

STATE OF ALASKA

THE REGULATORY COMMISSION OF ALASKA

Before Commissioners:

Keith Kurber II, Chairman
Robert A. Doyle
John M. Espindola
Robert M. Pickett
Janis W. Wilson

In the Matter of the Tariff Revisions Designated as TA544-8)
Filed by Chugach Electric Association, Inc.) U-23-047
)

In the Matter of the Tariff Revisions Designated as TA423)
-121)
Filed by Chugach Electric Association, Inc.) U-23-048
_____)

**RENEWABLE ENERGY ALASKA PROJECT'S
MOTION TO COMPEL AND FOR SCHEDULING MODIFICATION**

Pursuant to 3 AAC 48.091 and 3 AAC 48.144, Renewable Energy Alaska Project (REAP) submits this motion to compel Chugach Electric Association, Inc. (Chugach) to produce substantive responses to discovery requests REAP-CEA-2-1(a), (b), (d), (f), (h), (l), and (m) by **February 20, 2024**. REAP also requests that its responsive testimony deadline be extended to **April 9, 2024**, due to Chugach's delay in responding to discovery. If REAP's requests for production and schedule modification are not granted, it intends to request that the proceeding be bifurcated to separate the hearing on rate design from the hearing on revenue requirement issues. This is a motion concerning discovery to which Chugach must respond in five business days. See 3 AAC 48.144(h) and 3 AAC 48.091(l).

I. BACKGROUND

A. The Commission's requirements for this rate case

In May of 2020, the Regulatory Commission of Alaska (“RCA” or “the Commission”) approved Chugach’s acquisition of most of the assets of Anchorage’s Municipal Light & Power Department (ML&P).¹ The Commission conditioned its approval on the parties agreeing to several changes in the purchase and sale agreement (PSA). The Commission also conditioned approval on two key requirements for Chugach’s future rate design, which it deemed necessary for the transaction to pass legal muster. These requirements were 1) to “reasonably approximate load-ratio share between the Chugach and ML&P portions of the new Chugach service territory,”² and 2) to unify base rates within each customer class across the North (former ML&P) and South (Chugach’s pre-existing) Districts.³ In proceeding with the transaction, Chugach implicitly accepted the Commission’s rate design requirements. A brief review of these requirements and the rationales behind them follows.

¹ Order U-18-102(44)/U-19-020(39)/U-19-021(39), *Order Accepting Stipulation in Part, Subject to Conditions; Transferring and Issuing Certificates of Public Convenience and Necessity, Subject to Conditions; Addressing Beluga River Unit Management, Gas Transfer Prices, and Third Party Sales Gas Pricing; and Requiring Filings* (May 28, 2020) (Acquisition Order).

² Acquisition Order at 11; *see also id.* at 121 (“every year we allocate to each District the share of the combined revenue requirement -- both base rates and [cost of power adjustment] surcharge -- according to the ratio of the utility's projected native load to total native load of the combined utility”).

³ *Id.* at 11; *see also id.* at 40 (“We have determined that the public interest will best be served if Chugach achieves, to the extent possible, unified rates no later than upon approval of its first post-transaction rate case.”), 57-58 (“Chugach has represented its intent to propose consolidation of service to all ratepayers under the Certificate No. 8 tariff no later than the end of calendar year 2023. We accept this representation as defining a reasonable period of time for the transition to unified tariff rules.”) (citation omitted).

First, the Commission found that the price of purchasing ML&P’s assets included an acquisition premium above net book value.⁴ Accordingly, under the provisions of AS 42.05.441(b) and AS 42.05.711(d), the acquisition premium could be recovered in rates only if the RCA determined it was in the public interest—i.e., if ratepayers in both North and South Districts were collectively made better off with the transaction than without it.⁵ The Commission noted that Chugach did not file a rate design proposal as part of the acquisition proceeding, which complicated assessment of net benefits; the utility instead “insisted” that rate design “be considered in a future rate case.”⁶ The Commission explained that “[d]oing so saddles a future commission with the task of protecting ratepayers from a potentially inappropriate acquisition adjustment after it has already been granted.”⁷ The Commission thus recognized that it needed to impose certain rate design requirements to protect ratepayers.

The Commission decided to apportion the combined revenue requirement to each district on the basis of load-ratio share, i.e. “the ratio of the utility’s projected native load to total native load of the combined utility.”⁸ On this basis, the Commission found, in its modeled evaluation of North and South Districts, that ratepayers from both North and South Districts would benefit from the transaction.⁹ Accordingly, if the transaction proceeded, Chugach was required to file a rate design in line with the Commission’s modeling approach: one that produced relative revenue

⁴ See *id.* at 9 (explaining that the acquisition ancillary agreements “further increase the acquisition premium above conventional utility costs that ratepayers under the transaction would have to pay”).

⁵ See *id.*; *id.* at 39 (“Reading AS 42.05.441(b) and AS 42.05.711(d) together, we are required to reject Chugach’s request to recover the ML&P asset acquisition premium through rates unless we can affirmatively find that allowing such recovery is in the public interest.”); *id.* at 126.

⁶ *Id.* at 121.

⁷ *Id.*

⁸ *Id.*

⁹ See *id.* at 126.

requirements between the two districts that “reasonably approximate load-ratio share between the Chugach and ML&P portions of the new Chugach service territory.”¹⁰

Second, the Commission found that the proposed acquisition, as filed, would cause impermissible discrimination in rates due merely to a customer’s geographic location, in violation of AS 42.05.391.¹¹ Consistent with this, the Commission required Chugach’s rate design to unify base rates within each customer class across the North and South Districts.¹² The Commission also directed Chugach to minimize rate shock, “to the maximum extent practicable”, while achieving this goal.¹³

B. Chugach’s rate case filing

On July 3, 2023, Chugach filed TA544-8 and TA422-121, seeking interim and permanent rate increases in both of its districts based on a 2022 test year revenue requirement study, cost of service study, and rate design.¹⁴ However, Chugach failed to comply with the Commission’s two primary rate design requirements described above.

Chugach did not file unified rates. In its filings, Chugach purported to include both a “rate design that determines permanent rates that are unified between Chugach’s North and South Districts” and “an alternative rate design that mitigates some undesirable rate impacts of combining the two districts.”¹⁵ In its Resolution authorizing Chugach to file the rate case, Chugach’s Board of Directors also stated its understanding that the utility would file both its

¹⁰ *Id.* at 11; *see also id.* at 121.

¹¹ *See id.* at 46 (finding “these geographically-based allocations to be discriminatory under AS 42.05.391”).

¹² *Id.* at 11; *see also id.* at 40; *id.* at 57-58.

¹³ *Id.* at 11.

¹⁴ TA544-8, filed July 3, 2023; TA422-121, filed July 3, 2023.

¹⁵ TA544-8 at 1; TA422-121 at 1.

“Primary and Alternative” rate proposals.¹⁶ However, Chugach only filed its “alternative rate design,”¹⁷ which proposes non-unified rates for Small General Service (SGS) customers.¹⁸

Chugach’s rate design also fails to result in “an apportionment of the combined revenue requirement to North and South Districts according to load-ratio share.”¹⁹ It is striking that Chugach seems to have ignored this requirement altogether. In its tariff advice filings and supporting testimony, as far as REAP is aware Chugach made no mention of the Acquisition Order’s requirement that revenue by district from base rates should be proportional to electricity consumption by district.²⁰ From the data Chugach provided in its initial filings and through discovery, it appears that the South District overall would be responsible for 16 percent more revenue per kWh than the North District under its proposal.²¹ This seems to be a material deviation from the Commission’s mandate to allocate the revenue requirement according to load-ratio share, and calls into question whether South District customers would be made worse off by the transaction under Chugach’s proposed rate design. Avoiding such a result is precisely why the Commission implemented its rate design requirements.²²

¹⁶ Exhibit 1 at 2, Chugach Board of Directors, Resolution No. 060123, *2022 Test Period General Rate Case Filing*, June 28, 2023.

¹⁷ See Exhibit 2 at 2-3, Chugach Response to Request REAP-CEA-3-1(a) (Jan. 8, 2024) (confirming that Chugach did not file a rate design that fully unifies rates).

¹⁸ See TA544-8 at PDF p. 172 (Sheet No. 86); TA422-121 at PDF p. 150 (Sheet No. 79). Under Chugach’s proposal, North District SGS customers will pay three cents, or 28 percent more per kilowatt-hour (kWh), than South District customers until Chugach determines it is “feasible from a rate shock perspective” to consolidate the rates. Pre-filed Direct Testimony of Carl R. Peterson, Ph.D., at 4 (Jul. 3, 2023) (Submitted with TA544-8 and TA422-121) [Peterson Testimony].

¹⁹ See Exhibit 3, Declaration of Dr. Antony Scott, ¶ 4 (January 29, 2024).

²⁰ See *id.* ¶ 7.

²¹ See *id.* ¶¶ 5-6.

²² See, e.g., Acquisition Order at 110 (“To be permissibly recovered in rates a utility must generally show that ratepayers would be worse off but for the acquisition and its attendant acquisition adjustment.”).

C. REAP's intervention

On November 11, 2023, REAP was admitted as an intervenor in this rate case.²³ REAP stated in its petition to intervene that it “seeks to promote a rate design that incentivizes the conservation of Cook Inlet natural gas resources by bolstering consumer incentives to pursue investments in energy efficiency and rooftop solar.”²⁴ REAP also announced its intention to help create a more complete record upon which the RCA could find “that rates comply with AS 42.05.141(c) by ‘promot[ing] the conservation of resources used in the generation of electric energy.’”²⁵ REAP noted that it planned to offer expertise on topics “such as innovative rate structures aimed at promoting conservation and renewable investment.”²⁶ Chugach did not oppose REAP's intervention.²⁷

D. REAP's discovery request

On December 18, 2023, REAP served its second discovery request set, REAP-CEA-2, on Chugach. In request REAP-CEA-2-1, REAP asked Chugach to provide various pieces of load research data, such as monthly kWh consumption and monthly peak demand, by meter for the test year.²⁸ On December 22, 2023, at Chugach's request, REAP met with Chugach and the Attorney General's Regulatory Affairs & Public Advocacy Section (RAPA) to discuss REAP-CEA-2-1. In response to RAPA's concerns about releasing customer account numbers, REAP clarified that it was not interested in the account numbers, and was amenable to Chugach

²³ Order U-23-047(2)/U-23-048(2) (Nov. 8, 2023).

²⁴ U-23-047/U-23-048, REAP's Petition to Intervene, at 3 (Sep. 18, 2023) (REAP Petition).

²⁵ *Id.* at 8 (quoting AS 42.05.141(c)).

²⁶ *Id.*

²⁷ U-23-047/U-23-048, Chugach's Non-Opposition to Petition to Intervene (Sep. 25, 2023).

²⁸ Exhibit 4 at 7-9, REAP's Second Set of Discovery Requests to CEA, at REAP-CEA-2-1 (Dec. 18, 2023).

omitting the numbers and using some other anonymized identification system to pair data points across a single customer or meter. REAP also offered to sign additional confidentiality agreements²⁹ to obtain the data; Chugach indicated that might be a workable solution, and that it would consider how to respond to the request.

On December 28, 2023, Chugach responded to REAP's request.³⁰ In its response, Chugach did not provide any of the data requested by REAP. Instead, it objected on various grounds.³¹ For requests 2-1(a), (b), (d), (f), (h), (l), and (m)—which are the most critical to REAP—Chugach also stated that it was “verifying whether and how it can provide the requested data, and w[ould] supplement this response.”³²

REAP's and Chugach's counsel had multiple informal discovery discussions between December 28 and mid-January. In those discussions, REAP's counsel stressed that the information sought is necessary to REAP's participation and reiterated that REAP is seeking partial production if full production proves infeasible for Chugach. Chugach's counsel restated various objections, but noted they were engaged in ongoing discussion with utility staff about the feasibility of producing full or partial information, and maintained that a supplement was forthcoming. REAP informed Chugach of REAP's intent to submit a motion to compel if Chugach did not produce any substantive responses to REAP-CEA-2-1.

²⁹ REAP's applicable staff, attorneys, and expert consultants have signed and filed non-disclosure agreements as ordered by the Commission in U-23-047(4)/U-23-048(4), *Order Governing Confidential Discovery Material* (Nov. 28, 2023).

³⁰ Exhibit 5, Chugach's Response to REAP's Second Request for Discovery to Chugach (REAP-CEA-2) (Dec. 28, 2023).

³¹ *Id.* at 6. (“Chugach objects to each of these requests to the extent they seek new documents or analyses that do not exist or are beyond the scope of this matter, overbroad, unduly burdensome, vague, ambiguous, or irrelevant.”).

³² *Id.* at 6-7.

On January 22, 2024—more than a month after the initial request—Chugach filed a supplemental response to REAP-CEA-2-1.³³ The supplement did not offer any documents or additional information. It merely added grounds for objecting to the requests, “to the extent they . . . seek private, personal, identity-related, or financial information about Chugach’s members.”³⁴

On January 23, 2024, REAP and Chugach met for a final time before the filing of this motion. Chugach confirmed that it is unwilling to produce any load research data that falls within the umbrella of REAP’s request without an order from the Commission. REAP now submits this motion to compel and to remedy the delay caused by Chugach.

II. ARGUMENT

Under the Commission’s regulations, parties must timely respond to discovery requests.³⁵ If a discovery disagreement arises, the parties must “confer in good faith to resolve the dispute” before a motion is filed.³⁶ The primary requirement for discovery material is that it be relevant to the proceeding. A party may obtain discovery “regarding any matter, not privileged, that is relevant to the subject matter of the proceeding,” so long as “the matter is admissible in evidence under 3 AAC 48.154 or appears reasonably calculated to lead to the discovery of admissible evidence.”³⁷ When refusing to produce data based on the objection that it would be too

³³ Exhibit 6, Chugach’s Supplemental Response to REAP’s Second Request for Discovery (REAP-CEA-2) (Jan. 22, 2024).

³⁴ *Id.* at 7.

³⁵ *See* 3 AAC 48.143-44.

³⁶ 3 AAC 48.144(d).

³⁷ 3 AAC 48.141. Under 3 AAC 48.154(a) evidence is admissible if it is “relevant” and if “in the opinion of the presiding officer, [it] is the best evidence reasonably obtainable, with due regard to its necessity, availability, and trustworthiness.”

burdensome, a party must show “that the burden and expense of the requested discovery outweighs its likely benefit.”³⁸

Chugach refuses to properly respond to REAP-CEA-2-1(a), (b), (d), (f), (h), (l), and (m). As described above, REAP conferred in good faith with Chugach to resolve this discovery dispute.³⁹ REAP seeks information that is relevant to the subject matter of the proceeding and is necessary for REAP to engage in this rate case as outlined in its petition to intervene.⁴⁰ Producing the data will not cause Chugach a greater burden than it should have undertaken of its own volition in preparing its rate proposal. The Commission should order Chugach to provide full responses to REAP’s requests.

A. The data requested in REAP-CEA-2-1 is relevant and necessary for REAP’s participation.

Chugach proposes to continue using flat rates per kWh, which it noted are the “standard” under 3 AAC 48.550(b).⁴¹ Under RCA regulations, a utility must include “appropriate justification and analysis, including load research data” to propose non-flat rates.⁴² REAP is interested in proposing that Chugach adopt an innovative, non-flat rate structure to conserve natural gas⁴³ and meet the Commission’s Acquisition Order requirements. To present a complete proposal, REAP must be able to conduct proper analysis, which it cannot do without the load research data it seeks. REAP seeks 1) service addresses including ZIP codes, 2) monthly kWh

³⁸ 3 AAC 48.141; *see also* Order U-22-068(7), *Order Granting Motion to Compel in Part, Requiring Service of Discovery Responses, and Reminding Utility of Obligation to Timely Respond to Discovery Requests*, at 7 (Jan. 27, 2023).

³⁹ *See* 3 AAC 48.144(d)-(e); *supra* I.D.

⁴⁰ *See* 3 AAC 48.141.

⁴¹ Peterson Testimony at 19.

⁴² 3 AAC 48.550(b).

⁴³ *See* AS 42.05.141(c).

consumption totals by account or meter for the test year, 3) applicable tariff numbers for each account, 4) monthly coincident peak data by account or meter for the test year, 5) monthly non-coincident peak data by account or meter for the test year, and 6) applicable customer charges for the test year.⁴⁴ REAP and its consultants need to perform data analysis using the information to help develop their proposed rate design.⁴⁵ This information is relevant load research data of the type commonly used in rate design,⁴⁶ and is thus well within the broad scope of discovery here.

Chugach is attempting to freeze out meaningful participation by REAP, which risks creating a record that is unreasonably skewed in favor of the utility's proposal—a proposal that fails to meet the Commission's Acquisition Order requirements, as described above. Moreover, Chugach is refusing to provide the type of data that is commonly available to intervenors in rate

⁴⁴ See Exhibit 4 at 7-9.

⁴⁵ See Exhibit 3 at ¶¶8-9.

⁴⁶ See, e.g., Exhibit 7 at 7-8, ¶ 10(b), Mich. Pub. Serv. Comm'n, Case No. U-20876, In the matter, on the Commission's own motion, regarding the regulatory reviews, revisions, determinations, and/or approvals necessary for DTE Electric Company to fully comply with Public Act 295 of 2008, as amended by Public Act 342 of 2016, *Order Approving Settlement Agreement* (Jan. 20, 2022), at Ex. A (Stipulation and Settlement Agreement) (e.g. "DTE Electric will conduct Residential HVAC Detection and Usage Intensity Scoring research to identify electrically heated properties based on the Company's AMI data. The objective of this study will be to classify residential customers as having electric space heating and air conditioning or not, and for those with each HVAC end use, to disaggregate their seasonal load shape to baseload, space heating, and air conditioning and score them on their usage intensity compared with their peers"); Exhibit 8 at 2-4, Excerpt, Minn. Pub. Util. Comm'n, Docket No. E017/GR-20-719, In the Matter of the Application of Otter Tail Power Company for Authority to Increase Rates for Electric Utility Service in Minnesota, *Direct Testimony and Schedules of David G. Prazak* (Nov. 2, 2020), PDF pp. 21-22 & 108 (comparing kWh usage of low income and non-low income residential customers in discussion of equity considerations).

cases in other jurisdictions.⁴⁷ The RCA should enable intervenors to make meaningful contributions to this proceeding by ordering production of the requested load data. REAP should have the opportunity to present a rate design that meets the Commission’s requirements.

In response to Chugach’s privacy concerns, REAP reiterates that it is willing to sign additional confidentiality agreements if the Commission determines it necessary.⁴⁸

B. Chugach’s claims that the requested data does not exist or would be too burdensome to compile are concerning from a rate design perspective.

As noted above, the RCA imposed certain requirements on Chugach’s rate design in the Acquisition Order. To meet these requirements, it is highly likely that it will be necessary to

⁴⁷ See, e.g., Exhibit 9 at 2-4, Excerpt, Minn. Pub. Util. Comm’n, Docket No. E017/GR-20-719, In the Matter of the Application of Otter Tail Power Company for Authority to Increase Rates for Electric Utility Service in Minnesota, *Direct Testimony and Schedules of the Minnesota Office of the Attorney General–Residential Utilities Division* (Apr. 2, 2021) (table of customer usage distribution data that was “[c]ompiled by the author using data from Otter Tail Power’s response to [an information request from the Attorney General]”); Exhibit 10 at 2, Excerpt, Ill. Com. Comm’n, Docket No. 13-0476, Ameren Illinois Company: Tariff filing to present the Illinois Commerce Commission with an opportunity to consider revenue neutral tariff changes related to rate design authorized by subsection 16-108.5(e) of the Public Utilities Act, *Direct Testimony of Scott J. Rubin on behalf of the People of the State of Illinois* (Oct. 17, 2013) (“Through discovery, Ameren provided a data set with monthly usage data during 2012 for more than one million residential (DS-1) customer accounts. The data set does not contain any customer identifying information. Customers are simply assigned a sequential number, so there is no way to identify the customer’s name, address, account number, or other identifying information”); Exhibit 11 at 2-3, Excerpt, Ill. Com. Comm’n, Docket No. 13-0387, Commonwealth Edison Company: Tariff filing to present the Illinois Commerce Commission with an opportunity to consider revenue neutral tariff changes related to rate design authorized by subsection 16-108.5(e) of the Public Utilities Act, *Supplemental Direct Testimony of Scott J. Rubin on behalf of the People of the State of Illinois* (Aug. 2, 2013) (“The data provided by ComEd . . . contain actual consumption data for each month of 2010 for each customer who was a customer for the entire 12 months of that year. The data sets do not contain any customer identifying information. Customers are simply assigned a sequential number, starting with 1 in each data set, so there is no way to identify the customer’s name, address, account number, or other identifying information. The data set for ComEd’s largest customer class, SFNH, contains information for 1,948,110 customers. The other data sets are smaller containing data for 715,712 (MFNH), 30,182 (SFH), and 112,164 (MFH) customers.”).

⁴⁸ See Order U-22-095(4), *In the Matter of the Application Filed by Juneau Hydropower, Inc. for A New Certificate of Pub. Convenience & Necessity to Provide Pub. Elec. Util. Serv. in Alaska*, at 4 (Apr. 6, 2023) (“Although we have allowed a tiered confidential discovery order in certain unique situations in the past, we prefer a single category accessible to all with access.”).

create a new customer class and/or establish non-flat rates in one or more customer classes.⁴⁹

Using either tool requires disaggregating customer use data,⁵⁰ as the Commission’s regulations suggest.⁵¹ Chugach has been on notice since the date of the Acquisition Order, more than three years ago, that it had certain rate design responsibilities requiring load research. Although it may require some programming work to extract this data, Chugach had an obligation to perform that work. Given this context, Chugach’s claims that it is overly burdensome to provide the requested data fall flat.

Furthermore, in its Resolution authorizing the filing of the rate case, Chugach’s Board directed Chugach “to continue investigating and analyzing alternative rate programs and designs that further advance its decarbonization and beneficial electrification goals for consideration by the Board of Directors for future adoption.”⁵² By including that directive, the Board emphasized the relevance of alternative rate designs to this proceeding. Chugach’s obstinance now undermines REAP’s ability to aid in the effort to improve its rate design, a cause deemed critical by both the RCA and the utility’s own Board.

REAP has already invested and wishes to continue investing considerable time, effort, and expertise to offer solutions to Chugach and the Commission. Yet Chugach refuses to provide critical data, cutting against the directives of its own Board and the RCA. Chugach’s claims that the requested data sets do not exist, or would be overly burdensome to produce, are concerning because the information *does* already exist—and it should have been compiled to support

⁴⁹ See Exhibit 3 at ¶8.

⁵⁰ *Id.*

⁵¹ 3 AAC 48.550(b) and 3 AAC 48.540(d).

⁵² Exhibit 1 at 2. The Board set a report back date of July 1, 2025.

Chugach’s rate design proposal, which should have offered rates compliant with the Acquisition Order mandates and other applicable laws and regulations.⁵³ Chugach seemingly failed to do the work required of it to properly formulate a rate design proposal.

Chugach has advanced metering infrastructure (AMI) deployed for nearly all residential and small commercial customers.⁵⁴ One of the benefits of AMI is that it enables utilities to better understand electricity usage patterns within each customer class; this in turn should facilitate appropriate rate design and tariff offerings that provide customer benefits.⁵⁵ Chugach, though, has neglected to conduct the type of load research, including research informed by equity considerations, that other jurisdictions have been regularizing.⁵⁶ Chugach admits that it has access to the information requested by REAP,⁵⁷ but it does not extract this data to provide the customer benefits that these meters could and should enable.

Chugach admits that it has not investigated intraclass differences between its members. For example, Chugach responded to a query from Intervenor AARP about how it determined that a “typical South residential customer consumes more than 500 kWh per month,”⁵⁸ by stating that

⁵³ See AS 42.05.141(c); 3 AAC 48.510 (primary objectives for electricity pricing include “equity, which includes the fair-cost apportionment of revenue among customer classes” and “conservation”; and the RCA may “consider other pricing objectives”).

⁵⁴ See Exhibit 12, Excerpt, Chugach’s Response to AARP’s First Request for Discovery (AARP-CEA-1), at 4 (Response to AARP-CEA-1-9) (Jan. 16, 2024) (referencing Peterson Testimony at 31, Q66); see also Peterson Testimony at 25 (“Chugach provides its customers with an online portal through each member’s account where members can track their usage, nearly in real time, and, if given appropriate pricing signals, could change their consumption patterns.”).

⁵⁵ See Peterson Testimony at 24 (“Utilities are offering more pricing options to customers, which are mostly driven by technology as well as customer demand for such options.”).

⁵⁶ See *supra* n. 46.

⁵⁷ See Exhibit 6 at 7-8 (answering “yes” to whether Chugach has the data requested in REAP-CEA-2-1(a), (b), (d), (f), (h), (l), and (m)).

⁵⁸ Exhibit 12 at 2, (Response to AARP-CEA-1-7) (referencing Peterson Testimony at 24, Q53).

it used “a simple average of the South usage divided by number of meters.”⁵⁹ From a rate design perspective, equating “average” usage and “typical” usage is an oversimplification. It omits information about how many South District residential members use, for example, less than 200 kWh per month, and would thus suffer the greatest bill impacts.⁶⁰ Indeed, in an email following the final meeting between Chugach and REAP on January 23, Chugach’s counsel confirmed that while Chugach “used to (years ago) do ‘load research’” it does not currently “have any load studies.”⁶¹ Chugach is recommending its oversimplified proposal without considering how members in the same district and class could be differentially affected. This disregards Alaska law and Commission regulations, which require rates to promote conservation and equity.⁶² It also hinders intervenors’ and the Commission’s ability to meaningfully analyze customer impacts of its rate proposal. The disaggregated data that REAP seeks in discovery would fill in the record and enable the Commission to make an informed decision regarding a range of societal trade-offs.

REAP, in an attempt to compromise, asserted repeatedly that if Chugach is unwilling or unable to provide all of the information, REAP seeks partial production. Still, Chugach refused to produce *any* data. At the very least, Chugach could have provided monthly kWh consumption data, without effort beyond that which is expended by a typical utility in a rate case.⁶³ Its refusal

⁵⁹ *Id.*

⁶⁰ See Peterson Testimony, CRP-04, Schedule 7A at 1 (PDF p. 283) (showing highest percent bill impact to residential customers using less than 200 kWh per month); see also Exhibit 9 at 2-3 (“[U]sage levels within customer classes are not distributed evenly . . . [t]he small number of extremely high-usage customers significantly increase the class average usage . . . therefore, increasing customer charges will harm more customers than it will help.”).

⁶¹ Exhibit 13, Email from Dean Thompson to Hannah Payne Foster, Jan. 23, 2024.

⁶² See AS 42.05.141(c); 3 AAC 48.510(a).

⁶³ See *supra* n. 46-47.

to do so is concerning not only because of the lack of willingness to cooperate, but because it shows a lack of forethought in Chugach's own rate design. If Chugach's rate proposal is based merely on the aggregate data thus far provided to the RCA and intervenors, it was made without a full investigation of possibilities that may have enabled Chugach to fully comply with Alaska law and regulations and the RCA's Acquisition Order directives. With proper load research, Chugach might have proposed a unified rate structure that recovers its costs from the two districts in a manner that is proportional to electricity consumption, and also promotes conservation as required by AS 42.05.141(c).

REAP wishes to propose a rate design that satisfies the Commission's directives and other legal requirements, but is being hamstrung by Chugach. The utility has failed to show that the burden of producing the data requested would outweigh the benefit: a properly informed rate design.⁶⁴ REAP requests the Commission to compel Chugach to compile the data as it should have from the outset.

C. Requested Remedy

REAP requests production of responses to REAP-CEA-2-1(a), (b), (d), (f), (h), (l), and (m), and allowance in the schedule for the delay caused by Chugach. In the alternative, REAP requests that the Commission bifurcate this proceeding and require additional filings by Chugach, as discussed below.

Chugach expended an inordinate amount of time "responding" to REAP's discovery request, which was first propounded six weeks ago. Intervenors now have less than two months to

⁶⁴ See Order U-22-068(7), *Order Granting Motion to Compel in Part, Requiring Service of Discovery Responses, and Reminding Utility of Obligation to Timely Respond to Discovery Requests*, dated Jan. 27, 2023, at 7 (citing 3 AAC 48.141).

prepare testimony.⁶⁵ For REAP, this includes performing the analysis it wishes to do on load research data from Chugach’s approximately 93,000 retail members (113,000 retail meters)⁶⁶—a major investment of time and resources that REAP’s technical experts estimate will take a minimum of seven weeks.⁶⁷ By dragging its feet, Chugach has all but ensured this task will be impossible by the time REAP’s testimony is due on March 14, 2024. Chugach initially stated on December 28 that it would supplement its response to REAP-CEA-2-1,⁶⁸ and, as explained above, indicated during the following weeks that it was working on producing some sort of substantive response. Twenty-five days after the initial response deadline, Chugach finally filed a supplement that offered not a sliver of additional information.⁶⁹ For these reasons, and considering Chugach’s general failure to perform adequate rate research and design as described above, REAP requests that the Commission order Chugach to produce the requested information by no later than **February 20, 2024**. REAP further requests that it be allowed to submit its responsive testimony on **April 9, 2024**. This still represents a contracted timeline for performing load analysis, but REAP is endeavoring to avoid delay to the extent possible.

Alternatively, if the Commission does not compel Chugach to produce the requested information, REAP will request that the Commission bifurcate the proceeding to separate the hearing on rate design from the hearing on revenue requirement issues. In that scenario, the Commission could immediately order Chugach to replace or supplement its deficient rate design proposal to comply with the Commission’s Acquisition Order, including the provision of

⁶⁵ Order U-23-047(5)/U-23-048(5), *Order Adopting Procedural Schedule*, dated Dec. 4, 2023, at 6-7.

⁶⁶ TA544-8 at 11; TA422-121 at 11.

⁶⁷ *See* Exhibit 3 at ¶ 9.

⁶⁸ Exhibit 5 at 3-7.

⁶⁹ Exhibit 6 at 7-9.

appropriate data and justifications, and consider that rate design as a separated docketed matter. Chugach has not yet shown that it is truly unable to meet the Commission's Acquisition Order requirements. REAP will submit a motion on this topic if necessary.

Respectfully submitted January 29, 2024,

s/ Hannah Payne Foster

Hannah Payne Foster (Alaska Bar No. 2105045)

Carole A. Holley (Alaska Bar No. 0611076)

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CERTIFICATE OF SERVICE

I hereby certify that on January 29, 2024, a copy of the foregoing MOTION TO COMPEL AND FOR SCHEDULING MODIFICATION was served by electronic mail on the following:

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s/ Sarah Saunders

Sarah Saunders
Litigation Paralegal
EARTHJUSTICE

Index of Exhibits

Exhibit No.	Description
1	Chugach Electric Association (Chugach) Board of Directors, Resolution No. 060123, <i>2022 Test Year Period General Rate Case Filing</i> (June 28, 2023)
2	Chugach, Response to Request REAP-CEA-3-1(a) (Jan. 8, 2024) (excerpts)
3	Declaration of Dr. Antony Scott
4	Renewable Energy Alaska Project (REAP), Second Set of Discovery Requests to Chugach (Dec. 18, 2023)
5	Chugach, Response to REAP’s Second Request for Discovery to Chugach (REAP-CEA-2) (Dec. 28, 2023)
6	Chugach, Supplemental Responses to REAP’s Second Request for Discovery (REAP-CEA-2) (Jan. 22, 2024)
7	Michigan Public Service Commission, Case No. U-20876, <i>In the matter, on the Commission’s own motion, regarding the regulatory reviews, revisions, determinations, and/or approvals necessary for DTE Electric Company to fully comply with Public Act 295 of 2008, as amended by Public Act 342 of 2016, Order Approving Settlement Agreement, Ex. A (Stipulation and Settlement Agreement)</i> (Jan. 20, 2022) (excerpts)
8	Minnesota Public Utilities Commission, Docket No. E017/GR-20-719, <i>In the Matter of the Application of Otter Tail Power Company for Authority to Increase Rates for Electric Utility Service in Minnesota</i> , Direct Testimony and Schedules of David G. Prazak (Nov. 2, 2020) (excerpts)
9	Minnesota Public Utilities Commission, Docket No. E017/GR-20-719, <i>In the Matter of the Application of Otter Tail Power Company for Authority to Increase Rates for Electric Utility Service in Minnesota</i> , Direct Testimony and Schedules of the Minnesota Office of the Attorney General–Residential Utilities Division (Apr. 2, 2021) (excerpts)
10	Illinois Commerce Commission, Docket No. 13-0476, <i>Ameren Illinois Company: Tariff filing to present the Illinois Commerce Commission with an opportunity to consider revenue neutral tariff changes related to rate design authorized by subsection 16-108.5(e) of the Public Utilities Act, Direct Testimony of Scott J. Rubin on behalf of the People of the State of Illinois</i> (Oct. 17, 2013) (excerpts)

- 11 Illinois Commerce Commission, Docket No. 13-0387, *Commonwealth Edison Company: Tariff filing to present the Illinois Commerce Commission with an opportunity to consider revenue neutral tariff changes related to rate design authorized by subsection 16-108.5(e) of the Public Utilities Act*, Supplemental Direct Testimony of Scott J. Rubin on behalf of the People of the State of Illinois (Aug. 2, 2013) (excerpts)
- 12 Chugach, Response to AARP’s First Request for Discovery (AARP-CEA-1) (Jan. 16, 2024) (excerpts)
- 13 Email from Dean Thompson to Hannah Payne Foster (Jan. 23, 2024)

RESOLUTION

2022 Test Period General Rate Case Filing

WHEREAS, the Regulatory Commission of Alaska (“Commission”) issued its final order approving Chugach Electric Association, Inc.’s (“Chugach”) acquisition of most of the electric utility assets and service obligations of the Municipality of Anchorage d/b/a Municipal Light & Power (“ML&P”) on May 28, 2020 (“Acquisition Order”);

WHEREAS, the Commission’s Acquisition Order required Chugach to file, by December 31, 2023, a revenue requirement study, cost-of-service study, and rate design proposing unified rates for its combined service territories based on a 2022 calendar year test year (“2022 GRC”);

WHEREAS, Chugach has been working constructively with the Commission and its members to address financial performance concerns over the past several years since close of the acquisition;

WHEREAS, in response to Chugach’s financial performance concerns, the Commission expedited the deadline for filing Chugach’s 2022 GRC from December 31, 2023, to August 15, 2023;

WHEREAS, Chugach has prepared its 2022 GRC in accordance with the Commission’s Acquisition Order and 3 AAC 48.275(a);

WHEREAS, Chugach’s 2022 GRC filing requests approval of retail and wholesale customer, demand, and energy rate changes based on the results of Chugach’s 2022 test period revenue requirement and system sales;

WHEREAS, Chugach’s 2022 GRC filing requests Commission approval for interim demand and energy rate increases effective September 1, 2023, of 5.6 percent (3.6 percent on a total bill basis) to the Chugach retail class and 10.6 percent (4.6 percent on a total bill basis for delivery at transmission voltages) to the wholesale class of Seward Electric System;

WHEREAS, Chugach’s primary 2022 GRC proposal for permanent rates deviates from a strictly cost-of-service based result by offering a rate mitigation plan that constrains rate impacts to certain customer classes (“Primary GRC Proposal”);

WHEREAS, to ensure compliance with the Acquisition Order, Chugach will also file an unmitigated 2022 GRC proposal for review by the Commission (“Alternative GRC Proposal”);

WHEREAS, under Chugach’s Primary GRC Proposal, total retail customer bills (including fuel and purchased power) would increase by a system average of approximately 5.9 percent, with individual customer impacts varying based on cost-of-service results and rate design;



WHEREAS, under Chugach's Primary GRC Proposal Seward Electric System's total wholesale customer bill (including fuel and purchased power) would increase by approximately 6.5 percent, with the ultimate end-use customer increase being significantly less;

WHEREAS, the 2022 GRC filing also includes (1) a proposal designed to encourage beneficial electrification through optional time-of-use rates for residential and small commercial customer classes; (2) a program designed to incentivize cruise ship interconnections thereby reducing carbon emissions while at port, and (3) an update to Chugach's firm and non-firm transmission wheeling rates and attendant ancillary services in support of third-party wheeling transactions on the Chugach system, including dispatch, voltage control, regulation and frequency response, and operating reserves (spin and supplemental) services; and

WHEREAS, the requested rate changes in the 2022 GRC are based on a requested Times Interest Earned Ratio ("TIER") of 1.75 for the Chugach system and 2.20 TIER for the Beluga River Unit operations, which allow Chugach to achieve an equity ratio of 35 percent by 2033 and its targeted equity ratio of 40 percent no later than 2038.

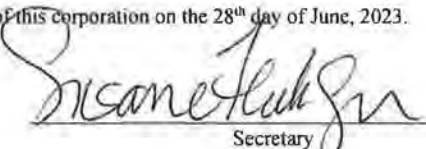
NOW THEREFORE BE IT RESOLVED, the Board of Directors authorizes the Chief Executive Officer to file Chugach's 2022 GRC, including both the Primary and Alternative GRC Proposals, with rates, terms, and conditions substantially similar to those discussed herein;

BE IT ALSO RESOLVED, the Board of Directors directs the Chief Executive Officer to continue investigating and analyzing alternative rate programs and designs that further advance its decarbonization and beneficial electrification goals for consideration by the Board of Directors for future adoption. The Chief Executive Officer shall report back with options, findings, and recommendations no later than July 1, 2025.

CERTIFICATION

I, Susanne Fleek-Green, do hereby certify that I am the Secretary of Chugach Electric Association, Inc., an electric non-profit cooperative membership corporation organized and existing under the laws of the State of Alaska; that the foregoing is a complete and correct copy of a resolution adopted at a meeting of the Board of Directors of this corporation, duly and properly called and held on the 28th day of June, 2023; that a quorum was present at the meeting; that the resolution is set forth in the minutes of the meeting and has not been rescinded or modified.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the seal of this corporation on the 28th day of June, 2023.


Secretary

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STATE OF ALASKA

THE REGULATORY COMMISSION OF ALASKA

Before Commissioners:

Robert A. Doyle, Chairman
John Espindola
Keith Kurber II
Robert M. Pickett
Janis W. Wilson

In the Matter of the Tariff Revisions Designated as)
TA544-8 Filed by CHUGACH ELECTRIC) U-23-047
ASSOCIATION, INC.)

In the Matter of the Tariff Revisions Designated as)
TA422-121 Filed by CHUGACH ELECTRIC) U-23-048
ASSOCIATION, INC.)

**CHUGACH ELECTRIC ASSOCIATION, INC.’S RESPONSE TO
RENEWABLE ENERGY ALASKA PROJECT’S THIRD REQUEST
FOR DISCOVERY TO CHUGACH (REAP-CEA-3)**

Chugach Electric Association, Inc. (“Chugach”) hereby responds to Renewable Energy Alaska Project’s (“REAP”) **Third** Requests for Discovery, dated **December 27, 2023**. All responses to discovery are prepared by Chugach in consultation with counsel. Documents identified as produced in response to these requests are Bates numbered and stored in an electronic document management sharefile site and a link will be provided to REAP and intervenors’ counsel, analysts, and consultants, as requested.

PRELIMINARY STATEMENT

As discovery proceeds, facts, information, evidence, documents, and other matters may be discovered which are not set forth in these responses, but which may be responsive to these discovery requests. Except as otherwise indicated, the following responses are complete based on Chugach’s current knowledge, information, and belief. Furthermore, these responses were prepared based on Chugach’s good faith interpretation of the discovery requests and are subject to correction for inadvertent errors or omissions, if any.

1 7. Chugach objects to the instructions contained in REAP’s **Third** Requests
2 for Discovery. In responding to the requests, Chugach will abide by the Regulatory Commission
3 of Alaska’s (“RCA” or “Commission”) discovery regulations and, where applicable, the Alaska
4 Rules of Civil Procedure.

5 8. Chugach objects to the requests for identification of answering witnesses
6 and designation of hearing witnesses as part of the responses. All responses to discovery are
7 prepared by Chugach in consultation with counsel. Witnesses at hearing will be available for
8 cross-examination on their testimony. In accordance with Commission regulations, Chugach will
9 identify the persons supplying information for a particular response where appropriate.
10

11 **DISCOVERY RESPONSES**

12 **REAP-CEA-3-1.**

13 Please refer to Chugach’s responses to REAP-CEA-1-2 and 1-25.

14 a. Please confirm that Chugach did not file a comprehensive tariff design that
15 fully unifies North and South rates.

16 b. Please confirm that instead of filing a unified rate design, Chugach filed
17 only an “alternative rate design” proposal as described by Arthur Miller in both TA544-8 and
18 TA422-121 at p. 1.

19 c. If Chugach denies 3-1(a) or (b), please indicate where the unified rates are
20 presented in Chugach’s filing.

21 d. Under the existing rate proposal, without altering the interclass rate
22 allocation, did Chugach determine what the permanent volumetric rate would be for the Small
23

1 General Commercial class if rates were unified between the South and North Districts? If so,
2 please state what the rate would be.

3 **Response:**

4 a. Confirmed, inasmuch as Order U-18-102(44)/ U-19-020(39)/ U-19-021(39)
5 (“Order 39”), at 11, required that the “[u]nified base rates to be filed in Chugach’s first rate case”
6 “should achieve the following objectives . . . (b) rate shock for any ratepayer class should be
7 minimized to the maximum extent practicable.” See also TA544-8 / TA 442-121 at 1, Pre-Filed
8 Direct Testimony of Carl R. Peterson (“Peterson Direct”), at 19-20. Chugach proposed base rates
9 that are fully unified for all of the base rate customer, demand, and energy charges of all of
10 Chugach’s North and South District rate schedules, with the sole exception that the base energy
11 charge of the small commercial rate schedule is different between the two districts to comply with
12 Order 39’s requirement regarding minimizing rate shock to that class.

14 b. See responses to REAP-CEA-3-1(a) and (d).

15 c. Chugach assumes that REAP intended this request to refer to “3-1(a) or (b).
16 See Exhibit CRP-4, Schedule 6, comparing pages 1-10 with pages 11-13.

18 d. Chugach objects to this request to the extent it is vague or ambiguous.
19 Without waiving those objections, Chugach responds as follows: Chugach understands this
20 question to refer to the alternative rate mitigation proposal in the case where the RCA rejects
21 Chugach’s full rate mitigation proposal, namely that no consolidated customer class should
22 experience an overall revenue increase of more than 1.5x the system average increase. See
23 Peterson Direct at 17:14-18. Under that alternative, the combined Small General Service class
24 customer charge would remain at the proposed level (i.e., \$20.85 per month, see Exhibit CRP-04,

25 CHUGACH ELECTRIC ASSOCIATION, INC.’S RESPONSE TO REAP’S
26 THIRD REQUEST FOR DISCOVERY TO CHUGACH (REAP-CEA-3)
Dockets U-23-047 and U-23-048

January 8, 2024

Page 4 of 12

1 Schedule 6, at 1 and 11), with the remaining revenue recovered through a combined volumetric
2 rate calculated as $\frac{\text{Total Combined SGS Revenue less combined Test Year Customer Charge Revenue}}{\text{Total Combined Test Year Billing Units (kWh)}}$. While

3 Chugach does not propose that the RCA combine these rates completely, the implication of Dr.
4 Peterson’s alternative rate mitigation proposal, based on the proposed revenue requirement, is
5 found in the table included as **Attachment 1** to these responses to REAP-CEA-3.
6

7 **Person(s) Supplying Information:** Carl R. Peterson, PhD, Counsel

8 **REAP-CEA-3-2.**

9 Please refer to Chugach’s responses to REAP-CEA-1-2 and 1-25.

10 Chugach states that Dr. Peterson’s Attachment 5 “does not, and cannot, represent
11 the Chugach rates proposal since Attachment 5 does not contain all proposed rates.” However, it
12 appears that the rates Attachment 5 does include are not the proposed permanent rates.¹
13

14 a. Please explain the discrepancies between the rates listed in Attachment 5
15 and the corresponding permanent rates proposed by Chugach.

16 b. Please explain why Attachment 5 was included with Dr. Peterson’s
17 testimony.

18 c. Please clarify how Dr. Peterson’s Attachment 4 and Attachment 5 are
19 related.
20

21 _____
22 ¹ For example, Attachment 5 lists the proposed volumetric charge for Small General Service.
23 North as \$ 0.14215/kwh and Small General Service – South as \$ 0.11174/kwh. However, TA422-
24 121 lists the proposed permanent volumetric charge as \$ 0.14077/kwh for the North district (p.
25 150), and TA544-8 provides \$ 0.10999/kwh for the South District (p. 172). Attachment 5 also
26 lists the proposed permanent Small General Service customer charge for both Districts as \$ 19.13,
while the TA documents both list it as \$ 20.85. There are several other discrepancies.

I, Dr. Antony Scott, declare as follows:

1. I am Renewable Energy Alaska Project's (REAP's) Director of Economic and Regulatory Analysis. In this role I am responsible for reviewing and analyzing Chugach Electric Association, Inc.'s (Chugach's) filings and discovery responses in proceeding U-23-047/U-23-048.
2. I completed my Ph.D. in natural resource economics at the University of Wisconsin, Madison in 2000 and have worked in economic analysis of Alaska energy policy continuously since that year.
3. I am informed by my legal counsel that in its order authorizing acquisition by Chugach of most of the assets of Anchorage's Municipal Light & Power Department (ML&P), the Commission conditioned its approval on Chugach meeting the following requirements in its rate design for this proceeding. These requirements are 1) to "reasonably approximate load-ratio share between the Chugach and ML&P portions of the new Chugach service territory," and 2) to unify base rates within each customer class across the North (former ML&P) and South (Chugach's pre-existing) districts.
4. As part of my analysis, I have determined that Chugach's proposal does not result in an apportionment of the combined revenue requirement to North and South districts according to load-ratio share.
5. My calculations in making this determination are as follows:

In his direct pre-filed testimony, Dr. Carl R. Peterson provides a validation of the revenue that would be recovered by customer class, for North and South districts, associated with the proposed rates that Chugach is sponsoring, at Schedule 6 of Exhibit CRP-04. It shows that:

- Across all retail customer classes in the North district, total revenue for the 2022 test year would be \$109,845,984. (p. 13)
- Across all retail customer classes in the South district, total revenue for the 2022 test year would be \$151,621,139. (p. 10)

Schedule 6 of Exhibit CRP-04 also contains Dr. Peterson's adjusted billing determinants for each tariffed service. The adjusted billing determinants are separately provided in the tab "Determinants" in the Excel workbook used to generate Schedule 6. The Excel workbook was provided to RCA staff and in discovery in response to data request AG-CEA-1-8, and is titled "CEA00092 300.0 Rates and Validation.xls." In it:

- Cell O83 of the "Determinants" tab shows that across all North district retail customer classes, total adjusted consumption for the 2022 test year was 873,170,582 kWh.

- Cell O67 of the “Determinants” tab shows that across all South district retail customer classes, total adjusted consumption for the 2022 test year was 1,038,903,236 kWh.

Division of the foregoing figures shows that revenue per district is not reasonably proportional to kWh consumption:

- $\$109,845,984/873,170,582 \text{ kWh} = \text{Total revenue per kWh from North is approximately } \$.1258/\text{kWh}$
 - $\$151,621,139/1,038,903,236 \text{ kWh} = \text{Total revenue per kWh from South is approximately } \$.1459/\text{kWh}$
6. If revenue from base rates were to “reasonably approximate load-ratio share between the Chugach and ML&P portions of the new Chugach service territory,” each district’s revenue per kWh would closely match. Instead, revenue per kWh from the South district is 16% greater than revenue per kWh from the North.¹ In other words, South District customers as a whole shoulder 16 percent more of the total revenue requirement, relative to their energy consumption, than North District customers.
 7. In my review of Chugach's direct testimony, I have determined that Chugach does not acknowledge any requirement that revenue by district from base rates should be proportional to electricity consumption by district. Nowhere in Chugach's testimony, or in responses to discovery that I have reviewed thus far, is there a calculation that compares the proportionality of revenue by district and electricity consumption. Nevertheless, Chugach's filings show that their proposed rates fail to conform with a requirement of revenue proportionality by district load ratio.
 8. I further attest that, given the differing proportions of each customer class between North and South districts,² it is a matter of algebra that the twin requirements in the acquisition order, as discussed in paragraph 3 above, all but require the creation of a new customer class, establishing non-flat rates within one or more customer classes, or both. Using either tool requires analyzing disaggregating customer use data. Chugach has refused to provide the necessary data.
 9. REAP and its expert consultants aim to use the data requested under REAP-CEA-2-1 to propose a unified rate structure that recovers costs from the two districts in a way that is proportional to electricity consumption and promotes conservation. In order to do this, I and REAP’s expert consultants have estimated we will need a minimum of seven weeks following receipt of the data we have requested.

¹ To see this, divide the difference between the revenue per kWh by district by the revenue per kWh from the North. If we do so we get $(\$.1459/\text{kWh} - \$.1258/\text{kWh})/(\$.1258/\text{kWh}) = .1601$

² The Pre-filed Direct Testimony of Dr. Peterson shows the number of meters per customer class in each district at Attachment 3, p. 1.

I declare under penalty of perjury that the foregoing declaration is true and correct.

Dated: 1/29/2024

By: 

STATE OF ALASKA
THE REGULATORY COMMISSION OF ALASKA

Before Commissioners:

Keith Kurber II, Chairman
Robert A. Doyle
John M. Espindola
Robert M. Pickett
Janis W. Wilson

In the Matter of the Tariff Revisions Designated as TA544-8)	
Filed by Chugach Electric Association, Inc.)	U-23-047
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In the Matter of the Tariff Revisions Designated as TA422-121)	
Filed by Chugach Electric Association, Inc.)	U-23-048
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**RENEWABLE ENERGY ALASKA PROJECT’S SECOND SET OF DISCOVERY
REQUESTS TO CHUGACH ELECTRIC ASSOCIATION, INC.**

Pursuant to 16 U.S.C. § 2631(b), 3 AAC 48.141-145 and 3 AAC 48.155(a)(8), Renewable Energy Alaska Project (“REAP”), by and through its legal counsel, hereby submit this Second Set of Discovery Requests to Chugach Electric Association, Inc. (“Chugach”). Please send responses to the requests below to REAP’s counsel and representatives within ten days as specified in 3 AAC 48.144(b).

GENERAL INSTRUCTIONS

1) Definitions: For the purposes of these data requests, the following definitions shall apply:

- a) “And” or “or” shall be construed conjunctively or disjunctively as necessary to make the requests inclusive rather than exclusive.
- b) The term “Chugach” means and includes Chugach Electric Association, Inc., including any and all affiliates and/or subsidiaries, successors, predecessors, agents, consultants, and witnesses in this proceeding, and any and all of their affiliates, subsidiaries, or predecessors.
- c) “Current” when used in reference to time means in the present time of this data request.
- d) “Direct Customer” means a person who buys retail electricity directly through a customer account on a regular and ongoing basis. “Indirect customer” means a person who buys retail electricity on a regular and ongoing basis via a direct customer.
- e) “Document” means all written, recorded or graphic matters, however produced or reproduced, pertaining in any manner to the subject of this proceeding, whether or not now in existence, without limiting the generality of the foregoing, all originals, copies and drafts of all writings, correspondence, telegrams, notes or sound recordings of any type of personal or telephone communication, or of meetings or conferences, minutes of directors or committee meetings, memoranda, inter-office communications, studies, analyses, reports, results of investigations, reviews, contracts, agreements, working papers, statistical records, ledgers, books of account, vouchers, bank checks, x-ray prints, photographs, films, videotapes, invoices, receipts, computer printouts or other products of computers, computer files, stenographer’s notebooks, desk calendars, appointment books, diaries, or other papers or objects similar to any of the foregoing, however denominated. If a document has been prepared in several copies, or additional copies have been made, and the copies are not identical (or which, by reasons of subsequent modification of a copy by the addition of notations, or other modifications, are no longer identical) each non-identical copy is a separate “document.”
- f) The singular as used herein shall include the plural and the masculine gender.
- g) “Identify” or “identifying” or “identification” when used in reference to a person that is a natural person means to state: the full name of the person and any names under which he conducts business; the current employer of the person, the person’s job title and classification, the present or last known work address of the person; and, the present or last known telephone number of the person.

- h) “Identify” or “identifying” or “identification” when used in reference to a person other than a natural person means to state: the full name of the person and any names under which it conducts business; the present or last known address of the person; and, the present or last known telephone number of the person.
- i) “Identify” or “identifying” or “identification” when used in reference to a document means to provide with respect to each document requested to be identified by these discovery requests a description of the document that is sufficient for purposes of a request to produce or a subpoena duces tecum, including the following:
 - (a) the type of document (e.g., letter, memorandum, etc.);
 - (b) the date of the document;
 - (c) the title or label of the document;
 - (d) the Bates stamp number or other identifier used to number the document for use in litigation;
 - (e) the identity of the originator;
 - (f) the identity of each person to whom it was sent;
 - (g) the identity of each person to whom a copy or copies were sent;
 - (h) a summary of the contents of the document;
 - (i) the name and last known address of each person who presently has possession, custody or control of the document; and,
- j) If any such document was, but is no longer, in your possession, custody or control or is no longer in existence, state whether it: (1) is missing or lost; (2) has been destroyed; or (3) has been transferred voluntarily or involuntarily, and if so, state the circumstances surrounding the authorization for each such disposition and the date of such disposition.
- k) “Identify” or “identifying” or “identification” when used in reference to communications means to state the date of the communication, whether the communication was written or oral, the identity of all parties and witnesses to the communication, the substance of what was said and/or transpired and, if written, identify the document(s) containing or referring to the communication.
- l) The term “person” means any natural person, corporation, corporate division, partnership, limited liability company, other unincorporated association, trust,

government agency, or entity.

- m) The term “regarding” means consisting of, containing, mentioning, suggesting, reflecting, concerning, regarding, summarizing, analyzing, discussing, involving, dealing with, emanating from, directed at, pertaining to in any way, or in any way logically or factually connected or associated with the matter discussed.
- n) The term “you” and “your” refer to Chugach.
- o) “Workpapers” are defined as original, electronic, machine-readable, unlocked, Excel format (where possible) with formulas in-tact.

2.OTHER INSTRUCTIONS

- a) Responses are to be provided in electronic format (e.g., text documents should be in the original word processor file format or PDF; data files should be in Excel).
- b) If you contend that any response to any data request may be withheld under the attorney-client privilege, the attorney work product doctrine or any other privilege or basis, please state the following with respect to each such response to explain the basis for the claim of privilege and to permit adjudication of the propriety of that claim:
 - (i) The privilege asserted and its basis;
 - (ii) The nature of the information withheld; and,
 - (iii) The subject matter of the document, except to the extent that you claim it is privileged.
- c) For any document or set of documents that Chugach objects to providing to REAP on the grounds it is burdensome or voluminous, please identify the specific document (see instruction 1(i) above).
- d) These data requests are to be answered with reference to all information in your possession, custody or control or reasonably available to you. These data requests are intended to include requests for information, which is physically within your possession, custody or control as well as in the possession, custody or control of your agents, attorneys, or other third parties from which such documents may be obtained.
- e) If any data request cannot be responded to or answered in full, answer to the extent possible and specify the reasons for your inability to answer fully.
- f) These data requests are continuing in nature and require supplemental responses

REAP’S SECOND SET OF DISCOVERY REQUESTS

U-23-047/U-23-048

December 18, 2023

should information unknown to you at the time you serve your responses to these data requests subsequently become known. *See* Alaska R.Civ. Pro. 26(e).

- g) For each response, identify all persons (see instruction 1(l)) that were involved in the preparation of the answers to the interrogatories below and/or are responsible for compiling and providing the information contained in each answer.
- h) Identify which witness(es) at the hearing(s) is competent to adopt and/or discuss the response.
- i) Please produce the requested documents in electronic format to the following individuals:

Counsel of Record:

Hannah Payne Foster
Carole A. Holley
EARTHJUSTICE
441 W 5th Avenue Suite 301
Anchorage, AK 99501
T: 907.277.2500
E: hpayne@earthjustice.org
E: cholley@earthjustice.org

Sameer Doshi (Illinois Bar No.
6292722)
EARTHJUSTICE
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Chicago, IL 60606
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E: sdoshi@earthjustice.org

With a copy to:

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T: 907.277.2500
E: ssaunders@earthjustice.org

Chris Rose, Executive Director
Antony Scott, Director of
Economic and Regulatory Analysis
Renewable Energy Alaska Project
308 G Street, Suite #225
Anchorage, Alaska 99501
E: chris@realaska.org
E: ascott@realaska.org

- j) Wherever the response to an interrogatory or request consists of a statement that the requested information is already available to REAP, provide a detailed citation to the document that contains the information. This citation shall include the title of the document, relevant page number(s), and to the extent possible paragraph number(s) and/or chart/table/figure number(s).
- k) If any document referred to in response to any request for information has been destroyed, specify the date and the manner of such destruction, the reason for such destruction, the person authorizing the destruction and the custodian of the document at the time of its destruction.
- l) REAP reserves the right to serve supplemental, revised, or additional discovery requests as permitted in this proceeding.

Respectfully submitted,

s/ Hannah Payne Foster

Hannah Payne Foster (Alaska Bar No. 2105045)

Carole A. Holley (Alaska Bar No. 0611076)

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(Specific requests begin on next page)

REAP-CEA-2-1:

Please refer to Chugach response to data request REAP-CEA-1-1.

Instructions:

(i) For your responses to REAP-CEA-2-1(a)-(d), (f), (h), (l), (m), or (n) below, if Chugach is providing data organized by customer ID for any of these responses, please compile the data for all these responses into a single spreadsheet organized by customer ID, to the extent practicable. If not practicable, please provide the responses as individual spreadsheets.

(ii) If, for any of (a)-(d), (f), (h), (l), (m) or (n), responsive data is available only for a partial set of customer accounts rather than for all customer accounts, please provide the available partial information. If only a partial set of data is available for some customers, please provide that partial set of data.

- a. Does Chugach have data for each active Chugach customer account showing the street address(es) at which that account takes electric service? If so, please provide a list organized by customer ID numbers with street addresses.
- b. Does Chugach have data for each active Chugach customer account showing the ZIP code for the location at which that account takes electric service? If so, please provide a list organized by customer ID numbers with ZIP codes.
- c. Does Chugach have data for each active Chugach customer account showing the Census Tract for the location at which that account takes electric service? If so, please provide a list organized by customer ID numbers with Census Tracts.
- d. Does Chugach have monthly kWh electricity consumption totals for each Chugach customer account (by meter, if applicable) for the rate case test year of 2022 ? If so, please provide a list organized by customer ID numbers with the monthly kWh electricity consumption totals.
- e. If the answer to part (d) is No, please explain how the monthly consumption data by customer class as shown in the “Energy (kWh) – Data” tab of the spreadsheet attachment to your response to REAP-CEA-1-1 was developed, if not by summing individual

REAP’S SECOND SET OF DISCOVERY REQUESTS

U-23-047/U-23-048

December 18, 2023

customer data.

- f. Does Chugach have data showing which specific tariff rate schedule(s) each customer was served under during the test year? If so, please provide a list organized by customer ID numbers with the relevant tariff number or other demarcation that Chugach uses to identify the applicable tariff schedule.
- g. Please confirm if the monthly demand data by customer class provided in tab “Demand (kW) – Data” of the spreadsheet attachment to your response to REAP-CEA-1-1 shows coincident peak demand in each month. If not confirming, please explain.
- h. Does Chugach have monthly system coincident peak (kW) demand data for each active customer account (or meter) for the rate case test year of 2022? If so, please provide a list organized by customer ID numbers with the relevant monthly coincident peak demand data.
- i. If the answer to part (h) is No, please explain how the monthly demand data by customer class as shown in the “Demand (kW) – Data” tab of the spreadsheet attachment to your response to REAP-CEA-1-1 was developed, if not by summing individual customer data.
- j. Please confirm if the monthly demand data by customer class provided in tab “Determinants – Not filed” of the spreadsheet attachment to your response to REAP-CEA-1-1 shows non-coincident peak demand in each month. If not confirming, please explain.
- k. If the answer to part (j) is No, please explain how the monthly demand data by customer class as shown in the “Determinants – Not filed” tab of the spreadsheet attachment to your response to REAP-CEA-1-1 was developed, if not by summing individual customer data.

- l. Does Chugach have monthly non-coincident peak (kW) demand data for each active customer account (or meter) for the rate case test year of 2022? If so, please provide a list organized by customer ID numbers with the relevant monthly non-coincident peak demand data.
- m. Does Chugach have data for each active Chugach customer account showing the monthly customer charge for the rate case test year of 2022? If so, please provide a list organized by customer ID numbers with monthly customer charges.
- n. Does Chugach have data for each active Chugach customer account showing the Advanced Metering Infrastructure (“AMI”) metering status for that customer for the rate case test year of 2022? If so, please provide a list organized by customer ID numbers with AMI status.
- o. If the answers to any of REAP-CEA-2-1(a)-(d), (f), (h), (l), (m), or (n) are no, then for each No response, please explain why Chugach does not have this information about its customers. Also, for each such No response, please explain how Chugach can properly bill its customers without this information.

Response:

Person Supplying Information:

REAP-CEA-2-2:

Please refer to Chugach’s response to data request REAP-CEA-1-8(a), spreadsheet attachment “CEA02577 Marginal Cost_Analysis”.

The “MC Data” tab of this spreadsheet suggests that the source data for hourly marginal cost (in \$/MW) are contained in files “2022 Marginal Cost of Energy Summary Rev1.xlsx” and “2023 Forecast Energy Marginal Price Hourly Summary.xlsx”.

Please provide these two referenced spreadsheet files in native Excel format.

Response:

Person Supplying Information:

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STATE OF ALASKA

THE REGULATORY COMMISSION OF ALASKA

Before Commissioners:

Robert A. Doyle, Chairman
John Espindola
Keith Kurber II
Robert M. Pickett
Janis W. Wilson

In the Matter of the Tariff Revisions Designated as)
TA544-8 Filed by CHUGACH ELECTRIC) U-23-047
ASSOCIATION, INC.)

In the Matter of the Tariff Revisions Designated as)
TA422-121 Filed by CHUGACH ELECTRIC) U-23-048
ASSOCIATION, INC.)

**CHUGACH ELECTRIC ASSOCIATION, INC.’S RESPONSE TO
RENEWABLE ENERGY ALASKA PROJECT’S SECOND REQUEST FOR
DISCOVERY TO CHUGACH (REAP-CEA-2)**

Chugach Electric Association, Inc. (“Chugach”) hereby responds to Renewable Energy Alaska Project’s (“REAP”) **Second** Requests for Discovery, dated **December 18, 2023**.

All responses to discovery are prepared by Chugach in consultation with counsel. Documents identified as produced in response to these requests are Bates numbered and stored in an electronic document management sharefile site and a link will be provided to REAP and intervenors’ counsel, analysts, and consultants, as requested.

PRELIMINARY STATEMENT

As discovery proceeds, facts, information, evidence, documents, and other matters may be discovered which are not set forth in these responses, but which may be responsive to these discovery requests. Except as otherwise indicated, the following responses are complete based on Chugach’s current knowledge, information, and belief. Furthermore, these responses were prepared based on Chugach’s good faith interpretation of the discovery requests and are subject to correction for inadvertent errors or omissions, if any.

GENERAL OBJECTIONS

1
2 1. Chugach objects to requests for documents relating to confidential
3 settlement negotiations. Any and all answers Chugach provides in response to these discovery
4 requests will be provided subject to, and without waiving, this objection.

5 2. Chugach objects to the production of documents, calculations, and analyses
6 that do not exist. A document is not within a party's "possession, custody, or control" if it does
7 not exist.

8 3. Chugach objects to each and every discovery request to the extent that they
9 are vague, ambiguous, overbroad, unduly burdensome, or use terms that are subject to multiple
10 interpretations but are not properly defined or explained for purposes of these discovery requests.
11 Any and all answers Chugach provides in response to these discovery requests will be provided
12 subject to, and without waiving, this objection.

13 4. Chugach objects to each and every discovery request to the extent that it is
14 not reasonably calculated to lead to the discovery of admissible evidence and is not relevant to the
15 subject matter of this proceeding.

16 5. Chugach objects to providing information to the extent that such
17 information is already a matter of public record. The requesting party is not entitled to require
18 other parties to gather information that is equally available and accessible to it.

19 6. Chugach objects to each and every discovery request to the extent that it
20 seeks documents or information protected by the attorney-client privilege or the work product
21 privilege. Nothing contained in these responses is intended as, or shall in any way be deemed, a
22 waiver of any such privilege or protection, or any other applicable privilege or doctrine.

1 7. Chugach objects to the instructions contained in REAP's **Second** Requests
2 for Discovery. In responding to the requests, Chugach will abide by the Regulatory Commission
3 of Alaska's ("RCA" or "Commission") discovery regulations and, where applicable, the Alaska
4 Rules of Civil Procedure.

5 8. Chugach objects to the requests for identification of answering witnesses
6 and designation of hearing witnesses as part of the responses. All responses to discovery are
7 prepared by Chugach in consultation with counsel. Witnesses at hearing will be available for
8 cross-examination on their testimony. In accordance with Commission regulations, Chugach will
9 identify the persons supplying information for a particular response where appropriate.
10

11 **DISCOVERY RESPONSES**

12 **REAP-CEA-2-1.** Please refer to Chugach's response to data request REAP-CEA-
13 1-1.

14 Instructions:

15 (i) For your responses to REAP-CEA-2-1(a)-(d), (f), (h), (l), (m), or (n) below,
16 if Chugach is providing data organized by customer ID for any of these responses, please compile
17 the data for all these responses into a single spreadsheet organized by customer ID, to the extent
18 practicable. If not practicable, please provide the responses as individual spreadsheets.

19 (ii) If, for any of (a)-(d), (f), (h), (l), (m) or (n), responsive data is available only
20 for a partial set of customer accounts rather than for all customer accounts, please provide the
21 available partial information. If only a partial set of data is available for some customers, please
22 provide that partial set of data.
23

1 a. Does Chugach have data for each active Chugach customer account
2 showing the street address(es) at which that account takes electric service? If so, please provide a
3 list organized by customer ID numbers with street addresses.

4 b. Does Chugach have data for each active Chugach customer account
5 showing the ZIP code for the location at which that account takes electric service? If so, please
6 provide a list organized by customer ID numbers with ZIP codes.

7 c. Does Chugach have data for each active Chugach customer account
8 showing the Census Tract for the location at which that account takes electric service? If so, please
9 provide a list organized by customer ID numbers with Census Tracts.

10 d. Does Chugach have monthly kWh electricity consumption totals for each
11 Chugach customer account (by meter, if applicable) for the rate case test year of 2022 ? If so,
12 please provide a list organized by customer ID numbers with the monthly kWh electricity
13 consumption totals.

14 e. If the answer to part (d) is No, please explain how the monthly consumption
15 data by customer class as shown in the “Energy (kWh) – Data” tab of the spreadsheet attachment
16 to your response to REAP-CEA-1-1 was developed, if not by summing individual customer data.

17 f. Does Chugach have data showing which specific tariff rate schedule(s) each
18 customer was served under during the test year? If so, please provide a list organized by customer
19 ID numbers with the relevant tariff number or other demarcation that Chugach uses to identify the
20 applicable tariff schedule.

21 g. Please confirm if the monthly demand data by customer class provided in
22 tab “Demand (kW) – Data” of the spreadsheet attachment to your response to REAP-CEA-1-1

1 shows coincident peak demand in each month. If not confirming, please explain.

2 h. Does Chugach have monthly system coincident peak (kW) demand data for
3 each active customer account (or meter) for the rate case test year of 2022? If so, please provide
4 a list organized by customer ID numbers with the relevant monthly coincident peak demand data.

5 i. If the answer to part (h) is No, please explain how the monthly demand data
6 by customer class as shown in the “Demand (kW) – Data” tab of the spreadsheet attachment to
7 your response to REAP-CEA-1-1 was developed, if not by summing individual customer data.

8 j. Please confirm if the monthly demand data by customer class provided in
9 tab “Determinants – Not filed” of the spreadsheet attachment to your response to REAP-CEA-1-1
10 shows non-coincident peak demand in each month. If not confirming, please explain.

11 k. If the answer to part (j) is No, please explain how the monthly demand data
12 by customer class as shown in the “Determinants – Not filed” tab of the spreadsheet attachment to
13 your response to REAP-CEA-1-1 was developed, if not by summing individual customer data.

14 l. Does Chugach have monthly non-coincident peak (kW) demand data for
15 each active customer account (or meter) for the rate case test year of 2022? If so, please provide
16 a list organized by customer ID numbers with the relevant monthly non-coincident peak demand
17 data.

18 m. Does Chugach have data for each active Chugach customer account
19 showing the monthly customer charge for the rate case test year of 2022? If so, please provide a
20 list organized by customer ID numbers with monthly customer charges.

21 n. Does Chugach have data for each active Chugach customer account
22 showing the Advanced Metering Infrastructure (“AMI”) metering status for that customer for the
23

1 rate case test year of 2022? If so, please provide a list organized by customer ID numbers with
2 AMI status.

3 o. If the answers to any of REAP-CEA-2-1(a)-(d), (f), (h), (l), (m), or (n) are
4 no, then for each No response, please explain why Chugach does not have this information about
5 its customers. Also, for each such No response, please explain how Chugach can properly bill its
6 customers without this information.

7 **Response:** General Objection: Chugach objects to each of these requests to the
8 extent they seek new documents or analyses that do not exist or are beyond the scope of this matter,
9 overbroad, unduly burdensome, vague, ambiguous, or irrelevant. Without waiving those
10 objections, Chugach responds as follows:

11 a. See general objection. Yes. Chugach is verifying whether and how it can
12 provide the requested data, and will supplement this response.

13 b. See general objection. Yes. Chugach is verifying whether and how it can
14 provide the requested data, and will supplement this response.

15 c. No.

16 d. See general objection. Yes. Chugach is verifying whether and how it can
17 provide the requested data, and will supplement this response.

18 e. Not applicable.

19 f. See general objection. Yes. Chugach is verifying whether and how it can
20 provide the requested data, and will supplement this response.

21 g. Not confirmed. This data does not show the coincident peaks. It shows the
22 calendar adjusted amount of kW billed under the respective tariff service.

1 h. See general objection. Yes, for customers whose demand was metered and
2 stored. Chugach is verifying whether and how it can provide the requested data, and will
3 supplement this response.

4 i. Not applicable

5 j. Not confirmed. This data does not show the non-coincident peaks. It shows
6 the calendar adjusted amount of kW billed under the respective tariff service.

7 k. The total billed demand is calculated by summing individual customer data.

8 l. See general objection. Yes, for customers whose demand was metered and
9 stored. Chugach is verifying whether and how it can provide the requested data, and will
10 supplement this response.

11 m. See general objection. Yes. Chugach is verifying whether and how it can
12 provide the requested data, and will supplement this response.

13 n. See general objection. Yes. Chugach is verifying whether and how it can
14 provide the requested data, and will supplement this response.

15 o. See responses above.

16 **Person(s) Supplying Information:** Jean Kornmuller, Counsel

17
18 **REAP-CEA-2-2.** Please refer to Chugach’s response to data requests REAP-
19 CEA-1-8(a), spreadsheet attachment “CEA02577 Marginal Cost Analysis”. The “MC Data” tab
20 of this spreadsheet suggests that the source data for hourly marginal cost (in \$/MW) are contained
21 in files “2022 Marginal Cost of Energy Summary Rev1.xlsx” and “2023 Forecast Energy Marginal
22
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1 Price Hourly Summary.xlsx”. Please provide these two referenced spreadsheet files in native Excel
2 format.

3 **Response:** Please see the attached excel files Bates numbered **CEA03688** and
4 **CEA03689**.

5 **Person(s) Supplying Information:** Carl R. Peterson

6
7 DATED this 28th day of December, 2023, at Anchorage, Alaska.

8 KEMPEL, HUFFMAN AND ELLIS, P.C.
9 Counsel for Chugach Electric Association, Inc.

10 By: /s/ Dean D. Thompson
11 Dean D. Thompson, AK Bar No. 9810049
12 255 E. Fireweed Lane, Suite 200
13 Anchorage, Alaska 99503
14 Telephone: (907) 277 1604
15 Facsimile: (907) 276 2493
16 E-mail: ddt@khe.com

CERTIFICATE OF SERVICE

I hereby certify that on December 28th, 2023, after 5 p.m., a copy of the foregoing document was served on the following persons by electronic means authorized by the RCA.

KEMPEL, HUFFMAN AND ELLIS, P.C.

By: /s/ Jewel L. Diaz

Legal Assistant

AG/RAPA

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GVEA

Adam Lawney adam@mrg-law.com

CHUGACH ELECTRIC ASSOCIATION, INC.'S RESPONSE TO REAP'S
SECOND REQUEST FOR DISCOVERY TO CHUGACH (REAP-CEA-2)

Dockets U-23-047 and U-23-048

December 28, 2023

Page 9 of 10

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23
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25 CHUGACH ELECTRIC ASSOCIATION, INC.'S RESPONSE TO REAP'S
26 SECOND REQUEST FOR DISCOVERY TO CHUGACH (REAP-CEA-2)
Dockets U-23-047 and U-23-048
December 28, 2023
Page 10 of 10

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STATE OF ALASKA

THE REGULATORY COMMISSION OF ALASKA

Before Commissioners:

Robert A. Doyle, Chairman
John Espindola
Keith Kurber II
Robert M. Pickett
Janis W. Wilson

In the Matter of the Tariff Revisions Designated as)
TA544-8 Filed by CHUGACH ELECTRIC) U-23-047
ASSOCIATION, INC.)

In the Matter of the Tariff Revisions Designated as)
TA422-121 Filed by CHUGACH ELECTRIC) U-23-048
ASSOCIATION, INC.)

**CHUGACH ELECTRIC ASSOCIATION, INC.’S SUPPLEMENTAL RESPONSES
TO RENEWABLE ENERGY ALASKA PROJECT’S
SECOND REQUEST FOR DISCOVERY (REAP-CEA-2)**

Chugach Electric Association, Inc. (“Chugach”) hereby provides supplemental responses Renewable Energy Alaska Project’s (“REAP”) **Second** Requests for Discovery, dated **December 18, 2023**. All responses to discovery are prepared by Chugach in consultation with counsel. Documents identified as produced in response to these requests are Bates numbered and stored in an electronic document management sharefile site and a link will be provided to REAP and intervenors’ counsel, analysts, and consultants, as requested.

PRELIMINARY STATEMENT

As discovery proceeds, facts, information, evidence, documents, and other matters may be discovered which are not set forth in these responses, but which may be responsive to these discovery requests. Except as otherwise indicated, the following responses are complete based on Chugach’s current knowledge, information, and belief. Furthermore, these responses were prepared based on Chugach’s good faith interpretation of the discovery requests and are subject to correction for inadvertent errors or omissions, if any.

GENERAL OBJECTIONS

1
2 1. Chugach objects to requests for documents relating to confidential
3 settlement negotiations. Any and all answers Chugach provides in response to these discovery
4 requests will be provided subject to, and without waiving, this objection.

5 2. Chugach objects to the production of documents, calculations, and analyses
6 that do not exist. A document is not within a party's "possession, custody, or control" if it does
7 not exist.

8 3. Chugach objects to each and every discovery request to the extent that they
9 are vague, ambiguous, overbroad, unduly burdensome, or use terms that are subject to multiple
10 interpretations but are not properly defined or explained for purposes of these discovery requests.
11 Any and all answers Chugach provides in response to these discovery requests will be provided
12 subject to, and without waiving, this objection.

13 4. Chugach objects to each and every discovery request to the extent that it is
14 not reasonably calculated to lead to the discovery of admissible evidence and is not relevant to the
15 subject matter of this proceeding.

16 5. Chugach objects to providing information to the extent that such
17 information is already a matter of public record. The requesting party is not entitled to require
18 other parties to gather information that is equally available and accessible to it.

19 6. Chugach objects to each and every discovery request to the extent that it
20 seeks documents or information protected by the attorney-client privilege or the work product
21 privilege. Nothing contained in these responses is intended as, or shall in any way be deemed, a
22 waiver of any such privilege or protection, or any other applicable privilege or doctrine.

1 7. Chugach objects to the instructions contained in REAP’s **Second** Requests
 2 for Discovery. In responding to the requests, Chugach will abide by the Regulatory Commission
 3 of Alaska’s (“RCA” or “Commission”) discovery regulations and, where applicable, the Alaska
 4 Rules of Civil Procedure.

5 8. Chugach objects to the requests for identification of answering witnesses
 6 and designation of hearing witnesses as part of the responses. All responses to discovery are
 7 prepared by Chugach in consultation with counsel. Witnesses at hearing will be available for
 8 cross-examination on their testimony. In accordance with Commission regulations, Chugach will
 9 identify the persons supplying information for a particular response where appropriate.
 10

11 **DISCOVERY RESPONSES**

12 **REAP-CEA-2-1.** Please refer to Chugach’s response to data request REAP-CEA-
 13 1-1.

14 Instructions:

15 (i) For your responses to REAP-CEA-2-1(a)-(d), (f), (h), (l), (m), or (n) below,
 16 if Chugach is providing data organized by customer ID for any of these responses, please compile
 17 the data for all these responses into a single spreadsheet organized by customer ID, to the extent
 18 practicable. If not practicable, please provide the responses as individual spreadsheets.

19 (ii) If, for any of (a)-(d), (f), (h), (l), (m) or (n), responsive data is available only
 20 for a partial set of customer accounts rather than for all customer accounts, please provide the
 21 available partial information. If only a partial set of data is available for some customers, please
 22 provide that partial set of data.
 23

1 a. Does Chugach have data for each active Chugach customer account
2 showing the street address(es) at which that account takes electric service? If so, please provide a
3 list organized by customer ID numbers with street addresses.

4 b. Does Chugach have data for each active Chugach customer account
5 showing the ZIP code for the location at which that account takes electric service? If so, please
6 provide a list organized by customer ID numbers with ZIP codes.

7 c. Does Chugach have data for each active Chugach customer account
8 showing the Census Tract for the location at which that account takes electric service? If so, please
9 provide a list organized by customer ID numbers with Census Tracts.

10 d. Does Chugach have monthly kWh electricity consumption totals for each
11 Chugach customer account (by meter, if applicable) for the rate case test year of 2022 ? If so,
12 please provide a list organized by customer ID numbers with the monthly kWh electricity
13 consumption totals.

14 e. If the answer to part (d) is No, please explain how the monthly consumption
15 data by customer class as shown in the “Energy (kWh) – Data” tab of the spreadsheet attachment
16 to your response to REAP-CEA-1-1 was developed, if not by summing individual customer data.

17 f. Does Chugach have data showing which specific tariff rate schedule(s) each
18 customer was served under during the test year? If so, please provide a list organized by customer
19 ID numbers with the relevant tariff number or other demarcation that Chugach uses to identify the
20 applicable tariff schedule.

21 g. Please confirm if the monthly demand data by customer class provided in
22 tab “Demand (kW) – Data” of the spreadsheet attachment to your response to REAP-CEA-1-1

1 shows coincident peak demand in each month. If not confirming, please explain.

2 h. Does Chugach have monthly system coincident peak (kW) demand data for
3 each active customer account (or meter) for the rate case test year of 2022? If so, please provide
4 a list organized by customer ID numbers with the relevant monthly coincident peak demand data.

5 i. If the answer to part (h) is No, please explain how the monthly demand data
6 by customer class as shown in the “Demand (kW) – Data” tab of the spreadsheet attachment to
7 your response to REAP-CEA-1-1 was developed, if not by summing individual customer data.

8 j. Please confirm if the monthly demand data by customer class provided in
9 tab “Determinants – Not filed” of the spreadsheet attachment to your response to REAP-CEA-1-1
10 shows non-coincident peak demand in each month. If not confirming, please explain.

11 k. If the answer to part (j) is No, please explain how the monthly demand data
12 by customer class as shown in the “Determinants – Not filed” tab of the spreadsheet attachment to
13 your response to REAP-CEA-1-1 was developed, if not by summing individual customer data.

14 l. Does Chugach have monthly non-coincident peak (kW) demand data for
15 each active customer account (or meter) for the rate case test year of 2022? If so, please provide
16 a list organized by customer ID numbers with the relevant monthly non-coincident peak demand
17 data.

18 m. Does Chugach have data for each active Chugach customer account
19 showing the monthly customer charge for the rate case test year of 2022? If so, please provide a
20 list organized by customer ID numbers with monthly customer charges.

21 n. Does Chugach have data for each active Chugach customer account
22 showing the Advanced Metering Infrastructure (“AMI”) metering status for that customer for the
23

1 rate case test year of 2022? If so, please provide a list organized by customer ID numbers with
2 AMI status.

3 o. If the answers to any of REAP-CEA-2-1(a)-(d), (f), (h), (l), (m), or (n) are
4 no, then for each No response, please explain why Chugach does not have this information about
5 its customers. Also, for each such No response, please explain how Chugach can properly bill its
6 customers without this information.

7 **Initial Response (12/28/23):** General Objections: Chugach objects to each of
8 these requests to the extent they seek new documents or analyses that do not exist or are beyond
9 the scope of this matter, overbroad, unduly burdensome, vague, ambiguous, or irrelevant. Without
10 waiving those objections, Chugach responds as follows:

11 a. Yes. Chugach is verifying whether and how it can provide the requested
12 data, and will supplement this response.

13 b. See general objection. Yes. Chugach is verifying whether and how it can
14 provide the requested data, and will supplement this response.

15 c. No.

16 d. See general objection. Yes. Chugach is verifying whether and how it can
17 provide the requested data, and will supplement this response.

18 e. Not applicable.

19 f. See general objection. Yes. Chugach is verifying whether and how it can
20 provide the requested data, and will supplement this response.

21 g. Not confirmed. This data does not show the coincident peaks. It shows the
22 calendar adjusted amount of kW billed under the respective tariff service.

1 h. See general objection. Yes, for customers whose demand was metered and
2 stored. Chugach is verifying whether and how it can provide the requested data, and will
3 supplement this response.

4 i. Not applicable

5 j. Not confirmed. This data does not show the non-coincident peaks. It shows
6 the calendar adjusted amount of kW billed under the respective tariff service.

7 k. The total billed demand is calculated by summing individual customer data.

8 l. See general objection. Yes, for customers whose demand was metered and
9 stored. Chugach is verifying whether and how it can provide the requested data, and will
10 supplement this response.

11 m. See general objection. Yes. Chugach is verifying whether and how it can
12 provide the requested data, and will supplement this response.

13 n. See general objection. Yes. Chugach is verifying whether and how it can
14 provide the requested data, and will supplement this response.

15 o. See responses above.

16 **Person(s) Supplying Information:** Jean Kornmuller, Counsel

17 **Supplemental Response (1/22/24):** Objections: Chugach objects to each of these
18 requests to the extent they (1) seek new documents or analyses that do not exist, (2) seek private,
19 personal, identity-related, or financial information about Chugach’s members; or (3) are beyond
20 the scope of this matter, overbroad, unduly burdensome, vague, ambiguous, or irrelevant. Without
21 waiving those objections, Chugach responds as follows:
22
23
24

- 1 a. Yes. See objections above.
- 2 b. Yes. See objections above.
- 3 c. No.
- 4 d. Yes. See objections above.
- 5 e. Not applicable.
- 6 f. Yes. See objections above.
- 7
- 8 g. Not confirmed. This data does not show the coincident peaks. It shows the
9 calendar adjusted amount of kW billed under the respective tariff service.
- 10 h. Yes, for customers whose demand was metered and stored. See objections
11 above.
- 12 i. Not applicable
- 13 j. Not confirmed. This data does not show the non-coincident peaks. It shows
14 the calendar adjusted amount of kW billed under the respective tariff service.
- 15 k. The total billed demand is calculated by summing individual customer data.
- 16 l. Yes, for customers whose demand was metered and stored. See objections
17 above.
- 18 m. Yes, for customers whose demand was metered and stored. See objections
19 above.
- 20
- 21 n. Yes, for customers whose demand was metered and stored. See objections
22 above.
- 23 o. Chugach does not determine or record the census tracts of the service
24 locations of its members.

Person(s) Supplying Information: Jean Kornmuller, Counsel

DATED this 22nd day of January, 2024, at Anchorage, Alaska.

KEMPPPEL, HUFFMAN AND ELLIS, P.C.
Counsel for Chugach Electric Association, Inc.

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CHUGACH ELECTRIC ASSOCIATION, INC.'S SUPPLEMENTAL RESPONSE
TO REAP'S SECOND REQUEST FOR DISCOVERY (REAP-CEA-2)

Dockets U-23-047 and U-23-048

January 22, 2024

Page 9 of 11

E x h i b i t 6 ,

CERTIFICATE OF SERVICE

I hereby certify that on January 22, 2024, after 5 p.m., a copy of the foregoing document was served on the following persons by electronic means authorized by the RCA.

KEMPEL, HUFFMAN AND ELLIS, P.C.
By: /s/ Dean D. Thompson

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CHUGACH ELECTRIC ASSOCIATION, INC.'S SUPPLEMENTAL RESPONSE
TO REAP'S SECOND REQUEST FOR DISCOVERY (REAP-CEA-2)

Dockets U-23-047 and U-23-048

January 22, 2024

Page 10 of 11

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27 CHUGACH ELECTRIC ASSOCIATION, INC.'S SUPPLEMENTAL RESPONSE
28 TO REAP'S SECOND REQUEST FOR DISCOVERY (REAP-CEA-2)

29 Dockets U-23-047 and U-23-048

30 January 22, 2024

31 Page 11 of 11

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

* * * * *

In the matter, on the Commission’s own motion,)	
regarding the regulatory reviews, revisions,)	
determinations, and/or approvals necessary for)	Case No. U-20876
DTE ELECTRIC COMPANY to fully comply with)	
Public Act 295 of 2008, as amended by Public Act)	
342 of 2016.)	
_____)	

At the January 20, 2022 meeting of the Michigan Public Service Commission in Lansing, Michigan.

PRESENT: Hon. Daniel C. Scripps, Chair
Hon. Tremaine L. Phillips, Commissioner

ORDER APPROVING SETTLEMENT AGREEMENT

On June 30, 2021, DTE Electric Company (DTE Electric) filed an application, with supporting testimony and exhibits, requesting approval of its proposed two-year energy waste reduction (EWR) plan for calendar years 2022-2023 and authority to implement EWR surcharges pursuant to MCL 460.1073.

A prehearing conference was held on August 12, 2021, before Administrative Law Judge Dennis W. Mack (ALJ), at which the ALJ granted intervention to the Michigan Department of Attorney General, the Natural Resources Defense Council, the National Housing Trust, the Sierra Club, the Ecology Center, the Association of Businesses Advocating Tariff Equity, and Energy Michigan. The Commission Staff also participated in the proceeding. Subsequently, the parties filed a settlement agreement resolving all issues in the case.

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

In the matter, on the Commission’s own motion,)
 regarding the regulatory reviews, revisions,) Case No. U-20876
 determinations, and/or approvals necessary for DTE) (Paperless e-file)
ELECTRIC COMPANY to fully comply with Public Act)
295 of 2008, as amended by Public Act 342 of 2016.)

STIPULATION AND SETTLEMENT AGREEMENT

Pursuant to Section 78 of the Administrative Procedures Act of 1969 (“APA”), as amended, MCL 24.278 and Rule 333 of the Rules of Practice and Procedure before the Michigan Public Service Commission (“MPSC” or “Commission”), the undersigned parties agree as follows:

WHEREAS, This Stipulation and Settlement Agreement (“Settlement Agreement”) between DTE Electric Company (“DTE Electric” or “Company”), Michigan Attorney General (“AG”), Natural Resources Defense Council (“NRDC”), National Housing Trust (“NHT”), Sierra Club (“SC”), the Ecology Center (“EC”), the Association of Businesses Advocating Tariff Equity (“ABATE”), Energy Michigan, Inc. (“Energy Michigan), and the Michigan Public Service Commission Staff (“Staff”) (collectively, the “Parties”), is intended by the Parties as a final settlement and satisfaction of all issues before the Commission in the biennial review of DTE Electric’s 2022-2023 Energy Waste Reduction (“EWR”) Plan.

WHEREAS, On November 19, 2020, the Commission issued an Order in Case No. U-20876 requiring DTE Electric to file its EWR Plan by July 1, 2021.

WHEREAS, DTE Electric filed its application, with supporting testimony and exhibits, requesting approval of its EWR Plan on June 30, 2020, pursuant to the Commission’s Order and the requirements of Act 295, as amended by Act 342. Revised testimony was filed on August 10, 2021 and September 29, 2021.

WHEREAS, on July 9, 2021, the Commission directed DTE Electric to publish a notice of hearing in newspapers of general circulation in DTE Electric's service territory. A prehearing conference was conducted on August 12, 2021, at which a procedural schedule was adopted, and DTE, AG, NRDC, NHT, SC, EC, ABATE, Energy Michigan, and Commission Staff appeared as Parties participating in this case.

WHEREAS, the Parties have agreed to enter into a full settlement of this case, and request that the Commission enter an order accepting and approving DTE Electric's EWR Plan subject to the modifications as set forth in this Settlement Agreement.

NOW THEREFORE, for purposes of settlement of Case No. U-20876, the Parties agree as follows:

1. The Parties agree that the Company's filed 2022-2023 EWR Plan should be approved in its entirety, including the Company's revised testimony, except as modified by this Settlement Agreement and the attachments to this Settlement Agreement.

2. *EWR Capitalization.* DTE Electric agrees to discontinue capitalizing any new EWR program costs in the 2022 and 2023 EWR plan years.

3. *Payment Stability Plan (PSP).* DTE Electric will offer EWR customers participating in the PSP a home assessment within the defined budget of \$1,225,000 for combined electric and gas fuel types per year. DTE Electric will track and report on EWR income qualified single family and multifamily participation in the PSP, specifically property type (single family vs. multifamily), number of customers served, geographic distribution by census tract, measures recommended, measures installed, incentive amounts, deemed average electric savings per customer, and number of walkaways (referrals to Health and Safety Pilot). DTE Electric will identify clusters of income qualified multifamily tenants and reach out to landlords regarding

opportunities to participate, as applicable. All data collection of customers will comply with current Commission data and privacy regulations. All data collection is subject to future Commission regulation on the collection, storage, and dissemination of customer information whether individual or in aggregate.

4. *Income Qualified Program Investment.* DTE Electric will increase investment in the Company's Income Qualified Multifamily Program relative to its filed plan by three million dollars (\$3,000,000) in 2022 and five million dollars (\$5,000,000) in 2023. These dollars will be shifted from non-income qualified programs and is not intended to increase the total planned budget proposed in the initial filed plan.

5. *Income Qualified Health and Safety Pilot.* DTE Electric will continue the Income Qualified Health and Safety Pilot per the Settlement Agreement detailed in MPSC Case No. U-20373, including agreements for single-family and multifamily spend allocations.

6. *Healthy Building Materials.* DTE Electric will provide training, education, and make recommendations on the use of healthy insulation and air-sealing materials for contractors. Specifically, DTE Electric will refer contractors to the EEFA Guide to Healthier Materials report¹ and the Blue Green Alliance Building Clean Guide², and will specifically include the following recommendations:

- a. Healthy Insulation materials:³
 - i. Reduce use of spray foam insulation, polystyrene, or polyisocyanurate, mineral wool bats and boards; and

¹ [A Guide To Healthier Upgrade Materials](#)

² [Building Clean | Supercharging Energy Efficiency Retrofits](#)

³ [A Guide To Healthier Upgrade Materials](#), p. 42-49; [Building Clean – Insulation](#)

- ii. Prioritize healthier alternatives including cellulose based or fiberglass insulation
- b. Healthy Air sealant materials:⁴
 - i. Reduce use of polyurethane, modified polymer sealants; and
 - ii. Prioritize healthier alternatives including acrylic sealants & noncombustible sodium silicate

Beginning no later than March 1, 2022 and continuing through the end of the 2023 plan, DTE Electric will track and report on the materials used in the Energy Efficiency Assistance (EEA), Income Qualified Multifamily, and Audit & Weatherization programs. Following the above data collection, DTE Electric will meet with the Parties by Q2 2023 to determine pathways (including possible incentives) for incorporating healthier materials in the 2024 plan year. All data collection of customers will comply with current Commission data and privacy regulations. All data collection is subject to future Commission regulation on the collection, storage, and dissemination of customer information whether individual or in aggregate.

7. *Performance Incentive Mechanism.* The metrics associated with the Performance Incentive Mechanism (“PIM”) will be as set forth in Attachment A of this Settlement Agreement.

8. *Workforce Development.* DTE Electric will implement a workforce development and mentorship initiative that will have an emphasis on diversity, equity, and inclusion as described in the vendor’s scope of work. The goal of the initiative includes, but is not limited to, providing assistance (including funding) for certifications and training, promoting practices that recruit an inclusive network of contractors, and bolstering participating contractor engagement. This will be done while identifying and addressing any barriers to success and promoting growth

⁴ [A Guide To Healthier Upgrade Materials](#), p. 50-54; [Building Clean – Sealants](#)

and educating stakeholders on the benefits of the Company's EWR programs. DTE Electric will include updates within the EWR annual reconciliations.

In addition, DTE Electric will provide regular opportunities for contractors to obtain the Healthy Home Evaluator certification as part of the Company's Building Performance Institute (BPI) certification trainings. DTE Electric will target assessors for income qualified programs to provide them with Healthy Home Evaluator certification training.

9. *EWR Supplier Diversity Reporting.* DTE Electric will report on supplier diversity spend in its EWR annual reconciliations. Specifically, DTE Electric will include the dollar and percentage spent with minority and/or women owned businesses and number of diverse suppliers.

10. *Geographic Targeting.*

- a. DTE Electric will conduct three studies that will inform the prioritization of certain census tracts or neighborhoods for EWR assistance and a plan for increasing participation in these areas. The intended improvements for the selected areas are (1) increased participation in EEA and/or income qualified multi-family programs in identified areas, supporting bill reduction, health, safety, and comfort benefits to participating households; (2) partnering agencies and/or contractors identify customers in these areas who need air sealing and insulation and are able to provide those measures as needed; (3) energy auditors working in these areas are provided education on identifying health and safety hazards such as wiring issues, mold, lead, and asbestos and to communicate the presence and impact of the hazards to the occupant; and (4) partnering agencies and/or contractors working in these areas are supported by DTE Electric in

identifying place-based, or other, opportunities to leverage funding from other federal, state, and/or private sources.

- b. The three studies referenced in 10(a) above include the following:
 - i. DTE Electric will conduct a Low-Income Needs Assessment (LINA) to provide deeper insights into income qualified EWR program offerings. This research will seek to quantify the historic coverage of existing low-income energy programs, identify gaps in coverage, characterize the eligible population, and consider prioritization scenarios for future program delivery. Prioritization includes criteria such as energy burden, age, disability, language barriers, race, ethnicity, property type (single family vs. multifamily), and poverty level. DTE Electric will include a prioritization scenario based on vulnerability characteristics identified in the Colton and Lewis testimony filed in this docket, to be further defined at a meeting DTE Electric will convene between all interested Parties and the vendor no later than Q1 2022. This research will also provide prioritization scenario results by multifamily, single family, and combined multifamily and single family. All data collection of customers will comply with current Commission data and privacy regulations. All data collection is subject to future Commission regulation on the collection, storage, and dissemination of customer information whether individual or in aggregate.
 - ii. DTE Electric will conduct Residential HVAC Detection and Usage Intensity Scoring research to identify electrically heated properties based on the Company's AMI data. The objective of this study will be to classify

residential customers as having electric space heating and air conditioning or not, and for those with each HVAC end use, to disaggregate their seasonal load shape to baseload, space heating, and air conditioning and score them on their usage intensity compared with their peers. DTE Electric will append results from the Residential HVAC Detection and Usage Intensity Scoring research with the LINA.

- iii. Results from the Residential HVAC Detection and Usage Intensity Scoring research and LINA will support an additional study based on targeted customer, contractor, and community action agency research using a rewards framework to develop an implementation strategy for targeting income-eligible households for Energy Efficiency Assistance (EEA) and multifamily services. DTE Electric will work with stakeholders to identify the research topics that will guide the focus of the outreach content.
- c. Key goals of the research above will be to determine (a) which geographic areas should be prioritized; (b) whether a neighborhood-based approach or household-focused approach focused on a specific geographic region (or some combination of the two) is likely to be more effective at achieving the improvements intended in paragraph 10(a) above; and (c) to specify how best to select households and determine the range of measures to be provided.
- d. DTE Electric will publicly share its summary of the results of its research. All research will comply with current customer data and privacy Commission regulations. All data collection is subject to current and future Commission

regulation on the collection, storage, and dissemination of customer information whether individual or in aggregate.

- e. In consultation with stakeholders, DTE Electric will develop an implementation strategy for a geographic targeting initiative that reflects insights gained through the above research and advances the objectives outlined in paragraph 10(a) above. Program offerings may be tailored based on a combination of considerations including energy burden, health and safety issues, income, etc. A budget of up to one million dollars (\$1,000,000) will be allocated between electric and gas in 2023 to implement the geographic targeting recommendations. See Attachment B for additional details.
- f. As specified further in Attachment B, DTE Electric will notify the Parties when each stage of the research is complete and meet to discuss the findings and any necessary follow-up. All research will comply with current Commission customer data and privacy regulations. All research that includes data collection is subject to current and future Commission regulation on the collection, storage, and dissemination of customer information whether individual or in aggregate.

11. *Demographic Data Collection.* DTE Electric will append demographic data from third-party sources to EEA and Income Qualified Multifamily participation data. When possible, DTE Electric will survey customers to collect primary demographic data. Demographic data may include, but are not limited to, income, race, ethnicity, renter status, number of units in apartment buildings, census tract, housing age, and other relevant census data.

In addition, DTE Electric will track and report demographic data for participants in all income-qualified programs. For reporting, data will be aggregated rather than attributed to individual households. Data points to track include:

- a. Voluntary information during post-participation survey. These data will be supplemented by census data and other sources.
 - i. Income
 - ii. Race
 - iii. Ethnicity
- b. Required information on application or during program participation
 - i. Renter status (renter/owner)
 - ii. Number of apartments in the building (or single family)
 - iii. Affordable housing type (public, subsidized, or unsubsidized)
- c. Participant information that DTE Electric can determine on its own and publicly report
 - i. Census Tract
 - ii. Age of home/property (this could also be requested from applicants)
 - iii. (The number of homes treated in each Census Tract for income qualified participants should be reported out to stakeholders alongside demographic information for that Census Tract, such as income, race, and ethnicity.)
 - iv. The number of homes treated in each Census Tract for residential participants

- d. For customer validated by DTE Electric, the Company will collect housing type information (i.e., single family vs. multifamily) from customers applying for energy assistance including PSP and SPP.
- e. Collect and report total customer count for EWR participants enrolled in LSP and SPP.
- f. All data collection of customers, delineated in item 11.a. through e., will comply with current Commission data and privacy regulations. All data collection is subject to future Commission regulation on the collection, storage, and dissemination of customer information whether individual or in aggregate.

12. *Income Qualified Multi-Family Data Analysis.* DTE Electric will monitor the data tracked in Section 11, and in compliance with all current and future Commission customer information data privacy regulation, to:

- a. Look for opportunities to identify multifamily buildings that house multiple households struggling to pay their energy bills or that are otherwise underserved;
- b. Identify patterns indicating which types of properties may be underserved (e.g. electrically heated properties, unsubsidized, or smaller properties); and
- c. Explore whether there are strategies (e.g., marketing) that may lead to more underserved properties participating in the program, which may include receiving health and safety upgrades.

13. *Income Qualified Multifamily Electric Heat Measures.* DTE Electric will endeavor to maximize adoption of all applicable major electric heat measures (cold climate heat pumps, heat

pump water heaters, air sealing and insulation upgrades) in electrically heated multi-family buildings.

14. *Income Qualified Multifamily Energy Audits.* DTE Electric will target past LIHTC applicants to offer an ASHRAE Level II energy audit to projects that meet the program's criteria for participation. DTE Electric may choose to limit ASHRAE Level II Audits to 15 per year.

15. *Additional Funding Sources.* DTE Electric will track and report on current and on-going collaborations and efforts to leverage additional funding sources from federal, state, and/or private sources for EEA participants.

16. *Income Qualified Multifamily reporting.* DTE will continue reporting on items per the settlement agreement in Case No. U-20373 Section 1, Attachment B. Parties will convene in Q1 of 2022 to align on reporting items. Reporting of items are subject to modifications based upon agreement of the parties. Data collection, reporting and dissemination will comply with any current or future Commission data and privacy regulations.

17. *Behavior Savings.* DTE Electric will limit behavior savings as a percentage of the residential portfolio to a maximum of 25% for 2022 and 2023.

18. *Plan Amendment Threshold Requirements.* DTE Electric shall seek an amendment of the Plan if the Company intends to exceed the approved Plan budget by more than 5%.

19. *Non-Wires Alternative.* DTE Electric will continue any current Non-Wire Alternative Pilots that were established in Case No. U-18262. Any funding for this pilot from EWR surcharge collections will only be utilized to implement EWR measures required to continue these pilots.

20. *Commercial Refrigerant Pilot.* DTE Electric will launch a pilot program to help grocery stores and other commercial customers reduce leaks from refrigeration systems, as well as

evaluating switching from refrigerants like hydrofluorocarbons (HFCs) with extremely high global warming potential to much lower polluting refrigerants like carbon dioxide. The pilot will be designed to assess the magnitude of the opportunity for achieving energy savings from leak repairs and from changing out hydrofluorocarbons to lower greenhouse gas emissions, barriers to such projects and strategies for overcoming them, and costs of such projects.

21. *On-Bill Repayment.* Not later than Q4 2022, DTE Electric will provide to the parties a report presenting and supporting estimated IT/billing costs for DTE Electric to implement on-bill repayment programs for both gas and electric customers. Cost estimates will be based on at least two options, one of which shall be based on DTE Electric working with third-party loan servicing with DTE Electric only responsible for bill presentation, payment receipt, and disbursement of received payments to the third party. DTE Electric will afford the parties an opportunity to comment on the scope and assumptions to be used in developing these cost estimates.

22. *Reporting.* DTE Electric will develop and make available a Microsoft SharePoint or similar site that provides access to all reporting items mentioned in Attachment C. Stakeholders will be notified when new content is added. DTE Electric will respond to any inquiries about reported items and/or host at least two meetings per year with stakeholders. Additional meetings and materials will be held with the EWR Collaborative and EWR Low-Income Workgroup, and/or Energy Affordable and Accessibility Collaborative upon request. DTE Electric will provide status updates on items included within this settlement agreement within its annual reconciliation filings. Customer data and information provided on this SharePoint (or similar site that provides access to any reporting items) will comply with current Commission data and privacy regulations. All data collection is subject to future Commission regulation on the collection, storage, and dissemination

of customer information whether individual or in aggregate. Although the information reported on this site may only be accessed by Stakeholders, the information will be considered public for purposes of the Company compliance with current and future Commission customer data privacy regulations.

23. *Preliminary 2024-2025 EWR Plan Filing Conference.* DTE Electric will consult with interested stakeholders and Staff regarding the budgets, savings targets, programs and other key elements of its 2024 and 2025 electric and gas EWR plans prior to filing of the plans. The consultations will begin early enough in 2024 to allow for the potential for reaching agreement on key issues prior to the plan filing.

24. The Parties agree that DTE Electric will begin to charge the 2022-2023 EWR base rates proposed in this Plan effective with bills rendered in February 2022. The total EWR charge implemented will consist of the base rate and the 2020 performance incentive component approved in Case No. U-20866 (Order dated September 24, 2021), as set forth in Attachment D. Actual revenues and costs will be included in the annual reconciliation.

25. This Settlement Agreement is entered into for the sole and express purpose of reaching a compromise among the Parties. All offers of settlement and discussions relating to this Settlement Agreement are considered privileged under MRE 408. If the Commission approves this Settlement Agreement without modification, neither the Parties to this settlement nor the Commission shall make any reference to, or use this Settlement Agreement or the order approving it, as a reason, authority, rationale, or example for taking any action or position or making any subsequent decision in any other case or proceeding; provided however, such references may be made to enforce or implement the terms of the Settlement Agreement and the order approving it.

26. This Settlement Agreement is not severable. Each provision of this Settlement Agreement is dependent upon all other provisions of this Settlement Agreement, including the attachments. Failure to comply with any provision of this Settlement Agreement, including commitments phrased in firm language (such as “shall” or “will”) in the attachments, constitutes failure to comply with the entire Settlement Agreement. If the Commission rejects or modifies this Settlement Agreement, this Settlement Agreement shall be deemed to be withdrawn, and shall not constitute any part of the record in this proceeding or be used for any other purpose and shall not operate to prejudice the pre-negotiation positions of any party.

27. This Settlement Agreement is reasonable and in the public interest and will reduce the time and expense of the Commission, its Staff, and the Parties.

28. The Parties agree to waive Section 81 of 1969 PA 306 (MCL 24.281), as it applies to the issues in this proceeding, if the Commission approves this Settlement Agreement without modification.

29. This Settlement Agreement may be executed in any number of counterparts, each considered an original, and all counterparts that are executed shall have the same effect as if they were the same instrument.

IN WITNESS WHEREOF, the Parties have caused this Settlement Agreement to be duly executed by their respective duly authorized officers as of the date first written below.

DTE ELECTRIC COMPANY

By: David S. Maquera Digitally signed by David S. Maquera
Date: 2021.12.20 16:12:30 -05'00'
David S. Maquera (P66228)
Carlton D. Watson (P77857)
DTE Electric Company
One Energy Plaza, Detroit, MI 48226
(313) 235-3724

Dated: December 21, 2021

MICHIGAN PUBLIC SERVICE COMMISSION STAFF

2021.12.17



12:19:17

-05'00'

By: _____

Dated: _____, 2021

Spencer A. Sattler (P70524)
Benjamin J. Holwerda (P82110)
Assistant Attorney General
7109 West Saginaw Hwy, 3rd Fl
Lansing, MI 48917
(517) 241-6680

SIERRA CLUB

By: _____

Dated: _____, 2021

Elena Saxonhouse
Managing Attorney
Sierra Club Environmental Law Program
2101 Webster St., Suite 1300
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Lydia Barbash-Riley (P81075)
Christopher M. Bzdok (P53094)
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Cassandra R. McCrae
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Philadelphia, PA 19103

MICHIGAN PUBLIC SERVICE COMMISSION STAFF

By: _____
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Benjamin J. Holwerda (P82110)
Assistant Attorney General
7109 West Saginaw Hwy, 3rd Fl
Lansing, MI 48917
(517) 241-6680

Dated: _____, 2021

SIERRA CLUB

By:  _____
Elena Saxonhouse
Managing Attorney
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2101 Webster St., Suite 1300
Oakland, CA 94612


Dated: December 17, 2021

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420 E. Front Street
Traverse City, MI 49686

Chinyere A. Osuala
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New York, NY 10005

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1617 John F. Kennedy Blvd., Suite 1130
Philadelphia, PA 19103

NATURAL RESOURCES DEFENSE COUNCIL, NATIONAL HOUSING TRUST, AND THE ECOLOGY CENTER

By:  _____
Digitally signed by Christopher M. Bzdok
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o=Olson Bzdok & Howard, P.C., ou,
email=chris@envlaw.com, c=US
Date: 2021.12.17 11:35:23 -05'00'

Dated: December 17, 2021

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Christopher M. Bzdok (P53094)
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MICHIGAN ATTORNEY GENERAL

By: _____
Michael E. Moody (P51985)
525 W. Ottawa Street
P.O. Box 30755
Lansing, MI 48909

Dated: _____, 2021

ASSOCIATION OF BUSINESSES ADVOCATING TARIFF EQUITY

By: _____
Stephen A. Campbell (P70888)
Clark Hill PLC
500 Woodward Avenue, Suite 3500
Detroit, MI 48226

Dated: _____, 2021

ENERGY MICHIGAN, INC.

By: _____
Laura A. Chappelle (P42052)
Timothy J. Lundgren (P62087)
Potomac Law Group, PLLC
120 N. Washington Square, Suite 300
Lansing, MI 48933

Dated: _____, 2021

NATURAL RESOURCES DEFENSE COUNCIL, NATIONAL HOUSING TRUST, AND THE ECOLOGY CENTER

By: _____ Dated: _____, 2021
Lydia Barbash-Riley (P81075)
Christopher M. Bzdok (P53094)
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MICHIGAN ATTORNEY GENERAL

By: Michael E. Moody Dated: December 17, 2021
Michael E. Moody (P51985)
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NATURAL RESOURCES DEFENSE COUNCIL, NATIONAL HOUSING TRUST, AND THE ECOLOGY CENTER

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Dated: _____, 2021

MICHIGAN ATTORNEY GENERAL

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Dated: _____, 2021

ASSOCIATION OF BUSINESSES ADVOCATING TARIFF EQUITY

By: **Stephen A. Campbell** _____
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email = scampbell@clarkhill.com
C = US O = Clark Hill PLC
Date: 2021.12.17 14:06:44 -05'00'

Dated: _____, 2021

ENERGY MICHIGAN, INC.

By: _____
Laura A. Chappelle (P42052)
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Dated: _____, 2021

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MICHIGAN ATTORNEY GENERAL

By: _____ Dated: _____, 2021
Michael E. Moody (P51985)
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ASSOCIATION OF BUSINESSES ADVOCATING TARIFF EQUITY

By: _____ Dated: _____, 2021
Stephen A. Campbell (P70888)
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ENERGY MICHIGAN, INC.

By: **Timothy J. Lundgren**  Digitally signed by Timothy J. Lundgren
Date: 2021.12.17 12:01:53 -05'00' Dated: December 17, 2021

Laura A. Chappelle (P42052)
Timothy J. Lundgren (P62087)
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120 N. Washington Square, Suite 300
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Before the Minnesota Public Utility
State of Minnesota

In the Matter of the Application of
For Authority to Increase Rates of
Service in Minnesota

Docket No. 20-019

Exhibit ___

RATE DESIGN

Direct Testimony and Schedules

DAVID G. PRAZAK

PUBLIC DOCUMENT (PUBLIC) (PRIVILEGED)
DATA HAS BEEN EXCISED

November 2, 2020

Exhibit 8

1 likely to have usage that exceeds the cl
 2 than their fair share of property. As a result, it is not
 3 noftully remedy this situation, but it is a
 4

5 Q. IS ACCESS TO NATURAL GAS SERVICE GENERAL
 6 OTP'S LARGEST COMMUNITIES?

7 A. Yes. On We serve communities with 2000 population and
 8 average density in Minnesota 633 a popul
 9 Access to natural gas service is prima
 10 Thus, not only does wa customers a large harm
 11 access gas but it also those customers that are in the
 12 smallest communities.

14 Q. IS INCREASED EQUITY ALSO IMPORTANT FOR
 15 CUSTOMERS?

16 A. Yes. As shown below, the average usage of
 17 customers is greater than the average usage of
 18 and is greater than the average usage of
 19 population. This has been a consistent pattern
 20 reasonable progress in our service to all customers.

22 Tab 4 e
 23 Comparison of Residential Customer
 24 (2009 Usage Data)

	Reside Custor	Low Inco Custor	No-Low In Custome
Average Monthly kWh	73	85	73
Percentage of Cust Exceeding / Month	37%	42%	37%
Number of Customer Exceeding / Month	17,4	1,0	16,3

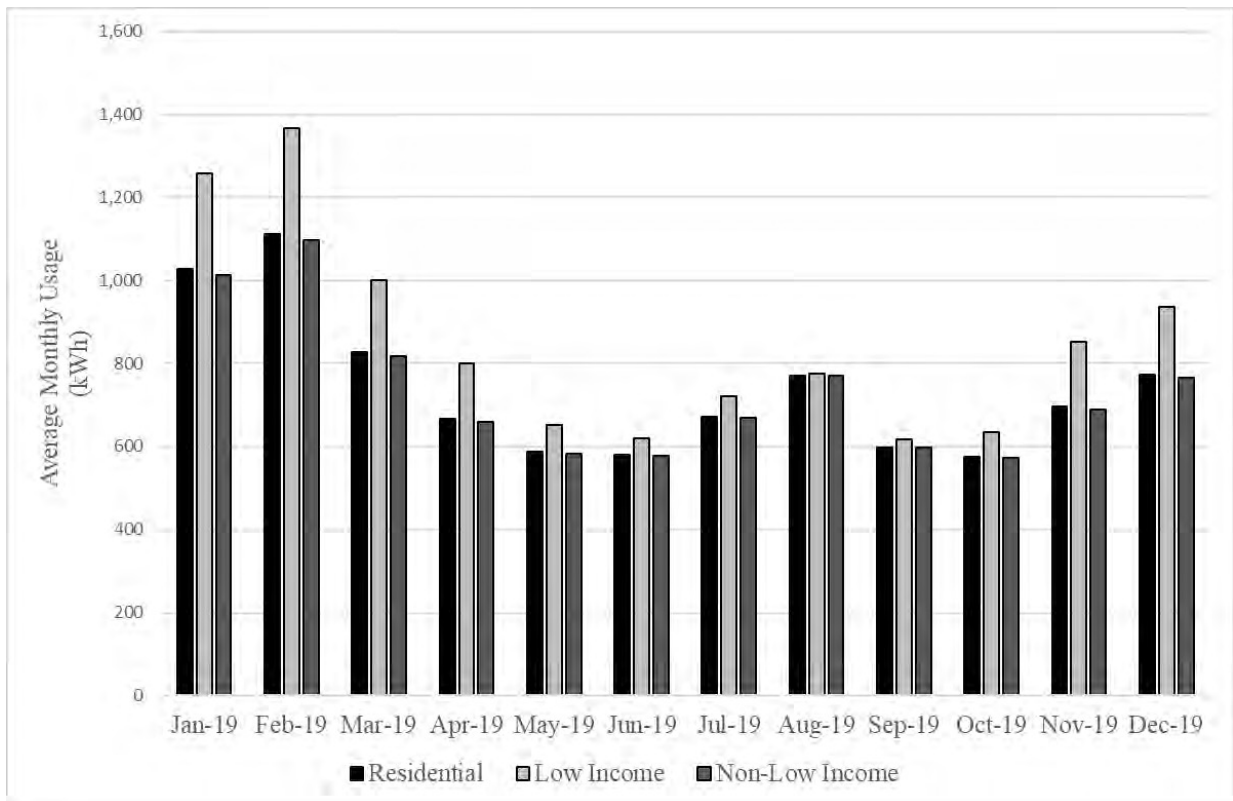
³For purposes of this Direct Testimony, defined as those customers
 Low Income Energy Assistance Program (LIEAP).

1 Additional details regarding the usage are
2 available in Exhibit 8 (DGP

3
4 Q. DO YOU BELIEVE NOW CUSTOMERS MORE RELIANT
5 ELECTRICITY FOR SPACE HEATING THAN IN THE PAST?

6 A. Yes. Winter is a time when some customers are using electric
7 Residential population overall. This data
8 electricity for heating purposes. This information
9 supports the reasonableness of the residential
10 customer charge.

11
12 Figure
13 Comparison of Monthly Residential Customer
14 Usage Data)



15
16

Residential Service (Section 9.01) Usage Analysis
 (2019 Actual Data - MN)

	All	Low-Income ¹	Non-Low Income
Total number of residential customers on the standard residential tariff	46,679	2,465	44,213
Total number of residential customers using less than 739 kwh	29,241	1,422	27,820
Total number of residential customers using 739 kwh or more	17,438	1,044	16,394
Average monthly usage for residential customers	739	851	733
Average monthly usage for residential customers using less than 739 kwh	366	410	364
Average monthly usage for residential customers using 739 kwh or more	1,365	1,452	1,359
Average bill for residential customers	\$85.19	\$95.78	\$84.59
Average bill for residential customers using less than 739 kwh	\$47.44	\$51.60	\$47.22
Average bill for residential customers using 739 kwh or more	\$148.49	\$155.95	\$148.01
Total number of residential customers using less than 739 kwh	63%	58%	63%
Total number of residential customers using 739 kwh or more	37%	42%	37%
Average monthly usage for residential customers using less than 739 kwh	50%	48%	50%
Average monthly usage for residential customers using 739 kwh or more	185%	171%	185%
Average bill for residential customers using less than 739 kwh	56%	54%	56%
Average bill for residential customers using 739 kwh or more	174%	163%	175%

Notes

1. Defined as customers in the LIHEAP Program.

**BEFORE THE MINNESOTA OFFICE OF ADMINISTRATIVE HEARINGS
600 North Robert Street
St. Paul, Minnesota 55101**

**FOR THE MINNESOTA PUBLIC UTILITIES COMMISSION
121 7th Place East
Suite 350
St. Paul, Minnesota 55101-2147**

**MPUC Docket No. E-017/GR-20-719
OAH Docket No. 8-2500-37230**

*In the Matter of the Application of Otter Tail Power Company
for Authority to Increase Rates for Electric Utility Service in Minnesota*

**DIRECT TESTIMONY AND SCHEDULES OF THE MINNESOTA OFFICE
OF THE ATTORNEY GENERAL—RESIDENTIAL UTILITIES DIVISION**

WITNESS:

ANDREW TWITE

April 2, 2021

1 **Q. What do you conclude from Figures 4 and 5?**

2 A. In our region, low-income households tend to use much less electricity than high-income
3 households, and households headed by people of color tend to use less electricity than
4 households headed by Caucasians. By definition, increasing fixed fees increases bills for
5 low-use customers. Thus, the Company’s proposed Residential customer charge increases
6 will disproportionately harm low-income households and people of color.

7 **Q. Are there additional benefits of lowering fixed fees for low-income customers and**
8 **people of color?**

9 A. Yes. As John Howat of the National Consumer Law Center has explained, “[o]n a very
10 basic level, increased fixed charges diminish the ability of consumers to assert control over
11 utility bills. For many of the reasons outlined here, the National Association of State Utility
12 Consumer Advocates adopted a resolution unequivocally opposing increases in electric and
13 natural gas utility fixed charges.”⁴⁴

14 Conversely, decreasing fixed fees empowers customers by giving them more
15 control over their energy bills. This benefit is available to all customers, but it is especially
16 valuable to low-income customers who typically face much higher energy burdens than
17 high- or middle-income customers.

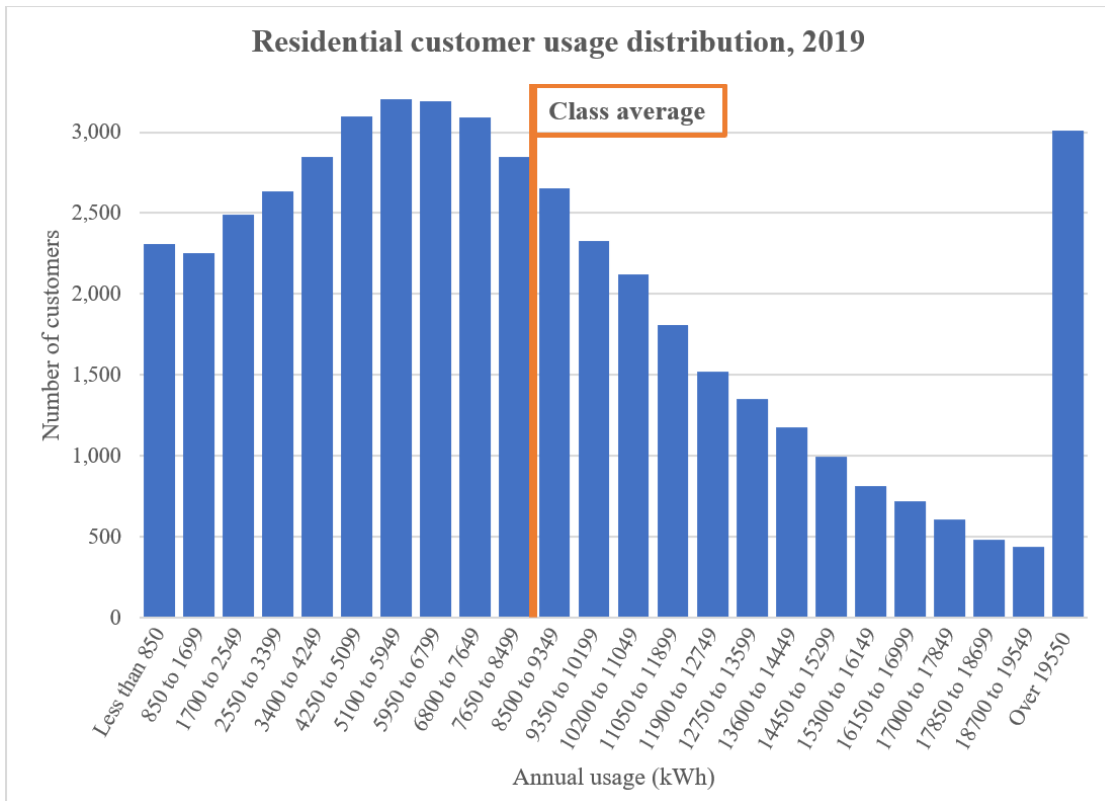
18 **Q. How will the Company’s proposed customer charge increases affect customer bills?**

19 A. The Company’s proposed Residential customer charge increases will result in bill increases
20 for most customers. This is because usage levels within customer classes are not
21 distributed evenly. For example, within Otter Tail’s Residential class, there are a relatively

⁴⁴ JOHN HOWAT ET AL., U.S. DEPARTMENT OF ENERGY, LAWRENCE BERKELEY NATIONAL LABORATORY, [A CONSUMER ADVOCATE’S PERSPECTIVE ON ELECTRIC UTILITY RATE DESIGN OPTIONS FOR RECOVERING FIXED COSTS IN AN ENVIRONMENT OF FLAT OR DECLINING DEMAND](#) at 25 (June 2016).

1 large number of customer bills with low usage, and a relatively small number of customer
 2 bills with very high usage. This is illustrated in Figure 6, below.⁴⁵ The small number of
 3 extremely high-usage customers significantly increase the class average usage. This means
 4 that most customer bills are lower than the overall class average, and, therefore, increasing
 5 customer charges will harm more customers than it will help.

6 **Figure 6, Otter Tail Power’s Minnesota Residential customer usage distribution, 2019**



7

8 **Q. How do these policy considerations impact your customer charge recommendations?**

9 A. Minnesota statutes require the Commission to set rates to encourage energy conservation
 10 and renewable energy use to “the maximum reasonable extent.”⁴⁶ Further, increasing
 11 customer charges will harm more customers than it will help, and it will disproportionately

⁴⁵ Compiled by the author using data from Otter Tail Power’s response to OAG IR 3003.

⁴⁶ Minn. Stat. § 216B.03.

PUBLIC VERSION

1 harm low-income customers and people of color. Conversely, decreasing customer charges
2 empowers customers by giving them more control over their electricity bills. All of these
3 policy considerations weigh in favor of setting customer charges closer to the minimum
4 values in my customer-specific cost calculations.

5 **D. OTTER TAIL'S MARGINAL CUSTOMER COST CALCULATION**

6 **Q. What justifications did the Company give for its proposed customer charge**
7 **increases?**

8 A. The Company provided two main arguments to support its proposed customer charge
9 increases. First, the Company argues the increases will move customer charge levels closer
10 to the Company's marginal customer-related cost calculation. Second, the Company
11 argues that movement toward its definition of cost will reduce an intra-class subsidy
12 between high-use and low-use customers within a given class. In this section, I will
13 respond to these two arguments.

14 **Q. Will the Company's proposed customer charge increases reduce intra-class**
15 **subsidies?**

16 A. No. Intra-class subsidies arise when some customers within a class pay more than their
17 cost of service while other customers pay less than their cost of service. While many types
18 of intra-class subsidies can and do exist, the Company focuses on one specific intra-class
19 subsidy: that between low-usage and high-usage customers. If the customer charge is set
20 below the amount of customer-specific costs, then a portion of customer-specific costs
21 would need to be recovered through volumetric rates. This would mean higher-usage
22 customers would pay for more than their share of customer-specific costs. Conversely, if
23 the customer charge is set above the amount of customer-specific costs, then some joint

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

AMEREN ILLINOIS COMPANY :
:
Tariff filing to present :
Commission with an opportunity :
revenue and other changes :
authorized by the Commission :
Utilities Act :

Docket 13-0476

**DIRECT TESTIMONY OF
SCOTT J. RUBIN**

**on Behalf of
the People of the State of Illinois**

AG Exhibit 1.0

October 2011

3 4 0 customer charges and diminished variable c
3 4 1 toward SFV rates, that reason has disappea
3 4 2 essentially resources by Ameren's costs, regardle
3 4 3 sells or the way its rates are designed.
3 4 4 traditional rate design principles that fo
3 4 5 cause the costs to be incurred. Low-use c
3 4 6 Ameren's substantial demand-related costs. Suc
3 4 7 residential customers in relation to the a
3 4 8 is an appropriate time to see if that is seq

3 4 9Q. **Have you attempted to determine the impact on Ameren's residential customers of
3 5 0 moving toward SFV rates since 2007?**

3 5 1A. Yes. Through discovery, Ameren provided a
3 5 2 2012 for more than one million residential
3 5 3 not contain any customer identifying inform
3 5 4 sequential number, so there is no way to i
3 5 5 number, or other identifying information.

3 5 6Q. **How did you analyze the data?**

3 5 7A. I used statistical analysis software (IBM
3 5 8 designed to be used with very large data s
3 5 9 analyses, and provide reports. I took the
3 6 0 accompanying this testimony using Microsof

3 6 1Q. **What analyses did you perform on the data set?**

BEFORE THE
ILLINOIS COMMERCE COMMISSION

Commonwealth Edison Co :
:
Tariff filing to present :
Commission with an opportunity : Docket 13-0387
to file a tariff :
revenue neutral gas tariff :
authorized by 508.50(c) :
Utilities Act :

**Supplemental Direct Testimony of
Scott J. Rubin**

**on Behalf of
the People of the State of Illinois**

AG Exhibit 2.0

August 2, 2013

Introduction

1

2 **Q. Please state your name.**

3 A. My name is Scott J. Rubin. My business address is

4 **Q. Have you submitted written testimony previously in this case?**

5 A. Yes, I submitted direct testimony on behalf of the State of Illinois
6 (AG Ex. 1.0) on July 29, 2013. My background information is in my
7 testimony.

8 **Q. What is the purpose of this supplemental direct testimony?**

9 A. As a result of the Administrative Law Judge's decision, the
10 received a large data file from Commonwealth Edison ("ComEd") one business day before the deadline for
11 supplemental direct testimony is limited to 100 pages. The
12 resulting rate design recommendations for the period 2014-2016 are
13

Overview of Data and Analysis

14

15 **Q. Please describe the data you received from ComEd on July 26, 2013.**

16 A. The data provided by ComEd is the source data for the
17 "Residential Electricity Usage and Bill Impact Study" (the "Study")
18 Design," which is ComEd Ex. 2.33.

19 The data file contains four data sets, including:
20 classes: Single Family Heating ("SFH"), Multi-Family Heating ("MFH"),
21 Single Family Heating ("SFH"), and Multi-Family Heating ("MFH").

22 contain actual consumption data for each m
23 customer for the entire 12 months of that
24 identifying information. Customers are si
25 with 1 in each data set, so there is no wa
26 account number, or other identifying infor

27 The data set for ComEd's largest custom
28 1,948,110 customers. The other data sets
29 (MFNH), (SOH) 82 and (MFH) 2,164 customers.

30 **Q. How did you analyze the data?**

31 A. I used statistical analysis software (IBM
32 is designed to be used with very large dat
33 analyses, and provide reports prepared to be
34 accompanying this testimony using Microsof

35 **Q. What analyses did you perform on the data sets?**

36 A. I performed the same analyses on each data
37 the following description, but each analys
38 prepared a table of percentile distributio
39 percentile. I compared this information t
40 2.33, pages d12-15. This to ensure that the dat
41 data set that ComEd used, and to ensure th
42 comparable to those produced by the softwa
43 these estimates so I continued with my subst

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STATE OF ALASKA

THE REGULATORY COMMISSION OF ALASKA

Before Commissioners:

Robert A. Doyle, Chairman
John Espindola
Keith Kurber II
Robert M. Pickett
Janis W. Wilson

In the Matter of the Tariff Revisions Designated as)
TA544-8 Filed by CHUGACH ELECTRIC) U-23-047
ASSOCIATION, INC.)

In the Matter of the Tariff Revisions Designated as)
TA422-121 Filed by CHUGACH ELECTRIC) U-23-048
ASSOCIATION, INC.)

**CHUGACH ELECTRIC ASSOCIATION, INC.’S RESPONSE TO
AARP’S FIRST REQUEST FOR DISCOVERY (AARP-CEA-1)**

Chugach Electric Association, Inc. (“Chugach”) hereby responds to AARP’s **First** Request for Discovery, dated **January 4, 2024**. All responses to discovery are prepared by Chugach in consultation with counsel. Documents identified as produced in response to these requests are Bates numbered and stored in an electronic document management sharefile site and a link will be provided to other parties’ counsel, analysts, and consultants, as requested.

PRELIMINARY STATEMENT

As discovery proceeds, facts, information, evidence, documents, and other matters may be discovered which are not set forth in these responses, but which may be responsive to these discovery requests. Except as otherwise indicated, the following responses are complete based on Chugach’s current knowledge, information, and belief. Furthermore, these responses were prepared based on Chugach’s good faith interpretation of the discovery requests and are subject to correction for inadvertent errors or omissions, if any.

Response:

a. Chugach cannot confirm the question as asked since Chugach does not classify rate base infrastructure. Chugach does classify expenses, including margins, associated with providing services. All expenses associated with meters and services are classified as customer-related. Margins are classified using the classification method shown on Exhibit CRP-03, Schedule 2. There are other expenses that are classified as customer-related, which include customer service, accounts, and information costs that make the unit customer cost for each rate class. See Exhibit CRP-03, Schedule 4 (Corrected) p. 8.

B Chugach cannot confirm the question as asked since Chugach does not classify rate base infrastructure. However, Chugach does classify expenses associated with meters as customer-related, including expenses associated with AMI meters. Also see Chugach’s Response to AARP-CEA-1-6(a)

Person(s) Supplying Information: Carl R. Peterson

AARP-CEA-1-7.

Reference Peterson Direct at 24, Q53.

Provide the source data indicating that “The typical South residential customer consumes more than 500 kWh per month” – in live, unlocked, Excel file format with all links and formulas intact. Provide all related load research and supporting data for both North and South in live, unlocked Excel file format with all links and formulas intact.

Response: This reflects a simple average of the South usage divided by number of meters. See Tab “Determinants” in 300.0 Rates and Validation, provided in Response to AG-

1 CEA-1-8. Also see Chugach Responses to REAP-CEA-2-1, UAA-CEA-1-1, 1-2, 1-3, 1-4 and 1-
2 5.

3 **Person(s) Supplying Information:** Carl R. Peterson

4 **AARP-CEA-1-8.**

5 Reference Peterson Direct at 23, Q52.

6 Provide the tab name and cell numbers within the ECOSS (and the corresponding
7 Peterson Schedules, Attachments, or Workpapers) containing the overall increase, including fuel, to
8 each class, by location – both before and after the rate mitigation steps, demonstrating each class’s
9 proximity to a ten percent increase.
10

11 **Response:** The mitigation steps do not depend on the cost-of-service study, rather
12 both relate to resulting revenue impacts for customer classes. The first step mitigation is found in
13 Attachment 1 of Dr. Peterson’s prefiled direct testimony. The second step *only* affects the Small
14 General Service customers by limiting the revenue increase to legacy customers to not more than
15 10 percent. This was accomplished by setting the volumetric rates separating for the North and
16 South district. The remaining rates are consolidated. The impacts by location can be found by
17 comparing the locational current revenues by customer class in Exhibit CRP-04, Schedule 9, with
18 the locational proposed revenue in Exhibit CRP-04, Schedule 6 (including locational fuel costs
19 from Attachment 4).
20

21 **Person(s) Supplying Information:** Carl R. Peterson

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AARP-CEA-1-9.

Reference Peterson Direct at 31, Q66.

Describe the status of Advanced Metering Infrastructure deployment among Chugach’s residential and small commercial members.

Response: AMI has been deployed for all residential and small commercial customers, other than those few who have refused to allow the necessary meter replacement.

Person(s) Supplying Information: Jean Kornmuller

AARP-CEA-1-10.

Reference Peterson Direct at 32, Q68.

Provide the referenced hourly marginal costs and historical hourly load data in live, unlocked Excel file format with all links and formulas intact.

Response: See Chugach Response to REAP-CEA-1-8 and REAP-CEA-2-2

Person(s) Supplying Information: Carl R. Peterson

AARP-CEA-1-11.

Reference Exhibit CRP-06.

Provide the hourly (8760) system load data used to calculate the coincident peak demand allocators, in live, unlocked Excel file format with all links and formulas intact.

Response: See Response to UAA-CEA-1-1

Person(s) Supplying Information: Carl R. Peterson

Hannah Payne Foster

From: Hannah Payne Foster
Sent: Tuesday, January 23, 2024 3:35 PM
To: Dean Thompson
Cc: Jonathon Green
Subject: RE: Load Study

Thanks, Dean.

From: Dean Thompson <ddt@khe.com>
Sent: Tuesday, January 23, 2024 3:31 PM
To: Hannah Payne Foster <hpayne@earthjustice.org>
Cc: Jonathon Green <jdg@khe.com>
Subject: Load Study

External Sender

Hannah:

I'm following up on our videoconference this morning. Chucach used to (years ago) do "load research" (survey metering, etc) to obtain data it used in cost of service. They don't have any load studies. What I was thinking about is the somewhat aggregated load data that they will be producing in response to AG-CEA-5-5, which we will be producing by Friday.

####

Dean Thompson
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Anchorage, Alaska 99503
[\(907\) 277 1604](tel:9072771604); fax [\(907\) 276 2493](tel:9072762493); cell [\(907\) 360 6391](tel:9073606391)
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