

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Montana-Dakota Utilities Co.
2020 Natural Gas Rate Increase
Application

Case No. PU-20-379

AFFIDAVIT OF SERVICE BY ELECTRONIC MAIL

STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH

Geralyn R. Schmaltz deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **26th day of February 2021**, she sent an electronic message to **six** addressees, each including an electronic copy in portable document format of:

- **Letter**
- **Surrebuttal Testimony of Aaron L. Rothschild**
- **Surrebuttal Testimony of James A. Heidell**
- **Surrebuttal Testimony of Joel F. Jeanson**

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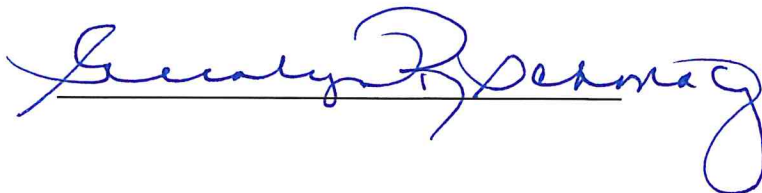
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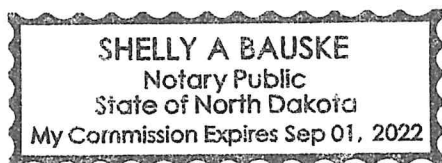
The addresses shown are the respective addressee's last reasonably ascertainable electronic mail addresses.

Subscribed and sworn to before me
this **26th day of February 2021**.





Notary Public



SEAL



Public Service Commission State of North Dakota

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February 26, 2021

Executive Secretary
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RE: Application and Notice of Change in Natural Gas Rates
Case No. PU-20-379 – Surrebuttal Testimony

Advocacy Staff hereby electronically submits the surrebuttal testimonies of James Heidell, Joel Jeanson, and Aaron Rothschild.

Sincerely

/s/ Brian L. Johnson

Brian Johnson
Special Assistant Attorney General
North Dakota Public Service Commission

Attachment

cc: service list

**BEFORE
THE NORTH DAKOTA PUBLIC SERVICE COMMISSION**

**SURREBUTTAL TESTIMONY
OF
AARON L. ROTHSCHILD**

COST OF CAPITAL

**ON BEHALF OF
THE NORTH DAKOTA PUBLIC SERVICE COMMISSION ADVOCACY STAFF**

**MONTANA-DAKOTA UTILITIES CO.
2020 NATURAL GAS RATE INCREASE APPLICATION**

CASE NO. PU-20-379

JANUARY 15, 2021

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1 **I. INTRODUCTION**

2 **Q. PLEASE STATE YOUR NAME, TITLE AND BUSINESS ADDRESS.**

3 **A.** My name is Aaron L. Rothschild. My title is President, and my business address is 15 Lake
4 Road, Ridgefield, CT.

5 **Q. ON WHOSE BEHALF ARE YOU PROVIDING THIS TESTIMONY?**

6 **A.** The North Dakota Public Service Commission Advocacy Staff (“PSC Staff”).

7 **Q. ARE YOU THE SAME AARON ROTHSCHILD WHO FILED DIRECT**
8 **TESTIMONY IN THIS PROCEEDING?**

9 **A.** Yes.

10 **II. PURPOSE OF SURREBUTTAL TESTIMONY**

11 **Q. WHAT IS THE PURPOSE OF YOUR SURREBUTTAL TESTIMONY?**

12 **A.** The purpose of my Surrebuttal Testimony is to respond to the criticisms raised by Company
13 Witness Ann Bulkley in her Rebuttal Testimony in the following areas:

- 14 • Reasonableness of Cost of Equity Recommendation
- 15 • Application of DCF Model
- 16 • Application of CAPM
- 17 • Current Market Environment

1 In addition, this surrebuttal demonstrates that Ms. Bulkey’s CAPM approach has a critical
2 flaw that renders her results invalid, at least in part, if not entirely, and as a result they
3 should be disregarded by the Commission.

4 As addressed below, Ms. Bulkey’s criticisms are invalid and should be rejected.

5 **III. REASONABLENESS OF COST OF EQUITY RECOMMENDATION**

6 **Q. ON PAGES 13-16 OF HER REBUTTAL TESTIMONY, MS. BULKLEY STATES**
7 **THAT YOUR 8.09% COST OF EQUITY RECOMMENDATION IS NOT**
8 **REASONABLE. PLEASE RESPOND.**

9 **A.** Ms. Bulkey and I recommend a different cost of equity for Montana-Dakota because we
10 have fundamentally different analytical approaches. I focus on using market data (e.g.,
11 stock prices, bond yields, stock option prices) to measure investors’ expectations as much
12 as possible. On the other hand, Ms. Bulkey relies almost exclusively on non-market data,
13 including economists’ interest rate forecasts even when market data is available. Ms.
14 Bulkey claims that my 8.09% cost of equity recommendation does not “satisfy the
15 comparable return standard of *Hope and Bluefield*” based primarily on comparing my
16 recommendation to authorized ROEs around the country. However, basing Montana-
17 Dakota’s authorized return in this case on allowed returns for different companies in
18 different states should be done with caution. The decisions referenced by Ms. Bulkey
19 were made in an entirely different context, and Montana-Dakota’s rates should be set based
20 on investors’ expectations as indicated by current market conditions. Utilizing past
21 determinations in the current economic environment, given the COVID-19 pandemic,

1 places improper weight on allowed rates of returns set in other jurisdictions operating under
2 different circumstances.

3 On page 13 of Ms. Bulkley’s Rebuttal Testimony, Figure 2 provides all natural gas
4 utility authorized ROEs from January 2018 to January 2021.¹ These ROEs range between
5 about 8.75% and about 10.25%. Ms. Bulkley’s recommended ROE of 10.20% is on the
6 high end of this already elevated range, and it should be pointed out that the Company has
7 reduced its requested ROE from Ms. Bulkley’s recommendation to 9.80%.

8 For ease of comparison, the Table 1 below summarizes the ROE recommended and
9 requested rates in this proceeding.

| TABLE 1: ROE COMPARISON | |
|---|------------|
| Bulkley Recommended ROE | 10.20% |
| Company Requested ROE | 9.80% |
| Rothschild Recommended ROE | 8.09% |
| Current Market Return Expectations by Leading Financial Institutions [1] | 5.5 - 8.5% |

10 [1] Source: Rothschild Direct Testimony, Table 3

11 **Q. MS. BULKLEY CLAIMS THAT THIS COMMISSION SHOULD NOT CONSIDER**
12 **THE RECENT 7.46% ROE AUTHORIZED BY THE SOUTH CAROLINA PUBLIC**
13 **SERVICE COMMISSION (“SCPSC”). PLEASE RESPOND.**

14 **A.** I disagree. As discussed in my Direct Testimony, I strongly encourage considering the
15 return expectations of leading financial institutions and the results of my financial models.
16 However, if the Commission chooses to consider recent authorized ROEs as part of its
17 decision process, it is reasonable for this Commission to consider the recent 7.46% ROE

1 Ms. Bulkley’s Rebuttal Testimony, page 13, lines 4-5.

1 authored by the SCPSC. Ms. Bulkley claims that this 7.46% ROE is not appropriate to
2 consider because she claims that the SCPSC “takes into consideration service quality
3 issues.” However, the record in this proceeding does not support Ms. Bulkley’s claim. She
4 claims that I confirmed her speculation that the SCPSC’s was influenced by service quality
5 issues because the SPSC considered “all the evidence” when determining the 7.46% ROE,
6 but she leaves out the rest of my response to Montana-Dakota DR to Advocacy Staff 1.5
7 which clearly demonstrates that the SCPSC based its decision on my market-based cost of
8 equity analysis. Below is my full response to Montana-Dakota DR to Advocacy Staff 1.5:

9
10 In the referenced Order (No. 2020 306), the South Carolina Commission stated that
11 it considered “all of the evidence” and “the whole record” in concluding that: “the
12 analysis used by Consumer Affairs witness Rothschild is the most compelling,
13 applies cost of equity models using water utility companies without the influence
14 of non-utility companies, is objectively just and reasonable, and supported by ample
15 evidence in the record. After review of all evidence and analysis provided by the
16 witnesses of the parties, we conclude and find that the ROE of 7.46% provided by
17 Consumer Affairs witness Rothschild is the appropriate ROE for Blue Granite
18 based upon (a) the evidence on the whole record, (b) the rate of return methodology,
19 and (c) a historical test year beginning July 1, 2018 and ending June 30, 2019. The
20 Commission approves a ROE of 7.46% for Blue Granite.”
21

22 I provided the SCPSC with the evidence they needed to determine that Blue Granite
23 Water Company would be able to raise capital on reasonable terms with a 7.46% ROE.
24 Ms. Bulkley was not part of the Blue Granite proceeding in South Carolina, but she is
25 nevertheless is willing to speculate on how the South Carolina commissioners came to their
26 decisions. I was at the hearings in person and I know that the commissioners were working
27 hard for many days to make sure that their utility would have access to capital. If we step
28 back from complexities of probability distributions, yield curves and option-implied
29 volatility that I carefully used to calculate the cost of equity in South Carolina, as I do in

1 this proceeding, the SCPSC decision to authorize a 7.46% ROE makes sense. As shown
2 in Table 1 above, the current market return expectations of leading financial institutions
3 are between 5.5 – 8.5% for the overall market. Unless these banks, funds and brokerage
4 houses are completely out of touch, the cost of equity for regulated utility companies are
5 certainly no more than the 8.09% cost of equity I recommend for Montana-Dakota.

6 **Q. PLEASE BRIEFLY SUMMARIZE MS. BULKLEY’S POSITION REGARDING**
7 **THE RELATIONSHIP BETWEEN THE RESULTS OF YOUR CONSTANT**
8 **GROWTH DCF METHOD (9.48% AND 9.54%) AND THE EXPECTED EARNED**
9 **RETURN ON EQUITY (10.0%) OF YOUR PROXY GROUP.**

10 **A.** Ms. Bulkley claims that my “retention growth rates require an estimate of the earned return
11 on common equity and are therefore somewhat circular.”² Because the allowed ROE for a
12 company is equal to the expected return on book equity, she concludes “[a] natural gas
13 utility could not earn a return on book equity of 10.00 percent if the ROE authorized was
14 between 9.48 percent and 9.54 percent.”³ She claims “the use of retention growth rates
15 ignores the academic research demonstrating that EPS growth rates are most relevant in
16 stock price valuation.”⁴ Using analyst EPS growth rates, according to Ms. Bulkley, results
17 in a cost of equity range between 10.25% and 10.46%.⁵

² Ms. Bulkley’s Rebuttal Testimony, page 42, lines 9-10.

³ Ibid. page 42, lines 21-22 and page 43, line 1..

⁴ Ibid. page 43, lines 5-7.

⁵ Ibid. page 81, Figure 10.

1 **Q. DO CONSTANT GROWTH DCF RESULTS BELOW INVESTORS' EXPECTED**
2 **RETURN ON BOOK EQUITY INDICATE THAT THE RESULT IS TOO LOW AS**
3 **SUGGESTED BY MS. BULKLEY?**

4 **A.** No. First, it is important to recognize that the Constant Growth DCF model indicates what
5 return investors expect to earn on the market price of the stock, not its book value. Return
6 on book value is an accounting figure, which regulators can use to measure performance
7 and investors can use to make investment decisions. In contrast, the market return is the
8 return investors receive for making an investment. The return on the market price of a
9 stock will only equal the return on the book value of a stock when the Market-to-Book
10 ("M/B") ratio is one. But the M/B ratios of natural gas utility stocks are currently almost
11 2.

12 **Q. DO M/B RATIOS ABOVE ONE INDICATE THAT THE COST OF EQUITY FOR**
13 **NATURAL GAS UTILITY STOCKS IS LOWER THAN THE EXPECTED**
14 **RETURN ON BOOK EQUITY?**

15 **A.** Yes. Calculating the cost of equity (investors' equity return expectations) is more
16 complicated than calculating the return on a rental property, but the very same concept
17 applies regarding the relationship between market returns and book returns. If an investor
18 purchases an apartment for \$100,000 and expects to receive \$500 per month ($\$500 \times 12 =$
19 $\$6,000$ per year) in rent, he or she will expect an annual return of 6% ($\$6,000/\$100,000$)
20 on their investment. When the investor purchases the apartment, he would record the book
21 value as \$100,000 and the market value as \$100,000 unless he determined that the purchase
22 price was higher or lower than the market value. If the value of the apartment increases to
23 \$350,000, for example, the M/B ratio would increase to 3.5, and therefore, his return on

1 book value would remain at about 6% while his return on the market value of the apartment
2 would decrease to about 1.7%.

3 In this rental property example, an increasing market value results in a lower
4 expected return on market value (1.7%) compared to expected return on book value (6%),
5 assuming the rent price remains constant. In the case of a utility stock, an increasing market
6 value results in a lower return on market for the same expected return on book. As this
7 rental property example demonstrates, there is nothing inconsistent about investors
8 expecting a lower return on the market price of an investment than on the book value of an
9 investment. In fact, with M/B ratios of natural gas utility companies significantly above
10 one it would be surprising if investors expected a return on market equal, or anywhere
11 close, to return on book.

12 **Q. HOW DO YOU RESPOND TO MS. BULKLEY'S CLAIM THAT THE**
13 **RETENTION RATES YOU USE IN YOUR CONSTANT GROWTH DCF**
14 **METHOD ARE "SOMEWHAT CIRCULAR" BECAUSE THEY REQUIRE AN**
15 **ESTIMATE OF THE EARNED RETURN ON COMMON EQUITY?⁶**

16 **A.** My Constant Growth DCF method is not circular because my conclusion (market-based
17 cost of equity that I recommend be applied to Montana-Dakota's book value) is not an
18 input. Circular reasoning arises when we start with what we are trying to end with. The
19 following is a classic circular argument: the restaurant is popular because everyone goes
20 there, and everyone goes to the restaurant because it is popular. I am not calculating the
21 market-based cost of equity for Montana-Dakota with the market-based cost of equity for

⁶ Ms. Bulkley's Rebuttal Testimony, page 74, lines 4-5.

1 Montana-Dakota as Ms. Bulkley implies. My input is the earned return on book equity
2 (not market return), and I use data from other utility companies (not Montana-Dakota).
3 Additionally, my cost of equity result is based on data from a point in time (December 31,
4 2020 and before), and therefore, my DCF cost of equity result could not have been
5 influenced by Montana-Dakota's proposed authorized return in this proceeding. Therefore,
6 my Constant Growth DCF method is not circular.

7 Ms. Bulkley's claim that my Constant Growth Method is circular contradicts her
8 own definition of the cost of equity. In particular, she says "the cost of equity is market-
9 based and, therefore, must be estimated based on observable market data."⁷ If the cost of
10 equity is market-based, it is not circular to utilize accounting returns. Additionally,
11 applying a market-based cost of equity to book value is consistent with the regulatory
12 principles of original cost ratemaking. Ms. Bulkley's comparison of my Constant Growth
13 DCF results to the expected return on book equity is problematic not just because she is
14 confusing market returns and accounting returns. Her claim that the results of my Constant
15 Growth DCF model are 46 to 52 basis points below the expected ROE of 10.00 percent
16 assumed in my proxy group⁸ implies that there is a problem with original cost ratemaking.
17 Applying a market-based cost of equity to anything other than the original cost of Montana-
18 Dakota's investments as measured by book value would violate fundamental principles of
19 original cost ratemaking and result in overcharging consumers.

⁷ Ms. Bulkley's Direct Testimony, page 35, lines 14-15.

⁸ Ibid. page 43, lines 1-4.

1 **Q. MS. BULKLEY CLAIMS THAT YOUR ROE RECOMMENDATION FOR**
2 **MONTANA-DAKOTA IS NOT FAIR AND REASONABLE. DO YOU AGREE?**

3 **A.** No. I agree with Ms. Bulkley that an important reason we recommend different ROEs is
4 that we “disagree as to what satisfies the standards established by the United States
5 Supreme Court of Hope and Bluefield and what constitutes a ‘just and reasonable’ return
6 that is consistent with the returns for other companies with similar or comparable risk.”⁹
7 Despite stating correctly in her Direct Testimony that cost of equity should be market-
8 based (i.e., the return investors expect to earn on the market price of a stock) she attempts
9 to claim that my 8.09% ROE recommendation is unjust because it is lower than authorized
10 returns. As stated above, the average market-to-book ratio of natural gas companies is
11 above one. In other words, investors are willing to pay a premium over book value for the
12 authorized returns from the past, which strongly indicates they require a return on equity
13 lower than authorized returns on book value. If the Commission is looking for an
14 independent source to gauge Montana-Dakota’s cost of equity, it should turn to the leading
15 financial institutions that are advising individual and institutional investors around the
16 world.

17 On page 5 of my Direct Testimony, I show that Ms. Bulkley’s 10.20% cost of equity
18 recommendation is above (1) return expectations indicated by market data (e.g., stocks,
19 bonds, options) and (2) return expectations published by major financial institutions. Duff
20 & Phelps, a source used by Ms. Bulkley, published an 8.0% cost of equity for the overall
21 market in December 2020. A survey conducted by Horizon Actuarial Services in July 2020

⁹ Ms. Bulkley’s Rebuttal Testimony, page 9, lines 5-8.

1 indicates that major financial institutions are expecting equity returns between 5.5 and
2 8.5% over the next 20 years. I would also note that my cost of equity recommendation of
3 8.09% is higher than the return expectations published by major banks and brokerage
4 houses for small and large capitalization stocks trading in U.S. markets (5.5-8.5%), which
5 should give the Commission confidence that if my recommendation is used to set rates, it
6 will still enable Montana-Dakota to raise the capital it requires.

7 **Q. DO YOU HAVE ANY CONCERNS WITH MS. BULKLEY’S CLAIM THAT THE**
8 **DCF MODEL CURRENTLY UNDERSTATES THE COST OF EQUITY?**

9 **A.** Yes, I do. Ms. Bulkley asserts that “the results of the DCF model are being distorted by
10 the high valuations and low dividend yields of utilities.”¹⁰ As discussed more below, Ms.
11 Bulkley’s claim that high valuations are leading to low DCF results is to state the obvious.
12 When stock valuations increase, all else remaining equal, the cost of equity of that stock
13 decreases. Her claim that the DCF model is understating the cost of equity has little to do
14 with the DCF model and much more to do with her speculation that utility stock prices will
15 decrease in the future. The cost of equity should be based on investors’ expectations as
16 indicated by market prices and not capital market speculation.

17 Regarding estimating the cost of equity in current market conditions, Ms. Bulkley
18 states “it is important to consider using, where possible, projected market data in the
19 models to estimate the return for the forward-looking period,”¹¹ but her CAPM relies on
20 historical betas that measure market data as far back as 10 years, so it is difficult to imagine

¹⁰ Ms. Bulkley’s Rebuttal Testimony, page 32, lines 14-15.

¹¹ Ms. Bulkley’s Direct Testimony, page 37, line 19 and page 38, lines 1-2.

1 how her CAPM says much about the future and certainly not any more than a DCF analysis
2 that uses market data. As explained in my Direct Testimony, option-implied betas indicate
3 that investors expect natural gas utility stocks to be less correlated with the overall market
4 than before the pandemic indicating that the cost of equity for natural gas utility stocks has
5 not increased during the pandemic. Ms. Bulkley’s “forward” CAPM analysis does not
6 reflect investors’ forward expectations regarding natural gas utility betas because it relies
7 on historical data.

8 **Q. DO YOU HAVE OTHER CONCERNS REGARDING MS. BULKLEY’S CAPM**
9 **APPROACH?**

10 **A.** Yes, I see a very significant inconsistency in her approach that renders the results of her
11 CAPM analysis invalid, at least in part, if not entirely. The inconsistency centers around
12 the market index underlying her beta coefficients and her market risk premium. CAPM
13 theory calls for the underlying market index to be consistent throughout all the inputs. Ms.
14 Bulkley’s beta coefficients come from Value Line and are based on the New York Stock
15 Exchange Composite Index.¹² The methodology Ms. Bulkley uses to calculate the market
16 risk premium is based on the S&P 500 Index.¹³ As elaborated upon on page 42 of this
17 Surrebuttal, when applying the CAPM, it is imperative to use betas and a market risk
18 premium based on the same market index. This is a fundamental concept of the CAPM
19 and using betas based on one index with a market risk premium based on a different index,
20 as Ms. Bulkley has done, yields invalid results. The results of her CAPM analysis with

¹² Ms. Bulkley’s Rebuttal Testimony, page 67, lines 13-15.

¹³ Ms. Bulkley’s Rebuttal Testimony, page 72, lines 16-19.

1 this inherent inconsistency should be disregarded entirely by the
2 Commission. APPLICATION OF CONSTANT GROWTH DCF

3 **Q. PLEASE SUMMARIZE MS. BULKLEY’S CRITICISMS OF YOUR**
4 **APPLICATION OF THE DCF METHOD.**

5 **A.** Ms. Bulkley makes the following criticisms of my constant growth DCF method:

- 6 1. Reliance on retention growth rates,
- 7 2. The reasonableness of the results provided by the constant growth DCF model;
- 8 3. Growth methodology is circular;
- 9 4. Growth rate component should be based on analyst EPS growth rates.

10 **Q. MS. BULKLEY CLAIMS THE RESULTS OF THE DCF MODEL ARE NOT**
11 **RELIABLE. PLEASE RESPOND.**

12 **A.** As discussed in my Direct Testimony, Ms. Bulkley correctly states, “current market
13 conditions affect the results of ROE estimation models.”¹⁴ A cost of equity model that is
14 not impacted by market conditions could not provide a market-based cost of equity.
15 However, she views this influence as a problem. She claims to know that utility stock
16 valuations are unsustainably high and interest rates are low. To correct for the expectations
17 of apparently misinformed investors (investors who are purchasing utility stocks even
18 though they are overpriced)¹⁵, Ms. Bulkley claims that non-market-based data should be

¹⁴ Ms. Bulkley’s Direct Testimony, page 11, lines 3-4.

¹⁵ On pages 32-35 of her Rebuttal Testimony, Ms. Bulkly claims that my market-based approach is flawed because I assume markets are efficient when they are not. There is a large body of research in behavioral economics that explains what we all know – markets can be irrational, bubbles form for various reasons. However, just because we know there are bubbles (e.g. GameStop in 2021) and investors are irrational does not mean we know when and for how long markets will be irrational. Regardless of the degree to which markets are irrational, including the long

1 used, such as the interest rate forecasts of economists. She has been making similar claims
2 regarding the sustainability of high utility stock valuations and low interest rates for years.
3 In NSP's 2012 rate case, Ms. Bulkley claimed "high stock valuations (associated with
4 unusually low long-term interest rates) will tend to reduce dividend yields and, therefore,
5 the estimated ROE."¹⁶ Interest rate only continued to decline in the six years since that
6 case.

7 In other words, Ms. Bulkley is asking for a 10.20% cost of equity based on
8 "projected" figures (e.g., interest rates) instead of current market data because she
9 considers market conditions that have existed for over 10 years to be "anomalous." Her
10 10.20% cost of equity is analogous to asking consumers to pay above the market price for
11 groceries today because, in her opinion, the market prices of milk and bread are
12 unsustainably low despite remaining "anomalous" for over a decade. If utility valuations
13 decline in the future leading to higher DCF results, as Ms. Bulkley suggests, Montana-
14 Dakota should file a rate case at that time and request rate increases accordingly. However,
15 charging consumers above market rates now is unfair to consumers even if we knew with
16 certainty that the cost of equity was going to increase at some point in the future. The stock
17 market is unpredictable. The cost of equity could increase, it could decrease, and it could
18 remain the same. It is in the best interest of consumers and Montana-Dakota to set rates
19 based on the cost of equity currently indicated by the markets.

run of high utility stock prices relative to book value, the solution is to not replace market data with the capital market speculations of Ms. Bulkley or any other individual for that matter.

¹⁶ Ms. Bulkley's NSP Direct Testimony, page 33, lines 24-27. December 18, 2012, Case No. PU-12-813.

1 The cost of capital is market-based. The price investors are willing to pay for a
2 stock in relation to what they expect to receive in return is the information that is used to
3 determine the cost of equity. For example, if investors are willing to pay more than book
4 value for a utility company that investors expect will earn a return on book equity of 9%,
5 this means that investors require less than a 9% return to be convinced to buy shares of this
6 company. Just as the market yield on a bond decreases when investors bid up the market
7 price of a bond, the yield also decreases for a common stock investment when the stock
8 price goes up in the markets. The DCF model is specifically designed to measure the return
9 investors expect on the market price of a stock. High valuations do not distort the results
10 of the DCF method, as Ms. Bulkley claims.

11 **Q. ON PAGE 44 OF HER REBUTTAL TESTIMONY, MS. BULKLEY CLAIMS**
12 **THAT YOU SHOULD HAVE RELIED ON EPS GROWTH RATES INSTEAD OF**
13 **RETENTION GROWTH RATES. HOW DO YOU RESPOND?**

14 **A.** I disagree. A study conducted by McKinsey & Company in 2010 found that “analysts have
15 been persistently over optimistic for the past 25 years with estimates ranging from 10 to 12
16 percent a year, compared with actual earnings growth.”¹⁷

17 On average, analysts’ forecasts have been almost 100 percent too high.¹⁸
18 Additionally, the further a projection predicts into the future, the lower the likelihood of
19 the projection being correct.

¹⁷ Marc H. Goedhart, Rishi Raj and Abhishek Saxena, *Equity Analysts: Still too bullish*, Spring 2010

¹⁸ *Ibid.*

1 Capital markets, on the other hand, are notably less giddy in their predictions.
2 Except during the market bubble of 1999-2001, actual price-to-earnings ratios have been
3 25 percent lower than implied P/E ratios based on analyst forecasts.

4 Even if equity analysts' forecasts were not upwardly biased, as discussed in my
5 Direct Testimony, adding earnings per share growth forecasts to a dividend yield without
6 considering the retention rate produces a flawed result. Using an earnings per share growth
7 forecast as the growth component in a DCF model is like measuring how much money you
8 will have in your bank account by simply adding up your paychecks. If you do not consider
9 what percentage of your paycheck you will retain in your account and what percentage you
10 will spend, your calculations will not be accurate.

11 **Q. DOES THE ACADEMIC RESEARCH CITED BY MS. BULKLEY INDICATE IT**
12 **IS APPROPRIATE TO USE ANALYST EPS GROWTH ESTIMATES IN A DCF**
13 **MODEL WITHOUT ADDRESSING SUSTAINABILITY?**

14 **A.** No. The issues with using analyst EPS growth rates in a DCF model are addressed in the
15 articles cited in Ms. Bulkley's testimony. Regarding the potential difficulties with using
16 analyst EPS growth rates in a DCF model, Robert Harris explains the following in Using
17 Analysts' Growth Forecasts to Estimate Shareholder Required Rates of Return:

18 ...some analysts fail to normalize growth projections or fail to continually
19 review and revise their earnings estimates.¹⁹

20 Harris utilizes various measures to control for analysts' potential failure to
21 normalize EPS growth projections. He applies his DCF approach to a portfolio of stocks

¹⁹ Staff Response 2.3 - Attachment 31 - 51b_Harris_Using Analysts' Growth Forecasts Spring 1986, page 61.

1 because “future growth patterns may be expected to have drastic changes for some specific
2 securities.”²⁰ As Harris explains, it is critical to ensure that the growth rate component
3 used in a DCF model is sustainable. Using analyst EPS growth forecasts in a DCF model
4 as Ms. Bulkley has done, is inconsistent with the research cited in her testimony. On the
5 other hand, my Constant Growth DCF method takes measurements (See “Constant Growth
6 Form of the DCF Model” section of my testimony, pages 35-43), as Ms. Bulkley’s cited
7 research advises, to control for the noted shortfalls of analyst EPS growth forecasts.

8 **Q. PLEASE COMMENT ON MS. BULKLEY’S CLAIM THAT YOUR DCF METHOD**
9 **IS FLAWED BECAUSE IT IS CIRCULAR.**

10 **A.** Ms. Bulkley claims that my DCF method is circular because “the projected earned return
11 on common equity is the expected return on book value and is exactly what the regulatory
12 commissions are determining when they set the allowed ROE for a company.”²¹ As
13 explained earlier, her claim is false because, among other reasons, my DCF results are
14 based on companies in other jurisdictions, and not on Montana-Dakota. If authorized, my
15 DCF results would not be applied to the companies in my Gas Proxy Group. There is no
16 circularity. Additionally, my DCF results are based on a point in time (December 31, 2020)
17 and therefore, if allowed, my DCF results could not impact investor expectations back in
18 July without a time machine.

²⁰ Ibid.

²¹ Ms. Bulkley’s Rebuttal Testimony, page 42, lines 11-13.

1 IV. CAPM ANALYSIS

2 Q. PLEASE SUMMARIZE MS. BULKLEY’S CRITICISMS OF YOUR CAPM
3 ANALYSIS.

4 A. Ms. Bulkley raises an issue with almost every input into my CAPM analysis. Her most
5 critical point, which leads her to “recommend the Commission place zero weight”²² on my
6 CAPM analysis, is based on an erroneous comparison of my current CAPM methodology
7 with a different methodology I used in a prior case²³ and should be entirely disregarded.

8 I address each of Ms. Bulkley’s concerns in ample detail and with relevant citations
9 in the relevant sections that follow. However, the criticisms she brings up center around a
10 set of three repeated themes which highlight why our CAPM approaches differ
11 significantly and merit being summarized in broad terms:

- 12 1. As explained in my Direct Testimony, one of the most important principles
13 behind my ROE approach overall is that it should be market-based. With
14 one noted exception,²⁴ I rely on data from established and efficient markets,
15 such as bond prices and yields and stock and stock option prices. Though
16 Ms. Bulkley also claims to use a market-based approach, she repeatedly
17 places more weight on analyst forecasts over available market data and
18 repeatedly criticizes my use of market data.

²² Ms. Bulkley’s Rebuttal Testimony, page 72, lines 11-13.

²³ As elaborated upon on page 44 of this Surrebuttal.

²⁴ Addressed on page 28 of this Surrebuttal.

- 1 2. When dealing with historical market data, Ms. Bulkley categorically
2 disapproves of the use of the most recent spot values, citing concerns over
3 daily fluctuations, particularly in volatile markets. While I agree with the
4 potential of daily fluctuations, when using historical data as a proxy for
5 future data, I believe there is a place for using the most recent spot data
6 when balanced by historical averages of the same data, which help reduce
7 the noise of daily fluctuations.²⁵ Though Ms. Bulkley states that using
8 averages of historical data is preferable to using spot data, she still
9 expresses concerns about the susceptibility of averages to market
10 fluctuations and repeatedly raises concerns about the proper time period to
11 use for such averages, a concept I believe creates unnecessary noise²⁶ and
12 once again confirms her preference for analyst forecasts over available
13 market data.
- 14 3. Ms. Bulkley questions the validity or relevance of my option-based
15 approach to calculating beta coefficients and market risk premia, even
16 though it is based on established and broadly accepted-methods used by the
17 CBOE to calculate the VIX and SKEW indices, among other uses. Her first
18 and primary criticism is based on the same issue related to the potential
19 volatility of spot market data mentioned above, even though I have balanced
20 my use of spot data with historical averages as always. Ms. Bulkley also

²⁵ As elaborated upon on page 22 of this Surrebuttal.

²⁶ As elaborated upon on page 25 of this Surrebuttal.

1 raises concerns over the use of options contracts with an expiration date of
2 180 days in the future when longer expirations are not available, another
3 issue that has little relevance and simply creates unnecessary noise. There
4 is no crystal ball when it comes to predicting market data. Using recent
5 historical values is one of the best approaches at our disposal, but it is not
6 perfect. Options can help measure investors' future expectations, and even
7 when they are only looking six months into the future, that is six months
8 further than the most recent historical data point or any other market-based
9 tool that is available.

10 Understanding and forming an opinion on the broad topics above helps navigate
11 through the more than 30 pages Ms. Bulkley dedicates in her Rebuttal Testimony to
12 criticizing my CAPM approach and the similar number of pages I dedicate in this
13 Surrebuttal to defending its merits.

14 **Q. DO YOU SEE ANY PROBLEMS WITH THE WAY MS. BULKLEY HAS**
15 **IMPLEMENTED HER VERSION OF THE CAPM?**

16 **A.** Yes, I see a very significant inconsistency in her approach that renders the results of her
17 CAPM analysis invalid, at least in part, if not entirely. The inconsistency centers around
18 the market index underlying her beta coefficients and her market risk premium. CAPM
19 theory calls for the underlying market index to be consistent throughout all the inputs. Ms.
20 Bulkley's beta coefficients come from Value Line and are based on the New York Stock
21 Exchange Composite Index.²⁷ The methodology Ms. Bulkley uses to calculate the market

²⁷ Ms. Bulkley's Rebuttal Testimony, page 67, lines 13-15.

1 risk premium is based on the S&P 500 Index.²⁸ As elaborated upon on page 42 of this
2 Surrebuttal, when applying the CAPM, it is imperative to use betas and a market risk
3 premium based on the same market index. This is a fundamental concept of the CAPM
4 and using betas based on one index with a market risk premium based on a different index,
5 as Ms. Bulkley has done, yields invalid results. The results of her CAPM analysis with
6 this inherent inconsistency should be disregarded entirely by the Commission.

7 **Q. HOW DO YOU RESPOND TO MS. BULKLEY’S ATTEMPT TO DISCREDIT**
8 **YOUR STATEMENT THAT YOUR CAPM APPROACH HAS BEEN**
9 **“RECOGNIZED BY OTHER COMMISSIONS?”²⁹**

10 **A.** My CAPM approach using stock options has been used in numerous high-profile utility
11 rate case proceedings over the past four years. It has been used as an integral part of utility
12 proceedings in California, Pennsylvania, and South Carolina, has been used in settlement
13 negotiations in other jurisdictions, and is being used in ongoing cases in Connecticut,
14 California, Pennsylvania and before the Federal Energy Regulatory Commission
15 (“FERC”). In my Direct Testimony, I cite the decision by the South Carolina Public
16 Service Commission (“SCPSC”) in the Blue Granite Water Company (“Blue Granite”)
17 case³⁰ to give a specific example where my CAPM methodology was not only accepted,
18 but highlighted and commended, with a very specific quote from the SCPSC’s Order

²⁸ Ms. Bulkley’s Rebuttal Testimony, page 72, lines 16-19.

²⁹ Ms. Bulkley’s Rebuttal Testimony, page 51, lines 5-6.

³⁰ Rothschild Direct Testimony, page 11, line 21 to page 12, line 3.

1 Ruling. Ms. Bulkley claims it is “problematic”³¹ to cite the Blue Granite case for three
2 baseless arguments which I address below and leaves it to be inferred that this disproves
3 the fact that my methodology has been “recognized by other commissions,” which is an
4 illogical conclusion given that my methodology has been used in numerous other cases.

5 As I have done in recent cases, my ROE recommendation in the Blue Granite case
6 consisted of a range and a specific value within that range. Some commissions prefer to
7 focus on the specific value and others on the range. The quote from the SCPSC Order
8 Ruling includes the line “the Commission therefore adopts the recommended ROE of 7.46%
9 proposed by witness Rothschild.” This was written by the SCPSC, so for Ms. Bulkley to claim
10 that “Mr. Rothschild did not recommend an ROE of 7.46 percent for Blue Granite”³² is going
11 directly against the SCPSC’s statement and conclusion. Similarly, the SCPSC makes no
12 specific mention in its decision of the “service quality issues” in that case that Ms. Bulkley
13 alludes to, so for her to state “it is clear the SCPSC selected the low-end of Mr. Rothschild’s
14 range to account for the Blue Granite’s service quality issues”³³ is once again a dangerous
15 instance of Ms. Bulkley attempting to speak on behalf of the Commission. Finally, the fact
16 that the decision has been appealed recently does not negate the SCPSC’s acceptance and
17 recognition of my CAPM approach, which was the main purpose in referencing this case, and
18 not the specific ROE which was accepted.

³¹ Ibid., line 11.

³² Ms. Bulkley’s Rebuttal Testimony, page 52, line 3.

³³ Ms. Bulkley’s Rebuttal Testimony, page 52, lines 7-8.

1 Q. HOW DO YOU RESPOND TO MS. BULKLEY'S ASSERTION THAT "AN
2 AVERAGE IS THE [SIC] PREFERRED TO A SPOT YIELD"³⁴ WHEN RELYING
3 ON HISTORICAL DATA TO ESTIMATE THE RISK-FREE RATE, A CONCEPT
4 SHE IMPLIES APPLIES TO ALL INPUTS USED IN ROE CALCULATIONS,
5 SUCH AS BETAS, MARKET PREMIA, STOCK PRICES AND DIVIDEND
6 YIELDS? WOULD YOU SAY THAT HISTORICAL AVERAGES ARE ALWAYS
7 BETTER THAN SPOT VALUES FOR SUCH VARIABLES?

8 A. Not necessarily. Most people would readily agree with Ms. Bulkley's central point that
9 "the use of spot market data subjects any analysis to over or understating the ROE based
10 on the relative position of the market on the date that the underlying data was accessed,"³⁵
11 speaking to the value of using a historical average. When doing a forward-looking analysis
12 based on historical market data, however, it is equally important to look at the most recent
13 data as an indication of trends and where a given value is more likely to be in the future.
14 This is a broad and generally accepted principle, as made clear in the following example.

15 As a simple example using historical stock prices to make the point clear, if
16 Company A's stock price were to go up linearly over the course of one year from \$50 to
17 \$100, its average stock price over that year would be \$75. If Company B's stock price
18 declined linearly from \$100 to \$50 over the same year, it would have the same exact
19 average stock price of \$75. But most people would agree that predicting both stock prices
20 at \$75 over the near future would be overly simplistic and leave readily accessible

³⁴ Ms. Bulkley's Rebuttal Testimony, page 53, line 4.

³⁵ Ms. Bulkley's Rebuttal Testimony, page 52, line 20 to page 53, line 1.

1 forecasting data unused. Without relying on any additional data, at the very least, it would
2 stand to reason that in the near future Company A's stock price is more likely to be between
3 \$75 and \$100 than Company B's stock price, and that Company B's stock price is more
4 likely to be between \$50 and \$75 than Company A's stock price. These observations
5 cannot be made by looking at the yearly averages alone and must take the most recent data
6 into consideration.

7 The point above does not eliminate Ms. Bulkley's raised concern about the effect
8 of daily fluctuations in market data, especially during periods of volatility. As a result, I
9 believe it is important to consider both averages and recent spot values when using market
10 data for forward-looking analyses. That is precisely my approach when using market data
11 that is expected to continue to fluctuate, such as bond yields, stock prices, dividend yields,
12 betas, and market risk premia.

13 **Q. CAN A DIFFERENCE OF ONE DAY IN THE SELECTION OF SPOT DATA**
14 **HAVE A SIGNIFICANT POSITIVE OR NEGATIVE EFFECT ON ROE RESULTS,**
15 **AS STATED BY MS. BULKLEY?³⁶ IF SO, HOW DO YOU GO ABOUT**
16 **CHOOSING WHICH DAY TO USE FOR MARKET-BASED SPOT DATA?**

17 **A.** Yes, daily fluctuations in stock prices, resulting dividend yields, betas, etc. all have an
18 effect on resulting ROE calculations, especially when using recent spot values for market
19 data. Such is the nature of market data, which changes from day to day. This is rightfully
20 noted as a potential risk of using spot data, but given the stated benefits of using recent spot
21 data for forward-looking analyses, there are ways to work around such potential pitfalls.

³⁶ Ms. Bulkley's Rebuttal Testimony, page 68, lines 18-19 and page 60, lines 19-22.

1 For this reason, it is very important to establish consistent methodologies that
2 eliminate the possibility of personal bias, especially when using spot market data. I
3 consistently use the last trading day of the last full calendar month before my schedule
4 preparations for all market-based spot data and as the last day for all historical market-data
5 averages.

6 It is important to keep in mind that even averages fluctuate over time, and all
7 responsible data analysts must find a consistent and reproducible way to “freeze time” to
8 work with such fluctuations while eliminating bias.

9 It is also important to point out once again that I use recent spot market-data to
10 establish one benchmark for market-based inputs, which is balanced by the use of historical
11 averages, as stated previously. Sometimes the results of a spot analysis are higher than
12 those based on historical averages, and other times they are lower. In the current
13 proceeding, it is worth pointing out that the COE results of my Spot CAPM (averaging
14 7.43%) are higher the results of my Weighted Average CAPM (averaging 7.03%), so
15 eliminating the results of my Spot analysis, as Ms. Bulkley suggests, would actually bring
16 my COE recommendation down by approximately 28 basis points.

17 **Q. HOW DO YOU RESPOND TO MS. BULKLEY’S REPEATED ATTEMPTS TO**
18 **CAST DOUBT OVER YOUR SELECTION OF A THREE-MONTH PERIOD**
19 **WHEN USING A HISTORICAL AVERAGE OF VALUES FOR A GIVEN DATA**
20 **INPUT FOR YOUR CAPM ANALYSIS?**

21 **A.** The main goal of using a historical average to predict the future value of a data input (e.g.,
22 bond yields, betas, stock prices, etc.) is to use relatively recent data while eliminating the
23 susceptibility of spot values to daily fluctuations. While there may be specific limitations

1 or considerations on the period that should be used for certain inputs, as elaborated below
2 for six-month option-implied betas, changing the averaging period from three to four or
3 five months will not have a significant impact on the results. As stated in my Direct
4 Testimony,³⁷ for instance, any reasonable form of averaging or weighing approach applied
5 to the last eight months of historical yield data would not have any significant effect on my
6 CAPM results. Consistency is important to avoid bias, however small, which is why I have
7 used a period of three months for my historical averages in all cases in recent years.

8 It is difficult to understand Ms. Bulkley's repeated criticism of historical averages
9 when she directly states they are preferable to spot historical data and she herself uses
10 historical averages in her analyses. I could just as easily call into question or ask for
11 academic support for Ms. Bulkley's selection of the 30- or 90-day periods she uses to
12 calculate historical average stock prices in her DCF analysis.³⁸ I respond to each of Ms.
13 Bulkley's specific questions on the matter in each relevant section below, but focusing on
14 these insignificant aspects detracts from more meaningful topics.

15 **A. Risk-Free Rate**

16 **Q. HOW DO YOU RESPOND TO MS. BULKLEY'S CLAIM THAT INCREASED**
17 **VOLATILITY SINCE THE ONSET OF THE COVID 19 PANDEMIC "COULD**
18 **ALSO AFFECT THE 3-MONTH AVERAGE TREASURY BILL AND BOND**

³⁷ Rothschild Direct, page 52, lines 4-6.

³⁸ Ms. Bulkley's Rebuttal Testimony, page 43, Figure 10.

1 **YIELDS THAT MR. ROTHSCHILD HAS INCLUDED IN HIS CAPM**
2 **ANALYSIS?”³⁹**

3 **A.** As stated in my Direct Testimony,⁴⁰ any reasonable form of averaging or weighing
4 approach applied to the last eight months of historical yield data would not have any
5 significant effect on my CAPM results.

6 **Q.** **DOES MS. BULKLEY USE HISTORICAL AVERAGES IN DETERMINING HER**
7 **CAPM RISK-FREE RATE?**

8 **A.** No, she does not. She uses projected Treasury Bond yields published by Blue Chip
9 Financial Forecast. As I have stated in my Direct Testimony, current market prices of
10 stocks and bonds already reflect investors’ forecasts for long-term interest rates and capital
11 markets in general. If, indeed, investors in the aggregate should be expecting an increase
12 in interest rates, adding a separate factor for this on top of what is already indicated in
13 market prices would amount to a double count.

14 **Q.** **HOW DO YOU RESPOND TO MS. BULKLEY’S STATEMENT THAT “THE**
15 **BLUE CHIP FINANCIAL FORECAST IS A WELL-RESPECTED SOURCE OF**
16 **PROJECTIONS THAT CAN AND SHOULD BE RELIED UPON IN THE**
17 **DEVELOPMENT OF A FORWARD-LOOKING COST OF EQUITY?”⁴¹**

18 **A.** As pointed out in my Direct Testimony, it is important to recognize that current long-term
19 Treasury Bond yields represent a direct observation of investor expectations and there is

³⁹ Ms. Bulkley’s Rebuttal Testimony, page 53, lines 6-7.

⁴⁰ Rothschild Direct, page 52, lines 4-6.

⁴¹ Ms. Bulkley’s Rebuttal Testimony, page 57, lines 1-3.

1 no need to use “expert” forecasts such as Blue Chip to determine the appropriate risk-free
2 rate to use in a CAPM analysis or any other cost of equity calculations.

3 Pages 53 and 54 of my Direct Testimony explain the flaws in attempting to predict
4 data that is truly unpredictable. Chart 10 of my Direct Testimony shows how Blue Chip
5 forecasts have been grossly incorrect in the past. Ms. Bulkley herself has been relying on
6 such predictions to support rising interest rates for many years, as rates have only continued
7 to decrease overall.

8 Montana-Dakota’s actual cost of capital is based on the current capital markets.
9 More fundamental to economic regulation, a market-based cost of equity is consistent with
10 ratemaking principles.⁴²

11 **Q. HOW DO YOU RESPOND TO MS. BULKLEY’S DEFENSE OF HER USE OF**
12 **FORECASTED MARKET DATA BY POINTING TO YOUR ALLEGED USE OF**
13 **FORECASTED MARKET DATA?⁴³**

14 **A.** First and foremost, I disagree with Ms. Bulkley’s characterization of my use of options
15 data as forecasted market data.⁴⁴ As investors buy and sell options with different
16 maturities, money changes hands and a market is established. As with the stock market,
17 investors’ all-encompassing outlook for the future plays a significant role in how much
18 they are willing to pay or receive for a security, be it a share or an option. However, it is

⁴² The U.S. Supreme Court in the *Hope* and *Bluefield* cases, established that the cost of equity should support a utility’s credit, enable raising money, assure financial soundness and “be commensurate with returns on investments in other enterprises having corresponding risks.”

⁴³ Ms. Bulkley’s Rebuttal Testimony, page 57, lines 4-7.

⁴⁴ Ms. Bulkley’s Rebuttal Testimony, page 57, lines 7-10.

1 the independence, self-interest, and number of investors that creates a true and efficient
2 market. This makes it drastically different from and more relevant (Montana-Dakota's cost
3 of equity should be market-based) than forecasts made by equity analysts who are paid for
4 their opinions and projections.

5 I rely on direct market data over analyst projections whenever and wherever
6 possible. There are limited instances where market data does not provide access to inputs
7 required for certain calculations, as is the case in my Constant Growth DCF analysis. In
8 these cases, I do resort to forecasted data, though with extreme caution. Please refer to
9 page 39, line 17 to page 42, line 8 in the DCF section of my Direct Testimony for more
10 detail on my approach in the limited instances where I find no market-based alternative to
11 using forecasts.

12 **Q. HOW DO YOU RESPOND TO MS. BULKLEY'S SUGGESTION THAT THE**
13 **YIELD ON THE 30-YEAR TREASURY BOND IS UNEQUIVOCALLY BETTER**
14 **THAN THE YIELD ON THE 3-MONTH TREASURY BILL AS AN ESTIMATE OF**
15 **THE RISK-FREE RATE COMPONENT OF THE CAPM WHEN APPLIED TO**
16 **UTILITIES SUCH AS MONTANA-DAKOTA AND ITS RELATED PROXY**
17 **GROUP?**

18 **A.** When looking for a security to calculate an estimate of the risk-free rate, it is ideal, as Ms.
19 Bulkley points out, to find one with a "term (or maturity) that best matches the life of the
20 underlying investment."⁴⁵ In that sense, the 30-year Treasury Bond yield can be argued to
21 be ideal for this specific application. However, as explained in my Direct Testimony, it is

⁴⁵ Ms. Bulkley's Rebuttal Testimony, page 58, lines 1-2.

1 equally important to find a security that has a beta coefficient with the overall market as
2 close to zero as possible, because by the very definition of the risk-free rate in the CAPM
3 model, its movements should have no correlation to the movements of the market.⁴⁶ And
4 this is where the problem with the 30-year Treasury Bond yield arises, as it has an
5 established non-zero beta. The 3-month Treasury Bill yield has a considerably lower beta,
6 and therefore, is superior in that respect to the 30-year Treasury Bond yield. Neither one
7 is a perfect fit on both fronts, which is precisely why I have chosen to consider both as
8 proxies for the risk-free rate to establish a range for my CAPM results.

9 **Q. CAN YOU PROVIDE SUPPORT FOR YOUR CLAIM THAT THE 30-YEAR**
10 **TREASURY BOND HAS AN ESTABLISHED NON-ZERO BETA?**

11 **A.** Yes. iShares Trust - iShares 20+ Year Treasury Bond ETF (Ticker: TLT) is an exchange
12 traded fund that invests exclusively in U.S. Dollar denominated fixed rate U.S. treasury
13 securities with remaining maturity of greater than or equal to twenty years (i.e., 30-year
14 Treasury Bonds). As of the close of trading on February 23, 2021, the fund had a 24-month
15 beta of -0.32 and a 60-month beta of -0.30.⁴⁷

⁴⁶ See Section V.F. Capital Asset Pricing Model in my Direct Testimony for more details behind CAPM theory.

⁴⁷ <https://seekingalpha.com/symbol/TLT/overview>

1 **B. Beta**

2 **Q. PLEASE SUMMARIZE MS. BULKLEY’S CRITICISMS OF YOUR USE OF**
3 **OPTION-IMPLIED (“FORWARD”) BETAS.**

4 **A.** The first and principal criticism Ms. Bulkley has with the calculation of my option-implied,
5 or “forward” betas, is that I have “relied on options data for a single trading day.”⁴⁸ She
6 also raises concerns over the fact that I “only considered options contracts with an
7 expiration date of 180 days in the future,”⁴⁹

8 **Q. HOW DO YOU RESPOND TO MS. BULKLEY’S PRIMARY CRITICISM THAT**
9 **YOUR OPTION-IMPLIED BETAS “RELIED ON OPTIONS DATA FOR A**
10 **SINGLE TRADING DAY?”⁴⁸**

11 **A.** The criticism that “in the calculation of the option-implied betas, Mr. Rothschild has relied
12 on options data for a single trading day”⁴⁸ when speaking broadly about my CAPM
13 analysis is categorically incorrect. I can only assume that Ms. Bulkley made a mistake in
14 making such a broad criticism, as she herself acknowledges several pages later⁵⁰ that I also
15 use a three-month historical average of the same option-implied betas. To be clear, when
16 Ms. Bulkley refers to “weekly implied Betas” on line 7 of page 91 of her Rebuttal, she is
17 referring to the same option-implied betas.

18 As addressed previously in this Surrebuttal (pages 24 through 26), Ms. Bulkley
19 raises some general concerns over the use and selection of spot market-data, which is why,

⁴⁸ Ms. Bulkley’s Rebuttal Testimony, page 59, lines 11-12.

⁴⁹ Ms. Bulkley’s Rebuttal Testimony, page 59, lines 12-13.

⁵⁰ Ms. Bulkley’s Rebuttal Testimony, page 61, line 21 to page 62, line 2.

1 as with other market data, I use historical averages along with recent spot calculations of
2 option-implied betas for use in my CAPM analysis.

3 **Q. IS THERE ACADEMIC SUPPORT FOR YOUR USE OF AN AVERAGE OF**
4 **WEEKLY OPTION-IMPLIED BETAS OVER A THREE-MONTH PERIOD? IF**
5 **NOT, WHY DID YOU DECIDE TO CALCULATE IT IN THIS WAY?**

6 **A.** No, I am not aware of any academic arguments for or against a specific approach to such
7 a straightforward historical average and I think there is room for educated judgment in such
8 matters. It is important to keep in mind that the goal is to calculate an average of relatively
9 recent data that eliminates the susceptibility of spot values to daily fluctuations, as
10 repeatedly brought up by Ms. Bulkley and suggested by Chang, Christoffersen, Jacobs and
11 Vainberg in the quote she selected on page 61 of her Rebuttal. As such, and considering I
12 am calculating six-month *forward-looking* betas, it is reasonable to use the most recent
13 three months of options data to calculate an average.

14 I chose to use weekly beta calculations to be as consistent as possible with Value
15 Line historical beta calculation methodology. It is a little-known fact that betas calculated
16 based on historical returns can be significantly susceptible to the choice of day of the week
17 they are calculated on, especially when based on weekly returns.⁵¹ Value Line calculates
18 their historical betas based on five years of weekly returns. They only update them
19 quarterly, but for the reason stated above, they always calculate them on a Tuesday. For

⁵¹ This can be easily corroborated in Excel by running a simple regression on weekly returns of any historical stock price data for any company versus any index (E.g., the S&P 500). Even without running calculation, one can understand this conclusion by realizing that it is a direct result of the fact that weekly returns for any company or any index will be different if calculated from Monday to Monday, Tuesday to Tuesday, etc.

1 the sake of compatibility, I have consistently calculated my historical and option-implied
2 betas weekly on Tuesdays.

3 **Q. PLEASE RESPOND TO MS. BULKLEY’S CLAIM THAT YOU “SHOULD HAVE**
4 **USED OPTIONS CONTRACTS WITH AN EXPIRATION DATE OF ONE YEAR**
5 **OR LONGER AND NOT SIX MONTHS”⁵² AND THAT IF “CONTRACTS OF**
6 **THIS LENGTH ARE NOT AVAILABLE FOR UTILITIES THEN AN**
7 **ALTERNATIVE APPROACH SUCH AS THE USE OF HISTORICAL BETAS**
8 **SHOULD BE USED TO ESTIMATE THE COST OF EQUITY FOR UTILITIES.”⁵³**

9 **A.** The question starting on line 16 of page 61 of my Direct Testimony clearly lays out my
10 reasoning for calculating option-implied betas based on a six-month horizon. I hereby note
11 a correction of my Direct Testimony that page 62, lines 5 through 9 should read as follows:
12 “As evidenced by the exhaustive option data in my working papers, the maximum
13 expiration period for the options of the companies in my Gas Proxy Group is between 5.6
14 and 7.7 months. Only 1 of the 10 companies trade options with expiration periods of seven
15 months or more, so for consistency across companies in my proxy group, I chose to use six
16 months for the time horizon of my option-implied betas.”

17 Simply because it may be better to use longer time horizons in place or in addition
18 to a six-month horizon, it does not mean that a six-month option-implied beta is of no
19 relevance or cannot be used. To repeat a strong argument in support of using six-month
20 option-implied betas in a cost of capital calculation looking years into the future, as

⁵² Ms. Bulkley’s Rebuttal Testimony, page 63, lines 14-16.

⁵³ Ms. Bulkley’s Rebuttal Testimony, page 64, lines 2-4.

1 expanded upon on page 64 of my Direct Testimony, the authors of the paper on which I
2 based my option-implied betas concluded that the predictive powers are not limited to six
3 months into the future. In fact, they conclude that six-month option-implied betas have
4 stronger predictive power than six-month, one-year, or five-year historical betas when
5 attempting to forecast betas one or two years into the future.

6 **Q. DO THE BETAS MS. BULKLEY USES IN HER CAPM ANALYSIS “COVER THE**
7 **PERIOD THAT MONTANA-DAKOTA’S RATES WILL BE IN EFFECT,”⁵⁴ AS**
8 **SHE POINTS OUT IS NOT THE CASE FOR YOUR SIX-MONTH OPTION-**
9 **IMPLIED BETAS?**

10 **A.** No. They do not as they are based on historical data.

11 **Q. HOW DO YOU RESPOND TO MS. BULKLEY’S STATEMENT THAT**
12 **“CHRISTOFFERSEN, JACOBS AND VAINBERG SUGGEST THAT SIX**
13 **MONTHS MAY NOT BE THE APPROPRIATE TIME-PERIOD TO USE WHEN**
14 **ESTIMATING THE COST OF CAPITAL?”⁵⁵**

15 **A.** Contrary to Ms. Bulkley’s implications, the authors of the paper do not state that a six-
16 month option-implied beta may not or should not be used for cost of capital purposes, and
17 ultimately, it is not their role to determine so. Throughout the paper, they give various
18 ideas of how option-implied betas could be used in diverse applications, but ultimately, it
19 is up to each field to refine the best way to use them.

⁵⁴ Ms. Bulkley’s Rebuttal Testimony, page 62, lines 17-18.

⁵⁵ Ms. Bulkley’s Rebuttal Testimony, page 62, line 19 to page 63, line 1.

1 I did not choose to calculate six-month betas because the authors focused their
2 paper on six-month betas. As stated previously, the limitation on the forecasting horizon
3 is always set by the longest expiration period of the options currently traded in the market.
4 Six months is the longest consistent time horizon that can be calculated using currently
5 available option data for gas companies in my proxy group.

6 Furthermore, as pointed out previously and expanded upon on page 64 of my Direct
7 Testimony, the authors of the paper conclude that six-month option-implied betas have a
8 stronger predictive power than six-month, one-year, or five-year historical betas when
9 attempting to forecast betas one or two years into the future.

10 **Q. DO YOU THINK OPTION-IMPLIED BETAS SHOULD BE USED IN COST OF**
11 **CAPITAL CALCULATIONS?**

12 **A.** Yes. I think option-implied betas are one of the best tools currently available to measure
13 the overall risk expected by investors at any given moment in time, and that is
14 fundamentally what cost of capital determinations should be based on. As with other tools
15 and methodologies we use regularly, option-implied betas are not a silver bullet and should
16 be used in conjunction with other valid approaches to determine ranges of reasonableness
17 for the cost of capital. The more valid tools we use, the more we can narrow down or
18 confirm these ranges of reasonableness to ensure a more accurate result.

19 **Q. PLEASE SUMMARIZE MS. BULKLEY'S CRITICISMS OF YOUR USE OF SIX-**
20 **MONTH HISTORICAL BETAS.**

21 **A.** Ms. Bulkley claims that six-month historical betas calculated on weekly returns "only
22 contain 26 data points" and "can result in regression results that are not statistically

1 significant.”⁵⁶ She also states that “market dislocations will have a larger effect on Beta
2 coefficients that are calculated using shorter time periods,”⁵⁷ and therefore, more relevance
3 or weight should be placed on historical betas calculated using two and five years of market
4 data.

5 **Q. HOW MANY DATA POINT PAIRS ARE USED IN THE CALCULATION OF**
6 **YOUR SIX-MONTH HISTORICAL BETA COEFFICIENTS?**

7 **A.** Ms. Bulkley is correct that a six-month historical beta based on weekly returns is calculated
8 using 26 closing price points for a company and for its corresponding index, in this case
9 the S&P 500. This actually translates into 25 pairs of return data.

10 **Q. HOW MANY DATA POINT PAIRS ARE NECESSARY TO ESTABLISH A**
11 **STATISTICALLY SIGNIFICANT CORRELATION BETWEEN TWO**
12 **VARIABLES IN A REGRESSION ANALYSIS, SUCH AS THE ONE USED TO**
13 **ESTABLISH BETA COEFFICIENTS?**

14 **A.** Establishing a minimum number is somewhat subjective, though various authorities on
15 statistics argue the number is between three and eight data pairs. While the generalization
16 is correct that the more data point pairs one uses, the more certain one can be about the
17 significance of the results of any correlation analysis, this is very different from stating that
18 one cannot achieve statistical significance with a relatively low number of data pairs. In
19 fact, it is important to realize that one can achieve statistical significance with less than 10
20 data pairs, and that even hundreds of data pairs do not guarantee statistical significance.

⁵⁶ Ms. Bulkley’s Rebuttal Testimony, page 60, lines 2-4.

⁵⁷ Ms. Bulkley’s Rebuttal Testimony, page 60, lines 7-8 and page 64, lines 10-11.

1 For precisely this reason, statisticians have developed a tool that helps determine statistical
2 significance based on the number of data pairs in a regression analysis.

3 A “table of critical values” of Pearson’s correlation, which can be readily found
4 online⁵⁸ or in most statistics books, tells a statistician that for 25 data point pairs (implying
5 $N-2=23$ “degrees of freedom”), a correlation, or beta, coefficient of 0.505 or higher will
6 occur *by chance* with a probability of only 0.01.⁵⁹ As is explained in more detail in the text
7 explaining how to use the table,⁶⁰ any beta coefficient above this level, and certainly above
8 0.54 or 0.57, as are the recent six-month betas in my gas proxy group, by definition are
9 considered statistically significant.

10 Ms. Bulkley’s implications regarding the possible statistical insignificance of my
11 six-month historical betas should be disregarded.

12 **Q. DO YOU AGREE WITH MS. BULKLEY THAT CHANGES IN MARKET**
13 **DYNAMICS WILL HAVE A LARGER EFFECT ON SIX-MONTH HISTORICAL**
14 **BETAS THAN THEY WILL ON TWO-YEAR OR FIVE-YEAR HISTORICAL**
15 **BETAS?**

16 **A.** Yes. As with other historical metrics based on a given time period, say, average stock
17 prices, the longer the time horizon under consideration, the more data points are
18 considered, and the smaller the effect of any one given change in the data set.

⁵⁸ E.g., https://researchbasics.education.uconn.edu/r_critical_value_table/#

⁵⁹ In fact, many researchers use a more lenient “alpha level” of 0.05 for determinations of statistical significance.

⁶⁰ https://researchbasics.education.uconn.edu/statistical_significance/

1 Q. IS THIS LARGER EFFECT ON SIX-MONTH HISTORICAL BETAS FROM
2 CHANGES IN MARKET DYNAMICS A GOOD OR A BAD THING?

3 A. The answer depends on what the beta will be used for. I would argue that in any attempt
4 to forecast the beta coefficient of a company or any forward-looking analysis such as these
5 cost of capital calculations, more recent historical data should be given more relevance
6 than data from five or ten years ago. The weight of ten years of data makes a beta
7 coefficient react extremely slowly to market developments. Even permanent market
8 changes can take more than six months to have a detectable effect on a ten-year beta.

9 As with using spot values and averages of historical market data, I believe the right
10 answer is not to use *either* six-month historical betas or historical betas with longer
11 horizons, but to consider *both*. For this reason, I have created my hybrid betas, which take
12 into consideration six-month, two-year, and five-year historical betas along with forward-
13 looking, option-implied betas.

14 Q. DO YOU THINK IT IS A GOOD IDEA TO RELY ON SIX-MONTH HISTORICAL
15 BETAS DESPITE THE RECENT “MARKET DISLOCATIONS” REFERENCED
16 BY MS. BULKLEY?⁶¹

17 A. Financial markets are constantly in flux due to the influence of countless factors. What
18 Ms. Bulkley refers to as “market dislocations,”⁶¹ though arguably more significant, I would
19 say are just some of the numerous factors affecting current markets. To attempt to separate
20 any one specific factor from “real” underlying market dynamics would be an exercise in
21 futility.

⁶¹ Ms. Bulkley’s Rebuttal Testimony, page 64, lines 9-10.

1 Furthermore, it is very difficult if not impossible for anyone to predict how long
2 any one influencing factor will be present or how long its effects will be felt by financial
3 markets. When interest rates came down to historical lows in 2008, many analysts referred
4 to it as an aberration that would be short-lived. 12 years later, rates have not only remained
5 low, but have come down even further due to yet another unexpected event. COVID-19
6 affected markets tumultuously, and though the initial wall of the tsunami has passed, no
7 one can say for sure if its direct fallout and the effects of its reverberations or a resurgence
8 will affect financial markets for months or years to come.

9 So in response, yes, I think it is a good idea to use six-month historical betas to
10 measure recent and current market dynamics regardless of recent developments. I use them
11 as part of my hybrid betas in conjunction with longer-term historical betas and forward-
12 looking, option-implied betas to achieve the most reasonable result.

13 **Q. HOW DO YOU RESPOND TO MS. BULKLEY’S CRITICISM OF YOUR**
14 **SELECTION OF THE RELATIVE WEIGHTS YOU ALLOCATE TO EACH**
15 **COMPONENT OF YOUR HYBRID BETAS?**

16 **A.** My rationale for the selection of the relative weights of each component of my hybrid betas
17 is clearly laid out in my Direct Testimony.⁶² Ms. Bulkley seeks to discredit the findings of
18 Christoffersen, Jacobs and Vainberg by pointing out their own questioning of their
19 calculation of the estimated or *ex post* beta.⁶³ Calculating realized betas as back-testing
20 inherently requires using “future” data that is already available, but this hardly disproves

⁶² Rothschild Direct, page 63, line 16 to pg. 65, line 8.

⁶³ Ms. Bulkley’s Rebuttal Testimony, page 65, line 9 to pg. 66, line 5.

1 the benefit of using a mix of historical and forward-looking option-based betas. As stated
2 in my Direct Testimony, I am not aware of any academic study specifically focused on the
3 optimal relative weight of historical betas to predict future betas and looked to the authors
4 of the paper only for guidance. Even in the absence of an academic study, I think there is
5 room for educated judgment in such matters.

6 **Q. DO YOU AGREE WITH MS. BULKLEY'S RESPONSE⁶⁴ REGARDING YOUR**
7 **POINT THAT USING BETA COEFFICIENTS BASED ON FIVE AND TEN**
8 **YEARS OF HISTORICAL DATA RESULT IN AN OVERSTATED COST OF**
9 **EQUITY FOR MONTANA-DAKOTA?**

10 **A.** No, I do not. Her response is primarily based on the concept that spot values of my market-
11 based option-implied betas can fluctuate from week to week. I have discussed the benefits
12 and shortfalls of using such market spot data in detail above. However, my conclusion was
13 based on a three-month average of option-implied betas (not three weeks, as stated by Ms.
14 Bulkley⁶⁵), which establishes a level for comparison that is considerably less prone to
15 fluctuations in market data.

16 Furthermore, as pointed out in the conclusions of the authors of the option-implied
17 beta research paper cited above, historical betas calculated based on longer periods such as
18 five-years, have lower predictive powers than shorter-term historical betas and option-
19 implied betas.

⁶⁴ Ms. Bulkley's Rebuttal Testimony, page 66, line 13 to page 67, line 5.

⁶⁵ Ms. Bulkley's Rebuttal Testimony, page 67, line 2.

1 Q. WHICH BETA COEFFICIENT DOES MS. BULKLEY RECOMMEND USING
2 AND USE IN HER OWN CAPM ANALYSIS?

3 A. She used beta coefficients for the proxy group companies provided by Value Line and
4 Bloomberg.

5 Q. DO YOU SEE ANY PROBLEM WITH MS. BULKLEY'S USE OF VALUE LINE
6 BETA COEFFICIENTS?

7 A. Yes, I do. A critical factor in the calculation of a beta coefficient is the choice of index to
8 represent the overall market. Using the same beta calculation methodology with a different
9 market index will result in different values of beta for a given company or portfolio -
10 sometimes drastically different values. It is easy to jump to the conclusion that this points
11 to a flaw in the CAPM methodology, as different values of beta would result in a different
12 implied cost of equity. However, another key component of the CAPM, the market risk
13 premium, also depends on the choice of market index and in theory would have an
14 offsetting effect on the cost of equity calculation. This points to the most important aspect
15 of selecting a market index for a CAPM analysis, which is to be consistent and use the
16 same index for the calculation of beta as for the calculation of the market risk premium.

17 Ms. Bulkley is not consistent in this critical point. Her market risk premium is not
18 based on the same market index used to calculate her betas provided by Value Line. As
19 acknowledged by Ms. Bulkley, Value Line calculates its published betas based on the New
20 York Stock Exchange Composite Index.⁶⁶ The methodology Ms. Bulkley uses to calculate

⁶⁶ Ms. Bulkley's Rebuttal Testimony, page 67, lines 13-15.

1 the market risk premium is based on the S&P 500 Index.⁶⁷ When applying the CAPM, it
2 is imperative to use betas and a market risk premium based on the same market index. This
3 is a fundamental concept of the CAPM and using betas based on one index with a market
4 risk premium based on a different index, as Ms. Bulkley has done, yields invalid results.

5 **C. Market Risk Premium**

6 **Q. PLEASE SUMMARIZE MS. BULKLEY’S CRITICISMS OF YOUR MARKET**
7 **RISK PREMIUM ESTIMATES.**

8 **A.** Ms. Bulkley states that my “spot risk premium still relies on options contracts for a signal
9 [sic] trading day, which can change considerably depending on the trading day that is
10 used.”⁶⁸ She also points out that I do not “provide any academic support or supporting
11 analyses to show that a three-month average produces more accurate estimates of the
12 market return.”⁶⁹

13 **Q. HOW DO YOU RESPOND TO MS. BULKLEY’S CONCERN REGARDING YOUR**
14 **USE OF OPTIONS DATA TO CALCULATE A SPOT VALUE FOR THE**
15 **MARKET RISK PREMIUM?**

16 **A.** As with my option-implied betas, Ms. Bulkley’s primary concern with my use of options
17 to estimate the market risk premium is based on the more general theme of the common
18 pitfalls of using spot market data.

⁶⁷ Ms. Bulkley’s Rebuttal Testimony, page 72, lines 16-19.

⁶⁸ Ms. Bulkley’s Rebuttal Testimony, page 68, lines 17-19.

⁶⁹ Ms. Bulkley’s Rebuttal Testimony, page 69, lines 11-13.

1 As addressed previously on pages 24 through 26, Ms. Bulkley’s general concerns
2 over the use and selection of spot market-data are well-based and properly addressed. As
3 with other market data, I use historical averages along with recent spot calculations of
4 market risk premia for use in my CAPM analysis.

5 **Q. IS THERE ACADEMIC SUPPORT FOR YOUR USE OF A THREE-MONTH**
6 **AVERAGE OF OPTION-IMPLIED MARKET RISK PREMIUM? IF NOT, WHY**
7 **DID YOU DECIDE TO CALCULATE IT IN THIS WAY?**

8 **A.** No, once again, I am not aware of any academic arguments for or against a specific
9 approach to such a straightforward historical average and I think there is room for educated
10 judgment in such matters. As with my average of option-implied betas, it is important to
11 keep in mind that the goal is to calculate an average of relatively recent data that eliminates
12 the susceptibility of spot values to daily fluctuations, as repeatedly brought up by Ms.
13 Bulkley, and averaging three months of data does achieve that goal. I chose to focus on a
14 three-month historical average for the sake of consistency with my calculation of option-
15 implied betas.

16 **Q. HOW DO YOU RESPOND TO MS. BULKLEY’S ASSERTION THAT “IT**
17 **APPEARS THAT MR. ROTHSCHILD HAS CHANGED HOW HE PERFORMS**
18 **THE CALCULATION FROM PREVIOUS CASES WHERE HE HAS TESTIFIED**
19 **RECENTLY?”**

20 **A.** Ms. Bulkley is correct in pointing out that my methodology for calculating the Market Risk
21 Premium has improved considerably since the PAWC case she cites in her Rebuttal

1 Testimony.⁷⁰ In the cited case, I was using a normal function to approximate the
2 probability distribution representing the possible trajectories for the S&P 500 implied by
3 the options market. Even though normal functions are often used to approximate such
4 probability distributions, including by the famous Black-Scholes option valuation formula,
5 it is well accepted that this is an over-simplification. A better, though more mathematically
6 challenging approach is to use a log-normal function to approximate the probability
7 distribution, which is what I am now able to do. As explained in detail in my Direct
8 Testimony,⁷¹ this improved approach allows for the consideration of the skewness of the
9 probability distribution, as measured by the CBOE SKEW Index, which is critical for being
10 able to determine the median or market-consensus of the distribution.

11 However, Ms. Bulkley is incorrect in concluding that the difference in the Market
12 Risk Premium I calculated in that case and in the current proceeding “highlights why
13 options contract data should not be used in the estimation of the cost of equity for
14 utilities.”⁷² The difference in the results is due in part to the improvement of the
15 methodology and in part to the fact that the market risk premium has in fact come down in
16 the five months since the calculations in that case were performed. Neither reason points
17 to a flaw with the use of options contract data in the current proceeding.

18 **Q. HOW DO YOU RESPOND TO MS. BULKLEY’S CLAIM THAT YOU ARE “ABLE**
19 **TO ARBITRARILY SELECT THE PROBABILITY USED TO ESTIMATE THE**

⁷⁰ Docket No. R-2020-3019369 for Pennsylvania-American Water Company (“PAWC”)

⁷¹ Rothschild Direct, page 65, line 10 to page 68, line 18.

⁷² Ms. Bulkley’s Rebuttal Testimony, page 70, lines 11-12.

1 **MARKET RETURN”⁷³ LEADING HER TO RECOMMEND “THE COMMISSION**
2 **PLACE ZERO WEIGHT”⁷⁴ ON YOUR CAPM ANALYSIS?**

3 A. The quote Ms. Bulkley cites in her Rebuttal Testimony from the Dominion Energy South
4 Carolina (“DESC”) case⁷⁵ as well as her comparisons with this case have no relevance in
5 this proceeding because that case used a different methodology for estimating the market
6 return and market risk premium than that which I used in the current proceeding. Ms.
7 Bulkley is incorrectly equating two approaches that even though may seem similar at first
8 pass, have significant and important differences.

9 As with the PAWC case mentioned earlier, in the cited DESC case, I was using a
10 normal function to approximate the probability distribution representing the possible
11 trajectories for the S&P 500 implied by the options market. Even though normal functions
12 are often used to approximate such probability distributions, including by the famous
13 Black-Scholes option valuation formula, it is well accepted that this is an over-
14 simplification. One of the most significant shortfalls of using a normal function to
15 approximate the probability distribution is that the mean and the median of the distribution
16 are both equal to the last closing price of the S&P 500 Index, implying a median growth of
17 0%. For this reason, one needs to resort to the concept of the “confidence intervals”
18 referred to in the quote from the DESC case.

19 In contrast, the improved methodology of using a log-normal function to
20 approximate the probability distribution, which I used in the current proceeding and is

⁷³ Ms. Bulkley’s Rebuttal Testimony, page 72, lines 7-8.

⁷⁴ Ms. Bulkley’s Rebuttal Testimony, page 72, lines 10-13.

⁷⁵ Ms. Bulkley’s Rebuttal Testimony, page 71, lines 8-14, from Docket No. 2020-125-E.

1 explained in detail in my Direct Testimony,⁷⁶ takes into account the skewness of the
2 distribution, as measured by the CBOE SKEW Index, and thus allows one to calculate the
3 median or market-consensus of the distribution. In this improved approach, the median or
4 market-consensus always occurs at 50% cumulative probability and thus eliminates the
5 need for guessing at the proper “confidence interval” used in the other approach. In fact,
6 the concept of “confidence intervals” was not even introduced in my Direct Testimony and
7 I only refer to it here in response to Ms. Bulkley’s reference to another case.

8 The ability to always rely on the 50% cumulative probability is one of the main
9 reasons I revised my approach to calculating the market risk premium to the more
10 complicated approach using log-normal functions. However, it is critical to understand
11 that both approaches use different probability functions and that the cumulative
12 probabilities of one cannot be compared to those of the other, as Ms. Bulkley has attempted
13 to do, rendering the entire criticism in Q78 on page 71 and 72 of her Rebuttal completely
14 baseless.

15 **Q. HOW DO YOU RESPOND TO MS. BULKLEY’S DEFENSE OF HER USE OF**
16 **FORECASTED MARKET DATA?⁷⁷**

17 **A.** Analyst estimates, including S&P’s five-year projected growth rate for the entire S&P 500
18 Index, which is used by Ms. Bulkley in her forward-looking market risk premium,⁷⁸ is not
19 independent market-based data.

⁷⁶ Rothschild Direct, page 65, line 10 to page 68, line 18.

⁷⁷ Ms. Bulkley’s Rebuttal Testimony, page 73, lines 8-17.

⁷⁸ Ms. Bulkley’s Rebuttal Testimony, page 73, lines 11-13.

1 Direct market data is superior and less biased than analyst projections and that is
2 why I rely on direct market data whenever and wherever possible. As stated previously,
3 there are instances where market data does not provide access to inputs required for certain
4 calculations, as is the case in my Constant Growth DCF analysis. In these cases, I do resort
5 to forecasted data, though with extreme caution. Please refer to page 39, line 17 to page
6 42, line 8 in the DCF section of my Direct Testimony for more detail on my approach when
7 I find no market-based alternative to using forecasts.

8 **Q. DO YOU SEE ANY PROBLEM WITH MS. BULKLEY'S APPROACH TO**
9 **CALCULATING THE MARKET RISK PREMIUM?**

10 **A.** Yes, I do. As pointed out in page 42, the most important aspect of selecting a market index
11 for a CAPM analysis is to be consistent and use the same index for the calculation of beta
12 as for the calculation of the market risk premium.

13 Ms. Bulkley is not consistent in this critical point. Her market risk premium is not
14 based on the same market index used to calculate her betas provided by Value Line. As
15 acknowledged by Ms. Bulkley, Value Line calculates its published betas based on the New
16 York Stock Exchange Composite Index.⁷⁹ The methodology Ms. Bulkley uses to calculate
17 the market risk premium is based on the S&P 500 Index.⁸⁰ When applying the CAPM, it
18 is imperative to use betas and a market risk premium based on the same market index. This
19 is a fundamental concept of the CAPM and using betas based on one index with a market
20 risk premium based on a different index, as Ms. Bulkley has done, yields invalid results.

⁷⁹ Ms. Bulkley's Rebuttal Testimony, page 67, lines 13-15.

⁸⁰ Ms. Bulkley's Rebuttal Testimony, page 72, lines 16-19.

1 For this reason, the results of Ms. Bulkley’s CAPM analysis should be disregarded by the
2 Commission.

3 **Q. PLEASE SUMMARIZE YOUR CONCLUSIONS REGARDING MS. BULKLEY’S**
4 **CRITICISMS OF YOUR CAPM ANALYSIS.**

5 **A.** As detailed in this section, each of Ms. Bulkley’s criticisms of the components of my
6 CAPM analysis is either inaccurate, incomplete, or overly generalized. None of them can
7 be considered a basis for invalidating my approach. Her general concern for the pitfalls of
8 using spot market data are valid, but these issues have been well-considered and are
9 addressed by using consistent dates for spot data and by using historical averages in
10 addition to spot data.

11 Her criticisms and the results of her selected adjustments to my CAPM results
12 should be disregarded.

13 **V. CURRENT MARKET ENVIRONMENT**

14 **Q. DO YOU AGREE WITH MS. BULKLEY THAT BOND YIELDS ARE ONLY ONE**
15 **OF MANY FACTORS THAT EQUITY INVESTORS CONSIDER IN**
16 **DETERMINING THEIR RETURN REQUIREMENTS?**

17 **A.** Yes. On pages 17-30 of my Direct Testimony, I explain that it is important to consider the
18 results of my cost of equity models (DCF and CAPM) in the context of current financial
19 market conditions as follows. I explain in-depth how COVID-19 has fundamentally
20 changed capital markets, including stock price crashes, increased volatility expectations,
21 lower interest rates, and higher credit spreads. I utilize a 3-dimensional surface to show

1 how the term-structure of volatility for the S&P 500 has evolved since before the COVID-
2 19 outbreak and in the months since. I also show that investors' volatility expectations for
3 natural gas utility companies increased less than the overall market in the initial outbreak
4 of the pandemic, but has not declined as quickly as the overall market as of December
5 2020. And I explain what all this financial data indicates regarding the cost of equity for
6 natural gas utility companies. I explain that volatility expectations are important, but
7 investors' expectations regarding the co-variance between natural gas utility stocks and the
8 overall market are more relevant to cost of equity than volatility expectations alone.
9 Option-implied betas indicate that investors expect natural gas utility stock price
10 movements to be less correlated with the overall market than before the pandemic. Before
11 the COVID-19 pandemic, the average option-implied beta for my Gas Proxy Group ranged
12 between approximately 0.74 and 0.89. In December 2020, the average option-implied beta
13 of these gas companies has ranged between 0.57 and 0.72. In other words, investors expect
14 natural gas utility stocks to move a little more than half for every percent the market moves.
15 Before the pandemic, investors expected that natural gas utility stocks would move about
16 0.75% for every 1.0% move.

17 VI. CONCLUSION

18 **Q. PLEASE SUMMARIZE YOUR REACTION TO MS. BULKLEY'S REBUTTAL**
19 **TESTIMONY.**

20 **A.** Ms. Bulkley's criticisms of my Direct Testimony are unsupported and should be rejected.
21 In addition, Ms. Bulkey's CAPM approach has a critical flaw that renders her results

1 invalid, at least in part, if not entirely, and as a result they should be disregarded by the
2 Commission.

3 If adopted, my cost recommendations would allow Montana-Dakota to raise the
4 capital it needs to provide safe and reliable service because my recommendations are
5 consistent with investors' return expectations.

6 **Q. DOES THIS CONCLUDE YOUR SURREBUTTAL TESTIMONY?**

7 **A. Yes.**

BEFORE THE NORTH DAKOTA PUBLIC SERVICE COMMISSION

**Montana-Dakota Utilities Co. 2020 Natural
Gas Rate Increase Application**

)
)

Case No. PU-20-379

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SURREBUTAL TESTIMONY

OF

JAMES A HEIDELL

ON BEHALF OF

**THE NORTH DAKOTA PUBLIC SERVICE
COMMISSION ADVOCACY STAFF**

February 26, 2021

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12 **I. INTRODUCTION**

13 **Q. Please state your name, position, and business address.**

14 A. My name is James A. Heidell. I am a Director at PA Consulting Group, Inc. (PA). My
15 business address is 1700 Lincoln Street, Suite 3550, Denver, CO 80203.

16 **Q. On whose behalf are you filing this testimony?**

17 A. I am filing this testimony on behalf of the Advocacy Staff of the North Dakota Public Service
18 Commission (the Commission or NDPSC).

19 **Q. Are you the same James Heidell who filed direct testimony in this proceeding?**

20 A. Yes, I am.

21 **Q. What is the purpose of your testimony?**

22 A. The purpose of my testimony is to:

- 23 • Summarize my assessment of the Company’s estimate of loads for the rate year and
24 evaluate if they are under-stated as a result of the COVID pandemic.
- 25 • Respond to the Montana-Dakota (the “Company”) witnesses Mr. Darras and Mr. Amen
26 criticism of my recommendation of how to allocate amongst the rate classes over \$28M¹
27 million spent for safety improvements since the Company’s prior general rate case, and
28 expected to spend through the test year,
- 29 • Respond to Ms. Bosch, regarding my recommendations related to phase in of rates for
30 Wahpeton / Great Plains,
- 31 • Address Ms. Bosch’s arguments for a \$26.05 / month charge for manual meter reading,

¹ Represents 2019-2021 Replacement spend identified by the Company Response to Advocacy Staff DR No, 5.7. The 2020 projected replacement spend was updated with actual 2020 replacement spend as provided by the Company Response to Advocacy Staff DR No, 15.4.

- 32 • Respond to Mr. Oswald’s rejection of my recommended change to the wording of
33 Montana Dakota’s line extension policy (Schedule 120), and
- 34 • Respond to the criticism of the Company’s witness Mr. Amen regarding my
35 recommendation for the maximum rate increase to the residential class,

36
37

38 **II. SUMMARY OF FINDINGS AND RECOMMENDATIONS**

39 **Q. What is your assessment of the Montana Dakota’s estimate of sales for the rate year?**

40 A. Based upon my review it is my understanding that there is no Commission approved
41 methodology for forecasting rate year sales. I reviewed the approach used by the Company
42 and it appears reasonable, I did not identify any systematic attempts to understate customer
43 counts or volumes that in-turn would have the impact of improving the probability of over-
44 recovering the target rate year revenue requirement.

45

46 **Q. Based upon Montana Dakota’s rebuttal testimony have you changed your**
47 **recommendation on how to allocate over \$28M of capital expenditures for safety?**

48 A. No, I continue to recommend that the Commission allocate those costs based upon
49 throughput. The Company presents its arguments as to why it should not be allocated on
50 volume but at the same time fails to establish that the investments were made for either
51 customers, or capacity (the Company’s proposed allocation approach). In fact, the Company
52 affirms that the investments were not made for either growth in customers or demand. A
53 fundamental tenant of cost-of-service is that cost allocation should follow cost causation.
54 Given the Company’s acknowledgement that demand and customers were not the cost
55 causation drivers, I continue to recommend that throughput is an equitable approach to
56 allocate those costs.

57 **Q. Based upon the rebuttal testimony of Ms. Bosch, do you continue to recommend that the**
58 **third rate increase for Whapeton customers be delayed until the next general rate case?**

59 A. Yes, the Whapeton customers had a rate increase in the beginning of the year as part of the
60 Commission's approval of the Company's interim rate case and I expect they will have a
61 second rate adjustment at the conclusion of this rate case. I continue to recommend that the
62 final step in the rate harmonization occur at the next general rate case.

63 **Q. Should Montana-Dakota's proposal for a \$26.05 / month manual reading charge be**
64 **approved?**

65 A. No, the Company has not demonstrated the need for the charge. The Company notes that
66 since 2007 it has only had four instances of reverting to manual meter reading. Despite the
67 absence of a charge, there has only been one instance in North Dakota. Furthermore, the
68 Company has not presented any evidence of the actual cost of providing manual reads to that
69 one customer. Should the Commission determine that a charge is appropriate, my
70 recommendation remains to have an initial enrollment charge and lower monthly charge and
71 that should be sufficient to discourage customer requests for manual reads but still
72 accommodate any customer's specific issues with AMR.

73 **Q. Should the Commission approve Advocacy Staff's recommendation that the language in**
74 **the line extension tariff be adjusted to be more definitive?**

75 A. Yes, while the Company opposes that language change, they have not provided any rationale
76 for not clarifying that customers requesting firm line extensions **shall** pay (versus "may") the
77 cost necessary to avoid existing customers subsidizing line extensions. The term "shall" is
78 used in the Interruptible Gas Service Extension Policy, Schedule 119, as well.

79 **Q. Based upon the rebuttal testimony of Mr. Amen have you modified your**
80 **recommendation that the maximum residential class rate increase be held to 10%?**

81 A. No, Mr. Amen argues that my ten percent cap is arbitrary. However, it is not more, or less
82 arbitrary than Mr. Amen's proposal to allocate the rate increase. While Mr. Amen presents
83 arguments as to why customer classes should pay their share of the cost of service, he fails to
84 acknowledge that his cost allocation is at best an approximation. I continue to recommend
85 that the Commission treat the cost-of-service study as a guideline and not an immutable
86 analysis of cost responsibility. Furthermore, I recommend that the Commission consider the

87 economic circumstances of residential customers in deciding what is an equitable allocation
88 of the rate increase. These circumstances include the unemployment in the state, the decline
89 in real household income, and the unknown economic growth in the state based upon
90 potential policy changes at the federal level.

91

92 **III. REVIEW OF MONTANA DAKOTA’S RATE YEAR SALES FORECAST**

93 **Q. Has Montana Dakota challenged your assessment of the rate year sales forecast?**

94 A. No, the Company’s rebuttal testimony did not challenge my assessment.

95 **Q. Why are you addressing the rate year sales forecast in your surrebutal testimony?**

96 A. On February 3, 2021 the Commission held a work session including Advisory Staff to review
97 potential issues in the rate case. The sales forecast and how it addressed COVID was one of
98 those issues.

99 **Q. What potential concern was raised at the February 3 work session?**

100 A. There was a concern of how rate year sales volumes were calculated given the impact of
101 COVID pandemic. The revenue requirement associated with residential non-commodity
102 costs are recovered based upon a fixed charge by customer. Consequentially, if customer
103 counts for the rate year are under-estimated the Company will potentially over recover the
104 revenue requirement. Alternatively, the non-residential revenue requirement is recovered
105 primarily through volumetric charges although there is a customer charge component. If
106 volumes for the rate year are under-estimated, then the Company will potentially over-recover
107 the revenue requirement.

108 In any rate case with a future rate year there is always the issue of accuracy of the forecasts.
109 The COVID pandemic creates additional challenges in the forecast both due to its impact on
110 customer count and sales volumes in 2020 and concerns about the pace of the recover from
111 COVID restrictions in 2021 and recovery from the current recession that started in 2020.

112 **Q. Did the Company make any explicit adjustment for COVID and the recession?**

113 A. The Company based its forecast of customers and volumes for 2021 based upon projections
114 using 2019 normalized volumes as a starting point and then applying historical customer

115 escalation rates for two years to derive the 2021 estimates.² In one sense the Company
116 adjusted for COVID by not using 2020 actual customers and volumes. However, there is an
117 implicit assumption that 2021 returns to the trajectory as if COVID and the recession did not
118 happen.

119 **Q. What is a potential issue of using actual residential customer counts from 2020 as the**
120 **basis of the 2021 forecast?**

121 A. The policy of not disconnecting customers during the pandemic could potentially over-state
122 the number of residential customers.

123 **Q. Is it reasonable to assume that the sales and customers growth used for 2021 will reflect**
124 **growth from 2019 and ignoring the impact of the pandemic and the recession?**

125 A. While I did not develop an econometric forecast for sales, I reviewed the Moody's Analytics
126 February 2021 macro-economic forecast of gross state product, employment, and households
127 for North Dakota. A summary of the data is shown in the chart below.

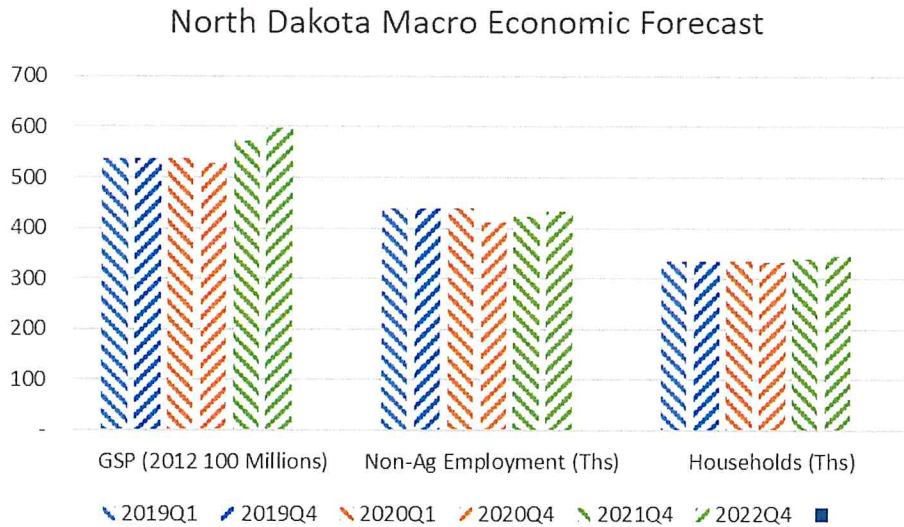
128
129 The Moody's forecast is for households to continue to grow at a compound average growth
130 rate (CAGR) of 1% between 2019 and 2021 versus the Company's assumption of a 0.47%
131 residential customer growth for Montana-Dakota.³ The lower growth rate used by the
132 Company could suggest that customers are understated and the class allocated revenue will be
133 overstated. However, it is difficult to draw a definitive conclusion. First, the Moody's
134 growth rate is for the state and not the service territory. Second, not all household growth
135 necessarily translates into an additional gas customers or Montana-Dakota gas customers.

136
137 Employment is expected to decrease at a CAGR of 1% while gross state product is expected
138 to return to pre-COVID levels in the first quarter of 2021. This is a potential indication that
139 the Company assuming pre-2020 historical growth rates for non-residential customer growth

² This method was used primarily for the residential and firm general rate classes. The projected volumes for other heat sensitive classes, and non-heat sensitive classes, were held constant at 2019 levels.

³ The residential customer growth including Wahpeton customers is 0.485%. Analysis based off of Statement F, Schedule F-1

140 may overstate customer growth and hence sales volumes. The implication is that non-
 141 residential forecast may not result in over recovery of the associated revenue requirement.
 142



143
 144

Source: Moody’s Analytics – February 2021

145 **Q. Based upon your review of the Moody’s Analytics data are you recommending that the**
 146 **sales volumes be adjusted?**

147 A. No, my review does not constitute a forecast, it is no more than one reasonableness check that
 148 the Company did not systematically underestimate the customers to increase the likelihood of
 149 over-recovering the revenue requirement.

150
 151

IV. ALLOCATION OF CAPITAL COSTS FOR DIMP PROGRAM

153 **Q. Please summarize the issue with regards to allocation of costs associated with the DIMP**
 154 **program?**

155 A. The issue is what is the equitable way to allocate the safety related cost associated with
 156 approximately \$28M of capital costs since the last rate case that are associated with the
 157 Company’s Distribution Integrity Management Program (DIMP) and the Company’s analyses
 158 of safety related investment need outside the DIMP. My recommendation is that the costs be
 159 allocated on class throughput while Mr. Amen recommends that the allocation be based

160 customer and class contribution to peak day demand based upon his averaging of his zero-
161 intercept and minimum system models.

162 **Q. Please summarize your understanding of Mr. Darras objection to your recommendation**
163 **to allocate the DIMP capital expenditures to each rate class on the basis of throughput?**

164 A. Mr. Darras states:

165 “Annual Throughput is not one of the categories of risk in the DIMP Model”⁴

166 **Q. Is customer or peak day demand one of the categories of risk used to identify necessary**
167 **expenditures under the DIMP program?**

168 A. No, Mr. Darras states that the drivers of the capital expenditures, the risk
169 factors, are not driven by customers or demand.

170 “The assessment of these risk factors that determine the prioritization and
171 replacement of high-risk pipelines with the Company’s distribution system are
172 separate from the design standards and criteria, localized peak capacity
173 requirements of the distribution grid, customer density, rural density versus urban
174 location, adjacent infrastructure, and other factors that drive pipeline construction
175 costs.”⁵

176 **Q. Why does it matter what the drivers of incurring the \$28M of capital costs are?**

177 A. A fundamental principal of embedded cost allocation studies is that cost allocation should be
178 based upon cost causation.⁶ In addition, Bonbright identifies that a fundamental principal is
179 that costs should be allocated fairly and NARUC identifies the concept that jointly used assets
180 should be recovered under the “Common Good Principle”.⁷

181 **Q. Does this give the Commission specific guidance on how to allocate the costs of the DIMP**
182 **program?**

⁴ Rebuttal testimony of Mr. Darras p 4, lines 7 – 8.

⁵ Prefiled Rebuttal Testimony of Mr. Darras, pp 3-4 lines 19 – 23 & lines 1-2.

⁶ Electric Utility Cost Allocation Manual, NARUC February 1991.

⁷ Cost of Service Study & Rate Design, Jason N. Rauch, National Association of Regulatory Utility Commissioners, March 2014.

183 A. No, unfortunately not. The Company has stated that neither customer, demand, nor
184 throughput are factors in the cost causation. Furthermore, fairness is a subjective measure
185 that is ultimately determined by regulatory commissions in the case of investor owned
186 utilities. My recommendation of using throughput is based upon my perspective of fairness
187 and my conclusion is that investments in safety are necessary and are a common good that
188 benefits both Montana-Dakota gas customers as well as non-customers.

189 **Q. Why should the Commission reject Mr. Amen's arguments for allocating safety**
190 **investments on the average of the zero-intercept method and minimum system method?**

191 A. Mr. Amen dogmatically defends his use of the zero-intercept method and minimum system
192 method despite the Company's Vice President of Engineering & Operations Services noting
193 that demand and customer or not criteria for the investment resulting. Consequentially, Mr.
194 Amen is divorcing cost causation from cost allocation. The NARUC cost allocation manual
195 starts with a proposition that the capital expenditures for pipe are a function of customers and
196 demand. However, it has been established by the Company that was not the cause of the
197 investment. In fact, the thirty-year old NARUC cost allocation manual does not discuss how
198 investments for safety should be allocated in a cost of service study.

199 **Q. Do you have additional concerns with Mr. Amen's use of the minimum system method?**

200 A. Yes, as I note in my direct testimony, the Company's data on types and sizes of pipe used in
201 the DIMP program are inconsistent with what was historically used over the past 25 years
202 based upon Mr. Amen's minimum system analysis. This highlights another inconsistency in
203 Mr. Amen's analysis; not only has he failed to allocate the costs based upon the type and size
204 of the pipes used in the program, he argues that pipe costs should be updated to current costs
205 but the type of pipe should not be updated to reflect the current system reconstruction. As a
206 result, he has not only divorced cost causation from cost allocation but also failed to reflect
207 the types of cost incurred.

208 **Q. Why is Mr. Amen's allocation of DIMP costs with his minimum system calculation**
209 **inconsistent with the costs incurred?**

210 B. Mr. Amen’s minimum system calculation attributes 35.4% to customers but based upon
211 Company supplied data the same methodology produces a 41.1% assignment to customers
212 versus peak day demand. Mr. Amen’s analysis assumes that 55% of the system is 2” PE pipe
213 while in the DIMP replacements 72% of the pipe is 2” PE pipe. He also assumes that the 2”
214 pipe costs \$7.95 / Ft and the DIMP program costs are approximately \$26.76 / Ft.⁸ I recognize
215 that Mr. Amen has constructed a model and models are rarely perfect reflections of reality.
216 However, in this case I want to point out that his model is not reflective of the costs incurred
217 in the DIMP program and not reflective of cost causation. Furthermore, if Mr. Amen’s
218 recommendation is approved, the Commission should not assume that the complexity of the
219 calculation with its myriad assumption is in anyway precise or reflective of the how and why
220 the costs were incurred.

221

222 **Q. Has the Commission established a precedent for allocation of safety costs?**

223 A. No, not that I am aware of. I reviewed the settlement agreement and order in PU-15-90 and
224 the Commission did not approve any specific cost of service methodology. Based upon my
225 review of the prior rate case (PU-17-295), the issue of cost allocation associated with the
226 DIMP / SSIP was not brought up in testimony. In that rate case the Company proposed
227 allocating all of the distribution main costs based upon an allocation of 25% based upon
228 customers and 75% on demand. Advocacy Staff witness Mr. Pavlovic commented on issues
229 related to the SSIP program and recommended removing \$5.5M of investments related to the
230 SSIP, but did not address the related cost allocation although he indicated that he did not
231 favor the Company’s minimum system method.⁹ The cost allocation for mains was not
232 addressed in settlement and the parties agreed that the settlement agreement did not establish
233 any precedent.

234 “It is agreed this Settlement Agreement is a negotiated settlement agreement
235 subject to approval by the Commission. This Settlement Agreement does not
236 establish any principle or precedent, nor adopt or recommend any specific type of

⁸ Montana Dakota Response to Advocacy Staff Data Request 15-1.

⁹ Direct Testimony of Mr. Pavlovic, Docket PU-17-295 p 15 lines 16 – 18.

237 expense or rate base for any future proceeding, nor any principle of precedent
238 regarding rate design methodology.”¹⁰
239 The Commission did not address cost of service in its order approving the settlement.

240

241 **V. MANUAL METERING READING CHARGE**

242 **Q. Please summarize your proposal with regards to charging for manual meter reading?**

243 A. My proposal is to have a one-time enrollment charge of \$100 and a monthly charge of \$13.50.
244 My recommendation is based upon creating a disincentive to reverting to manual meter
245 reading but at the same time accommodate customers who believe they have a valid reason to
246 revert back to manual reads

247

248 **Q. What is your understanding of the Montana- Dakota’s objection to your**
249 **recommendation to have a higher enrollment fee and lower monthly charge versus the**
250 **Company’s proposal for a monthly charge of \$26.05?**

251

252 A. Ms. Bosch advocates that the monthly charge is more appropriate since it is based upon the
253 Company’s estimate of the cost of a manual meter read and it avoids cost shifting.

254

255 **Q. What is your response to Ms. Bosch’s argument for the cost-based charge?**

256 A. First, at this point there is no evidence of any significant cost shifting since in the last 13
257 years the Company has only had four instances of customers reverting back to manual meter
258 reads across all of its service territories.¹¹ Furthermore, only one of the four instances is in
259 the North Dakota service territory even with the absence of a customer charge.¹² While the
260 Company prepared an estimate of the cost of manual reading, it has not provided any
261 evidence of the actual cost of addressing the needs of those four customers.

262

¹⁰ Settlement Agreement Case No. PU-17-295 & PU-17-490, p 7.

¹¹ Rebuttal Testimony of Ms. Bosch, p 9 lines 17 – 19.

¹² Montana Dakota response to Advocacy Staff Data Request 14.2 b).

263 **VI. TIMING FOR WHAPETON RATE HARMONIZATION**

264 **Q. Please summarize your recommendation for the rate phase-in of the Wahpeton**
265 **customers to Montana-Dakota?**

266 A. I recommended that the Company implement a feedback process to understand the clarity of the
267 phase-in communication with the Great Plains customers as well as a staff training program. I
268 also recommended that the Company postpone the second phase of their proposed two-phase rate
269 harmonization process until their next rate case.

270 **Q. Has Montana Dakota challenged your recommendation for a feedback process?**

271 A. The Company stated that they are willing to work with Commission Staff to ensure that the
272 communication to Wahpeton customers is clear. I still recommend that the Company set up an
273 ongoing feedback process from the Wahpeton customers to understand the bill's insert messages
274 clarity, and modify future bill insert messages and possibly add additional Communication
275 channels if necessary.

276 **Q. Has Montana Dakota challenged your recommendation to postpone the second rate**
277 **adjustment phase-in of Wahpeton customers until the next rate case?**

278 A. Although the Company is not opposed to delaying the second phase until the next rate case, they
279 are continuing to push for the original two-phase schedule stating the following.

280

281 “... the Company continues to support the proposed phase-in plan presented as it
282 advances the objective of one North Dakota gas operations by providing natural gas
283 service in North Dakota under one gas tariff. Any delay simply moves the target
284 integration date down the road to another rate case”.

285

286 The Company fails to provide an explanation for why they would be opposed to moving the target
287 integration. As a result, I continue to recommend that the second phase, of the two-phase
288 integration, should be postponed until the Company’s next rate case.

289

290 **VII. LINE EXTENSION POLICY**

291 **Q. Please summarize your proposal with regards to modifying the language in Schedule**
292 **120?**

293 A. I proposed changing the language in Schedule 120, Firm Gas Service Extension Policy, to remove
294 some Company discretion and potential customer discrimination. Specifically, my
295 recommendation is to change the word “may” to ”shall”. This change would parallel the wording
296 in Schedule 119.

297 “The Company may require customer or developer cost participation if the estimated
298 capital expenditure is not cost justified.” should be changed to “The Company
299 **shall....”**.

300

301 **Q. What is your understanding of the Montana- Dakota’s objection to your proposed**
302 **wording change?**

303 A. I am not clear why Mr. Oswald opposes making the language consistent with Rate 119. Mr.
304 Oswald only states “The Company does not see a need for the recommended language
305 change”.¹³

306

307 **Q. What is your response to Mr. Oswald’s objection to the language change?**

308 A. The impetus for my proposed language change is discussions with NDPSC Advocacy Staff
309 and concerns that there may be some subsidization on line extensions given that there is
310 inherent subjectivity in determining whether some component of the cost of the line extension
311 may be associated with future system growth or needed for reliability. The substitution of
312 “shall” for “may” will not remove that subjectivity but makes it clear that the customer is
313 obligated to pay the cost attributed to extending service and the Company may not waive that
314 obligation. It is not clear why the Company objects to the change if they agree that existing
315 customers should not subsidize line extensions.

316

317 **Q. Has the Company provided a credit to line extensions due to attributing part of the costs**
318 **to system improvements?**

¹³ Rebuttal Testimony of Mr. Oswald, p 6 lines 18 – 19.

319 A. Yes, the Company identified eight projects in the last five years where system costs were
320 excluded from the line extension charges.¹⁴ The excluded system costs totaled \$300,737.

321 **Q. What is the recommendation with regards to treatment of the excluded costs?**

322 A. The recommendation is to exclude these costs on the basis that there is no formula or policy
323 that established these costs as ‘system’ related and based upon the current tariff wording the
324 Company has flexibility to not charge the customer the full cost. The issue is that absent a
325 formal policy there is no way to determine if the costs are truly system related and no way for
326 the Advocacy or other parties to demonstrate otherwise.

327

328 **VIII. ALLOCATION OF THE RATE INCREASE**

329 **Q. What is the Company’s proposal for allocating the revenue increase to the residential**
330 **class versus your recommendation?**

331 A. Mr. Amen is proposing a 12.52% increase revised downward to 11% based upon the
332 Company’s revised revenue requirement.¹⁵ My recommendation is that the residential class
333 be assigned a maximum rate increase of 10% of the bundled rate.

334 **Q. What is your understanding of Mr. Amen’s objections to your proposal?**

335 A. Mr. Amen states that the 10% threshold appears arbitrary and maintains that the \$5.54 increase
336 in the residential customer charge does not constitute rate shock.

337 **Q. How do you address Mr. Amen’s criticism that the 10% increase appears arbitrary?**

338 A. First, I will acknowledge that the proposed ten percent is my judgement. However, the ten
339 percent cap is no more, or less arbitrary than the allocation scheme that Mr. Amen proposes in
340 his prefiled direct testimony. His allocation scheme ultimately is only his judgement.

341 **Q. What is your response to Mr. Amen’s conclusion that a 11% or 12.52% increase does not**
342 **constitute rate shock?**

¹⁴ Montana Dakota response to Advocacy Staff data request 15-5.

¹⁵ Rebuttal Testimony of Mr. Amen, p 30, lines 8 – 9.

343 A. I agree with Mr. Amen that the term “rate shock” is not a well defined term in the context of
344 utility rate making. I also note that Mr. Amen states the following:

345 “Within the context of cost allocation and rate design, some would argue that strict
346 adherence to cost causation in setting class revenue responsibility can result in
347 significant rate differences for many customers, causing adverse and disruptive
348 impacts on customers; and therefore rate shock.”¹⁶

349 His statement highlights two concerns: whether his cost of service study is in fact an analysis
350 of strict cost causation and his basis for assuming that the rate increase will not be adverse
351 and disruptive

352 **Q. Is it your conclusion that Mr. Amen’s cost of service study is a strict adherence to cost
353 causation?**

354 A. No, I have already highlighted why Mr. Amen’s allocation of DIMP capital costs is not a
355 strict adherence to cost causation. The fact that Mr. Amen averages two different approaches
356 that have disparate results for allocating distribution pipe is a further indication that the
357 Company’s cost of service study is only a guideline for identifying cost causation. My
358 conclusion is that any characterization of Montana Dakota’s gas utility cost-of-service study
359 as a strict adherence to cost causation is at best an exercise in false precision.

360 **Q. How do you think about rate shock to residential customers and whether it would “cause
361 adverse and disruptive impacts”?**

362 A. As I previously acknowledged, the term “rate shock” is not a well defined term. However, in
363 evaluating whether over a ten percent rate increase would be disruptive I considered factors
364 such as household income, unemployment, and uncertain prospects for North Dakota’s
365 economy.

366 The Company’s revised proposal in rebuttal is for a \$5.54 increase (from \$20.85 to \$26.39) in
367 the monthly charge under Rate Schedule 60. This is a 26.6% increase in the residential
368 delivery rate. At the same time while median household income increased over the last few
369 years prior to the onset of COVID pandemic, the real median household income in North
370 Dakota at the end of 2019 was below 2015.

¹⁶ Rebuttal Testimony of Mr. Amen, p 31, lines 9 – 12.

371 While the unemployment rate in North Dakota dropped from a high of 9.1% in May 2020, the
372 current rate is 4.1% and is above the pre-COVID rate of 2.0%.¹⁷ Even though the
373 unemployment rate has come down, I also note that the labor force participation rate has
374 decreased so that the number of people deemed eligible to work but not working has
375 increased.

376 Other factors to consider in residential rate impacts over the next couple of years are potential
377 federal policies that impact the state's oil and gas extraction industry, a potential increase in
378 corporate tax rates that would increase rates, and near term increases in gas costs due to the
379 freeze in Texas in February 2021. I note that there are uncertain prospects for economic
380 recovery for the state. Approximately 11% of the state's GDP in 2019 was associated with
381 mining, gas, and oil extraction.¹⁸

382 **Q. Will the residential rate increase be over 10% if the Commission accepts Advocacy**
383 **Staff's recommendations regarding the revenue requirement and ROE?**

384 A. Under the Advocacy Staff's recommendation, I expect that the overall residential rate increase
385 will be 6.98% and the increase in the delivery component will be 16.85%.

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

387 A. Yes.
388

17

https://data.bls.gov/timeseries/LASST380000000000003?amp%253bdata_tool=XGtable&out_put_view=data&include_graphs=true

¹⁸ <https://apps.bea.gov/regional/downloadzip.cfm>

SURREBUTTAL TESTIMONY

JOEL F. JEANSON

STATE OF NORTH DAKOTA
BEFORE THE
NORTH DAKOTA PUBLIC SERVICE COMMISSION

MONTANA-DAKOTA UTILITIES CO.

CASE NO. PU-20-379

NATURAL GAS RATE CASE

February 26, 2021

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1 **I. Introduction and Qualifications**

2 **Q. Would you please state your name, affiliation, and address?**

3 A. My name is Joel F. Jeanson. I am a Principal Consultant at PA Consulting Group
4 (PA). My business address is 143 South Street, 6th Floor, Boston, MA 02111.

5
6 **Q. On whose behalf are you filing this testimony?**

7 A. I am filing this testimony on behalf of the Advocacy Staff of the North Dakota
8 Public Service Commission (Commission or NDPSC).

9
10 **Q. Are you the same Joel F. Jeanson who filed direct testimony earlier in this**
11 **proceeding?**

12 A. Yes, I am.

13
14 **Q. What is the purpose of your surrebuttal testimony?**

15 A. The purpose of my surrebuttal testimony is to respond to issues raised by
16 Company witnesses Vesey and Jacobson in their rebuttal testimony.

17
18 **II. Response to Issues Raised by Ms. Vesey in Rebuttal**

19 **Q. Please describe the specific issues that you wish to respond to as raised by**
20 **Ms. Vesey in rebuttal.**

21 A. Following are the issues raised by Ms. Vesey to which I will respond. In all
22 cases, Ms. Vesey's does not accept the related recommendations in my direct
23 testimony.

- 24 • Executive stock compensation and executive incentive compensation
25 • Uncollectible accounts expense
26 • Plant retirements
27 • A&G capitalization

1 **Q. Are there any points raised by Ms. Vesey in rebuttal that you choose to**
2 **accept?**

3 A. Yes. After seeing the information provided by Ms. Vesey related to customer
4 advances by month through the end of 2020, I am satisfied that the amounts of
5 customer advances as included in this case are reasonable. While I anticipated
6 that customer advances may grow throughout 2020, actual customer advances at
7 the end of December 2020 are, in fact, less than the forecasted levels. This
8 provides a benefit to customers in that the rate base reduction based on the
9 forecast is greater than if adjusted to end of year actuals.

10
11 **Q. Please summarize Ms. Vesey's discussion related to executive stock and**
12 **incentive compensation in recommending against my proposed disallowance.**

13 A. Ms. Vesey makes the following points in discussing why the full amount of
14 executive stock and incentive compensation should remain as a cost of service.

- 15 • Stock and incentive compensation is a part of a total compensation package
16 needed to attract and retain employees that will make appropriate business
17 decisions
- 18 • Stock compensation is designed to focus on long-term business decisions and
19 to encourage lasting and stable planning.
- 20 • If the Company moved away from offering stock and incentives as
21 components of executive compensation, it would have to adjust other
22 components of compensation.

23
24 **Q. Do you find these arguments compelling?**

25 A. No. Contrary to Ms. Vesey's belief that "good business decisions" are beneficial
26 to customers, I do not believe that the interests of shareholders and customers are
27 always fully aligned. "Good" business decisions made to achieve EPS objectives
28 may not be in the interests of customers if resulting in significant increases in
29 capital expenditures or expenses that increase customers' rates.

1 I believe that a well-designed compensation program is necessary to attract and
2 retain employees. However, if one key feature of executive compensation is
3 related to achieving objectives which primarily benefit investors, then disallowing
4 that cost – which is what my recommendation does - from utility cost of service
5 and instead making it a cost funded by investors is reasonable. I would also note
6 that this practice is common throughout the regulated utility environment in the
7 United States.

8 If these earnings-based components of executive compensation were to also
9 include customer-focused attributes such as customer satisfaction, reliability, and
10 rates, then I would be more inclined to consider them as customer-benefitting and
11 appropriately includable in cost of service.

12 I continue to recommend that total labor expense in the revenue requirement be
13 reduced by \$361,158.

14
15 **Q. Please summarize Ms. Vesey’s discussion related to uncollectible accounts
16 expense in recommending against my proposed disallowance.**

17 A. Ms. Vesey suggests that looking at booked bad debt expense for 2020 is not an
18 appropriate lens for determining whether the forecasted uncollectible accounts
19 expense is reasonable. She argues that because the moratorium for service
20 disconnections has been extended that past due customer accounts have not been
21 written-off consistent with prior years. Instead, she discusses the reasonableness
22 of the Company’s approach which uses a three-year average of write-offs to
23 revenues as the basis for calculating the forecasted uncollectible accounts
24 expense.

25
26 **Q. Do you find this argument compelling?**

27 A. No. First, I would suggest that the Company can still book an appropriate level of
28 bad debt expense despite the extended moratorium on service disconnections.
29 While there may not be substantial historical precedent for making such an

1 estimate in these circumstances, good accounting practices require that
2 accounting estimates be reasonable.

3 Second, the use of a multi-year average is reasonable when variables in the
4 calculation can be skewed if looking at only a single period. For example, a
5 portion of write-offs during a single calendar year will relate to amounts billed in
6 a prior year. Depending on management decision-making, write-offs can be
7 accelerated or delayed. On the other hand, bad debt expense, which is an estimate
8 of amounts billed during a period of time which will subsequently prove to be
9 uncollectible, aligns both revenues and expenses.

10 The following table compares write-offs and bad debt expenses for the three years
11 ended December 31, 2019. This is the same period used by the Company to
12 develop its uncollectible accounts forecast.

| Year | Net Write-Offs ¹ | Bad Debt Expense ² | Sales and Transportation Revenue ³ | Net Write-offs to Revenue | Bad Debt Expense to Revenue | Diff |
|---------------------|-----------------------------|-------------------------------|---|---------------------------|-----------------------------|------------------|
| 2017 | \$413,887 | \$284,204 | \$109,538,358 | 0.38% | 0.276% | \$129,683 |
| 2018 | 443,421 | 359,605 | 117,196,410 | 0.38% | 0.307% | 83,816 |
| 2019 | 330,367 | 305,665 | 117,834,454 | 0.28% | 0.259% | 24,702 |
| 3-Year Total | \$1,187,675 | \$949,474 | \$344,569,222 | 0.34% | 0.276% | \$238,201 |
| 2020 | \$386,444 | \$313,701 | \$113,659,942 | 0.34% | 0.276% | \$72,743 |
| 2021 | \$390,145 | \$316,698 | \$114,745,655 | 0.34% | 0.276% | \$73,447 |

13
14 As shown in the above table, in each year of the three-year period 2017 through
15 2019, net write-offs exceed bad debt expense. I would have expected some
16 variability among years more similar three-year averages.

¹ Vesey Rebuttal Page 5

² Response to Advocacy Staff DR 6.12 and PA projection for 2020 and 2021 using 2017-2019 average

³ Vesey Rebuttal Page 5

1 **Q. Considering the arguments made in rebuttal and the results of your**
2 **subsequent analysis, what do you recommend?**

3 A. I recommend that bad debt expense for the forecast period be based on the three-
4 year average of bad debt expense to sales and transportation revenue as shown
5 above. This results in a \$74k reduction in bad debt expense for 2021. Consistent
6 with the Company's approach, this calculation does not recognize the potential
7 impact of COVID and the extended moratorium on service disconnections.
8

9 **Q. Having reviewed Ms. Vesey's explanation of the methodology used to develop**
10 **the 3-year ratio for retirements and how that ratio is applied, do you still**
11 **have concerns that retirements may be understated?**

12 A. Yes. I believe the methodology described will still tend to understate retirements
13 in periods in which the forecasted activity is significantly greater than historical
14 actuals. However, as discussed further below, I am recommending a reduction in
15 plant additions due to actual retirements 2020 being substantially below the
16 amounts forecasted which will eliminate the need to adjust retirements (and more
17 importantly, a related decrease in depreciation expense).
18

19 **Q. Do you agree with Ms. Vesey's suggestion that no action needs to be taken**
20 **related to your recommendation to complete an A&G Capitalization study?**

21 A. No. When I reviewed the 2017 study provided by the Company and mentioned
22 by Ms. Vesey, I found very few costs included in that study that I would consider
23 to be administrative and general (that is, related to functions whose time is
24 charged to account 920, A&G Salaries). Instead, the positions listed appeared to
25 be more consistent with a second indirect overhead category commonly referred
26 to as "Engineering & Supervision" or "E&S." That observation, coupled with
27 my additional observations related to the limited dollar amount and percentage of
28 A&G costs capitalized, confirms that my recommendation remains valid.
29
30

1 **III. Response to Issues Raised by Mr. Jacobson in**
2 **Rebuttal**

3 **Q. Are you persuaded by Mr. Jacobson’s comments in support of retaining the**
4 **prepaid pension / OPEB asset, net of deferred income taxes, in rate base?**

5 **A.** No. While I am sympathetic to the idea that the investor-funded portion of a
6 pension and / or OPEB prepaid asset be included in rate base⁴, the Company has
7 been unable to identify that portion of pension expense which is funded by
8 ratepayers thus making it impossible to identify that portion of the prepaid
9 expense funded by investors.

10
11 **Q. Absent being able to identify with confidence the amount of the prepaid**
12 **expense which is funded by investors, are there any other ways to estimate a**
13 **reasonable amount of prepaid pension expense to be included in rate base?**

14 **A.** Yes. For example, in Wyoming, the March 2020 Order in the Company’s most
15 recent gas general rate case describes the following allowed recovery of prepaid
16 pension expense.

17 *MDU proposed to include the December 31, 2019, ending net*
18 *prepaid pension balance, as allocated to Wyoming gas operations,*
19 *as an addition to working capital (emphasis added). The OCA*
20 *recommended the use of a 10-year average of the net prepaid*
21 *pension asset ending December 31, 2018, as a rate base addition.*
22 *The Parties agreed to the use of an 11-year average ending*
23 *December 31,⁵*

24 Using this approach, for the period 2005 through 2019, the years for which the
25 Company has provided data, the average ending prepaid pension asset is \$23.8M,
26 of which North Dakota gas operations share is about 24.75%, or \$5.9M (as

⁴ In some states, the allowed prepaid pension expense is treated as a negative component of the capital structure rather than an addition to rate base.

⁵ Wyoming Docket No. 30013-351-GR-19

1 opposed to \$14.8M based on the December 31, 2019 prepaid pension asset
2 balance). These amounts do not reflect the prepaid OPEB assets or related
3 deferred income taxes.

4 Other alternative approaches would include using a shorter time period to
5 compute the average, such as the 11-year period used in Wyoming or increasing
6 the amount of pension expense allowed for recovery in cost of service. The latter
7 approach would base pension expense for recovery purposes on a calculation
8 other than the GAAP-calculated pension expense. As an example, in a recent
9 Indianapolis Power & Light case, the Office of the Utility Consumer Counselor
10 recommended allowing the recovery through rates of and additional pension
11 expense (i.e., in addition to the GAAP-calculated amount) based on multiplying
12 Excess ERISA Required Contributions by the actuarial Return on Plan Assets.⁶
13 However, in the case of MDU, the Company has indicated that contributions are
14 based on the ERISA minimum contributions which would not support an
15 adjustment calculated in this manner.

16
17 **Q. Do you agree with Mr. Jacobson that the Company is seeking regulatory**
18 **asset treatment for the prepaid pension asset?**

19 A. No. Company witnesses identify the prepaid pension asset as both working capital
20 and a regulatory asset, thus blurring the distinction. And in other states in which
21 the Company operates, the Company has labeled the prepaid pension asset as
22 “working capital.” However, rather than labeling what is important, is ensuring
23 that the amounts for which the Company is seeking rate base treatment for
24 represent only those amounts funded by investors.

25 Ms. Kivisto identifies pension expense as “the amount included in the Company’s
26 revenue requirement and recovered through rates charged to customers.”⁷ This

⁶ This approach appears to suggest that customers currently fund the minimum ERISA contributions, which is not the case in North Dakota.

⁷ Kivisto Direct, Page 11, Lines 2-4