

ILLINOIS COMMERCE COMMISSION

DIRECT TESTIMONY

OF

KATHLEEN C. MCSHANE

Submitted On Behalf

Of

MIDAMERICAN ENERGY COMPANY

June 2009

TABLE OF CONTENTS

	<u>Page No.</u>
I. INTRODUCTION	1
II. SUMMARY OF CONCLUSIONS	2
III. KEY CONSIDERATIONS FOR A FAIR RETURN ON EQUITY	4
IV. ECONOMIC AND CAPITAL MARKET TRENDS	8
A. ECONOMIC AND INTEREST RATE TRENDS	9
B. EQUITY MARKET TRENDS	13
C. TRENDS IN THE MARKETS FOR UTILITY SECURITIES	15
V. ESTIMATE OF A FAIR RETURN ON EQUITY	17
A. CONCEPTUAL CONSIDERATIONS	17
B. DISCOUNTED CASH FLOW MODEL	20
C. EQUITY RISK PREMIUM TESTS	33
D. CONCLUSIONS FOR THE DCF AND EQUITY RISK PREMIUM TESTS	48
E. COMPARABLE EARNINGS TEST	56
F. RECOMMENDATION	62

MidAmerican Exhibit KCM 1.1 QUALIFICATIONS OF KATHLEEN C. McSHANE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

ILLINOIS COMMERCE COMMISSION

**DIRECT TESTIMONY
OF
KATHLEEN C. MCSHANE**

Submitted On Behalf

Of

MIDAMERICAN ENERGY COMPANY

I. INTRODUCTION

Q. Please state your name and business address.

A: My name is Kathleen C. McShane. My business address is 4550 Montgomery Avenue, Suite 350N, Bethesda, Maryland 20814.

Q. By whom are you employed and in what capacity?

A. I am President of and Senior Consultant with Foster Associates, Inc., an economic consulting firm.

Q. Please provide your educational and employment history.

A. I hold a Masters in Business Administration with a concentration in Finance from the University of Florida (1980) and the Chartered Financial Analyst designation (1989). I have testified on issues related to cost of capital and various ratemaking issues on behalf of local gas distribution utilities, pipelines, electric utilities and telephone companies, in more than 190 proceedings in Canada and the U.S. My professional experience is provided in MidAmerican Exhibit KCM 1.2.

22 **Q. What is the purpose of your direct testimony?**

23 A. I have been asked to render an opinion on the fair rate of return on equity that
24 would be applicable to the Illinois gas utility operations of MidAmerican Energy
25 Company (“MidAmerican” or “Company”). My analysis and conclusions
26 regarding the fair return follow; the statistical support for the studies I have
27 conducted is contained in MidAmerican Exhibit KCM 1.2, containing Schedules
28 1 to 11.

29 **II. SUMMARY OF CONCLUSIONS**

30 **Q. What were the key factors considered in conducting your analysis and**
31 **arriving at your recommendation?**

32 A. My analysis and recommendation took into account the following considerations:

33 (1) The allowed return on equity for MidAmerican’s Illinois gas utility
34 operations should reflect the risk profile and cost of equity of comparable
35 gas distribution utilities (LDCs) so as to provide a return commensurate
36 with returns in other enterprises with corresponding risks. A sample of
37 LDCs serves as the comparable group for MidAmerican’s Illinois gas
38 utility operations.

39 (2) In arriving at a recommended return, no single test result should be given
40 exclusive weight. Each of the various tests employed provide a different
41 perspective on a fair return. Each test has its own strengths and
42 weaknesses, which may vary with both the business cycle and stock
43 market conditions. In the end, the governing principles of *Bluefield*¹ and
44 *Hope*², require that a utility be allowed the opportunity to earn a return
45 commensurate with those of enterprises of comparable risk.

¹ *Bluefield Water Works & Improv. Co. v. Public Serv. Comm’n of West Virginia*, 262 U.S. 679 (1923).

² *Federal Power Comm’n v. Hope Natural Gas Co.*, 320 U.S. 591 (1944).

- 46 (3) For the purpose of determining a fair return on equity for a utility, a
 47 critical factor that needs to be recognized is that the cost of capital is
 48 determined in the capital markets. The cost of capital estimates reflect the
 49 market value of the firm’s capital, both debt and equity. While the DCF
 50 and risk premium tests estimate the return required on the market value of
 51 common equity, regulatory convention applies that return to the book
 52 value of the assets included in rate base. The determination of a fair return
 53 on book equity needs to recognize that distinction and the resulting
 54 differences in financial risk.
- 55 (5) In principle, the comparable earnings test is most compatible with
 56 regulation on an original cost book value rate base. For purposes of this
 57 testimony, I have used the comparable earnings test results to demonstrate
 58 the reasonableness of the recommended return in relation to the level of
 59 returns being earned by comparable risk unregulated companies.
- 60 (6) The results of the DCF and equity risk premium tests used to estimate a
 61 fair return for MidAmerican’s Illinois gas utility operations are
 62 summarized below.

63 **Table 1**
 64

	Cost of Equity	ROE Adjusted for MidAmerican’s Equity Ratio
DCF		
Constant-I/B/E/S	10.8%	11.5%
Constant-Sustainable Growth	10.9%	11.6%
Three-Stage	10.4%	11.1%
Equity Risk Premium		
CAPM Forward	10.7%	11.9%
CAPM Historic	9.8%	10.8%
Historic – Utility vs. risk-free rate	11.1%	11.1%
Historic – Utility vs. A-rated public utility bonds	11.4%	11.4%
DCF-based Risk Premium vs. A-rated public utility bonds	9.8%	10.8%
Recommendation		11.25%

65

66 The tests indicate that the cost of equity is approximately 10.5% based on all of
67 the tests performed. As there is a difference between MidAmerican's book value
68 common equity ratio of 47.75% and the market value common equity ratios of the
69 sample of LDCs over the relevant periods of analysis, an upward adjustment of
70 approximately 75 basis points to the 10.5% cost of equity is required for
71 differences in financial risk between MidAmerican and the proxy LDCs. I
72 recommend that the allowed return on equity for MidAmerican's Illinois gas
73 utility operations be set at 11.25%.

74 **III. KEY CONSIDERATIONS FOR A FAIR RETURN ON EQUITY**

75 **Q. Please explain the importance of the allowed return on equity.**

76 A. The allowed return on equity is one of the most critical elements of the revenue
77 requirement. The allowed return on equity reflects the cost of equity capital. The
78 cost of equity capital is a real cost to the utility. The return on equity capital
79 represents the compensation investors require to make available the funds
80 necessary to build, grow and maintain the infrastructure necessary to deliver
81 services essential to the economic well-being of a region.

82 A just and reasonable return on the capital provided by investors not only fairly
83 compensates the investors who have put up, and continue to commit, the funds
84 necessary to deliver service, but benefits all stakeholders, especially ratepayers.
85 A fair and reasonable return on the capital invested in a utility provides the basis
86 for attraction of capital for which investors have alternative investment
87 opportunities. Fair compensation on the capital committed to the utility provides
88 the utility with the financial means to invest in the infrastructure for the supply of
89 energy that is required to support long-term growth in the underlying economy, to
90 comply with the requirements that ensure that the production of needed energy is
91 not harmful to the environment, and to pursue technological innovations to meet
92 the future needs of a vibrant economy.

93 An inadequate return, on the other hand, undermines the ability of a utility to
94 compete for investment capital. Moreover, inadequate returns act as a
95 disincentive to expansion within the service area, may potentially degrade the
96 quality of service or deprive existing customers from the benefit of lower unit
97 costs which might be achieved from growth. In short, if the utility is not provided
98 the opportunity to earn a fair and reasonable return, it may be prevented from
99 making the requisite level of investments in the existing infrastructure in order to
100 reliably provide utility services for its customers.

101 MidAmerican will be competing for capital in markets that may be characterized
102 by an unprecedented requirement for regulated infrastructure investment. The
103 International Energy Agency in its 2008 *World Energy Outlook* estimated that
104 between 2007 and 2030 close to \$4.3 trillion in investment would be required by
105 the gas transmission and distribution (\$1.7 trillion) and electricity (\$2.6 trillion)
106 industries in North America. The opportunity to earn a fair return on equity is
107 critical to the ability to achieve and maintain strong credit metrics and to access
108 capital on reasonable terms and conditions even when capital markets are under
109 pressure.

110 **Q. How do you ensure that the allowed return provides fair compensation to**
111 **investors for committing their equity capital to the utility?**

112 A. To ensure that the allowed return fairly compensates investors for committing
113 equity capital, the utility must be given the opportunity to:

- 114 1. earn a return on investment commensurate with that of comparable risk
115 enterprises;
- 116 2. maintain its financial integrity; and,
- 117 3. attract capital on reasonable terms.

118 These standards arise from United States Supreme Court precedents,³ and have
119 been echoed in numerous regulatory decisions across North America.

120 **Q. Please explain the implication of “the opportunity to earn a return on**
121 **investment commensurate with that of comparable risk enterprises”.**

122 A. This criterion is at the heart of the “opportunity cost principle”. It means that the
123 fair return must be determined by estimating the return investors would receive if
124 they committed their funds to alternative investment opportunities with
125 comparable risks to MidAmerican’s Illinois gas utility operations. It means that
126 any estimate of the cost of equity capital must look to comparable risk enterprises
127 and the returns available to them.

128 **Q. Does the need to look to comparable risk companies mean that each utility in**
129 **a sample of proxies must exhibit identical risk characteristics to those of**
130 **MidAmerican’s Illinois gas utility operations?**

131 A. No. Each utility will have risk characteristics that are unique. However, on
132 balance, the level of total risks (business plus financial) should be reasonably
133 comparable.

³ In *Bluefield*, 262 U.S. at 692, for example, the Court stated,

A public utility is entitled to such rates as will permit it to earn a return on the value of the property which it employs for the convenience of the public equal to that generally being made at the same time and in the same general part of the country on investments in other business undertakings which are attended by corresponding risks and uncertainties; but it has no constitutional right to profits such as are realized or anticipated in highly profitable enterprises or speculative ventures. The return should be reasonably sufficient to assure confidence in the financial soundness of the utility and should be adequate, under efficient and economical management, to maintain and support its credit and enable it to raise the money necessary for the proper discharge of its public duties

In *Hope*, 320 U.S. at 603, Justice Douglas, writing for the Court, stated,

From the investor or company point of view it is important that there be enough revenue not only for operating expenses but also for the capital costs of the business. . . . By that standard the return on equity owner should be commensurate with returns on investments in other enterprises having corresponding risks. That return, moreover, should be sufficient to assure confidence in the financial integrity of the enterprise, so as to maintain its credit and to attract capital.

134 **Q. How have you selected comparable risk enterprises for this purpose?**

135 A. I selected a sample of nine natural gas distribution utilities (LDCs) according to
136 the criteria delineated in Section IV.B.3 of this testimony.

137 **Q. Does the proxy group of LDCs that you employed to estimate the cost of**
138 **equity face the same level of business risk to which the MidAmerican's**
139 **Illinois gas distribution operations are exposed?**

140 A. On balance, the fundamental business risks (operating, market, supply) and
141 regulatory model are similar. However, with regard to the regulatory model,
142 unlike the proxy utilities in my LDC sample, MidAmerican's Illinois gas utility
143 operations have no protection against weather. Of the nine proxy LDCs in my
144 sample, eight have either full or partial protection from weather and customer
145 consumption decline risk through weather normalization clauses, rate design
146 and/or revenue decoupling. Consequently, with no weather protection,
147 MidAmerican's Illinois gas utility operations would be considered somewhat
148 riskier than the proxy sample. Nevertheless, I have not adjusted the cost of equity
149 estimates for MidAmerican's lack of weather protection; from a diversified
150 portfolio perspective, weather risk is diversifiable and should have no impact on
151 the investors' required rate of return.

152 With respect to the fundamental business risks (market, supply, operating), the
153 Illinois gas utility operations of MidAmerican are of reasonably similar business
154 risk to the selected proxy sample of natural gas LDCs so that no adjustment to the
155 cost of equity estimates of the proxy sample is required for differences in business
156 risk.

157 **Q. With respect to the capital structure that MidAmerican proposes to use for**
158 **ratemaking purposes, how does it compare to the book value capital**
159 **structures of the proxy LDC sample?**

160 A. MidAmerican is proposing to use its December 31, 2008 capital structure for
161 ratemaking purposes. The proposed common equity ratio of 47.75% is close to

162 the average of the 2008 book value common equity ratios maintained by the
163 proxy sample of LDCs; see MidAmerican Exhibit KCM 1.2, Schedule 3).

164 **Q. In your opinion, is MidAmerican’s proposed capital structure reasonable for**
165 **ratemaking purposes?**

166 A. Yes. In principle, the actual capital structure should be relied upon for
167 ratemaking purposes, except under unusual circumstances (e.g., where the capital
168 structure is demonstrably out of line with the capital structures maintained by the
169 industry).

170 **Q. How do MidAmerican Company’s debt ratings compare to those of your**
171 **proxy sample of LDCs?**

172 A. Similar to my proxy sample of LDCs, MidAmerican Company is rated in the A
173 category (A- by S&P, A2 by Moody’s and A by Fitch) by the debt rating
174 agencies.

175 Given the similarity in business risks between MidAmerican’s Illinois gas utility
176 operations and the sample of LDCs, the similar book value capital structures, and
177 the similar debt ratings, I have relied on the sample of LDCs’ cost of equity as a
178 measure of the opportunity cost of equity for MidAmerican’s Illinois gas utility
179 operations (as adjusted for market and ratemaking financial risk differences as
180 required, discussed in Section V.D.2).

181 **IV. ECONOMIC AND CAPITAL MARKET TRENDS**

182 **Q. Please summarize the recent trends in, and forecasts for, the key economic**
183 **and capital market indicators that bear on the cost of capital environment.**

184 A. The sections below discuss the trends in the economy, interest rates, and equity
185 markets, both for the market generally and for utilities specifically.

186 **A. ECONOMIC AND INTEREST RATE TRENDS**

187 The U.S. economy is currently facing the worst financial crisis since the Great
188 Depression. As a result, the U.S. economy is in a deep recession that is expected
189 to last for an extended period of time.

190 The roots of the financial crisis can be traced to the search for higher yield
191 investment products in a period of stable markets and low credit spreads, leading
192 to excessive lending to borrowers with poor credit (subprime mortgages), which
193 in turn fuelled the housing market bubble. The associated high risk mortgage
194 loans were securitized, given relatively high credit ratings, and the resulting
195 structured financial projects were spread throughout the global financial system.
196 In early 2007, the subprime mortgage market began to unravel. Mortgage
197 delinquencies rose, large mortgage lenders began facing increasingly difficult
198 financial conditions, including bankruptcy, hundreds of mortgage-backed
199 securities were downgraded, institutional holders' confidence in the ability to
200 value the securities eroded and confidence in global financial institutions with
201 significant exposure to asset-backed securitized products began to deteriorate. A
202 liquidity crunch emerged in world financial markets, as the market for asset-
203 backed commercial paper (ABCP) dried up.

204 As the markets became increasingly nervous, and credit began to dry up, the
205 Federal Reserve stepped in, attempting to restart the flow of credit. Between
206 December 2006 and December 2007, the federal funds rate (the rate at which
207 banks lend to each other) was lowered three times. During the first six months of
208 2008, in addition to lowering the federal funds rate four more times, the Federal
209 Reserve implemented other measures aimed at maintaining an orderly financial
210 system, including the creation of lending facilities and increased swap lines with
211 other central banks.

212 Efforts by the Federal Reserve to stem the global financial crisis were
213 unsuccessful. By the end of the third quarter of 2008, the crisis had reached full-
214 blown proportions, with the failure, merger, or conservatorship of several large

215 United States-based financial firms. For example, in early September, the Federal
216 Housing Finance Agency (FHFA) created to regulate Fannie Mae, Freddie Mac
217 and the 12 Federal Home Loan Banks, placed Fannie Mae and Freddie Mac in
218 government conservatorship. In September, Lehman Brothers Holdings, the
219 fourth largest U.S. investment bank, having failed to elicit either government
220 support or a buyer, filed for Chapter 11 bankruptcy protection. On September
221 16th the Federal Reserve authorized \$85 billion to shore up American
222 International Group (AIG). At the end of the month, the Office of Thrift
223 Supervision closed Washington Mutual Bank.

224 On October 14, 2008, the Treasury announced the Troubled Asset Relief Program
225 (TARP) designed to purchase capital in financial institutions under the authority
226 of the Emergency Economic Stabilization Act of 2008. By the end of December
227 2008, the U.S. Treasury held a stake in more than 200 financial institutions. By
228 this time, the effects of the crisis had penetrated other industries, including the
229 U.S. auto industry. Loans from TARP of over \$17 billion were approved for the
230 ailing General Motors and Chrysler Corporations.

231 On December 1, 2008, the National Bureau of Economic Research (NBER)
232 announced what many had long believed, that the US economy, after peaking in
233 the 4th quarter of 2007, had entered into recession. Despite further reduction in
234 the federal funds rate to 1.00% in October 2008, the economy failed to respond to
235 the previous monetary and fiscal policy initiatives. As a result, following the
236 NBER's announcement, the Federal Reserve reduced the federal funds rate to the
237 unprecedented level of 0-0.25% in mid-December, citing deterioration in labor
238 market conditions, the declines in consumer spending, business investment, and
239 industrial production, the strained financial markets and the tight credit
240 conditions. Real growth dropped sharply in the fourth quarter of 2008 (-6.3%), its
241 biggest decline since the 1980-1981 recession.

242 The prospects for 2009 are dim; real growth is expected to be negative for the
243 year (-2.6%). Although the consensus of economists expects growth to turn

244 positive by the 3rd Quarter of 2009, real GDP growth is not anticipated to exceed
 245 2% until 1st Quarter of 2010, or to exceed 3.0% until 4th quarter of 2010. Thus
 246 while the economy is expected to gradually pull out of recession, the recovery is
 247 not expected to be either rapid or robust.

248 The table below provides a brief summary of the most recent actual and
 249 consensus forecast of economic indicators that are relevant to the cost of capital
 250 environment.

251
 252

Table 2

	2008 (Actual)	Consensus Forecasts			
		2009	2010	2009- 2013	2011- 2020
Economic Growth (Real GDP)	1.1%	-2.6%	1.8%	1.8%	2.9%
GDP Chained Price Index	2.2%	1.3%	1.2%	1.7%	2.2%
Inflation (CPI)	3.8%	-0.7%	1.6%	1.5%	2.5%

253 Source: Blue Chip *Economic Indicators*, April and March 2009

254 As the financial crisis spread, investors sought a safe haven in government
 255 securities. The “flight to quality” put downward pressure on 30-year Treasury
 256 bond yields, which fell from under 5% in August 2007 to below 2.7%, a level not
 257 seen since the mid-1950s, by the end of 2008.

258 While the “flight to quality” pushed yields on government securities down, yields
 259 and spreads on corporate bonds began to rise as the financial crisis took hold.
 260 From early 2004 to mid-2007, spreads on long-term A- and Baa-rated corporate
 261 bonds relative to the government benchmark yields had been fairly stable,
 262 averaging approximately 110 and 150 basis points respectively. Between mid-
 263 2007 and the end of November 2008, the spread between long-term A-rated
 264 corporate and long-term Treasury bond yields had soared to almost 390 basis
 265 points (yield of 8%). The corresponding spread between long-term Baa-rated
 266 corporate and Treasury bond yields had ballooned to 560 basis points (yield of

267 9%).⁴ The wide differential between Baa-rated and A-rated bond spreads in late
268 2008 was a clear signal of the importance of credit quality.

269 Some signs of a thaw in the credit markets have emerged in early 2009; yields on
270 30-year government bonds have risen moderately (3.6% at the end of March
271 2009). Nevertheless, long-term Treasury bond yields remain well below their
272 long-term expected level of 5.6% (See Table 3 below).

273 Yields on long-term corporate bonds have receded from their 2008 peaks. At the
274 end of March 2009, yields on long-term A-rated and Baa-rated corporate bonds
275 had declined to 6.64% and 8.45% respectively. Their corresponding spreads with
276 Treasury bond yields had also fallen, to approximately 310 and 490 basis points
277 respectively, but, despite this decline, remained well above their historic averages
278 of 110 and 150 basis points.

279 Long-term Treasury yields are expected to remain at or below 2008 levels through
280 mid-2010. Through mid-year 2010, the long-term Treasury bond yield is
281 expected to average approximately 3.8%. As the economy gradually recovers,
282 yields on the 30-year Treasury bond are expected to rise gradually, averaging
283 4.7% from 2009-2013. Over the longer term, 2011-2020, the 30-year Treasury is
284 expected to average approximately 5.6%. Corporate spreads are expected to
285 decline only slightly from their current levels in 2009. While the spreads are
286 expected to continue to decline over the longer-term, they are expected to remain
287 above the historic levels maintained prior to the onset of the current financial
288 crisis of 110 and 150 basis points on average for A- and Baa-rated corporate
289 bonds respectively. Table 3 summarizes actual and forecast government and
290 corporate interest rate forecasts.

⁴ The peak in absolute yields occurred on October 31, 2008, when A-rated and Baa-rated corporate yields hit 8.07% and 9.54% respectively.

291

Table 3

	2008 (Actual)	Consensus Forecasts			
		2009	2010	2009-2013	2011-2020
90-day Treasury Bills	1.3%	0.3%	1.0%	2.3%	4.0%
10-year Treasury Notes	3.6%	2.9%	3.7%	4.25%	5.25%
30-year Treasury Bonds	4.2%	3.5%	4.0% ¹	4.7% ²	5.6% ²
Long-term A-Rated Corp. Bonds	6.6%	6.6% ³	NA	NA	NA
Long-term Baa-Rated Corp. Bonds	7.5%	7.8%	7.6% ¹	7.5% ⁴	7.8% ⁴

292
293
294
295
296
297
298
299
300
301

^{1/} Through June 2010.
^{2/} Based on March 2009 forecast yields and forecast long-term spreads between 10 and 30-year Treasury yields as per December 2008 Blue Chip *Financial Forecasts*. Blue Chip *Financial Forecasts* publishes long-term forecasts in December and June only.
^{3/} Actual through March 2009.
^{4/} Based on March 2009 forecast yields and forecast long-term spreads between corporate Baa-rated bond and 30-year Treasury yields as per December 2008 Blue Chip *Financial Forecasts*.
 Source: Blue Chip *Economic Indicators*, March 2009 and Blue Chip *Financial Forecasts*, December 2008 and March 2009

302

B. EQUITY MARKET TRENDS

303
304
305
306
307
308
309
310
311
312
313

Following the 2001-2002 recession, as the economy strengthened, fuelled by low interest rates, easy credit and a buoyant housing market, the equity markets also strengthened. They continued to climb even as the housing bubble started to deflate in late 2006. Even as the credit markets coped with an increasingly severe credit crunch in 2007, the equity markets remained steady, reaching their peak in mid-October. However, during 2008, as the crisis in the credit markets expanded globally, commodity prices (e.g., oil, copper, aluminum, wheat, corn) began to collapse and global economies appeared more likely to be heading toward recession, the equity markets began an incessant retreat. Following the Lehman Brothers bankruptcy announcement in September 2008, the equity market retreat erupted into a full-fledged panic.

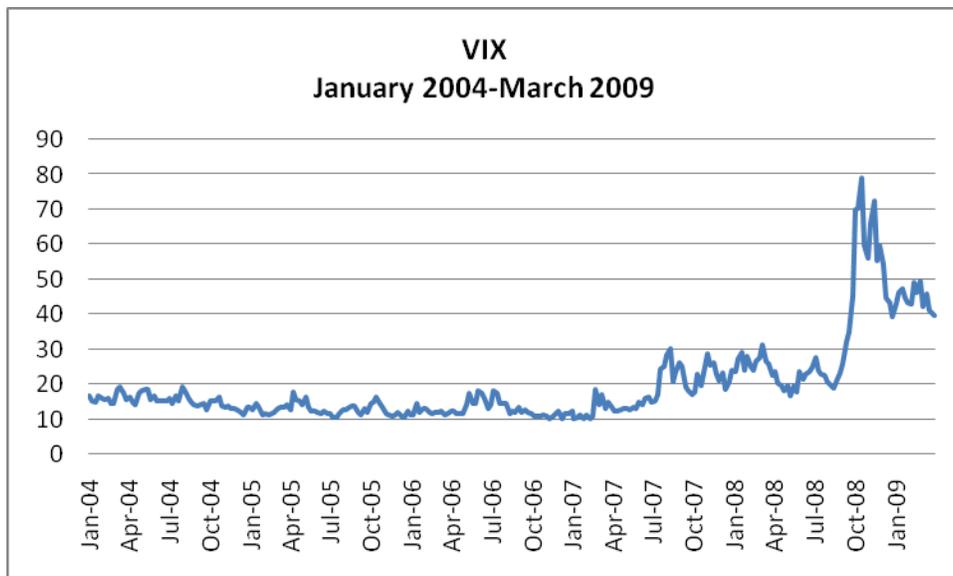
314
315
316
317
318

From its October 2007 peak through the mid-March 2009 trough, the S&P 500 fell over 55%, from a high of 1,565 on October 9, 2007 to a low of 676 on March 9, 2009, the lowest level since 1997. Relatively positive reports on retail sales, inflation and housing starts in March 2009 did boost the market slightly, but at the end of March, the S&P 500 remained 50% below its October 2007 peak.

319 Equity market volatility rose significantly in during 2008. The VIX index, an
 320 equity volatility index (often referred to as the “Fear Gauge”), introduced in 1993
 321 by the Chicago Board Options Exchange, is an indicator of investor risk aversion.
 322 An increase in the VIX index signals rising risk aversion and an increase in the
 323 required equity market risk premium.

324 As demonstrated in the figure below, the index indicates that, during much of
 325 2004-2006, the equity market was perceived as unusually stable; trading within a
 326 range of 10 to 19, and averaging 13.5. The VIX index rose steadily throughout
 327 much of 2007; during the first eight months of 2008 it averaged 23, 70% higher
 328 than its 2004-2006 average. During the fourth quarter of 2008, as investor
 329 concerns accelerated, the index jumped sharply, peaking at almost 80 in October
 330 2008, its highest level since inception, and averaging close to 60 during the entire
 331 4th quarter. While the volatility has since declined, on average during the first
 332 quarter of 2009, the VIX has traded at 45, still over three times above its pre-crisis
 333 levels. To put this in perspective, on only six days prior to the onset of the current
 334 financial market crisis in August 2007 has the index traded at or above 40.

335 **Figure 1**



336 Source: Chicago Board Options Exchange
 337

338

339 **C. TRENDS IN THE MARKETS FOR UTILITY SECURITIES**

340 During the past 18 months, trends in the markets for long-term debt and equity
341 indicate a significant increase in the cost of capital for BBB/Baa-rated utilities
342 (which account for approximately 60% of the total number of utilities rated by
343 Standard & Poor's and Moody's).

344 The yield on Moody's long-term Baa-rated public utility bond index rose from
345 approximately 6.4% at the beginning of 2008 and exceeded 9% in October 2008.
346 By the end of March 2009, the yield on Baa-rated utility bonds was still over 8%,
347 representing a spread of 450 basis points over long-term Treasury bond yields.
348 To put this in perspective, the historical spread (April 1953-March 2009) between
349 long-term Baa-rated public utility and Treasury bond yields has been
350 approximately 165 basis points.

351 Long-term A-rated public utility bond yields also rose significantly, from
352 approximately 6.1% at the beginning of 2008 to over 8% in October. The yields
353 have since declined to 6.4% at the end of March 2009, but the spreads with long-
354 term Treasury bond yields are materially higher than their long-term levels. The
355 spread at the end of March 2009 was 285 basis points, compared to the long-term
356 (April 1953-March 2009) average of approximately 130 basis points.

357 While both the costs of A- and Baa-rated rated public utility debt and spreads
358 have risen, the increase in cost to Baa-rated public utilities has been significantly
359 greater. At the end of March 2009, at 165 basis points, the spread was over 100
360 basis points higher than the long-term average (less than 50 basis points).

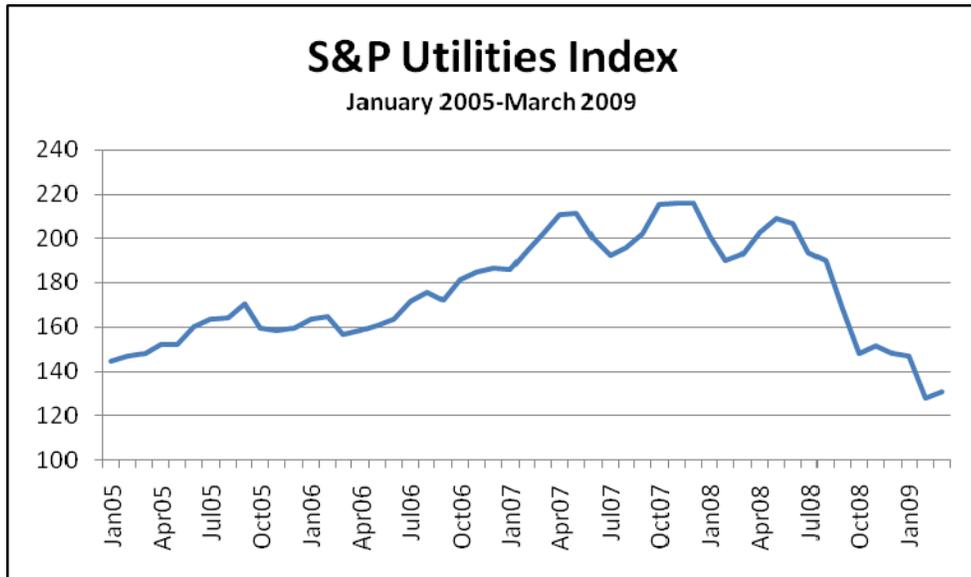
361 The comparison of the increase in the costs of debt to A- and Baa-rated public
362 utilities on a relative basis underscores the importance of maintaining strong
363 credit metrics and credit ratings. The opportunity to earn a fair return on equity is
364 critical to the ability to achieve and maintain strong credit metrics and ratings.
365 Ratings below the A category can impair a utility's access to capital on reasonable

366 terms and conditions, particularly when capital markets are under pressure. The
 367 significantly higher cost of Baa-rated public utility debt relative to A rated debt
 368 under current market conditions demonstrates that the cost to ratepayers of credit
 369 ratings lower than the A category can be substantial.

370 In the equity markets, the S&P Utilities Index fell 40% from its 2007 peak to its
 371 March 2009 trough as shown in Figure 2 below.

372

Figure 2



373
 374
 375
 376
 377
 378
 379
 380
 381

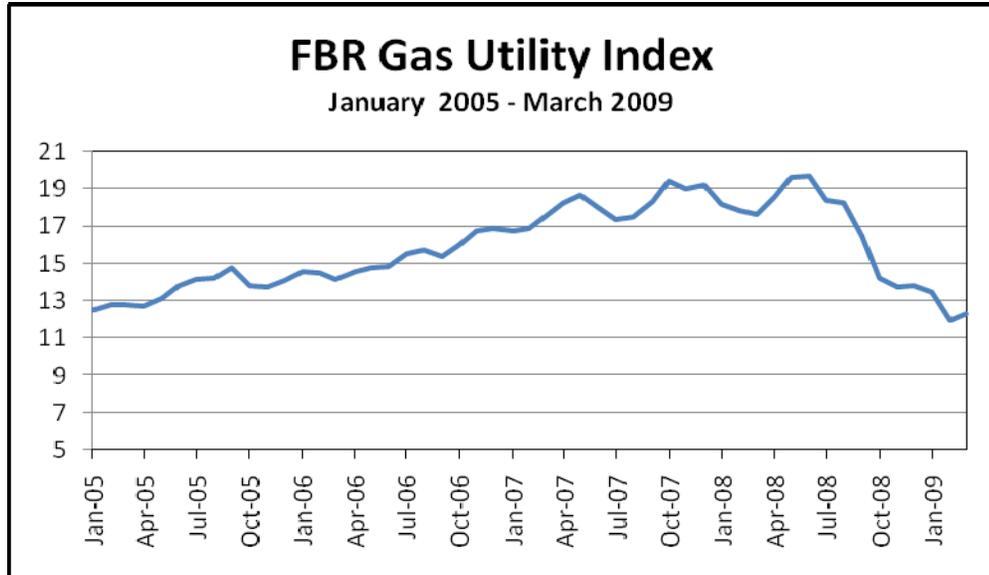
Source: S&P Research Insight

With respect to the gas utility industry, the FBR Gas Utility Index, an index
 composed of the stocks of gas distribution and transmission companies that are
 members of the American Gas Association, is almost 40% lower at March 31,
 2009 than its 2008 peak as shown in Figure 3 below.

382

383

Figure 3



384

385

Source: www.yahoo.com

386

387

388

389

390

While there has been some improvement in the market for public utility equities since the trough in March 2009, at the end of March 2009, equity markets remain difficult and both the S&P Utilities and FBR Gas Utility Index remain well below their respective peaks.

391

V. ESTIMATE OF A FAIR RETURN ON EQUITY

392

A. CONCEPTUAL CONSIDERATIONS

393

Q. Please summarize your approach to estimating a fair return on equity for the Illinois gas utility operations of MidAmerican.

394

395

A. My estimation of a fair return on equity starts with a recognition of the objective of regulation. That objective is to simulate competition, i.e., to establish a regulatory framework that will mimic the competitive model. Under the competitive model, the required return on equity is expected to reflect the opportunity cost of capital, i.e., a return that is commensurate with the returns

396

397

398

399

400 available on foregone investments of similar risk. As discussed in Section III, a
401 fair return is one that provides the utility with an opportunity to earn a return on
402 the investment that it has made and has dedicated to public service that is
403 commensurate with that of comparable risk enterprises, and also will ensure
404 confidence in the financial integrity of the company in order to maintain its credit
405 and attract necessary capital.

406 The ability to attract capital is not synonymous with being allowed a return
407 comparable with those of similar risk entities. A return that simply allows a
408 utility to attract capital, irrespective of the cost, does not lead to the conclusion
409 that it is consistent with the comparable returns standard.

410 The criteria for a fair return give rise to two separate standards, the capital
411 attraction standard and the comparable return, or comparable earnings, standard.
412 The fact that the allowed return is applied to an original cost rate base is key to
413 distinguishing between the capital attraction and comparable earnings standards.
414 The base to which the return is applied determines the dollar earnings stream to
415 the utility, which, in turn, generates the return to the shareholder (dividends plus
416 capital appreciation). When the allowed return on original cost book value is set,
417 a market-derived cost of attracting capital must be converted to a fair and
418 reasonable return on book equity. Failure to equate a market-derived equity cost
419 rate to a stream of earnings on book value in dollar terms will result in an allowed
420 level of earnings that will discourage utilities from making the significant
421 required investments in critical infrastructure.

422 **Q. What tests have you applied to estimate a fair return on equity for**
423 **MidAmerican's natural gas utility operations?**

424 A. I have applied both a constant growth and a three-stage growth discounted cash
425 flow (DCF) model and three equity risk premium (ERP) tests, including the
426 capital asset pricing model (CAPM). I have also applied the comparable earnings
427 test for purposes of assessing the reasonableness of these results. However, my

428 recommendation relies on the results of the market-based tests, that is, the DCF
429 and ERP tests.

430 Reliance on multiple tests recognizes that no one test produces a definitive
431 estimate of the fair return.⁵ Each test is a forward-looking estimate of investors'
432 equity return requirements. However, the premises of each of the tests differ;
433 each test has its own strengths and weaknesses and not all tests are equally
434 reliable in different capital market conditions. In principle, the concept of a fair
435 and reasonable return does not reduce to a simple mathematical construct. It
436 would be unreasonable to view it as such.

437 In contrast to the cost of debt, the cost of equity is not directly observable. No
438 one knows with certainty what "cost of equity" is in each equity investor's mind,
439 or even what cost of equity is required by the "consensus" of investors who set
440 equity market prices through their buying and selling of shares. The cost of
441 equity must be inferred using relatively simple models that attempt to quantify the
442 way investors collectively price common equity. Since individual investors
443 commit capital for many different reasons, there is no way to be certain what
444 factors account for their decisions.

445 Discounted cash flow and equity risk premium models represent conceptually
446 different ways that investors might approach estimating the return they require on
447 the market value of an equity investment. Both the discounted cash flow and
448 equity risk premium approaches are intuitively appealing, and both types of tests
449 are relatively simple in principle to apply. Nevertheless, any DCF or ERP test is a
450 simplified, stylized model of complex behavior with different assumptions and
451 inputs. These differences can result in a range of estimates of the return that
452 investors require to provide equity capital. Ultimately, establishing a fair return
453 requires informed judgment to ensure that both the capital attraction and
454 comparable return requirements of the fair return standard are met.

⁵ As stated in Bonbright, "No single or group test or technique is conclusive." (James C. Bonbright, Albert L. Danielsen, David R. Kamerschen, *Principles of Public Utility Rates*, 2nd Ed., Arlington, Va.: Public Utilities Reports, Inc., March 1988).

455 **B. DISCOUNTED CASH FLOW MODEL**

456 **B.1. Conceptual Underpinnings**

457 **Q. Please discuss the conceptual basis for the DCF model.**

458 A. The discounted cash flow approach proceeds from the proposition that the price of
459 a common stock is the present value of the future expected cash flows to the
460 investor, discounted at a rate that reflects the riskiness of those cash flows. If the
461 price of the security is known (can be observed), and if the expected stream of
462 cash flows can be estimated, it is possible to approximate the investor's required
463 return (or capitalization rate) as the rate that equates the price of the stock to the
464 discounted value of future cash flows.

465 **B.2. DCF Models**

466 **Q. What DCF models did you use?**

467 A. There are multiple versions of the discounted cash flow model available to
468 estimate the investor's required return. An analyst can employ a constant growth
469 model or a multiple period growth model to estimate the cost of equity. One can
470 also utilize different timing of receipt of cash flow assumptions, e.g., annual or
471 quarterly.

472 The constant growth model rests on the assumption that investors expect cash
473 flows to grow at a constant rate throughout the life of the stock. Similarly, a
474 multiple period growth model rests on the assumption that growth rates will
475 change over the life of the stock. In determining the DCF cost of equity for the
476 gas utilities that are a proxy for MidAmerican's Illinois natural gas utility
477 operations, I utilized both constant growth and three-stage growth models.

478 **B.3. Proxy Companies**

479 **Q. To what companies did you apply the DCF test?**

480 A. I applied the DCF test to a sample of companies that includes every natural gas
481 utility:

482 1. classified by *Value Line* as a natural gas utility and has *Value Line*
483 forecasts;

484 2. that is rated investment grade, i.e., BBB- or better, by S&P;

485 3. that has no less than 80% of total assets devoted to natural gas
486 distribution;

487 4. that has I/B/E/S⁶ forecasts of long-term growth rates for each of the
488 preceding 12 months;

489 5. that has not omitted dividends since 1st Quarter 2008; and,

490 6. is not publicly known to be an acquisition target or involved in a merger.

491 The resulting nine gas utilities are listed on MidAmerican Exhibit KCM 1.2,
492 Schedule 3.

493 **Q. Is a proxy group containing nine companies of sufficient size to yield a**
494 **reasonable estimate of the investor required rate of return on common equity**
495 **for MidAmerican's Illinois natural gas utility operations?**

496 A. Yes. First of all, the total number of companies in the *Value Line* natural gas
497 universe is only 18, of which 12 have forecasts. Thus my screening criteria have
498 included half of the available universe and three-quarters of the distributors for

⁶ The consensus forecasts are obtained from I/B/E/S, a leading provider of earnings expectations data. The data are collected from over 7,000 analysts at over 1,000 institutions worldwide, and cover companies in more than 60 countries.

499 which Value Line provides long-term forecasts. The screening criteria could be
500 relaxed to allow more companies into the proxy group. For example, I could have
501 included companies with below investment grade bond ratings or companies that
502 had less than 80% of their assets devoted to natural gas distribution. However,
503 doing so would increase the risk that the proxy group did not contain reasonably
504 comparable companies. Eliminating companies that are not comparable is just as
505 important as identifying those companies that are comparable. In my experience,
506 a proxy group of nine should be of sufficient size to provide a reasonable estimate
507 of the cost of equity for MidAmerican's Illinois gas utility operations.

508 **Q. Did you apply the discounted cash flow test specifically to MidAmerican?**

509 A. No, I did not apply the model specifically (or solely) to MidAmerican or its
510 parent, MidAmerican Energy Holdings Company, for five reasons. First,
511 MidAmerican and its parent are private companies, i.e., their stock is not publicly
512 traded, and it was, therefore, not possible to do so. Second, even if the company's
513 stock (or that of its parent) had been publicly traded, I would not have applied the
514 model solely to it because MidAmerican is primarily an electric utility. Third,
515 any DCF estimate which relies only on data for a single company is subject to
516 measurement error. Fourth, the application of the test to the "subject" utility
517 entails considerable circularity. Fifth, the application of the DCF test solely to the
518 same corporation is incompatible with the comparable returns criterion for
519 estimating a fair and reasonable return. It is the performance of companies
520 comparable to the utility in terms of risk that must be the focus of the return on
521 equity analysis.

522 **Q. What is "measurement error"?**

523 A. In this context, measurement error refers to the use of an input to the model which
524 is theoretically inconsistent with the other inputs to the model. Specifically, the
525 application of the DCF approach requires inferring investor growth expectations;
526 the resulting DCF cost estimate is very sensitive to the inferred growth
527 expectations. Measurement error results when the forecast of growth used in the

528 DCF model does not equate to the investors' expectation of growth that is
 529 embedded in the dividend yield component. By relying on a sample of
 530 companies, the amount of "measurement error" in the data can be reduced. The
 531 larger the sample, the more confidence the analyst has that the sample results are
 532 representative of the cost of equity. As noted in a widely utilized finance
 533 textbook:

534 Remember, [a company's] cost of equity is not its personal property. In
 535 well-functioning capital markets investors capitalize the dividends of all
 536 securities in [the company's] risk class at exactly the same rate. But any
 537 estimate of [the cost of equity] for a single common stock is noisy and
 538 subject to error. Good practice does not put too much weight on single-
 539 company cost-of-equity estimates. It collects samples of similar
 540 companies, estimates [the cost of equity] for each, and takes an average.
 541 The average gives a more reliable benchmark for decision making.⁷

542 **Q. What factual support do you have for the existence of potential measurement**
 543 **error?**

544 A. In principle, the cost of equity for firms of similar risk in the same industry should
 545 be quite similar. The fact that individual company DCF costs differ widely
 546 (MidAmerican Exhibit KCM 1.2, Schedules 4 to 6) is a strong indication that a
 547 single company DCF cost does not lead to a reliable estimate of the cost of equity.

548 **B.4. Application of the DCF Test**

549 **B.4.1. Constant Growth Model**

550 **Q. Please summarize the premises of the constant growth model.**

551 A. The assumption that investors expect a stock to grow at a constant rate over the
 552 long-term is most applicable to stocks in mature industries. Growth rates in these

⁷ Richard A. Brealey, Stewart C. Myers and Franklin Allen, *Principles of Corporate Finance*, Eighth Edition, Boston, MA: Irwin McGraw Hill, 2006, p. 67 (emphasis added).

553 industries will vary from year to year and over the business cycle, but will tend to
 554 deviate around a long-term expected value.

555 The annual constant growth model is expressed as follows:

556
$$\text{Cost of Equity (k)} = \frac{D_1}{P_0} + g,$$

557 where,

559 D_1 = next expected dividend

560 P_0 = current price

561 g = constant growth rate

562 **Q. How does the model set forth above reflect a simplification of reality?**

563 A. First, it is based on the notion that investors expect all cash flows to be derived
 564 through dividends. Second, the underlying premise is that dividends, earnings,
 565 and price all grow at the same rate.⁸ While capital appreciation (price growth) is
 566 implicit in the model, it is not an explicit input to the model. It is likely that, at
 567 any given point in time, investors expect growth in dividends, earnings and prices
 568 to be different from each other, and, in the near term, to deviate from their long-
 569 run values. Third, the annual version of the DCF model assumes investors
 570 receive their dividends annually and that the dividend grows at an annually
 571 compounded rate. The annual growth rate DCF model simplifies from the reality
 572 that dividends are received by investors quarterly and can be reinvested so as to
 573 compound quarterly. Finally, the model is perpetual. It literally assumes that an
 574 investor's holding period is equal to infinity. Clearly that is a simplification of
 575 reality.

⁸ Additional assumptions include: a constant price/earnings multiple, a constant growth rate in book value per share, a constant retention ratio and a constant payout ratio.

576 **Q. Did you incorporate quarterly compounding into your estimates of the DCF**
 577 **cost of equity?**

578 A. Yes. I have incorporated quarterly compounding to capture the impact on the cost
 579 of equity of the reinvestment of dividends. The quarterly compounding constant
 580 growth DCF model is expressed as follows:

581
$$\text{Cost of Equity (k)} = \frac{[d_1*(1+k)^{.75}+d_2*(1+k)^{.5}+d_3*(1+k)^{.25}+d_4]}{P_0} + g,$$

 582

583 where,

- 584 k = required return on equity
 585 d_i = dividends expected over coming year
 586 P₀ = current price
 587 g = constant growth rate

588 The model is solved iteratively because the required return on equity (k) appears
 589 on both sides of the equation.

590 **Q. Has the Illinois Commerce Commission (“ICC”) accepted the premise of the**
 591 **quarterly compounding model?**

592 A. Yes, it has, most recently in Docket 08-0363 (*See, Northern Illinois Gas*
 593 *Company d/b/a Nicor Gas Company (Tariffs filed April 29, 2008), Proposed*
 594 *general increase in rates, and revision to other terms and conditions of service,*
 595 *Docket No. 08-0363, March 25, 2009 at pages 69-70).*

596 **Q. How does one apply the constant growth model given the potential disparity**
 597 **between forecasts of earnings, dividends and price growth?**

598 A. The model can be applied by recognizing that all investor returns must ultimately
 599 come from earnings. Hence, focusing on investor expectations of earnings
 600 growth will encompass all of the sources of investor returns (i.e., dividends and
 601 retained earnings).

602 **B.4.2. Three-Stage Growth Model**

603 **Q. Please explain your application of the three-stage growth model.**

604 A. My application of the three-stage growth model is based on the premise that
605 investors expect the growth rate for the sample of LDCs to be equal to company-
606 specific growth rates for the near-term (Stage 1 Growth), but, in the longer-term
607 (from Year 6 onward) will migrate to the expected long-run rate of growth in the
608 economy (nominal GDP Growth).

609 **Q. Why did you use a three-stage, rather than a two-stage, model as you have**
610 **done in previous cases?**

611 A. The two-stage model implicitly assumes that investors' growth expectations will
612 suddenly change, either upward or downward, from the Stage 1 growth rate to the
613 long-term growth rate at the end of Stage 1. The three-stage model is based on
614 the more realistic assumption that investors would expect the utilities' growth
615 prospects to gradually trend toward the longer-term growth rate.

616 **Q. Why would you expect utilities to grow at the overall rate of growth in the**
617 **economy in the long-term?**

618 A. Industries go through various stages in their life cycle. Utilities are generally
619 considered to be a mature industry. Mature industries are those whose growth
620 parallels that of the overall economy.

621 **Q. Is reliance on expected GDP growth as an estimate of the longer-term growth**
622 **rate an accepted approach?**

623 A. Yes. Use of forecast GDP growth as the long-term growth component is a widely
624 utilized approach. For example, the Merrill Lynch discounted cash flow model
625 for valuation utilizes GDP growth as a proxy for long-term growth expectations.
626 The Federal Energy Regulatory Commission relies on GDP growth to estimate
627 expected long-term growth in its standard DCF models (applied to companies
628 with conventional corporate structures) for gas and oil pipelines. Most recently,

629 in Docket 08-0363 (Nicor, March 25, 2009, page 70) the ICC found that the use
630 of a terminal growth rate in a non-constant DCF analysis “that effectively caps the
631 terminal growth rate for companies in the sample at the GDP growth rate, which is a
632 reasonable proxy for growth in the U.S. economy, will provide useful information
633 and produce a reasonable estimate of the cost of common equity”.

634 **Q. How is the DCF cost estimated using a three-stage DCF model?**

635 A. The DCF cost of equity is estimated as the internal rate of return that causes the
636 price of the stock to equal the present value of all future cash flows to the
637 investor.

638 The cash flows, in annualized terms, are as follows:

639 Year 1, cash flow is equal to:

640 Last Paid Annualized Dividend x (1 + Stage 1 Growth)

641 For each of years 2 through 5, cash flow is defined as:

642 Cash Flow $_{t-1}$ x (1 + Stage 1 Growth)

643 Cash flows from Year 6 through 10 are estimated as:

644 Cash Flow $_{t-1}$ x (1 + Average of Stage 1 Growth and GDP Growth)

645 Cash flows from Year 11 and onward are estimated as:

646 Cash Flow $_{t-1}$ x (1 + GDP Growth)

647 **Q. Have you incorporated quarterly compounding in your application of the**
648 **three-stage DCF cost of equity model?**

649 A. Yes. In the quarterly compounding three-stage model, the present value of each
650 quarterly cash flow is calculated as follows:

651 Cash flow_{Qi} = $d_i / (1+k)^N$

652

653 where,

654 Q_i = quarter for $i = 1$ to 40

655 k = required return on equity

656 d_i = dividends expected in quarter i

657 N = the percentage of days in a year until
658 dividend is paid⁹

659 The dividend is increased in the same quarter each year by an amount equal to the
660 I/B/E/S growth rate during the first 20 quarters (5 years) and by an amount equal
661 to the average of the I/B/E/S growth rate and rate of growth in GDP during the
662 next 20 quarters. A final (terminal value) cash flow is calculated as follows:

663 Cash Flow_{Final} = $\{ [d_1*(1+k)^{75} + d_2*(1+k)^{50} + d_3*(1+k)^{25} + d_4] / (k-g_2) \} / (1+k)^N$

664

665 where,

666 k = required return on equity

667 d_i = dividends expected in next four quarters

668 g_2 = GDP growth

669 N = value of N in period 40

670 The model is solved iteratively to find the value for k which causes the current
671 price of the stock to equal the present value of all future cash flows (Cash Flow_{Qi}
672 plus Cash Flow_{Final}) to the investor.

673 **B.5. Investor Growth Expectations for the DCF Models**

674 **Q. Please discuss how you have estimated investor growth expectations.**

675 A. In the application of the constant growth model, I relied upon both the I/B/E/S
676 consensus earnings forecasts and an estimate of the sustainable growth rate. The
677 sustainable growth rate was derived from *Value Line* forecasts. In the application
678 of the three-stage growth model, I relied upon the I/B/E/S consensus earnings

⁹ For the first observation, N = the number of days from the last payment until the next payment divided by the number of days in the year. In subsequent observations, 0.25 is added to this value.

679 forecasts as the estimate of investor growth expectations during Stage 1. During
680 the second stage, I relied upon an average of the Stage 1 and Stage 3 growth rates.
681 Use of an average of the I/B/E/S growth rate (Stage 1) and the consensus forecast
682 for long-term growth in the economy (Stage 3) is consistent with the expectation
683 that the adjustment to the long-term growth rate would occur gradually rather than
684 abruptly.

685 **Q. Please explain sustainable growth.**

686 A. Sustainable growth, or earnings retention growth, is premised on the notion that
687 future dividend growth depends on both internal and external financing. Internal
688 growth is achieved by the firm retaining a portion of its earnings in order to
689 produce earnings and dividends in the future. External growth measures the long-
690 run expected stock financing undertaken by the utility and the percentage of funds
691 from that investment that are expected to accrue to existing investors. The
692 internal growth rate is estimated as the fraction of earnings (b) expected to be
693 retained multiplied by expected return on equity (r). The external growth rate is
694 estimated by the forecast growth in common stock outstanding (s) multiplied by
695 the fraction of the investment expected to be retained (v). The sustainable growth
696 rate is then calculated as the sum of br and sv. The external growth component
697 recognizes that investors may expect future growth to be achieved not only
698 through the retention of earnings but also through the issuance of additional
699 equity capital which is invested in projects that are accretive to earnings.

700 **Q. Why have you utilized only forecast growth rates and not historic growth**
701 **rates?**

702 A. I have utilized forecast growth rates for the following reasons. First, various
703 studies have concluded that analysts' forecasts are a better predictor of growth
704 than naïve forecasts equivalent to historic growth; moreover, analysts' forecasts
705 have been shown to be more closely related to investors' expectations.¹⁰

706 Second, to the extent history is relevant to the outlook for earnings, it should
707 already be reflected in the forecasts.

708 **B.6. Application of the Constant Growth DCF Model**

709 **Q. Please summarize your application of the constant growth DCF model.**

710 A. I applied the constant growth DCF model to the sample of nine gas distribution
711 utilities using the following inputs to calculate the dividend yield:

- 712 1. the most recent annualized dividend paid prior to March 26, 2009 as D_0 ;
713 and

¹⁰ Empirical studies that conclude that investment analysts' growth forecasts serve as a better surrogate for investors' expectations than historic growth rates include Lawrence D. Brown and Michael S. Rozeff, "The Superiority of Analyst Forecasts as Measures of Expectations: Evidence from Earnings", *The Journal of Finance*, Vol. XXXIII, No. 1, March 1978; Dov Fried and Dan Givoly, "Financial Analysts' Forecasts of Earnings, A Better Surrogate for Market Expectations", *Journal of Accounting and Economics*, Vol. 4, 1982; R. Charles Moyer, Robert E. Chatfield, Gary D. Kelley, "The Accuracy of Long-Term Earnings Forecasts in the Electric Utility Industry", *International Journal of Forecasting*, Vol. I, 1985; Robert S. Harris, "Using Analysts' Growth Forecasts to Estimate Shareholder Required Rates of Return", *Financial Management*, Spring 1986; James H. Vander Weide and William T. Carleton, "Investor Growth Expectations: Analysts vs. History", *The Journal of Portfolio Management*, Spring 1988; and David Gordon, Myron Gordon and Lawrence Gould, "Choice Among Methods of Estimating Share Yield," *The Journal of Portfolio Management*, Spring 1989.

The Vander Weide and Carleton study cited

...found overwhelming evidence that the consensus analysts' forecast of future growth is superior to historically oriented growth measures in predicting the firm's stock price [and that these results] also are consistent with the hypothesis that investors use analysts' forecasts, rather than historically oriented growth calculations, in making stock buy-and-sell decisions.

The Gordon, Gordon and Gould study concluded,

...the superior performance by KFRG [forecasts of [earnings] growth by securities analysts] should come as no surprise. All four estimates [securities analysts' forecasts plus past growth in earnings and dividends and historic retention growth rates] rely upon past data, but in the case of KFRG a larger body of past data is used, filtered through a group of security analysts who adjust for abnormalities that are not considered relevant for future growth."

714 2. the average of the daily closing stock prices for the period February 26 to
 715 March 26, 2009 as P_0 .

716 **Q. Why did you rely on an average price, rather than a “spot” price?**

717 A. The use of an average price lowers the possibility that the estimated cost of equity
 718 is attributable to any capital market anomalies that may arise due to transitory
 719 investor behavior. In other words, using an average price reduces the possibility
 720 of “measurement error” as discussed above. The use of an average price is
 721 particularly critical in current market conditions which have been characterized by
 722 significant volatility.

723 **Q. What are the results of the constant growth model?**

724 A. The results of my application of the constant growth model are detailed in
 725 MidAmerican Exhibit KCM 1.2, Schedules 4 and 5 and summarized below:

726

Table 4

	Mean	Median	Average
I/B/E/S	10.5%	11.0%	10.8%
Sustainable Growth	11.2%	10.6%	10.9%

727

728 **B.7. Three-Stage Growth Model**

729 **Q. Please summarize the results of your application of the three-stage growth**
 730 **model.**

731 A. The three-stage growth model, as previously noted, relies on the I/B/E/S
 732 consensus of analysts’ earnings forecasts for Stage 1 (20 quarters), and the
 733 average of this growth rate with the forecast nominal growth in the economy for
 734 the Stage 2 (second 20 quarters). In the long-run (Stage 3), represented by the
 735 model’s terminal value, growth equals the forecast nominal rate of growth in the

736 economy (GDP). The expected long-run rate of growth in the economy is based
 737 on the consensus of economists' forecasts found in Blue Chip *Economic*
 738 *Indicators* (March 2009). The consensus expected long-run (2011-2020) nominal
 739 rate of growth in GDP is 5.0%.

740 **Q. What are the estimated DCF costs of equity using the three-stage growth**
 741 **model?**

742 A. As detailed in MidAmerican Exhibit KCM 1.2, Schedule 6, the three-stage DCF
 743 model estimates of the cost of equity for the sample of LDCs are as follows:

744

Table 5

Mean	Median	Average
10.3%	10.4%	10.4%

745

746 **B.8. DCF Cost of Equity and a Fair Return on Book Equity**

747 **Q. What do the constant growth and three-stage growth models together**
 748 **indicate is the cost of equity for the proxy sample of gas LDCs?**

749 A. The results of the two DCF models indicate a required return of approximately
 750 10.7%.

751 **Q. Do the results of the DCF test underscore the importance of using proxy**
 752 **groups and multiple DCF models in estimating the investors' required return**
 753 **on equity?**

754 A. Yes. First, while the results for the proxy sample of LDCs are not widely varying,
 755 individual company values do vary significantly among utilities that are of
 756 relatively similar total investment risk. To illustrate, the DCF costs of equity
 757 based on the I/B/E/S earnings forecasts range from 8.8% to 12.0%, a difference of
 758 just over three percentage points. Second, the different growth estimates result in
 759 significantly different costs of equity for an individual company. For example,

760 the I/B/E/S consensus earnings forecast for Nicor is 2.9% whereas the sustainable
761 growth rate developed from *Value Line* forecasts is 5.4%. The resulting constant
762 growth estimates of Nicor's DCF cost of equity are 9.4% and 12.3%, respectively.
763 These examples underscore the importance both of using proxy groups rather than
764 a single company and the application of more than one model.

765 **C. EQUITY RISK PREMIUM TESTS**

766 **C.1. Conceptual Underpinnings**

767 **Q. What is the underlying premise of equity risk premium tests?**

768 A. The premise of all equity risk premium tests is the basic concept of finance that
769 there is a direct relationship between the level of risk assumed and the return
770 required. Since an investor in common equity is exposed to greater risk than an
771 investor in bonds, the former requires a premium above bond yields as
772 compensation for the greater risk. Like the DCF test, equity risk premium test
773 results are measures of the market-related cost of attracting capital, i.e., a return
774 on the market value of the common stock, not the book value.

775 **Q. What equity risk premium tests did you apply?**

776 A. I used the capital asset pricing model ("CAPM"), plus two direct estimates of
777 utility equity risk premiums. The first of the two direct estimates was made by
778 reference to historic achieved equity returns and risk premiums for both electric
779 and natural gas distribution utilities (an *ex post* model); the second direct
780 approach is based on differences between DCF cost of equity estimates for my
781 proxy sample of nine LDCs and contemporaneous interest rates (an *ex ante*
782 model).

783 **C.2. Capital Asset Pricing Model**784 **C.2.1. Conceptual Underpinnings of CAPM**785 **Q. Please discuss the assumptions that underpin the CAPM.**

786 A. The CAPM is a formal equity risk premium model, which specifies that the
 787 required return on an equity security is a linear function of the required return on
 788 a risk-free investment. In its simplest form, the CAPM posits the following
 789 relationship between the required return on the risk-free investment and the
 790 required return on an individual equity security (or portfolio of equity securities):

$$791 \quad R_E = R_F + b_e (R_M - R_F)$$

792 where,

793	R_E	=	Required return on individual equity security
794	R_F	=	Risk-free rate
795	R_M	=	Required return on the market as a whole
796	b_e	=	Beta on individual equity security

797 The CAPM relies on the premise that an investor requires compensation for non-
 798 diversifiable risks only. Non-diversifiable risks are those risks that are related to
 799 overall market factors (e.g., interest rate changes, economic growth). Company-
 800 specific risks, according to the CAPM, can be diversified away by investing in a
 801 portfolio of securities, and therefore the shareholder requires no compensation to
 802 bear those risks.

803 The non-diversifiable risk is captured in the beta variable, which, in principle, is a
 804 forward-looking measure of the expected volatility of a particular stock or group
 805 of stocks, relative to the market. Specifically, the beta is equal to:

$$806 \quad \frac{\text{Covariance}(R_E, R_M)}{807 \quad \text{Variance}(R_M)}$$

808 The variance of the market return is intended to capture the uncertainty related to
 809 economic events as they impact the market as a whole. The covariance between

810 the return on a particular stock and that of the market reflects how responsive the
811 required return on an individual security is to changes in events, which also
812 change the required return on the market.

813 In simplistic terms, the CAPM requires determining the equity risk premium
814 required for the market as a whole (“market risk premium”), then adjusting it to
815 account for the risk of the particular security or portfolio of securities using the
816 beta. The result (market risk premium multiplied by beta) is an estimate of the
817 equity risk premium specific to the particular security or portfolio of securities.

818 **C.2.2. Risk-Free Rate**

819 **Q. What is the proxy for the risk-free rate?**

820 A. The simple CAPM model is a single holding period model which, if the model
821 were applied assuming a single year holding period, would entail using a short-
822 term government interest rate as the risk-free rate. However, it is widely
823 recognized that short-term rates are largely the effect of monetary policy and, as
824 such, are administered, rather than market-driven, rates. In principle, a longer-
825 term Treasury should be used, so as to more closely match the duration of the
826 risk-free rate and common equities, whose values reflect expected cash flows that
827 are perpetual in nature. Hence, in the application of the CAPM, most analysts
828 rely on a long-term government yield, which is risk-free, in that there is no default
829 risk associated with U.S. Treasury securities. Thus I have utilized forecast yields
830 on the 30-year Treasury bond as a proxy for the risk-free rate in the simple CAPM
831 model.

832 **Q. In past proceedings before the ICC, you used the forecast of 10-year**
833 **Treasury bonds in your application of the CAPM? Why have you switched to**
834 **the 30-year forecast?**

835 A. For two reasons. First, the duration of the 30-year Treasury bond more closely
836 matches perpetual life of equities. Second, the Federal Government had stopped
837 issuing 30-year bonds in 2002 as a result of reduced financing requirements,

838 leaving the 10-year Treasury bond as the benchmark. The government began
 839 issuing 30-year Treasury bonds again in 2006, and is highly likely to continue to
 840 do so in light of the significant government deficits that have been created in
 841 recent months. The 30-year Treasury bond is once again considered a benchmark
 842 bond for the purpose of pricing securities.

843 **Q. What is your forecast of the risk-free rate in the CAPM analysis?**

844 A. Over the next five years, 2009-2013, as the economy recovers from the current
 845 crisis, yields on the 30-year Treasury are expected to average 4.7%. In the longer
 846 term, 2011-2020, the 30-year Treasury is expected to average approximately
 847 5.6%.¹¹ I have utilized both forecasts in my CAPM analysis, as explained in
 848 further detail below.

849 **C.2.3. Beta**

850 **Q. What is the appropriate beta to be used for the sample of LDCs?**

851 A. In estimating the appropriate beta, there were two main considerations:

852 1. Empirical studies have shown that the CAPM understates the return
 853 requirement for companies with betas less than the market mean of 1.0.¹²
 854 Reliance on *Value Line* betas, which are adjusted for the tendency of betas

¹¹ Blue Chip *Financial Forecasts*, December 2008 and Blue Chip *Economic Indicators*, March 2009.

¹² Evidence of this is found in the following studies:

Fisher Black, Michael C. Jensen, and Myron S. Scholes, "The Capital Asset Pricing Model: Some Empirical Tests," *Studies in the Theory of Capital Markets*, edited by Michael Jensen. (New York: Praeger, 1972), pp. 79-121.

Marshall E. Blume and Irwin Friend, "A New Look at the Capital Asset Pricing Model," *Journal of Finance*, Vol. XXVIII (March 1973), pp. 19-33.

Eugene F. Fama, and James D. MacBeth, "Risk, Return and Equilibrium: Empirical Tests." Unpublished Working Paper No. 7237, University of Chicago, Graduate School of Business, August 1972.

Nancy Jacob, "The Measurement of Systematic Risk for Securities and Portfolios: Some Empirical Results," *Journal of Financial and Quantitative Analysis*, Vol. VI (March 1971), pp. 815-833.

855 to trend toward the market mean of 1.0, assists in mitigating the model's
856 tendency toward understatement of required returns for low beta (e.g.,
857 utility) stocks.

858 2. The beta is a forward-looking concept. However, typically, betas are
859 calculated from historic data.¹³ The applicability of a calculated historic
860 beta to a future period must be analyzed in the context of events that gave
861 rise to the calculation.

862 **Q. What are the recent betas for the sample of gas LDCs that you used?**

863 A. The most recent *Value Line* betas for the proxy sample of gas LDCs are in the
864 range of 0.65-0.67 (midpoint of 0.66); see MidAmerican Exhibit KCM 1.2,
865 Schedule 3, page 1 of 2.

866 **C.2.4. Market Risk Premium**

867 **C.2.4.1 Conceptual Considerations**

868 **Q. Please discuss your estimates of the required market risk premium.**

869 A. While the market risk premium concept is deceptively simple, its quantification
870 is, in principle, quite complex, because the level of the risk premium expected or
871 required by investors is not static; it changes with economic and capital market
872 conditions (particularly with inflation expectations), as well as with investors'
873 willingness to bear risk.

874 The required market equity risk premium can be developed (1) from estimates of
875 prospective market risk premiums and (2) from an analysis of experienced market
876 risk premiums. With respect to the former, the discounted cash flow model can
877 be used to estimate the cost of equity, where the expected return is comprised of
878 the dividend yield plus investor expectations of longer-term growth based on

¹³ Calculated betas are typically simple regressions between the daily, weekly or monthly price changes for individual stocks and the corresponding price changes of the market index for a period of five years.

879 prevailing capital market conditions. The estimated market equity risk premiums
880 are obtained by subtracting the corresponding government bond yield from the
881 estimated cost of equity.

882 **C.2.4.2 Market Risk Premium from DCF Cost of Equity for the Market**

883 **Q. Please explain why an estimate of a forward-looking market risk premium is**
884 **of value.**

885 A. It is widely accepted that the required market risk premium is not static, but varies
886 with the outlook for inflation, interest rates and profits. Hence, a direct measure
887 of the prospective market risk premium may provide a more accurate measure of
888 the current level of the expected differential between stock and bond returns than
889 experienced risk premiums. In particular, the application of a current interest rate
890 to a longer-term average may be unrepresentative of investor expectations in a
891 specific capital market environment. An estimate of a forward-looking market
892 risk premium provides value because 1) the equivalence of past return to what
893 were investors' *ex ante* expectations may be pure coincidence and 2) the
894 determination of a fair return on equity reflective of the expected interest rate
895 environment requires a direct assessment of current stock market expectations.

896 **Q. Please explain how your estimate of the *ex ante* (forward-looking) market**
897 **risk premium was calculated.**

898 A. The forward-looking market premium may be determined by an application of the
899 discounted cash flow model to the S&P 500. To estimate the DCF cost of equity
900 for the S&P 500, an expected dividend yield and an expected growth rate are
901 required. The expected dividend yield is equal to the average of the month-end
902 February and March 2009 market-value weighted expected dividend yields for the
903 S&P 500 companies of 3.7%.¹⁴ For the expected growth rate, the market-value
904 weighted consensus forecasts of earnings growth for the companies in the S&P

¹⁴ The current dividend yield of 3.4% was adjusted by the expected growth rate to estimate the expected dividend yield.

905 500 were used as a proxy for investor expectations of long-term growth. The
906 market-value weighted average I/B/E/S forecast of five-year growth for the S&P
907 500 companies was approximately 10.1%. The resulting expected market return
908 is 13.8%.

909 For the risk-free rate, I used the forecast 30-year Treasury yield expected to
910 prevail over the same five-year time frame for which the forecast growth rates for
911 the market are made. The use of the five-year forecast also recognizes that
912 currently government bond yields are abnormally low, partly as a response to
913 monetary policy initiatives and partly the result of a flight to quality, as discussed
914 in Section IV.A. With a forecast 30-year Treasury yield of 4.7%, the resulting
915 forward-looking estimate of the market risk premium is 9.1%.

916 **Q. Do the current economic and financial circumstances cause you to give**
917 **greater weight to the DCF-based market risk premium than you have in the**
918 **past?**

919 A. Yes. As discussed in Section IV.C, the equity markets are currently experiencing
920 significant turmoil and uncertainty. Given the extent of equity market risk at
921 present, the current level of the market risk premium is undoubtedly higher by a
922 significant margin than its long-term average. As a result, I have made two
923 CAPM estimates of the cost of equity, one based on *ex post* market risk premiums
924 and one based on an *ex ante* estimate of the market risk premium.

925 **C.2.4.3 Experienced Market Risk Premiums**

926 **Q. Please explain your estimate of the market risk premium from historic**
927 **values.**

928 A. The estimation of the expected market risk premium from achieved (*ex post* or
929 experienced) market risk premiums is premised on the notion that investors'
930 expectations are linked to their past experience. Basing calculations of achieved
931 risk premiums on the longest periods available reflects the notion that it is
932 necessary to include as broad a range of event types as possible to avoid

933 overweighting periods that represent unusual circumstances. On the other hand,
 934 since the objective of the analysis is to assess investor expectations in the current
 935 economic and capital market environment, weight should be given to periods
 936 whose equity characteristics, on balance, are more closely aligned with what
 937 today's investors are likely to anticipate over the longer term.

938 **Q. What type of average is required when an estimated market risk premium is**
 939 **developed from historic average returns?**

940 A. When historic risk premiums are used as a basis for estimating the expected risk
 941 premium, arithmetic averages, rather than geometric averages, need to be used.¹⁵

942 The appropriateness of arithmetic averages, as opposed to geometric averages, for
 943 this purpose is succinctly explained by Ibbotson Associates¹⁶ (*Stocks, Bonds, Bills*
 944 *and Inflation, 1998 Yearbook*, pp. 157-159):

945 The expected equity risk premium should always be calculated using the
 946 arithmetic mean. The arithmetic mean is the rate of return which, when
 947 compounded over multiple periods, gives the mean of the probability
 948 distribution of ending wealth values . . . in the investment markets, where
 949 returns are described by a probability distribution, the arithmetic mean is
 950 the measure that accounts for uncertainty, and is the appropriate one for
 951 estimating discount rates and the cost of capital.

952 Expressed simply, the arithmetic average recognizes the uncertainty in the stock
 953 market; the geometric average removes the uncertainty by smoothing over annual
 954 differences. Equity risk premiums were calculated for two historic periods: 1926-
 955 2008 and 1947-2008. The year 1926 represents the first year for which the
 956 seminal Ibbotson Associates risk premium data are available. The data for the
 957 post-World War II period (1947-2008) were also relied upon, because the end of

¹⁵ The arithmetic average is the sum of the holding period returns divided by the number of returns in the sample. The geometric average, also referred to as the constant rate of return, is calculated by adding one to each of the holding period returns, multiplying all of the values together, raising the product of the values to the power of one divided by the number of returns in the sample, and then subtracting one.

¹⁶ Now owned by Morningstar.

958 World War II marked significant changes in the economic structure, which remain
 959 relevant today.¹⁷

960 **Q. What should be the measure of the historic risk-free rate used when**
 961 **calculating historic risk premiums?**

962 A. It should be the income return, as contrasted with the total return on long-term
 963 government bonds. The income return represents the riskless portion of the bond
 964 return. Since the CAPM requires a riskless return, the income return is the
 965 appropriate measure for estimating the historic differential between equity market
 966 returns and the risk-free rate.

967 **Q. What were the historic market risk premiums?**

968 A. The experienced risk premiums for the two periods were as follows:

969 **Table 6**

1926-2008	1947-2008
6.5%	6.2%

970 Source: MidAmerican Exhibit KCM 1.2,
 971 Schedule 7, page 1 of 2.

972 **C.2.5. CAPM Risk Premiums**

973 **Q. Please provide your CAPM risk premiums for your sample of gas LDCs**
 974 **based on your estimated values for the market risk premium and the proxy**
 975 **gas LDC sample beta.**

¹⁷ The key structural changes that have occurred since the end of World War II are:

1. The globalization of the economy, which has been facilitated by the reduction in trade barriers of which GATT (1947) was a key driver;
2. The exertion of the independence of the Federal Reserve commencing in 1951, and its focus on promoting domestic economic stability, which has been instrumental in tempering economic cyclicalities;
3. Demographic changes, specifically suburbanization and the rise of the middle class, which have impacted the patterns of consumption;
4. Transition from a predominately manufacturing to a service-oriented economy; and,
5. Technological change, particularly in the areas of telecommunications and computerization, which have facilitated both market globalization and rising productivity.

976 A. The CAPM analysis above gives rise to two separate estimates of the market risk
 977 premium, the *ex ante* DCF-based market risk premium of 9.1% and the *ex post* or
 978 historic market risk premium of 6.25% to 6.5%. Applying the sample beta to the
 979 two risk premium estimates results in CAPM risk premiums as follows:

980 CAPM Risk Premium = Beta X Market Risk Premium

981 Based on DCF-based market risk premium:

982 6.00% = 0.66 X 9.1%

983

984 Based on historic market risk premium:

985 4.25% = 0.66 X (6.25% to 6.5%)

986 **C.2.6. CAPM Returns on Equity**

987 **Q. What is the CAPM return on equity produced by the *ex ante* DCF-based**
 988 **market risk premium approach?**

989 A. The application of the CAPM using the DCF-based market risk premium
 990 approach to estimating the market return relies on the same forecast of the 30-year
 991 Treasury bond yield of 4.7% as the risk-free rate in both places in the model in
 992 which a risk-free rate is required. The resulting CAPM cost of equity is:

993 Cost of Equity = Risk-free Rate + Beta X (Market Return – Risk-free Rate)

994 10.7% = 4.7% + 0.66 X (13.8%-4.7%)

995 **Q. What is the CAPM return on equity produced by the *ex post* (or historic)**
 996 **market risk premium approach?**

997 A. If the CAPM is to be applied to the long-run average equity risk premium, the
 998 corresponding risk-free rate needs to be representative of the long-term expected
 999 risk-free rate also. The long-term average forecast 30-year Treasury bond yield is
 1000 5.6% as indicated in Section IV.B above. The long-term average expected bond
 1001 yield of 5.6% is quite close to the historic average levels of 5.2% to 6.0% for

1002 1926-2008 and 1946-2008, respectively, as shown in MidAmerican Exhibit KCM
1003 1.2, Schedule 7, page 1 of 2.

1004 **Q. The preceding historic average risk premiums reflect differentials between**
1005 **equity market returns and income returns on a 20-year government security.**
1006 **Did you adjust the risk premiums for the fact that you are using a 30-year**
1007 **Treasury note as the risk-free rate?**

1008 A. No. From October 1993 to March 2009, the longest period for which data for
1009 both series are available, the average spread between 30- and 20-year Treasury
1010 bond yields was approximately 10 basis points.¹⁸ The differential spread is
1011 minimal and thus no adjustment is warranted.

1012 The CAPM result based on a long-term average expected risk-free rate and the
1013 long-term average market equity risk premium is:

1014 Cost of Equity = Risk-Free Rate + Beta X (Market Risk Premium)

1015 $9.8\% = 5.6\% + 0.66 \times (6.25\% \text{ to } 6.5\%)$

1016 **Q. What bearing does the current state of financial markets have on the weight**
1017 **to be given to each of these two estimates?**

1018 A. The DCF-based market risk premium approach explicitly captures current
1019 financial market conditions and, as between the two approaches, should be given
1020 greater weight.

¹⁸ The 20-year constant maturity yield reported by the Department of the Treasury since October 1993 is based on outstanding Treasury bonds with approximately 20 years remaining to maturity. The Treasury discontinued issuing a 20-year bond in 1986.

- 1021 **C.3. Equity Risk Premium Test Based on Utility Achieved Risk Premiums**
- 1022 **Q. Please summarize the basis for estimating the required equity risk premium**
1023 **by reference to historic utility data.**
- 1024 A. Reliance on achieved risk premiums for the gas distribution utility industry as an
1025 indicator of what investors expect for the future is based on the same proposition
1026 as that used in the development of the market risk premium: over the longer term,
1027 investors' expectations and experience converge. The more stable an industry,
1028 the more likely it is that this convergence will occur.
- 1029 **Q. What are the historic equity risk premiums derived from historic utility**
1030 **data?**
- 1031 A. Over the period 1947-2008, the risk premium achieved by the gas distribution
1032 utility industry (as estimated from returns on the S&P/Moody's Gas Distribution
1033 Stock Indices) in relation to the risk-free rate (that is, the income return
1034 component of Treasury bonds) was 6.1% (MidAmerican Exhibit KCM 1.2,
1035 Schedule 7, page 1 of 2). Given the historic similarity in risk between the natural
1036 gas and electric utility industries, I also considered the achieved equity risk
1037 premiums of the electric utilities. Over the same period, the corresponding
1038 achieved equity risk premium for the S&P/Moody's Electric Utility Index was
1039 4.8% (MidAmerican Exhibit KCM 1.2, Schedule 7, page 1 of 2).
- 1040 Based on both natural gas distribution and electric utility historic risk premiums,
1041 the indicated expected risk premium is in the range of 4.8% to 6.1%, or
1042 approximately 5.5%. Similar to the CAPM, if the risk premium is estimated by
1043 reference to long-term historic averages, the corresponding risk-free rate should
1044 be estimated as the expected yield over the longer-term. That forecast 30-year
1045 Treasury yield over the longer term is 5.6%. The corresponding equity return at
1046 the long-term forecast 30-year Treasury bond yield of 5.6% is 11.1% (5.6% +
1047 5.5%).

1048 **Q. Did you estimate the historic utility equity risk premium relative to long-**
1049 **term utility bonds?**

1050 A. Yes, I have estimated the historic equity risk premium relative to the total return
1051 on Moody's long-term A-rated public utility bonds, which represents the current
1052 average bond rating of the proxy sample of gas LDCs.

1053 **Q. What have been the historic equity risk premiums for utilities relative to**
1054 **long-term A-rated public utility bonds?**

1055 A. Based on both the gas and electric historic utility returns of, respectively, 12.1%
1056 and 10.8% (average of approximately 11.4%), and historic long-term A-rated
1057 public utility bond returns over the period 1947-2008 of 7.0%, the historic risk
1058 premium is approximately 4.5%. (MidAmerican Exhibit KCM 1.2, Schedule 7,
1059 page 2 of 2)

1060 **Q. Does the application of the test by reference to A-rated public utility bond**
1061 **returns require a forecast of those bond yields over the long run, similar to**
1062 **your application of the test using the risk-free rate?**

1063 A. Yes, for the same reason.

1064 **Q. What is your forecast of the A-rated public utility bond yield for the long**
1065 **term?**

1066 A. To my knowledge, there is no readily available forecast of long-term A-rated
1067 public utility bond yields. On average historically, long-term A-rated public
1068 utility bonds have traded at a spread of approximately 130 basis points over the
1069 30-year Treasury bond yield. Adding a 130 basis point spread to my 5.6% longer-
1070 term forecast for the 30-year Treasury bond yield results in a forecast longer-term
1071 yield of 6.9% for A-rated utility bonds.

1072 **Q. What is the corresponding equity return requirement?**

1073 A. The corresponding equity return requirement at a 6.9% forecast long-term A-rated
1074 public utility bond yield is 11.4%.

1075 **C.4. DCF-Based Equity Risk Premium Test for Natural Gas LDCs**

1076 **Q. Please summarize your DCF-based equity risk premium test.**

1077 A. A forward-looking equity risk premium for a utility can be estimated as a time
1078 series of differences between the discounted cash flow estimates of the cost of
1079 equity for a representative sample of utilities and the corresponding long
1080 government bond yield, where the DCF cost is the sum of the expected dividend
1081 yield (that is, adjusted for expected growth) and investors' expectations of long-
1082 term growth. The I/B/E/S investment analysts' consensus forecasts of five-year
1083 (normalized) earnings growth can be used as a proxy for investors' expectations
1084 of long-term growth.

1085 For each gas distribution utility used in this study,¹⁹ monthly DCF costs were
1086 estimated as the sum of the month-end expected dividend yield and the
1087 corresponding I/B/E/S five-year earnings growth expectation. Monthly equity
1088 risk premiums were calculated two ways: (1) as the differences between the DCF
1089 cost of equity and the month-end 30-year Treasury bond yield and (2) as the
1090 differences between the DCF cost of equity and the month-end long-term A rated
1091 utility bond yield.

1092 **Q. Over what period did you conduct your analysis?**

1093 A. The analysis was limited to a period which most closely resembles current capital
1094 market conditions, that is, the period August 2007 (which represents the onset of
1095 the current capital market crisis) through March 2009.

¹⁹ My DCF-based equity risk premium test utilizes the same sample of nine natural gas LDCs relied upon in the application of the DCF test.

1096 **Q. Please explain why you chose to estimate the equity return relative to long-**
1097 **A-rated utility bond yields rather than long-term Treasury bond yields.**

1098 A. As discussed in Section IV.A, the financial markets are currently characterized by
1099 long-term Treasury bond yields at levels not seen since the late 1950's. These
1100 abnormally low yields are partly the result of monetary policy decisions taken by
1101 the Federal Reserve to free up credit markets and partly the result of a flight to
1102 quality. While yields on long-term government securities have declined, the
1103 spread between long-term A-rated utility bond yields and 30-year Treasury bond
1104 yields have risen dramatically, from an average of 114 basis points at the end of
1105 2006, peaking at approximately 375 basis points in November 2008 and are now
1106 (end of March 2009) 285 basis points above Treasury bond yields, as compared to
1107 the long-run yield spread of approximately 130 basis points. The absolute cost of
1108 A-rated public utility debt has also risen, with the yield as of the end of March
1109 2009 close to 50 basis points higher than it was at the end of 2006.

1110 The trends in A-rated public utility bond yields and spreads provide some
1111 indication of the increase in the cost of capital both in the broader market and to
1112 utilities in particular over the past 20 months. (See discussion in Section IV.A
1113 above) In contrast, the downward trend in the long-term Treasury bond yields due
1114 to the flight to quality does not capture the increased cost of capital that has
1115 occurred across a broad range of debt and equity securities. Given the divergent
1116 trends in long-term Treasury bond and A-rated public utility bond yields and
1117 spreads, I have estimated the equity return based on the forecast long-term A-
1118 rated public utility bond yield.

1119 **Q. Over what period did you forecast bond yields for purposes of applying the**
1120 **DCF-based risk premium test?**

1121 A. I used the same 2009-2013 period as I did in the application of the CAPM using
1122 the DCF-based market risk premium.

1123 **Q. What is your 2009-2013 forecast for the long-term A-rated public utility**
1124 **bond yield?**

1125 A. Over the period of the analysis (August 2007 to March 2009), the spread between
1126 long-term A-rated public utility bonds and the long-term Treasury yield has
1127 averaged approximately 220 basis points. Adding this spread to my 2009-2013
1128 forecast for the 30-year Treasury bond yield of 4.7% results in a forecast A-rated
1129 public utility bond yield of 6.9%. The resulting yield is somewhat higher than the
1130 current (end of March 2009) A-rated public utility bond yield of 6.4%,
1131 representing the expectation that, while both Treasury bond yields and yields on
1132 long-term A-rated corporate (including public utility) bonds will rise, long-term
1133 Treasury bond yields will increase by a greater amount.

1134 **Q. What is the equity risk premium above A-rated public utility bond yields**
1135 **resulting from your analysis?**

1136 A. The resulting equity risk premium is 2.9% (See MidAmerican Exhibit KCM 1.2,
1137 Schedule 8).

1138 **Q. What cost of equity capital does the DCF-based equity risk premium test**
1139 **indicate?**

1140 A. The DCF-based risk premium test result indicates an equity risk premium relative
1141 to long-term A-rated public utility bond yields of approximately 2.9%. At the
1142 forecast yield of 6.9% for A-rated public utility bonds, the indicated cost of equity
1143 is approximately 9.8%.

1144 **D. CONCLUSIONS FROM THE DCF AND EQUITY RISK PREMIUM**
1145 **TESTS**

1146 **D.1. Summary of Market-Derived Costs of Equity**

1147 **Q. Please summarize the results of your DCF and equity risk premium tests.**

1148 A. The table below summarizes the results of the tests.

1149

Table 7

DCF	
Constant-I/B/E/S	10.8%
Constant-Sustainable Growth	10.9%
Three-Stage	10.4%
Equity Risk Premium	
CAPM forward-looking	10.7%
CAPM historic	9.8%
Historic-utility vs. risk free rate	11.1%
Historic-utility vs. A-rated public utility bonds	11.4%
DCF-based Risk Premium vs. A-rated public utility bonds	9.8%

1150

1151 The results of the various tests indicate a required equity return in the range of
 1152 9.8% (DCF-based Risk Premium and CAPM Historic) to 11.4% (Historic utility
 1153 risk premium relative to A-rated public utility bonds). Based on all of the tests,
 1154 the indicated cost of equity as applied to the proxy sample of natural gas LDCs is
 1155 approximately 10.5%.

1156

D.2. Adjustment for Market Value Capital Structures

1157 **Q. Is the indicated 10.5% return derived from the DCF and equity risk**
 1158 **premium tests equivalent to a fair return on equity for MidAmerican's**
 1159 **Illinois gas utility operations?**

1160 A. No. The DCF and equity risk premium cost of equity estimates are derived from
 1161 market values of equity capital, and represent investors' expected returns on the
 1162 market value. Consequently, for the purposes of determining a fair return on
 1163 equity for a utility, a critical factor that needs to be recognized is that the cost of
 1164 capital is determined in the capital markets. The cost of capital reflects the
 1165 market value of the firms' capital, both debt and equity. The market value capital
 1166 structures may be quite different from the book value capital structures. When the
 1167 market value common equity ratio is higher (lower) than the book value common
 1168 equity ratio, the market is attributing less (more) financial risk to the firm than is

1169 “on the books” as measured by the book value capital structure. Higher financial
1170 risk leads to a higher cost of common equity, all other things equal.

1171 To put this concept in common sense terms, assume that I purchased my home 10
1172 years ago for \$100,000 and took out a mortgage for the full amount. My home is
1173 currently worth \$250,000 and my mortgage is now \$85,000. If I were applying
1174 for a loan, the bank would consider my net worth (equity) to be \$165,000 (market
1175 value of \$250,000 less the \$85,000 unpaid mortgage), not the “book value” of the
1176 equity in my home of \$15,000, which reflects the original purchase price less the
1177 unpaid mortgage loan amount. It is the market value of my home that determines
1178 my financial risk to the bank, not the original purchase price. The same principle
1179 applies when the cost of common equity is estimated. The book value of the
1180 common equity shares is not the relevant measure of financial risk to investors; it
1181 is their market value, that is, the value at which the shares could be sold.

1182 Regulatory convention applies the allowed equity return to a book value capital
1183 structure. Application of the market-derived cost of equity for a sample whose
1184 average market value common equity ratios have been, for example,
1185 approximately 55% to a ratemaking (book value) common equity ratio of 45%
1186 would fail to recognize the higher financial risk in the latter. To recognize this
1187 fact, the cost of equity estimated using the comparable utilities needs to be
1188 increased when applied to a lower ratemaking book value common equity ratio.
1189 The converse is also true.

1190 The relevant financial principles and the quantification of the incremental
1191 required equity return are as follows. The rationale for the differences in the
1192 required return on equity for companies of similar business risk but different
1193 financial risk begins with the recognition that the overall cost of capital for a firm
1194 is primarily a function of business risk. In the absence of both the deductibility of
1195 interest expense for income tax purposes and costs associated with excessive debt
1196 (e.g., bankruptcy), the overall cost of capital to a firm does not change materially
1197 when a firm changes its capital structure. Costs associated with bankruptcy and

1198 the loss of financing flexibility will increase the overall cost of capital at high
1199 degrees of leverage, but the conclusion that the cost of capital is essentially flat
1200 applies across a broad range of capital structures.

1201 The use of debt creates a class of investors whose claims on the resources of the
1202 firm take precedence over those of the equity holder. However, the sum of the
1203 available cash flows does not change when debt is added to the capital structure.
1204 The available cash flows are now split between debt and equity holders. Since
1205 there are fixed debt costs that must be paid before the equity shareholder receives
1206 any return, the variability of the equity return increases as debt rises. The higher
1207 the debt ratio, the higher the potential volatility of the equity return. Hence, as the
1208 debt ratio rises, the cost of equity rises. The higher cost rates of both the debt and
1209 equity offset the higher proportion of debt in the capital structure, so that the
1210 overall cost of capital does not change.

1211 The deductibility of interest expense for corporate income tax purposes may alter
1212 the conclusion that the cost of capital is constant across all capital structures. The
1213 deductibility of interest expense for income tax purposes means that there is a
1214 cash flow advantage to equity holders from the assumption of debt. When interest
1215 expense is deductible for corporate income tax purposes, in the absence of
1216 offsetting factors, the after-tax cost of capital would tend to decline as more debt
1217 is used. However, there are offsetting factors that severely limit a company's
1218 ability to reduce its overall cost of capital by raising the debt ratio. First, there is
1219 a loss of financial flexibility and the increasing potential for bankruptcy as the
1220 debt ratio rises. The loss of financing flexibility tends to increase the cost of
1221 capital as leverage is increased. Particularly, as the percentage of debt in the
1222 capital structure increases, the credit rating of the company may decline and its
1223 cost of debt will increase.

1224 Second, although interest expense is tax deductible at the corporate level, the
1225 corresponding interest income is taxable to individual investors at a higher rate

1226 than equity. Thus, personal income taxes on interest offset some of the advantage
1227 of using debt in the capital structure.

1228 It is impossible to state with precision whether, within a broad range of capital
1229 structures, raising the debt ratio will leave the overall cost of capital unchanged or
1230 result in some decline. However, what is indisputable is that the cost of equity
1231 does change when the debt ratio changes; increasing when the debt ratio increases
1232 and, conversely, decreasing when the debt ratio falls.

1233 I have used two approaches to quantify the range of the impact of a change in
1234 financial risk on the cost of equity. The first approach is based on the widely
1235 accepted view that the overall cost of capital does not change materially over a
1236 relatively broad range of capital structures. The second approach is based on the
1237 theoretical model which assumes that the overall cost of capital declines as the
1238 debt ratio rises due to the income tax shield on interest expense. The second
1239 approach does not account for any of the factors that offset the corporate income
1240 tax advantage of debt, including the costs of bankruptcy/loss of financing
1241 flexibility, the impact of personal income taxes on the attractiveness of issuing
1242 debt, or the flow-through of the benefits of interest expense deductibility to
1243 ratepayers. Thus, the results of applying the second approach will over-estimate
1244 the impact of leverage on the overall cost of capital and understate the impact of
1245 increasing financial leverage on the cost of equity.

1246 **Q. How do you apply the two approaches using the proxy sample of LDCs?**

1247 A. To quantify the required increase in the DCF and risk premium cost of equity
1248 estimates to recognize the difference in financial risk between the market value
1249 capital structures of the LDCs and MidAmerican's book value capital structure,
1250 the following steps were taken:

1251 (1) Determine the market value capital structures of the sample companies
1252 over the period which corresponds to the relevant period of analysis for
1253 the specific cost of equity.

1254 The market value of common equity is calculated by multiplying the
1255 number of shares outstanding by the price of the common stock equity.
1256 This value is added to the book value of total debt and preferred shares,
1257 which for simplicity, were assumed to be trading at par (that is, the
1258 embedded cost of debt and preferred are the same as the current cost).

1259 The market value capital structures were calculated over three periods:

- 1260 • For the DCF test, the prices used were the same as those used in
1261 the application of the DCF test, i.e., average daily closing prices
1262 over the period February 26 to March 26, 2009; the book value of
1263 debt and preferred represents the year-end 2008 amounts.
- 1264 • For the CAPM test, the average monthly closing prices over the
1265 period January 2004 to December 2008 were used, consistent with
1266 the historic period over which the beta is measured. The book
1267 values of debt and preferred shares represent the averages of year-
1268 ends 2004-2008.
- 1269 • For the DCF-based risk premium test, the average monthly closing
1270 prices over the period August 2007 to March 2009 were used. The
1271 book values of debt and preferred shares represent the average of
1272 year-ends 2007 and 2008.

1273 No market value capital structure was calculated for the purpose of the
1274 historic risk premium test. It would be impossible to accurately measure
1275 the market value capital structure represented by the underlying
1276 companies due to the changes in the composition of the indices over time.

1277 The sample average market value common equity ratios which correspond
1278 to the DCF, CAPM and DCF-based risk premium test are shown below:

1279

1280

Table 8

Test	Market Value Equity Ratio
DCF	55.0%
CAPM	60.0%
DCF-Based RP	60.0%

1281

Source: MidAmerican Exhibit KCM 1.2, Schedule 9 Revised

1282

(2) Using the appropriate market value common equity ratio and cost of equity, estimate the sample of LDCs' weighted average cost of capital using market value capital structures.

1283

1284

1285

(3) Estimate the change in common equity return requirement for each of the DCF, CAPM and DCF-based risk premium tests required to account for the difference between the sample average market value common equity ratio and MidAmerican's book value common equity ratio of 47.75% (see MidAmerican Exhibit KCM 1.2, Schedule 10).

1286

1287

1288

1289

1290

The results are summarized in the table below:

1291

Table 9

	Market Value Equity Ratio	Cost of Equity	ROE Adjusted for MidAmerican's Equity Ratio
DCF			
Constant-I/B/E/S	55.0%	10.8%	11.5%
Constant-Sustainable Growth	55.0%	10.9%	11.6%
Three-Stage	55.0%	10.4%	11.1%
Equity Risk Premium			
CAPM Forward	60.0%	10.7%	11.9%
CAPM Historic	60.0%	9.8%	10.8%
Historic – Utility vs. risk-free rate	N/A	11.1%	11.1%
Historic – Utility vs. A-rated public utility bonds	N/A	11.4%	11.4%
DCF-based Risk Premium vs. A-rated public utility bonds	60.0%	9.8%	10.8%
Recommendation			11.25%

1292

1293 On average, the difference between MidAmerican's 47.75% ratemaking common
1294 equity ratio and the relevant market value common equity ratios results in an
1295 upward adjustment of approximately 75 basis points to the 10.5% estimated cost
1296 of equity for the proxy gas LDCs. Therefore, I recommend that the allowed
1297 return on equity for MidAmerican's Illinois gas utility operations be set at
1298 11.25%.

1299 **Q. The ICC has previously rejected the use of a market value adjustment as the**
1300 **basis for establishing the cost of common equity. In doing so, it has observed**
1301 **that the utilities in question do not have market traded stock and therefore**
1302 **do not have an observable market value.²⁰ Please address these observations.**

1303 A. The application of a market-derived cost of equity to the book value (ratemaking)
1304 capital structure without recognition of the financial risk differences between the
1305 market value capital structures which underpin the estimates of the cost of equity
1306 and the book value (ratemaking) capital structure of MidAmerican will understate
1307 the utility's cost of equity. The absence of an observable market value capital
1308 structure for MidAmerican does not detract from this conclusion, as the relevant
1309 comparison is between the financial risk inherent in the market value capital
1310 structures of proxy utilities and the financial risk inherent in the book value
1311 (ratemaking) capital structures of MidAmerican.

1312 **Q. Have any other regulators accepted this type adjustment for differences in**
1313 **financial risk?**

1314 A. Yes. The Pennsylvania Public Utility Commission (PPUC) has accepted such an
1315 adjustment in six decisions, the most recent of which was in February 2007. In
1316 Docket No. R-00049255 (Pennsylvania Public Utility Commission *et al.* v. PPL
1317 Electric Utilities Corporation, Rulemaking Proceeding), the PPUC stated:

²⁰ See, *Central Illinois Light Company d/b/a AmerenCILCO Central Illinois Public Service Company d/b/a AmerenCIPS; Illinois Power Company d/b/a AmerenIP Proposed general increase in rates, and revision to other terms and conditions of service (Tariffs filed December 27, 2005)* Docket Nos. 06-0070/06-0071/06-0072 (Cons.) November 21, 2006 at page 141.

1318 We find it reasonable that a financial risk adjustment, as proposed by PPL,
1319 is necessary to compensate PPL for the mismatched application of a
1320 market based cost of common equity to a book value common equity ratio.
1321 The adjustment is necessary because the DCF method produces the
1322 investor required return based on the current market price, not the return
1323 on the book value capitalization.

1324 Most recently (March 19, 2009), the National Energy Board of Canada (NEB)
1325 accepted the appropriateness of reliance on market value capital structures.²¹ Its
1326 decision stated:

1327the Board is of the view that market-value weights should be used to
1328 emulate the actual financial risk which each capital component bears. In
1329 the Board's view, market values reflect the level of financial risk that
1330 equity holders bear for the sample companies. These market values, and
1331 ultimately the financial risk, are determined by aggregate expectations of
1332 all financial market participants. (page 28)

1333 The NEB explicitly adopted a weighted average cost of capital for a pipeline
1334 which was based on market value capital structures. This same regulator has
1335 historically relied upon book value capital structures in conjunction with market-
1336 derived costs of equity estimated using the traditional cost of equity tests (e.g.,
1337 equity risk premium).

1338 **E. COMPARABLE EARNINGS TEST**

1339 **E.1. Conceptual Underpinnings**

1340 **Q. Please discuss the conceptual underpinnings of the comparable earnings test.**

1341 A. The comparable earnings test provides a measure of the fair return based on the
1342 concept of opportunity cost. Specifically, the test is derived from the premise that
1343 capital should not be committed to a venture unless it can earn a return
1344 commensurate with that available prospectively in alternative ventures of
1345 comparable risk. Since regulation is intended to be a surrogate for competition,
1346 the opportunity cost principle entails permitting utilities the opportunity to earn a

²¹ National Energy Board, *Reasons for Decision: Trans Québec and Maritimes Pipelines Inc. RH-1-2008*, March 19, 2009.

1347 return commensurate with the levels achievable by competitive firms of similar
1348 risk.

1349 The concept that regulation is a surrogate for competition implies that the
1350 regulatory application of a fair return to an original cost rate base should result in
1351 a value to investors commensurate with that of similar risk competitive ventures.
1352 The fact that a return is applied to an original cost rate base does not mean that the
1353 original cost of the assets is the appropriate measure of their fair market value.
1354 The comparable earnings standard, as well as the principle of fairness, suggests
1355 that, if competitive industrial firms of similar risk are able to maintain the value of
1356 their assets considerably above book value, the return allowed to utilities should
1357 likewise not foreclose them from maintaining the value of their assets as reflected
1358 in current stock prices.

1359 **Q. The ICC has previously concluded²² that the comparable earnings test is**
1360 **“faulty because it incorrectly assumes that earned returns on book common**
1361 **equity are the same as, or representative of, investor-required returns on**
1362 **common equity.” Please respond.**

1363 A. I agree that the comparable earnings test does not measure the investor’s
1364 opportunity cost of attracting equity capital as measured relative to market values.
1365 The comparable earnings test is an implementation of the comparable earnings
1366 standard, as distinguished from the cost of attracting capital standard. It provides
1367 a measure of the fair return based on the concept of opportunity cost.

1368 Specifically, the test arises from the notion that capital should not be committed to
1369 a venture unless it can earn a return commensurate with that available
1370 prospectively in alternative ventures of comparable risk. Since regulation is a
1371 surrogate for competition, the opportunity cost principle entails permitting utilities

²² See, *Central Illinois Light Company d/b/a AmerenCILCO Central Illinois Public Service Company d/b/a AmerenCIPS; Illinois Power Company d/b/a AmerenIP Proposed general increase in rates, and revision to other terms and conditions of service (Tariffs filed December 27, 2005)* Docket Nos. 06-0070/06-0071/06-0072 (Cons.) November 21, 2006 at page 141-142.

1372 the opportunity to earn a return commensurate with the levels achievable by
1373 competitive firms facing similar risk.

1374 The comparable earnings test recognizes that (1) utility costs are measured in
1375 vintaged dollars and (2) rates are based on accounting costs, not economic costs.
1376 In contrast, the cost of attracting capital tests rely on costs expressed in dollars of
1377 current purchasing power, i.e., a market-related cost of capital. The comparable
1378 earnings test remains the only test that explicitly recognizes that, in the North
1379 American regulatory framework, the return is applied to an original cost (book
1380 value) rate base. The application of the comparable earnings test recognizes that,
1381 to achieve the competitive result, the measurement of the return (in percentage
1382 terms) needs to match conceptually the measurement of the assets (or in the case
1383 of the utility, the rate base) to which the return is applied.

1384 Nevertheless, the comparable earnings test was solely applied for purposes of
1385 testing the reasonableness of the market-derived cost of equity results. The
1386 comparable earnings returns are not incorporated into my recommended ROE.

1387 **Q. Why have you applied the comparable earnings test to competitive firms, and**
1388 **not utilities?**

1389 A. Application of the test to utilities would be circular. The achieved returns of
1390 utilities are influenced by allowed returns. In contrast, the earnings of
1391 competitive firms represent returns available to alternative investments
1392 independent of the regulatory process.

1393 **E.2. Principal Application Issues**

1394 **Q. What are the principal issues arising in the application of the comparable**
1395 **earnings test?**

1396 A. The principal issues in the application of the comparable earnings test are:

- 1397 • Selection of a sample of industrials of reasonably comparable risk to a
1398 utility;
- 1399 • Selection of an appropriate time period over which returns are to be
1400 measured in order to estimate prospective returns; and
- 1401 • Assessment of the total investment risk of the sample of utilities relative to
1402 that of the selected industrials.

1403 **Q. Please discuss the selection process.**

1404 A. The selection process starts with the recognition that industrials are generally
1405 exposed to higher business risk, but lower financial risk, than utilities. The
1406 selection of industrials focuses on total investment risk, i.e., the combined
1407 business and financial risks. The comparable earnings test is based on the
1408 premise that industrials' higher business risks can be offset by a more
1409 conservative capital structure, thus permitting selection of industrial samples of
1410 reasonably comparable total investment risk to a sample of utilities.

1411 The U.S. industrials were selected as follows: The initial universe consisted of all
1412 companies actively traded in the U.S. from S&P's Research Insight database in
1413 Global Industry Classification Standard (GICS) sectors 20-30.²³ The resulting
1414 universe contained 2,585 companies. Companies were removed which:

- 1415 • Are not incorporated in the U.S.
- 1416 • Had 2007 equity less than \$100 million.
- 1417 • Had missing or negative common equity during 1991-2007.
- 1418 • Had less than five years of market data.

²³ The sectors represented by the GICS codes in this range are: Industrials, Consumer Discretionary and Consumer Staples. Included in these sectors are major industries such as: Food Retail, Food Distributors, Tobacco, Packaged Foods, Soft Drinks, Distillers, Household Appliances, Aerospace and Defense, Electrical Components & Equipment, Industrial Machinery, Publishing & Printing, Department Stores, and General Merchandise.

- 1419 • Paid no dividends in any year 2004-2008.
- 1420 • Traded fewer than 5% of their outstanding shares in 2007.
- 1421 • Had an S&P rating below BBB-.
- 1422 • Had a *Value Line* Rank of “4” or “5”.
- 1423 • Had a *Value Line* beta of 1.0 or higher.

1424 These screens narrowed the universe to 91 companies. From this group, those
 1425 companies whose 1996-2007 returns were greater than ± 1 standard deviation from
 1426 the average were removed to eliminate companies whose earnings have been
 1427 chronically depressed or which have been extraordinarily profitable. The final
 1428 sample of comparable risk U.S. industrials is comprised of 81 companies.

1429 **E.3. Period for Measurement of Returns**

1430 **Q. Over what period did you measure the industrials’ returns?**

1431 A. The measurement of returns for competitive industrials starts with historical
 1432 returns. However, like every test used to estimate a fair return, this test is
 1433 intended to be prospective in nature. Therefore, the returns earned in the past
 1434 should be analyzed in the context of the longer-term outlook for the economy to
 1435 determine the reasonableness of relying on past returns as a proxy for the future.
 1436 Since returns on equity tend to be cyclical, the returns should be measured over an
 1437 entire business cycle, in order to give fair representation to years of expansion and
 1438 decline.

1439 The forward-looking nature of the estimate of the fair return requires selection of
 1440 a cycle that is reasonably representative of prospective economic conditions. The
 1441 business cycle, measured from peak to peak, covering the period 1991-2007
 1442 meets those criteria. It reflects a nominal rate of growth (5.2%; see MidAmerican

1443 Exhibit KCM 1.2, Schedule 1) that is very close to the 5.0% consensus forecast of
 1444 nominal GDP growth for the longer-term.²⁴

1445 The achieved returns on equity of the 81 companies for 1991-2007 are as follows:

1446

Table 10

Average	15.9%
Median	14.9%
Average of Annual Medians	15.7%

1447

Source: MidAmerican Exhibit KCM 1.2, Schedule 11

1448

E.4. Relative Risk Assessment

1449

**Q. What are the industrial sample’s quantitative risk measures relative to those
 1450 of the sample of natural gas LDCs?**

1451

A. The industrial sample has the following risk measures, compared to the sample of
 1452 natural gas LDCs:

1453

Table 11

	Industrials		Sample of 9 LDCs	
	Median	Mean	Median	Mean
S&P Debt Ratings	A-	A-	A	A
<i>Value Line</i> Risk Measures:				
Safety	3	2	2	2
Earnings Predictability	85	79	75	75
Financial Strength	B++	A	B++	B++
Beta	0.80	0.80	0.65	0.67

1454

1455

Source: MidAmerican Exhibit KCM 1.2, Schedules 3 and 11

1456

A comparison of risk statistics for the proxy sample of gas LDCs and industrials
 1457 indicates that, on balance, the gas LDCs and the industrials are in approximately
 1458 the same risk class and would be considered comparable risk investments.

²⁴ Blue Chip *Economic Indicators*, March 10, 2009.

1459 **E.5. Relevance of Comparable Earnings Test**

1460 **Q. What is the relevance of the comparable earnings test?**

1461 A. Since the objective of regulation is to simulate competition, it is critical that the
1462 determination of a fair return explicitly consider the returns achievable by
1463 competitive firms on a risk-adjusted basis. This avoids the circularity that a focus
1464 on other regulated companies alone entails and ensures that the objective of
1465 regulation is achieved.

1466 The results of the comparable earnings test can be used as an indicator of whether
1467 the market-based test cost of equity results are reasonable. The DCF test and
1468 equity risk premium tests, as adjusted for MidAmerican's book value capital
1469 structure, indicate a fair return of 11.25%. The comparable earnings test indicates
1470 that competitive firms of similar investment risk to the sample of LDCs are able
1471 to earn returns on book value of 15.0-16.0%. An allowed return on equity for
1472 MidAmerican's Illinois natural gas utility operations of 11.25%, as indicated by
1473 the DCF and equity risk premium tests, is conservative when compared to the
1474 earnings level of relatively low risk unregulated companies.

1475 **F. RECOMMENDATION**

1476 **Q. Please summarize your recommendation.**

1477 A. As indicated earlier in my testimony, my recommendation is based on the results
1478 of the market-derived tests, the discounted cash flow and equity risk premium
1479 tests. The DCF and equity risk premium test results as adjusted to recognize the
1480 difference in financial risk between the market value capital structures of the
1481 LDCs and MidAmerican's book value capital structure indicate that a fair return
1482 on equity for MidAmerican's Illinois natural gas utility operations is 11.25%.

1483 **Q. Does this conclude your testimony?**

1484 A. Yes, it does.

QUALIFICATIONS OF KATHLEEN C. McSHANE

Kathleen McShane is President and senior consultant with Foster Associates, Inc., where she has been employed since 1981. She holds an M.B.A. degree in Finance from the University of Florida, and M.A. and B.A. degrees from the University of Rhode Island. She has been a CFA charterholder since 1989.

Ms. McShane worked for the University of Florida and its Public Utility Research Center, functioning as a research and teaching assistant, before joining Foster Associates. She taught both undergraduate and graduate classes in financial management and assisted in the preparation of a financial management textbook.

At Foster Associates, Ms. McShane has worked in the areas of financial analysis, energy economics and cost allocation. Ms. McShane has presented testimony in more than 190 proceedings on rate of return, capital structure and other ratemaking issues before federal, state, provincial and territorial regulatory boards, on behalf of U.S. and Canadian gas distributors and pipelines, electric utilities and telephone companies. These testimonies include the assessment of the impact of business risk factors (e.g., competition, rate design, contractual arrangements) on capital structure and equity return requirements. She has also testified on various ratemaking issues, including deferral accounts, rate stabilization mechanisms, excess earnings accounts, cash working capital, and rate base issues. Ms. McShane has provided consulting services for numerous U.S. and Canadian companies on financial and regulatory issues, including financing, dividend policy, corporate structure, cost of capital, automatic adjustments for return on equity, form of regulation (including performance-based regulation), unbundling, corporate separations, stand-alone cost of debt, regulatory climate, income tax allowance for partnerships, change in fiscal year end, treatment of inter-corporate financial transactions, and the impact of weather normalization on risk.

Ms. McShane was principal author of a study on the applicability of alternative incentive regulation proposals to Canadian gas pipelines. She was instrumental in the design and preparation of a study of the profitability of 25 major U.S. gas pipelines, in which she developed

estimates of rate base, capital structure, profit margins, unit costs of providing services, and various measures of return on investment. Other studies performed by Ms. McShane include a comparison of municipal and privately owned gas utilities, an analysis of the appropriate capitalization and financing for a new gas pipeline, risk/return analyses of proposed water and gas distribution companies and an independent power project, pros and cons of performance-based regulation, and a study on pricing of a competitive product for the U.S. Postal Service. She has also conducted seminars on cost of capital for regulated utilities, with focus on the Canadian regulatory arena.

Publications, Papers and Presentations

- *Utility Cost of Capital: Canada vs. U.S.*, presented at the CAMPUT Conference, May 2003.
- *The Effects of Unbundling on a Utility's Risk Profile and Rate of Return*, (co-authored with Owen Edmondson, Vice President of ATCO Electric), presented at the Unbundling Rates Conference, New Orleans, Louisiana sponsored by Infocast, January 2000.
- *Atlanta Gas Light's Unbundling Proposal: More Unbundling Required?* presented at the 24th Annual Rate Symposium, Kansas City, Missouri, sponsored by several commissions and universities, April 1998.
- *Incentive Regulation: An Alternative to Assessing LDC Performance*, (co-authored with Dr. William G. Foster), presented at the Natural Gas Conference, Chicago, Illinois sponsored by the Center for Regulatory Studies, May 1993.
- *Alternative Regulatory Incentive Mechanisms*, (co-authored with Stephen F. Sherwin), prepared for the National Energy Board, Incentive Regulation Workshop, October 1992.

EXPERT TESTIMONY/OPINIONS
ON
RATE OF RETURN AND CAPITAL STRUCTURE

<u>Client</u>	<u>Date</u>
Alberta Natural Gas	1994
AltaGas Utilities	2000
Ameren (Central Illinois Public Service)	2000, 2002, 2005, 2007 (2 cases)
Ameren (Central Illinois Light Company)	2005, 2007 (2 cases)
Ameren (Illinois Power)	2004, 2005, 2007 (2 cases)
Ameren (Union Electric)	2000 (2 cases), 2002 (2 cases), 2003, 2006 (2 cases)
ATCO Electric	1989, 1991, 1993, 1995, 1998, 1999, 2000, 2003
ATCO Gas	2000, 2003, 2007
ATCO Pipelines	2000, 2003, 2007
ATCO Utilities	2008
Bell Canada	1987, 1993
Benchmark Utility Cost of Equity (British Columbia)	1999
Canadian Western Natural Gas	1989, 1996, 1998, 1999
Centra Gas B.C.	1992, 1995, 1996, 2002
Centra Gas Ontario	1990, 1991, 1993, 1994, 1995
Direct Energy Regulated Services	2005
Dow Pool A Joint Venture	1992
Edmonton Water/EPCOR Water Services	1994, 2000, 2006, 2008
Enbridge Gas Distribution	1988, 1989, 1991-1997, 2001, 2002
Enbridge Gas New Brunswick	2000
Enbridge Pipelines (Line 9)	2007
Enbridge Pipelines (Southern Lights)	2007
FortisBC	1995, 1999, 2001, 2004
Gas Company of Hawaii	2000, 2008
Gaz Metropolitan	1988

Gazifère	1993, 1994, 1995, 1996, 1997, 1998
Generic Cost of Capital, Alberta (ATCO and AltaGas Utilities)	2003
Heritage Gas	2004, 2008
Hydro One	1999, 2001, 2006 (2 cases)
Insurance Bureau of Canada (Newfoundland)	2004
Laclede Gas Company	1998, 1999, 2001, 2002, 2005
Laclede Pipeline	2006
Mackenzie Valley Pipeline	2005
Maritimes NRG (Nova Scotia) and (New Brunswick)	1999
Multi-Pipeline Cost of Capital Hearing (National Energy Board)	1994
Natural Resource Gas	1994, 1997, 2006
New Brunswick Power Distribution	2005
Newfoundland & Labrador Hydro	2001, 2003
Newfoundland Power	1998, 2002, 2007
Newfoundland Telephone	1992
Northland Utilities	2008 (2 cases)
Northwestel, Inc.	2000, 2006
Northwestern Utilities	1987, 1990
Northwest Territories Power Corp.	1990, 1992, 1993, 1995, 2001, 2006
Nova Scotia Power Inc.	2001, 2002, 2005, 2008
Ontario Power Generation	2007
Ozark Gas Transmission	2000
Pacific Northern Gas	1990, 1991, 1994, 1997, 1999, 2001, 2005
Plateau Pipe Line Ltd.	2007
Platte Pipeline Co.	2002
St. Lawrence Gas	1997, 2002
Southern Union Gas	1990, 1991, 1993
Stentor	1997
Tecumseh Gas Storage	1989, 1990
Telus Québec	2001
Terasen Gas	1992, 1994, 2005, 2009

Terasen Gas (Whistler)	2008
TransCanada PipeLines	1988, 1989, 1991 (2 cases), 1992, 1993
TransGas and SaskEnergy LDC	1995
Trans Québec & Maritimes Pipelines	1987
Union Gas	1988, 1989, 1990, 1992, 1994, 1996, 1998, 2001
Westcoast Energy	1989, 1990, 1992 (2 cases), 1993, 2005
Yukon Electrical Company	1991, 1993, 2008
Yukon Energy	1991 1993

EXPERT TESTIMONY/OPINIONS
ON
OTHER ISSUES

<u>Client</u>	<u>Issue</u>	<u>Date</u>
New Brunswick Power Distribution	Interest Coverage/Capital Structure	2007
Heritage Gas	Revenue Deficiency Account	2006
Hydro Québec	Cash Working Capital	2005
Nova Scotia Power	Cash Working Capital	2005
Ontario Electricity Distributors	Stand-Alone Income Taxes	2005
Caisse Centrale de Réassurance	Collateral Damages	2004
Hydro Québec	Cost of Debt	2004
Enbridge Gas New Brunswick	AFUDC	2004
Heritage Gas	Deferral Accounts	2004
ATCO Electric	Carrying Costs on Deferral Account	2001
Newfoundland & Labrador Hydro	Rate Base, Cash Working Capital	2001
Gazifère Inc.	Cash Working Capital	2000
Maritime Electric	Rate Subsidies	2000
Enbridge Gas Distribution	Principles of Cost Allocation	1998
Enbridge Gas Distribution	Unbundling/Regulatory Compact	1998
Maritime Electric	Form of Regulation	1995
Northwest Territories Power	Rate Stabilization Fund	1995
Canadian Western Natural Gas	Cash Working Capital/ Compounding Effect	1989
Gaz Metro/ Province of Québec	Cost Allocation/ Incremental vs. Rolled-In Tolling	1984