BEFORE THE
PUBLIC SERVICE COMMISSION OF UTAH

In the Matter of the Application of Rocky Mountain Power for Authority to Increase its Retail Electric Utility Service Rates in Utah and for Approval of its Proposed Electric Service Schedules and Electric Service Regulations, Consisting of a General Rate Increase of Approximately $161.2 Million Per Year, and for Approval of a New Large Load Surcharge	**Docket No. 07-035-93**

Direct Testimony of

Alan Chalfant

Concerning Cost of Service, Revenue Allocation and Rate Design

On behalf of

Utah Industrial Energy Consumers

July 21, 2008
Project 8923

BRUBAKER & ASSOCIATES, INC.
ST. LOUIS, MO 63141-2000

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<u>Direct Testimony of Alan Chalfant</u>

Q PLEASE STATE YOUR NAME AND BUSINESS ADDRESS.

A Alan Chalfant. My business address is 1215 Fern Ridge Parkway, Suite 208, St. Louis, Missouri 63141-4406.

Q WHAT IS YOUR OCCUPATION?

A I am a regulatory consultant and managing principal with the firm of Brubaker & Associates, Inc.

Q PLEASE SUMMARIZE YOUR EDUCATIONAL BACKGROUND AND EXPERIENCE.

A My educational background and experience are set forth in Appendix A to my testimony.

Q ON WHOSE BEHALF ARE YOU APPEARING IN THIS PROCEEDING?

A I am appearing on behalf of the Utah Industrial Energy Consumers (UIEC). Members of UIEC purchase substantial quantities of electricity from Rocky Mountain Power Company (RMP) in Utah, and are vitally interested in the outcome of this proceeding.

Q WHAT IS THE SUBJECT OF YOUR TESTIMONY?

A I will address the theoretical economic issues concerning the Company's "Alternative Pricing Proposal for New Large Loads" which takes the form of a proposed Schedule 500 surcharge.

Q PLEASE BRIEFLY SUMMARIZE THE CONCLUSIONS AND RECOMMENDATIONS OF YOUR TESTIMONY.

A My conclusions and recommendations may be summarized as follows:

1. The Company's claim that its anti-growth Schedule 500 will produce better price signals is not supported by economic theory, and instead, the use of embedded costs to set rates is essential to objective fairness, efficiency, price signals for conservation, and avoiding discrimination.

2. The efficiency that the Company claims to be attempting to achieve is a theoretical goal that has little to do with efficiency in the more common or practical sense.

3. Marginal cost pricing applied to electricity cannot produce efficiency in any sense.

4. The Company's proposal is not marginal cost pricing at all … it is vintage pricing.

5. An anti-growth vintage pricing proposal very similar to the Schedule 500 proposal was made by this same utility (then known as Utah Power & Light Company), in the early 1980s. It was filed in Utah, and subsequently withdrawn. In Wyoming, the Commission explicitly rejected it.

Q PLEASE DESCRIBE THE COMPANY'S PROPOSED SCHEDULE 500 SURCHARGE.

A The proposed anti-growth Schedule 500 would apply to new loads over 10 MW served under Schedule 8 and Schedule 9. It would apply both to new loads in excess of that size and to growth of existing customers by more than 10 MW over a 12-month period. It would be a two-part surcharge with both a demand and an energy component.

This surcharge is in addition to the full tariff rate the load would otherwise be charged. The proposed surcharge would add 25% to the proposed rates of Schedule 8 and Schedule 9 customers.

Q WHY IS THE COMPANY PROPOSING THIS ANTI-GROWTH SURCHARGE TO NEW LOADS IN EXCESS OF 10 MW?

A At page 17, lines 372 through 375 of his direct testimony, RMP's witness William Griffith states that, "The benefits of this proposal are that it will provide better price signals to new customers at about the cost of serving them, and it will reduce future rate impacts on our current Utah customers." These better price signals are supposed to be the result of using marginal cost pricing. The next section of my testimony will show why the claimed benefits of marginal cost pricing are non-existent and that, even if there were benefits, they would not be achieved by RMP's proposal because it is not marginal cost pricing at all. In the following sections, I will discuss vintage pricing – the real concept that underlies the Company's proposal.

Schedule 500 and Marginal Cost Pricing

Q WHAT ARGUMENT IS THE COMPANY USING TO SUPPORT ITS ASSERTION THAT SCHEDULE 500 WILL PROVIDE BETTER PRICE SIGNALS?

A The Company extols the theoretical benefits claimed for marginal cost pricing, asserts that the anti-growth surcharges it is proposing under Schedule 500 are based on marginal cost, and then concludes that implementation will produce proper signals.

Q DO RATES BASED ON MARGINAL COST PROVIDE BETTER PRICE SIGNALS TO CUSTOMERS THAN RATES BASED ON EMBEDDED COST?

A Not in the case of electric rates, and certainly not in the way RMP is proposing to calculate and apply marginal cost, which is not a genuine application of that concept.

Q IS RMP'S PROPOSAL MARGINAL COST PRICING?

A No. As I will explain later, it is not marginal cost at all, but a form of the previously rejected concept of vintage pricing.

Q HAVE YOU READ THE DIRECT TESTIMONY OF DR. KARL MCDERMOTT ON BEHALF OF RMP?

A Yes.

Q DR. MCDERMOTT STATES AT PAGE 5 OF HIS DIRECT TESTIMONY THAT "MARGINAL COST PRICING RESULTS IN A PRICE SIGNAL THAT PRODUCES AN EFFICIENT ALLOCATION OF SCARCE SOCIETAL RESOURCES." DO YOU AGREE?

A No. For the reasons discussed below, I cannot agree with him. First, I question whether his concept of an efficient allocation of <u>societal</u> resources is a meaningful goal for electric rate design. In any event, the marginal cost of economic theory which is supposed to bring about this theoretical efficiency cannot possibly be implemented in the context of an embedded cost revenue requirement, so it is a purely theoretical discussion.

Q WHY WOULD YOU QUESTION EFFICIENCY AS A GOAL?

A While I believe that efficiency in the sense of lower costs and lower rates is a worthy goal, this is far different than the goal being touted here in the name of efficiency. The circumstances that are required to achieve this theoretical benefit are so stringent that they cannot be achieved in the real world … which renders the whole argument meaningless.

Q WHY IS IT NOT POSSIBLE THAT MARGINAL COST PRICING OF ELECTRICITY WILL RESULT IN AN OPTIMUM ALLOCATION OF RESOURCES?

A Because of what economists refer to as the "problem of the second best," it is not possible to achieve economic efficiency through marginal cost pricing of utility rates.

Q DR. MCDERMOTT REFERS TO THE PROBLEM OF THE SECOND BEST. HE SAYS IT SUGGESTS THAT IF THERE ARE DISTORTIONS IN THE ECONOMY A CENTRAL PLANNER MIGHT BE ABLE TO SET PRICES TO OFFSET THE DISTORTIONS. IS THAT AN ACCURATE DESCRIPTION OF THE PROBLEM?

A No. His discussion totally misses the point of the concept. The problem of the second best is a recognition that in a world where the prices of various goods differ from marginal cost, there is no reason to expect that moving the price of <u>one</u> particular good closer to marginal cost will improve society's welfare. In other words, the problem is that in general it is impossible to find a second best allocation of resources.

The relevance of the second best problem to the pricing of electricity is simply that there is no reason to expect that setting the price of electricity equal to marginal cost will improve society's welfare as long as there are other goods in the economy that are not priced at marginal cost. It tells us that there are circumstances in which an optimum cannot be achieved and that, in such a circumstance, it is also impossible to find a second best solution.

Q IS IT REALLY NECESSARY THAT ALL GOODS IN THE ECONOMY BE PRICED AT MARGINAL COST IN ORDER THAT ECONOMIC EFFICIENCY CAN BE ACHIEVED BY SETTING ELECTRICITY RATES EQUAL TO MARGINAL COSTS?

A It is at least necessary that all goods <u>related</u> to electricity, such as substitutes for electricity, inputs into the production of electricity, complementary goods (appliances, etc.) and goods whose production requires electricity be priced at marginal cost. If the only goods other than electricity that are not priced at marginal cost are totally unrelated to electricity, then piecemeal policies such as marginal cost pricing might have theoretical support. But that is not the case.

Q DR. MCDERMOTT ALSO STATES AT PAGE 9 OF HIS TESTIMONY BEGINNING AT LINE 178, "AFTER MUCH DEBATE AND RESEARCH, ECONOMISTS HAVE COME TO THE CONCLUSION THAT EVEN IF WE CANNOT CONTROL ALL OF THE PRICING IN THE ECONOMY, IT WILL STILL PROMOTE EFFICIENT USE OF RESOURCES IF THE REGULATORY BODY STRIVES TOWARD MARGINAL COST PRICING IN THE ELECTRIC INDUSTRY." DO YOU AGREE?

A No. The fact that economists don't like the implications of the problem of the second best doesn't make it go away. Even if economists did agree (something I have rarely seen), that regulators should ignore the problem, a proven theory cannot be repealed by a majority vote. No one has ever shown that the theory of the second best is wrong and no one has ever shown that pricing electricity at marginal cost would result in an optimum allocation of resources.

Q ARE COSTS SUCH AS THE "AVOIDED COST" USED BY RMP THE SAME AS THE MARGINAL COST OF ECONOMIC THEORY?

A. No. RMP's "avoided cost" is far removed from marginal cost as it is defined in the economic theory underlying marginal cost pricing concepts.

Q WHAT IS THE MARGINAL COST OF ECONOMIC THEORY?

A. The marginal cost that is required by economic theory is set forth by Dr. Alfred Kahn in The Economics of Regulation, Vol. I, at page 71:

> "But the economic principles are clear-cut. They are two. First, the essential criterion of what belongs in marginal cost and what not, and of which marginal costs should be reflected in price, is causal responsibility. All the purchasers of any commodity or service should be made to bear such additional costs--*only* such, but also *all* such--as are imposed on the economy by the provision of one additional unit. And second, it is short-run marginal cost to which price should at any given time--*hence always*--be equated, because it is short-run marginal cost that reflects the social opportunity cost of providing the additional unit that buyers are at any given time trying to decide whether to buy".[1]

Nevertheless, long-run marginal cost is nearly always substituted as a "practical variant" of short-run marginal costs. This substitution is usually excused by the observation that for an optimal utility that accurately forecasts growth in demand, short-run marginal cost will be equal to long-run marginal cost. We must recognize that the word "optimal" has a very specific technical meaning as it is used here. It does not simply refer to operating a utility as well as possible. The term means that just the right amount of total capacity is available including the economically appropriate reserve margin. It also implies that the mix of this capacity is exactly right given existing relative fuel prices. It is quite unlikely that this condition could ever be met since the existing capacity mix was developed with reference to the relative fuel prices in effect or

[1]Kahn, Alfred, The Economics of Regulation, Vol. I, John Wiley & Sons, Inc. 1970, page 71.

anticipated when existing units were being planned … which are different from the existing relative prices. Furthermore, a utility must do more than accurately forecast growth in order to maintain optimality. It must also accurately forecast fuel prices, construction costs and all other economic variables that are included in the planning model.

As noted in the above reference to Dr. Kahn, economic theory also insists that the relevant marginal costs be the marginal social costs, which include externalities. These externalities are costs that are not reflected in market prices such as air or water pollution. This is yet another departure of RMP's proposal from the theory it looks to for support.

Q ARE THERE ANY OTHER IMPORTANT DIFFERENCES BETWEEN THE PROPOSAL OF RMP IN THIS CASE AND THE PRACTICES OF UTILITIES THAT DO USE MARGINAL COST FOR SETTING RATES?

A Yes. Utilities that do use calculations of marginal cost as a guide in setting rates begin by pricing all sales to all customers at marginal cost. Then they must find a way to reconcile the total revenues that would be produced by setting all rates equal to marginal costs to the utility's embedded cost revenue requirement. Typically, this is handled by multiplying all marginal cost revenues by a scaling factor. For example, if embedded costs were $400 million and marginal costs were $800 million, all marginal cost revenues would be multiplied by 50% in order to prevent the utility from collecting too much money.

Q HAS ANY ATTEMPT BEEN MADE BY RMP TO SCALE ITS MARGINAL COST DOWN TO A LEVEL CONSISTENT WITH ITS ALLOWED REVENUE REQUIREMENT?

A No. RMP would apply its calculated avoided cost surcharge to selected loads without any scaling. If this method were applied to the prices paid by all customers, the Company would recover total revenues far in excess of its revenue requirement.

Q DO YOU CONSIDER THE COMPANY'S PROPOSAL TO BE A REASONABLE MARGINAL COST PRICING PROPOSAL?

A No. In fact, I do not consider it to be a marginal cost pricing proposal at all. It differs from true marginal cost pricing for the following reasons:

1. It is not based on short-run marginal costs – in fact, it is not even based on marginal costs at all but on an estimate of avoided costs.
2. It is not based on the marginal social costs required by theory.
3. It does not price all sales to all customers based on marginal costs.

Dr. McDermott acknowledges in his direct testimony that the Company's proposal is a departure from marginal cost pricing. He considers it a "conservative" proposal because: (1) it sets rates below the current measurement of marginal cost, (2) it applies to only generation costs, and (3) it does not apply to all customers. Even if the advantages claimed for marginal cost pricing by Dr. McDermott were real, these departures from marginal cost pricing would negate them.

Q IS THERE A MORE ACCURATE DESCRIPTION THAN MARGINAL COST PRICING FOR THE COMPANY'S PROPOSED SCHEDULE 500 SURCHARGE?

A Yes. The Company's proposal can best be described as anti-growth "vintage pricing."

Vintage Pricing

Q IN GENERAL TERMS, WHAT IS VINTAGE PRICING?

A This concept is described by two other (than Dr. McDermott) NERA economists, Hethie Parmesano and Catherine Martin, in a 1983 article titled "The Evolution In U.S. Electric Utility Rate Design." At page 72 of that article the authors explain:

> "Under a vintage pricing scheme, new customers are charged a higher price for electric service than existing customers. The justification for this price disparity, as asserted by its proponents, is that the costs of new generating plants needed to serve the demand of additional customers are much higher than the costs of existing plants; therefore, new customers should bear the burden of these additional costs. A number of economists disagree with this premise.
>
> Opponents of vintage pricing argue that if the cost of producing the unit of a service for any customer is the same, then the price charged to each customer should likewise be the same." [2]

Q ARE YOU AWARE OF THE ARGUMENTS OF THE ECONOMISTS AGAINST VINTAGE PRICING THAT ARE MENTIONED BY THE AUTHORS?

A Yes. A good example of an economist's explanation of the basic shortcoming of the vintage pricing argument is provided by Dr. Alfred Kahn in <u>The Economics of Regulation</u>, Vol. 1 at page 140:

> "Suppose, for example, the utility has two groups of customers, one, A, whose demand is stable, another B, whose demand is increasing. And suppose expansion of the latter demand finally requires expansion of capacity. Does that mean, following our rules of peak responsibility pricing, that B are the marginal buyers on whom capacity costs alone should be imposed? Obviously not. True, it is the increase in B's purchases that precipitates the additional investment; but the additional costs could just as well be saved if A reduced their purchases as if B refrained from increasing theirs. So A's *continuing* to take service is just as responsible, in proportion to the amount they take, for the need to expand investment as B's increasing needs, and A should therefore be forced just as much as B to weigh the marginal benefits of the capacity to them against the marginal costs they impose on society by continuing to make demands. This reasoning clearly applies even when incremental investment costs per unit of capacity are rising and where, again, it might

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[2] Ann. Rev. Energy. 1983.8:45-94.

> appear on first consideration that since it is the expansion of the B demands that is responsible for the supplier's incurring the higher costs, it is that group that ought to bear the additional burden. Even though B's demand is "marginal" in the temporal sense, both groups are marginal in the economic sense. Both should be forced to match those higher capacity costs against the satisfaction they derive from continuing to use the service." [3]

Q ARE THE CUSTOMERS THAT ARE GROWING IN THE CASE OF RMP MARGINAL IN A TEMPORAL SENSE OR IN AN ECONOMIC SENSE?

A As in Dr. Kahn's example, while new loads are marginal in a temporal sense, <u>all customers are marginal in an economic sense</u>. Thus, to single out new large industrial loads (or other loads) for what RMP considers marginal cost pricing is simply an unduly discriminatory tactic based on the timing of these particular new loads and not on any objective economic criteria. Stripped of its fancy theoretical trappings, RMP's proposal is nothing more than an anti-growth surcharge.

Q HAS THIS CONCEPT BEEN PROPOSED BY UTILITIES IN THE PAST?

A Yes. Primarily by utilities that are now part of the PacifiCorp system. Ms. Parmesano and Ms. Martin noted that Utah Power and Light (UP&L) sought vintage rates in the early 1980s. Then, like now, "the expectation of tremendous growth in UP&L's system demand, attributed to booming oil and gas exploration and mining development, prompted the consideration of vintage pricing." (Parmesano and Martin, page 73). Before any ruling, UP&L dropped its proposal in its Utah jurisdiction because of concern that it might deter industrial development in the state.

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[3] Kahn, op.cit., page 140.

Q WHAT DID UP&L PROPOSE IN WYOMING?

A UP&L proposed that all large industrial customers with demands in excess of 1 MW pay rates based on the cost of the Hunter Unit No. 2 power plant which had recently been placed in service and the projected costs of Units 3 and 4. RMP's current proposal is based on this same concept.

Q DID THE WYOMING COMMISSION ACCEPT UP&L'S PROPOSAL?

A No. The Wyoming Commission denied the request for vintage pricing, stating that:

> 58. Utah Power has not borne its burden of proof with evidence showing: that "vintage" pricing is just and reasonable and meets the W.S. 37-2-119 requirement that the proposed rates are based upon existing facilities which are "used and useful" for Wyoming service; and that the proposal will not result in unfairly or unduly discriminatory and preferential rates between classes and users within the industrial class, and between Wyoming users and similar users in other states. This conclusion is reinforced by the substantial evidence of Intervenors showing unfair and unjust discrimination and preferences arising out of the vintage pricing concept; and the evidence demonstrating that Utah Power's current and projected systemwide growth reasonably compares with that of prior years when Wyoming users supported the far greater growth occurring in the other states served by Utah Power. Utah Power's vintaging proposal is unsupported and should be denied.[4]

Q DOES RMP'S PROPOSAL IN THIS CASE DO ANYTHING TO CURE THE PROBLEMS FOUND WITH UP&L's VINTAGE PRICING PROPOSAL AT THAT TIME?

A No. The present proposal is the same old words with a slightly different tune. It is still a discriminatory anti-growth surcharge because it charges similar customers differently without an economic basis for doing so and it still is based on the costs of plants that have not been built.

[4]Public Service Commission of Wyoming, Docket No. 9441, Sub 13, Order Issued April 13, 1982, paragraph 58.

Conclusions

Q WHAT CONCLUSIONS DO YOU REACH BASED ON YOUR ANALYSIS OF THE COMPANY'S PROPOSED SCHEDULE 500?

A Proposed Schedule 500 should be rejected. Although economic theory and marginal cost pricing does not provide a reasonable basis for the proposal, that defect is only a secondary concern because the Company's proposal is not based upon marginal cost pricing anyway.

Rather, the Company's proposal is an anti-growth vintage pricing scheme very similar to the one that it presented to this Commission in the early 1980s, (and withdrew) and which the Wyoming Commission rejected as discriminatory, violative of the used and useful concept, and unjustified.

Q DOES THIS COMPLETE YOUR DIRECT TESTIMONY?

A Yes. It does.

Qualifications of Alan Chalfant

Q PLEASE STATE YOUR NAME AND BUSINESS ADDRESS.

A Alan Chalfant. My business address is 1215 Fern Ridge Parkway, Suite 208, St. Louis, Missouri 63141.

Q WHAT IS YOUR OCCUPATION?

A I am a consultant in the field of public utility regulation and am a managing principal with the firm of Brubaker & Associates, Inc., energy, economic and regulatory consultants.

Q PLEASE STATE YOUR EDUCATIONAL BACKGROUND AND EXPERIENCE.

A I hold a Bachelor's Degree in Mathematics from Northern Illinois University and the degree of Master of Arts in Economics from Washington University. From 1968 to 1973, I was Assistant Professor of Economics at California State University at Northridge, California. Among other courses in economics and statistics, I taught courses in the economics of antitrust and regulation at both the graduate and undergraduate levels. I have also taught courses at both graduate and undergraduate levels at California Lutheran College.

In 1973, I accepted a position with the Public Service Commission of Wisconsin in the Utility Rates Division. While at the Commission, I designed the rates for electric and natural gas utilities and aided in the preparation for cross-examination of witnesses representing utilities and intervenors before the Commission.

I joined the firm of Drazen-Brubaker & Associates, Inc. in September 1974 and became a Principal in that firm in 1988. In April 1995 the firm of Brubaker & Associates, Inc. was formed. It includes most of the former DBA principals and staff and currently has its principal office in St. Louis, Missouri, with branch offices in Phoenix, Arizona and Corpus Christi, Texas.

Since 1974, I have been engaged in the preparation of studies relating to utility rate matters and have participated in numerous electric and gas rate cases. In total, I have participated in cases involving more than 60 electric utilities, 30 gas distribution utilities and 20 interstate pipelines.

Q HAVE YOU PREVIOUSLY TESTIFIED BEFORE A REGULATORY COMMISSION OR A PUBLIC AUTHORITY?

A I have testified before the Federal Energy Regulatory Commission and more than 30 state public utility regulatory commissions. In addition, I have appeared before a number of municipal regulatory bodies and courts.

CERTIFICATE OF SERVICE
(Docket No. 07-035-93)

I hereby certify that on this 21st day of July 2008, I caused to be e-mailed, a true and correct copy of the foregoing DIRECT TESTIMONY OF ALAN CHALFANT to:

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