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AZ CORP COMMISSION
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IN THE MATTER OF THE GENERIC
PROCEEDINGS CONCERNING ELECTRIC
RESTRUCTURING ISSUES.

Docket No. E-00000A-02-0051

IN THE MATTER OF ARIZONA PUBLIC
SERVICE COMPANY'S REQUEST FOR
VARIANCE OF CERTAIN REQUIREMENTS
OF A.A.C. 4-14-2-1606

Docket No. E-01345A-01-0822

IN THE MATTER OF THE GENERIC
PROCEEDINGS CONCERNING THE
ARIZONA INDEPENDENT SCHEDULING
ADMINISTRATOR

Docket No. ~~E-00000A-01-0630~~

IN THE MATTER OF TUCSON ELECTRIC
COMPANY'S APPLICATION FOR A
VARIANCE OF CERTAIN ELECTRIC POWER
COMPETITION RULES COMPLIANCE
DATES

Docket No. E-01933A-98-0471

ISSUES IN THE MATTER OF TUCSON
ELECTRIC POWER COMPANY'S
APPLICATION FOR A VARIANCE OF
CERTAIN ELECTRIC COMPETITION RULES
COMPLIANCE DATES

Docket No. E01933A-02-0069

Rebuttal Testimony Of William Monsen

On behalf of AES NewEnergy, Inc. and Strategic Energy L.L.C.

TRACK A ISSUES

Arizona Corporation Commission

DOCKETED

JUN 12 2002

June 11, 2002

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AES NewEnergy, Inc. and Strategic Energy L.L.C., by and through their attorneys,
hereby file the Rebuttal Testimony of William Monsen of MRW & Associates.

Respectfully submitted this 11th day of June 2002.

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1 **I. INTRODUCTION**

2 The primary purpose of this rebuttal testimony is to respond on behalf of AES
3 NewEnergy, Inc. (“AES NE”) and Strategic Energy L.L.C. (“Strategic Energy”) to the
4 initial testimony filed by Tucson Electric Power Company (“TEP”) with regard to certain
5 “Track A” issues. In this testimony, I will focus on certain retail electric competition issues
6 raised in TEP’s testimony, specifically, TEP’s proposal that all residential customers and
7 commercial and industrial (“C&I”) customers with loads under 3 MW be “excluded from
8 retail competition.”¹

9 AES NE is America’s leading retail electric provider, serving commercial and
10 industrial customers in California, Texas, Illinois, Ohio, Pennsylvania, Maryland,
11 Delaware, New Jersey, New York, Massachusetts, Rhode Island, New Hampshire and
12 Maine. On April 21, 1999, the Arizona Corporation Commission (“Commission”) granted
13 NEV Southwest, L.L.C.’s² application for a Certificate of Convenience and Necessity
14 (“CCN”) to supply competitive services as an electric service provider. AES NE is a
15 wholly-owned subsidiary of the AES Corporation (NYSE: AES), a leading global power
16 company comprised of competitive generation, distribution and retail businesses around the
17 world.

18 Strategic Energy is currently providing competitive retail energy services
19 throughout North America and is a potential energy service provider in Arizona and.
20 Founded in 1986, Strategic Energy serves over 19,000 customers across the nation and is
21 dedicated to serving end-users’ energy needs.

22 The Commission should reject TEP’s proposal to deny customer choice to all of
23 Arizona’s residential customers and to C&I customers with load requirements less than 3
24 MW. If the Commission were to approve such an anti-competitive proposal, the end result
25 for retail competition in Arizona would be the same as if the Commission acted to repeal
26 the Retail Electric Competition Rules adopted in September 1999 -- it would be the death
27 knell to retail competition in Arizona. AES NE and Strategic Energy are gravely concerned
28 that TEP’s proposal is a poorly disguised attempt to derail retail competition before it has
29 been given a fair opportunity to get off the ground. The Commission must do everything in

¹ Initial Testimony of James S. Pignatelli, p. 14.

² The initial filing was made under New Energy Ventures Southwest, L.L.C. with subsequent company name changes to NEV Southwest, L.L.C. and then NewEnergy Southwest, L.L.C. The company is in the process of having the CCN updated once more to reflect the current company name, AES NewEnergy, Inc.

1 its power to ensure the establishment of a healthy retail market to allow all Arizona
2 consumers to realize the benefits of electricity industry restructuring and to protect
3 themselves against incumbent retail market power. Providing all customers with the
4 freedom to choose their own electricity service provider is the very first step that must be
5 taken down the road towards creating a healthy retail market.

6 7 **II. TEP's Anti-Competitive Proposal**

8
9 TEP appears to believe customers with less than 3 MW demand do not need to be
10 provided with "choice" since these customers do not possess the knowledge and
11 sophistication to make their own energy decisions. This is evidenced by the following
12 statement by TEP witness DeConcini:

13 "I believe that customers below the 3 MW threshold would be better off
14 continuing to receive service from their incumbent utility under the existing
15 tariffs or contracts. For example, if TEP's current customers under 3 MW
16 remain on its system, this would insure that Residential and Small
17 Commercial customers can receive the benefit of TEP's long term, low cost
18 energy supply through 2008."³

19 TEP's assertion that residential and commercial customers would be better off with utility
20 service rather than with an opportunity to choose a competitive provider sounds like a
21 paternalistic presumption that these customers are not sophisticated or knowledgeable
22 enough to make their own decisions regarding an energy service provider. AES NE and
23 Strategic Energy are concerned that TEP's proposal represents an attempt to steer the
24 Commission and consumers back towards the utility-monopoly days when customers were
25 given no choice of electric provider.

26 As shown in the following table, there is ample evidence from other markets already
27 open to competition that, presented with choice, residential customers and C&I customers
28 of all sizes will exercise their choice to switch to a competitive retail provider:

29
30

³ Initial Testimony of Michael J. DeConcini, p. 11.

1

2

3

Direct Access Load and Customers as of April 30, 2002

| State | Residential Load | Residential % of Load | Residential Customers | Residential % of Customers | C&I Load | C&I Percent of Load | C&I Customers | C&I Percent of Customers |
|-----------------|------------------|-----------------------|-----------------------|----------------------------|----------------|---------------------|---------------|--------------------------|
| OH ⁴ | 411,908 MWh | 14% | 621,716 | 18% | 882,365 MWh | 14% | 25,960 | 5% |
| TX ⁵ | 755 MW | 4% | 150,929 | 3% | 8,942MW | 20% | 51,715 | 5% |
| PA ⁶ | 1,154 MW | 10% | 512,380 | 8% | 1,290 MW | 7% | 22,001 | 4% |
| CA ⁷ | 440,201 MWh | .8% | 53,692 | .6% | 22,034,078 MWh | 13% | 29,430 | 7% |

4

5 As one can plainly see from the customer switching data presented in the table above, both
6 residential and C&I customers are finding value when given a choice, i.e., voting with their
7 feet is the best signal of consumers' assessment of value. While definitions of commercial
8 and industrial customers vary from state to state, a substantial proportion, if not the
9 majority, of both customers and load in this category fall below the 3 MW threshold
10 proposed by TEP. Furthermore, evidence that consumers are finding value in retail
11 electricity competition is not limited to the United States alone. According to the United
12 Kingdom's Electricity Association, in England and Wales between 90-95% of customers
13 and load have switched to a competitive provider.

14 TEP's anti-competitive proposal, if adopted by the Commission, would deny all but
15 a handful of TEP's largest customers (>3 MW) the opportunity to choose a competitive
16 provider. This means that all of TEP's 318,976 residential customers⁸ and nearly all of its
17 31,962 non-residential customers⁹ with less than 3 MW demand, such as grocery stores,
18 schools and government buildings, office buildings, and retail businesses such as fast food
19 restaurants, gas stations, drug stores, bank branches, cafes, mini-marts, and dry cleaners, to

⁴ Source: Public Utilities Commission of Ohio

⁵ Source: Electric Reliability Council of Texas

⁶ Source: Pennsylvania Office of Consumer Advocate

⁷ Source: California Public Utilities Commission (CPUC). The CPUC suspended direct access as of September 20, 2001. At the peak of direct access in May 2000, residential and C&I load were 2.2% and 17.7% respectively.

⁸ UniSource Energy Corporation, Annual Report 2001, p.47.

⁹ Ibid, p. 47.

1 list a few, will be denied the ability to assess the benefits of competition and choose for
2 themselves. TEP is essentially attempting to eliminate choice for nearly 100% of the
3 residential customers in its service territory and the vast majority of its non-residential
4 customers

5
6 **III. Less Draconian Breakpoint for Restricting Customer Choice**

7
8 AES NE and Strategic Energy support the continued extension of choice to all
9 Arizona electric customers. However, in the event the Commission is inclined to restrict
10 customer choice based on demand, AES NE and Strategic Energy recommend the
11 Commission reject TEP's 3 MW threshold. As noted above, the breakpoint recommended
12 by TEP would effectively eliminate choice for the vast majority of customers in Arizona.

13 A less restrictive approach would set a breakpoint that offers choice to a broader
14 spectrum of commercial and industrial users, providing the customer base for an active
15 retail market and allowing businesses and industries to manage their energy costs. AES NE
16 and Strategic Energy suggest that a more inclusive alternative would be to set the
17 breakpoint at 20 kW, consistent with the 20 kW threshold embodied in the Transmission
18 and Ancillary Service charges under the current Direct Access Rate General Service
19 Schedule No. 10. Such a breakpoint would provide choice to customers currently receiving
20 service under Large Light and Power Rate No. 14, Large General Service Rate No. 13, and
21 those customers under General Service Rate No. 10 who meet the 20 kW threshold already
22 in place under that rate.

23 In addition, customers should be permitted to aggregate multiple accounts to meet
24 the minimum threshold. In fact, any threshold that the Commission might establish should
25 be accompanied by a provision allowing aggregation of accounts to meet the minimum
26 threshold. This would allow customers with multiple accounts or who share billing
27 procurement functions to participate in the direct access option if desired. For example,
28 operators of multiple retail establishments such as chain restaurants or service stations
29 could aggregate their accounts to meet the 20 kW threshold.

30
31 This concludes my testimony.

QUALIFICATIONS OF WILLIAM ALAN MONSEN

PROFESSIONAL EXPERIENCE

Principal
MRW & Associates, Inc.
(1989 - Present)

Specialist in electric utility generation planning, resource auctions, demand-side management (DSM) policy, power market simulation, power project evaluation, and evaluation of customer energy cost control options. Typical assignments include: analysis, testimony preparation and strategy development in large, complex regulatory intervention efforts regarding the economic benefits of utility mergers and QF participation in California's biennial resource acquisition process, analysis of markets for non-utility generator power in the western US, China, and Korea, evaluate the cost-effectiveness of onsite power generation options, sponsor testimony regarding the value of a major new transmission project in California, analyze the value of incentives and regulatory mechanisms in encouraging utility-sponsored DSM, negotiating non-utility generator power sales contract terms with utilities, and utility ratemaking.

Energy Economist
Pacific Gas & Electric Company
(1981 - 1989)

Responsible for analysis of utility and non-utility investment opportunities using PG&E's Strategic Analysis Model. Performed technical analysis supporting PG&E's Long Term Planning efforts. Performed Monte Carlo analysis of electric supply and demand uncertainty to quantify the value of resource flexibility. Developed DSM forecasting models used for long-term planning studies. Created an engineering-econometric modeling system to estimate impacts of DSM programs. Responsible for PG&E's initial efforts to quantify the benefits of DSM using production cost models.

Academic Staff
University of Wisconsin-Madison Solar Energy Laboratory
(1980 - 1981)

Developed simplified methods to analyze efficiency of passive solar energy systems. Performed computer simulation of passive solar energy systems as part of Department of Energy's System Simulation and Economic Analysis working group.

EDUCATION

M.S., Mechanical Engineering, University of Wisconsin-Madison, 1980.
B.S., Engineering Physics, University of California, Berkeley, 1977.

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PREPARED TESTIMONY**

1. CPUC Applications 90-08-066, 90-08-067, 90-09-001
Prepared Testimony with Aldyn W. Hoekstra regarding the California-Oregon Transmission Project for Toward Utility Rate Normalization (TURN) (November 29, 1990)
2. CPUC 90-10-003
Prepared Testimony with Mark A. Bachels regarding the Value of Qualifying Facilities and the Determination of Avoided Costs for the San Diego Gas & Electric Company for the Kelco Division of Merck & Company, Inc. (December 21, 1990)
3. CEC Docket No. 93-ER-94
Rebuttal Testimony regarding the Preparation of the 1994 Electricity Report for the Independent Energy Producers Association (December 10, 1993)
4. CPUC Rulemaking 94-04-031 and Investigation 94-04-032
Prepared Testimony regarding Transition Costs for The Independent Energy Producers (December 5, 1994)
5. D.T.E. 97-120
Direct Testimony regarding Nuclear Cost Recovery for The Commonwealth of Massachusetts Division of Energy Resources (October 23, 1998)
6. CPUC Application 97-12-039
Prepared Direct Testimony Evaluating an Auction Proposal by SDG&E on Behalf of The California Cogeneration Council (June 15, 1999)
7. CPUC Application 99-09-053
Prepared Direct Testimony regarding PG&E's Proposed Divestiture of its Hydroelectric Facilities on Behalf of the Independent Energy Producers Association (March 2, 2000)
8. CPUC Application 99-09-053
Prepared Rebuttal Testimony regarding PG&E's Proposed Divestiture of its Hydroelectric Facilities on Behalf of the Independent Energy Producers Association (March 16, 2000)
9. CPUC Application 99-10-025
Joint Testimony Regarding Auxiliary Load Power and Stand-by Metering Policy on Behalf of Duke Energy North America (July 3, 2000)
10. CPUC Application 99-03-014
Joint Testimony Regarding Auxiliary Load Power and Stand-by Metering Policy on Behalf of Duke Energy North America (September 29, 2000)
11. CPUC Rulemaking 99-11-022
Testimony of the Independent Energy Producers Association Regarding Short-Run Avoided Costs (May 7, 2001)

12. CPUC Rulemaking 99-11-022
Rebuttal Testimony of the Independent Energy Producers Association Regarding Short-Run Avoided Costs (May 30, 2001)
13. CPUC Application 01-08-020
Direct Testimony on Behalf of Bear Mountain, Inc. in the Matter of Southern California Water Company's Application to Increase Rates for Electric Service in the Bear Valley Electric Customer Service Area (December 20, 2001)
14. CPUC Application 00-10-045; 01-01-044
Direct Testimony of William A. Monsen on Behalf of The City of San Diego (May 29, 2002)
15. CPUC Rulemaking 01-10-024
Prepared Direct Testimony of William A. Monsen on Behalf of Independent Energy Producers and Western Power Trading Forum.
(May 31, 2002)
16. CPUC Rulemaking 01-10-024
Rebuttal Testimony of William A. Monsen on Behalf of Independent Energy Producers and Western Power Trading Forum
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