

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

**In the Matter of the Application of Duke)
Energy Ohio, Inc., for Approval of a)
General Exemption of Certain Natural) Case No. 21-0903-GA-EXM
Gas Commodity Sales Services or)
Ancillary Services)**

**In the Matter of the Application of Duke) Case No. 21-0904-GA-ATA
Energy Ohio, Inc. for Tariff Approval)**

**In the Matter of the Application of Duke)
Energy Ohio, Inc., for Approval to) Case No. 21-0905-GA-AAM
Change Accounting Methods)**

**DIRECT TESTIMONY OF FRANK LACEY
ON BEHALF OF
THE RETAIL ENERGY SUPPLY ASSOCIATION**

September 7, 2022

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1 **I. INTRODUCTION**

2 **Q.1. Please state your name and business address.**

3 **A.1.** My name is Frank Lacey. My business address is 3 Traylor Drive, West Chester, PA
4 19382.

5 **Q.2. On whose behalf are you testifying?**

6 **A.2.** I am submitting this testimony on behalf of the Retail Energy Supply Association
7 (“RESA”). RESA is a trade association comprised of a broad and diverse group of retail
8 energy suppliers dedicated to promoting efficient, sustainable and customer-oriented
9 competitive retail energy markets. RESA has members that provide competitive retail
10 natural gas service (“CRNGS”) to customers who receive distribution services from Duke
11 Energy Ohio, Inc. (“Duke”).

12 **Q.3. What is your energy experience and educational background?**

13 **A.3.** As a consultant, I provide policy- and market-related consulting services to advanced
14 energy management companies and end-use customers. I have worked in the competitive
15 energy market since 2001 and in the energy industry for approximately 29 years, beginning
16 immediately after earning my graduate degree. Early in my career, I was employed as a
17 consultant to industry participants, first by Putnam, Hayes & Bartlett, Inc. and then by
18 Arthur Andersen Business Consulting. Within the competitive energy industry, I have
19 worked for Strategic Energy, a retail energy supplier; Direct Energy, a retail energy
20 supplier that acquired Strategic Energy in 2008; and most recently, Comverge, Inc. and
21 CPower, two demand response companies that shared a common owner and provided
22 demand response services to residential and to commercial/industrial customers,
23 respectively. I created Electric Advisors Consulting LLC in 2015. I hold a Bachelor of

1 Science degree in Transportation and Logistics from the University of Maryland and a
2 Master of Science in Industrial Administration with concentrations in finance and
3 environmental management from the Tepper School of Business at Carnegie Mellon
4 University. My resume is provided as Exhibit FPL-1.

5 **Q.4. Have you previously testified before the Public Utilities Commission of Ohio or other**
6 **public service commissions?**

7 **A.4.** Yes. I have testified before the Public Utilities Commission of Ohio (“Commission” or
8 “PUCO”). In addition to testifying before the PUCO, I have provided expert testimony on
9 competitive retail market issues before the utility commissions in New York, Pennsylvania,
10 Maryland, New Jersey, Massachusetts, Illinois, Delaware, Rhode Island, Virginia,
11 California, and on a demand response matter in Utah. I have testified twice as a technical
12 conference witness at the Federal Energy Regulatory Commission (“FERC”). I have also
13 filed expert reports in judicial proceedings in the Superior Court of New Jersey in Bergen
14 County and in the Supreme Court of the State of New York in New York County. I have
15 presented oral testimony in less formal proceedings before the utility commissions in
16 Pennsylvania, Maryland, Delaware and Texas. I have presented legislative testimony in
17 New York, Maryland, Pennsylvania, Delaware, Michigan, California and Texas. I have
18 also spoken at numerous trade shows, conferences and other industry and corporate events
19 as an expert on electricity and natural gas market issues. A detailed listing of my prior
20 testimony is contained in Exhibit FPL-2.

1 **II. BACKGROUND**

2 **Q.5. Are you familiar with these proceedings?**

3 **A.5.** Yes, I have read Duke’s application and witness testimony filed in this proceeding
4 (“Application”).¹ I am also familiar with the Joint Stipulation and Recommendation
5 (“Stipulation”) filed on August 31, 2021, in Case Nos. 14-375-GA-RDR et al., which is
6 referenced in the background section of the Application.

7 **Q.6. What is the purpose of your testimony?**

8 **A.6.** I am going to address the revised bill format and the Price to Compare message (“PTC
9 message”) included on the proposed revised bills. Specifically, I will explain why the PTC
10 message is harmful to customers. I will also discuss the general format of the proposed
11 bills and discuss why they are prejudicial and will be harmful to consumers.

12 Below is a comparison of Duke’s proposed PTC message to the price to compare message
13 currently required under the Commission rules.

14 **Rule 4901:1-13-11(B)(13) Required Message:**

15 When shopping for a natural gas supplier, it may be useful to compare
16 supplier offers with the standard choice offer (SCO) rate [or, if applicable,
17 the gas cost recovery (GCR) rate] available to eligible customers, which
18 varies monthly based on the market price of natural gas. Price represents
19 one feature of any offer; there may be other features which you consider of
20 value. More information about the SCO [or GCR, if applicable] and other
21 suppliers offers is available at energychoice.ohio.gov or by contacting the
22 PUCO.

23 **Duke Proposed PTC:**

24 **PRICE TO COMPARE:** In order for you to save money, a natural gas
25 supplier must offer you a price lower than \$X.XX per CCF for the same

¹ Application, *In the Matter of the Application of Duke Energy Ohio, Inc., for Approval of a General Exemption of Certain Natural Gas Commodity Sales Services or Ancillary Services, etc.* Case Nos. 21-903-GA-EXM, et al. (April 27, 2022).

1 usage that appears on this bill. When shopping for a natural gas supplier, it
2 may be useful to compare supplier offers with the standard service offer
3 (SSO) rate available to eligible customers, which varies monthly based on
4 the market price of natural gas. Price represents one feature of any offer;
5 there may be other features which you consider of value. More information
6 about the SSO and other suppliers offers is available at
7 energychoice.ohio.gov or by contacting the PUCO.²

8 As you can see from the above language, Duke proposes to place its PTC message prior to
9 the Commission's required and approved language. Duke's PTC message also implies that
10 it provides accurate information to a shopping customer on whether that customer is saving
11 money based on the customer's contract with the supplier.

12 **Q.7. Do you have concerns with providing a PTC message on gas customers' bills?**

13 **A.7.** I do.

14 **Q.8. Can you explain your concerns?**

15 **A.8.** I have several concerns. First, Commission Rule 4901:1-13-11(B)(13) already requires a
16 bill message for customers. That message does not include an actual SSO or GCR rate,
17 and rightfully so, given that to place SSO or GCR pricing on the bill message would
18 provide inaccurate and outdated information to customers. Duke's proposed inclusion of
19 outdated pricing is completely counter to the message required by Rule 4901:1-13(B)(13)
20 and counter to past Commission decisions on this issue. Second, listing the default service
21 price on customer bills is an archaic concept and is one that hampers development of
22 alternative goods and services. Duke does not offer a retail service, nor is it proposing a
23 retail service that is comparable to the retail service provided by CRNGS providers. Duke's

² Duke Application, Exhibit IX.

1 proposed SSO is essentially a no-value wholesale cost pass-through variable-priced
2 product.³ Competitive retail products can, and often do, have different attributes such as
3 carbon offsets, efficiency components or services, long terms and potentially other
4 features. The PTC message proposed in this Application suggests a comparison of prices
5 of two vastly different products. Because the products are different, the price-to-compare
6 information will serve no purpose other than to create confusion among CRNGS providers'
7 customers.

8 Moreover, the SSO gas procurement model proposed in the Application, if adopted, will
9 result in a monthly variable gas rate subject to monthly gas volatility.⁴ The PTC will always
10 be a "backward looking" price, reflecting actions that the utility took in the past to procure
11 gas resources to meet an expected demand at that time. The price reflected in the price-to-
12 compare message is not a price that would be available to the customer who will see the
13 PTC message. By contrast, a competitive supply price, when contracted, is a forward-
14 looking price that incorporates market expectations at the time the customer agreement is
15 signed. Ignoring all other factors, just the differing contract dates render the comparison
16 invalid. For the purpose of an everyday analogy, consider another product purchased
17 regularly by consumers - gasoline out of a retail pump. It is meaningless to compare the
18 price of gasoline paid today to the price paid a month or longer ago. Placing the PTC
19 message on a natural gas bill is similar to comparing prices of gasoline purchased one or
20 more months ago to the price of gasoline purchased today. In gasoline markets, the

³ Duke Application, p. 4.

⁴ Duke Application, p. 4.

1 products are similar, but prices move in relation to current market forces on a daily basis.
2 In that world, a sign might have \$4.00 prices on it reflecting the current price, but a PTC
3 message using a month-old price like proposed here would say, “in order for you to provide
4 savings, this station must charge you \$3.35 per gallon.” Of course, that makes no sense at
5 all. Similarly, it makes no sense in competitive natural gas markets. In addition to the
6 timing differences, the competitive supply products are vastly different from standard offer
7 products and comparisons of the two on price should be avoided. Because of timing
8 differences and product differences, the Commission should reject the inclusion of the
9 natural gas SSO price and Duke’s proposed PTC message on customers' bills just as the
10 Commission has done repeatedly in the past.

11 **III. THE PTC MESSAGE**

12 **Q.9. What was your initial reaction to Duke’s Application in this proceeding?**

13 **A.9.** One statement in particular was bothersome to me. And while not untrue, it is certainly
14 misleading. Specifically, Duke stated in its Application that “As part of the stipulation in
15 Case No. 14-0375-GA-RDR, *et al.*, the Company and settling parties agreed that the
16 Company would propose a revision to its price-to-compare message on natural gas
17 customer bills...” The implication here is that the PTC message was a result of stakeholder
18 consensus. It was not. Case Nos. 14-0375-GA-RDR, *et al.*, were a series of 18 different
19 proceedings dating back to 2014 that involved only distribution rate issues. No retail,
20 competitive, or billing issues were presented in any of the 18 cases before the Stipulation
21 was filed in the cases. As such, no retail providers, trade associations or other entities that
22 would be affected by this settlement term were parties to the Stipulation or involved in the
23 negotiation of the Stipulation in any way. When the settlement terms were made public,

1 competitive retail suppliers got involved in the proceedings. Significantly, RESA
2 submitted the testimony of three witnesses including the testimony of a former Chairman
3 of the Pennsylvania Public Utility Commission (“PAPUC”), and in my opinion, all in
4 strenuous opposition to the settlement terms that would directly impact competitive
5 suppliers and their relationship with their customers. The arguments against the settlement
6 were very detailed and can be found in the direct testimonies of James Crist, Frank Lacey
7 and former PAPUC Chairman James Cawley that are in the record in that proceeding.⁵

8 **Q.10. Did the Commission approve the aforementioned Stipulation?**

9 **A.10.** The Commission approved the terms of the Stipulation, but specifically stated that the
10 approval of the Stipulation did not approve the PTC language or other components that
11 were opposed by RESA. The order approving the Stipulation stated:

12 Any intervenors in [the SSO] case will be afforded an opportunity for input
13 and comment on the eventual SSO application. The Commission will, at
14 that point, fully consider the SSO application and the comments before any
15 decision is reached in that case. We, therefore, decline to eliminate these
16 provisions from the Stipulation. Furthermore, it appears these
17 commitments and related settlement terms merely state what was agreed
18 upon during settlement negotiations as to what, at a minimum, should be
19 included in the Company’s subsequent application to transition from the
20 GCR mechanism to an SSO. We emphasize that our decision today does
21 not predetermine any outcome related to that subsequent application and, as
22 stated by Duke, the Commission remains free to approve, modify, or reject
23 whatever the Company may ultimately file.⁶
24

⁵ See Direct Testimony of James L. Crist, P.E. (<https://dis.puc.state.oh.us/DocumentRecord.aspx?DocID=a0d3447b-fabb-480f-8229-4c8c5e5afece>), Direct Testimony of Frank Lacey (<https://dis.puc.state.oh.us/DocumentRecord.aspx?DocID=4c75dc1c-26e2-4c6e-ab4d-2c24f8c08492>), and Direct Testimony of James H. Cawley (<https://dis.puc.state.oh.us/DocumentRecord.aspx?DocID=ade966fa-1411-413c-b05a-24e8c3a9ae93>) all filed November 11, 2021, in *In the Matter of the Application of Duke Energy Ohio, Inc., for an Adjustment to Rider MGP Rates*, Case Nos. 14-375-GA-RDR et al.

⁶ *In the Matter of the Application of Duke Energy Ohio, Inc., for an Adjustment to Rider MGP Rates*, Case Nos. 14-375-GA-RDR et al., Opinion and Order at ¶ 121 (April 20, 2022).

1 **Q.11. Have you reviewed the PTC language that Duke filed in this proceeding?**

2 **A.11.** Yes, as I indicated above, Duke included in its Application at Exhibit IX, sample bills for
3 shopping and non-shopping customers. The proposed PTC message on the bills includes
4 first Duke’s new proposed language (underscored below), which is then followed by the
5 Commission-required message:

6 PRICE TO COMPARE: In order for you to save money, a natural gas
7 supplier must offer you a price lower than \$X.XX per CCF for the same
8 usage that appears on this bill. When shopping for a natural gas supplier, it
9 may be useful to compare supplier offers with the standard service offer
10 (SSO) rate available to eligible customers, which varies monthly based on
11 the market price of natural gas. Price represents one feature of an offer; there
12 may be other features which you consider of value. More information about
13 the SSO and other suppliers' offers is available at energychoice.ohio.gov or
14 by contacting the PUCO.⁷

15 **Q.12. Does the proposed Stipulation PTC language conflict with any Ohio regulations?**

16 **A.12.** Yes. Most notably, the Stipulation language is in direct contrast with the current
17 requirements of the Ohio Administrative Code, which prescribes the price-to-compare
18 message to be as follows:

19 (B) Bills issued by or for the gas or natural gas company shall be accurate
20 and rendered at monthly intervals and shall contain clear and
21 understandable form and language. Each bill shall display all of the
22 following information:

23 * * *

24
25
26 (13) The following prominently displayed price to compare statement on
27 residential and small commercial customer bills, if the company has a
28 choice program:

29
30 “When shopping for a natural gas supplier, it may be useful
31 to compare supplier offers with the standard choice offer
32 (SCO) rate [or, if applicable, the gas cost recovery (GCR)
33 rate] available to eligible customers, which varies monthly

⁷ Duke Application, Exhibit IX.

1 based on the market price of natural gas. Price represents one
2 feature of any offer; there may be other features which you
3 consider of value. More information about the SCO [or
4 GCR, if applicable] and other suppliers offers is available at
5 energychoice.ohio.gov or by contacting the PUCO.”⁸

6 The Commission-required language directs the customer to the Commission’s choice
7 webpage where a customer can obtain additional information on supplier offerings and the
8 distribution utility’s default service offering. Of significant note, this statement was
9 incorporated in the rule by the Commission after it reviewed the gas service standards.
10 Price-to-compare language proposed by Staff and supported by the Office of the Ohio
11 Consumers’ Counsel (“OCC”) in that review was similar to what was proposed in the
12 Stipulation and to what is included in Duke’s Application, but was explicitly rejected by
13 the Commission in the gas standards proceeding.⁹

14 **Q.13. Do you believe is it wrong for Duke to propose language that conflicts with what is**
15 **required in codified regulations?**

16 **A.13.** Yes, given the Commission’s rulings on this issue. The language promulgated in the final
17 regulation was the result of a lengthy and contested stakeholder process. PTC language
18 that was proposed by OCC,¹⁰ which is substantively the same as is included in Duke’s
19 Application, was explicitly rejected by the Commission in that rulemaking process. The
20 settling parties to the Stipulation and Duke in this proceeding are essentially contradicting
21 a prior Commission decision, are pushing customers to only focus on an outdated SSO

⁸ Ohio Administrative Code 4901:1-13-II(B)(13).

⁹ *In the Matter of the Commission's Review of the Minimum Gas Service Standards in Chapter 4901:1-13 of the Ohio Administrative Code*, Case No. 19-1429-GA-ORD, Finding and Order, February 24, 2021, para 69.

¹⁰ *See* Comments on Standards for Consumers’ Natural Gas Service by the Office of the Ohio Consumer Counsel, Case No. 19-1429-GA-ORD, January 17, 2020, p. 3.

1 price and defeating the purpose of the Commission’s more general language on how to
2 obtain information.

3 **Q.14. Has the Commission reviewed this issue in proceedings other than the gas standards**
4 **proceeding?**

5 **A.14.** Yes. This issue has been addressed in at least four other dockets. These include a 2013
6 review of the minimum gas standards, a 2015 review of purchased gas adjustment clauses
7 and other issues, and a 2018 review of purchased gas adjustment clauses and other issues.¹¹

8 In each of those proceedings, the Commission rejected the price-to-compare messages
9 sought by certain stakeholders. Additionally, it should be noted that the OCC filed for
10 rehearing in the 2019 gas standards case, attempting to reverse the Commission’s ruling on
11 the PTC statement. The Commission rejected that rehearing, noting in part that customers
12 have other existing resources for comparing pricing and available offers.¹²

13 This issue was also addressed in a fourth proceeding, Case No. 21-1233-GE-UNC, in a
14 very recent Order dated May 4, 2022. This Commission Order was issued after the
15 Stipulation was approved and also after this Application was filed. In this May 4 Order at
16 ¶ 33, the Commission stated the following:

17 [G]enerally [the Commission] agrees with Duke and IGS that many of the
18 recommendations advanced by Joint Consumer Advocates have been
19 previously reviewed and rejected by the Commission and we do not find it

¹¹ See *In the Matter of the Commission's Review of Chapter 4901:1-13 of the Ohio Administrative Code, Regarding Minimum Gas Service Standards*, Case No. 13-2225-GA-ORD; *In the Matter of the Regulation of the Purchased Gas Adjustment Clauses Contained within the Rate Schedules of Duke Energy Ohio, Inc., and Related Matters*, Case Nos. 15-218-GA-GCR, *et al.*; and *In the Matter of the Regulation of the Purchased Gas Adjustment Clauses Contained within the Rate Schedules of Duke Energy Ohio, Inc., and Related Matters*, Case Nos. 18-218-GA-GCR, *et al.*

¹² *In the Matter of the Commission's Review of the Minimum Gas Service Standards in Chapter 4901:1-13 of the Ohio Administrative Code*, Case No. 19-1429-GA-ORD, Entry on Rehearing, April 21, 2021, para. 20.

1 appropriate to reverse precedent on these issues. Thus, the similar
2 arguments advanced by OCC in previous cases concerning the location of
3 the PTC message, enhanced PTC language with SSO rates, the description
4 of OCC's role, and the adequacy of the disconnection notice and any
5 required actions related to retaining service, are not persuasive in this
6 case."¹³

7 There has been no additional information provided in this proceeding to justify change to
8 a long-standing precedent.

9 **Q.15. Has Duke argued against the implementation of a price-to-compare message on the**
10 **bills in other dockets?**

11 **A.15.** In 2020 Reply Comments in Case No. 19-1429-GA-ORD, Duke discussed a multi-year
12 history of multiple dockets dating back to 2015. Arguing against bill format changes being
13 advocated by OCC, Duke stated that "...such information is not shown to be a full or
14 reliable means of determining the value, or lack thereof, of any particular competitive
15 offer."¹⁴ In 2019, in a post-hearing brief defending a stipulation filed with the Commission
16 that would settle three different cases, Duke argued against bill message concepts. In that
17 matter, OCC opposed the stipulation in part because it did not require the bill message that
18 OCC desired. Here, Duke again cited to the long history of arguments put forth by OCC
19 in different proceedings. Duke stated then that "the Company does not compare the GCR
20 to the choice program on a regular basis."¹⁵ Later in this same case, Duke's reply brief

¹³ *In the Matter of the Approval of Application of Duke Energy Ohio, Inc. for Approval of Bill Format Changes*, Case No. 21-1233-GE-UNC, Finding and Order, May 4, 2022, para. 33.

¹⁴ Duke Reply Comments, *In the Matter of the Commission's Review of the Minimum Gas Service Standards in Chapter 4901:1-13 of the Ohio Administrative Code*, Case No. 19-1429-GA-ORD, January 31, 2020, p. 2.

¹⁵ Post Hearing Brief of Duke Energy Ohio, Inc., *In the Matter of the Regulation of the Purchased Gas Adjustment Clauses Contained within the Rates Schedules of Duke Energy Ohio, Inc. and Related Matters, etc.*, Case Nos. 18-218-GA-GCR et al., October 14, 2019, p. 6.

1 argued more stridently against OCC's request to include shadow billing. Duke directly
2 argued against putting a price-to-compare message on customers' bills stating, "the data
3 needed to make the comparison [OCC] seeks to make is simply not available."¹⁶ Duke
4 also argued:

5 Moreover, as [OCC witness] admitted, when customers make a comparison,
6 there are other terms and conditions that must be considered, such as how
7 long a contract term might be, whether the contract includes an early
8 termination fee, whether the rate is variable, etc. So simply providing a
9 single number on a customer's bill is an inadequate and potentially
10 misleading way to determine whether a customer should choose to exercise
11 his/her option to shop. Shadow billing is potentially unfair to customers
12 and an administrative burden on the Company so should be rejected.¹⁷

13 **Q.16. Do you believe that Duke's new language is inconsistent with any other current Ohio**
14 **regulations?**

15 **A.16.** Yes. Rule 4901:1-13(B) requires several elements in utility bills. The regulation states
16 that "Bills issued by or for the gas or natural gas company shall be accurate and rendered
17 at monthly intervals and shall contain clear and understandable form and language."¹⁸ The
18 PTC message proposed to be added is neither accurate nor clear and understandable. Most
19 importantly, it is inaccurate.

20 **Q.17. Why do you believe the PTC language is inaccurate?**

21 **A.17.** The new language states "In order for you to save money, a natural gas supplier must offer
22 you a price lower than \$X.XX per CCF for the same usage that appears on this bill." In

¹⁶ Reply Brief of Duke Energy Ohio, Inc., *In the Matter of the Regulation of the Purchased Gas Adjustment Clauses Contained within the Rates Schedules of Duke Energy Ohio, Inc. and Related Matters, etc.*, Case Nos. 18-218-GA-GCR et al., October 29, 2019, p. 5.

¹⁷ Reply Brief of Duke Energy Ohio, Inc., *In the Matter of the Regulation of the Purchased Gas Adjustment Clauses Contained within the Rates Schedules of Duke Energy Ohio, Inc. and Related Matters*, Case Nos. 18-218-GA-GCR et al., October 29, 2019, p. 5.

¹⁸ O.A.C. 4901:1-13-11(B) (emphasis added).

1 the absence of perfect vision into the future, this is a flatly inaccurate and misleading
2 statement. The \$X.XX in this statement reflects a historic price, and has no bearing on a
3 future GCR, SSO, or SCO price. In the recent run-up in natural gas prices, this message
4 would have been wrong every time a customer saw it and it would misrepresent the price
5 a customer could receive from the utility if a customer chose to switch to the utility as a
6 result of the message.

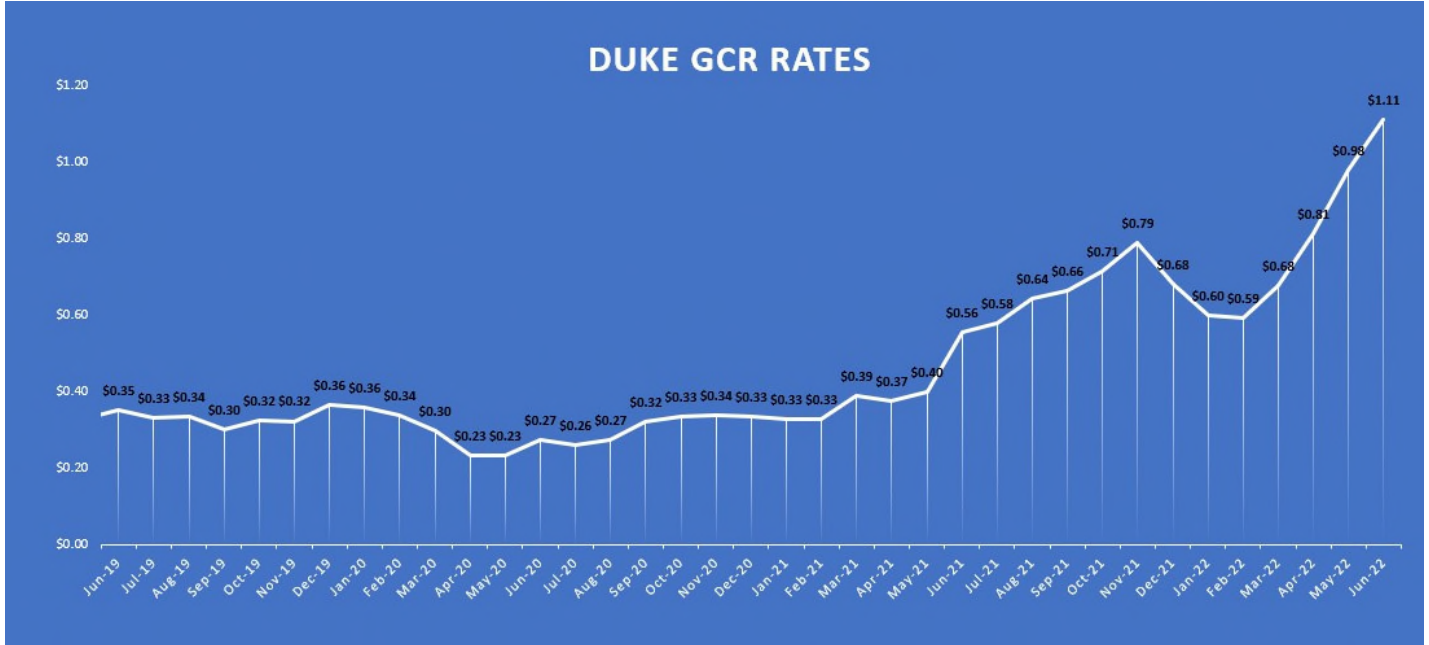
7 As explained to the Commission in my testimony opposing the Stipulation, the following
8 continues to be a valid example of how the bill message is not actionable, and therefore
9 inappropriate information to provide to customers:

10 In this example, the price-to-compare is based on a NYMEX natural gas
11 price set on a specific date in late January, usually the third to last day of
12 the month, which is the last day to purchase gas for the following month.
13 Assuming the customer has a mid-month meter read date, the customer
14 receives the pricing information in the invoice sometime in mid-February,
15 a few days after the meter read. The customer might not open the invoice to
16 pay it until early March. When the customer opens the bill, the price-to-
17 compare message will indicate a price that is different from the price the
18 customer will actually be billed. In this example, the customer reacts to the
19 price signal the day after the bill is paid in March. Unfortunately for the
20 customer, that decision and transaction fell within twelve days of the next
21 meter read date, so the customer's directive to move suppliers based on a
22 January price signal cannot be implemented until the customer's April meter
23 read date. According to Duke's gas supplier tariff, if that switch request is
24 made within 12 calendar days of the customer's March meter read date, the
25 customer will not be switched to the new supplier until its April meter read
26 date. In this example, this customer took an action in March, based on a
27 January data point and was not able to make a change in response to the
28 January price signal until April. In April (and in February and March), the
29 January data is meaningless to a customer as it has no bearing on what
30 options are available to the customer. The combination of delayed billing,
31 delays in bill processing, future bill payment deadlines, and utility data
32 processing delays means that it can take up to four months between the time
33 the price signal is set and the time a customer can execute a change in
34 supplier. And it will be five months before the new price signal is realized
35 by the customer, after the first bill with the new supplier is delivered. This
36 is what I mean when I say that the price-to-compare is not an actionable
37 price. It is outdated by the time the customer sees it.

1 **Q.18. Can you explain what would have happened to the hypothetical customer in your**
2 **example?**

3 **A.18.** Yes. The benefit of time allows us to review what would have happened in this
4 hypothetical example. This customer's February bill would have indicated an ability to
5 save money only if the supplier's rate was below \$0.59 per CCF. That customer might
6 have been on a contract at \$0.65 per CCF and responding to the utility statement, decided
7 to save money by moving to the utility's default service and terminating a contract with
8 the supplier. By the time the price signal was received and responded to, the customer
9 would be receiving gas from the utility at a rate of \$0.81 per CCF. This is an increase of
10 37%. If that customer had moved to utility service instead of the \$0.65 rate set in the
11 supplier contract, that customer would have paid rates as high as \$1.11 per CCF, a 71%
12 increase from the supply rate it would have abandoned and an 88% increase above what
13 would have been presented on the PTC message. That customer would have based its
14 decisions on extremely misleading information from Duke in these examples.

1 The chart below shows Duke's history of GCR pricing.¹⁹ Under today's market design and
2 under the SSO model proposed by Duke, it will, at best, be a lucky circumstance for the
3 PTC message to ever be an accurate representation of a price available to a consumer.



4
5 This Commission should not condone Duke knowingly providing customers inaccurate
6 information. Additionally, regardless of whether the PTC remains lower for a few months
7 than the customer's current supplier rate, it only sends a one-month price signal. A one-
8 month price signal cannot be indicative of any level of savings or customer satisfaction. It
9 is not helpful to a customer looking to hedge a gas contract in order to manage price
10 fluctuations, or already in a contract for gas service. For the purpose of this review, it is
11 worth mentioning again that Duke's SSO proposal includes monthly variable gas rates
12 similar to its current GCR rates, and the SSO proposal is also subject to monthly gas price

¹⁹ See <https://puco.ohio.gov/utilities/gas/resources/duke-energy-natural-gas-gcr-historical-chart>.

1 volatility.²⁰ The level of accuracy of any monthly PTC statement that includes a price will
2 not change. It will repeatedly be inaccurate.

3 **Q.19. Have you read the testimony of Duke witnesses Sarah Lawler and Amy Spiller**
4 **supporting the inclusion of the PTC message?**

5 **A.19** I have. Both of them now support the inclusion of the PTC message on shopping
6 customers' bills.

7 **Q.20. Did either of those witnesses explain why they have changed their position on this**
8 **issue?**

9 **A.20** No.

10 **Q.21. Despite the lack of testimony supporting the PTC message, do you have any reaction**
11 **to what the Duke witnesses stated in their testimony?**

12 **A.21.** Ironically, witness Lawler proves the inaccuracy in the PTC message when asked if the
13 message is inaccurate. She stated "it is a simple calculation of the rates that customers are
14 actually paying: the summation of Riders SSOR, SSOCR and ETR."²¹ Notably, she did
15 not testify that it is a rate that customers "will be paying". The PTC message is a forward-
16 looking statement. By the time a customer sees the message, however, the PTC price
17 embedded in the PTC message will be a backward-looking price. It is not actionable by a
18 customer and therefore is inaccurate and misleading.

19 **Q.22. Duke witnesses Lawler and Spiller both reference the electricity PTC message in**
20 **support of including a gas PTC message. Is there a difference between a gas PTC**
21 **message and an electric PTC message?**

22 **A.22.** Yes. While I do not support an electricity PTC message either, there are only four price
23 points for utility electricity customers over the course of a year. There are 12 different

²⁰ Duke Application, pp 4-5.

²¹ Lawler Testimony, p. 11:16-17 (emphasis added).

1 price points for gas customers – one per month. In some short periods of time, the
2 electricity PTC might be actionable, but it is generally not and is therefore generally
3 misleading. By comparison, in no period of time will the gas PTC message be actionable.
4 The gas PTC message will repeatedly be inaccurate and misleading and could potentially
5 lead consumers to make decisions that are harmful to their own interest.

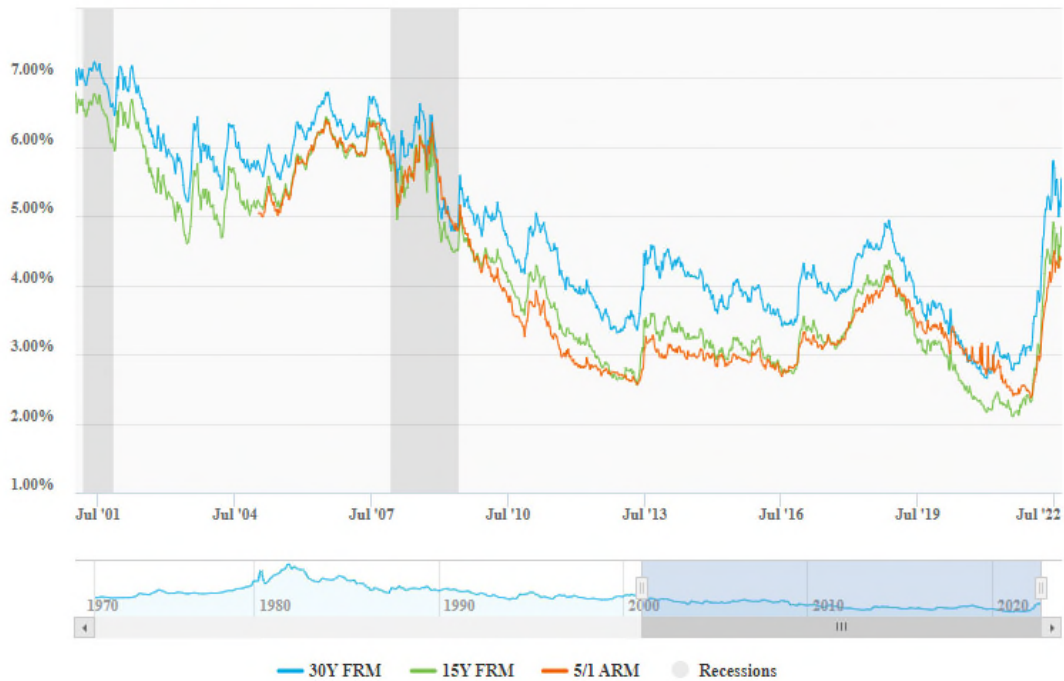
6 **Q.23. Is price an important attribute of a natural gas purchase?**

7 **A.23.** Price is often an important attribute of purchases, but getting the lowest price is clearly not
8 the most important attribute of every purchase. If that were the case, automotive sales
9 would be limited to small coupes or sedans. Electric vehicles, sport utility vehicles and
10 luxury vehicles would not ever be purchased. Customers frequently purchase automobiles
11 that are significantly more expensive than the least-cost alternative. Another example is
12 the preponderance of fixed-rate mortgages over variable-rate mortgages and the number of
13 customers who pay more for a fixed-price phone service than they would if they paid for
14 usage as consumed. According to data compiled by Freddie Mac, since 2001, only twice
15 have adjustable-rate mortgages been more expensive than fixed-rate mortgages. Those
16 periods coincided with the recession and housing crisis in 2008 and a brief period of time
17 at the beginning of the Covid pandemic.²² The graph below shows the mortgage rates as
18 reported by Freddie Mac for 30-year mortgages, 15-year mortgages and adjustable-rate
19 mortgages with rates fixed for five years before the first adjustment. There are few points
20 on this chart where either the short-term mortgage or the adjustable mortgage rates climb

²² See <https://www.freddiemac.com/pmms>.

1 above the traditional fixed-rate mortgage. Despite the cost difference, in the most recent
2 survey, just 6.5% of new mortgages are adjustable rate.²³ These are significantly
3 compelling data that show consumers are much more focused on levelizing and budgeting
4 costs rather than minimizing costs.

5 **Mortgage Interest Rates -- 2001-Present**



6
7 **Q.24. Are you suggesting that Duke's SSO will be the lowest-priced retail natural gas**
8 **available for consumers in the market?**

9 **A.24.** No. First, Duke's SSO is a monthly variable wholesale product and can be higher or lower
10 depending on the volatility of the NYMEX price for the billing month compared to what a
11 shopping customer has contracted to pay with its CRNGS provider. For example, fearing
12 inflation, a customer might have entered into a gas contract in September 2021. At that

²³ See <https://www.mba.org/news-and-research/newsroom/news/2022/08/24/mortgage-applications-decrease-in-latest-mba-weekly-survey>.

1 point in time, Duke’s GCR rate might have been lower than the CRNGS rate. However,
2 the GCR rate increased, then subsided for a couple of months. Now, a year later, the GCR
3 rate has risen significantly higher again. It is simply not possible to say that Duke’s rate
4 was the lowest-price or the highest priced in the market. It is a different product altogether.
5 Moreover, a customer that elects to terminate their contract with their CRNGS provider
6 and return to an SSO will not receive the price on the PTC because it was outdated to start
7 with.

8 **Q.25. Do Ohio consumers have options to easily compare natural gas prices?**

9 **A.25.** They do. The primary tool is the PUCO’s energy choice “apples-to-apples” shopping
10 website. A review of that website shows that customers can choose from more than 40
11 fixed-price gas product alternatives in the Duke distribution service territory with contract
12 durations of one year or longer, including up to five years in duration, which provides price
13 stability for 60 times the duration of stability provided by the proposed SSO.²⁴ The utility
14 model, whether GCR or the proposed SSO, does not provide that certainty to customers.
15 For the customers who desire a fixed-price, longer-term product, a message about the
16 historical rate of the variable default service product is meaningless, is confusing and might
17 persuade a customer to take an action that is not in the customer's best financial interest,
18 such as reverting to the varying utility price (whether GCR or SSO).

²⁴ See <https://www.energychoice.ohio.gov/ApplesToApplesCategory.aspx?Category=NaturalGas#>
(Website reviewed 8-29-22).

1 **Q.26. If the proposed language is approved by the Commission, will it have negative impacts**
2 **on Ohio's competitive retail natural gas market?**

3 **A.26.** Undoubtedly, yes. I have described some of the negative impacts above. First, it implies
4 to customers that all products are the same and that price is the only attribute that matters,
5 which is fundamentally untrue. This misleading messaging stifles consumer interest and
6 hampers innovation. The requirement will also result in consumers receiving delayed and
7 inappropriate price signals that can lead to poor consumer decisions such as breaking
8 contracts, entering contracts at inopportune times, or staying out of the market altogether
9 and suffering the fate of SSO gas price volatility. It will create confusion in the market
10 because the statements might be completely untrue at the time the customer reads them or
11 can react to them. Overall, including the PTC message on natural gas customer bills would
12 be bad policy. I can think of no consumer benefits of providing a backward-looking price
13 and suggesting a comparison to it of fundamentally different consumer products.

14 **Q.27. Are there any other issues that concern you regarding the placement of the PTC**
15 **message on Duke's monthly bills to shopping customers?**

16 **A.27.** Yes. CRNGS providers operate in a competitive market environment. One of the products
17 against which they compete is the default service. It strikes me as contrary to the
18 development of a retail market to have Duke²⁵ sending a pricing message about the only
19 product they sell to customers for natural gas supply, implying that it is the product against
20 which the customer should compare its retail product or retail offerings. The message will
21 come in repeatedly, every month, with the implication that the customer should check to
22 guarantee he or she is saving money, even though the price in the comparison is not

²⁵ According to Duke's Application, approximately 60 suppliers in the aggregate serve about 40% of the customers in the region. (See Application Exhibit III, Competitive Market Behavior, Paragraph D.)

1 obtainable by a shopping customer and the products are likely different. It is not sound
2 public policy for the Commission or for Duke to be suggesting to customers that they re-
3 examine a contract to which they have voluntarily entered. Retail contracts with consumers
4 should be respected by the Commission, by Duke, by the CRNGS providers that provides
5 the contract and by the customers who agree to the contract. Weakening that bond
6 disincentivizes long-term contracting by CRNGS providers and that in turn, hurts
7 customers and competitive markets more broadly.

8 IV. BILL FORMAT ISSUES

9 **Q.28. Have you reviewed the bill format presented by Duke in this proceeding?**

10 **A.28.** I have.

11 **Q.29. Do you have any reaction to the bills presented to the Commission in this proceeding?**

12 **A.29.** Yes, I find them to be discriminatory beyond the issues described above with respect to the
13 PTC message. Also, the proposed bills are not exactly consistent with the bill formats
14 approved.

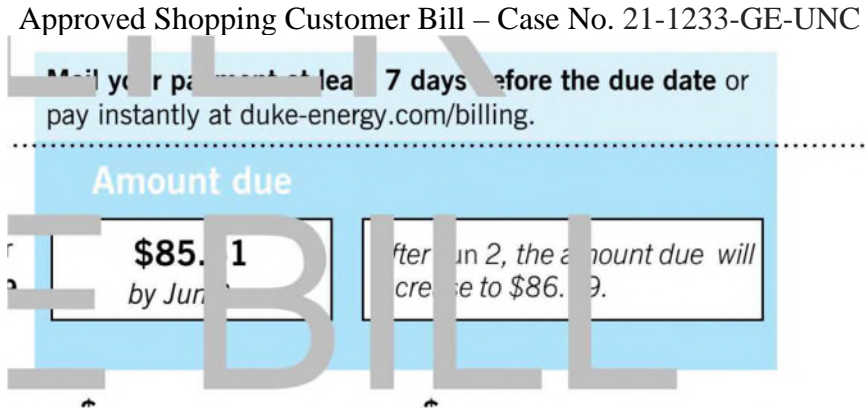
15 **Q.30. Could you please explain?**

16 **A.30.** Yes. I will talk about three different bills here – the proposed non-shopping bill, the
17 proposed shopping bill and the approved shopping bill, filed with the Commission on
18 March 15, 2022, in Case No. 21-1233-GE-UNC, subsequently approved by the
19 Commission on May 4, 2022.

20 **Q.31. To simplify the discussion, could you first discuss the differences between the**
21 **approved shopping bill and the shopping bill that Duke has proposed in this**
22 **Application?**

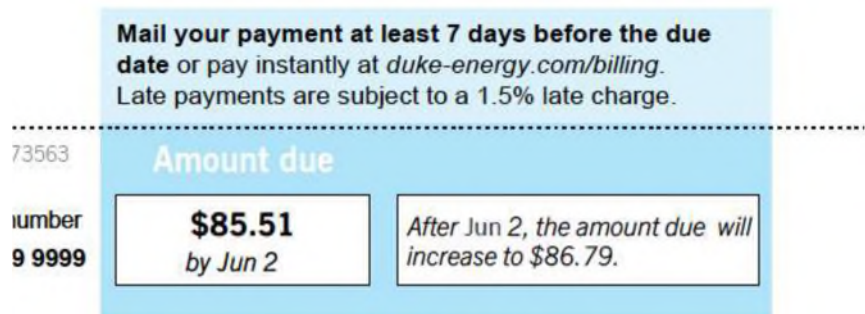
23 **A.31.** Yes. I find two differences. On page one of approved shopping bill, just above the
24 remittance portion of the bill, there is advice to mail payments seven days before the bill

1 date or to pay instantly on Duke’s website. In contrast, on the proposed shopping bill,
2 Duke adds an additional statement that reads, “Late Payments are subject to a 1.5% late
3 charge.”



5
6

7 Proposed Shopping Customer Bill -- Application



8

9 The second difference between what was approved in May and what is proposed in this
10 Application is the inclusion of the revised PTC language, discussed above and the
11 elimination of the GCR language, which on the Approved bill reads “This month's Gas
12 Cost Recovery (GCR) charge for customers purchasing their natural gas from Duke Energy
13 is \$-0.00697300 per CCF, which includes a base GCR of \$-0.01394600 and Ohio excise
14 tax of \$-0.0006819594.” Duke has offered no support for this change.

1 **Q.32. Could you please describe the differences between the proposed non-shopping bill**
2 **and the proposed shopping bill**

3 **A.32.** Yes. The first page of the proposed bills are significantly different from each other. The
4 proposed non-shopping bills provides a simple “Thank you for your payment” message, as
5 well as information about the Share the Light Fund, pandemic-related assistance, budget
6 billing and energy theft concerns. The proposed shopping bill does not include any of
7 those messages. Despite the lack of information on the Share the Light Fund, the proposed
8 shopping bill still has a line where shopping customers can contribute. It does not make
9 sense to exclude any of these messages from the shopping bills, especially while soliciting
10 contributions to the Share the Light Fund.

11 **Non-Shopping Customer Bill -- Application**

DUKE ENERGY duke-energy.com 800.544.6900

Your Energy Bill Page 1 of 4

Service address: SALLY SAMPLE, 123 SAMPLE ST, CITY STATE 00000
Bill date: Dec 10, 2021
For service: Nov 5 - Dec 7, 33 days
Account number: 9999 9999 9999

Billing summary

Previous Amount Due	\$104.65
Payment Received Nov 18	-104.65
Current Electric Charges	51.64
Current Gas Charges	53.07
Total Amount Due Dec 31	\$104.71

Your usage snapshot

Electric usage history (kWh) graph showing usage from Dec 2020 to Dec 2021. Average temperature in degrees (35° to 85°).

Current Month	Dec 2020	12-Month Usage	Avg 12-Month Usage
Electric (kWh)	402	369	6,129

12-month usage based on most recent history.

Amount due

Account number: 9999 9999 9999	\$104.71 by Dec 31	After Dec 31, the amount due will increase to \$108.28.
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Mail your payment at least 7 days before the due date or pay instantly at duke-energy.com/billing. Late payments are subject to a 1.5% late charge.

Please return this page to the meter. Thank you for your business.

DUKE ENERGY
Duke Energy Return Mail
PO Box 1090
Charlotte, NC 28201-1090


Add time to help others with a contribution to Share the Light. Amount enclosed

12

13

1

Shopping Customer Bill -- Application



duke-energy.com
800.544.6990

Your Energy Bill

Page 1 of 4

Service address: SALLY SAMPLE, 123 SAMPLE ST, CITY STATE 00000

Bill date: May 6, 2021
For service: Apr 9 - May 7
30 days

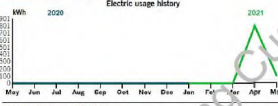
Account number: 9999 9999 9999

Billing summary

Previous Amount Due	\$78.84
Payment Received Apr 18	-78.84
Current Electric Charges	13.08
ABC Energy Services:	
Current Supplier Electric Charges	5.01
ABC Gas Choice Supplier:	
Current Supplier Gas Charges	24.55
Current Gas Charges	41.46
Taxes	1.43
Total amount due Jun 2	\$85.51

Your usage snapshot

Electric usage history




Average temperature in degrees

70°	70°	81°	79°	76°	62°	41°	41°	46°	53°	59°	59°
Current Month: May 2021 12-Month Avg: Avg Monthly Usage											
Electric kWh:	93	0									44

12-month usage based on most recent billing

Mail your payment at least 7 days before the due date or pay instantly at duke-energy.com/billing. Late payments are subject to a 1.5% late charge.

Please return this portion with your payment. Thank you for your business. 21000003553



Duke Energy Return Mail
PO Box 1090
Charlotte, NC 28201-1090

Account number
9999 9999 9999

\$85.51

After Jun 2, the amount due will increase to \$86.79

Add here, to help others with a contribution to **Shine the Light**

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Also, the bills include usage graphs and limited historic usage data. It appears that the proposed non-shopping bills will show 13 months of usage data for both electricity (shown above) and gas (page 3 of proposed bill). In contrast, on the proposed shopping bills it appears, but is not stated, that the usage data will reset at the onset of a new supply contract. This graphing discrepancy can be seen in the example above for electricity usage. The same discrepancy is shown on page 3 of the respective proposed bills for gas usage. Of course, it is equally important for shopping customers and non-shopping customers to have access to historic usage information. There does not appear to be any reason not to include a full 13-month history for both sets of customers.

The proposed bills include the same general information on pages 3 and 4. However, the proposed shopping bill presents the information in a more confusing manner. The proposed non-shopping bill presents, in this order, a gas usage graph, temperature data, gas meter reading information, and then electric meter reading information. This is followed by sections entitled Billing Details – Gas and Billing Details – Electric. The information presented on the proposed shopping bills is presented in the following order: a gas usage

1 graph followed by temperature data. Then, the meter reading information is reversed, to
2 provide electric, then gas data, confusing the flow of the bill a bit. The Bill Detail sections
3 are also reversed with respect to the non-shopping customer bills. The electricity section
4 is first (and is split over pages 3 and 4). It is followed by the gas Bill Detail section.

5 **Q.33. Are these differences meaningful?**

6 **A.33.** I believe some of them are. Generally, there is less “societal” information on the shopping
7 bill. There appears to be erroneous late payment information on the proposed shopping
8 bill. The last two pages of the shopping bill present data in a more confusing manner.
9 These are all slight variations, but collectively, make for a less consumer-friendly bill for
10 shopping customers.

11 **V. SUMMARY AND CONCLUSION**

12 **Q.34. Can you please summarize your testimony?**

13 **A.34.** Yes. Duke and a small number of stakeholders entered into a stipulation in 2021 that
14 resolved outstanding issues in 18 separate cases related to distribution rate issues.
15 Although no representatives from the CRNGS provider community were involved in those
16 proceedings before the Stipulation was signed, the Stipulation in those cases called for
17 Duke to transition to a SSO market design and to change the format of its customer bills to
18 include a PTC message that has been opposed by Duke historically and has been rejected
19 by this Commission repeatedly. This proceeding essentially implements those Stipulation
20 terms. The PTC message proposed in Duke’s Application resurfaces a decade-old and tired
21 argument of including a monthly variable gas rate alongside a savings message. This
22 message has been repeatedly rejected by the Commission. Duke, which has historically
23 opposed this type of provision, has offered no support for the provision and has not

1 addressed how or why any of its prior positions on the PTC message have changed. The
2 proposed PTC message is in direct conflict with at least two provisions of the Ohio
3 Administrative Code, one related to accuracy of information on a customer's bill and the
4 other related to the words that the regulations require. The proposed PTC language is
5 demonstrably harmful to customers, as shown in this testimony. It should be rejected once
6 again by the Commission.

7 **Q.35. Does this conclude your direct testimony?**

8 **A.35.** Yes, but I reserve the right to modify my testimony.

CERTIFICATE OF SERVICE

The Public Utilities Commission of Ohio’s e-filing system will electronically serve notice of the filing of this document on the parties referenced on the service list of the docket card who have electronically subscribed to the case. In addition, the undersigned certifies that a courtesy copy of the foregoing document is also being sent (via electronic mail) on this 7th day of September 2022 on all persons/entities listed below:

Duke Energy Ohio, Inc.	rocco.dascenzo@duke-energy.com jeanne.kingery@duke-energy.com larisa.vaysman@duke-energy.com elyse.akhbari@duke-energy.com talexander@beneschlaw.com mkeaney@beneschlaw.com ssiewe@beneschlaw.com
Interstate Gas Supply, Inc.	michael.nugent@igs.com evan.betterton@igs.com stacie.cathcart@igs.com
Office of the Ohio Consumers’ Counsel	angela.obrien@occ.ohio.gov william.michael@occ.ohio.gov connor.semples@occ.ohio.gov
Retail Energy Supply Association	mjsettineri@vorys.com glpetrucci@vorys.com
Spire Marketing Inc.	dparram@bricker.com
Staff of the Public Utilities Commission of Ohio	robert.eubanks@ohioago.gov rhiannon.plant@ohioago.gov

/s/ Gretchen L. Petrucci

Gretchen L. Petrucci

Frank Lacey

3 Traylor Drive
West Chester, PA 19382
724-413-0849

fplacey@gmail.com

<https://www.linkedin.com/in/fplaceyelectricityleadership/>

Summary

Disciplined energy industry executive and leader known for implementing innovative regulatory and business strategies empowering clients to benefit from emerging policies. Successful in achieving business growth and value through regulatory strategy.

Experience

Board of Directors

Atmospheric G2 (Regulatory chair); Kennett Square Golf and Country Club (membership chair); Formerly served: Advanced Energy Management Alliance (Founding member and Chairman); Smart Electric Power Alliance (finance committee); Association for Demand Response and Smart Grid (finance chair); Electric Power Supply Association (finance committee); ERCOT (finance committee); Retail Energy Supply Association.

Electric Advisors Consulting, LLC

2015- Present

Founder and President

Advise senior leadership on the implications of various legislative, regulatory and market changes in the energy industry. Relevant consultancy engagements include: mergers, acquisitions and divestitures; regulatory and legislative policy engagement; complex litigation assistance; expert testimony; complex tariff analysis; strategic planning; and market entry.

Comverge, Inc./CPower Corporation

2011- 2015

Senior Vice President, Regulatory and Market Strategy

Develop and implement corporate legislative and regulatory strategy, including new market entry plans for a \$150 million company performing demand response services in the electricity markets. Identified growth opportunities through regulatory channels. Developed FERC-accepted credit and risk management policies. Developed M&A opportunities including acquisition of demand response business, integration with Enerwise and ultimate spin-off of CPower.

Direct Energy

2006 - 2011

Director, Products and Complex Transactions (2008-2011)

For a multi-billion dollar retail electric and gas company, managed Complex Transaction team consisting of four direct reports and eight functional leaders, facilitating development of over \$50 million in incremental gross margin sold. Goal of group was team building to deliver quality customer service and communications to executive team about incremental business commitments.

Director, Government and Regulatory Affairs (2006-2008)

Managed legislative and regulatory strategy and regulatory risk in Mid-Atlantic region of US, participating in multiple rate proceedings and regulatory initiatives, securing approximately \$100 million in value from regulatory developments.

Starlight Energy

2004 - 2005

President

Led the development of business plan and pro formas for venture seeking \$20 million in equity financing and other financial relationships. Successes included securing \$100 million credit relationship and working capital financing to enable launch of retail Electricity Company and FERC approval for market-based rate authority.

Strategic Energy 2001- 2004
Director, Regulatory Affairs,

Served on the company's Leadership team, managing a regulatory group of 15 people, leading the development of regulatory strategy, the oversight of regulatory risk and the attainment of desired regulatory results, advocating across 15 states and at FERC.

Arthur Andersen 1998 - 2001
Senior Manager

Responsibility for development and growth of Andersen's transmission restructuring business in Eastern half of US market. Achieved consulting sales in excess of \$2 million annually. Projects included complete restructuring and development of new transmission entities such as ATC and ITC.

Putnam, Hayes and Bartlett, Inc 1995 - 1998
Associate Consultant

Associate consultant in firm's energy practice with expertise in environmental asset (SO₂, CO₂ and NO_x credits) valuation.

Education

Carnegie Mellon University, Tepper School of Business
MSIA (MBA) with concentrations in finance, entrepreneurship, and environmental management
Self-designed major with supplemental coursework taken in Public Policy and Engineering Schools.

- Entrepreneur of the Year Award, Don Jones Center for Entrepreneurship.
- Thomas M. Kerr Ethics in Business Award.

University of Maryland
B.S. in Transportation and Logistics

Programs for Life
Certified Leadership Development Trainer

Frank Lacey
Detailed List of Testimony, Speeches and Paper
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Prepared Direct Testimony of Frank Lacey On Behalf of Strategic Energy, LLC, before the Public Utilities Commission of the State of California in the matter of the Order Instituting Rulemaking Regarding the Implementation of the Suspension of Direct Access Pursuant to Assembly Bill 1X and Decision 01-09-060. Docket No. R. 02-01-011. June 6, 2002.

Prepared Rebuttal Testimony of Frank Lacey On Behalf of Strategic Energy, LLC before the Public Utilities Commission of the State of California in the matter of the Order Instituting Rulemaking Regarding the Implementation of the Suspension of Direct Access Pursuant to Assembly Bill 1X and Decision 01-09-060. Docket No. R. 02-01-011. June 20, 2002

Cross Examination testimony of On Behalf of Strategic Energy, LLC before the Public Utilities Commission of the State of California in the matter of the Order Instituting Rulemaking Regarding the Implementation of the Suspension of Direct Access Pursuant to Assembly Bill 1X and Decision 01-09-060. Docket No. R. 02-01-011. July 2002.

Prepared Testimony of Frank Lacey on the subject of truing up the CERS Fee On Behalf of Strategic Energy, LLC before the Public Utilities Commission Of the State Of California in the matter of the Order Instituting Rulemaking Regarding the Implementation of the Suspension of Direct Access Pursuant to Assembly Bill 1X and Decision 01-09-060. Docket No. R. 02-01-011. March 19, 2003

Prepared Direct Testimony of Frank Lacey on behalf of Strategic Energy L.L.C. before the Pennsylvania Public Utility Commission in the matter Pennsylvania Public Utility Commission, et al. v. Duquesne Light Company, Docket Nos. R-00038092, R-00038092C0001 and R-00038092C0002. January 2003.

Prepared Rebuttal Testimony of Frank Lacey on behalf of Strategic Energy L.L. C. Before the Pennsylvania Public Utility Commission in the matter Pennsylvania Public Utility Commission, et al. v. Duquesne Light Company Docket Nos. R-00038092, R-00038092C0001 and R-00038092C0002. February 2003.

Prepared Supplemental Testimony of Frank Lacey on behalf of Strategic Energy L.L.C. before the Pennsylvania Public Utility Commission in the matter Pennsylvania Public Utility Commission, et al. v. Duquesne Light Company Docket Nos. R-00038092, R-00038092C0001, R-00038092C0002. November 2003

Cross Examination testimony of Frank Lacey on behalf of Strategic Energy L.L.C. before the Pennsylvania Public Utility Commission in the matter Pennsylvania Public Utility Commission, et al. v. Duquesne Light Company Docket Nos. R-00038092, R-00038092C0001, R-00038092C0002. July 1, 2003.

Frank Lacey
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Prepared Direct Testimony of Frank Lacey submitted on behalf of Strategic Energy L.L.C. and Dominion Retail, Inc. before the Public Utilities Commission of Ohio in the matters of the Continuation of the Rate Freeze and Extension of the Market Development Period for The Dayton Power and Light Company Case No. 02-2779-EL-ATA and the Application of The Dayton Power and Light Company for Certain Accounting Authority Pursuant to Section 4905.13, Ohio Revised Code Case No. 02-2879-EL-AAM. May 19, 2003.

Prepared Supplemental Testimony of Frank Lacey submitted on behalf of Strategic Energy L.L.C. and Dominion Retail, Inc. before the Public Utilities Commission of Ohio in the matters of the Continuation of the Rate Freeze and Extension of the Market Development Period for The Dayton Power and Light Company Case No. 02-2779-EL-ATA and the Application of The Dayton Power and Light Company for Certain Accounting Authority Pursuant to Section 4905.13, Ohio Revised Code Case No. 02-2879-EL-AAM. June 12, 2003.

Deposition Testimony of Frank Lacey submitted on behalf of Strategic Energy L.L.C. and Dominion Retail, Inc. before the Public Utilities Commission of Ohio in the matters of the Continuation of the Rate Freeze and Extension of the Market Development Period for The Dayton Power and Light Company Case No. 02-2779-EL-ATA and the Application of The Dayton Power and Light Company for Certain Accounting Authority Pursuant to Section 4905.13, Ohio Revised Code Case No. 02-2879-EL-AAM. May 2003 and June 2003.

Cross Examination testimony of Frank Lacey on behalf of Strategic Energy L.L.C. and Dominion Retail, Inc. before the Public Utilities Commission of Ohio in the matters of the Continuation of the Rate Freeze and Extension of the Market Development Period for The Dayton Power and Light Company Case No. 02-2779-EL-ATA and the Application of The Dayton Power and Light Company for Certain Accounting Authority Pursuant to Section 4905.13, Ohio Revised Code Case No. 02-2879-EL-AAM. June 2003.

Oral Testimony of Frank Lacey before the Standing Committee on Energy of the New York State Assembly on the issue of Ensuring a Reliable Supply of Electricity to the People of New York, Chairman Paul D Tonko, presiding. March 6, 2003

Prepared Direct Testimony of Frank Lacey on behalf of Strategic Energy, L.L.C. before the Pennsylvania Public Utility Commission in the matter of the Petition of Duquesne Light Company for Approval of Plan for Post-Transition Period Provider of Last Resort Service. Docket No. P-00032071. February 2004.

Prepared Rebuttal Testimony of Frank Lacey on behalf of Strategic Energy, L.L.C. before the Pennsylvania Public Utility Commission in the matter of the Petition of Duquesne Light Company for Approval of Plan for Post-Transition Period Provider of Last Resort Service. Docket No. P-00032071. February 2004.

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Cross Examination testimony of Frank Lacey on behalf of Strategic Energy, L.L.C. before the Pennsylvania Public Utility Commission in the matter of the Petition of Duquesne Light Company for Approval of Plan for Post-Transition Period Provider of Last Resort Service. Docket No. P-00032071. April 1, 2004.

Oral Testimony of Frank Lacey at the POLR Roundtable before the Pennsylvania Public Utility Commission re: Optimal Future POLR Design models. May 3, 2004.

Prepared Direct Testimony of Frank Lacey on behalf of Strategic Energy, L.L.C. and Mid-American Energy Company before the Public Utilities Commission of Ohio in the matters of The Application of the Cincinnati Gas & Electric Company to Modify its Non-Residential Generation Rates to Provide for Market-Based Standard Service Offer Pricing and to Establish a Pilot Alternative Competitively-Bid Service Rate Option Subsequent to Market Development Period, Case No. 03-93-EL-ATA, The Application of the Cincinnati Gas & Electric Company for Authority to Modify Current Accounting Procedures for Certain Costs Associated with the Midwest ISO, Case No. 03-2079-EL-AAM, and The Application of the Cincinnati Gas & Electric Company for Authority to Modify Current Accounting Procedures for Capital investment in its Electric Transmission and Distribution System and to Establish a Capital Investment Reliability Rider to be Effective After the Market Development Period, Case Nos. 03-2080-EL-AAM and 03-2080-EL-ATA. May 6, 2003.

Deposition of Frank Lacey in the matters of The Application of the Cincinnati Gas & Electric Company to Modify its Non-Residential Generation Rates to Provide for Market-Based Standard Service Offer Pricing and to Establish a Pilot Alternative Competitively-Bid Service Rate Option Subsequent to Market Development Period, Case No. 03-93-EL-ATA, The Application of the Cincinnati Gas & Electric Company for Authority to Modify Current Accounting Procedures for Certain Costs Associated with the Midwest ISO, Case No. 03-2079-EL-AAM, and The Application of the Cincinnati Gas & Electric Company for Authority to Modify Current Accounting Procedures for Capital investment in its Electric Transmission and Distribution System and to Establish a Capital Investment Reliability Rider to be Effective After the Market Development Period, Case Nos. 03-2080-EL-AAM and 03-2080-EL-ATA. May 2003.

Cross Examination Testimony of Frank Lacey on behalf of Strategic Energy, L.L.C. and Mid-American Energy Company before the Public Utilities Commission of Ohio in the matters of The Application of the Cincinnati Gas & Electric Company to Modify its Non-Residential Generation Rates to Provide for Market-Based Standard Service Offer Pricing and to Establish a Pilot Alternative Competitively-Bid Service Rate Option Subsequent to Market Development Period, Case No. 03-93-EL-ATA, The Application of the Cincinnati Gas & Electric Company for Authority to Modify Current Accounting Procedures for Certain Costs Associated with the Midwest ISO, Case

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No. 03-2079-EL-AAM, and The Application of the Cincinnati Gas & Electric Company for Authority to Modify Current Accounting Procedures for Capital investment in its Electric Transmission and Distribution System and to Establish a Capital Investment Reliability Rider to be Effective After the Market Development Period, Case Nos. 03-2080-EL-AAM and 03-2080-EL-ATA. May 18, 2003.

Oral Testimony of Frank Lacey before the Michigan Senate Committee on Technology and Energy on the subject of revision to Public Act 141, the Michigan Electricity Choice and Restructuring Act, Chairman Bruce Patterson, Presiding. May 19, 2004.

Oral Testimony of Frank Lacey on behalf of Direct Energy Services, LLC before the Maryland Senate Finance Committee on Senate Bill 561 on the subject of communications between electric companies and suppliers to enhance the development of competitive electric markets, Chairman Thomas Middleton, Presiding. March 7, 2006.

Oral Testimony of Frank Lacey on behalf of Direct Energy Services, LLC before the Maryland Senate Finance Committee on Senate Bills 814, 1048, 1051 and 1078 on the subject of retail electricity market design, Chairman Thomas Middleton, Presiding. March 14, 2006.

Oral Testimony of Frank Lacey on behalf of Direct Energy Services, LLC before the Maryland House of Delegates Economic Matters Committee on House Bills 1334, 1654 and 1712 on the subject of retail electricity market design, Chairman Dereck Davis, Presiding. March 14, 2006.

Oral Testimony of Frank Lacey on behalf of Direct Energy Services, LLC before the Pennsylvania Public Utility Commission in the Matter of Petition of Direct Energy Services, LLC for Emergency Order, Docket No. P-00062205, April 11, 2006.

Oral Testimony of Frank Lacey on behalf of Direct Energy Services, LLC before the Pennsylvania Public Utility Commission in the Matter of Policies to Mitigate Potential Electricity Price Increases, Docket No. M-00061957, June 22, 2006.

Prepared Direct Testimony of Frank Lacey on behalf of Direct Energy Services, LLC before the Pennsylvania Public Utilities Commission in the Matter of Duquesne Light Company Base Rate Case, Docket No. R-00061346, July 7, 2006. (Case Settled)

Prepared Rebuttal Testimony of Frank Lacey on behalf of Direct Energy Services, LLC before the Pennsylvania Public Utilities Commission in the Matter of Duquesne Light Company Base Rate Case, Docket No. R-00061346, August 2, 2006. (Case Settled)

Prepared Surrebuttal Testimony of Frank Lacey on behalf of Direct Energy Services, LLC before the Pennsylvania Public Utilities Commission in the Matter of Duquesne Light Company Base Rate Case, Docket No. R-00061346, August 16, 2006. (Case Settled)

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Prepared Direct Testimony of Frank Lacey on behalf of Direct Energy Services, LLC before the Pennsylvania Public Utilities Commission in the Matter of Petition of PPL Electric Utilities Corporation for Approval of Competitive Bridge Plan, Docket No. P-00062227, November 15, 2006.

Prepared Rebuttal Testimony of Frank Lacey on behalf of Direct Energy Services, LLC before the Pennsylvania Public Utilities Commission in the Matter of Petition of PPL Electric Utilities Corporation for Approval of Competitive Bridge Plan, Docket No. P-00062227, December 6, 2006.

Prepared Surrebuttal Testimony of Frank Lacey on behalf of Direct Energy Services, LLC before the Pennsylvania Public Utilities Commission in the Matter of Petition of PPL Electric Utilities Corporation for Approval of Competitive Bridge Plan, Docket No. P-00062227, December 15, 2006.

Oral Rejoinder Testimony and Cross-examination of Frank Lacey on behalf of Direct Energy Services, LLC before the Pennsylvania Public Utilities Commission in the Matter of Petition of PPL Electric Utilities Corporation for Approval of Competitive Bridge Plan, Docket No. P-00062227, December 15, 2006.

Oral Testimony of Frank Lacey on behalf of Direct Energy Services, LLC before the Pennsylvania House of Representatives, Consumer Affairs Committee, Honorable Joseph Preston Jr., Chairman, March 15, 2007.

Prepared Direct Testimony of Frank Lacey on behalf of Direct Energy Services, LLC and the Retail Energy Supply Association before the Pennsylvania Public Utilities Commission in the Matter of Petition of Duquesne Light Company for Approval of Default Service Plan for the Period January 1, 2008 through December 31, 2010, Docket No. P-00072247, March 29, 2007. (case settled)

Prepared Rebuttal Testimony of Frank Lacey on behalf of Direct Energy Services, LLC and the Retail Energy Supply Association before the Pennsylvania Public Utilities Commission in the Matter of Petition of Duquesne Light Company for Approval of Default Service Plan for the Period January 1, 2008 through December 31, 2010, Docket No. P-00072247, April 12, 2007. (case settled)

Prepared Surrebuttal Testimony of Frank Lacey on behalf of Direct Energy Services, LLC and the Retail Energy Supply Association before the Pennsylvania Public Utilities Commission in the Matter of Petition of Duquesne Light Company for Approval of Default Service Plan for the Period January 1, 2008 through December 31, 2010, Docket No. P-00072247, April 20, 2007. (case settled)

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Prepared Direct Testimony of Frank Lacey on behalf of Direct Energy Services, LLC before the Pennsylvania Public Utilities Commission in the Matter of Petition of Pike County Light & Power Company for Expedited Approval of its Default Service Implementation Plan, Docket No. P-00072245, March 28, 2007.

Prepared Rebuttal Testimony of Frank Lacey on behalf of Direct Energy Services, LLC before the Pennsylvania Public Utilities Commission in the Matter of Petition of Pike County Light & Power Company for Expedited Approval of its Default Service Implementation Plan, Docket No. P-00072245, April 11, 2007.

Oral Surrebuttal Testimony and Cross-examination Testimony of Frank Lacey on behalf of Direct Energy Services, LLC before the Pennsylvania Public Utilities Commission in the Matter of Petition of Pike County Light & Power Company for Expedited Approval of its Default Service Implementation Plan, Docket No. P-00072245, April 19, 2007.

Prepared Direct Testimony of Frank Lacey on behalf of Direct Energy Services, LLC, before the Maryland Public Service Commission In the Matter of the Commission's Investigation of Investor-owned Electric Companies' Standard Offer Service for Residential and Small Commercial Customers in Maryland, Case No. 9117, September 14, 2007.

Prepared Reply Testimony of Frank Lacey on behalf of Direct Energy Services, LLC, before the Maryland Public Service Commission In the Matter of the Commission's Investigation of Investor-owned Electric Companies' Standard Offer Service for Residential and Small Commercial Customers in Maryland, Case No. 9117, September 28, 2007.

Oral Testimony of Frank Lacey on behalf of Direct Energy Services, LLC, before the Maryland Public Service Commission In the Matter of the Commission's Investigation of Investor-owned Electric Companies' Standard Offer Service for Residential and Small Commercial Customers in Maryland, Case No. 9117, October 2007.

Oral Testimony of Frank Lacey on behalf of Direct Energy Services, LLC before the Pennsylvania House of Representatives Republican Policy Committee, Honorable Michael Turzai, Chairman, March 17, 2008.

Prepared Direct Testimony of Frank Lacey on behalf of Direct Energy Services, LLC and the Retail Energy Supply Association before the Pennsylvania Public Utilities Commission in the Matter of Petition of West Penn Power Company dba Allegheny Power for Approval of its Retail Electric Default Service Program and Competitive Procurement Plan for Service at the Conclusion of the Restructuring Transition Period, Docket No. P-00072342, February 12, 2008.

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Prepared Rebuttal Testimony of Frank Lacey on behalf of Direct Energy Services, LLC and the Retail Energy Supply Association before the Pennsylvania Public Utilities Commission in the Matter of Petition of West Penn Power Company dba Allegheny Power for Approval of its Retail Electric Default Service Program and Competitive Procurement Plan for Service at the Conclusion of the Restructuring Transition Period, Docket No. P-00072342, March 11, 2008.

Prepared Surrebuttal Testimony of Frank Lacey on behalf of Direct Energy Services, LLC and the Retail Energy Supply Association before the Pennsylvania Public Utilities Commission in the Matter of Petition of West Penn Power Company dba Allegheny Power for Approval of its Retail Electric Default Service Program and Competitive Procurement Plan for Service at the Conclusion of the Restructuring Transition Period, Docket No. P-00072342, March 25, 2008.

Oral Cross-examination Testimony of Frank Lacey on behalf of Direct Energy Services, LLC and the Retail Energy Supply Association before the Pennsylvania Public Utilities Commission in the Matter of Petition of West Penn Power Company dba Allegheny Power for Approval of its Retail Electric Default Service Program and Competitive Procurement Plan for Service at the Conclusion of the Restructuring Transition Period, Docket No. P-00072342, April 2, 2008.

Prepared Direct Testimony of Frank Lacey on behalf of Direct Energy Services, LLC, before the Pennsylvania Public Utility Commission in the matter of the Joint Application of West Penn Power Company d/b/a Allegheny Power, Trans-Allegheny Interstate Line Company and FirstEnergy Corp. for a Certificate of Public Convenience under Section 1102(a)(3) of the Public Utility Code approving a change of control of West Penn Power Company And Trans-Allegheny Interstate Line Company, Docket Nos. A-2010-2176520 and A-2010-2176732, August 17, 2010

Prepared Sur-Rebuttal Testimony of Frank Lacey on behalf of Direct Energy Services, LLC, before the Pennsylvania Public Utility Commission in the matter of the Joint Application of West Penn Power Company d/b/a Allegheny Power, Trans-Allegheny Interstate Line Company and FirstEnergy Corp. for a Certificate of Public Convenience under Section 1102(a)(3) of the Public Utility Code approving a change of control of West Penn Power Company And Trans-Allegheny Interstate Line Company, Docket Nos. A-2010-2176520 and A-2010-2176732, October 1, 2010.

Oral Cross-examination Testimony of Frank Lacey on behalf of Direct Energy Services, LLC, before the Pennsylvania Public Utility Commission in the matter of the Joint Application of West Penn Power Company d/b/a Allegheny Power, Trans-Allegheny Interstate Line Company and FirstEnergy Corp. for a Certificate of Public Convenience under Section 1102(a)(3) of the Public Utility Code

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approving a change of control of West Penn Power Company And Trans-Allegheny Interstate Line Company, Docket Nos. A-2010-2176520 and A-2010-2176732, October 5, 2010.

Oral Testimony of Frank Lacey on behalf of Comverge, Inc. at FERC Technical Conference in the Matter of PJM Interconnection, L.L.C., Docket No. ER11-3322-000, July 29, 2011, discussing the topic of appropriate methodologies to estimate load reductions during a demand response curtailment event.

Prepared Direct Testimony of Frank Lacey on behalf of Comverge, Inc., before the Illinois Commerce Commission in the matter of Commonwealth Edison Company Petition for Statutory Approval of Smart Grid Advanced Metering Infrastructure Deployment Plan Pursuant to Section 16-108.6 of the Public Utilities Act, Docket No. 12-0298, May 11, 2012.

Oral Cross-examination Testimony of Frank Lacey on behalf of Comverge, Inc., before the Illinois Commerce Commission in the matter of Commonwealth Edison Company Petition for Statutory Approval of Smart Grid Advanced Metering Infrastructure Deployment Plan Pursuant to Section 16-108.6 of the Public Utilities Act, Docket No. 12-0298, May 23, 2012.

Prepared Direct Testimony of Frank Lacey On Behalf of Comverge, Inc., before the Illinois Commerce Commission in the matter of Ameren Illinois Company Petition for Statutory Approval of a Smart Grid Advanced Metering Infrastructure Deployment Plan Pursuant to Section 16-108.6 of the Public Utilities Act, Docket No. 12-0244 on rehearing, August 24, 2012.

Oral Cross-examination Testimony of Frank Lacey On Behalf of Comverge, Inc., before the Illinois Commerce Commission in the matter of Ameren Illinois Company Petition for Statutory Approval of a Smart Grid Advanced Metering Infrastructure Deployment Plan Pursuant to Section 16-108.6 of the Public Utilities Act, Docket No. 12-0244 on rehearing, September 20, 2012.

Prepared Direct Testimony of Frank Lacey on Behalf of Comverge, Inc., before the Illinois Commerce Commission in the matter of Commonwealth Edison Company's Petition for Approval of Tariffs Implementing ComEd's Proposed Peak Time Rebate Program, Docket No. 12-0484, October 25, 2012.

Oral Cross-examination Testimony of Frank Lacey on Behalf of Comverge, Inc., before the Illinois Commerce Commission in the matter of Commonwealth Edison Company's Petition for Approval of Tariffs Implementing ComEd's Proposed Peak Time Rebate Program, Docket No. 12-0484, December 7, 2012.

Prepared Direct Testimony of Frank Lacey on Behalf of Comverge, Inc., before the Maryland Public Service Commission in the matter of The Investigation of the Process and Criteria for Use in Development

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of Requests for Proposal by the Maryland Investor-Owned Utilities for New Generation to Alleviate Potential Short-Term Reliability Problems in the State of Maryland, Case No. 9149, January 31, 2013.

Prepared Supplemental Direct Testimony of Frank Lacey on Behalf of Comverge, Inc., before the Maryland Public Service Commission in the matter of The Investigation of the Process and Criteria for Use in Development of Requests for Proposal by the Maryland Investor-Owned Utilities for New Generation to Alleviate Potential Short-Term Reliability Problems in the State of Maryland, Case No. 9149, February 25, 2013.

Prepared Direct Testimony of Frank Lacey on Behalf of Comverge, Inc., before the Illinois Interstate Commerce Commission in the matter of Ameren Illinois Company, d/b/a Ameren Illinois, Peak Time Rebate Program, Docket No. 13-0105, May 30, 2013.

Oral Testimony of Frank Lacey on behalf of Comverge, Inc. at FERC Technical Conference in the Matter of PJM Interconnection, L.L.C., Docket No. ER13-2108-000, October 11, 2013, discussing the appropriate information requirements for demand response offers made three years prior to a delivery year.

Oral Testimony and Cross Examination of Frank Lacey on behalf of Comverge, Inc, before the Utah Public Service Commission, In the Matter of Rocky Mountain Power for Approval to Cancel Schedule 194, Docket No. 13-035-136, September 12, 2013.

Prepared Direct Testimony of Frank Lacey on behalf of Direct Energy before the Massachusetts Department of Public Utilities in the Investigation as to the Propriety of Proposed Tariff Change in response to the Petition of Massachusetts Electric Company and Nantucket Electric Company each d/b/a National Grid, Docket Number DPU 15-155, March 18, 2016.

Prepared Rebuttal Testimony of Frank Lacey on behalf of Direct Energy before the Massachusetts Department of Public Utilities in the Investigation as to the Propriety of Proposed Tariff Change in response to the Petition of Massachusetts Electric Company and Nantucket Electric Company each d/b/a National Grid, Docket Number DPU 15-155, April 28, 2016.

Oral Cross-examination Testimony of Frank Lacey on behalf of Direct Energy before the Massachusetts Department of Public Utilities in the Investigation as to the Propriety of Proposed Tariff Change in response to the Petition of Massachusetts Electric Company and Nantucket Electric Company each d/b/a National Grid, Docket Number DPU 15-155, May 18, 2016.

Expert Rebuttal Report and Damage Summary of Frank Lacey, Response to the Review Submitted by Nathan Katzenstein, prepared on behalf of Astral Energy in the matter of Treetop Development, et

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al. v. Astral Energy, et al., Docket #: BER-L-9414-13, Superior Court of New Jersey, Bergen County, December 9, 2016.

Expert Reply (Sur-rebuttal) of Frank Lacey, Reply to the Response Submitted by Nathan Katzenstein, prepared on behalf of Astral Energy in the matter of Treetop Development, et al. v. Astral Energy, et al., Docket #: BER-L-9414-13, Superior Court of New Jersey, Bergen County, April 28, 2017.

Deposition of Frank Lacey on the topic of his Expert Rebuttal Report and Damage Summary prepared on behalf of Astral Energy in the matter of Treetop Development, et al. v. Astral Energy, et al., Docket #: BER-L-9414-13, Superior Court of New Jersey, Bergen County, May 17, 2017.

Oral Testimony and Cross-examination Testimony on behalf of Astral Energy in the matter of Treetop Development, et al. v. Astral Energy, et al., Docket #: BER-L-9414-13, Superior Court of New Jersey, Bergen County, June 5, 2017.

Prepared Rebuttal Testimony of Frank Lacey on behalf of Clearview Energy before the Pennsylvania Public Utilities Commission in Pennsylvania PUC v. Clearview Electric, Inc., Docket No. C-2016-2543592, January 9, 2017.

Prepared Direct Testimony of Frank Lacey on behalf of the Cape Light Compact before the Massachusetts Department of Public Utilities in the Petition of NSTAR Electric Company and Western Massachusetts Electric Company d/b/a Eversource Energy for Approval of their Grid Modernization Plans, Docket No. D.P.U. 15-122/123, March 10, 2017.

Oral Cross-examination Testimony of Frank Lacey (as part of the Cape Light Compact Panel of Witnesses) before the Massachusetts Department of Public Utilities in the Petition of NSTAR Electric Company and Western Massachusetts Electric Company d/b/a Eversource Energy for Approval of their Grid Modernization Plans, Docket No. D.P.U. 15-122/123, May 31, 2017.

Prepared Direct Testimony of Frank Lacey on behalf of the Retail Energy Supply Association before the Massachusetts Department of Public Utilities in the Petition of NSTAR Electric Company and Western Massachusetts Electric Company each d/b/a Eversource Energy for Approval of an Increase in Base Distribution Rates for Electric Service Pursuant to G.L. C. 164, § 94 and 220 C.M.R. § 5.00, Docket No. D.P.U. 17-05, April 28, 2017.

Oral Cross-examination Testimony of Frank Lacey on behalf of the Retail Energy Supply Association before the Massachusetts Department of Public Utilities in the Petition of NSTAR Electric Company and Western Massachusetts Electric Company each d/b/a Eversource Energy for Approval of an Increase in Base Distribution

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Rates for Electric Service Pursuant to G.L. C. 164, § 94 and 220 C.M.R. § 5.00, Docket No. D.P.U. 17-05, June 27, 2017.

Prepared Direct Testimony of Frank Lacey on behalf of the Retail Energy Supply Association before the New York Public Service Commission in the Matter of Eligibility Criteria for Energy Service Companies, Case No. 15-M-0127, in the Proceeding on the Motion of the Commission to Assess Certain Aspects of the Residential and Small Non-Residential Retail Energy Markets in New York State, Case No. 12-M-0476, and in the Matter of Retail Access Business Rules, Case No. 98-M-1343, September 15, 2017.

Prepared Rebuttal Testimony of Frank Lacey on behalf of the Retail Energy Supply Association before the New York Public Service Commission in the Matter of Eligibility Criteria for Energy Service Companies, Case No. 15-M-0127, in the Proceeding on the Motion of the Commission to Assess Certain Aspects of the Residential and Small Non-Residential Retail Energy Markets in New York State, Case No. 12-M-0476, and in the Matter of Retail Access Business Rules, Case No. 98-M-1343, October 27, 2017.

Oral Cross-examination Testimony of Frank Lacey on behalf of the Retail Energy Supply Association before the New York Public Service Commission in the Matter of Eligibility Criteria for Energy Service Companies, Case No. 15-M-0127, in the Proceeding on the Motion of the Commission to Assess Certain Aspects of the Residential and Small Non-Residential Retail Energy Markets in New York State, Case No. 12-M-0476, and in the Matter of Retail Access Business Rules, Case No. 98-M-1343, November, 2017.

Prepared Direct Testimony of Frank Lacey on behalf of Direct Energy Services and its Affiliates before the Virginia State Commerce Commission in the Application of Virginia Electric and Power Company for Approval of 100% Renewable Energy Tariffs Pursuant to Subsection 56-577 A 5 and 56-234 of the Code of Virginia, Docket No. PUR-2017-00060, August 23, 2017.

Oral Surrebuttal and Cross-examination Testimony of Frank Lacey on behalf of Direct Energy Services and its Affiliates before the Virginia State Commerce Commission in the Application of Virginia Electric and Power Company for Approval of 100% Renewable Energy Tariffs Pursuant to Subsection 56-577 A 5 and 56-234 of the Code of Virginia, Docket No. PUR-2017-00060, December 4, 2017.

Prepared Direct Testimony of Frank Lacey on behalf of Direct Energy and its affiliates before the Commonwealth of Virginia State Corporate Commission in the Application of Virginia Electric and Power Company for Approval of 100 Percent Renewable Energy Tariffs for Residential and Non-residential Customers Pursuant to SS 56-577 A 5 and 56-234 of the Code of Virginia, Case No. PUR-2017-00157, April 17, 2018

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Oral Direct and Cross-examination Testimony of Frank Lacey on behalf of the Retail Energy Supply Association before the Public Service Commission of the State of Delaware, In the Matter of the Review of Customer Choice in the State of Delaware, Docket No. 15-1693, April 19, 2018.

Prepared Direct Testimony of Frank Lacey on behalf of Direct Energy and Direct Energy Solar before the Rhode Island Public Utilities Commission in the matter of The Narragansett Electric Co. d/b/a National Grid's Proposed Power Sector Transformation (PST) Vision and Implementation Plan, Docket No. 4780, April 25, 2018, (Case Settled).

Oral Testimony on behalf of the Advanced Energy Management Alliance before the Pennsylvania Public Utilities Commission En Banc Hearing for Supplier Consolidated Billing, Docket No. M-2018-2645254, June 14, 2018.

Prepared Supplemental Direct Testimony of Frank Lacey on behalf of Direct Energy and its affiliates before the Commonwealth of Virginia State Corporate Commission in the Application of Virginia Electric and Power Company for Approval of 100 Percent Renewable Energy Tariffs for Residential and Non-residential Customers Pursuant to SS 56-577 A 5 and 56-234 of the Code of Virginia, Case No. PUR-2017-00157, June 19, 2018.

Prepared Direct Testimony of Frank Lacey on behalf of Direct Energy and its affiliates before the New Jersey Board of Public Utilities, In the Matter of the Petition of Public Service Electric and Gas Company for Approval of an Increase in Electric and Gas Rates and for Changes in the Tariffs for Electric and Gas Service, B.P.U.N.J. No. 16 Electric and B.P.U.N.J. No. 16 Gas, and for Changes in Depreciation Rates, Pursuant to N.J.S.A. 48:2-18, N.J.S.A. 48:2-21 and N.J.S.A. 48:2-21.1, and for Other Appropriate Relief, BPU Docket Nos. ER18010029 and GR18010030, OAL Docket No. PUC 01151-18, August 6, 2018, (Case Settled).

Oral Testimony and Cross Examination of Frank Lacey (as part of Direct Energy Panel) before the Rhode Island Public Utilities Commission in the matter of The Narragansett Electric Co. d/b/a National Grid's 2018 Standard Offer Service (SOS) Procurement Plan and 2018 Renewable Energy Standard (RES) Procurement Plan, Docket No. 4692, August 27, 2018.

Oral surrebuttal testimony and cross examination of Frank Lacey on behalf of Direct Energy and its affiliates before the Commonwealth of Virginia State Corporate Commission in the Application of Virginia Electric and Power Company for Approval of 100 Percent Renewable Energy Tariffs for Residential and Non-residential Customers Pursuant to SS 56-577 A 5 and 56-234 of the Code of Virginia, Case No. PUR-2017-00157, September 18, 2018.

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Prepared Direct Testimony of Frank Lacey on behalf of Direct Energy In the Matter of the Long-Term Forecast Report of Ohio Power Company and Related Matters; In the Matter of the Application Seeking Approval of Ohio Power Company's Proposal to Enter Into Renewable Energy Purchase Agreements for Inclusion in the Renewable Generation Rider; In the Matter of the Application of Ohio Power Company to Amend its Tariffs, Case Nos. 18-501-EL-FOR; 18-1392-EL-RDR and 18-1393-EL-ATA, January 2, 2019.

Oral rebuttal testimony and cross-examination of Frank Lacey on behalf of Direct Energy In the Matter of the Long-Term Forecast Report of Ohio Power Company and Related Matters; In the Matter of the Application Seeking Approval of Ohio Power Company's Proposal to Enter Into Renewable Energy Purchase Agreements for Inclusion in the Renewable Generation Rider; In the Matter of the Application of Ohio Power Company to Amend its Tariffs, Case Nos. 18-501-EL-FOR; 18-1392-EL-RDR and 18-1393-EL-ATA, January 23, 2019.

Oral Testimony of Frank Lacey On behalf of Direct Energy and its Affiliate Companies in Opposition to Senate Bill 716, Before the Maryland Senate Finance Committee, Honorable Delores Kelley, Chair, March 5, 2019.

Prepared Direct Testimony of Frank Lacey on behalf of Direct Energy Services and Direct Energy Business before the Virginia State Corporation Commission in the Application of Virginia Electric and Power Company for Approval to Establish Rate Schedule, Designated Rate Schedule MBR, Pursuant to §§ 56-234 A of the Code of Virginia, Case No. PUR-2018-00192, June 13, 2019.

Oral surrebuttal testimony and cross examination of Frank Lacey on behalf of Direct Energy Services and Direct Energy Business before the Virginia State Corporation Commission in the Application of Virginia Electric and Power Company for Approval to Establish Rate Schedule, Designated Rate Schedule MBR, Pursuant to §§ 56-234 A of the Code of Virginia, Case No. PUR-2018-00192, July 26, 2019.

Oral direct testimony and cross examination of Frank Lacey on behalf of Direct Energy Business before the Virginia State Corporation Commission on the Motion of Direct Energy Business for Temporary Injunctive Relief and Request for Expedited Action, Case No. PUR-2019-00117, August 7, 2019.

Oral direct testimony and cross examination of Frank Lacey on behalf of Direct Energy Business before the Virginia State Corporation Commission in the joint hearing in the Petition of Virginia Electric and Power Company for a Declaratory Judgement against Direct Energy and the Petition of Virginia Electric and Power Company for a Declaratory Judgement against Calpine Energy Solutions, Case Nos. PUR-2019-00117 and PUR-2019-00118, August 20, 2019.

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Prepared Direct Testimony of Frank Lacey on behalf of the Energy Supplier Coalition before the Maryland Public Service Commission in the Application of Baltimore Gas & Electric Company to Adjust Electric and Gas Base Rates, Case No. 9610, September 10, 2019.

Prepared Rebuttal Testimony of Frank Lacey on behalf of the Energy Supplier Coalition before the Maryland Public Service Commission in the Application of Baltimore Gas & Electric Company to Adjust Electric and Gas Base Rates, Case No. 9610, October 4, 2019.

Prepared Direct Testimony of Frank Lacey on behalf of Direct Energy before the Virginia State Corporate Commission in the Application of Virginia Electric and Power Company For Approval of a 100 Percent Renewable Energy Tariff, Designated Rider TRG, Pursuant to 56-577 A 5 and 56-234 of the Code of Virginia, Case No. PUR-2019-00094, October 17, 2019.

Prepared Surrebuttal Testimony of Frank Lacey on behalf of the Energy Supplier Coalition before the Maryland Public Service Commission in the Application of Baltimore Gas & Electric Company to Adjust Electric and Gas Base Rates, Case No. 9610, October 22, 2019.

Prepared Rejoinder Testimony of Frank Lacey on behalf of the Energy Supplier Coalition before the Maryland Public Service Commission in the Application of Baltimore Gas & Electric Company to Adjust Electric and Gas Base Rates, Case No. 9610, November 8, 2019.

Oral testimony and cross-examination of Frank Lacey on behalf of the Energy Supplier Coalition before the Maryland Public Service Commission in the Application of Baltimore Gas & Electric Company to Adjust Electric and Gas Base Rates, Case No. 9610, November 14, 2019.

Oral Rebuttal Testimony of Frank Lacey on behalf of Direct Energy before the Virginia State Corporate Commission in the Application of Virginia Electric and Power Company For Approval of a 100 Percent Renewable Energy Tariff, Designated Rider TRG, Pursuant to 56-577 A 5 and 56-234 of the Code of Virginia, Case No. PUR-2019-00094, November 21, 2019.

Affidavit of Frank Lacey in opposition to Plaintiffs' Motion for Class Certification before the Supreme Court of New York, County of New York, IAS Part 17, in BLT Steak, LLC and BLT Fish LLC v. Liberty Power Corp., LLC, d/b/a Liberty Power New York and Liberty Power Holdings LLC, Index No 151293/2013 (S Hagler, J.S.C.) Mot. Seq. 11, February 20, 2020.

Prepared Direct Testimony of Frank Lacey on behalf of Direct Energy before the Virginia State Corporation Commission in Commonwealth of Virginia, ex rel. State Corporation Commission Ex Parte: Allocating RPS costs to Certain Customers of Virginia Electric and

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Power Company, Case No. PUR-2020-0164 (Rider CE), February 19, 2021.

Prepared Direct Testimony of Frank Lacey on behalf of Direct Energy before the Virginia State Corporation Commission in Commonwealth of Virginia, ex rel. State Corporation Commission Ex Parte: Allocating RPS costs to Certain Customers of Virginia Electric and Power Company, Case No. PUR-2020-0164 (Rider NBC), February 19, 2021.

Oral Surrebuttal Testimony and Cross-examination of Frank Lacey on behalf of Direct Energy before the Virginia State Corporation Commission in Commonwealth of Virginia, ex rel. State Corporation Commission Ex Parte: Allocating RPS costs to Certain Customers of Virginia Electric and Power Company, Case No. PUR-2020-0164 (Rider NBC), March 29, 2021.

Oral Testimony of Frank Lacey on Behalf of NRG Energy, Inc, in Opposition to RB 6526, before the Connecticut General Assembly Energy and Technology Committee, Honorable Norman Needleman and Honorable David Arconti, Co-Chairmen, March 4, 2021.

Prepared Rebuttal Testimony of Frank Lacey on behalf of Direct Energy Services, LLC before the Maryland Public Service Commission, In the Matter of the Complaint filed by Staff of the Public Service Commission against Direct Energy Services, LLC, Case No. 9614, March 19, 2021.

Prepared Surrebuttal Testimony of Frank Lacey on behalf of Direct Energy Services, LLC before the Maryland Public Service Commission, In the Matter of the Complaint filed by Staff of the Public Service Commission against Direct Energy Services, LLC, Case No. 9614, April 9, 2021.

Prepared Testimony in Support of Settlement of Frank Lacey on behalf of Direct Energy Services, LLC before the Maryland Public Service Commission, In the Matter of the Complaint filed by Staff of the Public Service Commission against Direct Energy Services, LLC, Case No. 9614, May 5, 2021.

Prepared Direct Testimony of Frank Lacey on behalf of EnergyMark LLC, Vineyard Oil and Gas Company, Mid American Natural Resources LLC, and Total Energy Resources LLC ("Gas Supplier Companies") before the Pennsylvania Public Utility Commission in EnergyMark LLC, Vineyard Oil and Gas Company, Mid American Natural Resources LLC, and Total Energy Resources LLC v. National Fuel Gas Distribution, Docket No. C-2020-3019621, March 5, 2021.

Prepared Surrebuttal Testimony of Frank Lacey on behalf of EnergyMark LLC, Vineyard Oil and Gas Company, Mid American Natural Resources LLC, and Total Energy Resources LLC ("Gas Supplier Companies") before the Pennsylvania Public Utility Commission in EnergyMark LLC, Vineyard Oil and Gas Company, Mid

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American Natural Resources LLC, and Total Energy Resources LLC v. National Fuel Gas Distribution, Docket No. C-2020-3019621, April 16, 2021.

Oral Testimony and Cross-examination of Frank Lacey on behalf of EnergyMark LLC, Vineyard Oil and Gas Company, Mid American Natural Resources LLC, and Total Energy Resources LLC (“Gas Supplier Companies”) before the Pennsylvania Public Utility Commission in EnergyMark LLC, Vineyard Oil and Gas Company, Mid American Natural Resources LLC, and Total Energy Resources LLC v. National Fuel Gas Distribution, Docket No. C-2020-3019621, April 29, 2021.

Prepared Direct Testimony of Frank Lacey on behalf of IGS Energy Corporation and Direct Energy, LLC before the Public Utilities Commission of Ohio In the Matter of the Application of Ohio Power Company for an Increase in Electric Distribution Rates, For Tariff Approval and For Approval to Change Accounting Methods, Case Nos. 20-0585-EL-AIR, 20-0586-EL-ATA and 20-0587-EL-AAM, April 20, 2021.

Oral Testimony and Cross-examination of Frank Lacey on behalf of IGS Energy Corporation and Direct Energy, LLC before the Public Utilities Commission of Ohio In the Matter of the Application of Ohio Power Company for an Increase in Electric Distribution Rates, For Tariff Approval and For Approval to Change Accounting Methods, Case Nos. 20-0585-EL-AIR, 20-0586-EL-ATA and 20-0587-EL-AAM, May 18, 2021.

Direct Testimony of Frank Lacey on Behalf of The Retail Energy Supply Association and Interstate Gas Supply, Inc. before the Public Utilities Commission of Ohio In the Matter of the Application of Duke Energy Ohio, Inc. for an Adjustment to Rider MGP Rates, Case No. 14-0375-GA-RDR (and 17 other dockets), November 12, 2021.

Deposition of Frank Lacey on Behalf of The Retail Energy Supply Association and Interstate Gas Supply, Inc. before the Public Utilities Commission of Ohio In the Matter of the Application of Duke Energy Ohio, Inc. for an Adjustment to Rider MGP Rates, Case No. 14-0375-GA-RDR (and 17 other dockets), November 15, 2021.

Oral Testimony and Cross examination of Frank Lacey on Behalf of The Retail Energy Supply Association and Interstate Gas Supply, Inc. before the Public Utilities Commission of Ohio In the Matter of the Application of Duke Energy Ohio, Inc. for an Adjustment to Rider MGP Rates, Case No. 14-0375-GA-RDR (and 17 other dockets), November 18, 2021.

Direct Testimony of Frank Lacey on behalf of Direct Energy before the Virginia State Corporation Commission in Commonwealth of Virginia, ex rel. State Corporation Commission Ex Parte: Establishing a proceeding concerning the allocation of RPS-related costs and the

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determination of certain proxy values for Virginia Electric and Power Company, Case No. PUR-2021-0156, June 7, 2022

Panel Discussion, Aggregation and Perspective on Demand Response, Missouri Public Service Commission Informational Workshop on FERC Order No. 2222, Docket No. EW-2021-0267, June 29, 2021.

Lacey, Frank, FERC Order No. 745 – Problems and Solutions to the “EPSA” Problem, Presentation to National Regulatory Conference, Williamsburg, VA, May 21, 2015.

Panel Discussion, The State of Demand Response in Organized Markets – The uncertainty created by EPSA v. FERC, Energy Bar Association, Northeast Chapter Annual Meeting, Newark, NJ, June 11, 2015.

Lacey, Frank, The Supreme Court on Energy in 2016, What it Means to Your Business, Presentation to Solar Power International, Las Vegas, NV, September 14, 2016.

Lacey, Frank, Electric Storage Participation in Markets Operated by Regional Transmission Organizations and Independent System Operators, Presentation to Solar Power International, Las Vegas, NV, September 11, 2017.

Lacey, Frank, Update: Electric Storage Participation in Markets Operated by Regional Transmission Organizations and Independent System Operators Solar Power Northeast, February 5, 2018.

Lacey, Frank, The Extermination of BUGS from the US Electricity Markets, em – The Magazine for Environmental Managers, published by the Air and Waste Management Association, March 2016.

Lacey, Frank, Default Service Pricing has been Wrong All Along, Public Utilities Fortnightly, January 2019.

Lacey, Frank, Default Service Pricing – the Flaw and the Fix, The Electricity Journal, Volume 32 (April 2019).

Lacey, Frank and Travis Kavulla, Financial and Governance Protections for Electric Cooperatives, R Street Institute, R Street Policy Study No. 181, September 2019.

Lacey, Frank and Rob Gramlich, Who’s the Buyer? Retail Electric Market Structure Reforms in Support of Resource Adequacy and Clean Energy Deployment, Prepared for the Wind Solar Alliance, March 2020.

Webinar Participant/Panelist, The Future of Demand Response, hosted by Power Markets Today, October 17, 2017.

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Webinar Participant/Panelist, Rethinking Demand Response – The Evolution from Simple to Sophisticated, Hosted by Smart Electric Power Alliance, December 14, 2017.

Lacey, Frank and Taff Tschamler, Implementing Principles of Default Service: A Roadmap for Competitive Retail Power Markets, Paper released at PA POLR Roundtable, May 2004.

Building a for-profit Transmission Operation; Key Business Parameters, Presentation to the EEI Transmission Planning Task Force, Kansas City, MO.

Dozens of industry and client-specific presentations on the topics of industry transformation in the areas of transmission restructuring, retail restructuring, demand response, rate design, cost allocation and the energy industry ramifications of FERC Order 745 and FERC jurisdiction over demand response.

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Summary: Testimony - Direct Testimony of Frank Lacey electronically filed by Mrs.
Gretchen L. Petrucci on behalf of Retail Energy Supply Association