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PUC DOCKET NO. 52322

APPLICATION OF ELECTRIC	§	
RELIABILITY COUNCIL OF	§	BEFORE THE PUBLIC UTILITY
TEXAS, INC. FOR A DEBT	§	
OBLIGATION ORDER PURSUANT	§	COMMISSION OF TEXAS
TO CHAPTER 39, SUBCHAPTER N,	§	
OF THE PUBLIC UTILITY	§	
REGULATORY ACT	§	

DIRECT TESTIMONY

OF

CHARLES S. GRIFFEY

ON BEHALF OF TEXAS INDUSTRIAL ENERGY CONSUMERS

August 12, 2021

DIRECT TESTIMONY OF CHARLES S. GRIFFEY

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

A. My name is Charles S. Griffey, and I am a consultant providing services to the electric and natural gas industries. My address is 2918 Todville Rd., Seabrook, Texas 77586.

Q. ON WHOSE BEHALF ARE YOU PROVIDING TESTIMONY?

A. I am testifying on behalf of Texas Industrial Energy Consumers (“TIEC”).

Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY?

A. I address the following:

- the proper regulatory interpretation of the opt-out provision from House Bill (HB) 4492;
- how transmission-voltage customers should be notified of the opt-out process;
- the appropriate documentation necessary to demonstrate that a transmission level industrial customer qualifies to opt-out and where opt-out notices with this documentation should be submitted;
- the need for a parallel docket to certify the eligibility to opt-out;
- the need to certify that retail electric providers (REPs) have passed on the securitization funds to customers; and
- how refunds from the Subchapter N financing should be allocated if the capped amount of \$2.1 billion is less than the total amount load-serving entities (LSEs) file to recover.

Q. PLEASE OUTLINE YOUR FORMAL EDUCATION AND CERTIFICATIONS.

A. I have a Master of Business and Public Management from the Jones Graduate School of Business at Rice University and a Bachelor of Science in Chemical Engineering from Rice University. I am a Chartered Financial Analyst and a Professional Engineer registered in the State of Texas.

Q. PLEASE STATE YOUR PROFESSIONAL EXPERIENCE.

A. I have 38 years of experience in the electric power industry. Prior to becoming a consultant in 2009, I was employed by Reliant Energy, Inc. (“Reliant”) as Senior Vice President of Regulatory Affairs and Market Design. I was responsible for Reliant’s nationwide efforts in the design of competitive markets, regulatory affairs including interface with state commissions and Regional Transmission Organizations, and government affairs. Reliant owned generation in a number of states and had retail operations in Texas and the Mid-Atlantic region.

I began working for Houston Lighting and Power (“HL&P”), the electric utility serving parts of Southeast Texas and the predecessor company to Reliant, in 1989 in Corporate Planning where I worked on resource planning, including determining what power plants to construct, what projects to cancel, evaluation of owning plants compared to power purchases, and determination of marginal cost. Beginning in 1995, I was also responsible for the rate department, and eventually I became Vice President of Regulatory Planning, with responsibility for resource planning, financial planning, rates, and rate design and cost allocation. Subsequently, I helped lead the integrated utility’s efforts in restructuring the ERCOT market and transitioning the company for competition, integrating both wholesale and retail market design and operations, restructuring of utility functions and affiliate issues, and public policy advocacy.

Before working for Reliant, I worked at Austin Energy, at the Public Utility Commission of Texas (“Commission”), and for Bechtel Group, Inc. as an engineer on the Coolwater Coal Gasification Project.

Q. HAVE YOU PREVIOUSLY TESTIFIED BEFORE ANY REGULATORY COMMISSIONS OR COURTS?

A. Exhibit CSG-1 lists the testimony I have presented and a summary of my work experience.

Q. PLEASE DESCRIBE YOUR EXPERIENCE WITH MATTERS PERTAINING TO SECURITIZATION.

A. I participated in the legislative process in 1999 that led to the passage of Senate Bill 7, which included the first securitization legislation in Texas. I led Reliant Energy HL&P’s effort to gain regulatory approval to securitize \$760 million of regulatory assets associated with the transition to competitive markets, and I testified in Docket 21655 - *Application of Reliant Energy, Incorporated for a Financing Order to Securitize Regulatory Assets and Other Qualified Costs*.

Q. HOW DOES THIS SECURITIZATION CASE COMPARE TO THE SECURITIZATION CASE FOR REGULATORY ASSETS?

A. Among the differences are that ERCOT will be the entity collecting the securitization charges, whereas in prior instances it was electric utilities. In the transition to competition, the securitization proceeds went directly to the electric utilities, and the financing charges were recovered from retail customers through their REP (as part of the utility’s bill). In this case ERCOT is securitizing the asset, providing the funds to eligible LSEs, and is then recovering the financing charges through a charge to all LSEs on a load-ratio-share basis.

If and how the costs are ultimately passed through to customers will be addressed in the LSEs' individual retail contracts or, for municipally owned utilities or electric cooperatives, their approved retail tariffs.

Another difference is that HB 4492 allows certain LSEs and large retail customers to opt-out of receiving any securitization proceeds and, in turn, from paying the ongoing charges to recover the securitization balance. These differences require new rules on how to certify that an LSE or a large customer is eligible to opt out, how to ensure that LSEs certify they have met the requirement to pass on the funds to customers, and how to allocate the securitization proceeds if total LSE claims exceed available funds.

Q. WHAT LANGUAGE IN HB 4492 ADDRESSES OPTING OUT OF THE SECURITIZATION PROCESS FOR THE “UPLIFT BALANCE” UNDER SUBCHAPTER N?

A. Sec. 39.652(d) states:

The commission shall develop a one-time process that allows municipally owned utilities, electric cooperatives, river authorities, a retail electric provider that has the same corporate parent as each of the provider's customers, a retail electric provider that is an affiliate of each of the provider's customers, and transmission-voltage customers served by a retail electric provider to opt out of the uplift charges by paying in full all invoices owed for usage during the period of emergency. Load-serving entities and transmission-voltage customers that opt out under this subsection shall not receive any proceeds from the uplift financing.

Q. BASED ON YOUR REGULATORY EXPERIENCE, WHAT DOES THAT SECTION MEAN?

A. I believe this language means that one of the listed entities must actively choose to opt out of the process, thereby waiving their right to receive any proceeds of the uplift financing.¹ To be eligible to opt out, it is straightforward that the opt-out entity must have *paid in full all invoices owed for usage* during the emergency.

Q. BASED ON YOUR UNDERSTANDING, WHAT HAPPENS IF AN ELIGIBLE ENTITY DOES NOT AFFIRMATIVELY OPT OUT?

A. Unless the entity takes affirmative action to opt-out, then it will by default have chosen to receive any proceeds from the uplift financing and to pay the uplift charges.

Q. WHAT IS YOUR UNDERSTANDING OF THE PHRASE “PAID IN FULL ALL INVOICES OWED FOR USAGE DURING THE EMERGENCY?”

A. I believe this means exactly what it says – an entity must have fully paid what it owes *for usage*—i.e., in its capacity as a transmission-voltage customer or an eligible load-serving entity—during the emergency period. The phrase “for usage” is meant to distinguish amounts owed for power purchased from the grid or a REP from other potential charges or settlements an entity may owe in another capacity.

Q. CAN YOU GIVE AN EXAMPLE OF HOW AN ENTITY MIGHT HAVE AN OUTSTANDING BILL THAT IS NOT “FOR USAGE” FROM FEBRUARY AND STILL BE ELIGIBLE TO OPT OUT?

¹ I am not an attorney and am not rendering a legal opinion. Rather, I am making my conclusion based on my regulatory and business experience.

A. Yes. Assume that a hypothetical customer consumed 1,000 MWh of energy during the emergency period and also bilaterally contracted to provide 10 MW of responsive reserve service (RRS) to a Qualified Scheduling Entity (QSE) as a Load Resource. There may be situations where a large customer has paid all bills for usage, but has ongoing disputes with its REP/QSE and unpaid invoices *in its capacity as a Load Resource*. These disputed amounts would not be “*for usage*,” but for services provided as a Resource. In this situation, if the customer has fully paid its invoice for the 1,000 MWh of energy it used (and any charges assessed based on this usage), then it should be eligible to opt-out of the uplift charges—regardless of any ongoing disputes related to Load Resource settlement.

Q. SEC. 39.652(D) REQUIRES THE COMMISSION TO DEVELOP A ONE-TIME OPT-OUT PROCESS FOR CERTAIN ELIGIBLE ENTITIES. MUST THAT PROCESS BE DEVELOPED IN THIS DOCKET?

A. As a matter of practicality, it cannot be developed in this docket. The hearing in this case begins on August 24, less than two weeks after testimony is filed. The statute requires an affirmative opt-out process and requires that the entity opting out must have paid in full for its usage during the emergency. The process thus requires documentation that invoices for usage from February have been paid. Both ERCOT and Commission Staff have recommended that the opt-out process be developed in a separate proceeding, and currently there is not even a strawman process in this docket for parties to address or follow. Based on my experience, I do not believe it is feasible to develop a process in the next two weeks that parties can reasonably follow or the Commission could consider. Any such process would be rushed and at risk of implementation failure. Furthermore, I do not see the benefit

of rushing a process. While I am not an attorney and am not making a legal conclusion, the statute does not appear to tie the Commission's development of the opt-out process to the financing order in this case. This makes sense, as the opt-out volume must only be determined before the bonds are sold and the first invoices are rendered, not before the Commission order in this case.

Q. DOESN'T THE VOLUME OF OPT-OUT CHANGE THE SECURITIZATION AMOUNT?

A. Under certain circumstances it could. The Commission can authorize ERCOT to securitize up to \$2.1 billion of uplift amount, with the exact amount to be determined after the opt-out process runs its course. In fact, since there is no practical way to develop and implement an opt-out process during the 90 days the Commission has to act on this application, I do not see any other way to handle the opt-out process in the context of the required order. If the total amount to be securitized ends up being less than \$2.1 billion due to opt-outs, then it is possible that the amount could be modified prior to the actual financing. I believe this can be addressed in the securitization order.

Q. HOW SHOULD THE COMMISSION ENSURE THAT TRANSMISSION VOLTAGE CUSTOMERS RECEIVE NOTICE OF THEIR OPPORTUNITY TO OPT OUT?

A. REPs are best situated to notify transmission-voltage customers of the opportunity to opt out under PURA § 39.652(d).² REPs are the entities who directly interact with retail customers. REPs maintain updated customer contact information and communication preferences under their retail service agreements. Transmission-voltage customers are a distinct rate class, so it seems like it would be relatively simple for the REPs to identify eligible customers. However if this is difficult for some reason due to the way REPs maintain customer information, an alternative would be for the TDSPs to provide a list of their transmission-voltage ESI IDs to each REP to ensure appropriate notice. The Commission should require each REP to provide notice pursuant to the communication preferences in the customer's contract, and to communicate the opt-out eligibility to the designated customer representative by email (or alternatively phone), in addition to mailing notice. Any mailed notice should be separate from regular bills and should be appropriately identified as requiring urgent action on the exterior of the envelope.

Q. HOW SHOULD THE COMMISSION VERIFY THAT AN OPT-OUT ENTITY HAS MET ITS OBLIGATION TO PAY ITS INVOICE FOR USAGE IN FULL?

A. I believe the process for opting out would be best addressed in Docket No. 52364, the separate docket that has been opened to implement the opt-out. However, for transmission-voltage customers, I believe the simplest process would be for the customer to have the option of either: (a) providing an affidavit from the customer's REP certifying the REP has

² This is consistent with Commission Staff's recommendation filed in this docket on July 27, 2021. See Docket No. 52322, *Commission Staff's Recommendation on Sufficiency of the Application and Notice, Request for Good Cause Exception, and Request for a Parallel Proceeding* at 6 (July 27, 2021).

been paid in full *for usage charges* during the emergency period, or (b) for a customer to provide its own internal documentation of charges and payment. Option 2 REPs, municipally owned utilities, electric cooperatives, and river authorities could similarly either present their own documentation that they have fully paid for their usage charges, or provide an affidavit from ERCOT to that effect.

Q. HOW SHOULD THE OPT-OUTS BE SUBMITTED AND DOCUMENTED?

A. Again, I believe this is best addressed in the separate opt-out docket; however, a previous filing by Staff contemplated that transmission-voltage customers might submit notice solely to their REP. I do not recommend relying on customers submitting the opt-outs only to their REP. Customers may change REPs over time, and a customer's ability to retain and document their opt-out for future bills should not depend upon their current REP retaining the documentation or providing it to others. A better process would be for customers to file an opt-out notice in the pending opt-out docket. This would mirror what is done for the industrial RPS opt-outs in Docket No. 35113, and would provide a central repository of the filings for future reference. The process could allow either the customer or the customer's REP to file the opt-out notice and documentation for eligible ESI IDs.

Q. WHAT SHOULD BE DONE IF THE AMOUNT OF CLAIMS FROM LSEs EXCEEDS THE \$2.1 BILLION CAP?

A. The statutory language does not specifically address this, so I believe that is up to the Commission to decide. However, my opinion is that proceeds from the financing should

first go to customers who have paid or otherwise are obligated to pay the uplift costs (as defined in Subchapter N) as a pass-through charge.

While it would have been difficult for anyone to fully anticipate the financial consequences of the February storm, sophisticated energy companies are in a better position to have understood and managed these costs than retail customers who were directly exposed to the uplift charges as a pass-through. I believe this weighs in favor of providing refunds (or credits against outstanding invoices) from the securitization to retail customers who were directly affected by the uplift charges before providing relief directly to LSEs for their own exposure due to fixed price contracts they knowingly entered into with customers. LSEs should bear the risks and reap the benefits of those contracts, not be able to force the costs onto other customers. In addition, it is likely that most LSEs will pass through the Subchapter N financing charges to their customers in one form or another. It would be inequitable for a customer who paid the uplift charges as a pass-through to not receive any refund, or only a partial refund, but then be charged the full amount of the financing charges going forward. I believe that the risk of not being “made whole” through the financing is more appropriately borne by the LSEs.

Q. CAN YOU PROVIDE AN EXAMPLE OF YOUR PROPOSAL?

A. Yes. Assume an LSE has two customers, each of whom owed \$100 for the uplift charges. Assume customer #1 paid the full amount owed, while customer #2 has not yet paid and still owes the LSE \$100. The LSE has paid the \$200 it owes ERCOT in full. The LSE's payment was partially funded by the \$100 it received from customer #1, with the remaining

\$100 (that Customer #2 has not yet paid) funded either from retained earnings, a new infusion of equity, or a loan.

Now assume that the proceeds from the securitization for this LSE is only \$50 due to proration. My proposal is that the \$50 would be split such that \$25 is refunded to customer #1, and the amount owed by customer #2 would be reduced by \$25 (with that \$25 being treated as a payment to the LSE and available for corporate purposes). Since the securitization financing charges will most likely be reflected in retail charges in some manner, it is appropriate that retail customers receive the value of the proceeds for which they will be paying those charges.

If there is a refund balance remaining after providing refunds (or credits against amounts owed) to all of the LSE's retail customers who were directly exposed to the uplift charges, then that balance would be available to the LSE for its own direct exposure.

Q. HAS ERCOT PROPOSED A MECHANISM FOR LOAD-SERVING ENTITIES TO DEMONSTRATE THAT THE PROCEEDS ARE USED FOR THE PURPOSES PROVIDED IN THE STATUTE?

A. No.

Q. SHOULD THE COMMISSION DEVELOP SUCH A PROCESS?

A. Yes. The final order in this docket should include a requirement that load-serving entities file certification and documentation to demonstrate that they have used the proceeds of securitization in the manner required by the statute. As with the opt-out process, the Commission should open an expedited proceeding to develop the requirements.

Q. DOES THAT CONCLUDE YOUR TESTIMONY?

A. Yes.

PUC DOCKET NO. 52322

**APPLICATION OF ELECTRIC §
RELIABILITY COUNCIL OF TEXAS, § PUBLIC UTILITY COMMISSION
INC. FOR A DEBT OBLIGATION §
ORDER PURSUANT TO CHAPTER 39, §
SUBCHAPTER N, OF THE PUBLIC § OF TEXAS
UTILITY REGULATORY ACT §**

AFFIDAVIT OF CHARLES GRIFFEY

**STATE OF TEXAS §
§
COUNTY OF HARRIS §**

Before me, the undersigned authority, on this day personally appeared the person known by me to be Charles S. Griffey, who, after being sworn by me, stated as follows:

1. My name is Charles S. Griffey. I am over eighteen years of age, am of sound mind and competent to make this Affidavit. I have personal knowledge of every statement contain in this Affidavit, and every statement contained herein is true and correct and based on my own personal knowledge.

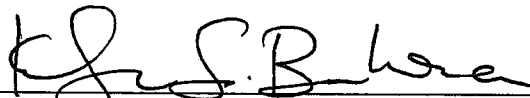
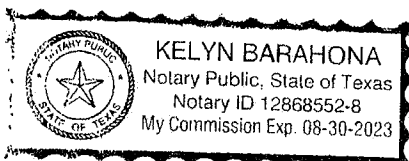
2. I make this Affidavit in support of my testimony on behalf of the Texas Industrial Energy Consumers. Attached hereto and made a part hereof for all purposes is my Direct Testimony, which has been prepared in written form for introduction into evidence in the Public Utility Commission of Texas Docket No. 52322.

3. I hereby swear and affirm that my answers contained in the testimony are true and correct.



CHARLES S. GRIFFEY

SUBSCRIBED AND SWORN to before me on this the 12th of August, 2021 to certify which witness my hand and seal of office.


NOTARY PUBLIC

CAREER SUMMARY

Senior energy executive who managed the regulatory planning and government affairs function for one of the nation's leading competitive electricity companies. Consulted closely with other senior executives to devise and implement commercial/regulatory/political strategies to manage risks and position the firm to be successful in competitive wholesale and retail electric markets. Recognized as leader in electric market design and as an expert witness on electric policy, market design, and resource planning matters. Skilled in:

- | | |
|--------------------------------------|------------------------------------|
| ◇ Corporate Strategy/Risk Management | ◇ Power Plant Economics |
| ◇ Electric Market Design | ◇ Rate Setting and Design |
| ◇ Policy Advocacy | ◇ Retail and Wholesale Competition |

PROFESSIONAL EXPERIENCE

Energy Consultant, **Houston, Texas** **2009 – Present**

Provide consulting services across the energy value chain, from generation to customer sales for both electricity and natural gas. Clients include independent power producers, large industrial consumers, and retail electric providers. Sample engagements include:

- Expert testimony on utility mergers
- Expert testimony and consulting on resource planning, solar and wind projects projects, and early retirement
- Expert testimony and consulting expert on cost of combined cycle gas turbines
- Expert testimony on rate case issues, including return, credit risk, and capital structure
- Expert testimony on transmission planning
- Expert testimony on mitigation of generation market power
- Expert testimony on prudence of a decision to construct a coal-fired generating plant
- Expert testimony on distributed generation
- Expert testimony in civil litigation regarding commercial reasonability of retail electric contracts.
- Consulting services regrading prudence of planning to build nuclear and IGCC facilities
- Consulting services related to decision to build cogeneration at industrial facilities
- Consulting services to large industrial companies regarding electric market design.
- Consulting services to a large retail electric provider regarding market opportunities and regulatory/government affairs.
- Consulting services to a developer of compressed air energy storage on regulatory and government affairs.
- Expert testimony regarding market design, the meaning of PURPA and the appropriate payment to Qualifying Facilities for power provided to the grid.
- Expert testimony in a contract dispute between a retail electric provider and a customer regarding pass-through charges.
- Consulting expert on interpretation of purchased power contract between an investor-owned utility and a municipally-owned utility.
- Expert testimony on retail rate design.
- Develop and implement advocacy plan to avoid power plant retirements from a proposed policy to ban once-through cooling in a coastal state; manage compliance filing for two power plants.
- Advise on the economics of energy storage technologies.
- Advise on the feasibility of opening additional retail gas markets to competition.
- Advise on how to structure a regulatory and government affairs organization.

Adjunct Professor of Management at Rice University's Jones Graduate School of Business 2010-2016, specializing in the economics of the electricity value chain, management of risk, and related public policy considerations.

Attachment CSG-1 Statement of Qualifications

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RRI ENERGY (RELIANT ENERGY, INC.), Houston, Texas

1989 – 2009

Sr. VP Regulatory Affairs and Market Design

2007 - 2009

Reporting directly to the CEO, co-managed the company's national, regional, and state level government, regulatory, community affairs, and communications functions, with emphasis on electricity regulation, competitive market design, and associated legislation. Oversaw a staff of 70 people and a managed a budget of \$30 million.

- Managed to an outcome wherein no laws or regulations harmful to the company were passed.
- Analyzed risk associated with the company's retail business (~ 1.8 million customers) and the wholesale business (~14,000 Mw installed capacity) and implemented regulatory risk mitigation strategies that aligned with corporate vision and goals.
- Coordinated policy between retail and wholesale business units to establish sound policy and design principles and to present a single voice to external stakeholders.
- Testified on electric policy, smart energy, and demand response in legislative, regulatory, and judicial arenas, drawing effectively on significant industry knowledge and experience.
- Achieved outstanding results on employee survey regarding departmental leadership and management capability (100% score on treating employees fairly, holding them accountable, making use of their skills, trusting them to make appropriate decisions, and improving own performance based on employee feedback).

Sr. VP Regulatory Affairs

2003 - 2007

- Managed Reliant's national regulatory and market design efforts and legislative efforts in Texas.
 - Achieved Texas PUC ruling on excess mitigation credits that effectively averted requirement that Reliant Energy pay \$375 million to CenterPoint Energy to lower stranded cost; and,
 - Successfully designed rules at Texas PUC regarding provider of last resort, price to beat, customer protections, and financial standards for retailers.
- Collaborated closely with legislative and executive branches in Texas, including Governor, Lt. Governor, Speaker, Chairs and members of Senate Business and Commerce and House Regulated Industries to achieve:
 - Successful transition to retail competition in Texas, creating a political/regulatory environment to allow Reliant's \$500 million contribution margin retail business the opportunity to thrive with appropriate government oversight; and,
 - Settlement of the political/regulatory intervention in retail pricing following Hurricanes Katrina and Rita. The settlement led to a phase-in of price increases which set the stage for a successful 2007 legislative session and emergence into full competition
- Provided expert witness testimony in regulatory, government, and court proceedings.
- Intimately involved in settlement of Reliant Energy's issues regarding the 2000-2001 California Energy crisis. Led response to FERC's March 2003 report accusing Reliant Energy of "churning" in its purchases of natural gas for its California power plants.

VP Regulatory Strategy and Planning

1998 - 2003

Directed Reliant's Texas regulatory and market design efforts. Responsible for financial forecasting, rates, and capital budgeting for Reliant Energy HL&P through 2001, including analysis of capital investment and mothball decisions, power purchase and sales agreements.

- Created and developed risk adjusted wholesale price forecasting tool that provided a distribution of future prices for use in investment analysis to value real options in the generation fleet and the retail contract portfolio.

Attachment CSG-1

Statement of Qualifications

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- Led regulatory strategy to move Reliant Energy from being a regulated utility to becoming separate companies – a wires-only transmission and distribution utility and a company involved in competitive generation and retail activities.
- Heavily involved in passage and implementation of SB 7, the Texas law that moved ERCOT to a competitive market, including:
 - Competitive market design,
 - IPO of Reliant Resources, its option to buy Texas Genco, and use of that option price as the stranded cost valuation method for purposes of the statutory stranded cost true-up, and
 - Settlement of initial Price to Beat rate, and securitization of regulatory assets worth \$760 million.

Various positions in Corporate/Regulatory Planning

1989 - 1998

Led a variety of processes that involved evaluation and establishment of company's generation, resource planning, rate setting, and load forecasting, including power plants, energy efficiency, and demand response.

AUSTIN ENERGY, Austin, Texas

1988 - 1989

Manager, Gas Purchasing and Fuel Planning

Held overall responsibility for purchasing natural gas for the utility's power plants, as well as planning construction of second gas pipeline to serve power plants.

PUBLIC UTILITY COMMISSION OF TEXAS, Austin, Texas

1986 - 1988

Fuel Analyst

Investigated prudence of utility fuel and power procurement and integrated resource planning.

BECHTEL GROUP, INC., Houston, Texas

1981 - 1983

Process Design Engineer

Worked on the Coolwater Coal Gasification Power Plant, the first IGCC ever built.

EDUCATION

JESSE H. JONES GRADUATE SCHOOL OF BUSINESS, RICE UNIVERSITY, Houston, Texas

Master of Business and Public Management, 1985

Majors - Finance and Entrepreneurship

Honors - Outstanding Finance Student

RICE UNIVERSITY, Houston, Texas

BS, Chemical Engineering, 1981

PROFESSIONAL CERTIFICATIONS

CHARTERED FINANCIAL ANALYST, No. 12245

PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, No. 73184

Attachment CSG-1

Statement of Qualifications

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Testimony before the Public Utility Commission of Texas

Docket	On behalf of	Description
6032	PUCT Staff	<i>Petition of Central Power & Light Company for fixing of refund with interest and amendment of monthly interim fuel factor. Performed fuel forecast.</i>
6611	PUCT Staff	<i>Petition of Southwestern Electric Power Company for recovery of unrecovered fuel expense with interest thereon and the setting of revised fixed fuel factors. Performed prudence investigation which resulted in fuel refunds; fuel forecast.</i>
6765	PUCT Staff	<i>Application by Houston Lighting & Power Company for authority to change rates. Prudence of fuel procurement and fuel forecast.</i>
6963	PUCT Staff	<i>Investigation regarding the reasonableness of Houston Lighting & Power Company's Spring Creek and Ken McGee Coal Contract Costs. Prudence of long-term coal contracts.</i>
6992	PUCT Staff	<i>Investigation regarding Texas-New Mexico Power Company for a Certificate of Convenience and Necessity for a proposed generating station (coal-fired) within Robertson County. Economic study of best and most economic option for utility resource acquisition.</i>
7195/6755	PUCT	<i>Application of Gulf States Utilities Company for authority to change rates. Inquiry of the Public Utility Commission of Texas into the prudence and efficiency of the planning and management of the construction of the River Bend Nuclear Generating Station. Prudence of fuel procurement and fuel forecast</i>
7460	PUCT Staff	<i>Application of El Paso Electric Company for authority to change rates. Prudence of fuel procurement and fuel forecast.</i>
7510	PUCT Staff	<i>Application of West Texas Utilities Company for authority to change rates. Prudence of fuel procurement and fuel forecast.</i>
7512	PUCT Staff	<i>Application of Lower Colorado River Authority for authority to change rates. Prudence of fuel procurement and fuel forecast.</i>
10473	HL&P	<i>Notice of Intent of Houston Lighting & Power Company for a Certificate of Convenience and Necessity for DuPont Project, Webster Units 1 & 2 Refurbishment Project, and Greens Bayou Units 3 & 4 Refurbishment Project. Economic study of resource procurement.</i>
10832	HL&P	<i>Houston Lighting & Power Company's Standard Avoided Cost Calculation for the Purchase of Firm Energy and Capacity from Qualifying Facilities Pursuant to Subst. R. 23.66(h)(3). History of resource planning and appropriateness of marginal cost.</i>
11000	HL&P	<i>Application of Houston Lighting & Power Company for a Certificate of Convenience and Necessity for the DuPont Project. Economic study of resource procurement.</i>
11999	HL&P	<i>Application of Houston Lighting & Power Company for Approval of Tariff for Economic Improvement Service - Rate Schedule EIS. Appropriateness of marginal cost.</i>
12138	HL&P	<i>Notice of Intent of Houston Lighting & Power Company for a Certificate of Convenience and Necessity for Advanced Gas Turbine Projects. Economic study of resource procurement.</i>
12065	HL&P	<i>Complaint of Kenneth D. Williams Against Houston Lighting & Power Company, Prudence of utility planning; industry restructuring.</i>

Attachment CSG-1

Statement of Qualifications

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Testimony before the Public Utility Commission of Texas

Docket	On behalf of	Description
12957	HL&P	<i>Application of Houston Lighting & Power Company for Approval of Experimental Tariff for Special Contract Pricing, Rate Schedule SCP. Appropriateness of marginal cost.</i>
15000	HL&P	<i>An Investigation into Issues Related to the Electric Utility Industry and Regulatory Restructuring. Industry restructuring.</i>
15001	HL&P	<i>An Investigation into Potentially Stranded Investment in the Electric Utility Industry in Texas. Industry restructuring.</i>
15002	HL&P	<i>An Investigation into the Scope of Competition in the Electric Utility Industry in Texas. industry restructuring.</i>
21665	Reliant	<i>Application of Reliant Energy, Incorporated for a Financing Order to Securitize Regulatory Assets and Other Qualified Costs. Industry restructuring and securitization of regulatory assets.</i>
21956	Reliant	<i>Application of Reliant Energy, Inc. for Approval of Business Separation Plan. Industry restructuring.</i>
22355	Reliant	<i>Application of Reliant Energy HL&P for Approval of Unbundled Cost Of Service Rate Pursuant to PURA §39.207 and Public Utility Commission Substantive Rules 25.344. Industry restructuring and recovery of stranded costs.</i>
23950	Reliant	<i>Petition of Reliant Energy, Inc. to Establish Price to Beat Fuel Factor and Request for Good Cause Exception to Subst. R. 25.47. Industry restructuring and setting of default service rate.</i>
24790	Reliant	<i>Petition to Appoint Provider of Last Resort Pursuant to PURA 39.706 for Residential and Small Non-Residential Customers in the Entergy, TXU East-DFW, and TXU West-DFW Service Areas and for Large Non-Residential Customers in the Reliant North, Reliant South, CPL Gulf Coast, CPL Valley, WTU, and SWEPCO Service Areas. Industry restructuring and setting of POLR rate.</i>
29526	Reliant	<i>Application Of CenterPoint Energy Houston Electric For A True-Up Filing. Rate design for stranded cost true-up</i>
35620	Reliant	<i>Application of CenterPoint Houston Electric LLC for Approval to Implement Advanced Meter Information Network Pursuant to PURA 39.107(i). Benefits of smart meter deployment.</i>
37361	Occidental	<i>Application of Southwestern Public Service Company for Authority to Revise Its Tariff for Purchase of Non-Firm Energy from Qualifying Facilities. Appropriate price to pay for non-firm energy deliveries in SPP</i>
38448	Just Energy	<i>Petition of Just Energy Texas, LP for the Commission to Resolve a Billing Dispute. Nature of unaccounted for energy and how to calculate the amount of unaccounted for energy to bill a customer under a contract allowing pass-through of such charges</i>
40443	TIEC	<i>Application Of Southwestern Electric Power Company For Authority To Change Rates And Reconcile Fuel Costs. Prudence of decision to continue construction of Turk coal plant and impact of Turk Plant on Texas</i>
40449	Occidental	<i>Complaint of Ascendant Renewable Energy Corp. Against Southwestern Public Service. Appropriate interconnection procedure for a distribution level Qualifying Facility in SPP and interpretation of SPS tariffs and contracts</i>
40545	PUCT Staff	<i>Petition of Calpine for Approval of Voluntary Mitigation Plan. Evaluation of market power mitigation under proposed plan</i>

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41223 Occidental	<i>Application Of Entergy Texas, Inc. and ITC Holdings Corp. for Approval of Change of Ownership and Control of Transmission Business.</i> Determination of whether transaction is in the public interest
41437 Occidental	<i>Application of Entergy Texas, Inc. for Approval of LQR Tariff.</i> Appropriate price to pay for deliveries of non-firm energy from QFs
42511 TIEC/Luminant	<i>Complaint Of Calpine Corporation And NRG Energy, Inc., Against The Electric Reliability Council Of Texas And Appeal Of Decision Concerning The Houston Import Project.</i> Determination of whether ERCOT followed its procedures in approving the Houston Import Project
43695 Occidental	<i>Application Of Southwestern Public Service Company For Authority To Change Rates.</i> Issues regarding post test year adjustments, transmission charges, and cost allocation and rate design
44547 TIEC/Luminant	<i>Application of Centerpoint Energy Houston Electric, LLC to Amend a Certificate Of Convenience and Necessity for a Proposed 345-Kv Transmission Line Within Grimes, Harris, And Waller Counties.</i> Appropriate transmission planning procedures.
45188 TIEC	<i>Joint Report And Application Of Oncor Electric Delivery Company Llc, Ovation Acquisition I, L.L.C., Ovation Acquisition Ii, L.L.C., And Shary Holdings, L.L.C. For Regulatory Approvals Pursuant To Pura §§ 14.101, 37.154, 39.262(L)-(M), And 39.915.</i> Public interest findings with respect to the sale/transfer/merger of a utility with a REIT.
45624 TIEC	<i>Application Of The City Of Garland, Texas, For A Certificate Of Convenience And Necessity For The Proposed Rusk To Panola Double-Circuit 345-Kv Transmission Line In Rusk And Panola Counties, Texas.</i> Conditions for the line to be in the public interest and proper way to do a cost/benefit analysis for a DC tie.
46050 TIEC	<i>Application Of AEP Texas Central Company, AEP Texas North Company, And AEP Utilities, Inc. For Approval Of Merger.</i> Estimation of merger savings.
46238 TIEC	<i>Joint Report And Application of Oncor Electric Delivery Company LLC And Nextera Energy, Inc. for Regulatory Approvals Pursuant to Pura §§ 14.101, 39.262 And 39.915.</i> Public interest findings with respect to the sale/transfer/merger of a utility.
45414 TIEC	<i>Review of the Rates of Sharyland Utilities, L.P., Establishment of Rates for Sharyland Distribution & Transmission Services, L.L.C., and Request For Grant of A Certificate of Convenience And Necessity and Transfer of Certificate Rights.</i> Whether to include federal income tax as expense of a public utility REIT, issues regarding transfer of development of transmission lines among affiliates of electric utility, recovery of regulatory asset.
46416 TIEC	<i>Application of Entergy Texas, Inc. for a Certificate of Convenience and Necessity to Construct Montgomery County Power Station.</i> Appropriate method to use to analyze resources of different lives, and appropriateness of including imputed debt as a cost for PPAs.
46831 FMI	<i>Application of El Paso Electric Company to Change Rates.</i> Appropriateness of cost allocation, issues regarding interruptible rates and customers contracts, rates for residential distributed solar resources, possible directed purchase options.
47576 TIEC	<i>Application of The City of Lubbock Through Lubbock Power and Light for Authority to Connect a Portion of Its System with the Electric Reliability Council of Texas.</i> Appropriate method to evaluate whether a utility outside of ERCOT joining ERCOT is in the public interest.
48400 TIEC	<i>Joint Application of Rayburn Country Electric Cooperative, Inc. and Lone Star Transmission, LLC to Transfer Load to Ercot, and for Sale of Transmission Facilities and Transfer of Certificate Rights in Henderson and Van Zandt Counties.</i> Evaluate whether a utility outside of ERCOT joining ERCOT is in the public interest and best method to interconnect to ERCOT.

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48929 TIEC	<i>Joint Report And Application Of Oncor Electric Delivery Company LLC, Sharyland Distribution & Transmission Services, L.L.C., Sharyland Utilities, L.P., And Sempra Energy For Regulatory Approvals Under Pura §§ 14.101, 37.154, 39.262, And 39.915. Public interest findings with respect to the sale/transfer/merger of a utility.</i>
48973 TIEC	<i>Application of Southwestern Public Service Company for Authority to Reconcile Fuel and Purchased Power Costs. Prudence of decision to enter into solar power contracts and proper analysis techniques for resource planning.</i>
49421 TIEC	<i>Application of Centerpoint Energy Houston Electric, LLC for Authority to Change Rates. Financial ring-fencing and context for return on equity, debt, and capital structure.</i>
49737 TIEC	<i>Application of Southwestern Electric Power Company for Certificate of Convenience and Necessity Authorization and Related Relief for the Acquisition of Wind Generation Facilities. Reasonableness of proposal to acquire new wind facilities.</i>
49831 TIEC	<i>Application of Southwestern Public Service Company for Authority to Change Rates. Appropriate capital structure, credit risks, and return on equity.</i>
49849 TIEC	<i>Joint Report and Application of El Paso Electric Company, Sun Jupiter Holdings LLC, And IIF US Holding 2 LP for Regulatory Approvals Under PURA §§ 14.101, 39.262, And 39.915. Public interest findings with respect to the sale/transfer/merger of a utility.</i>
50584 TIEC	<i>Joint Report and Application Of Wind Energy Transmission Texas, LLC; Axinfra US LP; Hotspur Holdco 1 LLC; Hotspur Holdco 2 LLC; And 730 Hotspur, LLC, for Regulatory Approvals Under Pura §§ 14.101, 39.262, And 39.915. Public interest findings with respect to the sale/transfer/merger of a utility.</i>
51547 TIEC	<i>Joint Report And Application of Texas-New Mexico Power Company, NM Green Holdings, Inc. and Avangrid, Inc. For Regulatory Approvals Under Pura §§ 14.101, 39.262, And 39.915. Public interest findings with respect to the sale/transfer/merger of a utility.</i>
51215 TIEC	<i>Application of Entergy Texas, Inc. to Amend its Certificate Of Convenience and Necessity for the Acquisition of a Solar Facility in Liberty County. Reasonableness of proposal to build a new solar facility.</i>

Colorado Public Service Commission

16A-0396E Coalition of Ratepayers	<i>In The Matter Of The Application Of Public Service Company Of Colorado For Approval Of Its 2016 Electric Resource Plan. Whether retirement of two coal units and implementation of the Colorado Energy Plan is the lowest cost alternative for ratepayers.</i>
17A-0797E Coalition of Ratepayers	<i>Re: In The Matter Of The Application Of Public Service Company Of Colorado To Modify The Depreciation Schedules For The Early Retirement Of Comanche 1 And Comanche 2 Generating Units, Establish A Regulatory Asset To Collect Incremental Depreciation, Reduce The Renewable Energy Standard Adjustment Collection To One Percent, And Implement A General Rate Schedule Adjustment, Contingent On The Approval Of The Colorado Energy Plan Portfolio In Proceeding No. 16A-0396E. Issues with PSCo's evaluation of economics of early retirement in favor of Colorado Energy Plan and deferral of accelerated depreciation into a regulatory asset.</i>

Indiana Utility Regulatory Commission

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- 45806 Alliance Coal *Verified Petition of Southern Indiana Gas and Electric Company D/B/A Vectren Energy Delivery of Indiana, Inc., for: (1) Authority to Construct, Own and Operate a Solar Energy Project and a Finding that Such Project Constitutes a Clean Energy Project Pursuant to Ind. Code Ch. 8-1-8.8; (2) Issuance of a Certificate Of Public Convenience And Necessity for the Construction of the Solar Energy Project Pursuant to Ind. Code Ch. 8-1- 8.5; and (3) Authority to Timely Recover Costs Incurred During Construction and Operation of the Project in Accordance with Ind. Code § 8-1-8.5-6.5 and Ind. Code § 8-1- 8.8-11. Economics of a solar project in Indiana.*
- 45159 ICARE, ICC *Petition Of Northern Indiana Public Service Company LLC Pursuant To Ind. Code §§ 8-1-2-42.7, 8-1-2-61 And, Ind. Code § 8-1- 2.5-6 For (1) Authority To Modify Its Rates And Charges For Electric Utility Service Through A Phase In Of Rates; (2) Approval Of New Schedules Of Rates And Charges, General Rules And Regulations, And Riders; (3) Approval Of Revised Common And Electric Depreciation Rates Applicable To Its Electric Plant In Service; (4) Approval Of Necessary And Appropriate Accounting Relief; And (5) Approval Of A New Service Structure For Industrial Rates. Flaws in NIPSCO's Integrated Resource Plan.*
- 45194 ICC *Verified Joint Petition Of Northern Indiana Public Service Company Llc ("Nipsco") And Rosewater Wind Generation Llc (The "Joint Venture") For (1) Issuance To Nipsco Of A Certificate Of Public Convenience And Necessity For The Purchase And Acquisition Of A 102 Mw Wind Farm ("The Rosewater Project"); (2) Approval Of The Rosewater Project As A Clean Energy Project Under Ind. Code § 8-1-8.8-11; (3) Approval Of Ratemaking And Accounting Treatment Associated With The Rosewater Project; (4) Authority To Establish Amortization Rates For Nipsco's Investment In The Joint Venture; (5) Approval Pursuant To Ind. Code § 8-1-2.5-6 Of An Alternative Regulatory Plan Including Establishment Of Joint Venture Through Which The Rosewater Project Will Support Nipsco's Generation Fleet And The Reflection In Nipsco's Net Original Cost Rate Base Of Its Investment In Joint Venture; (6) Approval Of Purchased Power Agreements Through Which Nipsco Will Receive The Energy Generated By The Rosewater Project, Including Timely Cost Recovery Pursuant To Ind. Code § 8-1-8.8-11 Through Nipsco's Fuel Adjustment Clause; (7) Authority To Defer Amortization And To Accrue Post-In Service Carrying Charges On Nipsco's Investment In Joint Venture; (8) To The Extent Generally Accepted Accounting Principles Would Treat Any Aspect Of Joint Venture As Debt On Nipsco's Financial Statements, Approval Of Financing; (9) Approval Of An Alternative Regulatory Plan For Nipsco In Order To Facilitate The Implementation Of The Rosewater Project; And (10) To The Extent Necessary, Issuance Of An Order Pursuant To Ind. Code § 8-1-2.5-5 Declining To Exercise Jurisdiction Over Joint Venture As A Public Utility. Reasonableness of proposal to build a 102 MW of wind project.*
- 45195 ICC *Verified Petition Of Northern Indiana Public Service Company LLC For Approval Pursuant To Ind. Code §§ 8-1-2-42(A), 8-1-8.8-11, And To The Extent Necessary Ind. Code § 8-1-2.5-6, Of A Renewable Energy Power Purchase Agreement With Jordan Creek Wind Farm LLC, Including Timely Cost Recovery. Reasonableness of proposal to purchase 400 Mw of wind energy.*
- 45196 ICC *Verified Petition Of Northern Indiana Public Service Company LLC For Approval Pursuant To Ind. Code §§ 8-1-2-42(A), 8-1-8.8-11, And To The Extent Necessary Ind. Code § 8-1-2.5-6, Of A Renewable Energy Power Purchase Agreement With Roaming Bison Wind, LLC, Including Timely Cost Recovery. Reasonableness of proposal to purchase 300 Mw of wind energy.*

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12-KG&E-17-CON *Occidental* Application Of Kansas Gas And Electric Company For Approval Of The Energy Supply Agreement Between Kansas Gas And Electric Company And Frontier El Dorado Refining Company LLC. Economics of special contracts and customer bypass of utility service.

LOUISIANA PUBLIC SERVICE COMMISSION

Dockets On behalf of Description

- U-32538 *Occidental* *In Re: Joint Application of Entergy Louisiana, LLC, Entergy Gulf States Louisiana, LLC, Mid South Transco, LLC, Transmission Company Louisiana I, LLC, Transmission Company Louisiana II, LLC, ITC Holdings Corp. and ITC MidSouth LLC for Approval of Change of Ownership of Electric Transmission Businesses, For Certain Cost-Recovery Related Adjustments and for Related Relief. Determination of whether transaction is in the public interest*
- U-33950 *Occidental* *In Re: Entergy Louisiana, LLC Compliance Submission Regarding Deactivation Of Little Gypsy 1, Ninemile 3, And Willow Glen 2 And 4, As Required By Order No. U – 33510. Evaluation of economics of decision to deactivate Willow Glen 2 and 4.*
- U-34283 *Occidental* *In Re: Application of Entergy Louisiana, LLC for Approval to Construct Lake Charles Power Station, and for Cost Recovery. Appropriate method to use to analyze resources of different lives, and appropriateness of including imputed debt as a cost for PPAs.*
- U-34447 *Occidental* *Application Of Entergy Louisiana, LLC Regarding Continued Participation In The Midcontinent Independent System Operator, Inc. Regional Transmission Organization. Recommended conditions to for ELL to continue membership in MISO, recommended change case for measurement of benefits of MISO membership.*

MARYLAND PUBLIC SERVICE COMMISSION

- 9063 *Reliant* *In The matter of The Optimal Market Design For The Electric Industry In Maryland. Wholesale and Retail Market design.*

Mississippi Public Service Commission

- 2015-UN-80 *Greenleaf* *Notice Of Intent Of Mississippi Power Company For A Change In Rates Supported By A Conventional Rate Filing Or, In The Alternative, By A Rate Mitigation Plan In Connection With The Kemper County IGCC Project. Amount of investment to count as prudent for the CCGT portion of an IGCC. Reasons why Kemper IGCC project should be abandoned.*
- 2017-AD-112 *Greenleaf* *Encouraging Stipulation of Matters In Connection With the Kemper County IGCC Project. Amount of prudent investment in Kemper CCGT that should be allowed in rates, and setting of O&M expense and annual revenue requirement.*

New Mexico Public Resource Commission

- 19-00018-UT *Westmoreland* *In The Matter Of Public Service) Company Of New Mexico's Consolidated Application For Approvals For The Abandonment, Financing And Resource Replacement For San Juan Generating Station Pursuant To The Energy Transition Act. Consideration of Replacement Resources.*

Pennsylvania Public Utilities Commission

- P-00032071 *Reliant* *Duquesne Light Company Petition for Approval of Plan for Post Transition*

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POLR Service. Wholesale and Retail Market design and supply procurement.

P-00052188 *RESA¹* *Petition of Pennsylvania Power Co. for Approval of Interim PLR Supply Plan. Wholesale and Retail Market design.*

Testimony Filed with the Federal Energy Regulatory Commission

FERC Dockets	On behalf of	Description
ER98-927-000	Reliant	<i>Application of Reliant Energy Mandalay, L. L.C., to sell energy, capacity and ancillary services at market based rates. Market Power study.</i>
ER98-928400	Reliant	<i>Application of Reliant Energy Ellwood, L.L. C., to sell energy, capacity and ancillary services at market based rates. Market Power study.</i>
ER98-930-000	Reliant	<i>Application of Reliant Energy Etiwanda, L.L. C., to sell energy, capacity and ancillary services at market based rates. Market Power study.</i>
ER98-93 1400	Reliant	<i>Application of Reliant Energy Cool Water, L. L. C., to sell energy, capacity and ancillary services at market based rates. Market Power study.</i>
ER98-2878-000	Reliant	<i>Application of Reliant Energy Ormond Beach, L. L. C., to sell energy, capacity and ancillary services at market based rates. Market Power study.</i>
ER99-3 143-000	Reliant	<i>Application of Reliant Energy Indian River, L. L. C., to sell energy, capacity and ancillary services at market based rates. Market Power study.</i>
EL13-61-000	Occidental	<i>Exelon Wind et al Complaint and Petition for Enforcement. Determination of whether a Legally Enforceable Obligation was established between a QF and a utility</i>
ER19-1486-000	Load/Customer Coalition	<i>PJM Interconnection, L.L.C. Comments on ORDC design</i>
EL19-58-000	Load/Customer Coalition	<i>PJM Interconnection, L.L.C. Comments on ORDC design</i>

CIVIL LITIGATION

CAUSE NO. C-356-10-A	<i>Loral, Ltd, Danhana, Ltd, RGV Warehouse, Ltd, and Richann, Inc. v. Sempra Energy Soutlion, LLC and Priority Power, LL, 92nd Judicial Court, Hidalgo County, Texas. Commercial Reasonability of Retail Electric Contracts and Wholesale and Retail Market Design.</i>
CAUSE NO. A-09-CA-917-SS	<i>JD Wind v. Public Utility Commission of Texas, United States District Court, Western District of Texas, Austin Division. History of PURPA implementation and avoided cost.</i>
CAUSE NO. D-1-GN-10-004130	<i>Exelon Wind v. Public Utility Commission of Texas, State District Court, Austin, Texas. History of PURPA implementation and avoided cost.</i>
CAUSE NO. D-1-GN-12-0021S6	<i>Lower Colorado River Authority v. Central Texas Electric Cooperative, Fayette Electric Cooperative and San Bernard Electric Cooperative. Damages calculation for breach of purchased power contract.</i>
CAUSE NO. 121-001-B	<i>Lower Colorado River Authority v. City Of Kerrville, Acting By And Through Kerrville Public Utility Board. Damages calculation for breach of purchased power contract.</i>

¹ Retail Electric Suppliers' Association

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CAUSE NO. 3:08-cv-780-CWR-LRA

*The State Of Mississippi, Ex Rel. Jim Hood, Attorney General For The State
Of Mississippi, Plaintiff, v. Entergy Mississippi, Inc., Et Al., Defendants.*
Reasonableness of power procurement by utility.

LEGISLATIVE TESTIMONY

Joint Meeting of Texas House Interim Committee of Natural Resources and House Regulated Industries, May 2009

Texas House Regulated Industries, February 2007 - State of the Electric Industry

Texas Senate Business and Commerce, February 2007 – State of the Electric Industry

Texas House Regulated Industries, March 2005 - State of the Electric Industry