

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of )  
Columbia Gas of Ohio, Inc. for Authority )  
to Amend its Filed Tariffs to Increase the ) Case No. 21-637-GA-AIR  
Rates and Charges for Gas Services and )  
Related Matters. )

In the Matter of the Application of )  
Columbia Gas of Ohio, Inc. for Approval ) Case No. 21-638-GA-ALT  
of an Alternative Form of Regulation. )

In the Matter of the Application of )  
Columbia Gas of Ohio, Inc. for Approval )  
of a Demand Side Management Program ) Case No. 21-639-GA-UNC  
for its Residential and Commercial )  
Customers. )

In the Matter of the Application of )  
Columbia Gas of Ohio, Inc. for Approval ) Case No. 21-640-GA-AAM  
to Change Accounting Methods. )

**DIRECT TESTIMONY  
OF  
ROBERT B. FORTNEY**

**On Behalf of**  
**Office of the Ohio Consumers' Counsel**  
*65 East State Street, Suite 700*  
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**May 13, 2022**

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**ATTACHMENTS**

Attachment RBF-1 Fortney Testimony History  
Attachment RBF-2 SFV Documents

1 **I. INTRODUCTION**

2

3 ***Q1. PLEASE STATE YOUR NAME, ADDRESS AND POSITION.***

4 ***A1.*** My name is Robert B. Fortney. My business address is 65 East State Street, Suite  
5 700, Columbus, Ohio 43215. I am a Rate Design and Cost of Service Analyst for  
6 the Office of the Ohio Consumers' Counsel ("OCC").

7

8 ***Q2. WHAT ARE YOUR RESPONSIBILITIES AS A RATE DESIGN AND COST***  
9 ***OF SERVICE ANALYST?***

10 ***A2.*** I am responsible for investigating utility applications regarding rate and tariff  
11 activities such as tariff language, cost of service studies, revenue distribution, cost  
12 allocation, and rate design that impact the residential consumers of Ohio. My  
13 primary focus is to make recommendations to protect residential consumers from  
14 unreasonable and unjustified utility rate increases and unfair regulatory practices.

15

16 ***Q3. PLEASE SUMMARIZE YOUR EDUCATIONAL BACKGROUND.***

17 ***A3.*** I earned a Bachelor of Science degree in Business Administration from Ball State  
18 University in Muncie, Indiana in 1971. I earned a Master of Business  
19 Administration degree from the University of Dayton in 1979.

1 ***Q4. PLEASE SUMMARIZE YOUR PROFESSIONAL EXPERIENCE AS IT***  
2 ***RELATES TO UTILITY REGULATION.***

3 ***A4.*** From July 1985 to August 2012, I was employed by the Public Utilities  
4 Commission of Ohio (“PUCO”). During that time, I held a number of positions  
5 (e.g., Rate Analyst, Rate Analyst Supervisor, Public Utilities Administrator) in  
6 various divisions and departments that focused on utility applications regarding  
7 rates and tariff issues. In August 2012, I retired from the PUCO as a Public  
8 Utilities Administrator, Chief of the Rates and Tariffs Division, which focused on  
9 utility rates and tariff matters. The role of that division was to investigate and  
10 analyze the rate- and tariff-related filings and applications of the electric, gas, and  
11 water utilities regulated by the PUCO and to make Staff recommendations to the  
12 PUCO regarding those filings. I joined the OCC in December of 2015 as a Rate  
13 Design and Cost of Service Analyst

14  
15 ***Q5. HAVE YOU PREVIOUSLY SUBMITTED TESTIMONY BEFORE THE***  
16 ***PUCO?***

17 ***A5.*** Yes. When I worked at the PUCO, I testified on numerous occasions to advocate  
18 to the PUCO the positions of the PUCO Staff. Over the course of my career at the  
19 PUCO, I often recommended to the PUCO cost allocation methodologies needed  
20 to develop a reasonable distribution of utility revenues. I also was responsible for  
21 recommending reasonable rate designs needed to recover the revenue  
22 requirement, by class of service and in total.

1           In addition, I have submitted testimony for OCC in several proceedings since  
2           joining its staff. A list of proceedings that I have submitted testimony to the  
3           PUCO is provided in Attachment RBF-1

4

5   **II.    PURPOSE OF TESTIMONY**

6

7   ***Q6.    WHAT IS THE PURPOSE OF YOUR TESTIMONY IN THIS***  
8   ***PROCEEDING?***

9   **A6.**   The purpose of my testimony is to explain and support OCC's position protecting  
10          residential consumers as it relates to the Application of Columbia Gas of Ohio,  
11          Inc, ("Columbia") for an Increase in Electric Distribution Rates ("Application")  
12          filed in case No. 21-637-GA-AIR, et al.

13

14          Specifically, I will explain and support OCC/NOPEC'S Objection Nos. 2, 3, 23,  
15          24, 25 and 26<sup>1</sup> pertaining to recommendations made by the PUCO Staff in the  
16          Staff Report ("Staff Report") filed in this proceeding on April 6, 2022.<sup>2</sup> Those  
17          recommendations are primarily related to the distribution of any revenue increase  
18          to the different rate classes and the fixed delivery charge for the Small General  
19          Service ("SGS") class.

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<sup>1</sup> Objections to the PUCO Staff's Report of Investigation by the Office of the Ohio Consumers' Counsel (May 6, 2022).

<sup>2</sup> Staff's Report of Investigation (April 6, 2022).

1 **III. OCC/NOPEC'S OBJECTIONS TO STAFF REPORT**

2

3 **OCC/NOPEC Objection No. 2**

4

5 ***Q7. WHY DOES OCC OBJECT TO THE FOLLOWING STAFF REPORT***  
6 ***LANGUAGE AT PAGE 7: "AS SHOWN ON SCHEDULE A-1 STAFF***  
7 ***RECOMMENDS AN APPROXIMATE REVENUE INCREASE IN THE***  
8 ***RANGE OF \$35,197,000 TO \$57,554,000. THIS REPRESENTS AN***  
9 ***INCREASE OF 3.98 PERCENT TO 6.34 PERCENT OVER TEST YEAR***  
10 ***OPERATING REVENUE."***

11 **A7.** This is a miscalculation by Staff on Line 12 of its Schedule A-1.<sup>3</sup> The Staff  
12 erroneously used the proposed revenue requirement instead of the Test Year  
13 Operating Revenue as the divisor in its calculation of the Net Increase percent.  
14 This understates the magnitude of the rate increase proposed by Columbia and  
15 recommended in the Staff Report. The correct percentages should be: Applicant  
16 Proposed = 27.07%; Staff Lower Bound = 4.14%; and Staff Upper Bound =  
17 6.77%. This results in an increase of 5.45% at the Staff midpoint.

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<sup>3</sup> Staff Report at 59.

1 **OCC/NOPEC Objection No. 23**

2

3 ***Q8. DOES OCC OBJECT TO THE STAFF'S RECOMMENDATION AT PAGE 38***  
4 ***THAT COLUMBIA RERUN THE COST OF SERVICE STUDY ("COSS") TO***  
5 ***INCLUDE STAFF'S RECOMMENDATIONS (AND THAT THE MODIFIED***  
6 ***COSS BE USED AS A BASIS FOR RATE DESIGN)?***

7 ***A8.*** No.

8

9 ***Q9. THEN, TO WHAT ABOUT THAT RECOMMENDATION DOES OCC***  
10 ***OBJECT?***

11 ***A9.*** The recommendation does not go far enough in explaining how it (the rerun of the  
12 COSS) should be accomplished. The Staff should have further recommended to  
13 the PUCO: (A) a time frame for the rerun to be provided, (B) how or when the  
14 OCC and other intervening parties could respond to any Staff recommendations  
15 based on the modified COSS, and (C) an extension of the procedural schedule  
16 based on Columbia providing a modified COSS. In general, it is reasonable to  
17 provide the intervening parties the opportunity and the time to respond to any  
18 recommendations the Staff may make based upon a revised COSS.

1 **OCC/NOPEC Objection No. 24**

2

3 ***Q10. WHY DOES OCC OBJECT TO THE STAFF'S FINDING ON PAGE 37 OF***  
4 ***THE STAFF REPORT WHICH STATES "THE APPLICANT'S PROPOSAL***  
5 ***REFLECTS A REASONABLE MOVEMENT TOWARD THE COST TO***  
6 ***SERVE EACH [CUSTOMER] CLASS IDENTIFIED BY THE APPLICANT'S***  
7 ***COSS AT THE APPLICANT'S PROPOSED COST TO SERVE."***

8 ***A10.*** Given that Staff also found that **"The interclass subsidies identified by the**  
9 **Applicant's COSS could change substantially when taking Staff's**  
10 **recommendations into account,"**<sup>4</sup> Staff should have further found that it would  
11 await the results of the modified COSS before making a recommendation  
12 regarding the allocation of any revenue increase to consumers.

13

14 ***Q11. DOES OCC HAVE A RECOMMENDATION REGARDING THE***  
15 ***ALLOCATION OF ANY REVENUE INCREASE TO CONSUMERS?***

16 ***A11.*** Yes. While moving towards cost of service is a reasonable goal, given the  
17 inadequacy of the COSS, the most logical distribution of any base distribution  
18 revenue increase would be a levelized, across-the-board increase to all customer  
19 classes. Depending on the revenue requirement found to be reasonable in this  
20 proceeding, the percentage increases in base distribution revenues for all classes  
21 should be equal.

---

<sup>4</sup> Staff Report at 38.



1 **OCC/NOPEC Objection Nos. 3 & 25**

2

3 ***Q12. WHAT IS THE CURRENT DELIVERY CHARGE FOR THE SGS***  
4 ***(RESIDENTIAL CONSUMERS) RATE CLASS?***

5 ***A12.*** The current Delivery Charge for the SGS rate class is \$16.75/month. At the time  
6 of filing of the Application, the Infrastructure Replacement Program Rider  
7 (“IRP”) fixed charge for the SGS rate class was a fixed charge of \$11.98/month  
8 and the Capital Expenditure Program Rider (“CEP”) fixed charge for the SGS rate  
9 class was \$5.92/month. This totals \$34.65/month. While there are other  
10 considerations (e.g. the Infrastructure Development Rider and gross receipts  
11 taxes), for the purpose of comparison, I consider \$34.65/month to be the current  
12 fixed delivery charge for the SGS rate class.

13

14 ***Q13. WHAT IS COLUMBIA’S PROPOSED DELIVERY CHARGE TO***  
15 ***RESIDENTIAL CONSUMERS?***

16 ***A13.*** Columbia proposes to roll the current IRP and CEP into the delivery charge and  
17 increase the current \$34.65/month to \$46.31/month.<sup>5</sup> Furthermore, Columbia  
18 proposes to renew the IRP and CEP Riders (which will begin at zero) and  
19 continue to recover the applicable costs, subject to caps, in the future. By 2027, if  
20 Columbia’s projected monthly fixed charge rate caps were implemented, the  
21 monthly fixed IRP charge for residential consumers (Small General Service class)

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<sup>5</sup> Staff Report at 39.

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1 will be \$10.87, and the monthly fixed CEP charge will be \$15.89. Another OCC  
2 witness, Kerry Adkins, will discuss OCC's Objections to those proposals. But as  
3 proposed by Columbia, the monthly fixed Delivery Charge for the SGS class  
4 (residential consumers) would be \$73.07/month (\$46.31 + \$10.87 + \$15.89) by  
5 2027. On top of this, Columbia is proposing a Federal Mandate Rider that by  
6 2027 could reach an additional \$7.00/month. If the application was approved as  
7 filed, a consumer taking service on the SGS rate class would be paying in excess  
8 of \$80.00/month, even if the consumer doesn't use a molecule of gas. This is not  
9 just and reasonable.

10

11 ***Q14. WHAT IS YOUR UNDERSTANDING OF STAFF'S RECOMMENDATION***  
12 ***REGARDING THE FIXED DISTRIBUTION CHARGE FOR THE SMALL***  
13 ***GENERAL SERVICE CONSUMERS?***

14 ***A14.*** Staff has recommended significant modifications to the IRP, CEP, and Federal  
15 Mandate Riders (*see* OCC witness Kerry Adkins' testimony) and the overall  
16 revenue requirement (*see* OCC witness Bion Ostrander's testimony) that may  
17 reduce the rates proposed by Columbia.

18

19 However, while not explicitly stated, it appears to me that Staff is recommending  
20 that a full Straight Fixed Variable ("SFV") rate design continue to be utilized as  
21 the rate design for the Small General Service ("SGS") class. By a full SFV rate  
22 design, I mean that the entire base distribution revenue assigned to the SGS class  
23 would be recovered through a fixed charge. The level of that charge would be

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1           determined based upon the base distribution revenue requirement, the class  
2           allocation methodology found to be reasonable in this proceeding, the level of any  
3           applicable riders, and the number of bills in the class.

4

5   ***Q15. DO YOU AGREE WITH THAT RECOMMENDATION?***

6   ***A15.*** No. Columbia has proposed a SFV rate design in this proceeding. Staff has  
7           recommended that a SFV rate design concept continue to be utilized for the SGS  
8           class. Staff made this recommendation regarding the rate design for residential  
9           consumers (SGS rate class) in spite of the fact that it also recommended “[t]he  
10          IRP and CEP rider rate designs for GS and LGS rate classes should not be wholly  
11          fixed monthly fees. The rates could be designed at a percentage of the customer’s  
12          base distribution charge or a combination of fixed and volumetric rates” and  
13          “[c]ustomers within these rate classes are not homogenous. Customers who use  
14          less gas have been paying the same rider rates as customers that use more gas,  
15          leading to higher bill increases for the lower use customers.”<sup>6</sup>

16

17          Staff should also have made the same findings for the SGS class because the same  
18          unfairness in SFV rate design is also true for the SGS (residential) class.

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<sup>6</sup> Staff Report at 40.

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1 **Q16. HAS THE COMMISSION OPINED ON THIS SUBJECT BEFORE?**

2 **A16.** Yes. The Commission considered and adopted a modified SFV rate design for all  
3 four major natural gas utilities in Ohio: In re Duke Energy Ohio, Case No. 07-  
4 589-GA-AIR {Duke Rate Case), Opinion and Order (May 28, 2008); In re  
5 Dominion East Ohio, Case No. 07- 829-GA-AIR (DEO Rate Case), Opinion and  
6 Order (Oct. 15, 2008); In re Columbia Gas of Ohio, Case No. 08-72-GA-  
7 AIR(Columbia Rate Case), Opinion and Order (Dec. 3, 2008); and In re Vectren  
8 Energy Delivery of Ohio, Case No. 07-1080-GA-AIR (VEDO Rate Case),  
9 Opinion and Order (Jan. 7, 2009).

10

11 However, the Commission has also indicated that “any interested party will have  
12 a full and fair opportunity to address whether the proposed SFV should be  
13 implemented and to raise any other issues specific to the Companies’ service  
14 territories.”<sup>7</sup> Additionally, the PUCO noted in another proceeding that “nothing in  
15 the Order precludes any party from commenting on or presenting evidence  
16 regarding a specific rate design that is proposed as part of a utility’s distribution  
17 rate case by the utility, Staff or any other party”<sup>8</sup> While both cases are electric-  
18 related in nature, I believe they should be generically applied to all utilities.

19

20 I am providing comments that raise some legitimate issues that the PUCO should  
21 consider. It is time to reconsider and modify the SFV rate design given the

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<sup>7</sup> PUCO Case No. 14-1297-EL-SSO, Opinion and Order at 94 (March 21, 2016).

<sup>8</sup> PUCO Case No. 10-3126-EL-UNC, Second Entry on Rehearing at 5 (December 4, 2013).

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1           considerable changes in the level of monthly fixed charges being collected  
2           and the other factors which I will explain in my testimony.

3

4   ***Q17. ARE YOU MAKING ANY RECOMMENDATIONS REGARDING THE***  
5   ***STAFF RECOMMENDATION REGARDING THE SFV RATE DESIGN?***

6   ***A17.*** Yes, I am recommending that the PUCO reject the full SFV proposal as proposed  
7           by the Staff Report in this case. For the reasons I will expand upon, I recommend  
8           that the PUCO reconsider its policy goal of requiring SFV distribution rates for  
9           residential natural gas customers. It should weigh the testimony and evidence  
10          filed in individual cases. The base distribution revenue requirement for the SGS  
11          class should be recovered partially through a fixed charge and partially through a  
12          volumetric charge.

13

14   ***Q18. WHAT IS YOUR UNDERSTANDING OF THE PUCO'S POLICY GOALS***  
15   ***REGARDING SFV RATE DESIGN?***

16   ***A18.*** Based on my review of the PUCO Opinion and Order in several cases, it is my  
17          understanding that the PUCO has found that the SFV rate design would produce  
18          more stable bills for customers, that bills would be easier to understand, that the  
19          SFV rate design would produce a more accurate price signal, and that the SFV

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1 rate design would assure a more equitable allocation of distribution system costs  
2 to cost-causers.<sup>9</sup>

3

4 ***Q19. WHY SHOULD THE PUCO RECONSIDER ITS POLICY GOAL?***

5 ***A19.*** I am not going to pretend that this is a cut-and-dried issue and that it is obvious  
6 that the PUCO is just plain wrong. The literature on this subject is voluminous,  
7 both pro and con (*see* Attachment RBF-2 for a sample listing of the literature). I  
8 am also not going to point out what other specific states have done (some utility  
9 regulators have implemented SFV, some have rejected the idea, some have been  
10 in the middle). When I was a PUCO staff member, I was never fond of citing  
11 what other state commissions were doing. I was most concerned that the PUCO  
12 did the right thing for Ohio consumers.

13

14 Furthermore, I am not going to argue that a SFV rate design is “bad” for all  
15 residential consumers. In fact, almost by definition, while low-use consumers are  
16 negatively impacted by a SFV rate design, high-use consumers benefit from it. I  
17 am going to point out what I see as potential flaws in the thinking that has led to  
18 SFV rates being a policy goal.

---

<sup>9</sup> Specifically, *see* PUCO Case No. 07-589-GA-AIR, Duke Rate Case, Opinion and Order at 17-19 (May 28, 2008); Case No. 07-829-GA-AIR, DEO Rate Case, Opinion and Order at 22-24 (October 15, 2008); Case No. 08-072-GA-AIR, Columbia Rate Case, Opinion and Order at 19-20 (December 3, 2008); and Case No.07-1080-GA-AIR VEDO Rate Case, Opinion and Order at 11-14 (January 7, 2009).

1           Lastly, it is important to remember that a SFV rate design, whether it be full or  
2           partial, is revenue neutral. That is, the rate design does not affect the total revenue  
3           allocated to the consumers classes, but it does have intra-class repercussions.  
4           Again, in this case, Columbia has proposed a “full” SFV rate design for the SGS  
5           class.

6

7           ***Q20. WHAT IS YOUR UNDERSTANDING OF THE DEVELOPMENT OF AN***  
8           ***“OPTIMAL” TARIFF DESIGN FOR UTILITY CONSUMERS?***

9           ***A20.*** Modern utility pricing theory is primarily concerned with the development of  
10           optimal tariff design, which over the years has become dominated by a form of  
11           pricing referred to as a “two-part tariff,” sometimes referred to more technically  
12           as a non-linear (or non-uniform) pricing approach. Once a class revenue  
13           requirement is established, the goal for regulators should be one that sets the most  
14           appropriate rates based upon various efficiency and equity considerations.  
15           Balancing the weight of how costs are recovered between fixed rates, variable  
16           rates, and block rates are all integrated parts of that process.

17

18           Costs can be instructive in establishing a baseline upon which prices may be set,  
19           but costs need not serve as the sole or exclusive basis for rates in order for them to  
20           be set optimally (i.e., fixed charges do not need to strictly equal fixed costs,  
21           variable rates need not strictly equal variable costs). Unfortunately, the “fixed  
22           charge-equals-fixed cost” philosophy gets repeated so often that it can often

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1           drown out meaningful discussions about other equally important  
2           considerations/principles in setting rates in imperfect markets.

3  
4           These considerations/principles include assuring that the utility has an opportunity  
5           to recover its authorized revenue requirement, assuring that the overall allowed  
6           revenue requirement is reasonably allocated across all customer classes and rate  
7           groups, assuring that the selected rate design is equitable and reasonable, and that  
8           rates be set in a fashion that facilitates customer understanding, continuity of  
9           rates, and minimal customer impacts.<sup>10</sup>

10  
11           Utilities and regulators should be cautious before adopting a particular method of  
12           rate design on the basis of what may be a superficial appeal. And more important,  
13           is the concern that a costing method, once adopted, becomes the predominant and  
14           unchallenged determinant of rate design.<sup>11</sup>

15  
16           The PUCO adopted a modified SFV rate design for all four major natural gas  
17           utilities in Ohio because (A) the SFV rate design will produce more stable bills  
18           for customers; (B) the SFV rate design would be easier to understand; (C) the

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<sup>10</sup> Report of the review of the Application to Increase Rates of Aqua Ohio, Inc., February 11, 2022, Section 5, Rate and Tariff Review, Larkin & Associates and Acadian Consulting Group.

<sup>11</sup> Charging for Distribution Utility Services: Issues in Rate Design, December 2000: Weston, R. (2000). Charging for Distribution Utility Services: Issues in Rate Design. Montpelier, VT: Regulatory Assistance Project, p.39.



1 SFV would produce a more accurate price signal; (D) the SFV rate design would  
2 assure a more equitable allocation of distribution system costs to cost causers.

3

4 ***Q21. DOES A SFV RATE DESIGN PRODUCE MORE STABLE BILLS FOR***  
5 ***CONSUMERS?***

6 ***A21.*** Consumer bills that include a revenue neutral SFV rate design may be less  
7 volatile than those based strictly on consumption. However, it is generally  
8 preferable that individual consumers make their own consumption decisions. If a  
9 consumer wants year-around stable natural gas bills, the consumer can opt to  
10 enroll in budget billing with its natural gas company. It should be the consumer's  
11 choice how to best manage its utility payments.

12

13 And, yes, high fixed charges as part of a SFV rate design can stabilize utility  
14 revenues in the near term and are easy to administer. This approach, however,  
15 deviates from the long-established rate design principles holding that only  
16 consumer-specific costs (those that actually change with the number of consumers  
17 served) properly belong in fixed monthly fees. The fixed charge for residential  
18 service should not exceed the consumer-specific charges attributable to an  
19 incremental customer. For most residential consumers, this is the cost of a service  
20 line, the portion of the meter costs directly related to billing for usage, plus the  
21 cost of periodic billing and collection.

1 **Q22. IS A SFV RATE DESIGN EASIER TO UNDERSTAND?**

2 **A22.** I think the PUCO has mistaken “ease of calculation” with “ease of  
3 understandability.” I have worked with utility rates for over 33 years now, and I  
4 still don’t understand why a consumer who lives in a 5,000 square foot house,  
5 heats with gas, has a gas water heater and a multitude of gas appliances should  
6 pay the same distribution bill as a consumer living in a 500 square foot apartment  
7 with gas heat. A fixed charge is no easier to understand than a rate per kWh that  
8 charges a set amount for each MCF used. In fact, since that is how many items are  
9 purchased (on a per unit basis), a usage charge is, quite probably, easier to  
10 understand for the consumer (i.e. the fewer units consumed the lower the charge).

11

12 Investments in distribution plant are made to provide a supply of natural gas, and  
13 the costs should be recovered in proportion to how much of that natural gas a  
14 consumer uses. A 5,000 sq. ft. home, which heats by natural gas, has a gas water  
15 heater and multiple gas appliances requires more local distribution system  
16 capacity than a 500 sq. ft. efficiency apartment. Given a choice between the fixed  
17 charge and the variable charge, the volumetric charge is the more appropriate  
18 mechanism for those capacity costs. If they are allocated to the fixed charge, the  
19 signal is that all residential consumers require the same amount of system  
20 capacity, regardless of the size of the residence (or, the size of the connected  
21 load). Size does matter.

1           The complexity of today's utility bills is not due to the consumer charge and the  
2           volumetric charges, it is due to the multiple riders to which each consumer is  
3           subjected.

4

5           ***Q23. DOES A SFV RATE DESIGN PRODUCE A MORE ACCURATE PRICE***  
6           ***SIGNAL TO CONSUMERS?***

7           ***A23.*** In its Opinion and Order of March 31, 2016 in Case No. 14-1297-EL-SSO, the  
8           PUCO opined that implementation of SFV rate design removes disincentives to  
9           electric utilities to promote energy efficiency. That is also true in the gas industry.  
10          But that is only half the story. Increasing fixed charges can significantly reduce  
11          incentives for consumers to reduce consumption through energy efficiency,  
12          distributed generation, or other means. By reducing the value of a kWh saved or  
13          self-generated, a higher fixed charge directly reduces the incentive that consumers  
14          have to lower their bills by reducing consumption. There are many reasons a  
15          consumer might have low energy usage – they may have energy efficient  
16          appliances, they may be conscientious in avoiding the wasteful use of electricity,  
17          or they may be located in smaller homes or apartments and therefore impose  
18          lower distribution costs on the grid.<sup>12</sup> The price signal that a SFV rate design  
19          sends to consumers is “usage doesn't matter.” Fixed, recurring, unavoidable  
20          charges tell a consumer little about the costs that his or her consumption imposes

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<sup>12</sup> Fixed Charges and Utility Customers, Prepared for Consumers Union by Synapse Energy Economics, 2016, p.14. [www.consumersunion.org](http://www.consumersunion.org); [www.synapse-energy.com/fixed\\_charges\\_factsheet](http://www.synapse-energy.com/fixed_charges_factsheet).

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1           on the system. In fact, they offer consumers no information at all about the  
2           scarcity and costs of distribution capacity.

3  
4           One of the most important and effective tools that any regulator has to promote  
5           efficient use of energy (including gas) is by developing rates that send proper  
6           pricing signals to conserve and utilize resources efficiently.<sup>13</sup> Pricing structures  
7           that are weighted heavily on fixed charges are much more inferior from a  
8           conservation and energy efficiency standpoint than pricing structures that require  
9           consumers to incur more costs with additional consumption.<sup>14</sup> Stated more  
10          simply, those consumers who conserve or are otherwise more energy efficient, or  
11          those who use less of the commodity for any reason, should pay less than those  
12          who use more.

13  
14       ***Q24. DOES THE SFV RATE DESIGN ASSURE A MORE EQUITABLE***  
15       ***ALLOCATION OF DISTRIBUTION SYSTEM COSTS TO COST CAUSERS?***

16       ***A24.*** The rationale behind the policy that the fixed costs of an energy distribution  
17       company should be recovered through fixed monthly charges is incorrect .<sup>15</sup> In

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<sup>13</sup> State of Indiana Cause Nos. 44576 & 4602 re: Indianapolis Power & Light Company: Verified Direct Testimony of Glenn A Watkins – Public Exhibit No. 14 On Behalf of the Indiana Office of Utility Consumer Counselor, July 27, 2015, p.60.

<sup>14</sup> State of Indiana Cause Nos. 44576 & 4602 re: Indianapolis Power & Light Company: Verified Direct Testimony of Glenn A Watkins – Public Exhibit No. 14 On Behalf of the Indiana Office of Utility Consumer Counselor, July 27, 2015.

<sup>15</sup> Charging for Distribution Utility Services: Issues in Rate Design, December 2000: Weston, R. (2000). Charging for Distribution Utility Services: Issues in Rate Design. Montpelier, VT: Regulatory Assistance Project. P.42.

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1 reality, distribution costs are NOT permanently fixed: investment in distribution is  
2 constant and growing, and unavoidable.<sup>16</sup> Inevitably, the utility will have to make  
3 new capital investments; load growth may require new generating equipment or  
4 distribution lines to be upgraded;<sup>17</sup> and investments will be made for reliability  
5 purposes and to replace existing systems.<sup>18</sup>

6  
7 Furthermore, proper pricing should reflect the Utility's long-run costs, wherein all  
8 costs are variable or volumetric in nature, and users requiring more of the Utility's  
9 products or services should pay more than the consumers who use less of the  
10 same products and services. In fact, in its Entry of December 29, 2010 in Case  
11 No. 10-3126-EL-UNC, page 5, the PUCO stated: "Finally, we are cognizant of  
12 our own obligation to initiate programs that will promote and encourage  
13 conservation of energy and a reduction in the growth rate of energy consumption,  
14 promote economic efficiencies, **and take into account long-run incremental**  
15 **costs.**" A SFV rate design takes into account only historic sunk costs and does  
16 nothing to recognize the long-run incremental costs.

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<sup>16</sup> Charging for Distribution Utility Services: Issues in Rate Design, December 2000: Weston, R. (2000). Charging for Distribution Utility Services: Issues in Rate Design. Montpelier, VT: Regulatory Assistance Project, p. 7.

<sup>17</sup> Caught in a Fix: The problem with Fixed Charges for Electricity, Prepared for Consumers Union, February 9, 2016 by Synapse Energy Economics, Inc.: Whited, Melissa; Woolf, Tim; Daniel, Joseph (February 9, 2016). Caught in a Fix: The problem with Fixed Charges for Electricity, Prepared for Consumers Union, February 9, 2016 by Synapse Energy Economics, Inc., Cambridge, MA., p.23.

<sup>18</sup> Charging for Distribution Utility Services: Issues in Rate Design, December 2000: Weston, R. (2000). Charging for Distribution Utility Services: Issues in Rate Design. Montpelier, VT: Regulatory Assistance Project, p. 32.

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1 Investments in distribution plant are made to provide a supply of electricity and/or  
2 natural gas, and the costs should be recovered in proportion to how much of that  
3 electricity or gas a customer uses. Given a choice between the fixed charge and  
4 the variable charge, the volumetric charge is the more appropriate mechanism for  
5 those capacity costs. If they are allocated to the fixed charge, the signal is that all  
6 residential consumers require the same amount of system capacity, regardless of  
7 the size of the residence (or, the size of the connected load).

8

9 Those who make greater use of the network should bear a proportionately greater  
10 share of its costs and pay usage-based rates because those who use more of the  
11 service should cover proportionately more of its costs.

12

13 ***Q25. ARE THERE ANY OTHER REASONS FOR THE COMMISSION TO RE-***  
14 ***EVALUATE ITS SFV RATE DESIGN POLICY?***

15 ***A25.*** Residential consumers who use less energy will experience the greatest  
16 percentage jumps in their gas bills if the fixed charge is raised because bills are  
17 based less on usage and more on a flat fee structure. The larger the consumer  
18 charge, the lower the percentage increase in bills for above-average use  
19 consumers. There are many reasons a consumer might have low energy usage –  
20 they may have energy efficient appliances, they may be conscientious in avoiding  
21 the wasteful use of energy, or they may also reside in smaller homes or  
22 apartments and therefore impose lower distribution costs on the grid. Consumers

1           should not be penalized for being efficient, conservative and environmentally  
2           responsible.

3

4   **OCC/NOPEC Objection No. 26**

5

6   ***Q26. SHOULD THE STAFF REPORT HAVE MADE A***  
7           ***RECOMMENDATION MODIFYING THE REFUND LANGUAGE IN***  
8           ***CURRENT TARIFFS?***

9   ***A26.*** Yes. The Staff Report should have proposed modifications to the refund  
10           language in order to better protect consumers.

11

12           Specifically, OCC objects because the current refund language is weak in  
13           protecting consumers. Columbia does have “refund” language in some of  
14           its tariffs as follows: “RECONCILIATION ADJUSTMENT: This Rider is  
15           subject to annual reconciliation or adjustment, including but not limited to,  
16           increases or refunds. Such annual reconciliation or adjustment shall be  
17           limited to the incremental twelve-month period of CEP Investment upon  
18           which the rates were calculated, if determined to be unlawful,  
19           unreasonable, or imprudent by the Commission in the docket those rates  
20           were approved or by the Supreme Court of Ohio.” (Current Columbia Gas  
21           Tariff, 6th Revised Sheet, No.30d).

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1           The Staff Report should have recommended the existing refund language  
2           be revised to read “RECONCILIATION ADJUSTMENT: This Rider is  
3           subject to annual reconciliation or adjustment, including but not limited to,  
4           increases or refunds as a result of the Rider being declared unlawful by the  
5           Supreme Court of Ohio or the Public Utilities Commission of Ohio. Such  
6           annual reconciliation or adjustment shall be limited to the incremental  
7           twelve-month period of CEP Investment upon which the rates were  
8           calculated, if determined to be unlawful, unreasonable, or imprudent by  
9           the Commission in the docket those rates were approved or by the  
10          Supreme Court of Ohio.” (Current Columbia Gas Tariff, 6th Revised  
11          Sheet, No.30d)). The language proposed should be in all tariffs and riders  
12          (including current and proposed) making them subject to refund.

13

14   ***Q27. DOES THIS CONCLUDE YOUR TESTIMONY?***

15   ***A27.*** Yes. However, I reserve the right to incorporate new information that may  
16          subsequently become available. I also reserve the right to supplement my  
17          testimony in the event Columbia, the PUCO Staff or other parties submit new or  
18          corrected information in connection with this proceeding.



## CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing *Direct Testimony of Robert B. Fortney on behalf of Office of the Ohio Consumers' Counsel* has been served upon those persons listed below via electronic service this 13th day of May 2022.

/s/ Angela D. O'Brien  
Angela D. O'Brien  
Assistant Consumers' Counsel

The PUCO's e-filing system will electronically serve notice of the filing of this document on the following parties:

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Ohio Edison Company	89-1001-EL-AIR	1990
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Cincinnati Gas & Electric Company	03-0093-EL-ATA	2004
Cincinnati Gas & Electric Company	03-2079-EL-AAM	2004
Cincinnati Gas & Electric Company	03-2081-EL-AAM	2004
Monongahela Power Company	04-0880-EL-UNC	2004

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Ormet Primary Aluminum Corporation	09-0119-EL-AEC	2009
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FirstEnergy	10-0388-EL-SSO	2010
FirstEnergy	10-0176-EL-ATA	2011
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Summary: Testimony Direct Testimony of Robert B. Fortney On Behalf of Office of the Ohio Consumers' Counsel electronically filed by Mrs. Tracy J. Greene on behalf of O'Brien, Angela D