

# THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE REVIEW OF THE  
POWER PURCHASE AGREEMENT RIDER  
OF OHIO POWER COMPANY FOR 2018.

CASE NO. 18-1004-EL-RDR

IN THE MATTER OF THE REVIEW OF THE  
POWER PURCHASE AGREEMENT RIDER  
OF OHIO POWER COMPANY FOR 2019.

CASE NO. 18-1759-EL-RDR

## ENTRY

Entered in the Journal on January 15, 2020

### I. SUMMARY

{¶ 1} The Commission directs Staff to issue a request for proposal for audit services to assist the Commission with the prudence and performance audit of the Power Purchase Agreement Rider of Ohio Power Company d/b/a AEP Ohio for the period of January 1, 2018, through December 31, 2019.

### II. DISCUSSION

{¶ 2} Ohio Power Company d/b/a AEP Ohio (AEP Ohio) is an electric distribution utility as defined in R.C. 4928.01(A)(6) and a public utility as defined in R.C. 4905.02, and, as such, is subject to the jurisdiction of this Commission.

{¶ 3} R.C. 4928.141 provides that an electric distribution utility shall provide consumers within its certified territory a standard service offer (SSO) of all competitive retail electric services necessary to maintain essential electric services to customers, including a firm supply of electric generation services. The SSO may be either a market rate offer in accordance with R.C. 4928.142 or an electric security plan (ESP) in accordance with R.C. 4928.143.

{¶ 4} In Case No. 13-2385-EL-SSO, et al., the Commission modified and approved AEP Ohio's application for an ESP for the period of June 1, 2015, through May 31, 2018, pursuant to R.C. 4928.143. *In re Ohio Power Co.*, Case No. 13-2385-EL-SSO, et al. (*ESP 3 Case*), Opinion and Order (Feb. 25, 2015), Second Entry on Rehearing (May 28, 2015), Fourth Entry

on Rehearing (Nov. 3, 2016), Seventh Entry on Rehearing (Apr. 5, 2017). Among other matters, the Commission authorized AEP Ohio to establish a placeholder Power Purchase Agreement (PPA) Rider and required AEP Ohio to justify any future request for cost recovery in a separate proceeding. *ESP 3 Case*, Opinion and Order (Feb. 25, 2015) at 20-22, 25-26.

{¶ 5} Subsequently, in Case No. 14-1693-EL-RDR, et al., the Commission modified and approved a stipulation and recommendation pertaining to AEP Ohio's proposal to populate the placeholder PPA Rider approved in the *ESP 3 Case*. *In re Ohio Power Co.*, Case No. 14-1693-EL-RDR, et al. (*PPA Rider Case*), Opinion and Order (Mar. 31, 2016), Second Entry on Rehearing (Nov. 3, 2016), Fifth Entry on Rehearing (Apr. 5, 2017). The Commission directed that the PPA Rider be subject to an annual audit. *PPA Rider Case*, Opinion and Order (Mar. 31, 2016) at 89-90.

{¶ 6} In Case No. 16-1852-EL-SSO, et al., the Commission modified and approved a stipulation and recommendation, which authorized AEP Ohio to implement an ESP for the period of June 1, 2018, through May 31, 2024, and provided for the continuation of the PPA Rider. *In re Ohio Power Co.*, Case No. 16-1852-EL-SSO, et al., Opinion and Order (Apr. 25, 2018) at ¶ 53.

{¶ 7} To assist the Commission with the audit of AEP Ohio's PPA Rider for the period of January 1, 2018, through December 31, 2019, the Commission directs Staff to issue the request for proposal (RFP) for audit services attached to this Entry.

{¶ 8} All proposals submitted pursuant to the RFP are due by February 28, 2020. In order to demonstrate the ability to perform the services required in the RFP, the proposal must show, in detail, the auditor's understanding of the project and the work required. Each proposal must address, with specificity, how the auditor will handle all of the issues in the RFP. The auditor must demonstrate that it will be able to perform the required services, showing its clear understanding of the tasks to be completed, the experience and

qualifications of the personnel who will perform the work, and the anticipated breakdown of costs and timing. The selection criteria to be used by the Commission to determine the selection of the auditor shall be the technical and management capabilities of each firm, as well as the overall cost of each bid.

{¶ 9} AEP Ohio shall directly contract with the auditor chosen by the Commission and bear the costs of the audit services solicited in the RFP.

{¶ 10} The Commission shall select and solely direct the work of the auditor. Staff will review and approve payment invoices submitted by the auditor.

{¶ 11} The auditor shall perform its audit and investigation as an independent contractor. Any conclusions, results, or recommendations formulated by the auditor may be examined by any participant to this proceeding. Further, it shall be understood that the Commission and/or Staff shall not be liable for any acts committed by the auditor or its agents in the preparation and presentation of the report.

{¶ 12} The auditor will execute its duties pursuant to the Commission's statutory authority to investigate and acquire records, contracts, reports, and other documentation under R.C. 4903.02, 4903.03, 4905.06, 4905.15, and 4905.16. The auditor is subject to the Commission's statutory duty under R.C. 4901.16, which provides:

Except in his report to the public utilities commission or when called on to testify in any court or proceeding of the public utilities commission, no employee or agent referred to in section 4905.13 of the Revised Code shall divulge any information acquired by him in respect to the transaction, property, or business of any public utility, while acting or claiming to act as such employee or agent. Whoever violates this section shall be disqualified from acting as agent, or acting in any

other capacity under the appointment or employment of the commission.

{¶ 13} Once disclosure is permitted by R.C. 4901.16, the following process applies to the release of any document or information marked as confidential. Three days' prior notice of intent to disclose shall be provided to the party claiming confidentiality. Three days after such notice, Staff or the auditor may disclose or otherwise make use of such documents or information for any lawful purpose, unless the Commission receives a request for a protective order pertaining to such documents or information within the three-day notice period. The three-day notice period will be computed according to Ohio Adm.Code 4901-1-07.

{¶ 14} Upon request of the auditor or Staff, AEP Ohio shall provide any and all documents or information requested. AEP Ohio may conspicuously mark such documents or information "confidential" if AEP Ohio believes the document should be deemed as such. In no event, however, shall AEP Ohio refuse or delay in providing such documents or information.

### **III. ORDER**

{¶ 15} It is, therefore,

{¶ 16} ORDERED, That Staff issue the RFP attached to this Entry and that February 28, 2020, be set as the due date for proposals in response to the RFP. It is, further,

{¶ 17} ORDERED, That, in accordance with Paragraph 8, AEP Ohio bear the cost of the audit services of the contractor chosen by the Commission. It is, further,

{¶ 18} ORDERED, That AEP Ohio and the contractor shall observe the requirements set forth herein. It is, further,

{¶ 19} ORDERED, That a copy of this Entry be served upon all parties of record.

COMMISSIONERS:

*Approving:*

Sam Randazzo, Chairman  
M. Beth Trombold  
Lawrence K. Friedeman  
Daniel R. Conway  
Dennis P. Deters

SJP/mef

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REQUEST FOR PROPOSAL NO. RA20-PPA-1

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AN INDEPENDENT AUDIT  
OF THE POWER PURCHASE AGREEMENT RIDER OF  
OHIO POWER COMPANY

Issued by:

THE  
PUBLIC UTILITIES COMMISSION OF OHIO  
180 East Broad Street  
Columbus, Ohio  
43215-3793

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PROPOSAL DUE: February 28, 2020

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## **I. INTRODUCTION**

Ohio's electric law, Senate Bill 221, requires electric utilities to provide consumers with a standard service offer, consisting of either a market rate offer or an electric security plan (ESP), under R.C. 4928.142 and 4928.143, respectively. In February 2015, the Public Utilities Commission of Ohio (PUCO or Commission) approved an ESP for Ohio Power Company d/b/a AEP Ohio (AEP Ohio or Company) for the term of June 1, 2015, through May 31, 2018 (Case No. 13-2385-EL-SSO, et al.). In its Opinion and Order, the Commission approved the establishment of a power purchase agreement (PPA) rider, set at an initial rate of zero.

On May 15, 2015, AEP Ohio filed an amended rider application (Case No. 14-1693-EL-RDR, et al.) that expanded the scope of the originally proposed PPA rider. In the amended application, AEP Ohio proposed to include in the placeholder PPA rider the net impacts of both the Company's Ohio Valley Electric Corporation (OVEC) contractual entitlement and an additional affiliate PPA. The affiliate PPA included AEP Generation Resources, Inc.'s shares in the Cardinal, Conesville, Stuart, and Zimmer electric generating facilities.

On December 14, 2015, AEP Ohio, PUCO Staff, and nine other parties reached a joint stipulation and recommendation (stipulation) resolving the PPA rider and many other issues in the PPA rider case.

On March 31, 2016, the Commission issued its Opinion and Order modifying and adopting the stipulation. In its Order, the Commission provided for rigorous oversight of the PPA rider, including a process for periodic substantive review and audit, and AEP Ohio committed in the stipulation to full information sharing with the PUCO.

In its Second Entry on Rehearing issued November 3, 2016, the Commission granted AEP Ohio's rehearing request to forego the affiliate PPA<sup>1</sup> and retain only the OVEC entitlement in its PPA rider. The Commission also granted AEP Ohio's request to modify its credit commitment such that \$15 million is available to credit customers during the final four years of the eight-year term of the PPA rider. The Commission ordered that all other provisions of the stipulation remain in effect, thus preserving the commitments agreed upon by AEP Ohio and the other signatory parties.

On November 23, 2016, AEP Ohio filed an amended application (Case No. 16-1852-EL-SSO, et al.) with the PUCO requesting that its current ESP be extended through May 31, 2024. The Commission issued its Opinion and Order on April 25, 2018, which generally authorized AEP Ohio to continue to include the OVEC entitlement in the PPA rider through May 31, 2024. On January 11, 2019, and August 8, 2019, the PUCO received the first PPA

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<sup>1</sup> AEP Ohio's request to forego the affiliate PPA followed the issuance of an Order Granting Complaint by the Federal Energy Regulatory Commission (FERC) on April 27, 2016, in FERC Docket No. EL16-33-000.



rider audit report performed under Entries issued in Case No. 18-1003-EL-RDR. The report for the audit requested through this Request for Proposal (RFP) will be filed through Case No. 18-1004-EL-RDR.

Effective October 22, 2019, Ohio's legislature approved HB6 which directly affects the OVEC units in part. The period for this audit precedes the effective date of HB6.

OVEC and its wholly owned subsidiary, Indiana-Kentucky Electric Corporation (IKEC), were organized on October 1, 1952. OVEC and IKEC were formed by investor-owned utilities furnishing electric service in the Ohio River Valley area and their parent holding companies for the purpose of providing the large electric power requirements projected for the uranium enrichment facilities then under construction near Portsmouth, Ohio by the Atomic Energy Commission (AEC), predecessor of the United States Department of Energy (DOE).

OVEC, AEC, and OVEC's owners or their utility company affiliates (Sponsoring Companies) entered into power agreements to ensure the availability of the AEC's substantial power requirements. On October 15, 1952, OVEC and AEC executed a 25-year agreement, which was later extended through December 31, 2005 (DOE Power Agreement). On September 29, 2000, the DOE gave OVEC notice of cancellation of the DOE Power Agreement. On April 30, 2003, the DOE Power Agreement terminated in accordance with the notice of cancellation.

OVEC and the Sponsoring Companies signed an Inter-Company Power Agreement (ICPA) on July 10, 1953, to support the DOE Power Agreement and provide for excess energy sales to the Sponsoring Companies of power not utilized by the DOE or its predecessors. Since the termination of the DOE Power Agreement on April 30, 2003, OVEC's entire generating capacity has been available to the Sponsoring Companies under the terms of the ICPA. The Sponsoring Companies and OVEC entered into an Amended and Restated ICPA, effective as of August 11, 2011, which extends its term to June 30, 2040.

OVEC's Kyger Creek Plant at Cheshire, Ohio, and IKEC's Clifty Creek Plant at Madison, Indiana, have nameplate generating capacities of 1,086,300 and 1,303,560 kilowatts, respectively. These two generating stations, both of which began operation in 1955, are connected by a network of 705 circuit miles of 345,000-volt transmission lines. These lines also interconnect with the major power transmission networks of several of the utilities serving the area.

AEP Ohio's share of the OVEC power participation benefits and requirements is 19.93 percent.<sup>2</sup> The mechanics of the PPA rider are as follows: AEP Ohio's OVEC contractual entitlement, including energy, capacity, and ancillaries, is sold into the PJM

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<sup>2</sup> OVEC history retrieved from <https://www.ovec.com/OVECHistory.pdf> on January 6, 2020.

Interconnection, LLC (PJM) market and, after deducting all associated costs from the revenues, the proceeds from the OVEC contractual entitlement, whether a credit or a debit, accrue to Ohio ratepayers.

## **II. PURPOSE**

### **A. PRUDENCY AND PERFORMANCE AUDIT**

In Case No. 14-1693-EL-RDR, et al., AEP Ohio filed its 1st Quarter 2018 PPA Rider Update on December 1, 2017, its 2nd Quarter 2018 PPA Rider Update on February 28, 2018, and its 3rd Quarter 2018 PPA Rider Update on June 1, 2018.<sup>3</sup> AEP Ohio filed its 4th Quarter 2018 PPA Rider Update on August 31, 2018, in Case No. 18-1004-EL-RDR. AEP Ohio filed its 1st Quarter 2019 PPA Rider Update on November 30, 2018, 2nd Quarter 2019 PPA Rider Update on March 1, 2019, 3rd Quarter 2019 PPA Rider Update on May 30, 2019, and 4th Quarter 2019 PPA Rider Update on August 29, 2019, in Case No. 18-1759-EL-RDR.

The Commission provided, in Case No. 14-1693-EL-RDR, et al., for an annual prudency audit to establish the prudency of all costs and sales flowing through the PPA rider and to demonstrate that the Company's actions were in the best interest of retail ratepayers. This RFP encompasses an independent audit of the PPA rider for the period spanning January 1, 2018, through December 31, 2019, as contemplated by, and in compliance with, the Commission's orders.

### **B. ROLE OF AUDITOR**

Any auditor that is chosen by the Commission to perform an audit expressly agrees to perform its audit as an independent contractor. Any conclusions, results, or recommendations formulated by the auditor may be examined by any participant to the proceeding for which the audit report was generated. Further, it shall be understood that the Commission and/or its Staff shall not be liable for any acts committed by the auditor or its agents in the preparation and presentation of the audit report.

### **C. PUCO STAFF SUPERVISION**

The PUCO Staff will oversee the project. Staff personnel shall be informed of all correspondence between the auditor and AEP Ohio and/or OVEC, and shall be given at least three working days' notice of all meetings and interviews with AEP Ohio and/or OVEC, so as to allow Staff the opportunity to attend.

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<sup>3</sup> AEP Ohio also filed its 3rd Quarter 2018 PPA Rider Update on June 6, 2018, in Case No. 18-1004-EL-RDR.

**D. COST OF AUDIT AND QUOTATION OF CHARGES**

The auditor shall include separate cost estimates in its proposal. Such cost estimates shall be viewed as maximum costs for purposes of evaluating and selecting an auditor. The proposed cost is to include all expenses associated with conducting the audit and presenting the findings and recommendations in the audit report. A detailed presentation of costs shall be provided, broken down by phase/task, in conformance with Section VI, paragraph J, of this RFP. The proposed costs shall be considered firm prices for performing the work described in the proposal.

**E. COST OF PREPARING AND PRESENTING EXPERT TESTIMONY**

For each audit, the actual costs associated with preparing and presenting expert testimony before the Commission during the applicable hearing will include time and materials not to exceed \$20,000 without Commission Staff approval. Expenses include the following:

- actual hours spent preparing for, and assisting Staff with, settlement negotiations
- actual time preparing testimony
- actual transportation expenses (i.e., airfare, etc.)
- actual living expenses (hotels, meals, local transportation)
- actual hours spent in travel
- actual hours spent presenting testimony

**III. SCOPE OF INVESTIGATION**

**A. GENERAL WORK REQUIREMENTS**

**1. DISPOSITION OF ENERGY AND CAPACITY**

- a. The auditor shall review the prudence of unit scheduling and bidding of energy into PJM administered wholesale markets, including day ahead and real time energy markets, and shall ensure that accounting procedures accurately and properly allocate revenues to ratepayers. The auditor is expected to possess a familiarity with all rules and regulations governing the rights and responsibilities of generating asset owners in PJM, including but not limited to PJM Manual 11.
- b. The auditor shall review the prudence of bidding behavior in PJM administered capacity markets, including the annual Base Residual Auction (BRA), and ensure that accounting procedures accurately and properly allocate revenues to ratepayers. The auditor is expected to

possess a familiarity with all rules and regulations governing the rights and responsibilities of capacity providers in PJM, including but not limited to PJM Manual 18.

- c. The auditor shall review the prudence of bidding behavior and/or participation in any other market that may provide revenue above and beyond that which is received in energy and capacity markets, including, but not limited to, PJM administered ancillary services markets.

## 2. FUEL AND VARIABLE COST EXPENSES

The auditor shall ensure that all of OVEC's fuel (i.e., coal) and variable operations and maintenance (O&M) related expenses were prudently incurred and properly allocated to AEP Ohio. The auditor's investigation shall include a comparison between incurred fuel costs and market prices to evaluate the reasonableness of fuel expenses during the audit period.

## 3. CAPITAL EXPENSES

The auditor shall ensure that any fixed costs incurred by OVEC are properly allocated to AEP Ohio, including depreciation, debt service, and plant maintenance expenses. The auditor is expected to ensure that only prudently incurred costs are included for recovery, and that any and all costs that have been deemed to be ineligible for recovery by the Commission have been appropriately excluded. This is in accordance with the Commission's March 31, 2016 Opinion and Order in Case No. 14-1693-EL-RDR, et al.

## 4. ENVIRONMENTAL COMPLIANCE

The auditor shall include in the investigation a review of AEP Ohio's share of OVEC's environmental compliance activities, as they relate to fuel and reagent procurement and utilization. This review should include considerations such as (1) compliance with existing environmental regulations, and (2) preparation for compliance with any proposed or newly enacted environmental regulations. The auditor shall analyze and address at least the following environmental compliance related issues:

- the impact that compliance activities had on OVEC's fuel procurement strategy, as well as the type and cost of fuel that was actually purchased;
- overall emission allowance management strategy, including any emission allowance transactions in which OVEC participated; and

- methods used to analyze compliance options and develop overall mitigation strategies.

#### 5. POWER PLANT PERFORMANCE

The auditor shall review and report on significant plant outages or other degradations observed in the operating availability, equivalent availability, or capacity factors of OVEC's generating plants and their impact on ratepayers, and either make a recommendation to the Commission that further review is needed or undertake its own review to determine the reasonableness of OVEC and/or AEP Ohio's actions. In addition, the auditor shall conduct an on-site investigation of at least one of OVEC's generating stations and report the resultant findings, conclusions, and recommendations. Items to be covered during the station visitation include, but are not limited to, the following: fuel handling and quality control (i.e., weighing, sampling, scale calibrations, etc.), inventory surveying methodologies and results, performance monitoring (i.e., heat rate), and maintenance.

#### 6. UTILITY INDUSTRY PERSPECTIVE

The auditor shall include in the audit report a discussion of the current dynamics of the PJM wholesale markets in which OVEC operates, and the impact that changing market dynamics have on OVEC's operations and practices.

### IV. TIMELINE

The timeline presented below is intended to provide the auditor an understanding of the timeframe during which the audit is to be conducted. Although precise dates are used below, the actual dates for awarding the audit and for conducting audit and hearing activities may vary somewhat when they are set through a subsequent Commission entry.

Audit Proposals Due	February 28, 2020
Award Audit	March 11, 2020
Audit Conducted	March 11, 2020 through September 1, 2020
Draft Audit Report Presented to Staff	September 1, 2020
Final Audit Report Filed with Commission	September 16, 2020

### V. DEADLINES AND DELIVERABLES

#### A. AVAILABILITY OF DOCUMENTS

AEP Ohio and/or OVEC shall provide any and all documents or information requested by the auditor selected and the Commission Staff. The Company may conspicuously

mark such documents or information as being “confidential.” In no event, however, shall AEP Ohio and/or OVEC refuse or delay providing such documents or information.

Staff or the auditor selected shall not publicly disclose any document marked “confidential” by AEP Ohio and/or OVEC, except upon three days’ prior notice of intent to disclose served upon counsel. Three days after such notice, Staff or the auditor may disclose or otherwise make use of such documents or information for any purpose, unless AEP Ohio moves the Commission for a protective order pertaining to such documents or information within the three-day notice period.

The three-day notice period will be computed according to Ohio Adm.Code 4901-1-07. Service shall be complete upon mailing or delivery in person.

## B. FISCAL REPORTS

The auditor will submit invoices when work is 50 percent complete and when work is 100 percent complete, unless more frequent intervals are agreed to by Staff. The invoices shall include details regarding the dates and activities covered by each invoice and shall be sufficiently detailed to allow Staff to identify the work completed, the time spent in each billable activity, the personnel involved, and the corresponding charges in relation to the activity schedule originally set forth in the auditor’s proposal. All invoices are to be sent to AEP Ohio and copies are to be sent to Staff.

After approval of the invoice by the Commission Staff, AEP Ohio will be authorized to make payment.

AEP Ohio shall be ordered by the Commission to enter into a contract, which shall incorporate by reference all provisions of this proposal, with the auditor chosen by the Commission to perform the audit. The auditor shall submit a copy of this contract between the auditor and AEP Ohio to the Staff member assigned to the audit.

## C. INTERIM REPORTING

At the midpoint of the audit activities, the auditor selected will provide a progress report to Staff. This report will briefly describe progress made on required audit activities, as well as initial/tentative findings and conclusions on issues investigated to date. Unless otherwise requested by the PUCO Staff, this interim report may be made verbally.

D. DRAFT REPORT

Two copies of a draft of the final audit report shall be sent to the Commission Staff at least ten days prior to the due date of the final audit report. The report may be sent electronically if agreed to, in advance, by Staff.

E. FINAL REPORT

One copy of the final audit report plus one unbound reproducible original shall be delivered to the Commission by the morning of the date specified in Section IV. The final report should include an executive summary of recommendations in addition to a detailed section supporting all conclusions provided for in the executive summary. The final docketed report should contain an overview of the investigation, recommended adjustments, if any, and an attestation by the auditor that the financial information contained in the audit report is from a reliable source. Along with the docketed audit report, the auditor should deliver to Staff one hard copy of the audit report and a flash drive containing a complete version of the final audit report. If it is necessary to prepare a redacted report, due to confidentiality concerns, two copies of a non-redacted report shall also be provided to both the Commission and AEP Ohio. The non-redacted report shall clearly be labeled “confidential.”

F. WORKING PAPERS

A complete set of working papers is an integral part of the audit requirements. With the final audit report, the auditor selected shall deliver to the Commission Staff one complete set of working papers that contain documents used and procedures followed to develop the conclusions set forth in the audit report. Working papers should include the Company’s name, case number, description (items in folder), and source documents. Plant work papers should include a copy of the work order, location, age, and value of the property. Plant information should include an explanation of the adjustment, if applicable, and a picture of the inspected project. Voluminous documents may be included only as references in the working papers, upon Staff’s agreement. Confidential documents should be clearly marked and provided in a separate section of the working papers.

The auditor selected shall maintain working papers and document all supporting information, including, without limitation, meetings, interviews, or any pertinent information. The auditor selected shall utilize Staff’s data request procedures, utilizing a Microsoft Outlook Public Folder or similar system accessible to and approved by Staff, for issuing information requests and recording responses. All text documents shall be word searchable. All data and formulas should be created and maintained in fully accessible Excel sheets.

#### **G. PRODUCTION OF DOCUMENTS**

At any time, upon request of the Commission or its Staff, the auditor selected shall immediately produce any document or information obtained or produced within the scope of the audit.

#### **H. TESTIMONY**

The auditor shall present expert testimony during the course of any hearing at which the audit report is considered. The individual providing testimony will be one or more persons who conducted or directed the audit activities being considered at any hearing.

### **VI. MINIMUM CONTENTS OF PROPOSAL**

Each proposal shall contain page numbers and a Table of Contents. In a separate section, reflected in the Table of Contents, the following information shall be provided:

- A. Name, mailing address, and telephone number of individual to contact if further information is desired.
- B. An indication of how the bidder plans to incorporate the Staff's participation in the proposed work plan.
- C. The name(s) of all subcontractors to be used in the performance of the proposed work, identification of the specific items to be performed/provided by the subcontractor, and the cost of the proposed subcontractor's work; or if no subcontractors are to be used, the entry "Subcontractor - none." (All such subcontractors indicated in the proposal will be acknowledged as accepted by the Commission upon selection of the proposal for the contract awarded unless the auditor is previously notified of the contrary. No addition, deletion, or substitution of subcontractors will be permitted during the course of the contract unless approved in advance by the Commission Staff in writing.) If subcontractors are proposed, all information required in this section shall be supplied for each subcontractor proposed. Such information shall be supplied in a format parallel to the overall format specified for the contractor.
- D. The following required Equal Employment Opportunity (EEO) data must be provided for the auditor and each subcontractor:
  - 1. The total number of employees;
  - 2. The percentage of the total which are women;



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3. The percentage of the total which are Black, Hispanic, Asian, or American Indian (please specify);
  4. The total number of employees located in Ohio offices;
  5. The percentage of the Ohio total which are women;
  6. The percentage of the Ohio total which are Black, Hispanic, Asian, or American Indian (please specify);
  7. The number of individuals to be assigned to the project;
  8. The percentage of the total assigned which are women;
  9. The percentage of the total assigned which are Black, Hispanic, Asian, or American Indian (please specify).
- E. A listing of contracts the auditor and each subcontractor has with the State of Ohio and:
1. Name of the state agency(s) for each contract;
  2. The cost of each contract;
  3. The duration of each current contract.
- F. A listing of the auditor's and each subcontractor's clients which may have a financial interest in the Company or its affiliates. Auditors maintaining any present or ongoing contracts or agreements with the Company or its affiliates may, at the discretion of the PUCO, be disqualified by reason of possible conflict of interest. In the proposal, such contracts should be described in sufficient detail that the PUCO can determine whether a conflict of interest exists. A response indicating that this information will be provided on request or that such contracts are too numerous to enumerate will be cause for disqualification of the auditor.
- G. A listing of all the auditor's and each subcontractor's offices, facilities, and equipment to be used in performance under this contract and their locations, including a specification of offices, facilities, and equipment located in Ohio. If none, indicate "None."
- H. A statement of financial responsibility, including certification that the auditor, joint partners if the auditor is a conglomerate operation, and any subcontractors have no outstanding liens or claims against them.

- I. Contact persons that the Commission or its Staff may call to receive an assessment of the auditor's, and each subcontractor's, previous performance. References should be provided for the company or companies proposing and for the individuals designated as principals for the project. The information required for each reference is as follows:
- Name of individual to contact for reference
  - Company/facility which employed the individual
  - Telephone number
  - Whether reference is for the company or a principal
  - Project or work for which reference is given
- J. A description of the proposed scope of work to be performed, including a work plan, expected deliverable products, and task timing. In a separately numbered section, the auditor will provide a detailed cost breakdown by phase/task of the work plan, including the class of personnel performing each phase/task of the work, the hourly rate charged for each class, the number of hours charged for each class, an equivalent breakdown of all subcontracted work, any direct or indirect cost items which the auditor plans to charge, and the total cost.
- K. Identification, by name, of the lead personnel to be employed, the extent of their involvement in the project, and a description of how the proposed personnel's experience matches project requirements. Contract terms will not permit substitution of lead personnel without prior written approval of the Commission. Identification of lead personnel in the cost proposal will not constitute satisfactory compliance with this requirement.
- L. A description of the qualifications, experience, and proven results achieved by all professional lead or significant personnel to be employed on the project, with a summary of work performed on projects similar to the one contemplated by this RFP, including specific references. The Commission reserves the right to request samples of prior relevant work from any auditor prior to making its final consultant selection.
- M. Identification by name and title and the hourly rate of pay and all other related costs of the individual or individuals who will present expert testimony before the Commission during the appropriate hearing.

## **VII. REVIEW CRITERIA**

Proposals will be evaluated on a basis which includes the following criteria:

**A. COMPLIANCE WITH MINIMUM CONTENTS REQUIREMENTS**

Lack of satisfactory response to the Minimum Contents Requirements will be grounds for elimination of any proposal from further consideration.

**B. COST**

The total proposed contract price is specified in the proposal. Auditors are encouraged to provide as competitive a bid as is practicable.

**C. UNDERSTANDING OF PROJECT**

Whether the entity bidding on the project has grasped intent of the project; is knowledgeable of the technical aspects required; indicates understanding of potential problems; demonstrates understanding of regulatory issues, trends, and perspectives; and the work plan indicates appropriate phasing. Whether the method of handling the project is indicated, the proposal reflects thorough understanding of project requirements, the methods appear realistic under stated time constraints, and innovative methodologies appear appropriate to the project. The proposal is responsive to the RFP.

**D. EXPERIENCE OF PERSONNEL ASSIGNED TO PROJECT AND RELATED ORGANIZATIONAL EXPERIENCE**

Relevant experience in field, qualified to undertake assignment. References of previous clients/projects provided.

**E. TIMELINES**

Demonstrated ability to meet stated deadline; realistic timelines provided; demonstrated proven results of lead personnel.

**VIII. OTHER PROPOSAL CRITERIA**

**A. RELEVANCE**

The auditor shall include only relevant information and pertinent exhibits in the proposal. Duplication of materials provided in the RFP, exhaustive resumes, inclusion of standard company promotional materials, etc. will not garner additional points in the evaluation process and may detract from the clarity and conciseness of the proposal.

**B. PROPRIETARY DATA IN PROPOSAL**

Submissions to the Public Utilities Commission of Ohio become public documents available to open inspection. Proprietary data in a proposal will also assume this stature. Therefore, discretionary action is recommended for any proprietary data to be submitted in proposals.

**C. DUE DATE AND SUBMITTAL ADDRESS**

Any proposal submitted hereunder must be received at the following address no later than 5:00 P.M. on February 28, 2020. The proposal should be sent in a sealed container, clearly marked and addressed to:

Rodney Windle, Public Utilities Administrator  
Response to RFP No. RA20-PPA-1  
The Public Utilities Commission of Ohio  
3<sup>rd</sup> Floor, 180 East Broad Street  
Columbus, OH 43215

An electronic copy may also be sent to [rodney.windle@puco.ohio.gov](mailto:rodney.windle@puco.ohio.gov). Such electronic copy shall not fulfill the requirement for submitting paper responses.

Note: By responding to this request for proposal, the proposer expressly accepts and is bound by all the terms thereof, including all attachments, exhibits, and schedules.

**D. COPIES**

Four copies of the proposal are to be submitted to the Commission.

**E. CONTRACTOR REQUIREMENTS AND MINORITY PARTICIPATION**

The PUCO, in awarding the contract, will give preference to Ohio contractors. Ohio contractors include not only established domestic companies actively doing business in Ohio but also encompass multi-state companies with headquarters outside of Ohio but with substantial commitments of offices, divisions, and facilities within the state. The Commission will give preference to proposals that demonstrate compliance with minority and women EEO criteria.

**F. LATE PROPOSALS**

A proposal is late if received at any time after the due date set for receipt of the proposals. A late proposal will be considered along with other proposals only if it is

received before the evaluation of proposals has, in the sole opinion of the Commission, substantially progressed, and then only if one of the three following conditions exists:

1. Mail delay - The lateness is due solely to a delay in the mail when the response has been sent by registered or certified mail for which an official dated postmark on the original receipt has been obtained.
2. Commission error - If it is received by a reasonable means at the Commission in sufficient time to be delivered at the office designated for the opening and would have been received at such office except for delay due to mishandling at the Commission. Only an appropriate date or time stamp showing the time of the receipt will be accepted as evidence of timely receipt of the proposal.
3. Exceptions - Any other late proposal will not be considered, unless it is the only proposal received or in the sole judgment of the Commission it offers some important technical or scientific advantage that is of benefit to the Commission.

#### G. MODIFICATION OR WITHDRAWAL OF PROPOSAL

Any proposal may be modified or withdrawn upon written request of the auditor if such request is received by the Commission at the above address by the date set for receipt of original proposals.

#### H. MODIFICATION OR WITHDRAWAL OF THIS RFP

This RFP may be modified or withdrawn at any time prior to the time set for receipt of proposals and thereafter if no proposal has been opened. Upon any such modification or withdrawal, all bidders will be notified and any person or firm that has expressly requested such notice in writing will also be notified of such changes at the discretion of the Commission.

#### I. RIGHT TO REJECT ANY AND ALL PROPOSALS

The Commission reserves the right, without limitation or discussion with those submitting proposals, to reject any and all proposals.

#### J. PENALTY FOR DIVULGING INFORMATION

The auditor selected shall abide by all provisions of R.C. 4901.16, which states: "Except in his report to the public utilities commission or when called on to testify in any court or proceeding of the public utilities commission, no employee or agent referred to in section 4905.13 of the Revised Code shall divulge any information acquired by him in respect to the transaction, property, or business of any public utility, while acting or claiming to act as such employee or agent. Whoever violates this

section shall be disqualified from acting as agent, or acting in any other capacity under the appointment or employment of the commission.”

The auditor shall not divulge any information regarding its audit activities to the media or to any other entity, except in its report and testimony before the Commission, before, during, and/or after the audit. All comments or concerns that the auditor wants to address shall be directed to the PUCO Office of Public Affairs.

**K. RFP WEBSITE**

All firms wishing to remain on the Commission’s bidder list must subscribe to the PUCO RFP list by clicking on the “RFP - Requests for Proposals” link at:

<http://www.puco.ohio.gov/PUCO/Docketing>

Pending RFPs and further information will be posted at the above website.

**L. STATUTORY SCOPE OF AUDIT**

Any auditor selected by the Commission to perform an audit shall execute its duties pursuant to the Commission’s statutory authority to investigate and acquire records, contracts, reports, and other documentation under R.C. 4903.02, 4903.03, 4905.06, 4905.15, and 4905.16.

**M. AUDITOR SELECTION**

The Commission reserves the right to determine that the described audit will not be conducted or will be conducted by the Commission Staff, depending on the Commission’s needs and circumstances at the time of the selection.

**IX. QUESTIONS REGARDING THIS RFP**

Technical questions regarding this RFP should be directed to Rodney Windle at 614-644-8954. Administrative questions should be directed to Adam Bargar at 614-466-8112.

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

**Commission of Ohio Docketing Information System on**

**1/15/2020 3:38:20 PM**

**in**

**Case No(s). 18-1004-EL-RDR, 18-1759-EL-RDR**

Summary: Entry that the Commission directs Staff to issue a request for proposal for audit services to assist the Commission with the prudency and performance audit of the Power Purchase Agreement Rider of Ohio Power Company d/b/a AEP Ohio for the period of January 1, 2018, through December 31, 2019 electronically filed by Docketing Staff on behalf of Docketing