

COMMONWEALTH OF PENNSYLVANIA



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January 9, 2012

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

Dear Secretary Chiavetta:

Enclosed please find the Office of Consumer Advocate's Main Brief, in the above-referenced proceeding.

Copies have been served as indicated on the Certificate of Service.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Aron J. Beatty".

Aron J. Beatty
Assistant Consumer Advocate
PA Attorney I.D. # 86625

Enclosure

cc: Honorable Susan D. Colwell
149431

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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

MAIN BRIEF
OF THE
OFFICE OF CONSUMER ADVOCATE

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Dated: January 9, 2012

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I. INTRODUCTION/STATEMENT OF THE CASE

On August 25, 2011, PPL Electric Utilities (PPL, PPL Electric, or Company) filed an Amended Petition with the Commission seeking approval of two reconcilable rate mechanisms related to the cost recovery of its default service costs.¹ The first reconcilable charge sought by the Company was termed the Reconciliation Rider. The Reconciliation Rider is being proposed for the purpose of addressing over and under collections related to default service transmission and generation costs beginning June 1, 2012. Amended Petition at 2.

The second reconcilable rate mechanism sought by the Company is the Competitive Transition Rider. The Company stated that the Competitive Transition Rider is needed to provide a method to refund or recoup historic over or under collections related to transmission service and generation supply service that were incurred prior to the effective date of the Reconciliation Rider. Amended Petition at 3. The Company further stated that the Competitive Transition Rider is needed because current shopping levels may restrict the Company's ability to recover under collections incurred prior to the effective date of the Reconciliation Rider in a timely fashion. PPL St. 1 at 4; Amended Petition at 3, 18.

In addition to these riders, the Company proposed revisions to its existing tariff and riders to facilitate the implementation of the proposed Reconciliation Rider and Competitive Transition Rider. PPL St. 1 at 8. Among these changes, the Company has proposed to modify the reconciliation provisions under GSC-1 to permit reconciliation on an annual PJM planning year basis, rather than on a quarterly basis. PPL St. 1 at 8. The Company states that these changes "should reduce the volatility of the Reconciliation Rider, reduce the number of calculations required, and reduce customer confusion regarding this issue." PPL St. 1 at 8.

¹ The Company initially filed its Petition for the Reconciliation Charge on August 3, 2011, but later amended its Petition on August 25, 2011 to include the proposed Competitive Transition Rider.

The Office of Consumer Advocate (OCA) filed its Notice of Intervention and Public Statement in this matter on August 23, 2011. The Commission's Bureau of Investigation and Enforcement (BI&E) entered its Appearance in this matter, and the Office of Small Business Advocate (OSBA) filed a Notice of Intervention in this proceeding. Answers to the Company's Petitions were filed by the PP&L Industrial Customer Alliance (PPLICA), OSBA, Dominion Retail and Retail Energy Supply Association (RESA). Petitions to Intervene in the matter were submitted by Richards Energy Group, Inc., RESA, Dominion Retail, Inc., Wal-Mart Stores East, LP and Sam's East, Inc.

The PPL Petition was assigned to the Office of Administrative Law Judge and was further assigned to Administrative Law Judge (ALJ) Susan Colwell for investigation and the scheduling of hearings. On December 5, 2012, ALJ Colwell presided over evidentiary hearings in Harrisburg. At that hearing, the Direct and Surrebuttal testimony of the OCA's witness in this matter, Dr. Alvaro E. Pereira, were admitted into the evidentiary record along with the testimony and exhibits of the various parties.² The OCA submits this Main Brief in accordance with the procedural schedule established by ALJ Colwell.

II. SUMMARY OF THE ARGUMENT

The OCA submits that the Company's proposed Competitive Transition Rider (CTR) provides a reasonable avenue for the timely recovery of the identified historic costs under the unique facts of this case and should be approved. The OCA, however, does not support the Company's Reconciliation Rider (RR) as proposed. The OCA submits that the Application

² Dr. Pereira is a Managing Consultant for La Capra Associates of Boston, Massachusetts. Dr. Pereira has over 15 years of experience in economic, technical, and policy analysis with expertise in rate design and power markets. Dr. Periera also has expertise in rate design and analysis, demand side management programs, and economic impact modeling and forecasting. Dr. Pereira received an M.S. in Transportation and a Ph.D. in Urban and Regional Economics and Studies, both from M.I.T.; and two bachelor degrees in Economics and Finance from UMass Amherst. See, OCA St. 1, Appendix A.

Provisions of the RR which require both shopping and non-shopping customers to pay the RR based on their time on default service are confusing and unnecessary at this time.

In addition to these riders, the Company proposed to modify the reconciliation provisions under GSC-1 to permit reconciliation on an annual, rather than on a quarterly basis. PPL St. 1 at 8. The OCA supports the Company's proposed use of this 12 month reconciliation process as it will add stability to the residential rate and align with the procedures used for commercial rates and transmission charges.

III. ARGUMENT

A. The Company's Proposal.

As discussed above, the Company has proposed two new charges, the RR and the CTR. The RR and CTR would both go into effect June 1, 2012. The RR would continue indefinitely, while the CTR is designed to recover existing under collections for certain identified costs over a 12 month period (with an additional short period following the 12 month term to zero out the any remaining balance). PPL St. 1 at 26-27.

OCA witness Pereira summarized the operation of the CTR as follows:

The CTR is a non-bypassable rider that would be used to refund or recoup the net over or under collection of the GSC-1, GSC-2, and TSC for the period ending May 31, 2012. The CTR would be calculated separately for each of three customer classes: Residential Fixed and Time of Use ("TOU"), Small Commercial and Industrial ("Small C&I"), and Large Commercial and Industrial ("Large C&I"). The CTR would be calculated based on the Company's projected kWh deliveries to customers in each of these classes who receive distribution service and thus would be collected from all customers in each class. The CTR is designed to remain in effect for a 12-month period, but will continue in effect to reconcile any remaining balances. Remaining balances may exist, for example, to account for differences in the forecasted kWh used to determine the rate and actual kWh.

OCA St. 1 at 4. As proposed, the CTR would be collected from all customers, non-shopping and shopping, on a uniform basis for the life of the charge.

The RR, in contrast to the CTR, would be a permanent ongoing mechanism to refund and recover over and under collections associated with default service. Through the design of the RR, the Company states that it is attempting to recover more of the over and under collections associated with default service from customers who are directly responsible for those costs. To accomplish this task, the Application Provisions of the RR require the RR to be applied to customers in relation to their time on default service. Dr. Pereira summarized the operation of the RR, as follows:

By contrast, the RR is a rider that is intended to refund or recoup the net over or under collections for the June 1, 2012 to May 31, 2013 period. The RR will be in effect for all future annual periods starting June 1 and will change annually on that date. The RR is structured to collect or return monies to customers based on the time that customers actually took default service from the Company. That is, customers that receive default service for a number of months (up to 12) prior to switching to competitive supply would be responsible for paying the RR for that number of months even after they have switched to the alternative supplier. On the other hand, customers that have not taken default service for a number of months (up to 12) will be exempted from the RR for that number of months when they return to default service. Hence, the RR may apply to customers that are currently taking default service or are currently on competitive service. The RR will apply (for at least a month) to new customers or customers that have moved within the Company's service territory as these customers will be considered default service customers.

OCA St. 1 at 5. The RR is often referred to as a "migration rider" as it follows the customer for a period of time. The mechanism is similar to the migration riders approved for use in the natural gas industry in Pennsylvania.

Under the Company's proposal, both the CTR and RR will be effective on June 1, 2012 and will appear as separate line items on customers' bills. OCA St. 1 at 5. If both charges

are approved, the RR will be initially set at zero. OCA St. 1 at 5. If the CTR is not approved, the RR will be calculated based on the balance of the over and under collections that exist through May 31, 2012.

The Company has argued that the proposed rate mechanisms are needed to assure the timely recovery of default service costs. PPL St. 1 at 17-18. Dr. Pereira summarized the Company's rationale for their proposed rate mechanisms, as follows:

It appears that the Company is proposing a RR and a CTR to address issues of distortion and volatility in the Price to Compare, which in turn creates difficulties for customers' shopping decisions, and the possibility of reconciling amounts on a smaller and smaller customer base as customers leave default service. The Company has proposed a CTR to address the difficulty of reconciling the historical over and under collections incurred in January 2010 resulting from billing cycle issues and the design of the time of use rates on a smaller and smaller default service customer base. Moreover, these factors may, in turn, increase volatility in customer migration as customers react to changes in the Price to Compare, since customers in Pennsylvania are free to switch between default service and competitive supply.

OCA St. 1 at 5-6. The Company concludes that the CTR is needed in conjunction with its proposed RR, stating its rationale as follows:

[B]ecause of the levels of customer shopping on PPL Electric's system at this time, and the timing of the implementation of the RR, it is not clear that the RR alone will fully address the timely refund or recovery of all the historic over and under collection balances incurred prior to the effective date of the RR, or as of May 31, 2012.

PPL St. 1 at 25.

As to the proposal to utilize a 12 month reconciliation procedure for its GSC-1,

Dr. Pereira first explained the application of the existing reconciliation mechanism, as follows:

The current reconciliation method reconciles amounts on an annual basis (for GSC-2 and TSC) and on a quarterly basis for GSC-1 charges. Each of these tariffs contains an "E-factor" that uses the

total level of under and over collection as of one month prior to the applicable application period (e.g., the total amount of over and under collection over the 12-month period ending April 30 for GSC-2 and TSC or over the 3-month period for GSC-1) and divides it by the projected kWh for the next application period (e.g. June to May for GSC-2 and TSC or the applicable quarter for GSC-1) to compute the reconciliation portion of the GSC-1, GSC-2, and TSC rates and the respective customer classes within each.

OCA St. 1 at 6. The Company proposes to modify its reconciliation procedures for GSC-1 to reconcile costs over a 12 month period, consistent with its current practice for GSC-2 and the TSC. OCA St. 1 at 7.

The OCA submits that the Company has raised valid concerns about the historic reconciliation of default service costs. As set forth in more detail below, the OCA supports the implementation of the CTR as proposed given the unique circumstances presented here. The OCA does not support certain aspects of the RR at this time and as such does not support its implementation as proposed. In particular, the OCA does not support the Application Provisions contained in the proposed RR, which act as a migration rider. The OCA supports the Company's proposed modifications to GSC-1 that would move its reconciliation calculation from a quarterly to an annual basis as it will bring GSC-1 reconciliation into line with the procedure for GSC-2 and the TSC and will add stability to the residential rate.

B. The OCA Position.

1. The CTR Provides A Reasonable Mechanism To Collect Historic Under Recoveries Associated With The Post Rate Cap Period And Implementation Of Time Of Use Programs, and Should Be Adopted.

The OCA supports implementation of the CTR at this time. The CTR provides a reasonable method for the recovery of historic costs that are associated with the transition from the rate caps to default service beginning in 2010 and those associated with the Time of Use

program that has encountered difficulties in design and customer retention. OCA witness Pereira testified in support of the CTR, explaining why the recovery of historic costs through a one-time mechanism was appropriate:

The purpose of the CTR is to reconcile historical over and under collections. I support the Company's proposal for a number of reasons. First, the CTR is envisioned as a temporary, one-time charge that is largely driven by events that have already occurred, such as proration of bills in January 2010 and the rapid increase in shopping that has significantly reduced the number of customers taking default service from the Company. As discussed in Mr. Kleha's testimony (at 13-14), most of the current under collection balances were primarily a result of the proration of customer bills between December 2009 and January 2010, which was the first month of the approved GSC rate rider. The collection of a relatively large amount was made more difficult as customers increasingly left default service.

OCA St. 1 at 8-9. As Dr. Pereira testified, there has been a rapid decrease in the default service customer base over which to spread under collections during the post rate cap period. The combination of events detailed in this testimony lends itself to a temporary, one-time charge to address the issue.

Dr. Pereira testified that there were additional reasons that weighed in favor of implementation of the CTR, as follows:

Second, as stated by the Company, collection of these historical over and under collections over the entire distribution customer base is more consistent with the customer base that created these amounts compared to the existing default service customer base. In addition, the spreading of these amounts will lessen the rate impact on the existing default service customer base, which may include a large number of customers that are unable or unwilling to shop for any number of reasons

Finally, given that much of these under and over collections have already occurred, the Company would have to identify those customers responsible for causing these under and over collections, which may be difficult or costly due to the fact that the composition of basic service customers has changed significantly.

OCA St. 1 at 9.

In addition, the Company's proposed CTR would allow for a reasonable resolution to the recovery of an existing Time of Use (TOU) rate under collection that cannot be recovered from only TOU customers. As Dr. Pereira explained:

The CTR also includes reconciliation of historic over and under collections related to the TOU option under GSC-1 along with reconciliation of the fixed price service of GSC-1. I expect that reconciliation of over and under collections related to the TOU option on a going forward basis (after May 31, 2012) will be addressed in the TOU rates docket currently before the Commission (Docket No. R-2011-2264771).

OCA St. 1 at 9.

Company witness Kleha testified that only 3,900 customers remain on TOU service. PPL St. 1-R at 30. The current TOU under collection is approximately two million dollars. PPL St. 1-R at 30. The OCA submits that the CTR mechanism allows for a reasonable method of collecting these costs from all residential customers.

The OCA submits that the CTR is reasonable at this time under these unique circumstances. As Dr. Pereira testified, given the rapid decline in default service load at PPL, the collection of the CTR historic over and under collections over the entire distribution customer base is more consistent with the customer base that created these amounts than recovery of these costs only from current remaining default service customers. In addition, the CTR provides a reasonable resolution of the TOU under collection issue. The OCA submits that the costs associated with the CTR are limited, one-time unique in nature, and that the use of the CTR across all residential customers is appropriate for these circumstances.

2. The Proposed RR Mechanism Would Add Customer Confusion And Is Not Appropriate At This Time.

The OCA does not support implementation of the RR as proposed. The OCA submits that the Application Provisions contained in the proposed Reconciliation Rider result in the RR serving as a “migration rider” and being applied to both shopping and non-shopping customers for varying periods of time. The Application Provisions pose significant educational challenges and could create customer confusion about the default service rate. Amended Petition, Exhibit A (page 2 of 3). Under the PPL proposal, the RR would be applied to some, but not all, default service customers, and some, but not all, shopping customers. The RR would be applied based on the number of months that a customer had received default service.

OCA witness Pereira expressed his concerns with the problems inherent with the Application Provisions of the proposed RR. As Dr. Pereira explained, the Application Provisions proposed by the Company will result in instances of frequent rate changes for individual customers and customer confusion.³ Dr. Pereira testified regarding his concerns, as follows:

[T]he methodology proposed for the application of the RR will also pose consumer education challenges. The fact that consumers may be subject to the RR for a number of months and not be subject for some subsequent period of time is confusing. Though Mr. Kleha’s testimony does a good job of providing a number of examples that describe the application of the RR, it is not difficult to imagine that there may be instances that feature a combination of some of these examples where customers would be subject to frequent application and non-application of the RR. Relatedly, application of the RR will also make auditing of the reconciliation provisions more difficult as compared to the current methodology. Indeed, the simplicity of the current reconciliation provision was mentioned in the Company’s brief in Docket No. C-2011-2245906 (Filed on October 26, 2011).

³ PPL Witness Kleha provided eight hypothetical illustrations of how the RR could be applied to customers’ bills who switch from, or to, default service. PPL St. 1 at 21-22. In addition, Mr. Kleha provided additional examples of how the RR would apply to new customers, customers that move within the service territory, and customers subject to landlord/tenant arrangements. PPL St. 1 at 23. The OCA submits that Mr. Kleha’s hypothetical examples illustrate the complexity of the applications provisions of the RR mechanism and highlight the benefits of avoiding this type of migration rider at this time.

OCA St. 1 at 10. The OCA submits that the application provisions contained in the RR are unwieldy and will result in customer confusion.

The RR may also be designed to address a problem that is no longer as pressing. PPL identified proration in the January 2010 period, combined with rapid increases in customer switching to alternative suppliers, as a major driver of the Company's under collection concerns. PPL St. 1 at 12-14. As Dr. Pereira testified, however, prospective forecasting and collections should stabilize in the future:

[T]hough the Company has not provided a forecast for the over or under collection beyond September 30, 2011, I anticipate that future reconciliation amounts (assuming the CTR is approved) will be relatively minor on a per kWh basis. Differences between collections and billed revenues would be caused, for example, by the use of costs that are not fully known (or that are going to be passed through at cost) in the default service plan. In order to establish a fixed rate for use during the application period, utilities have to forecast these unknown cost elements. When the actual amounts differ greatly from these forecasts, under and over collections occur. Given that the PPL default service plan for residential customers, which contains limited cost unknowns (due to, for example, extensive use of load-following 7x24 products including all products and services to supply service to the PPL zone) and rates are determined throughout the year, it is unlikely that over and under collections would be high enough on a prospective basis to necessitate an additional rider.

OCA St. 1 at 10-11 (footnote omitted).

The OCA submits that the Company's ability to match costs with collections in future periods should be considerably improved given the relatively steady state of billing in which it now serves its default service customers. In addition, it appears that the Company's switching levels have stabilized so that the sudden decrease in default service load over a very short period of time is not present. See, OCA St. 1 at 11, Exhibit AEP-1; PPL St. 1-R at 12. As

Dr. Pereira testified, the stabilization of the Company's shopping levels should make the existing reconciliation provisions more effective. OCA St. 1 at 11.

OCA witness Pereira summarized his position with respect to the RR as follows:

In sum, I believe that all of these reasons outweigh the goal of recovering or refunding default service reconciliation costs from those customers who enter or leave default service. As laudable as this goal may seem, implementation of a RR at the current time is not necessary and would otherwise introduce needless complexity to the default service mechanism that is working reasonably well in terms of providing necessary price signals to support an effective shopping experience and providing a reasonably priced service for those customers who do not choose to shop.

OCA St. 1 at 11.

The OCA submits that Dr. Pereira's position should be adopted. The Company's Application Provisions contained in the RR will likely result in significant customer confusion. The OCA further submits that the introduction of a migration rider is not necessary at this time given the facts in this case. The Company's billing and collection cycle has stabilized and customer migration has become steadier. As a result of these circumstances, the OCA submits that the RR should not be approved at this time.

3. The Company's Proposal To Reconcile Residential Default Service Costs Over A Twelve Month Period Is Reasonable And Should Be Approved.

The Company has proposed to modify its current reconciliation procedures for GSC-1 customers to change from quarterly to 12-month reconciliations. PPL St. 1 at 8. The Company states that these changes "should reduce the volatility of the RR, reduce the number of calculations required, and reduce customer confusion regarding this issue." PPL St. 1 at 8. The OCA agrees, and strongly supports the proposed change to a 12 month reconciliation procedure for GSC-1. Amended Petition, Appendix C (page 5 of 5).

OCA witness Pereira testified that the Company's proposal in this regard was reasonable, as follows:

I agree with the Company that changing the reconciliation provisions under GSC-1 to permit reconciliation on a one-year basis, as is currently the case under GSC-2 and TSC, (instead of quarterly) will reduce volatility of the reconciliation portion of the GSC rate, which will also assist with calculation of the rate. Reconciliation of over and under collections over a longer period of time (and over a larger customer base) should dampen the effects of short-term or sudden, large shifts of customers to alternative suppliers on the reconciliation provisions, even though the likelihood of such shifts is probably low. The GSC-1 and GSC-2 rates will continue to change (potentially) each quarter due to changes in the cost of procuring default service suppliers but not due to reconciliation of over or under collections.

OCA St. 1 at 12. Importantly, the Company uses 12 month reconciliations already for GSC-2 and the TSC. This proposed change brings GSC-1 in line with the other riders and should provide increased stability.

As Dr. Pereira testified, the added stability envisioned by such a change should have the added benefit of increasing the accuracy of the Company's rate calculation. The OCA submits that reconciling over 12 months should result in added stability in the residential rate. As such, the OCA supports the Company's proposed modification to GSC-1.

C. Conclusion.

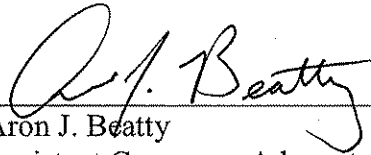
The Company's proposed Competitive Transition Rate provides it with a reasonable mechanism to collect historic costs associated with residential default service and residential time of use rates that are a result of unique circumstances and should therefore be approved. The OCA submits, however, that the proposed Reconciliation Rider should not be approved as proposed because the Rider is not necessary at this time and would add considerable

customer confusion about the default service rate. The Company's proposal to move GSC-1 from quarterly to twelve month reconciliation procedures is reasonable and should be adopted.

IV. CONCLUSION

For the reasons detailed in this Main Brief, the OCA supports the adoption of the Competitive Transition Rider and the adoption of the Company's proposal to modify the reconciliation provisions under GSC-1 to permit reconciliation on an annual basis rather than on a quarterly basis. The OCA does not support the adoption of the Reconciliation Rider as proposed.

Respectfully Submitted,



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Dated: January 9, 2012
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CERTIFICATE OF SERVICE

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

I hereby certify that I have this day served a true copy of the foregoing document, the Office of Consumer Advocate's Main Brief, upon parties of record in this proceeding in accordance with the requirements of 52 Pa. Code Section 1.54 (relating to service by a participant), in the manner and upon the persons listed below:

Dated this 9th day of January 2012.

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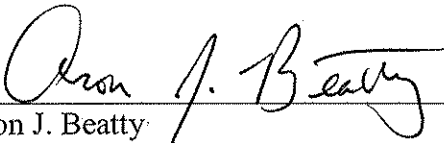
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