

**STATE OF MARYLAND**  
**BEFORE THE PUBLIC SERVICE COMMISSION**

**In the Matter of the Competitive Selection of )  
Electricity Supplier / Standard Offer or )  
Default Service for Investor-Owned Utility )  
Small Commercial Customers and Allegheny )  
Power, Delmarva Power Light, and Potomac )  
Electric Power Residential Customers )**

**Case No. 9064**

**REBUTTAL TESTIMONY OF**  
**JONATHAN WALLACH**  
**ON BEHALF OF**  
**THE OFFICE OF PEOPLE'S COUNSEL**

Resource Insight, Inc.

**SEPTEMBER 18, 2006**

1 **I. Introduction**

2 **Q: Please state your name, occupation, and business address.**

3 A: I am Jonathan F. Wallach. I am Vice President of Resource Insight, Inc., 5  
4 Water Street, Arlington, Massachusetts.

5 **Q: Please summarize your professional education and experience.**

6 A: I have worked as a consultant to the electric-power industry for more than  
7 two decades. From 1981 to 1986, I was a research associate at Energy  
8 Systems Research Group. In 1987 and 1988, I was an independent  
9 consultant. From 1989 to 1990, I was a senior analyst at Komanoff Energy  
10 Associates. I have been in my current position at Resource Insight since  
11 September of 1990.

12 Over the last twenty-five years, I have advised clients on a wide range  
13 of economic, planning, and policy issues including: electric-utility  
14 restructuring; wholesale-power market design and operations; transmission  
15 pricing and policy; market valuation of generating assets and purchase  
16 contracts; power-procurement strategies; integrated resource planning; cost  
17 allocation and rate design; and energy-efficiency program design and  
18 planning.

19 My resume is attached as Exhibit JFW-1.

20 **Q: Please summarize your experience with regard to the issue of electric  
21 restructuring in Maryland.**

22 A: In 1997, I co-authored a major study of electric-utility restructuring in  
23 Maryland for the Office of People's Counsel ("OPC"). Since then, I have  
24 advised and testified on behalf of OPC in most of the major proceedings

1 relating to Maryland's restructuring process. I assisted OPC during  
2 settlement negotiations, and testified in support of such settlements, in Case  
3 Nos. 8794, 8795, and 8797 (regarding electric restructuring), 8890 (regarding  
4 the proposed merger of Potomac Electric Power and Delmarva Power &  
5 Light to form PEPCo Holdings, Inc. ["PHI"]), and 8908 (regarding  
6 procurement of Standard Offer Service ["SOS"].) I also testified in Case Nos.  
7 8852 (regarding Potomac Electric Power Company's proposed fees for  
8 electricity-supplier services), 8994 and 8995 (regarding determination of the  
9 residential SOS Administrative Charge), and 8985 (regarding Southern  
10 Maryland Electric Coop's SOS procurement plan). Most recently, I testified  
11 in Case No. 9052 regarding proposals to transition Baltimore Gas &  
12 Electric's residential customers to market-based SOS rates, and Case No.  
13 9056 regarding default service for Type II customers. Finally, on OPC's  
14 behalf, I have monitored the SOS procurement process in every year since its  
15 inception.

16 **Q: On whose behalf are you testifying?**

17 A: I am testifying on behalf of the Office of the People's Counsel.

18 **Q: What is the purpose of your testimony?**

19 A: Pursuant to the Commission's Notice of Procedural Schedule of August 4,  
20 2006, PSC Staff witness Phillip VanderHeyden submitted direct testimony  
21 sponsoring Staff's report on the 2006 Procurement Improvement Process  
22 ("PIP") in Case No. 8908. Staff's report describes modifications to the SOS  
23 procurement process that were agreed to by consensus or supported by a  
24 majority of the parties to the PIP. This rebuttal testimony addresses these  
25 proposed modifications.

1 In addition, the Commission's Notice listed six issues for comment in  
2 this docket:

- 3 1. Timing of bids for 2007 bidding.
- 4 2. Bid week timing (to eliminate supplier's bid hold premiums.)
- 5 3. Length of bid contracts.
- 6 4. Changes to the process arising out the 8908 procurement process.
- 7 5. Definition of "small commercial customer."
- 8 6. Effect of allowing investor owned utilities to refuse to accept  
9 some bids in an auction or to change the bidding date due to  
10 market conditions.

11 In response, Staff and other intervenors filed direct testimony  
12 supporting proposals for additional modifications to the SOS procurement  
13 process. This testimony also addresses intervenors' responses to all items on  
14 the Commission's issues list other than the definition of "small commercial  
15 customer."

16 People's Counsel is also sponsoring testimony from Ms. Barbara  
17 Alexander. I rely on Ms. Alexander's direct and rebuttal testimony to support  
18 my findings and conclusions.

## 19 **II. 2006 Procurement Improvement Process**

20 **Q: Please describe the consensus proposals that emerged from the 2006**  
21 **Procurement Improvement Process.**

22 **A:** As discussed in Staff's report, parties to the 2006 PIP agreed to seven  
23 modifications to the SOS procurement process. Parties agreed to provide  
24 additional customer data to bidders, allow bidders to submit credit  
25 documentation via web link, and to modify language in the RFP to clarify

1 when bid-assurance collateral will be returned and to conform the  
2 confidentiality provision with the requirements of SB 1. Parties also agreed  
3 to provide suppliers with additional data regarding their load obligations.  
4 Finally, parties reached consensus on a number of modifications to the  
5 calculation of the Price Anomaly Threshold (“PAT”).

6 **Q: Do you have any comments regarding the consensus proposals?**

7 A: In general, the consensus proposals appear to be reasonable modifications to  
8 the SOS procurement process. The clarifications regarding bidding  
9 requirements and procedures, and the provision of additional customer and  
10 load data, should reduce the transaction costs and risks of participation in the  
11 bid process and the provision of SOS supply.

12 The proposed changes to the PAT calculation are also appropriate. The  
13 proposals regarding the calculation of costs associated with marginal losses  
14 and the Renewable Portfolio Standard should yield reasonable estimates of  
15 market prices for these factors. Furthermore, the proposal to calculate cost  
16 elements prior to each tranche should allow the PAT to better reflect any  
17 changes in market conditions between tranches.

18 **Q: Were there other proposals that were supported by a majority of the PIP**  
19 **parties?**

20 A: Yes. As discussed in the Staff report, there were two proposals that failed to  
21 achieve consensus, but were supported by a majority of the parties. First,  
22 BGE proposed to restructure the bid format for time-of-use (“TOU”) load.  
23 Second, a majority of the parties agreed to a proposed schedule for  
24 conducting the multiple rounds of bidding.

1 **Q: Please describe BGE’s proposal for bidding TOU load.**

2 A: In previous years’ procurements, bidders were required to offer prices for the  
3 particular time periods specified in TOU rates. For the upcoming  
4 procurement, BGE instead has proposed to require bidders to offer prices for  
5 on- and off-peak periods that are consistent with the standard time periods for  
6 PJM wholesale-market products.<sup>1</sup> Under this proposal, BGE would generate  
7 retail TOU prices by translating the on- and off-peak prices from winning  
8 bids into on-, intermediate-, and off-peak prices consistent with the time  
9 periods specified in TOU rates.

10 **Q: What is BGE’s rationale for this proposal?**

11 A: According to the direct testimony of BGE witness William Pino, BGE is  
12 concerned that the inconsistency between the time periods for PJM-traded  
13 wholesale products and for the Company’s TOU retail rates may raise  
14 barriers to participation and increase risks to participants. The Company  
15 therefore believes that its proposal may improve pricing by increasing  
16 competition and reducing risk premiums.

17 **Q: Is BGE’s proposal reasonable?**

18 A: At this time, it is a matter of speculation whether the general levels and time-  
19 differentiation of TOU prices offered in previous years’ solicitations are due  
20 to the inconsistency between wholesale and retail rating periods. BGE’s  
21 proposal appears to be a reasonable approach for investigating whether this  
22 inconsistency has a material impact on bidder participation and offer pricing.  
23 I therefore recommend that the Commission: (1) approve the proposal for

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<sup>1</sup> For example, NYMEX on-peak energy forwards for PJM are “5x16” products, with the on-peak period defined as the 16-hour period from 7am to 11pm on weekdays (excluding holidays).

1 this year's solicitation; and (2) direct BGE to evaluate and report on the  
2 impact of the proposal on price offers for TOU load.

3 While supportive of the proposal, I do have a concern that the resulting  
4 mismatch between prices paid to winning bidders and prices charged to retail  
5 TOU customers may lead to excessive under- or over-recovery of wholesale  
6 power costs. Pursuant to Paragraph 25 of the Phase II Settlement Agreement  
7 in Case No. 8908, utilities are required to conduct billing true-ups at least  
8 three times per year, but may conduct true-ups more frequently at their  
9 discretion. I recommend that BGE closely monitor true-up accounts to  
10 determine whether more-frequent billing true-ups are warranted.

11 **Q: Please describe the bid schedule presented in the Staff report.**

12 A: As in previous years, the bid schedule included in the Staff report calls for  
13 three rounds of bidding, with the first round commencing in December of  
14 this year and the third round completed by mid-February of 2007.<sup>2</sup> This  
15 schedule is designed to:

- 16 • spread procurement over time in order to limit the impact of  
17 extraordinary market events;
- 18 • minimize overlaps with solicitations in surrounding States;
- 19 • avoid scheduling solicitations during major holiday weeks; and
- 20 • complete procurement prior to the ARR auction in March of 2007.

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<sup>2</sup> Also as in previous years, the schedule allows for a fourth reserve round of bidding, in the event that the offers awarded in the previous three rounds do not fully cover the load obligation.

1 **Q: Do you have any concerns regarding the bid schedule discussed in the**  
2 **Staff report?**

3 A: Yes. The proposed schedule does not take account of the procedural  
4 schedule in Case No. 9063 or the statutory requirements of SB 1, as more  
5 fully described in Ms. Alexander's testimony. Specifically, the proposed  
6 schedule implements the first round of bidding in mid-December of this year.  
7 Based on the Commission's current procedural orders for this proceeding and  
8 for Case No. 9063, it is not clear that the Commission's resolutions of the  
9 policy issues identified for Case No. 9063 or the Commission's report to the  
10 Legislature in accordance with Section 7 of SB 1 can be completed by this  
11 time. Thus, the proposed schedule fails to allow for the possibility of a  
12 Commission finding that calls for procurement of resources other than the  
13 full-requirement contracts that would have already been procured in the first  
14 round of bidding under the proposed schedule.<sup>3</sup>

15 **Q: How can this potential conflict be addressed?**

16 A: Given the procedural schedules for this proceeding and Case No. 9063,  
17 there does not appear to be any feasible way to resolve this conflict prior to  
18 the date of the first tranche under the proposed bid schedule. Moreover, given  
19 the competing scheduling considerations and constraints discussed above  
20 (e.g., spreading out procurement over time to increase price diversity, while  
21 completing prior to ARR auction), it is not practical to delay the first round  
22 of bidding in order to resolve this conflict.

23 On the other hand, the bid schedule provided in the Staff report may  
24 allow for implementation of alternative resource strategies in the second or

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<sup>3</sup> This may not be an issue for Delmarva, since the Company intends to procure all supply for residential SOS in the second round of bidding in January of 2007.



1 third tranches in 2007. According to the bid plans filed in this proceeding,  
2 PEPCo intends to procure in the second and third tranches an amount of  
3 supply equivalent to about 50% of its residential SOS load, while Delmarva  
4 plans to acquire about 75% of its residential load. BGE intends to procure in  
5 these two rounds an amount sufficient to serve one-third of its residential  
6 load. With procurements of this magnitude, there may be opportunities to  
7 introduce alternatives to full-requirements contracts for a portion of the total  
8 amounts to be solicited in these latter two rounds of bidding.

9 Thus, the bid schedule provided in the Staff report represents a  
10 reasonable timeline for procuring in a timely fashion all the resources  
11 necessary to serve SOS load, while providing the opportunity to phase-in a  
12 portfolio of resource options. I therefore recommend that the Commission  
13 adopt this schedule.

14 **Q: Did intervenors in this proceeding recommend any other procurement**  
15 **improvements?**

16 A: Yes. Mr. Martin Proctor, on behalf of Constellation Energy Commodities  
17 Group, recommends that the Commission adopt contract language for the  
18 Full Requirements Services Agreement that provides suppliers the  
19 opportunity to recover additional costs associated with the migration of load  
20 due to municipal aggregation.<sup>4</sup> Mr. Proctor is concerned that the potential for  
21 municipal aggregation poses a significant risk of migration to suppliers, and  
22 that such risk will either discourage participation or result in substantial risk

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<sup>4</sup> Alternatively, Mr. Proctor recommends that the Commission rule in this proceeding that changes in volume due to municipal aggregation will not apply to load currently under contract. I do not offer an opinion on this proposal, as it raises matters of law.

1 premiums on offer prices. Mr. Proctor proposes to mitigate such risk to  
2 suppliers with contract language that provides a supplier:

3 ... the right to charge the costs it incurs as a result of the implementation  
4 of such opt-out aggregation, including, but not limited to, costs incurred  
5 to unwind hedges associated with the aggregated load formerly supplied  
6 by Seller....

7 Under Mr. Proctor's proposal, any such recovery of additional costs  
8 from ratepayers would be subject to Commission consideration and approval.

9 **Q: Should the Commission adopt Mr. Proctor's proposal?**

10 A: No. Mr. Proctor's proposal would unreasonably shift aggregation risk from  
11 suppliers to consumers, removing risk from the party that can most  
12 efficiently manage that risk and placing it on the party that is incapable of  
13 hedging against such risk. This proposal also exposes consumers to  
14 substantial regulatory risk, since it will be extremely difficult, if not  
15 impossible, to determine whether a supplier seeking recovery of aggregation-  
16 related costs is overstating the incremental impact of aggregation on supply-  
17 portfolio costs or whether the expected value of such additional costs are  
18 already included in the supplier's offer price (e.g., in the form of a risk  
19 premium.) The Commission should therefore reject this proposal to  
20 inefficiently and inequitably expose consumers to additional risk.

21 **III. Commission Issues List**

22 **Q: What are intervenors' positions with regard to the issue of bid-week  
23 timing?**

24 A: Mr. VanderHeyden states that Staff is "not opposed" to altering the bid-week  
25 schedule in order to reduce bid-hold premiums. However, he notes that no  
26 other party has estimated the likely reduction in bid-hold premium from

1 elimination of the overnight hold on price offers, or shown that any such  
2 price reduction outweighs the cost of reducing the time allowed for the  
3 Commission to consider bid results.

4 Both PHI witness Peter Schaub and BGE witness William Pino also  
5 express non-opposition to elimination of the overnight hold on bids. Mr.  
6 Schaub suggests moving the deadline for bid submittal from 5PM to 10AM  
7 of the bid day, thereby allowing contract award by 5PM of that same day.  
8 Mr. Pino proposes moving the deadline for bid submittal to 4:30PM and  
9 awarding contracts to winning bidders by 8PM that evening.

10 **Q: Should Mr. Schaub's or Mr. Pino's proposal be adopted?**

11 A: No. Although I support the concept of reducing price-risk premiums, it is not  
12 apparent that reducing the time between bidding and contract award will  
13 materially affect bidders' assessment of bid-hold risk. Bid-hold risk arises  
14 whenever bidders make price offers to supply SOS load prior to securing and  
15 locking in the price of the supply resources for serving that load. Advancing  
16 the contract-award deadline from noon the day after the bid day to 5PM or  
17 8PM of the bid day may not significantly reduce the gap between when price  
18 offers are submitted and when sources of supply are secured for awarded  
19 load.<sup>5</sup>

20 Moreover, both PHI's and BGE's proposals for reducing bid-hold risk  
21 are problematic. Mr. Schaub's suggestion of moving the bid deadline from  
22 5PM to 10AM may not have any impact on bid-hold risk, since bidders will  
23 be required to price offers well before markets close that bid day and to hold  
24 those offers open until after markets close. Thus, bidders' exposure to market

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<sup>5</sup> Some risk-averse suppliers might not initiate transactions until the Commission approves (or does not reject) contracts at the end of the bid week.

1 movement during the bid day under PHI's proposal may be comparable to  
2 their overnight exposure under current procedures.

3 Mr. Pino's proposal of a bid deadline of 4:30 avoids the problem of  
4 intra-day risk posed by PHI's proposal. However, his proposal to award  
5 contracts by 8PM of the bid day raises a concern that there will not be  
6 enough time to process and confirm all offers, evaluate such offers for  
7 conformance with the Price Anomaly Threshold, and resolve any outstanding  
8 issues regarding compliance with bid or contract-award procedures. In other  
9 words, the 210-minute window between offer deadline and contract award  
10 proposed by BGE may not allow for any margin for error or unanticipated  
11 problems. It is not clear from Mr. Pino's proposal what actions would be  
12 taken if such errors or problems could not be resolved by the 8PM contract-  
13 award deadline.

14 **Q: What is your recommendation with regard to bid-week timing?**

15 A: The Commission should not modify the current bid-week schedule. Reducing  
16 the amount of time required between bidding and contract award is unlikely  
17 to significantly reduce price-risk premiums, and may cause unintended harm  
18 to the bidding process.

19 **Q: Were there any other proposals regarding bid-week procedures?**

20 A: Yes. Mr. Pino recommends that the Commission formalize its bid-review  
21 process by scheduling an evidentiary hearing each bid week, and then issuing  
22 an order approving or rejecting contract awards based on its findings from  
23 the evidentiary record.

1 **Q: Should BGE’s proposal in this regard be adopted?**

2 A: Yes. BGE’s proposal represent a reasonable approach for addressing any  
3 potential evidentiary disputes regarding the bidding process and outcome,  
4 and for establishing an evidentiary record to support the Commission’s  
5 rulings with regard to contract awards.

6 **Q: Please summarize intervenors’ proposals with regard to the length of bid  
7 contracts.**

8 A: As they have argued in numerous other proceedings, the Retail Electric  
9 Supply Association and Washington Gas Energy Services propose contract  
10 terms of one month to one year. Ms. Alexander addresses the retailers’  
11 proposals in her rebuttal testimony.

12 Staff witness VanderHeyden recommends one- or two-year term  
13 contracts, so that the Commission “will not be constrained in its  
14 consideration of alternative SOS procurement methods in Case 9063 by  
15 committing a significant portion of the Maryland SOS load for more than two  
16 years.”<sup>6</sup> Allegheny Power witness Robert Reeping recommends a minimum  
17 term of one year and maximum term of three years. Finally, PHI witness  
18 Schaub recommends a mix of one-, two-, and three-year contracts, in order to  
19 transition to a rolling procurement process starting in 2008 that procures  
20 three-year contracts for one-third of the load in each year.

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<sup>6</sup> Mr. VanderHeyden also supports his recommendation on the basis that it “will bring all the utilities into a consistent time period for the end of the contract process.” It is not clear what Mr. VanderHeyden means when he refers to a “consistent time period.” However, the Commission should reject any proposal that results in all contracts expiring at the same time, exposing 100% of SOS load to then-prevailing market prices.

1 **Q: Should contracts be limited to one- or two-year terms, as suggested by**  
2 **Mr. VanderHeyden?**

3 A: No. Although Mr. VanderHeyden's goal of not limiting the Commission's  
4 options is reasonable, there are a number of reasons why his proposal is not.  
5 First, short-term (i.e., less than five-year) full-requirements contracts are  
6 likely to be a part of any diversified resource portfolio that is ultimately  
7 submitted and approved by the Commission. Thus, committing some portion  
8 of the SOS load to three-year contracts in the upcoming solicitation will  
9 probably not limit the Commission's options in future procurements.

10 Second, to the extent that full-requirements contracts continue to be  
11 included in the SOS portfolio, it is not reasonable to arbitrarily limit the  
12 terms of such full-requirement contracts. Instead, utilities should seek to  
13 maximize price stability and minimize portfolio risk by layering contracts of  
14 varying terms, selecting from the full range of commercially available and  
15 reasonably priced contracts. As Mr. Schaub notes, the wholesale market  
16 currently supports full-requirements contracts of up to three-year duration.

17 Finally, the Commission can set the mix of one-, two-, and three-year  
18 contracts to limit the amount of committed load in both years two and three.  
19 For example, the Commission could require procurement of a 75% / 15% /  
20 10% mix of one-, two-, and three-year contracts. In this case, only 15% of the  
21 load would be committed in year two and only 10% would be committed in  
22 year three. The Commission could vary these percentages in innumerable  
23 ways in order to achieve whatever level of load commitment it deems  
24 reasonable for years two and three.

1 **Q: Should the Commission adopt PHI's proposal to solicit a mix of one-,**  
2 **two-, and three-year contracts in the upcoming procurement?**

3 A: The Commission should adopt PHI's proposal for the first round of bidding.  
4 As discussed above, procurement of mixed-duration contracts in the first  
5 round reasonably promotes price stability without unduly limiting the  
6 Commission's options for the latter two rounds or procurements in future  
7 years.

8         Conversely, the Commission should not adopt PHI's proposal for the  
9 second and third tranches. Instead, the Commission should direct BGE and  
10 PHI to evaluate the feasibility of bid plans for the second and third tranches  
11 that would allow for the procurement of alternatives to full-requirements  
12 contracts for a portion of the total amounts to be solicited in these latter two  
13 rounds of bidding.

14 **Q: Should the Commission adopt PHI's proposal to solicit mixed-duration**  
15 **contracts as a transition to a rolling procurement of three-year**  
16 **contracts?**

17 A: No. As discussed by Ms. Alexander, PHI's proposal does not comport with  
18 the statutory requirements of SB 1.

19 **Q: What are intervenors' positions with regard to the issue of allowing**  
20 **utilities to reject bids or changing the bidding date?**

21 A: There appears to be unanimous opposition to the concept of allowing utilities  
22 discretion to reject bids or to change the bidding date. Instead, intervenors  
23 argue that such authority should be the Commission's alone.

24 **Q: Do you agree with other intervenors on this matter?**

25 A: Yes. Furthermore, I support PHI's proposal that the Commission establish a  
26 process whereby, prior to each bid round, the Commission would assess

1 market conditions and determine whether to proceed with the upcoming  
2 round.

3 In addition, as discussed above, I support BGE's recommendation that  
4 the Commission schedule an evidentiary proceeding each bid week to  
5 consider the reasonableness of winning bids in that bid round.

6 **Q: Does this conclude your testimony?**

7 A: Yes.



## Exhibit JFW-1

Qualifications of  
**JONATHAN F. WALLACH**

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5 Water Street  
Arlington, Massachusetts 02476

### SUMMARY OF PROFESSIONAL EXPERIENCE

- 1990–Present* **Vice President, Resource Insight, Inc.** Provides research, technical assistance, and expert testimony on electric- and gas-utility planning, economics, regulation, and restructuring. Designs and assesses resource-planning strategies for regulated and competitive markets, including estimation of market prices and utility-plant stranded investment; negotiates restructuring strategies and implementation plans; assists in procurement of retail power supply.
- 1989–90* **Senior Analyst, Komanoff Energy Associates.** Conducted comprehensive cost-benefit assessments of electric-utility power-supply and demand-side conservation resources, economic and financial analyses of independent power facilities, and analyses of utility-system excess capacity and reliability. Provided expert testimony on statistical analysis of U.S. nuclear plant operating costs and performance. Co-wrote *The Power Analyst*, software developed under contract to the New York Energy Research and Development Authority for screening the economic and financial performance of non-utility power projects.
- 1987–88* **Independent Consultant.** Provided consulting services for Komanoff Energy Associates (New York, New York), Schlissel Engineering Associates (Belmont, Massachusetts), and Energy Systems Research Group (Boston, Massachusetts).
- 1981–86* **Research Associate, Energy Systems Research Group.** Performed analyses of electric utility power supply planning scenarios. Involved in analysis and design of electric and water utility conservation programs. Developed statistical analysis of U.S. nuclear plant operating costs and performance.

### EDUCATION

BA, Political Science with honors and Phi Beta Kappa, University of California, Berkeley, 1980.

Massachusetts Institute of Technology, Cambridge, Massachusetts. Physics and Political Science, 1976–1979.

### PUBLICATIONS

“The Future of Utility Resource planning: Delivering Energy Efficiency through Distributed Utilities” (with Paul Chernick), *International Association for Energy Economics Seventeenth Annual North American Conference* (460–469). Cleveland, Ohio: USAEE. 1996.

“The Price is Right: Restructuring Gain from Market Valuation of Utility Generating Assets” (with Paul Chernick), *International Association for Energy Economics Seventeenth Annual North American Conference* (345–352). Cleveland, Ohio: USAEE. 1996.

“The Future of Utility Resource Planning: Delivering Energy Efficiency through Distribution Utilities” (with Paul Chernick), *1996 Summer Study on Energy Efficiency in Buildings* 7(7.47–7.55). Washington: American Council for an Energy-Efficient Economy, 1996.

“The Transfer Loss is All Transfer, No Loss” (with Paul Chernick), *Electricity Journal* 6:6 (July, 1993).

“Benefit-Cost Ratios Ignore Interclass Equity” (with Paul Chernick et al.), *DSM Quarterly*, Spring 1992.

“Consider Plant Heat Rate Fluctuations,” *Independent Energy*, July/August 1991.

“Demand-Side Bidding: A Viable Least-Cost Resource Strategy” (with Paul Chernick and John Plunkett), *Proceedings from the NARUC Biennial Regulatory Information Conference*, September 1990.

“New Tools on the Block: Evaluating Non-Utility Supply Opportunities With *The Power Analyst*, (with John Plunkett), *Proceedings of the Fourth National Conference on Microcomputer Applications in Energy*, April 1990.

## **REPORTS**

“First Year of SOS Procurement.” 2004. Prepared for the Maryland Office of People’s Counsel.

“Energy Plan for the City of New York” (with Paul Chernick, Susan Geller, Brian Tracey, Adam Auster, and Peter Lanzalotta). 2003. New York: New York City Economic Development Corporation.

“Peak-Shaving–Demand-Response Analysis: Load Shifting by Residential Customers” (with Brian Tracey). 2003. Barnstable, Mass.: Cape Light Compact.

“Electricity Market Design: Incentives for Efficient Bidding; Opportunities for Gaming.” 2002. Silver Spring, Maryland: National Association of State Consumer Advocates.

“Best Practices in Market Monitoring: A Survey of Current ISO Activities and Recommendations for Effective Market Monitoring and Mitigation in Wholesale Electricity Markets” (with Paul Peterson, Bruce Biewald, Lucy Johnston, and Etienne Gonin). 2001. Prepared for the Maryland Office of People’s Counsel, Pennsylvania Office of Consumer Advocate, Delaware Division of the Public Advocate, New Jersey Division of the Ratepayer Advocate, Office of the People’s Counsel of the District of Columbia.

“Comments Regarding Retail Electricity Competition.” 2001. Filed by the Maryland Office of People’s Counsel in U.S. FTC Docket No. V010003.

“Final Comments of the City of New York on Con Edison’s Generation Divestiture Plans and Petition.” 1998. Filed by the City of New York in PSC Case No. 96-E-0897.

“Response Comments of the City of New York on Vertical Market Power.” 1998. Filed by the City of New York in PSC Case Nos. 96-E-0900, 96-E-0098, 96-E-0099, 96-E-0891, 96-E-0897, 96-E-0909, and 96-E-0898.

“Preliminary Comments of the City of New York on Con Edison’s Generation Divestiture Plan and Petition.” 1998. Filed by the City of New York in PSC Case No. 96-E-0897.

“Maryland Office of People’s Counsel’s Comments in Response to the Applicants’ June 5, 1998 Letter.” 1998. Filed by the Maryland Office of People’s Counsel in PSC Docket No. EC97-46-000.

“Economic Feasibility Analysis and Preliminary Business Plan for a Pennsylvania Consumer’s Energy Cooperative” (with John Plunkett et al.). 1997. 3 vols. Philadelphia, Penn.: Energy Coordinating Agency of Philadelphia.

“Good Money After Bad” (with Charles Komanoff and Rachel Brailove). 1997. White Plains, N.Y.: Pace University School of Law Center for Environmental Studies.

“Maryland Office of People’s Counsel’s Comments on Staff Restructuring Report: Case No. 8738.” 1997. Filed by the Maryland Office of People’s Counsel in PSC Case No. 8738.

“Protest and Request for Hearing of Maryland Office of People’s Counsel.” 1997. Filed by the Maryland Office of People’s Counsel in PSC Docket Nos. EC97-46-000, ER97-4050-000, and ER97-4051-000.

“Restructuring the Electric Utilities of Maryland: Protecting and Advancing Consumer Interests” (with Paul Chernick, Susan Geller, John Plunkett, Roger Colton, Peter Bradford, Bruce Biewald, and David Wise). 1997. Baltimore, Maryland: Maryland Office of People’s Counsel.

“Comments of the New Hampshire Office of Consumer Advocate on Restructuring New Hampshire’s Electric-Utility Industry” (with Bruce Biewald and Paul Chernick). 1996. Concord, N.H.: NH OCA.

“Estimation of Market Value, Stranded Investment, and Restructuring Gains for Major Massachusetts Utilities” (with Paul Chernick, Susan Geller, Rachel Brailove, and Adam Auster). 1996. On behalf of the Massachusetts Attorney General (Boston).

“Report on Entergy’s 1995 Integrated Resource Plan.” 1996. On behalf of the Alliance for Affordable Energy (New Orleans).

“Preliminary Review of Entergy’s 1995 Integrated Resource Plan.” 1995. On behalf of the Alliance for Affordable Energy (New Orleans).

“Comments on NOPSI and LP&L’s Motion to Modify Certain DSM Programs.” 1995. On behalf of the Alliance for Affordable Energy (New Orleans).

“Demand-Side Management Technical Market Potential Progress Report.” 1993. On behalf of the Legal Environmental Assistance Foundation (Tallahassee)

“Technical Information.” 1993. Appendix to “Energy Efficiency Down to Details: A Response to the Director General of Electricity Supply’s Request for Comments on Energy Efficiency Performance Standards” (UK). On behalf of the Foundation for International Environmental Law and Development and the Conservation Law Foundation (Boston).

“Integrating Demand Management into Utility Resource Planning: An Overview.” 1993. Vol. 1 of “From Here to Efficiency: Securing Demand-Management Resources” (with Paul Chernick and John Plunkett). Harrisburg, Pa.: Pennsylvania Energy Office

“Making Efficient Markets.” 1993. Vol. 2 of “From Here to Efficiency: Securing Demand-Management Resources” (with Paul Chernick and John Plunkett). Harrisburg, Pa.: Pennsylvania Energy Office.

“Analysis Findings, Conclusions, and Recommendations.” 1992. Vol. 1 of “Correcting the Imbalance of Power: Report on Integrated Resource Planning for Ontario Hydro” (with Paul Chernick and John Plunkett).

“Demand-Management Programs: Targets and Strategies.” 1992. Vol. 1 of “Building Ontario Hydro’s Conservation Power Plant” (with John Plunkett, James Peters, and Blair Hamilton).

“Review of the Elizabethtown Gas Company’s 1992 DSM Plan and the Demand-Side Management Rules” (with Paul Chernick, John Plunkett, James Peters, Susan Geller, Blair Hamilton, and Andrew Shapiro). 1992. Report to the New Jersey Department of Public Advocate.

“Comments of Public Interest Intervenors on the 1993–1994 Annual and Long-Range Demand-Side Management and Integrated Resource Plans of New York Electric Utilities” (with Ken Keating et al.) 1992.

“Review of Jersey Central Power & Light’s 1992 DSM Plan and the Demand-Side Management Rules” (with Paul Chernick et al.). 1992. Report to the New Jersey Department of Public Advocate.

“Review of Rockland Electric Company’s 1992 DSM Plan and the Demand-Side Management Rules” (with Paul Chernick et al.). 1992.

“Initial Review of Ontario Hydro’s Demand-Supply Plan Update” (with David Argue et al.). 1992.

“Comments on the Utility Responses to Commission’s November 27, 1990 Order and Proposed Revisions to the 1991–1992 Annual and Long Range Demand Side Management Plans” (with John Plunkett et al.). 1991.

“Comments on the 1991–1992 Annual and Long Range Demand-Side-Management Plans of the Major Electric Utilities” (with John Plunkett et al.). Filed in NY PSC Case No. 28223 in re New York utilities’ DSM plans. 1990.

“Profitability Assessment of Packaged Cogeneration Systems in the New York City Area.” 1989. Principal investigator.

“Statistical Analysis of U.S. Nuclear Plant Capacity Factors, Operation and Maintenance Costs, and Capital Additions.” 1989.

“The Economics of Completing and Operating the Vogtle Generating Facility.” 1985. ESRG Study No. 85-51A.

“Generating Plant Operating Performance Standards Report No. 2: Review of Nuclear Plant Capacity Factor Performance and Projections for the Palo Verde Nuclear Generating Facility.” 1985. ESRG Study No. 85-22/2.

“Cost-Benefit Analysis of the Cancellation of Commonwealth Edison Company’s Braidwood Nuclear Generating Station.” 1984. ESRG Study No. 83-87.

“The Economics of Seabrook 1 from the Perspective of the Three Maine Co-owners.” 1984. ESRG Study No. 84-38.

“An Evaluation of the Testimony and Exhibit (RCB-2) of Dr. Robert C. Bushnell Concerning the Capital Cost of Fermi 2.” 1984. ESRG Study No. 84-30.

“Electric Rate Consequences of Cancellation of the Midland Nuclear Power Plant.” 1984. ESRG Study No. 83-81.

“Power Planning in Kentucky: Assessing Issues and Choices—Project Summary Report to the Public Service Commission.” 1984. ESRG Study No. 83-51.

“Electric Rate Consequences of Retiring the Robinson 2 Nuclear Plant.” 1984. ESRG Study No. 83-10.

“Power Planning in Kentucky: Assessing Issues and Choices—Conservation as a Planning Option.” 1983. ESRG Study No. 83-51/TR III.

“Electricity and Gas Savings from Expanded Public Service Electric and Gas Company Conservation Programs.” 1983. ESRG Study No. 82-43/2.

“Long Island Without the Shoreham Power Plant: Electricity Cost and System Planning Consequences; Summary of Findings.” 1983. ESRG Study No. 83-14S.

“Long Island Without the Shoreham Power Plant: Electricity Cost and System Planning Consequences; Technical Report B—Shoreham Operations and Costs.” 1983. ESRG Study No. 83-14B.

“Customer Programs to Moderate Demand Growth on the Arizona Public Service Company System: Identifying Additional Cost-Effective Program Options.” 1982. ESRG Study No. 82-14C.

“The Economics of Alternative Space and Water Heating Systems in New Construction in the Jersey Central Power and Light Service Area, A Report to the Public Advocate.” 1982. ESRG Study No. 82-31.

“Review of the Kentucky-American Water Company Capacity Expansion Program, A Report to the Kentucky Public Service Commission.” 1982. ESRG Study No. 82-45.

“Long Range Forecast of Sierra Pacific Power Company Electric Energy Requirements and Peak Demands, A Report to the Public Service Commission of Nevada.” 1982. ESRG Study No. 81-42B.

“Utility Promotion of Residential Customer Conservation, A Report to Massachusetts Public Interest Research Group.” 1981. ESRG Study No. 81-47

## **PRESENTATIONS**

“Electricity Market Design: Incentives for Efficient Bidding, Opportunities for Gaming.” NASUCA Northeast Market Seminar, Albany, N.Y., February 2001.

“Direct Access Implementation: The California Experience.” Presentation to the Maryland Restructuring Technical Implementation Group on behalf of the Maryland Office of People’s Counsel. June 1998.

“Reflecting Market Expectations in Estimates of Stranded Costs,” speaker, and workshop moderator of “Effectively Valuing Assets and Calculating Stranded Costs.” Conference sponsored by International Business Communications, Washington, D.C., June 1997.

## **EXPERT TESTIMONY**

1989 **Mass. DPU** on behalf of the Massachusetts Executive Office of Energy Resources. Docket No. 89-100. Joint testimony with Paul Chernick relating to statistical analysis of U.S. nuclear-plant capacity factors, operation and maintenance costs, and capital additions; and to projections of capacity factor, O&M, and capital additions for the Pilgrim nuclear plant.

1994 **NY PSC** on behalf of the Pace Energy Project, Natural Resources Defense Council, and Citizen’s Advisory Panel. Case No. 93-E-1123. Joint testimony with John Plunkett critiques proposed modifications to Long Island Lighting Company’s DSM programs from the perspective of least-cost-planning principles.

1994 **Vt. PSB** on behalf of the Vermont Department of Public Service. Docket No. 5270-CV-1 and 5270-CV-3. Testimony and rebuttal testimony discusses rate and bill effects from DSM spending and sponsors load shapes for measure- and program-screening analyses.

1996 **New Orleans City Council** on behalf of the Alliance for Affordable Energy. Docket Nos. UD-92-2A, UD-92-2B, and UD-95-1. Rates, charges, and integrated resource planning for Louisiana Power & Lights and New Orleans Public Service, Inc.

- 1996 **New Orleans City Council** Docket Nos. UD-92-2A, UD-92-2B, and UD-95-1. Rates, charges, and integrated resource planning for Louisiana Power & Lights and New Orleans Public Service, Inc.; Alliance for Affordable Energy. April, 1996.
- Prudence of utilities' IRP decisions; costs of utilities' failure to follow City Council directives; possible cost disallowances and penalties; survey of penalties for similar failures in other jurisdictions.
- 1998 **Massachusetts Department of Telecommunications and Energy** Docket No. 97-111, Commonwealth Energy proposed restructuring; Cape Cod Light Compact. Joint testimony with Paul Chernick, January, 1998.
- Critique of proposed restructuring plan filed to satisfy requirements of the electric-utility restructuring act of 1997. Failure of the plan to foster competition and promote the public interest.
- Massachusetts Department of Telecommunications and Energy** Docket No. 97-120, Western Massachusetts Electric Company proposed restructuring; Massachusetts Attorney General. Joint testimony with Paul Chernick, October, 1998. Joint surrebuttal with Paul Chernick, January, 1999.
- Market value of the three Millstone nuclear units under varying assumptions of plant performance and market prices. Independent forecast of wholesale market prices. Value of Pilgrim and TMI-1 asset sales.
- 1999 **Maryland PSC** Case No. 8795, Delmarva Power & Light comprehensive restructuring agreement, Maryland Office of People's Counsel. July 1999.
- Support of proposed comprehensive restructuring settlement agreement
- Maryland PSC** Case Nos. 8794 and 8808, Baltimore Gas & Electric Company comprehensive restructuring agreement, Maryland Office of People's Counsel. Initial Testimony July 1999; Reply Testimony August 1999; Surrebuttal Testimony August 1999.
- Support of proposed comprehensive restructuring settlement agreement
- Maryland PSC** Case No. 8797, comprehensive restructuring agreement for Potomac Edison Company, Maryland Office of People's Counsel. October 1999.
- Support of proposed comprehensive restructuring settlement agreement
- Connecticut DPUC** Docket No. 99-03-35, United Illuminating standard offer, Connecticut Office of Consumer Counsel. November 1999.
- Reasonableness of proposed revisions to standard-offer-supply energy costs. Implications of revisions for other elements of proposed settlement.
- 2000 **U.S. FERC** Docket No. RT01-02-000, Order No. 2000 compliance filing, Joint Consumer Advocates intervenors. Affidavit, November 2000.

Evaluation of innovative rate proposal by PJM transmission owners.

2001 **Maryland PSC** Case No. 8852, Charges for electricity-supplier services for Potomac Electric Power Company, Maryland Office of People's Counsel. March 2001.

Reasonableness of proposed fees for electricity-supplier services.

**Maryland PSC** Case No. 8890, Merger of Potomac Electric Power Company and Delmarva Power and Light Company, Maryland Office of People's Counsel. September 2001; surrebuttal, October 2001. In support of settlement: Supplemental, December 2001; rejoinder, January 2002.

Costs and benefits to ratepayers. Assessment of public interest.

**Maryland PSC** Case No. 8796, Potomac Electric Power Company stranded costs and rates, Maryland Office of People's Counsel. December 2001; surrebuttal, February 2002.

Allocation of benefits from sale of generation assets and power-purchase contracts.

2002 **Maryland PSC** Case No. 8908, Maryland electric utilities' standard offer and supply procurement, Maryland Office of People's Counsel. Direct, November 2002; Rebuttal December 2002.

Benefits of proposed settlement to ratepayers. Standard-offer service. Procurement of supply.

2003 **Maryland PSC** Case No. 8980, adequacy of capacity in restructured electricity markets; Maryland Office of People's Counsel. Direct, December 2003; Reply December 2003.

Purpose of capacity-adequacy requirements. PJM capacity rules and practices. Implications of various restructuring proposals for system reliability.

2004 **Maryland PSC** Case No. 8995, Potomac Electric Power Company recovery of generation-related uncollectibles; Maryland Office of People's Counsel. Direct, March 2004; Supplemental March 2004, Surrebuttal April 2004.

Calculation and allocation of costs. Effect on administrative charge pursuant to settlement.

**Maryland PSC** Case No. 8994, Delmarva Power & Light recovery of generation-related uncollectibles; Maryland Office of People's Counsel. Direct, March 2004; Supplemental April 2004.

Calculation and allocation of costs. Effect on administrative charge pursuant to settlement.



**Maryland PSC** Case No. 8985, Southern Maryland Electric Coop standard-offer service; Maryland Office of People's Counsel. Direct, July 2004.

Reasonableness and risks of resource-procurement plan.

2005 **FERC** Docket No. ER05-428-000, revisions to ICAP demand curves; City of New York. Statement, March 2005.

Net-revenue offset to cost of new capacity. Winter-summer adjustment factor. Market power and in-City ICAP price trends.

**FERC** Docket No. PL05-7-000, capacity markets in PJM; Maryland Office of People's Counsel. Statement, June 2005.

Inefficiencies and risks associated with use of administratively determined demand curve. Incompatibility of four-year procurement plan with Maryland standard-offer service.

**FERC** Dockets Nos. ER05-1410-000 & EL05-148-000, proposed market-clearing mechanism for capacity markets in PJM; Coalition of Consumers for Reliability, October 2005.

Inefficiencies and risks associated with use of administratively determined demand curve. Effect of proposed reliability-pricing model on capacity costs.

2006 **MD PUC** Case No. 9052, Baltimore Gas & Electric rates and market-transition plan; Maryland Office of People's Counsel, February 2006.

Transition to market-based residential rates. Price volatility, bill complexity, and cost-deferral mechanisms.

**MD PUC** Case No. 9056, default service for commercial and industrial customers; Maryland Office of People's Counsel, April 2006.

Assessment of proposals to modify default service for commercial and industrial customers.

**MD PUC** Case No. 9054, merger of Constellation Energy Group and FPL Group; Maryland Office of People's Counsel, June 2006.

Assessment of effects and risks of proposed merger on ratepayers.

**Illinois Commerce Commission** Docket No. 06-0411, Commonwealth Edison Company residential rate plan; Citizens Utility Board, Cook County State's Attorney's Office, and City of Chicago, Direct July 2006, Reply August 2006.

Transition to market-based rates. Securitization of power costs. Rate of return on deferred assets.

