Matter of Application of Progress Energy Carolinas, Inc. For Adjustment of Rates and Charges Applicable to Electric Service in North Carolina.

2012

Public Utility Commission of Texas Docket No. 40443: Application of Southwestern Electric Power Company for Authority to Change Rates and Reconcile Fuel Costs.



Wal-Mart Stores East, LP and Sam's East, Inc.  
Exhibit SWC-1  
Ohio Docket Nos. 12-426-EL-SSO/12-0427-EL-ATA/  
12-0672-EL-RDR/12-0428-EL-AAM/12-0429-EL-WVR

South Carolina Public Service Commission Docket No. 2012-218-E: Application of South Carolina Electric & Gas Company for Increases and Adjustments in Electric Rate Schedules and Tariffs and Request for Mid-Period Reduction in Base Rates for Fuel.

Kansas Corporation Commission Docket No. 12-KCPE-764-RTS: In the Matter of the Application of Kansas City Power & Light Company to Make Certain Changes in its Charges for Electric Service.

Kansas Corporation Commission Docket No. 12-GIMX-337-GIV: In the Matter of a General Investigation of Energy-Efficiency Policies for Utility Sponsored Energy Efficiency Programs.

Florida Public Service Commission Docket No. 120015-EI: In Re: Petition for Rate Increase by Florida Power & Light Company.

California Public Utilities Commission Docket No. A.11-10-002: Application of San Diego Gas & Electric Company (U 902 E) for Authority to Update Marginal Costs, Cost Allocation, and Electric Rate Design.

Utah Public Service Commission Docket No. 11-035-200: In the Matter of the Application of Rocky Mountain Power for Authority to Increase its Retail Electric Utility Service Rates in Utah and for Approval of its Proposed Electric Service Schedules and Electric Service Regulations.

Virginia State Corporation Commission Case No. PUE-2012-00051: Application of Appalachian Power Company to Revise its Fuel Factor Pursuant to § 56-249.6 of the Code of Virginia.

Public Utilities Commission of Ohio Case Nos. 11-346-EL-SSO, 11-348-EL-SSO, 11-349-EL-AAM, and 11-350-EL-AAM: In the Matter of the Application of Columbus Southern Power Company and Ohio Power Company for Authority to Establish a Standard Service Offer Pursuant to Section 4928.143, Revised Code, in the Form on an Electric Security Plan and In the Matter of the Application of Columbus Southern Power Company and Ohio Power Company for Approval of Certain Accounting Authority.

New Jersey Board of Public Utilities Docket No. ER11080469: In the Matter of the Petition of Atlantic City Electric for Approval of Amendments to Its Tariff to Provide for an Increase in Rates and Charges for Electric Service Pursuant to N.J.S.A. 48:2-21 and N.J.S.A. 48:2-21.1 and For Other Appropriate Relief.

Public Utility Commission of Texas Docket No. 39896: Application of Entergy Texas, Inc. for Authority to Change Rates and Reconcile Fuel Costs.

Missouri Public Service Commission Case No. EO-2012-0009: In the Matter of KCP&L Greater Missouri Operations Notice of Intent to File an Application for Authority to Establish a Demand-Side Programs Investment Mechanism.

Colorado Public Utilities Commission Docket No. 11AL-947E: In the Matter of Advice Letter No. 1597-Electric Filed by Public Service Company of Colorado to Revise its Colorado PUC No. 7-Electric Tariff to Implement a General Rate Schedule Adjustment and Other Changes Effective December 23, 2011.

Illinois Commerce Commission Docket No. 11-0721: Commonwealth Edison Company Tariffs and Charges Submitted Pursuant to Section 16-108.5 of the Public Utilities Act.

Public Utility Commission of Texas Docket No. 38951: Application of Entergy Texas, Inc. for Approval of Competitive Generation Service tariff (Issues Severed from Docket No. 37744).

California Public Utilities Commission Docket No. A.11-06-007: Southern California Edison's General Rate Case, Phase 2.

*2011*

Arizona Corporation Commission Docket No. E-01345A-11-0224: In the Matter of Arizona Public Service Company for a Hearing to Determine the Fair Value of Utility Property of the Company for Ratemaking Purposes, to Fix and Just and Reasonable Rate of Return Thereon, to Approve Rate Schedules Designed to Develop Such Return.

Oklahoma Corporation Commission Cause No. PUD 201100087: In the Matter of the Application of Oklahoma Gas and Electric Company for an Order of the Commission Authorizing Applicant to Modify its Rates, Charges, and Tariffs for Retail Electric Service in Oklahoma.

South Carolina Public Service Commission Docket No. 2011-271-E: Application of Duke Energy Carolinas, LLC for Authority to Adjust and Increase its Electric Rates and Charges.

Pennsylvania Public Utility Commission Docket No. P-2011-2256365: Petition of PPL Electric Utilities Corporation for Approval to Implement Reconciliation Rider for Default Supply Service.

North Carolina Utilities Commission Docket No. E-7, Sub 989: In the Matter of Application of Duke Energy Carolinas, LLC for Adjustment of Rates and Charges Applicable to Electric Service in North Carolina.

Florida Public Service Commission Docket No. 110138: In Re: Petition for Increase in Rates by Gulf Power Company.

Public Utilities Commission of Nevada Docket No. 11-06006: In the Matter of the Application of Nevada Power Company, filed pursuant to NRS 704.110(3) for authority to increase its annual revenue requirement for general rates charged to all classes of customers to recover the costs of constructing the Harry Allen Combined Cycle plant and other generating, transmission, and distribution plant additions, to reflect changes in the cost of capital, depreciation rates and cost of service, and for relief properly related thereto.

North Carolina Utilities Commission Docket Nos. E-2, Sub 998 and E-7, Sub 986: In the Matter of the Application of Duke Energy Corporation and Progress Energy, Inc., to Engage in a Business Combination Transaction and to Address Regulatory Conditions and Codes of Conduct.

Public Utilities Commission of Ohio Case Nos. 11-346-EL-SSO, 11-348-EL-SSO, 11-349-EL-AAM, and 11-350-EL-AAM: In the Matter of the Application of Columbus Southern Power Company and Ohio Power Company for Authority to Establish a Standard Service Offer Pursuant to Section 4928.143, Revised Code, in the Form on an Electric Security Plan and In the Matter of the Application of Columbus Southern Power Company and Ohio Power Company for Approval of Certain Accounting Authority.

Virginia State Corporation Commission Case No. PUE-2011-00037: In the Matter of Appalachian Power Company for a 2011 Biennial Review of the Rates, Terms, and Conditions for the Provision of Generation, Distribution, and Transmission Services Pursuant to § 56-585.1 A of the Code of Virginia.

Wal-Mart Stores East, LP and Sam's East, Inc.  
Exhibit SWC-1  
Ohio Docket Nos. 12-426-EL-SSO/12-0427-EL-ATA/  
12-0672-EL-RDR/12-0428-EL-AAM/12-0429-EL-WVR

Illinois Commerce Commission Docket No. 11-0279 and 11-0282 (cons.): Ameren Illinois Company Proposed General Increase in Electric Delivery Service and Ameren Illinois Company Proposed General Increase in Gas Delivery Service.

Virginia State Corporation Commission Case No. PUE-2011-00045: Application of Virginia Electric and Power Company to Revise its Fuel Factor Pursuant to § 56-249.6 of the Code of Virginia.

Utah Public Service Commission Docket No. 10-035-124: In the Matter of the Application of Rocky Mountain Power for Authority to Increase its Retail Electric Utility Service Rates in Utah and for Approval of its Proposed Electric Service Schedules and Electric Service Regulations.

Maryland Public Utilities Commission Case No. 9249: In the Matter of the Application of Delmarva Power & Light for an Increase in its Retail Rates for the Distribution of Electric Energy.

Minnesota Public Utilities Commission Docket No. E002/GR-10-971: In the Matter of the Application of Northern States Power Company d/b/a Xcel Energy for Authority to Increase Rates for Electric Service in Minnesota.

Michigan Public Service Commission Case No. U-16472: In the Matter of the Detroit Edison Company for Authority to Increase its Rates, Amend its Rate Schedules and Rules Governing the Distribution and Supply of Electric Energy, and for Miscellaneous Accounting Authority.

*2010*

Public Utilities Commission of Ohio Docket No. 10-2586-EL-SSO: In the Matter of the Application of Duke Energy Ohio for Approval of a Market Rate Offer to Conduct a Competitive Bidding Process for Standard Service Offer Electric Generation Supply, Accounting Modifications, and Tariffs for Generation Service.

Colorado Public Utilities Commission Docket No. 10A-554EG: In the Matter of the Application of Public Service Company of Colorado for Approval of a Number of Strategic Issues Relating to its DSM Plan, Including Long-Term Electric Energy Savings Goals, and Incentives.

Public Service Commission of West Virginia Case No. 10-0699-E-42T: Appalachian Power Company and Wheeling Power Company Rule 42T Application to Increase Electric Rates.

Oklahoma Corporation Commission Cause No. PUD 201000050: Application of Public Service Company of Oklahoma, an Oklahoma Corporation, for an Adjustment in its Rates and Charges and Terms and Conditions of Service for Electric Service in the State of Oklahoma.

Georgia Public Service Commission Docket No. 31958-U: In Re: Georgia Power Company's 2010 Rate Case.

Washington Utilities and Transportation Commission Docket No. 100749: 2010 Pacific Power & Light Company General Rate Case.

Colorado Public Utilities Commission Docket No. 10M-254E: In the Matter of Commission Consideration of Black Hills Energy's Plan in Compliance with House Bill 10-1365, "Clean Air-Clean Jobs Act."

Colorado Public Utilities Commission Docket No. 10M-245E: In the Matter of Commission Consideration of Public Service Company of Colorado Plan in Compliance with House Bill 10-1365, "Clean Air-Clean Jobs Act."

Public Service Commission of Utah Docket No. 09-035-15 *Phase II*: In the Matter of the Application of Rocky Mountain Power for Approval of its Proposed Energy Cost Adjustment Mechanism.

Public Utility Commission of Oregon Docket No. UE 217: In the Matter of PACIFICORP, dba PACIFIC POWER Request for a General Rate Revision.

Mississippi Public Service Commission Docket No. 2010-AD-57: In Re: Proposal of the Mississippi Public Service Commission to Possibly Amend Certain Rules of Practice and Procedure.

Indiana Utility Regulatory Commission Cause No. 43374: Verified Petition of Duke Energy Indiana, Inc. Requesting the Indiana Utility Regulatory Commission to Approve an Alternative Regulatory Plan Pursuant to Ind. Code § 8-1-2.5-1, *ET SEQ.*, for the Offering of Energy Efficiency Conservation, Demand Response, and Demand-Side Management Programs and Associated Rate Treatment Including Incentives Pursuant to a Revised Standard Contract Rider No. 66 in Accordance with Ind. Code §§ 8-1-2.5-1 *ET SEQ.* and 8-1-2-42 (a); Authority to Defer Program Costs Associated with its Energy Efficiency Portfolio of Programs; Authority to Implement New and Enhanced Energy Efficiency Programs, Including the Powershare® Program in its Energy Efficiency Portfolio of Programs; and Approval of a Modification of the Fuel Adjustment Clause Earnings and Expense Tests.

Public Utility Commission of Texas Docket No. 37744: Application of Entergy Texas, Inc. for Authority to Change Rates and to Reconcile Fuel Costs.

South Carolina Public Service Commission Docket No. 2009-489-E: Application of South Carolina Electric & Gas Company for Adjustments and Increases in Electric Rate Schedules and Tariffs.

Kentucky Public Service Commission Case No. 2009-00459: In the Matter of General Adjustments in Electric Rates of Kentucky Power Company.

Virginia State Corporation Commission Case No. PUE-2009-00125: For acquisition of natural gas facilities Pursuant to § 56-265.4:5 B of the Virginia Code.

Arkansas Public Service Commission Docket No. 10-010-U: In the Matter of a Notice of Inquiry Into Energy Efficiency.

Connecticut Department of Public Utility Control Docket No. 09-12-05: Application of the Connecticut Light and Power Company to Amend its Rate Schedules.

Arkansas Public Service Commission Docket No. 09-084-U: In the Matter of the Application of Entergy Arkansas, Inc. For Approval of Changes in Rates for Retail Electric Service.

Missouri Public Service Commission Docket No. ER-2010-0036: In the Matter of Union Electric Company d/b/a AmerenUE for Authority to File Tariffs Increasing Rates for Electric Service Provided to Customers in the Company's Missouri Service Area.

Public Service Commission of Delaware Docket No. 09-414: In the Matter of the Application of Delmarva Power & Light Company for an Increase in Electric Base Rates and Miscellaneous Tariff Charges.



2009

Virginia State Corporation Commission Case No. PUE-2009-00030: In the Matter of Appalachian Power Company for a Statutory Review of the Rates, Terms, and Conditions for the Provision of Generation, Distribution, and Transmission Services Pursuant to § 56-585.1 A of the Code of Virginia.

Public Service Commission of Utah Docket No. 09-035-15 *Phase I*: In the Matter of the Application of Rocky Mountain Power for Approval of its Proposed Energy Cost Adjustment Mechanism.

Public Service Commission of Utah Docket No. 09-035-23: In the Matter of the Application of Rocky Mountain Power for Authority To Increase its Retail Electric Utility Service Rates in Utah and for Approval of Its Proposed Electric Service Schedules and Electric Service Regulations.

Colorado Public Utilities Commission Docket No. 09AL-299E: Re: The Tariff Sheets Filed by Public Service Company of Colorado with Advice Letter No. 1535 – Electric.

Arkansas Public Service Commission Docket No. 09-008-U: In the Matter of the Application of Southwestern Electric Power Company for Approval of a General Change in Rates and Tariffs.

Oklahoma Corporation Commission Docket No. PUD 200800398: In the Matter of the Application of Oklahoma Gas and Electric Company for an Order of the Commission Authorizing Applicant to Modify its Rates, Charges, and Tariffs for Retail Electric Service in Oklahoma.

Public Utilities Commission of Nevada Docket No. 08-12002: In the Matter of the Application by Nevada Power Company d/b/a NV Energy, filed pursuant to NRS §704.110(3) and NRS §704.110(4) for authority to increase its annual revenue requirement for general rates charged to all classes of customers, begin to recover the costs of acquiring the Bighorn Power Plant, constructing the Clark Peak, Environmental Retrofits and other generating, transmission and distribution plant additions, to reflect changes in cost of service and for relief properly related thereto.

New Mexico Public Regulation Commission Case No. 08-00024-UT: In the Matter of a Rulemaking to Revise NMPRC Rule 17.7.2 NMAC to Implement the Efficient Use of Energy Act.

Indiana Utility Regulatory Commission Cause No. 43580: Investigation by the Indiana Utility Regulatory Commission, of Smart Grid Investments and Smart Grid Information Issues Contained in 111(d) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. § 2621(d)), as Amended by the Energy Independence and Security Act of 2007.

Louisiana Public Service Commission Docket No. U-30192 *Phase II (February 2009)*: Ex Parte, Application of Entergy Louisiana, LLC for Approval to Repower Little Gypsy Unit 3 Electric Generating Facility and for Authority to Commence Construction and for Certain Cost Protection and Cost Recovery.

South Carolina Public Service Commission Docket No. 2008-251-E: In the Matter of Progress Energy Carolinas, Inc.'s Application For the Establishment of Procedures to Encourage Investment in Energy Efficient Technologies; Energy Conservation Programs; And Incentives and Cost Recovery for Such Programs.

2008

Colorado Public Utilities Commission Docket No. 08A-366EG: In the Matter of the Application of Public Service Company of Colorado for approval of its electric and natural gas demand-side management (DSM)

plan for calendar years 2009 and 2010 and to change its electric and gas DSM cost adjustment rates effective January 1, 2009, and for related waivers and authorizations.

Public Service Commission of Utah Docket No. 07-035-93: In the Matter of the Application of Rocky Mountain Power for Authority to Increase its Retail Electric Utility Service Rates in Utah and for Approval of its Proposed Electric Service Schedules and Electric Service Regulations, Consisting of a General Rate Increase of Approximately \$161.2 Million Per Year, and for Approval of a New Large Load Surcharge.

Indiana Utility Regulatory Commission Cause No. 43374: Petition of Duke Energy Indiana, Inc. Requesting the Indiana Utility Regulatory Commission Approve an Alternative Regulatory Plan for the Offering of Energy Efficiency, Conservation, Demand Response, and Demand-Side Management.

Public Utilities Commission of Nevada Docket No. 07-12001: In the Matter of the Application of Sierra Pacific Power Company for authority to increase its general rates charged to all classes of electric customers to reflect an increase in annual revenue requirement and for relief properly related thereto.

Louisiana Public Service Commission Docket No. U-30192 *Phase II*: Ex Parte, Application of Entergy Louisiana, LLC for Approval to Repower Little Gypsy Unit 3 Electric Generating Facility and for Authority to Commence Construction and for Certain Cost Protection and Cost Recovery.

Colorado Public Utilities Commission Docket No. 07A-420E: In the Matter of the Application of Public Service Company of Colorado For Authority to Implement and Enhanced Demand Side Management Cost Adjustment Mechanism to Include Current Cost Recovery and Incentives.

#### 2007

Louisiana Public Service Commission Docket No. U-30192: Ex Parte, Application of Entergy Louisiana, LLC for Approval to Repower Little Gypsy Unit 3 Electric Generating Facility and for Authority to Commence Construction and for Certain Cost Protection and Cost Recovery.

Public Utility Commission of Oregon Docket No. UG 173: In the Matter of PUBLIC UTILITY COMMISSION OF OREGON Staff Request to Open an Investigation into the Earnings of Cascade Natural Gas.

#### 2006

Public Utility Commission of Oregon Docket No. UE 180/UE 181/UE 184: In the Matter of PORTLAND GENERAL ELECTRIC COMPANY Request for a General Rate Revision.

Public Utility Commission of Oregon Docket No. UE 179: In the Matter of PACIFICORP, dba PACIFIC POWER AND LIGHT COMPANY Request for a general rate increase in the company's Oregon annual revenues.

Public Utility Commission of Oregon Docket No. UM 1129 *Phase II*: Investigation Related to Electric Utility Purchases From Qualifying Facilities.

#### 2005

Public Utility Commission of Oregon Docket No. UM 1129 *Phase I Compliance*: Investigation Related to Electric Utility Purchases From Qualifying Facilities.

Public Utility Commission of Oregon Docket No. UX 29: In the Matter of QWEST CORPORATION Petition to Exempt from Regulation Qwest's Switched Business Services.

2004

Public Utility Commission of Oregon Docket No. UM 1129 *Phase I: Investigation Related to Electric Utility Purchases From Qualifying Facilities.*

#### **TESTIMONY BEFORE LEGISLATIVE BODIES**

2012

Regarding Missouri House Bill 1488: Testimony Before the Missouri House Committee on Utilities, February 7, 2011.

2011

Regarding Missouri Senate Bills 50, 321, 359, and 406: Testimony Before the Missouri Senate Veterans' Affairs, Emerging Issues, Pensions, and Urban Affairs Committee, March 9, 2011.

#### **AFFADAVITS**

2011

Colorado Public Utilities Commission Docket No. 11M-951E: In the Matter of the Petition of Public Service Company of Colorado Pursuant to C.R.S. § 40-6-111(1)(d) for Interim Rate Relief Effective on or before January 21, 2012.

#### **ENERGY INDUSTRY PUBLICATIONS AND PRESENTATIONS**

Panelist, Customer Panel, Virginia State Bar 29<sup>th</sup> National Regulatory Conference, Williamsburg, Virginia, May 19, 2011.

Chriss, S. (2006). "Regulatory Incentives and Natural Gas Purchasing – Lessons from the Oregon Natural Gas Procurement Study." Presented at the 19<sup>th</sup> Annual Western Conference, Center for Research in Regulated Industries Advanced Workshop in Regulation and Competition, Monterey, California, June 29, 2006.

Chriss, S. (2005). "Public Utility Commission of Oregon Natural Gas Procurement Study." Public Utility Commission of Oregon, Salem, OR. Report published in June, 2005. Presented to the Public Utility Commission of Oregon at a special public meeting on August 1, 2005.

Chriss, S. and M. Radler (2003). "Report from Houston: Conference on Energy Deregulation and Restructuring." USAEE Dialogue, Vol. 11, No. 1, March, 2003.

Chriss, S., M. Dwyer, and B. Pulliam (2002). "Impacts of Lifting the Ban on ANS Exports on West Coast Crude Oil Prices: A Reconsideration of the Evidence." Presented at the 22nd USAEE/IAEE North American Conference, Vancouver, BC, Canada, October 6-8, 2002.

Contributed to chapter on power marketing: "Power System Operations and Electricity Markets," Fred I. Denny and David E. Dismukes, authors. Published by CRC Press, June 2002.

Contributed to "Moving to the Front Lines: The Economic Impact of the Independent Power Plant Development in Louisiana," David E. Dismukes, author. Published by the Louisiana State University Center for Energy Studies, October 2001.

Dismukes, D.E., D.V. Mesyanzhinov, E.A. Downer, S. Chriss, and J.M. Burke (2001). "Alaska Natural Gas In-State Demand Study." Anchorage: Alaska Department of Natural Resources.

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Motion to Intervene of Wal-Mart Stores has been served by U.S. Mail, postage prepaid, upon Dayton Power and Light Company of Ohio and each person designated on the official service list in this proceeding on the 5<sup>th</sup> day of March, 2013:

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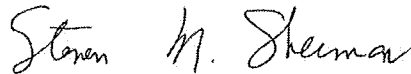
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**This foregoing document was electronically filed with the Public Utilities**

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**in**

**Case No(s). 12-0426-EL-SSO, 12-0427-EL-ATA, 12-0428-EL-AAM, 12-0672-EL-RDR, 12-0429-EL-WVR**

Summary: Testimony Testimony of Steve W. Chriss electronically filed by Mr. Steven M. Sherman on behalf of Wal-Mart Stores East, LP and Sam's East, Inc.