

FILE

BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of)
Columbus Southern Power Company)
And Ohio Power Company for Authority) Case No. 11-346-EL-SSO
To Establish a Standard Service Offer) Case No. 11-348-EL-SSO
Pursuant to §4928.143, Ohio Rev. Code,)
In the Form of an Electric Security Plan.)

In the Matter of the Application of)
Columbus Southern Power Company)
And Ohio Power Company for) Case No. 11-349-EL-AAM
Approval of) Case No. 11-350-EL-AAM
Certain Accounting Authority.)

Direct Testimony of
Teresa L. Ringenbach In Support of
September 7, 2011 Stipulation

On Behalf of the Retail Energy Supply
Association

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1 I. **INTRODUCTION**

2 A. **Identification of Witness**

3 Q. **Please state your name and your business address.**

4 A. My name is Teresa Ringenbach. My business address is 9605 El Camino Lane,
5 Plain City, Ohio.

6
7 Q. **By whom are you employed?**

8 A. I am the Senior Manager of Government and Regulatory Affairs for the Midwest
9 for Direct Energy, LLC (“Direct Energy”). I am also the Ohio Retail Energy
10 Supply Association (“RESA”) representative for electricity.

11
12 Q. **Please describe your position with Direct Energy.**

13 A. I am responsible for monitoring, advocating and defending regulatory and
14 legislative activities which affect Direct Energy’s ability to serve customers in
15 Pennsylvania, Ohio, Illinois, Kentucky and Michigan. My responsibilities cover
16 electric, natural gas, and home services issues for all levels of customers from
17 residential to large industrial. As the RESA Ohio electric representative, my
18 responsibilities include advocating the RESA guiding principles for open, fair and
19 transparent markets in the retail electric markets.

20
21 Q. **Please describe the Retail Energy Supply Association (“RESA”) and your
22 role within the organization.**

23 A. RESA is a broad and diverse group of retail energy suppliers who share the
24 common vision that competitive retail energy markets deliver a more efficient,

1 customer-oriented outcome than regulated utility structure. We are devoted to
2 working with all stakeholders to promote vibrant and sustainable competitive
3 retail energy markets for residential, commercial and industrial consumers. I was
4 the Ohio state Chair of RESA's Electric Caucus for six years and am the current
5 Ohio natural gas state chair.

6
7 **Q. Please describe your educational and business experience.**

8 **A.** I hold a Bachelor of Business Administration with a concentration in International
9 Business from the University of Toledo. I started in the energy industry in 2001
10 with Integrys Energy Services, Inc., formerly WPS Energy Services, Inc., as a
11 Customer Service and Marketing Specialist promoting and managing the recently
12 opened Ohio residential and small commercial electric offers. In 2002, I accepted
13 the position of Account Manager – Inside Sales where I sold and managed the
14 Government Aggregation Programs for both gas and electric. In 2005, I accepted
15 the position of Regulatory Specialist. In this position I was responsible for
16 regulatory compliance and state registrations throughout the United States and
17 Canada. In 2006, I accepted the position of Regulatory Affairs Analyst – East
18 covering New England, New York, New Jersey, Ohio and Pennsylvania gas and
19 electric issues. In the spring of 2008, I accepted the Regulatory Affairs Analyst
20 position for the Midwest region covering Ohio, Michigan, Illinois, Indiana,
21 Kentucky, and all of Canada. In this position, I directed the regulatory and
22 legislative efforts affecting Integrys Energy's gas and electric business. In August
23 2009, I joined Direct Energy as the Manager of Government and Regulatory
24 Affairs for the Midwest. In June 2011 I was promoted to Senior Manager of

1 Government and Regulatory Affairs for the Midwest. As stated above this
2 position advocates, protects and monitors regulatory and legislative activities
3 affecting the gas, electric and home services business interests of Direct.

4
5 **Q. Please describe your experience with the introduction of electric competition**
6 **in Ohio.**

7 **A.** During the market development period established under Senate Bill 3, I was the
8 Ohio Customer Service and Marketing Specialist for Integrys Energy Services. In
9 that capacity, I was responsible for the administration and sales of electric
10 government aggregation programs in Ohio. This role required an understanding
11 of the electric government aggregation rules, an understanding of residential and
12 small commercial pricing, coordination with FirstEnergy Supplier Support, PUCO
13 staff, City governments, customer service and consumer education. I
14 implemented the internal policies of Integrys Energy to ensure compliance with
15 all rules and regulations. I also created a newsletter and reviewed call center
16 scripts to ensure customers were educated and aware of the latest information
17 affecting the programs. My role included drafting the Plan of Operation and
18 Governance plans, participation in public meetings, community events and
19 charitable contributions in the communities we served. In addition, I acted as the
20 liaison between our communities, pricing and legal for contract renewals and
21 savings updates. My role grew to include participation and support for any
22 company regulatory proceedings affecting our customers and providing the
23 detailed information to support our regulatory efforts in Ohio. I participated in the

1 drafting and lobbying of Senate Bill 221 on behalf of Integrys. I testified before
2 the legislature on SB 221. Subsequently, I have participated in rulemaking
3 proceedings to implement SB 221. I have also testified in the FirstEnergy
4 MRO/ESP proceedings, participated in Duke ESP I and MRO proceeding and in
5 AEP Ohio's first ESP proceedings. Finally, as part of RESA, I have participated
6 in workshops and assisted with filings concerning the Renewable Portfolio
7 Standard established by SB 221.

8
9 **Q. On whose behalf are you testifying?**

10 **A.** I am testifying on behalf of RESA.

11
12 **II. SUPPORT OF THE STIPULATION**

13 **Q. What is the purpose of your testimony?**

14 **A.** To present the reasons that RESA supports the Stipulation and why they believe
15 approval by the Commission will be in the public interest.¹

16
17 **Q. Please summarize the reasons that RESA support the Stipulation.**

18 **A.** In my original testimony filed in this proceeding on behalf of RESA, there were
19 five key policy and tariff issues that were raised in regards to the Application.

¹ RESA's members include: Champion Energy Services, LLC; ConEdison *Solutions*; Constellation NewEnergy, Inc.; Direct Energy Services, LLC; Energetix, Inc.; Energy Plus Holdings, LLC; Exelon Energy Company; GDF SUEZ Energy Resources NA, Inc.; Green Mountain Energy Company; Hess Corporation; Integrys Energy Services, Inc.; Just Energy; Liberty Power; MC Squared Energy Services, LLC; Mint Energy, LLC; MXenergy; NextEra Energy Services; Noble Americas Energy Solutions LLC; PPL EnergyPlus, LLC; Reliant and TriEagle Energy, L.P.. The comments expressed in this filing represent the position of RESA as an organization but may not represent the views of any particular member of RESA.

1 The failure of the Application to adequately address those five policy and tariff
2 issues was the basis for RESA to urge the Commission to reject the Application.
3 For the reasons stated below, RESA believes the Stipulation adequately address
4 all five of these issues. After consultation with counsel, RESA also believes that,
5 unlike the Application, the Stipulation is not in violation of any statute or
6 regulatory principle and is in the public interest. Thus, RESA supports the
7 Commission's approval of the Stipulation as presented.

8

9 **Q. What was the first key policy and tariff issue?**

10 **A.** The Application proposed the imposition of a litany of non-bypassable
11 generation-related riders that would be charged to customers that selected
12 generation service from a competitive retail electric service ("CRES") provider.
13 In effect, these riders would have forced shopping customers to pay for AEP
14 generation services that they were not using. The Stipulation eliminates those
15 riders, including specifically: the Facilities Closure Cost Recovery Rider; the
16 NERC Compliance Cost Recovery Rider; the Carbon Capture and Sequestration
17 Rider; the Provider of Last Resort Rider; the Environmental Investment Carrying
18 Charges Rider; the Rate Security Rider; and the non bypassable charges for
19 environmental unit / rededication charges.

20

21 **Q. What was the second key policy and tariff issue?**

22 **A.** RESA believed that the lack of a competitive wholesale solicitation process for
23 electric power and energy to help meet AEP Ohio's standard service offer

1 (“SSO”) and POLR needs violated the Ohio Energy Policy. The Ohio Energy
2 Policy requires the provision of both reasonably priced energy and capacity as
3 well as a regulatory structure which will provide a diversity of supplies and
4 suppliers for retail customers.

5 Another key provision of the Stipulation is the agreement that AEP Ohio
6 shall adopt a competitive wholesale procurement process (CBP) to serve the SSO.
7 The CBP will be an auction-type format similar to that in current use by Ohio
8 Edison, Toledo Edison and Cleveland Electric Illuminating (FirstEnergy). While
9 RESA would prefer to see the CBP implemented immediately, RESA understands
10 that there are unique factors associated with AEP’s structure which inhibit an
11 immediate move to the CBP. The fact that AEP Ohio is agreeing to set in motion
12 a transition period that will lead to a competitive market model, is a reasonable
13 compromise given AEP’s unique situation.

14 In addition to agreeing to the use of a CBP to serve the SSO, the
15 Stipulation calls for AEP Ohio to provide notice to PJM by March of 2012, that it
16 intends to end its term as a Fixed Resource Requirement (FRR) entity and bid all
17 of its load into the next base residual auction under the Reliability Pricing Model
18 (RPM) construct. Further, the Stipulation [Appendix B] provides a timetable with
19 milestones and penalties to assure that the numerous legal and administrative
20 tasks necessary to complete the change to wholesale auction standard service
21 procurement is accomplished by the 2015 PJM service year.

22

1 Simply put, RESA believes that a three-year transition from AEP's legacy
2 capacity monopoly structure to a structure that relies upon a competitive
3 wholesale procurement process that includes AEP Ohio moving its generation
4 into the PJM RPM capacity auction in May 2012 represents a reasonable amount
5 of time to implement a change in capacity use, dedication, and pricing of this
6 magnitude.

7
8 **Q. What was the third key policy and tariff issue?**

9 **A.** In my original testimony, I described how the increase in the capacity charge that
10 AEP proposed in Case No. 10-2929-EL-SSO, to which RESA members
11 *Constellation and Direct Energy* were parties, threatened retail shopping.
12 Currently, in accordance with the December 8, 2010 Entry in Case No. 10-2929-
13 EL-SSO, the Capacity Charge that AEP Ohio charges competitive retail electric
14 service providers is set at an "interim rate" equal to the applicable PJM RPM
15 auction price for the 2011-12 delivery year. In the referenced proceeding, AEP
16 Ohio asked that the Commission set the Capacity Charge at \$347/MW-day. AEP
17 Ohio filed similar requests to increase the Capacity Charge at the Federal Energy
18 Regulatory Commission ("FERC"). Had this price been approved, customers of
19 CRES providers who contracted for capacity at prevailing RPM prices would
20 have experienced a significant price shock.

21 The Stipulation brings closure, and therefore regulatory certainty, to this
22 important issue by granting intervenors like RESA their request to have the
23 Capacity Charge based on the PJM RPM auction price and to dismiss the FERC

1 cases. The Stipulation provides that over the next 41 months, shopping customers
2 will receive, on a modified first come first served basis, RPM-priced capacity
3 until an increasing yearly limit of retail kWh is reached.

4 Specifically, in calendar year 2012, CRES providers will be able to offer
5 RPM-priced capacity to customers whose load represents 21% of AEP Ohio's
6 total retail load. Notably, on June 1, 2012, the RPM-priced capacity will drop
7 from \$116.16/MW-day to \$16.52/MW-day. Any retail kWh that exceeds 21% of
8 the total AEP Ohio retail load will be priced at AEP's \$255/MW-day capacity
9 charge.

10 In calendar year 2013, the percentage of retail shopping load eligible for
11 RPM-priced capacity (which in June 2013 will be set at \$27.73/MW-day) will
12 increase to a range between 29% to 31%. The percentage will increase to 31% if
13 AEP Ohio has fully implemented securitization of certain regulatory assets.

14 In calendar year 2014, 41% of retail load will be eligible for RPM-priced
15 capacity (which will be \$125.94/MW-day starting in June of 2014).

16 Finally, in June 2015 when the auction procurement for SSO begins, all
17 retail load in the AEP Ohio footprint will be set at the applicable RPM price.

18 In the instant proceeding, both RESA and Constellation took the position
19 that all retail load that switches to a CRES provider should be subject to the
20 applicable RPM rate for capacity. The Stipulation is a compromise in which
21 RPM pricing will be universal for all AEP Ohio customers in June 2015. Until
22 that date, there is a "glide path" of an increasing percentage of shopping load that
23 can purchase capacity at the lower RPM rates. This compromise provides time

1 for AEP to transition away from FRR and into a full RPM model while protecting
2 customers who have already switched from price shock and allowing customers
3 who were looking to switch, but had not done so due to the uncertainty created by
4 this case, to benefit from RPM-priced capacity. Should shopping percentages
5 exceed the established level of RPM-priced capacity under the Stipulation, AEP
6 Ohio would still make capacity available to CRES providers at a capacity charge
7 of \$255/MW-day. The \$255/MW-day capacity charge under the Stipulation is
8 significantly less than AEP's requested \$347/MW-day charge, but above the RPM
9 auction results applicable during the transition period. In sum, there is no hard
10 and fast cap on shopping itself, only a temporary limit on the availability of RPM-
11 priced capacity for customers. Ultimately, the settlement agrees that capacity will
12 be set at market rates through the RPM auction process thus removing the
13 complications and limited transparency of setting CRES provider capacity pricing
14 under FRR .

15
16 **Q. What was the fourth key policy and tariff issue?**

17 **A.** The Application included a Generation Resource Rider ("GRRR") which was
18 designed to recover the energy and capacity costs of new generation projects on a
19 non bypassable basis. RESA believes that all new generation facilities must
20 stand or fail in the competitive market based on the efficiencies of supply and
21 demand. In addition, RESA believes customers who have contracted to buy their
22 energy and capacity from a CRES provider should not be made to pay for utility
23 projects dedicated to SSO customers. The Stipulation makes clear that in

1 accordance with Section 4928.143, Revised Code, AEP Ohio may seek approval
2 for a non-bypassable generation unit, but the Stipulation does not preordain or
3 approve such a filing. Thus, should AEP Ohio make such an application it would
4 have to meet the statutory standards of showing need, proper dedication, and that
5 the project was subject to a competitive bid. Further, all parties including the
6 signatory parties can challenge such a project and take whatever position they
7 choose.

8
9 **Q. What was the fifth key policy and tariff issue?**

10 **A.** The fifth key policy and tariff issue with the Application as viewed by RESA was
11 the failure of AEP Ohio to address long standing barriers which needlessly deter
12 shopping in its utility territories. These barriers include: (i) the lack of data and
13 information necessary to identify customers and create appropriately priced
14 product offers available in a usable, timely manner to CRES providers; (ii) the 90
15 day notice that some customers were required to provide *prior* to submitting a
16 switch to a CRES; (iii) the one year minimum stay requirement for large
17 customers who have shopped and then returned to SSO; (iv) the \$10 switching fee
18 and; (v) the seasonal shopping limits on customers returning to SSO. Paragraph S
19 of the Stipulation addresses these concerns. Under the Stipulation, CRES
20 providers will now be provided a Master Customer List, with PLC capacity and
21 NSPL transmission information. Further, participating CRES providers on the
22 AEP Ohio system will get historic usage via EDI 867 protocols and enrollment
23 responses via the EDI 814 protocols. AEP Ohio will also eliminate the 90 day

1 notice that certain customers have to provide before they can shop, the minimum
2 stay requirements for large customers, and the seasonal stay requirements of the
3 smaller customers. Finally, AEP Ohio agrees to discuss reducing the \$10
4 switching fee.

5
6 **Q. Does RESA support the GS-2 Shopping Credit Mechanism and the**
7 **Exemption of GS-1 and GS-2 School buildings from the Market Transition**
8 **Rider?**

9 **A.** Yes. The purpose of the Market Transition Rider (MTR) is to mitigate the
10 impact a market pricing transition could cause by creating a cross payment from
11 customer classes that will transition to lower market prices to customer classes
12 that will experience higher prices. The MTR is reduced each year and ends with
13 the market procurement in June of 2015. For shopping GS-2 customers who are
14 generally low load factor, the MTR is a non-bypassable fee which, on average,
15 will cost Columbus Southern GS-2 customers 1.58¢ per kWh. When this non-
16 bypassable rider is combined with the lower generation rate under the Stipulation,
17 the shopping credit (the amount of the standard service price that can be offset by
18 shopping) is substantially reduced for GS-2 customers. To assure that this market
19 transition mechanism does not in and of itself prevent shopping, a shopping credit
20 for GS-2 is established in the amount of 1.0¢ per kWh.

21 To mitigate the GS-2 credit impact to other customers, the GS-2 credit
22 mechanism is capped at \$10 million dollars a year.

1 The MTR will substantially increase the cost of power to School districts
2 who operate buildings that fall within GS-1 and GS-2 rate classes regardless of
3 whether the School shops or not. While mitigating the transition to market has
4 merit, the Commission should also be cognizant of the unintended consequences
5 of the MTR to disproportionately increase the cost of electricity to schools which
6 have buildings that belong to the GS-1 and GS-2 classes. This Commission has
7 often treated Schools differently than other customers such as the School tariff
8 rates in Ohio Edison, Toledo Edison, and Cleveland Electric Illuminating. The
9 special treatment for schools under the Stipulation is an attempt to maintain their
10 existing electricity rates and mitigate any increases schools may see during the
11 transition in light of the reduction in state education funding. To achieve this
12 goal, all GS-1 and GS-2 school buildings should be excluded from the MTR.
13 Further, GS-2 school buildings that are shopping should receive the GS-2 credit to
14 offset the effects of the Load Factor Rider. Many schools in the AEP territory are
15 served by CRES providers and have been for the past ten years. The proposed
16 credit and exemption ensure that they do not receive an unexpected rate hike
17 under their existing contracts due to the Stipulation.

18 Judging from the discovery that has been served on RESA it is clear that
19 some opponents of the Stipulation believe that Schools should not receive the
20 relief provided in the Stipulation. For them I would note that Schools serve an
21 important social function, are largely tax payer supported and as such can be
22 treated differently than other commercial class customers. Further, since schools
23 do not compete commercially with other types of businesses the discrimination in

1 favor of schools will not unfairly treat commercial competitors and will benefit
2 all tax payers by reducing the cost of a publically financed activity.

3

4 **Q. Please summarize your recommendations regarding AEP's ESP Application.**

5 **A.** RESA believes that the Stipulation was negotiated among knowledgeable and
6 informed parties. Support for the Stipulation is widespread and covers a broad
7 and diverse group of stakeholder interests. The Stipulation violates no law, rule
8 or regulatory principle. Finally, the Stipulation will ultimately move AEP Ohio to
9 a competitive wholesale market which should be of great benefit to all retail
10 customers. *This transition should also lead to a more workable market structure*
11 *that will lead to the further development of retail competition.*

12

13 **Q. Does this conclude your testimony?**

14 **A.** Yes, though I reserve my right to file rebuttal testimony.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was served on all parties listed below via electronic mail and/or regular U.S. mail, postage prepaid, this 13th day of September, 2011.



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