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September 13, 2013

Public Utility Commission

Attn: Filing Center

PO Box 1088

Salem, OR 97308-1088

Re: In the Matter of PacifiCorp, dba Pacific Power
2014 Transition Adjustment Mechanism, Five-Year Cost of
Service Opt-Out – UE 267

Our File No.: 10935/C1385C

Dear Filing Center:

Enclosed for filing in the above-referenced docket are the original and five copies of Wal-Mart Stores, Inc.'s Reply Testimony in UE 267.

A copy of this filing has been served on all parties to this proceeding as indicated on the enclosed Certificate of Service.

Very truly yours,

HUTCHINSON, COX, COONS,
ORR & SHERLOCK, P.C.

Samuel L. Roberts

/nb
Enclosures

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UE 267

In the Matter of PACIFICORP, dba)
PACIFIC POWER,)
)
2014 Transition Adjustment Mechanism,)
Five-Year Cost of Service Opt-Out.)
)
)
)

Reply Testimony of Steve W. Chriss

on behalf of

Wal-Mart Stores, Inc.

September 13, 2013

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

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

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

6 A. I am testifying on behalf of Wal-Mart Stores, Inc. ("Walmart").

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

8 A. In 2001, I completed a Master of Science in Agricultural Economics at Louisiana
9 State University. From 2001 to 2003, I was an Analyst and later a Senior Analyst
10 at the Houston office of Econ One Research, Inc., a Los Angeles-based consulting
11 firm. My duties included research and analysis on domestic and international
12 energy and regulatory issues. From 2003 to 2007, I was an Economist and later a
13 Senior Utility Analyst at the Public Utility Commission of Oregon in Salem,
14 Oregon. My duties included appearing as a witness for PUC Staff in electric,
15 natural gas, and telecommunications dockets. I joined the energy department at
16 Walmart in July 2007 as Manager, State Rate Proceedings, and was promoted to
17 my current position in June 2011. My Witness Qualifications Statement is found
18 at Exhibit Walmart/101.

19 **Q. HAVE YOU PREVIOUSLY SUBMITTED TESTIMONY BEFORE THE PUBLIC UTILITY**
20 **COMMISSION OF OREGON ("THE COMMISSION")?**

21 A. Yes. I submitted testimony on behalf of Walmart in Dockets UE 217, UE 262, UE
22 263, and UE 264 and on behalf of Staff in Docket Nos. UE 179, UE 180, UG 173,
23 UM 1129, and UX 29.

24 **Q. HAVE YOU PREVIOUSLY SUBMITTED TESTIMONY BEFORE OTHER STATE**
25 **REGULATORY COMMISSIONS?**

26 A. Yes. I have submitted testimony in over 85 proceedings before 33 other utility
27 regulatory commissions and before the Missouri House Committee on Utilities
28 and the Missouri Senate Veterans' Affairs, Emerging Issues, Pensions, and Urban
29 Affairs Committee. My testimony has addressed topics including cost of service
30 and rate design, ratemaking policy, qualifying facility rates, telecommunications
31 deregulation, resource certification, energy efficiency/demand side
32 management, fuel cost adjustment mechanisms, decoupling, and the collection
33 of cash earnings on construction work in progress.

34 **Q. ARE YOU SPONSORING ANY EXHIBITS WITH YOUR TESTIMONY?**

35 A. Yes. I have prepared Exhibit Walmart/101, consisting of nine pages, and Exhibit
36 Walmart/102, consisting of one page.

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

38 A. The purpose of my testimony is to discuss Walmart's concerns regarding Pacific
39 Power's ("PacifiCorp" or "the Company") proposed five-year cost of service opt-

40 out program and the current and potential impacts on the economics for
41 customers who are examining direct access service opportunities.

42 **Q. PLEASE SUMMARIZE YOUR RECOMMENDATIONS TO THE COMMISSION.**

43 A. My recommendations to the Commission are as follows:

44 1) The Commission should adopt the following modified eligibility language:

45 "To Large Nonresidential Consumers who have chosen to opt-out of the
46 Company's Cost-Based Supply Service Schedule 201 for a five-year period
47 and who currently receive Delivery Service under Schedules 47, 48, 747,
48 748 or Consumers' meters who receive service under Delivery Service
49 Schedules 30, 47 and/or 48 or 730, 747, and/or 748 under a single
50 corporate name or billing address with meters of more than 200 kW of
51 billing demand at least once in the previous thirteen months that total to
52 at least 2 MW. Once a meter meets the opt-out eligibility requirement,
53 all other meters billed to the same entity or billing address with lesser
54 annual usage located on the same property are also eligible to opt out."

55 2) The Commission should require PacifiCorp to develop a mechanism by which
56 a five-year opt-out customer can give notice to the Company that it wishes to
57 return to utility service. Walmart does not oppose setting PacifiCorp's notice
58 provision consistent with PGE's upcoming three year requirement per the UE
59 262 stipulation.

60 3) The Commission should reject the proposed Consumer Opt-Out Charge
61 ("COOC").

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

64 **Q. PLEASE BRIEFLY DESCRIBE WALMART'S OPERATIONS IN OREGON.**

65 A. Walmart operates 38 retail stores in Oregon, employing over 11,000 associates.
66 In its fiscal year ending 2013, Walmart purchased \$446 million worth of goods
67 and services from Oregon-based suppliers, supporting 18,931 supplier jobs.¹

68 **Q. PLEASE BRIEFLY DESCRIBE WALMART'S OPERATIONS SERVED BY PACIFICORP.**

69 A. Walmart has approximately 15 sites serviced by PacifiCorp in Oregon, all of
70 which currently take generation service from the Company.

71 **Q. HAS WALMART EVER TAKEN DIRECT ACCESS GENERATION SERVICE IN
72 PACIFICORP'S TERRITORY?**

73 A. Yes, as recently as 2008. However, since that time the economics have not been
74 favorable for Walmart to take direct access service and Walmart has taken
75 generation service from the Company.

76 **Q. DOES IT APPEAR THAT OTHER CUSTOMERS WHO COULD CHOOSE DIRECT
77 ACCESS SERVICE HAVE, FOR ONE REASON OR ANOTHER, CHOSEN NOT TO
78 SHOP?**

79 A. Yes. According to the July, 2012, Oregon Electric Industry Restructuring Status
80 Report, only **1.4** percent of non-residential customers were taking generation
81 service through direct access at that time.² As a point of comparison, in mid-
82 2012 in the restructured Texas market, almost 70 percent of commercial

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

² http://www.oregon.gov/puc/electric_restruc/statrpt/2012/072012_status_report.pdf

83 customers and over 70 percent of industrial customers were served by a non-
84 affiliated retail electric service provider.³

85 **Q. SHOULD THESE STATISTICS DRAW THE COMMISSION'S ATTENTION TO THE**
86 **IMPEDIMENTS TO DIRECT ACCESS?**

87 A. Yes. These impediments include concerns about the calculation of the proposed
88 COOC and Transition Adjustment, as I discuss below, and more generally to
89 factors that could impede customers from participation, such as the very limited
90 annual participation window. Generally, the Commission should ensure that, per
91 the state's policy stated in SB 1149, eligible customers are provided fair, non-
92 discriminatory access to competitive electricity options.

93 **Q. DOES WALMART TAKE COMPETITIVE GENERATION SERVICE IN OTHER STATES?**

94 A. Yes. Walmart takes competitive generation service in 17 states. Additionally,
95 Walmart has an in-house electricity service supplier, Texas Retail Energy, which
96 serves our stores in 12 of those states.

97

98 ***Eligibility Requirements***

99 **Q. WHAT IS YOUR UNDERSTANDING OF PACIFICORP'S PROPOSED ELIGIBILITY**
100 **CRITERIA TO PARTICIPATE IN THE FIVE-YEAR OPT OUT?**

101 A. My understanding is the Company proposes that a customer may opt out if it (1)
102 takes service under Schedules 47, 48, 747, or 748 or (2) takes service under

³ See Report to the 83rd Texas Legislature: Scope of Competition in Electric Markets in Texas, January, 2013, page 20. http://www.puc.texas.gov/industry/electric/reports/scope/2013/2013scope_elec.pdf.

103 Schedules 30, 47, 48, 730, 747, or 748 under a single corporate name with
104 meters that each have more than 200 kW of billing demand and that total to at
105 least 2 MW. See PAC/100, Steward/4, line 12 to line 17.

106 **Q. DO YOU HAVE CONCERNS WITH THE ELIGIBILITY REQUIREMENTS?**

107 A. Yes. First, it is unclear for the second provision whether the customer billed by a
108 single corporate name would be disqualified from eligibility if it has accounts not
109 on Schedules 30, 47, 48, 730, 747, or 748.

110 Second, from a facilities management efficiency standpoint, the
111 second provision could create situations where one customer facility has to take
112 generation service from both the Company and a competitive supplier. For
113 example, a customer could have a facility that takes service on Schedule 30 but
114 also have an account on that property for facilities such as exterior signage that
115 take service on a different schedule, such as Schedule 23. It would be more
116 efficient to allow that customer to include accounts on the same property in
117 their opt-out.

118 Finally, the provision requiring a single corporate name appears to
119 limit the ability of customers who have central utility bill processing, a common
120 billing address, and energy management, but operate under different trade
121 names, from including all of their facilities that would otherwise be eligible to
122 opt out.

123 Q. DO YOU HAVE ANY RECOMMENDED CHANGES TO THE PROPOSED ELIGIBILITY
124 LANGUAGE?

125 A. Yes. The Commission should adopt the following modified eligibility language:

126 "To Large Nonresidential Consumers who have chosen to opt-out of the
127 Company's Cost-Based Supply Service Schedule 201 for a five-year period
128 and who currently receive Delivery Service under Schedules 47, 48, 747, 748
129 or Consumers' meters who receive service under Delivery Service Schedules
130 30, 47 and/or 48 or 730, 747, and/or 748 under a single corporate name or
131 billing address with meters of more than 200 kW of billing demand at least
132 once in the previous thirteen months that total to at least 2 MW. Once a
133 meter meets the opt-out eligibility requirement, all other meters billed to the
134 same entity or billing address with lesser annual usage located on the same
135 property are also eligible to opt out."

136 Q. HAS PACIFICORP PROPOSED LANGUAGE REGARDING THE ABILITY OF A
137 CUSTOMER TO RETURN TO UTILITY GENERATION SERVICE?

138 A. Yes. PacifiCorp has proposed that a customer who takes the five-year opt out
139 may never return to utility generation service. To wit, the Company states in the
140 proposed tariff:

141 "By electing this option, the consumer is *giving up the right granted under*
142 *state law (emphasis added)* to receive electricity from the Company at a rate
143 based on the cost of electric generating resources owned in whole or in part
144 by the Company." See Exhibit PAC/101, Steward/1.

145 Q. IS THIS A REASONABLE PROPOSAL?

146 A. No. While I am not a lawyer and cannot speak to the legality of the provision, it
147 is certainly concerning and questionable public policy that a provision in a utility
148 tariff would require a consumer to give up rights granted by the state.

149 **Q. WHAT SHOULD THE COMMISSION REQUIRE IN THE ALTERNATIVE?**

150 A. The Commission should require PacifiCorp to develop a mechanism by which a
151 five-year opt-out customer can give notice to the Company that it wishes to
152 return to utility service. PGE currently offers a two-year notice provision in their
153 five-year opt out tariff. See Portland General Electric Company, P.U.C. Oregon
154 No. E-18, Original Sheet 485-5. Per the stipulation in UE 262, this notice
155 provision will be extended to three years. See Second Partial Stipulation, UE 262,
156 Section 3(g). Walmart does not oppose setting PacifiCorp's notice provision consistent
157 with PGE's upcoming three year requirement per the UE 262 stipulation.

158

159 ***Consumer Opt-Out Charge***

160 **Q. WHAT IS YOUR UNDERSTANDING OF PACIFICORP'S PROPOSED COOC?**

161 A. PacifiCorp has proposed the COOC as a mechanism to charge customers who
162 choose the five-year opt out for the estimated value of fixed generation costs
163 incurred by the Company to serve customers in years six through twenty, offset
164 by the value of the freed-up power made available by the departing customers.
165 The estimated value of the fixed generation costs would be calculated as a five-
166 year levelized \$/MWh charge to be assessed during the five-year opt out period.

167 **Q. SHOULD THE COMMISSION APPROVE THE PROPOSED COOC?**

168 A. No. The Commission should reject the proposed COOC, as it is problematic for
169 several reasons as I will discuss below.

170 **Q. WHAT IS THE FIRST REASON THE PROPOSED COOC IS PROBLEMATIC?**

171 The proposed COOC is unduly discriminatory as it proposes to charge a five-year
172 opt out customer for capacity costs incurred on its behalf six to twenty years
173 after it has left cost-based service (and per PacifiCorp's proposed eligibility rules
174 may never return) but if that same customer closed its business or self-
175 generated its entire load requirement it would not be charged at all even though
176 the impact on the Company's generation procurement process would be the
177 same. This is an inequitable and illogical result.

178 It should be noted that PGE does not charge five-year opt out
179 customers for generation capacity costs after the five-year period. As such,
180 PacifiCorp customers would face a significant barrier to competitive supply
181 service that is not faced by their peers in PGE's territory.

182 **Q. WHAT IS THE SECOND REASON THE PROPOSED COOC IS PROBLEMATIC?**

183 A. The link between the proposed COOC and the Company's cost of service is
184 tenuous at best, as it assumes that customers who take the five-year opt out will
185 have stable and static loads and ignores advances in energy efficiency and on-
186 site generation that, had those customer stayed on the system, could have made
187 a material difference in the capacity procured for those customers. As such, the

188 proposed COOC would charge those customers for capacity they may have not
189 needed had they stayed with utility generation supply.

190 Additionally, the proposed COOC fails to recognize that in the long-
191 term the customers who move to competitive supply are providing a benefit to
192 the Company and non-participating customers. According to the PacifiCorp's
193 2013 Integrated Resource Plan, from 2013 to 2022 the growth in the Company's
194 system obligations will outpace their ability to add generation, resulting in a
195 system capacity position deficit of 2.3 GW by 2022. See 2013 Integrated
196 Resource Plan, April 30, 2013, page 79. PacifiCorp will not have to serve
197 generation to the competitive supply customers and their system position, and
198 the costs to resolve that imbalance, should improve as a result.

199 **Q. WHAT IS THE FINAL REASON THE PROPOSED COOC IS PROBLEMATIC?**

200 A. Finally, the proposed COOC appears to be a financial burden to five-year opt-out
201 customers that could make the option financially unfeasible.

202 **Q. HAS THE COMPANY PROVIDED ILLUSTRATIVE COOC RATES AS PART OF THEIR**
203 **FILING?**

204 A. Yes. For Schedule 30, the illustrative COOC for heavy load hours would be
205 \$15.63/MWh and for light load hours would be \$30.03/MWh. See Exhibit
206 PAC/201, Duvall/1. Assume a hypothetical customer has 2 MW of Schedule 30
207 load, a 75 percent load factor and has 30 percent of its energy consumption
208 occur during heavy load hours. Per the Company's illustrative COOC rates, this

209 would add over \$337,000 in cost to that customer per year for five years for a
210 nominal cost impact of almost \$1.7 million. See Exhibit Walmart/102.

211 **Q. WHAT WOULD BE THE PERCENTAGE COST IMPACT OF THE COOC TO THE**
212 **HYPOTHETICAL OPT-OUT CUSTOMER?**

213 A. Assuming indifference on all other charges on the bill and using the net rates for
214 Schedule 30 from the Stipulation in UE 263 as a guide, the hypothetical customer
215 would realize a bill cost impact of *approximately 32 percent*. *Id.* This outcome is
216 both inequitable, as PGE five-year opt out customers do not incur that cost
217 increase when they choose to take competitive supply, and unreasonably
218 expensive. Ultimately, approval of the proposed COOC portends failure for the
219 five-year opt-out program.

220

221 ***Transition Adjustment***

222 **Q. WHAT IS YOUR UNDERSTANDING OF HOW PACIFICORP'S TRANSITION**
223 **ADJUSTMENT IS CALCULATED?**

224 A. As I discussed in my testimony in UE 264, my understanding is that PacifiCorp's
225 Transition Adjustment is calculated by first running two system scenarios in the
226 Company's GRID model. In the first scenario, the Company provides generation
227 service to the direct access customers and in the second scenario, the Company
228 does not provide generation service to the direct access customers. The
229 difference between the two scenarios is used to determine the "Weighted

230 Market Value" of the energy, which is compared to the Company's supply rates
231 to generate the Transition Adjustment. See Docket UE 264, Walmart/100,
232 Chriss/6.

233 **Q. IS IT YOUR UNDERSTANDING THAT PACIFICORP DOES NOT USE THE ACTUAL**
234 **MARKET PRICE OF POWER IN THE TRANSITION ADJUSTMENT CALCULATION?**

235 A. Yes. My understanding is that the Company does not use the actual market
236 price of power and instead essentially uses the avoided cost-based Weighted
237 Market Value as a proxy, even if that value is not representative of the market
238 price of power.

239 **Q. IS THIS A CONCERN FOR WALMART?**

240 A. Yes. Failure to use actual market prices could misstate the relationship of the
241 actual market prices of power to PacifiCorp's regulated rates and impact the
242 economics of direct access for customers eligible to shop for generation service.
243 Customers who purchase direct access generation service are likely purchasing
244 at a price that is reflective of the market price of power, not PacifiCorp's avoided
245 system cost, so it is important that the calculation of the Transition Adjustment
246 reflects the actual power procurement process for direct access customers.

247 Q. DO YOU CONTINUE TO BE CONCERNED THAT THE TRANSITION ADJUSTMENT
248 CALCULATION COULD CONTINUE TO BE A BARRIER TO COMPETITIVE
249 GENERATION SUPPLY FOR CUSTOMERS?

250 A. Yes. Without ensuring that the Transition Adjustment is calculated in a manner
251 that does not disadvantage direct access customers, there is certainly a concern
252 that the five-year opt-out may be no more successful than PacifiCorp's current
253 direct access service offerings.

254 Q. DOES THIS CONCLUDE YOUR TESTIMONY?

255 A. Yes.

Steve W. Chriss

Senior Manager, Energy Regulatory Analysis

Wal-Mart Stores, Inc.

Business Address: 2001 SE 10th Street, Bentonville, AR, 72716-0550

Business Phone: (479) 204-1594

EXPERIENCE

July 2007 – Present

Wal-Mart Stores, Inc., Bentonville, AR

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

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

June 2003 – July 2007

Public Utility Commission of Oregon, Salem, OR

Senior Utility Analyst (February 2006 – July 2007)

Economist (June 2003 – February 2006)

January 2003 - May 2003

North Harris College, Houston, TX

Adjunct Instructor, Microeconomics

June 2001 - March 2003

Econ One Research, Inc., Houston, TX

Senior Analyst (October 2002 – March 2003)

Analyst (June 2001 – October 2002)

EDUCATION

2001

Louisiana State University

M.S., Agricultural Economics

1997-1998

University of Florida

Graduate Coursework, Agricultural Education and Communication

1997

Texas A&M University

B.S., Agricultural Development

B.S., Horticulture

TESTIMONY BEFORE REGULATORY COMMISSIONS

2013

Illinois Commerce Commission Docket No. 13-0387: Commonwealth Edison Company Tariff Filing to Present the Illinois Commerce Commission with an Opportunity to Consider Revenue Neutral Tariff Changes Related to Rate Design Authorized by Subsection 16-108.5 of the Public Utilities Act.

Iowa Utilities Board Docket No. RPU-2013-0004: In Re: MidAmerican Energy Company.

South Dakota Public Utilities Commission Docket No. EL12-061: In the Matter of the Application of Black Hills Power, Inc. for Authority to Increase its Electric Rates. (filed with confidential stipulation)

Kansas Corporation Commission Docket No. 13-WSEE-629-RTS: In the Matter of the Applications of Westar Energy, Inc. and Kansas Gas and Electric Company for Approval to Make Certain Changes in their Charges for Electric Service.

Public Utility Commission of Oregon Docket No. UE 263: In the Matter of PACIFICORP, dba PACIFIC POWER, Request for a General Rate Revision.

Arkansas Public Service Commission Docket No. 13-028-U: In the Matter of the Application of Entergy Arkansas, Inc. for Approval of Changes in Rates for Retail Electric Service.

Virginia State Corporation Commission Docket No. PUE-2013-00020: Application of Virginia Electric and Power Company for a 2013 Biennial Review of the Rates, Terms, and Conditions for the Provision of Generation, Distribution, and Transmission Services Pursuant to § 56-585.1 A of the Code of Virginia.

Florida Public Service Commission Docket No. 130040-El: Petition for Rate Increase by Tampa Electric Company.

South Carolina Public Service Commission Docket No. 2013-59-E: Application of Duke Energy Carolinas, LLC, for Authority to Adjust and Increase Its Electric Rates and Charges.

Public Utility Commission of Oregon Docket No. UE 262: In the Matter of PORTLAND GENERAL ELECTRIC COMPANY, Request for a General Rate Revision.

New Jersey Board of Public Utilities Docket No. ER12111052: In the Matter of the Verified Petition of Jersey Central Power & Light Company For Review and Approval of Increases in and Other Adjustments to Its Rates and Charges For Electric Service, and For Approval of Other Proposed Tariff Revisions in Connection Therewith; and for Approval of an Accelerated Reliability Enhancement Program ("2012 Base Rate Filing")

North Carolina Utilities Commission Docket No. E-7, Sub 1026: In the Matter of the Application of Duke Energy Carolinas, LLC for Adjustment of Rates and Charges Applicable to Electric Service in North Carolina.

Public Utility Commission of Oregon Docket No. UE 264: PACIFICORP, dba PACIFIC POWER, 2014 Transition Adjustment Mechanism.

Public Utilities Commission of California Docket No. 12-12-002: Application of Pacific Gas and Electric Company for 2013 Rate Design Window Proceeding.

Public Utilities Commission of Ohio Docket Nos. 12-426-EL-SSO, 12-427-EL-ATA, 12-428-EL-AAM, 12-429-EL-WVR, and 12-672-EL-RDR: In the Matter of the Application of the Dayton Power and Light Company Approval of its Market Offer.

Minnesota Public Utilities Commission Docket No. E-002/GR-12-961: In the Matter of the Application of Northern States Power Company for Authority to Increase Rates for Electric Service in Minnesota.

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

2012

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2011

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2010

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

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

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

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

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

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

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

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

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

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

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

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

Program in its Energy Efficiency Portfolio of Programs; and Approval of a Modification of the Fuel Adjustment Clause Earnings and Expense Tests.

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

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

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

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

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

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

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

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

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

2009

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

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

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

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

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

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

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

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

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

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

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

2008

Colorado Public Utilities Commission Docket No. 08A-366EG: In the Matter of the Application of Public Service Company of Colorado for approval of its electric and natural gas demand-side management (DSM) plan for calendar years 2009 and 2010 and to change its electric and gas DSM cost adjustment rates effective January 1, 2009, and for related waivers and authorizations.

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

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

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

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

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

2007

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

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

2006

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

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

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

2005

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

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

2004

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

TESTIMONY BEFORE LEGISLATIVE BODIES

2012

Regarding Missouri House Bill 1488: Testimony Before the Missouri House Committee on Utilities, February 7, 2012.

2011

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

AFFIDAVITS

2011

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

ENERGY INDUSTRY PUBLICATIONS AND PRESENTATIONS

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

Chriss, S. (2006). "Regulatory incentives and Natural Gas Purchasing – Lessons from the Oregon Natural Gas Procurement Study." Presented at the 19th Annual Western Conference, Center for Research in

Regulated Industries Advanced Workshop in Regulation and Competition, Monterey, California, June 29, 2006.

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

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

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

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

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

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

Estimated Impact on Hypothetical Customer of Proposed COOC				
(1)		Customer Load Size	2,000	kW
(2)		Customer Load Factor	75%	
(3)	(1) * (2) * 8760	Annual Consumption	13,140,000	kWh
(4)		HLH Weighting	30%	
(5)		Schedule 30 HLH COOC Rate	\$ 0.01563	/kWh
(6)		Schedule 30 LLH COOC Rate	\$ 0.03002	/kWh
(7)	(3) * (4) * (5)	Annual HLH COOC Cost	\$ 61,613	
(8)	(3) * 1 - (4) * (6)	Annual LLH COOC Cost	\$ 276,124	
(9)	(7) + (8)	Total COOC Cost	\$ 337,737	
(10)		Schedule 30 Consumption	1,337,763,000	kWh
(11)		Schedule 30 Net Revenues	\$ 104,982,000	
(12)	(11) / (10)	Schedule 30 Net Rate	\$ 0.07848	/kWh
(13)	(3) * (12)	Estimated Customer Indifference Cost	\$ 1,031,172	
(14)	(9) / (13)	Impact of Proposed COOC	32.8%	

CERTIFICATE OF SERVICE
OPUC Docket No. UE 267

I hereby certify that I caused to be served the foregoing **Reply Testimony**, via electronic mail and, where paper service is not waived, via postage-paid First Class Mail upon the following parties of record:

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DATED this 13th day of September, 2013.

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