

BEFORE THE
STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

In the Matter of

Case 07-S-1315

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

Steam Rates

February 2008

Prepared Testimony of

JOHN J. DOWLING, P.E.
Senior Associate
Luthin Associates
15 Walling Place
Avon-By-The-Sea, New Jersey 07717

On behalf of

Consumer Power Advocates.

1 Q. Please state your name and business address

2 A. My name is John J. Dowling, and my business address is 15 Walling
3 Place, Avon-By-The-Sea, New Jersey 07717.

4

5 Q. What is your educational background and experience?

Testimony of John J. Dowling, P.E.

1 A. I received a Bachelor of Engineering degree in Mechanical Engineering
2 from Polytechnic University, then known as the Polytechnic Institute of
3 Brooklyn, in 1970. Upon graduation, I accepted employment with the
4 New York State Department of Public Service. My responsibilities have
5 included all engineering analyses for major rate cases, as well as review of
6 operating practices and construction programs

7

8 Q. Have you previously testified before the New York State Public Service
9 Commission?

10 A. Yes. I have presented testimony in a variety of proceedings before this
11 Commission as a Department of Public Service employee. Recently, I
12 have provided testimony in various Con Edison rate cases, including Cases
13 03-G-1671, 03-S-1672, 04-E-0452, 05-S-1376, and 07-E-0523.

14

15 Q. What is the purpose of your testimony?

16 A. I will discuss the development of demand charges, the proposed Steam
17 Revenue Adjustment Mechanism, an incentive to control losses, the
18 Company's proposed energy efficiency incentives and the steam business
19 development performance metrics.

20

21 **Steam Demand Charges**

Testimony of John J. Dowling, P.E.

1 Q. Have you examined the Company's embedded cost of service study?

2 A. Yes. I find that 66% of all non-energy costs are allocated by the demand
3 allocator. Based on this finding, I propose that demand rates for SC2 and
4 SC3 be designed to recover 50% of the base revenue (net of fuel, electric,
5 water chemicals and Customer Charge) for the 4 month demand period.
6 This change more closely aligns rates with costs, and will further serve the
7 purpose of encouraging more efficient use of the steam system.

8

9 Q. Have you supported the application of a demand charge to the winter peak
10 usage of the largest customers in the past?

11 A. Yes. Demand charges are an appropriate response to the current situation
12 that Con Edison finds itself in with regard to cost recovery. The steam
13 system appears to be reaching its maximum capacity on peak days, yet that
14 capacity is fully utilized on very few hours of the year. As a result of this,
15 the Commission accepted the Joint Proposal (JP) in the last case to apply
16 demand rates for sales to customers using more than 22,000 Mlbs per year.

17

18 Q. Why propose such a large change?

19 A. This is not a large change in my opinion. In the Joint Proposal (JP) in the
20 last case, the signatories agreed that:

21

Testimony of John J. Dowling, P.E.

1 ...for the winter period, when on-peak and all-time peak demand
2 charges would apply, the rates will be designed to recover 25 percent
3 of winter base revenues, net of base fuel, station electric usage
4 charge, and the Customer Charge, that otherwise would be collected
5 from eligible customers at the October 1, 2007 rate level (“demand
6 revenue requirement”). (JP, p.12)
7

8 Subsequently, the demand rate period was reduced from 6 months to 4
9 months, with a resulting decrease in the total demand revenue requirement.
10 My proposal in this case doubles the current demand revenue requirement,
11 but is still far less than the amount of costs found to be demand based in
12 the COSS. In the JP, all signatories agreed to base demand charges on
13 25% of the winter period pure base revenues for six months, at a later date
14 it was decided that the winter demand period would be reduced to 4
15 months. It is important to note that, according to the compliance filing
16 implementing the initial demand rates, no customer experienced
17 significantly increased bills as a result of demand rates. This minimal
18 adverse effect on bills creates an unusual opportunity to align rates with
19 costs.

20

21 Q. In your opinion, should demand rates be applied to any other groups of
22 customers?

23 A. Yes. All SC2 and SC3 customer whose annual use exceeds 14,000 Mlbs
24 should enjoy demand rates. In its September 27, 2004 Order in Case 03-S-

Testimony of John J. Dowling, P.E.

1 1672, the Commission required the Company to study the cost and
2 benefits of applying demand rates to SC2 and SC3 customers who use less
3 than 14,000 Mlbs annually. As a result of that order, the Company's
4 Operations Panel in Case 05-S-1376 testified that it did not believe that
5 customers who use less than 14,000 Mlbs annually would make a
6 sufficiently large contribution to peak reduction to justify the cost of
7 installing demand meters on all of those services. The Panel did not
8 address whether customers who use greater than 14,000 Mlbs, but less
9 than 22,000 Mlbs should be converted to demand rates.

10

11 Q. Why do you recommend demand rates for these customers?

12 A. It has long been Commission policy that rates should be based on the cost
13 of providing service, and that cost based rates provide the most accurate
14 price signals to customers.

15 Con Edison's public website describes the benefits of demand billing to
16 the entire system, including both the Company and its customers:

17 *... By reducing peak demand, the company benefits by having the*
18 *capacity to deliver service to additional customers without expanding*
19 *the steam system. ..*

20 *Steam customers who reduce or eliminate spikes in their steam usage*
21 *during the peak-demand period will see a reduction in their steam*
22 *costs. Customers with spikes that occur during the peak-demand*
23 *period will see increases in their steam bills. By encouraging peak-*
24 *demand reduction, the demand rates will help keep costs reasonable*
25 *for all steam customers in the long term.*

Testimony of John J. Dowling, P.E.

1 *Through demand billing, customers can control costs using strategies*
2 *that include preheating buildings, keeping building air temperatures*
3 *slightly lower until the peak-demand hours have past, and others.*
4

5 The Company has already installed demand meters for all customers
6 whose annual use exceeds 14,000 Mlbs, after requesting recognition of
7 their cost in the revenue requirement cases since 03-S-1376. Since the
8 Company has installed the meters necessary to provide demand data, there
9 is simply no reason to deny customers the benefit of enhanced cost control
10 available through demand rates, and included that cost in rates these past
11 several years. Considering the benefits to the Company of controlling
12 peak demand, and the enhanced cost control available to customers who
13 enjoy demand rates, and the fact that ratepayers have already paid for the
14 required meters, it is now appropriate to apply demand rates to all
15 customers whose annual use exceeds 14,000 Mlbs.

16

17 **SRAM**

18 Q. Do you support the implementation of the Steam Revenue Adjustment
19 Mechanism?

20

21 A. No.

22

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1 Q. In general, what is the purpose of RDMs?

2 A. RDMs are intended to change the incentives that apply to utility sales.

3 Typically, proponents of RDM intend to reduce the incentive for the utility

4 to increase sales so that utilities are at least indifferent to energy efficiency

5 measures. Implicit in the justification for RDM is that the assumption that

6 short-term economic incentives dominate management behavior.

7

8 Q. In your opinion, what is the principal issue facing Con Edison with regard

9 to its steam business?

10 A. The principal issue is the continued decline in sales. This results in a loss

11 of revenue which leads to further rate increases as growing fixed costs

12 must be recovered from a smaller and smaller base of sales. This increase

13 in rates can only reinforce the decline in sales. In this situation, there

14 should be a strong incentive for the Company to promote new steam sales

15 and to retain current steam loads. SRAM, as proposed by the Company,

16 protects the Company from the loss of revenue due to declining sales, and

17 eliminates the very incentives that would lead the Company to find

18 solutions for the problem of declining sales.

19

20 Q. Has the Commission required that an RDM scheme be implemented for

21 steam sales?

Testimony of John J. Dowling, P.E.

1 A. No. The Commission opinion ordering the implementation of RDM did
2 not mention its application to the steam system. RDM is designed to
3 eliminate the utility's incentive to increase sales, in order to allow it to
4 pursue energy efficiency goals. This is only a reasonable strategy if one
5 believes that there are negative externalities related to increased sales that
6 are greater than the revenue benefit of those sales. In the case of the steam
7 system, the externalities of increased sales are overwhelmingly positive.
8 The current situation of the steam system is that sales are declining. In
9 particular, summer sales are declining because steam rates are not
10 competitive with electric rates for air conditioning use. If steam revenues
11 continue to decline, implementation of SRAM will only serve to drive
12 steam rates up as revenue losses are collected in subsequent periods.
13 Driving rates up in this way can only serve to make steam a less
14 competitive energy source, hastening the sales decline. Such a sales
15 decline will either result in greater electric demand and the need for more
16 electric facilities, or greater use of on site boilers in the steam service area,
17 or some combination of the two. Neither of those alternatives are
18 preferable to a financially sound steam system, nor are those alternatives
19 without costs, either in the form of increased need for electric generation
20 capacity and T&D facilities, or in the form of environmental costs large
21 numbers of customer operated boilers in the steam service area.

Testimony of John J. Dowling, P.E.

1 Q. In your opinion, why were RDM programs abandoned in the past?

2 A. My observation is that large deferred revenue balances caused
3 unacceptable rate volatility and unacceptably large “regulatory assets” on
4 the balance sheets of some utilities.

5

6 Q. What does that imply for the SRAM?

7 A. If the current sales decline continues, inevitably customers will be asked
8 to make up sales shortfalls in subsequent periods. This is offensive to
9 customers, particularly to those who do not have the opportunity to
10 recover past losses from future transactions.

11

12 **Steam Distribution Losses**

13 Q. What is Company’s proposal for the recovery of the cost of steam lost in
14 the distribution system?

15 A. The Company proposes to continue the automatic recovery of the cost of
16 these losses in rates.

17

18 Q. What do you propose?

19 A. The Company should be allowed to recover only the three year average
20 volume of losses, priced at current monthly fuel costs. This provides a fair
21 opportunity to recover all the cost of losses, while providing a strong

Testimony of John J. Dowling, P.E.

1 incentive to control those losses. This is consistent with the approach
2 agreed upon in the most recent gas rate Joint Proposal.

3

4 **Energy Efficiency Incentives**

5 Q. Have you reviewed the Company's proposal increase its incentive to
6 develop energy efficiency programs for its steam system?

7 A. Yes. Company Witness Wheeler proposes to collect an incentive payment
8 of 20% to 30% of the net resource savings through the steam fuel
9 adjustment clause (FAC). The total cost of these programs, including
10 incentives, incentives would be up to \$13.5 million.

11

12 Q. Are these incentives necessary?

13 A. No, these incentives are excessive. The savings related to this incentive
14 are the marginal capacity cost savings. These are savings that accrue to the
15 Company. No further incentive should be necessary. While it is true that
16 the Company would otherwise receive recovery of its capacity costs in
17 rates, regardless of its failure to implement programs to avoid the need for
18 new capacity, that alone does not remove its incentive, or its obligation, to
19 manage the steam business in a way that minimizes costs. In its current
20 circumstances, the steam business is suffering the loss of sales in at least
21 some of its markets due to its inability to match the price of alternatives.

Testimony of John J. Dowling, P.E.

1 In that case, prudent management requires a strategy of minimizing costs.
2 The Company's incentive proposal is counterproductive in that it would
3 increase the cost of following that strategy by 20% or 30% or more.

4

5 **Performance Metrics for Steam Business Development Activities**

6 Q. Have you reviewed the Company Witness Wheeler's proposal to eliminate
7 the performance metrics for Steam Business Development activities?

8 A. Yes. These were developed as part of the last steam rate plan, and apply to
9 Customer Service activities to improve and maintain communication
10 between the Company and its steam customers. While they were part of
11 the last rate plan, they will not expire with that plan; nor will the need for
12 the Company to maintain those relationships diminish in order for the
13 steam business to grow.

14

15 Q. Do the SBD measures described by Witness Wheeler obviate the need for
16 continued customer communication?

17 A. No. While the SBD measures are important and worthwhile in themselves,
18 they do not replace good customer relationships as an important
19 component of managing the steam business. In fact, the development of
20 new programs demands greater awareness of customers' needs, not less.

Testimony of John J. Dowling, P.E.

1 The use of metrics to focus management attention on these relationships
2 continues to be important.

3

4 Q. Does this complete your pre-filed testimony?

5 A. Yes, it does.

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