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Via E-FILE

June 22, 2016

Public Utilities Commission of Ohio
PUCO Docketing
180 E. Broad Street, 10th Floor
Columbus, Ohio 43215

In re: Case No. 14-1297-EL-SSO

Dear Sir/Madam:

Please find attached a PUBLIC VERSION of the REHEARING TESTIMONY OF STEPHEN J. BARON on behalf of the OHIO ENERGY GROUP (OEG) e-filed today in the above-referenced matter. The original and three (3) copies of the CONFIDENTIAL pages for filing under seal will follow by overnight mail.

Copies have been served on all parties on the attached certificate of service. Please place this document of file.

Respectfully yours,



Michael L. Kurtz, Esq.

Kurt J. Boehm, Esq.

Jody Kyler Cohn, Esq.

BOEHM, KURTZ & LOWRY

MLKkew

Encl.

Cc: Certificate of Service

**BEFORE THE
PUBLIC UTILITIES COMMISSION OF OHIO**

In The Matter Of The Application Of The :
Ohio Edison Company, The Cleveland :
Electric Illuminating Company, and The : **Case No. 14-1297-EL-SSO**
Toledo Edison Company For Authority To :
Establish A Standard Service Offer :
Pursuant To R.C. § 4928.143 In The Form :
Of An Electric Security Plan. :

REHEARING TESTIMONY

OF

STEPHEN J. BARON

ON BEHALF OF

THE OHIO ENERGY GROUP

**J. KENNEDY AND ASSOCIATES, INC.
ROSWELL, GEORGIA**

June 22, 2016

I. QUALIFICATIONS AND SUMMARY

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Q. Please state your name and business address.

A. My name is Stephen J. Baron. My business address is J. Kennedy and Associates, Inc. ("Kennedy and Associates"), 570 Colonial Park Drive, Suite 305, Roswell, Georgia 30075. I have previously testified in this case.

Q. What is the purpose of your rehearing testimony?

A. I explain why I continue to conceptually support FirstEnergy's Rider RRS proposal, as modified by the Companies' May 2, 2016 filing.

Q. Please provide your understanding of FirstEnergy's proposed modifications to the calculation of Rider RRS.

A. The modified calculation for Rider RRS proposed by FirstEnergy is similar to the Companies' prior Rider RRS calculation, except for the following changes: 1) actual costs will be replaced with costs that are known and already evidence of record and relied upon by the Commission in this case; 2) actual generation output will be replaced with a known measure of generation output that is already evidence of record and relied upon by the Commission in this case; and 3) actual capacity (MWs) cleared in the PJM capacity market will be replaced with the capacity (MWs) projected to clear, which is already evidence of record and relied upon by the Commission in this case.

1 **Q. Why do you conceptually support FirstEnergy’s modified Rider RRS**
2 **proposal?**

3 A. First I believe that it is reasonable for Ohio to maintain some control over generation
4 pricing. Ohio is home to many energy-intensive industrial customers, many of
5 which are located in FirstEnergy’s territory. Unlike PJM, the Commission has an
6 interest in protecting and facilitating economic development in Ohio. Hence,
7 maintaining state control over some aspects of generation pricing provides needed
8 flexibility for the Commission to facilitate Ohio’s effectiveness in the global
9 economy consistent with state policy.

10
11 Second, while I have not analyzed the substantive economic analyses associated
12 with the modified Rider RRS, I support the conceptual underpinning behind
13 establishing a cost-based stability mechanism for the Companies’ customers in
14 Northern Ohio. If approved, the modified Rider RRS would diversify FirstEnergy’s
15 generation pricing, resulting in part of that pricing being market-based (as
16 determined by short-run marginal costs across PJM) and part of that pricing being
17 cost-based (as measured by the projected cost data already relied on by the
18 Commission). Specifically, I calculate that FirstEnergy’s modified Rider RRS
19 proposal would result in generation pricing that is approximately 30% cost-based
20 and 70% market-based on a demand basis and that is approximately 40% cost-based
21 and 60% market-based on an energy basis. Cost-of-service pricing is common
22 throughout PJM. This includes investor-owned utilities in Michigan, Indiana,
23 Kentucky, Virginia and West Virginia., as well as in Ohio through the municipal and
24 cooperative utilities. Diversification, by not putting all of your eggs in either the

1 cost-of-service basket or the market basket, is a reasonable risk mitigation policy.
2 Also, diversifying FirstEnergy's generating pricing portfolio will provide rate
3 stability and predictability for individual customers. For business customers, stable
4 electric pricing facilitates long-term capital investment decisions, expansion
5 decisions and new siting decisions in addition to decisions to maintain or continue
6 operations in Northern Ohio. Further, the Commission found that the projected costs
7 proposed to be included in the modified Rider RRS would result in a net benefit of
8 \$256 million to customers over the Rider's eight-year term.

9
10 Third, the modified Rider RRS would not harm retail shopping since the Rider
11 would not prevent nor impose a *physical* limit on retail shopping in Ohio.
12 Establishing the modified Rider RRS would not affect the amount of power that
13 retail customers must buy from competitive retail electric service providers nor
14 would it affect FirstEnergy's standard service offer auctions. The proposed Rider
15 RRS is only a *financial* limitation on shopping intended to stabilize and provide a
16 measure of certainty regarding retail electric service. Given that FirstEnergy's
17 proposal would not harm customer shopping in Ohio, the proposal is not anti-
18 competitive. Nor would the proposal result in customers paying an unlawful
19 subsidy. Any charges or credits that customers pay or receive under modified Rider
20 RRS would be for a product that those customers actually received – rate stability.

21
22 **Q. How does this proposal compare to FirstEnergy's previous Rider RRS**
23 **proposal?**

1 A. The modified Rider RRS appears to have less risk to consumers, which is an
2 improvement over the prior version. Because the costs proposed to be collected
3 under the modified Rider RRS would be known for the entire eight-year term of the
4 Rider and no longer tied to specific generating units, customers would not be subject
5 to uncertainty and risk associated with cost overruns, environmental compliance
6 costs, generating unit outages, or capacity not clearing the market.

7

8 **Q. Why else do you recommend approval of the modified Rider RRS proposal?**

9 A. Approval of the modified Rider RRS proposal would preserve the many benefits to
10 customers contained in FirstEnergy's current ESP, including:

- 11 • FirstEnergy's commitment to provide a total of \$3 million per year in
12 shareholder money during the term of the ESP for economic and job
13 retention funding;
- 14 • FirstEnergy's commitment to expand its current EE/PDR offerings;
- 15 • Establishment of a carbon emissions reduction goal under which
16 FirstEnergy Corp. would reduce CO₂ emissions by at least 90% below
17 2005 levels by 2045;
- 18 • FirstEnergy's agreement to procure at least 100 MW of new Ohio wind or
19 solar resources to diversify the State's generation portfolio;
- 20 • FirstEnergy's pledge of money to support EE/PDR efforts of a variety of
21 customers and low-income fuel funding;
- 22 • A commitment to explore grid modernization initiatives;
- 23 • FirstEnergy's consent to evaluate investing in battery resources;
- 24 • FirstEnergy's commitment to engage in federal advocacy;
- 25 • Extension of FirstEnergy's Economic Load Response interruptible load
26 program;
- 27 • Continuation of the previously-established automaker credit (at a reduced
28 level) to encourage increased production or expansion at automaker
29 facilities in FirstEnergy's service territory;

- 1 • Adoption of a transmission pilot mechanism that would allocate costs
2 under the Non-Market-Based Services Rider consistent with principles of
3 cost causation; and
- 4 • FirstEnergy Corp.'s commitment to maintain its corporate headquarters
5 and a nexus in operations in Akron, Ohio during the term of Rider RRS.

6

7 **Q. How would the modified Rider RRS provide rate stability to customers?**

8 A. For approximately 40% of each customer's total generation charges, Rider RRS
9 would provide stable pricing, based on the costs and generation output evidence
10 that was filed by the Companies' in this proceeding and relied on by the
11 Commission in its initial Order in this case. These costs, which are now known
12 for purposes of Rider RRS, are based on cost-of-service methodologies.

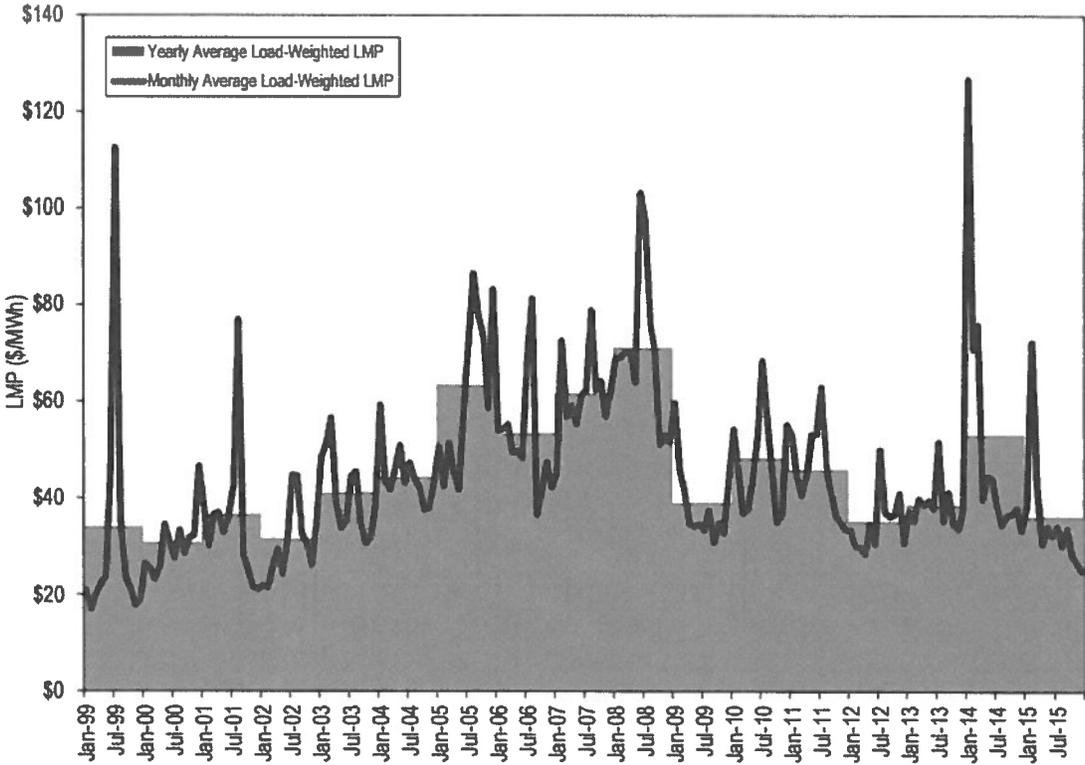
13

14 Market-based energy costs in the PJM market are determined by the day-ahead
15 and real-time locational marginal costs based on offers from market participants.
16 These market energy prices can be extremely volatile from hour to hour, as the
17 2014 Polar Vortex event demonstrated. Figure 1 below, taken from Monitoring
18 Analytics 2015 State of the Market Report¹, shows the volatility of the PJM
19 energy market since January 1999.

¹ 2015 State of the Market, Section 3, Figure 3-35, page 129. I have also generally confirmed the accuracy of this graph by reviewing price information from the SNL database.

1

Figure 1



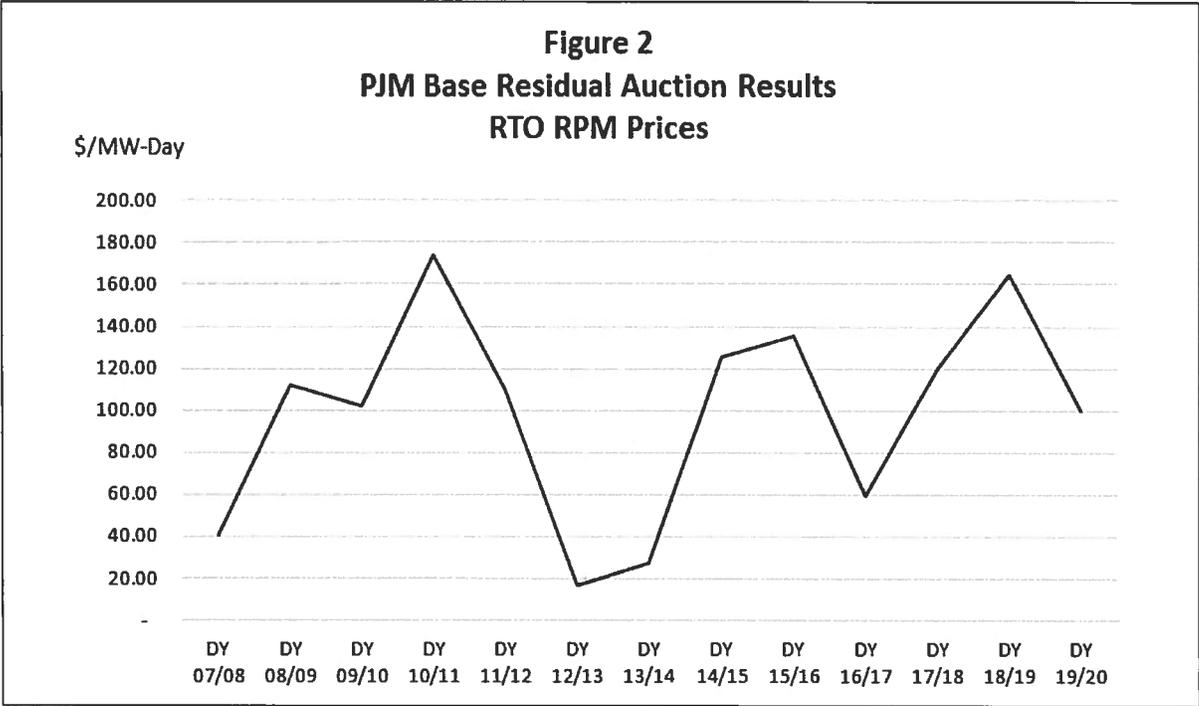
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PJM's capacity market is no less volatile. Figure 2 shows the PJM capacity market's volatility since its inception in the 2007/2008 Delivery Year.²

4

² The RPM price shown in Figure 2 for the 2018/2019 and 2019/2020 Delivery Years is the price for Capacity Performance resources.



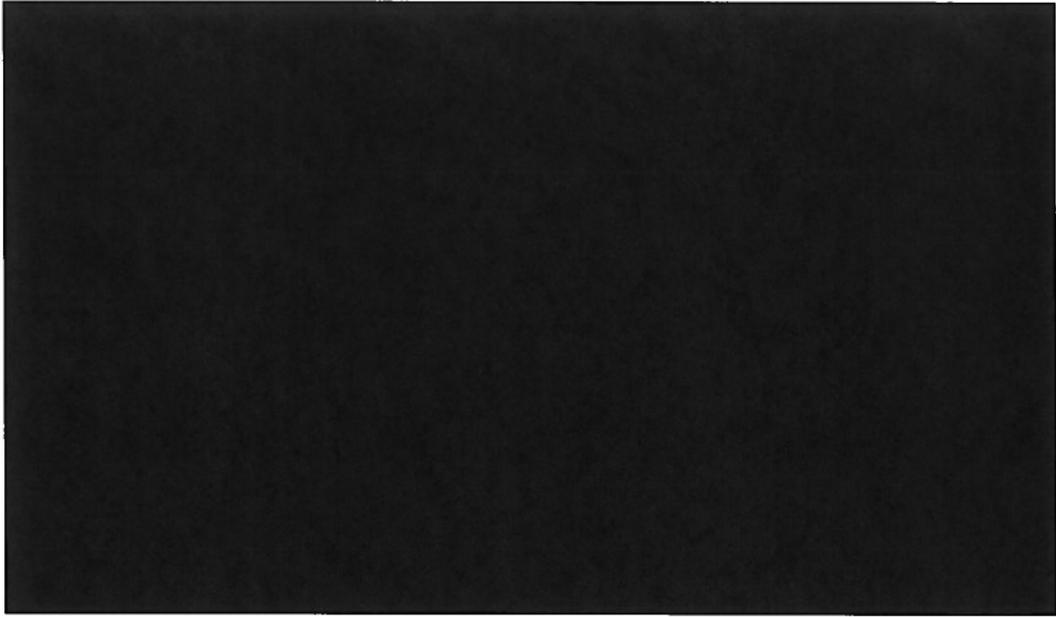
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Unlike the volatile market pricing experienced in the PJM energy and capacity markets, the cost-based rates that FirstEnergy proposes to guarantee through the modified Rider RRS are stable, as displayed in Figure 3.

3

4



5

1 As explained earlier, the financial end result of Rider RRS is that customers will have
2 generation rates comprised of approximately 40% at the guaranteed cost-based
3 pricing shown on Figure 3, and 60% at the federally regulated market rate. Figure 3
4 shows a cumulative 19.7% increase in pricing over the seven full years 2017-2023.³
5 The average annual increase is 3.0%. In contrast, as explained in Company Witness
6 Mikkelsen's October 19, 2015 Rebuttal Testimony, retail generation rates for
7 shopping customers increased by 32% over the first four months after the polar
8 vortex.

9
10 Allowing part of FirstEnergy's generating pricing to be set using these fixed cost-
11 based rates will therefore help smooth out rates that could otherwise fluctuate
12 significantly depending upon market conditions. While it is true that retail customers
13 may pay either higher or lower rates as a result of adopting modified Rider RRS (and
14 I have not done that economic analysis), rates would be more stable than rates based
15 purely upon PJM's administratively-determined and ever-changing market construct.
16

17 **Q. How do you respond to the Companies' proposal that charges or credits from**
18 **Rider RRS be excluded from the annual Significantly Excessive Earnings Test?**

19 A. That proposal is reasonable, provided that FirstEnergy is not permitted to recoup
20 from customers any costs associated with providing credits to customers through
21 the modified Rider RRS. In other words, both the credits and charges associated
22 with Rider RRS should be pro formed out of retail ratemaking.

³ The last five months of Rider RRS (January through May 2024) shows an \$█/MWh increase (█%), and I have not attempted to determine the cause of this apparent aberration.

1 **Q. Does that complete your testimony?**

2 **A. Yes**

CERTIFICATE OF SERVICE

In accordance with Rule 4901-1-05, Ohio Administrative Code, the PUCO's e-filing system will electronically serve notice of the filing of this document on the parties referenced on the service list of the docket card who have electronically subscribed to this case. In addition, the undersigned certifies that a courtesy copy of the foregoing document is also being served (via electronic mail) on the 22nd day of June, 2016 to the following:



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6/22/2016 4:50:16 PM

in

Case No(s). 14-1297-EL-SSO

Summary: Testimony Rehearing Testimony of Stephen J. Baron on behalf of the Ohio Energy Group (OEG) (PUBLIC VERSION) electronically filed by Mr. Michael L. Kurtz on behalf of Ohio Energy Group