

Response to Commonwealth Edison Company
Second Set of Data Requests to Staff
Docket No. 07-0566 (on Remand)
Response of Staff Witness Ostrander

ICC Person Responsible: Mike Ostrander
Title: Accountant, Financial Analysis Division
Business Address: Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62701

Request ComEd Staff 2.03

Does Mr. Ostrander know when ComEd would have filed to increase its delivery services rates if the Commission had in May, 2008, approved a revenue requirement substantially lower than it in fact approved? If the answer is anything other than an unqualified now, provide each document and state any other information from which Mr. ~~[Ostrander]~~ ~~[Effron]~~ gained any knowledge on this question.

Response

Staff assumes the question is directed to Mr. Ostrander rather than Mr. Effron and has noted that when setting forth the question above. With that assumption, Staff objects to the question as calling for speculation.

Supplemental Response

Without waiving the above stated objection, Mr. Ostrander does not know.

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Request ComEd Staff 2.04

Does Mr. Ostrander have any basis for his testimony that the “Third Quarter Plant additions for 2008 is a moot point” (Staff Ex. 22.0, 5:91-92) other than legal arguments discussed with this counsel that will be made in briefs? If the response is anything other than an unqualified “no,” please state all such grounds and produce all documents or other information that support Mr. Ostrander’s response.

Response

No. As set forth in Mr. Ostrander’s testimony he is setting forth Staff’s position based upon discussions with Staff counsel.

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Request ComEd Staff 2.05

Mr. Ostrander testifies that “if the Commission decides to consider ComEd’s third quarter 2008 plant additions, only forecasted pro forma plant additions and not actual plant additions should be considered” (Staff Ex. 22.0, 6:122 – 7:124). Does Mr. Ostrander have any basis for this testimony other than (a) legal arguments discussed with this counsel that will be made in briefs; and (b) his subsequent statement that actual data was not available at the time of the Commission’s original decision? If the response is anything other than an unqualified “no,” please state all such grounds and produce all documents or other information that support Mr. Ostrander’s response.

Response

No.

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Request ComEd Staff 2.06

Mr. Ostrander testifies (Staff Ex. 22.0, 7:132-33) that “the amount of actual plant additions used in Ms. Houtsma’s calculation was reported in ComEd’s FERC Form 3Q for the 2008 third quarter.” Does Mr. Ostrander attach any significance to this statement beyond the fact that data reported by ComEd to FERC matches the data ComEd would use to quantify these plant additions in Illinois-jurisdictional rates.

Response

No.

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Request ComEd Staff 3.01

Mr. Ostrander testifies that if the Commission reflects 3rd Quarter 2008 plant additions in ComEd's rate base for the purposes of calculating a refund, "only forecasted *pro forma* plant additions and not actual plant additions should be considered." (Staff Ex. 22.0, 6:123 – 7:124). Does Mr. Ostrander, therefore, also recommend that only forecast data concerning depreciation that was included in the original record prior to appeal should be considered in rolling-forward accumulated depreciation through June 30, 2008? If your answer is anything other than an unqualified "yes," please explain each reason for this difference in approach to evidence available only on remand.

Response

Yes.

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Request ComEd Staff 3.02

Does the word “refund” or the term “judicial refund” appear anywhere in the Appellate Decision? If your answer is anything other than an unqualified “no,” please identify and quote in your response all language in the Appellate Decision which refers to a “refund,” judicial or otherwise.

Response

No.

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Request ComEd Staff 3.03

Please refer to your response to data request ComEd → Staff 3.02 and the responses and objections to data requests ComEd → Staff 2.01 and 2.02. Do you have any basis for concluding that your recommended refunds are authorized other than a legal opinion outside of the scope of your own testimony? If your answer is anything other than an unqualified “no,” please state all bases that are without the scope of your testimony and quote (or unambiguously cite, if publicly available) any orders, opinions, or other documents on which you rely.

Response

No.