

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition for Determination)
of Need of Hines Unit 2 Power Plant.)

DOCKET NO. 00164-EI

Submitted for Filing: September 25, 2000

**REBUTTAL TESTIMONY
OF
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PACIFIC ECONOMICS GROUP

DOCKET NO. 00164-EI

On behalf of

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FPSC-RECORDS/REPORTING

1 **Q. PLEASE STATE YOUR NAME AND BUSINESS ADDRESS.**

2 A. My name is Charles J. Cicchetti. My address is Pacific Economics Group,
3 201 South Lake Street, Suite 400, Pasadena, California 91101.

4

5 **Q. WHAT IS YOUR POSITION WITH PACIFIC ECONOMICS GROUP?**

6 A. I am a Co-Founding Member of Pacific Economics Group.

7

8 **Q. WHAT ARE YOUR DUTIES AS A MEMBER OF PACIFIC ECONOMICS**
9 **GROUP?**

10 A. I actively consult with clients on price, costs, environmental, natural gas
11 and electricity market issues and antitrust policies, particularly as those
12 policies relate to regulated industries.

13

14 **Q. DO YOU HOLD ANY OTHER POSITIONS?**

15 A. I am the Jeffrey J. Miller Professor of Government, Business and the
16 Economy at the University of Southern California.

17

18 **Q. WHAT IS YOUR EDUCATIONAL BACKGROUND?**

19 A. I attended the United States Air Force Academy and I received a B.A.
20 degree in Economics from Colorado College in 1965 and a Ph.D. degree
21 in Economics from Rutgers University in 1969. From 1969 to 1972 I
22 engaged in post-doctoral research at Resources for the Future.

1 **Q. PLEASE SUMMARIZE YOUR PROFESSIONAL EXPERIENCE.**

2 A. I served as chief economist for the Environmental Defense Fund and was
3 a faculty member at the University of Wisconsin from 1972 to 1985,
4 ultimately earning the title of Professor of Economics and Environmental
5 Studies. From 1975 through 1976 I served as the Director of the
6 Wisconsin Energy Office and as Special Energy Counselor for the
7 Governor. In 1977 I was appointed by the Governor as Chairman of the
8 Public Service Commission of Wisconsin and held that position until 1979
9 and served as a Commissioner until 1980. In 1980 I co-founded the
10 Madison Consulting Group, which was sold to Marsh & McLennan
11 Companies in 1984. In 1984 I was named Senior Vice President of
12 National Economic Research Associates and held that position until 1987.
13 From 1987 until 1990 I served as Deputy Director of the Energy and
14 Environmental Policy Center at the John F. Kennedy School of
15 Government at Harvard University and from 1988 to 1992 I was a
16 Managing Director and ultimately Co-Chairman of the economic and
17 management consulting firm, Putnam, Hayes & Bartlett, Inc. In 1992 I
18 formed Arthur Andersen Economic Consulting, a division of Arthur
19 Andersen, LLP. In 1996, I left Arthur Andersen to co-found Pacific
20 Economics Group.

21

22 **Q. HAVE YOU PUBLISHED ANY PAPERS OR ARTICLES?**

23 A. Yes. I have published a number of articles on energy and environmental

1 issues, public utility regulation, competition and antitrust. A complete
2 listing of my publications is included in Exhibit____(CJC-1).

3

4 **Q. HAVE YOU EVER GIVEN EXPERT TESTIMONY IN A COURT OR**
5 **ADMINSTRATIVE PROCEEDING?**

6 A. Yes. A list of the proceedings in which I have provided expert testimony
7 since 1980 is also included in Exhibit____(CJC -1).

8

9 **Q. WHO RETAINED YOU FOR THIS TESTIMONY?**

10 A. Florida Power Corporation (FPC) has retained me.

11

12 **Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY?**

13 A. I have been asked to analyze the testimony and recommendations made
14 by Florida Public Service Commission (FPSC or Commission) staff
15 economist Billy R. Dickens. I will address Mr. Dickens' discussion of the
16 proposed Hines 2 generating station and whether it should be included in
17 FPC's rate base for surveillance purposes upon its commercial in-service
18 date. I will also discuss his ideas concerning a prudence review every five
19 years based on then current market conditions to determine whether FPC
20 should be allowed continued rate base tariff recovery of the plant. In my
21 testimony, I explain why Mr. Dickens' conclusions and asymmetrical
22 recommendations are contrary to both regulatory principles and

1 competitive markets, and fail to achieve best cost. Therefore, I conclude
2 that his proposals should not be followed by the FPSC.

3

4 **Q. HOW IS YOUR TESTIMONY ORGANIZED?**

5 A. First, I review briefly the essential facts underlying FPC's proposal with
6 regard to Hines 2 and Mr. Dickens' related conclusions and policy
7 recommendations. Second, I discuss the applicable economic and
8 regulatory principles that lead me to conclude that the FPSC should not
9 follow Mr. Dickens' recommendation. Finally, I summarize my
10 conclusions.

11

12 **Q. WHAT IS YOUR UNDERSTANDING OF WHAT FPC WANTS TO DO?**

13 A. The Hines 2 power plant will be a state-of-the-art, natural gas-fired,
14 combined cycle power plant with a nominal rating of 530 MW. FPC
15 proposes to build the plant at the Hines Energy Complex (HEC) site in
16 Polk County, Florida. The plant would be operational by November 30,
17 2003. The plant will have dual fuel capability, using distillate oil as a
18 backup fuel source. The plant will be highly energy efficient, with a
19 projected average heat rate of 6,975 Btu/kWh. The estimated total direct
20 cost for building Hines 2 is \$197.5 million. Estimated transmission and
21 interconnection costs are \$5.6 million. It is my understanding that FPC is
22 not making any cost recovery proposals at this time.

1 Q. DOES MR. DICKENS OPPOSE FPC'S PROPOSAL TO CONSTRUCT
2 THE HINES 2 PLANT?

3 A. No. The bulk of Mr. Dickens' testimony focuses on, however, the
4 supposed "advent of electric generation restructuring" and the potential
5 risks he perceives for consumers related to placing Hines 2 in rate base.
6 Specifically, Mr. Dickens is concerned that if customers are committed to
7 long-term assets, they might miss out on more efficient alternatives in the
8 future. He asserts "Inferior choices typically result in sub-optimal
9 outcomes and unnecessary burdens for ratepayers." He apparently would
10 find it advantageous to make shorter-term decisions and thereby avoid
11 long-term risks associated with "markets turning south."

12 I find his conclusions to be at odds with the very real possibility that
13 market values can both "rise and fall." Accordingly, Mr. Dickens focuses
14 falsely on outcomes where technology, fuel choice, location, etc. might
15 cause a generating station to be worth less in the future than it was
16 projected to be worth at that future point in time. He fails to consider,
17 either in his example or his logic, that some generating stations may, in
18 the future, be worth more than their original cost less depreciation values.

19 I do not question that economic and rate base depreciation rates
20 may not match up consistently. I do, however, question the perception
21 that any differences are asymmetric, and always favor lower future market
22 values relative to their underlying original cost less depreciation value.

1 Q. DOES MR. DICKENS ALLEGE THAT HINES 2 IS AN INFERIOR
2 CHOICE?

3 A. No. He does not seem to quarrel with FPC's characterization of Hines 2
4 as a state-of-the-art generating plant. Thus, he seems to agree that this
5 generating station currently is not an inferior choice. He does, however,
6 identify what he perceives to be three risks associated with according
7 Hines 2 traditional full regulatory treatment (i.e., effectively placing Hines 2
8 in rate base). These are: (1) cost overruns or failure to meet in-service
9 dates; (2) plant under-performance; and (3) risks associated with building
10 a long-lived asset, as well as having fuel costs exceed forecast scenarios.

11 Mr. Dickens then admits that the first two risks are either minimal
12 and/or that incentives are readily available to protect consumers from
13 these risks. It is the third risk that seems to trouble him the most. In
14 essence, Mr. Dickens is concerned that in the future with new technology
15 and/or competition, the Hines 2 plant might not be the least cost
16 alternative for customers and that if allowed in rate base, the customers
17 will be "liable" for these costs. He does not use the term "stranded costs".
18 Nevertheless, Mr. Dickens seems to worry that the Hines 2 unit might
19 have stranded costs in the future. This would mean that the Hines 2 unit's
20 future economics or market value might turn out to be lower than its
21 original cost less depreciation (i.e., rate base). Mr. Dickens is, therefore,
22 worried that if Hines 2 is allowed in rate base, retail customers would be
23 "liable" for these costs.

1 Q. DO YOU CONCUR WITH MR. DICKENS' CONCLUSIONS
2 ASSOCIATED WITH FUTURE MARKET RISK?

3 A. No. Long-term assets can be good for customers. No one can predict
4 with absolute certainty what the future will hold for fuel prices. Not long
5 ago, national decisions were made based on oil price projections that
6 exceeded \$100 per barrel. Those high prices never materialized. Instead,
7 world oil prices have generally fluctuated in the \$10 to \$40 per barrel
8 range. Indeed, oil and natural gas prices over the last twelve months have
9 experienced swings that match this twenty-year range in energy prices

10 Mr. Dickens admirably would like to protect consumers from the risk
11 of long-run decisions that with perfect "20/20" hindsight turn out to be
12 more costly than they needed to be. The problem with this approach is
13 that it is equally necessary to guard against price movements that swing in
14 the opposite direction. Competitive markets often provide a combination
15 of symmetric hedges and levels of return commensurate with any
16 inherently unavoidable risks. Regulation performs a similar task by
17 combining integrated resource planning and contemporaneous or current
18 prudence reviews.

19
20 Q. MR. DICKENS ASSERTS THAT LONG TERM FIXED-PRICE
21 CONTRACTS RETARD MARKET EFFICIENCY. DO YOU AGREE WITH
22 HIM?

1 A. No. Mr. Dickens' entire premise appears to be based on electric industry
2 restructuring and the advent of a competitive market. Such a market does
3 not yet exist in Florida. Thus, I find Mr. Dickens' suggestion that granting
4 Hines 2 rate base treatment would retard competition is inapplicable in
5 Florida.

6

7 **Q. DOES MR. DICKENS RECOMMEND THAT THE COMMISSION NOT**
8 **ALLOW FPC TO PLACE HINES 2 IN RATE BASE?**

9 A. No. Even though Mr. Dickens advocates short-run contracts because he
10 thinks that such contracts minimize the risks associated with future
11 changes in technology and fuel costs, as I understand Mr. Dickens'
12 proposal, he would have FPC build Hines 2. He would then permit FPC to
13 recover the "prudent costs" of Hines 2 in rate base or regulated tariffs for
14 about five years. After this relatively brief cost recovery, Mr. Dickens
15 would require FPC to show that Hines 2 and any related fuel cost,
16 technology, etc. is still the prudent choice. If the answer remains "yes", he
17 would recommend that the Commission reauthorize the "still prudent" cost
18 recovery.

19 However, if the future brings forth less costly alternatives, he would
20 recommend a "buyers' market-out clause" and refuse to permit FPC to
21 recover the annual revenue requirements for Hines 2 based on traditional
22 cost-of-service principals (i.e., the original cost less depreciation
23 regulatory standard).

1 Apparently, over a 35 to 40 year plant life, Mr. Dickens would
2 repeat these future "prudence" reviews every five years. If the plant fails
3 to sustain its original approval, Mr. Dickens would disallow full cost
4 recovery in the future. Presumably, if the opposite conditions occur and
5 the future market value of Hines 2 exceeds its cost-of-service value, these
6 "savings" would asymmetrically flow to ratepayers.

7

8 **Q. DO YOU AGREE WITH MR. DICKENS SUGGESTION THAT A**
9 **"BUYER-OUT" CLAUSE MIGHT BE APPROPRIATE IF THE FPSC**
10 **WERE TO ALLOW HINES 2 INTO RATE BASE?**

11 A. No. Mr. Dickens, as I have already explained, ignores the fact that
12 markets go up and markets go down. Mr. Dickens proposes a long-term
13 contract where only the buyer has the option to opt out. One-way market-
14 out clauses only occur when one party has vastly unequal bargaining
15 power. For example, in the early 1970s, natural gas supply was critically
16 short. Producers had a great advantage over pipelines desperate to
17 secure long-term natural gas supplies. In those situations, the producers
18 were able to insert market-out clauses where they could effectively
19 demand higher gas prices for their product when and if natural gas was
20 deregulated. Pipelines had little option but to accept these asymmetric
21 contract clauses. Fundamentally, such symmetry was only available in
22 contracts for the very highest priced natural gas. In Florida, demand is
23 growing and new generation must be built to meet this need. Mr. Dickens

1 suggests a long-term lease where the buyer gets to decide at a specific
2 point whether the deal originally signed is still a good one. This is totally
3 one-sided and asymmetric.

4 Merchant plant owners that possess a needed commodity that is in
5 short supply are not likely to accept such conditions. Consequently, it is
6 not reasonable to foist such an unacceptable contract clause upon the
7 incumbent utility. Florida remains a regulated cost-of-service jurisdiction.
8 It is imperative that the FPSC keep this clearly in sight as they balance
9 consumer and shareholder interests. My advice is that deregulation, if it
10 comes, should not ignore the relationship between supply, demand, and
11 entry. In the meantime, consumers' needs must be met in a fair and
12 balanced manner. Hines 2, built under cost-of-service regulation, would
13 do just that.

14 Neither competitive markets nor regulation typically allow one-sided
15 (i.e., buyer-only) market-out rights. If they did, the price paid to willing
16 sellers that might freely accept such risks would be very costly.

17 Consider an automobile lease. The car buyer and seller agree on a
18 purchase price, a turn in or residual value, and finance costs (i.e., interest
19 rate and term of the lease). No automobiles with which I am familiar are
20 leased without stipulating a residual value. The residual value, once
21 agreed to by the lessor and lessee, cannot be changed unilaterally by
22 either party. It is not possible to imagine an automobile dealer accepting a
23 lease contract that allowed the lessee to unilaterally reset the residual

1 value to reflect the car's then current market value at the end of the lease,
2 allowing the lessee to capture all the potential upside of changing market
3 conditions.

4 Similarly no bank would ever lend money to a home purchaser if
5 the purchaser demanded the right to continue living in the home while
6 unilaterally reducing the amount of the loan if home values drop at some
7 point in the future. Similarly, no one would sell a house to a buyer that
8 could demand a refund if the buyer's requirements change and a house
9 with different characteristics turns out to be better in the future. Mr.
10 Dickens' proposal would result in such treatment for Hines 2.

11

12 **Q. ARE THERE ANY CONDITIONS UNDER WHICH A MERCHANT PLANT**
13 **OWNER MIGHT ACCEPT A ONE-WAY MARKET OUT CLAUSE IN**
14 **FAVOR OF THE BUYER IN FLORIDA?**

15 A. In a marketplace with supply shortages, a generating plant owner not
16 obligated to serve might accept such a one-sided contract clause, but only
17 if the owner is well compensated for the additional one-sided risk such a
18 contract clause engenders. Such additional compensation would mean
19 that prices to consumers would be higher than they would otherwise be
20 under traditional cost-of-service regulation because the required rate of
21 return necessary to compensate for the increased risk is higher. There is
22 no reason a regulated utility should also not receive a higher rate of return
23 to compensate it for this increased risk if it were forced to accept such an

1 asymmetrical contract clause. This would serve to increase unnecessarily
2 the price paid by customers.

3

4 **Q. SHOULD THE COMMISSION ACCEPT MR. DICKENS'**
5 **RECOMMENDATION TO ALLOW HINES 2 IN RATE BASE WITH**
6 **PERIODIC PRUDENCE REVIEWS?**

7 **A.** No. First, Mr. Dickens' recommendation effectively to reopen a prudence
8 review every five years or so is out of sync with his testimony, which
9 primarily touts the consumer benefits associated with short-term contracts
10 for power. Mr. Dickens seems to assume that Florida is moving towards a
11 more competitive environment for generation. This issue is far from
12 decided. And given the troubles currently roiling the California retail
13 market, I suspect that legislators in Florida and elsewhere will be
14 extremely cautious in moving forward to deregulate markets that are
15 functioning well and protecting consumers from the vicious price spikes
16 that were present in San Diego this past summer. At the very least,
17 Florida would benefit by taking the time to determine what went wrong in
18 California, a state with similar location issues and needs, transmission and
19 capacity needs and how to remedy the problems.

20 Second, Mr. Dickens assumes that electricity prices will fall with
21 both competition and advances in technology. Thus, he is opposed to
22 putting long-term assets, such as Hines 2, into rate base because he
23 believes this would foreclose the opportunity for consumers to take

1 advantage of these lower prices and new technology. Prices respond to
2 supply and demand. The only relative certainty is that excess supply, not
3 tight markets, will push prices to fall. Prices go up and prices go down in
4 competitive markets. Inexplicably, Mr. Dickens seems willing to let
5 consumers bear the risks of this volatility in competitive markets, but not
6 under the less volatile traditional regulatory system.

7 Third, Mr. Dickens also assumes that plants built today will be less
8 economic than plants built in the future. This is not necessarily true. As
9 plants are depreciated throughout their useful life, they can become
10 extremely valuable assets to consumers. For example, consider the value
11 of older, depreciated coal-fired base and intermediate plants now that
12 natural gas prices are heading north of \$5/mmcf. Mr. Dickens' proposal
13 would trade this solid value for the speculative upside potential associated
14 with new technology and competition. Worse, he would appear to support
15 asymmetry in which consumers would always win and shareholders would
16 always lose.

17 Regulation believes in both the interests of consumers and utilities.
18 The principle doctrine of the regulatory concept is achieving a "just and
19 reasonable" or "fair and balanced" outcome. If regulation veers too much
20 in one direction, the result is almost always higher future costs and prices
21 and/or poor service quality.

22 Markets perform a similar balancing between producers (supply)
23 and consumers (demand). No competitive market would or could give one

1 group the power to dominate the other for any sustained period.
2 Regardless of the conceptual or organizational framework, the policy Mr.
3 Dickens proposes is not economically efficient, fair or reasonable.

4

5 **Q. IS IT EVEN NECESSARY FOR ANY BUSINESS, REGULATED OR**
6 **NOT, TO HOLD AND USE AN ASSET IN THE FACE OF A BETTER,**
7 **MORE PRODUCTIVE/PROFITABLE TECHNOLOGY?**

8 A. No. Competitive business, as the saying goes, "knows when to fold them
9 and knows when to hold them." I include a lecture in the finance course I
10 teach at the University of Southern California that explains precisely how
11 businesses make this decision with, and without, technological and other
12 changes (e.g., load factors, factor input price changes, location, inflation,
13 efficiency, etc.).

14 Regulation uses integrated resource planning, demand side
15 management, and utility diversity/coordination to consider very much the
16 identical set of things. Hines 2 would not, as Mr. Dickens avers, simply
17 lock Florida into what now would be a state-of-the-art, efficient combined
18 cycle natural gas fired unit. If other technologies become available, Hines
19 2 would slip down in the supply stack. But it would still be used under
20 either regulation or competition.

21 Given current technological advantages, competitive producers
22 would recover much of their investment on the front end. Traditional
23 original cost straight-line depreciation recovers more of the plant's return

1 "on" and "of" investment in the early years, while establishing a fixed
2 annual charge, or "of" component (i.e., depreciation expense) equal to the
3 plant's original cost divided by the plant's expected life. Other methods of
4 cost recovery such as sinking fund depreciation can also be used by
5 regulators if they think it is more appropriate to recover a plant's
6 investment sooner.

7

8 **Q. ARE THERE ANY OTHER REASONS WHY YOU DISAGREE WITH MR.**
9 **DICKENS' RECOMMENDATION TO REVISIT PERIODICALLY, BASED**
10 **ON THEN CURRENT MARKET CONDITIONS, THE PRUDENCE OF**
11 **INCLUDING HINES 2 IN RATE BASE?**

12 A. Yes. Mr. Dickens is proposing an *ex post* prudence review. There is
13 absolutely no regulatory precedent for such an approach. Rates should
14 reflect the prudent investment standard and the regulatory compact:

- 15 1. Risk should be consistent with rewards; and
- 16 2. "Best-cost" generation policies should be pursued.

17 Under the prudent investment standard, a regulated firm is entitled
18 to recover from its ratepayers costs that the firm prudently incurs to fulfill
19 its service obligations to those customers. In evaluating whether an
20 expense should be reflected in rates, the prudent investment standard
21 requires determining whether a "reasonable person" would have pursued
22 the same course of action, considering the information known or

1 reasonably knowable at the time the decision was made, and taking into
2 account the prevailing industry opinions and practices.

3 It is possible that, in retrospect, some decision other than the one
4 actually made by the regulated firm would have produced a more (or less)
5 favorable outcome. Nonetheless, the possibility that a different decision
6 might have produced a more (or less) favorable outcome should not be
7 the test of whether the regulated firm will be allowed to recover less (or
8 more) than the costs actually expended for its customers. To require a
9 regulated firm to suffer the consequences of reasonable decisions that
10 turn out, *ex post*, to be less (more) advantageous to consumers violates
11 the bargain inherent in the conventional regulatory system. Under this
12 regulatory system, regulated firms realize neither the "upside" gain nor the
13 "downside" loss for decisions that turn out to be more (or less) beneficial
14 than anticipated. From an economic or consumer cost viewpoint, any one
15 sided, asymmetrical regulation where consumers always win would
16 increase the underlying risk to investors and the cost of capital required by
17 investors, to the direct detriment of consumers.

18 This does not mean that all decisions made by a utility manager are
19 acceptable. Rather, utility managers should be held responsible for their
20 decisions. Both fairness to consumers and sound economic incentives for
21 regulated firms require that the cost consequences of an imprudent
22 decision not be reflected in rates. Conversely, fairness to investors and
23 the desirability to consumers for the utility to obtain capital at a reasonable

1 cost imply that the costs associated with a decision that "made sense" at
2 the time it was made, considering the prevailing conditions at the time the
3 decision was made, should not result in financial penalties to
4 shareholders. This is true even where hindsight demonstrates that a
5 different decision or course of conduct would have resulted in a better
6 outcome for consumers. To do otherwise would violate the regulatory
7 compact and would lead to uneconomic decisions.

8 Included within the regulatory compact is the principle that
9 regulators do not use hindsight to judge outcomes of past prudent
10 decisions made by utility managers. This principle protects both
11 customers and shareholders.

12 The example of past problems that Mr. Dickens discusses is the
13 prices some utilities paid under the Public Utility Regulatory Policies Act
14 (PURPA). I find this example to be a noteworthy exception. In my
15 opinion, the fault does not lie with failed regulation. I place the blame on
16 legislation that went too far and required "buyers" to purchase qualifying
17 energy (QF power) regardless of the underlying economics of the
18 transaction. Neither competitive markets nor regulation as I know it would
19 have condoned this outcome, tied as it was to flawed legislation, not
20 regulation, gone awry.

21

22 **Q. WHAT DO YOU MEAN BY "BEST COST" GENERATION POLICIES?**

1 A. Under the regulatory compact, regulated firms like FPC have a regulatory,
2 economic, and ethical responsibility to generate electricity in a way that
3 best suits the interests of their customers. This implies that their forecast
4 policies should adhere to a "best cost" rather than a "least cost" approach.
5 Best cost planning means that sometimes it is necessary to pay more to
6 lock in some factors (e.g., a long-term fuel supply) in order to avoid the
7 risk associated with shortages and/or higher future spot prices. Of course,
8 businesses, families, and regulators do this. When they do not do this,
9 they often learn the lesson that "markets go up as well as down." Hines 2
10 will represent the state-of-the-art in generation plants when it is
11 constructed. As is clear from the Need Petition filed by FPC, the planned
12 capacity is needed in Florida. The decision to build Hines 2 is certainly
13 the best-cost solution that exists for FPC and its customers at this time.

14

15 **Q. WHO SHOULD BEAR THE RISK THAT, IN THE FUTURE, A LOWER**
16 **PRICED POWER SUPPLY MIGHT BECOME AVAILABLE?**

17 A. Any risk that at some unspecified time in the future there might be a more
18 economical power source should be borne by those who now receive the
19 benefits of reliable, low-priced sources of supply. The direct and major
20 beneficiaries are the customers. Therefore, it is appropriate that
21 customers bear a portion of the slim potential risk that this plant might be
22 more costly than newer technology at some point in the future. Mr.
23 Dickens' recommendation raises the specter that the FPSC would deny

1 FPC that right to recover costs that were prudent when made. This would
2 impose the downside risks on FPC while keeping the upside gains for
3 customers. This asymmetrical risk allocation would violate the economic
4 principle that risk and reward should be symmetrical.

5

6 **Q. WOULD YOU SUMMARIZE YOUR CONCLUSIONS?**

7 A. Yes. Mr. Dickens performs a very useful service by reminding everyone
8 that regulation needs to protect consumers. However, he goes too far in
9 this direction when he proposes to abandon the regulatory prudence and
10 "just and reasonable" principles. His approach is one sided and
11 asymmetric. If consumers paid the price necessary to compensate
12 investors for these assurances and proposed rights, the prices consumers
13 would pay would be much more expensive than traditional cost-of-service
14 prices.

15 FPC has demonstrated the need for additional capacity and relied
16 upon traditional integrated least cost planning to demonstrate this need.
17 The objectives are well known. The current process is built on making the
18 "best" decisions while incorporating relative certainty and minimal risk. Mr.
19 Dickens seems to believe that this well-honed balance can be nudged in
20 one direction, making the outcome take on some characteristics that he
21 generally believes a competitive market would have. However, Mr.
22 Dickens' regulatory concepts and ideas are in direct conflict with widely
23 accepted regulatory principles and practices, and therefore, should be

1 rejected. Further, Mr. Dickens' notion of competitive markets ignores the
2 important symmetry that exists in such markets (e.g., prices go up and
3 down). He bases much of what he proposes on an unreasonable
4 asymmetric view of competition in which the market always improves on
5 the past. He is wrong about competitive market performance; and,
6 therefore these ideas should be given short shrift.

7 Mr. Dickens also overlooks the fact that even if new future
8 technology is less expensive than Hines 2, the Hines 2 plant will simply
9 move down a notch in the supply stack. It will still be used and useful to
10 Florida consumers. Further, as Hines 2 is depreciated under traditional
11 cost-of-service regulatory principles, its revenue requirement will be
12 reduced, likely offsetting future modest technological advances. Mr.
13 Dickens also overlooks this fact.

14 Finally, Mr. Dickens may be suggesting a mix of these two systems:
15 regulation and competition. Some attempts to do so are in vogue.
16 Nevertheless, there are numerous examples in which such mongrelized
17 experiments go bad and consumers lose. The FPSC should stay the
18 course and not be tempted to follow such an ill-fated path.

19

20 **Q. DOES THIS CONCLUDE YOUR TESTIMONY?**

21 **A. Yes.**

22

December 1999

CHARLES J. CICHETTI**PROFESSIONAL EXPERIENCE**

1998-present Jeffrey J. Miller Professor in Government, Business, and the Economy, University of Southern California;

1996-present Co-Founder, Pacific Economics Group;

1990-1997 Adjunct Professor of Economics, University of Southern California;

1992-1996 Managing Director, Arthur Andersen Economic Consulting;

1991-1992 Co-Chairman, Putnam, Hayes & Bartlett, Inc.;

1988-1991 Managing Director, Putnam, Hayes & Bartlett, Inc.;

1987-1990 Deputy Director, Energy and Environmental Policy Center, John F. Kennedy School of Government, Harvard University;

1984-1987 Senior Vice President, National Economic Research Associates;

1980-1984 Co-Founder and Partner, Madison Consulting Group;

1979-1986 Professor of Economics and Environmental Studies, University of Wisconsin-Madison;

1977-1979 Chairman, Public Service Commission of Wisconsin, Appointed by Governor Patrick J. Lucey (member until 1980);

1975-1976 Director, Wisconsin Energy Office and Special Energy Counselor for Governor Patrick J. Lucey, State of Wisconsin;

1974-1979 Associate Professor, Economics and Environmental Studies, University of Wisconsin-Madison;

1972-1974 Visiting Associate Professor, Economics and Environmental Studies, University of Wisconsin-Madison;

1972 Associate Lecturer, School of Natural Resources of the University of Michigan;

1969-1972 Resources for the Future, Washington, D.C.;

1969 Ph.D., Economics, Rutgers University;

1968-1969 Instructor, Rutgers University;

1965 B.A., Economics, Colorado College;

1961-1964 Attended United States Air Force Academy.

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Graduate School of Public Policy at the University of California, Berkeley;
Institute for the Study of Regulation;
National Association of Regulatory Utility Commissioners, Executive Committee
and Chairman of the Ad Hoc Committee on the National Energy Act, Former
Member;
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