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REGULATORY FOCUS

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MAJOR RATE CASE DECISIONS--JANUARY-SEPTEMBER 2009

For the first nine months of 2009, the average of electric equity return authorizations by state commissions was 10.43% (22 determinations) almost identical to the 10.46% average for calendar-2008. The average gas equity return authorization for the first three quarters of 2009 was 10.11% (14 determinations), slightly below the 10.37% average for calendar-2008.

After reaching a low in the early-2000's, the number of rate case decisions for energy companies has generally increased over the last several years. There were 83 electric and gas rate decisions in 2008 versus only 32 in 2001. Increased costs, including environmental compliance expenditures, the need for generation and delivery infrastructure upgrades and expansion, and renewable generation requirements argue for a continuation of the increased level of rate case activity over the next several years. However, cost efficiencies from technological improvements, the use of multi-year settlements, and a reduced number of companies due to mergers may prevent the number of rate cases from increasing significantly further.

We note that electric industry restructuring in certain states has led to the unbundling of rates and retail competition for generation. The state commissions in those states are now authorizing revenue requirement and return parameters for delivery operations only (which we footnote in our chronology), thus complicating historical data comparability. We also note that the current financial uncertainty and resulting increase in corporate debt yields may indicate that utility equity costs have also increased and lead to higher authorized ROEs by commissions. However, increased authorized equity returns have not materialized thus far in 2009.

The table on page 2 shows the annual average equity returns authorized since 1990, and by quarter since 2003, in major electric and gas rate decisions, followed by the number of determinations during each period. The tables on page 3 present the composite industry data for items in the chronology of this and earlier reports, summarized annually since 1996, and quarterly for the most recent seven quarters. The individual electric and gas cases decided in the first nine months of 2009 are listed on pages 4-7, with the decision date (generally the date on which the final order was issued) shown first, followed by the company name, the abbreviation for the state issuing the decision, the authorized rate of return (ROR), return on equity (ROE), and percentage of common equity in the adopted capital structure. Next we show the month and year in which the adopted test year ended, whether the commission utilized an average or a year-end rate base, and the amount of the permanent rate change authorized. The dollar amounts represent the permanent rate change ordered at the time decisions were rendered. Fuel adjustment clause rate changes are not reflected in this study. We note that the cases and averages included in this study may be slightly different from those in our online rate case history database. Any differences are likely the result of this study's inclusion of ROE determinations that are rendered in cost of capital only proceedings in California or that apply only to specific generation plants. Both of these types of determinations are not included in the database, which encompasses major base rate cases only.

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Average Equity Returns Authorized January 1990 - September 2009

Year	Period	Electric Utilities		Gas Utilities	
		ROE % (# Cases)		ROE % (# Cases)	
1990	Full Year	12.70	(44)	12.67	(31)
1991	Full Year	12.55	(45)	12.46	(35)
1992	Full Year	12.09	(48)	12.01	(29)
1993	Full Year	11.41	(32)	11.35	(45)
1994	Full Year	11.34	(31)	11.35	(28)
1995	Full Year	11.55	(33)	11.43	(16)
1996	Full Year	11.39	(22)	11.19	(20)
1997	Full Year	11.40	(11)	11.29	(13)
1998	Full Year	11.66	(10)	11.51	(10)
1999	Full Year	10.77	(20)	10.66	(9)
2000	Full Year	11.43	(12)	11.39	(12)
2001	Full Year	11.09	(18)	10.95	(7)
2002	Full Year	11.16	(22)	11.03	(21)
2003	1st Quarter	11.47	(7)	11.38	(5)
	2nd Quarter	11.16	(4)	11.36	(4)
	3rd Quarter	9.95	(5)	10.61	(5)
	4th Quarter	11.09	(6)	10.84	(11)
	Full Year	10.97	(22)	10.99	(25)
2004	1st Quarter	11.00	(3)	11.10	(4)
	2nd Quarter	10.54	(6)	10.25	(2)
	3rd Quarter	10.33	(2)	10.37	(8)
	4th Quarter	10.91	(8)	10.66	(6)
	Full Year	10.75	(19)	10.59	(20)
2005	1st Quarter	10.51	(7)	10.65	(2)
	2nd Quarter	10.05	(7)	10.54	(5)
	3rd Quarter	10.84	(4)	10.47	(5)
	4th Quarter	10.75	(11)	10.40	(14)
	Full Year	10.54	(29)	10.46	(26)
2006	1st Quarter	10.38	(3)	10.63	(6)
	2nd Quarter	10.68	(6)	10.50	(2)
	3rd Quarter	10.06	(7)	10.45	(3)
	4th Quarter	10.39	(10)	10.14	(5)
	Full Year	10.36	(26)	10.43	(16)
2007	1st Quarter	10.27	(8)	10.44	(10)
	2nd Quarter	10.27	(11)	10.12	(4)
	3rd Quarter	10.02	(4)	10.03	(8)
	4th Quarter	10.56	(16)	10.27	(15)
	Full Year	10.36	(39)	10.24	(37)
2008	1st Quarter	10.45	(10)	10.38	(7)
	2nd Quarter	10.57	(8)	10.17	(3)
	3rd Quarter	10.47	(11)	10.49	(7)
	4th Quarter	10.33	(8)	10.34	(13)
	Full Year	10.46	(37)	10.37	(30)
2009	1st Quarter	10.29	(9)	10.24	(4)
	2nd Quarter	10.55	(10)	10.11	(8)
	3rd Quarter	10.46	(3)	9.88	(2)
	Year-To-Date	10.43	(22)	10.11	(14)

Electric Utilities--Summary Table*

	<u>Period</u>	<u>ROR % (# Cases)</u>		<u>ROE % (# Cases)</u>		<u>Eq. as %</u>		<u>Amt.</u>	
						<u>Cap. Struc. (# Cases)</u>		<u>\$ Mil. (# Cases)</u>	
1996	Full Year	9.21	(20)	11.39	(22)	44.34	(20)	-5.6	(38)
1997	Full Year	9.16	(12)	11.40	(11)	48.79	(11)	-553.3	(33)
1998	Full Year	9.44	(9)	11.66	(10)	46.14	(8)	-429.3	(31)
1999	Full Year	8.81	(18)	10.77	(20)	45.08	(17)	-1,683.8	(30)
2000	Full Year	9.20	(12)	11.43	(12)	48.85	(12)	-291.4	(34)
2001	Full Year	8.93	(15)	11.09	(18)	47.20	(13)	14.2	(21)
2002	Full Year	8.72	(20)	11.16	(22)	46.27	(19)	-475.4	(24)
2003	Full Year	8.86	(20)	10.97	(22)	49.41	(19)	313.8	(12)
2004	Full Year	8.44	(18)	10.75	(19)	46.84	(17)	1,091.5	(30)
2005	Full Year	8.30	(26)	10.54	(29)	46.73	(27)	1,373.7	(36)
2006	Full Year	8.24	(24)	10.36	(26)	48.67	(23)	1,465.0	(42)
2007	Full Year	8.22	(38)	10.36	(39)	48.01	(37)	1,401.9	(46)
	1st Quarter	8.36	(9)	10.45	(10)	49.25	(8)	802.9	(9)
	2nd Quarter	8.21	(7)	10.57	(8)	47.64	(7)	510.5	(8)
	3rd Quarter	8.32	(10)	10.47	(11)	48.96	(10)	737.5	(13)
	4th Quarter	8.09	(9)	10.33	(8)	47.58	(8)	848.5	(12)
	Full Year	8.25	(35)	10.46	(37)	48.41	(33)	2,899.4	(42)
2008	1st Quarter	8.19	(8)	10.29	(9)	48.52	(8)	857.0	(14)
	2nd Quarter	8.05	(9)	10.55	(10)	47.66	(9)	1,425.7	(17)
	3rd Quarter	8.48	(3)	10.46	(3)	47.20	(3)	317.1	(7)
2009	Year-To-Date	8.17	(20)	10.43	(22)	47.94	(20)	2,599.8	(38)

Gas Utilities--Summary Table*

	<u>Period</u>	<u>ROR % (# Cases)</u>		<u>ROE % (# Cases)</u>		<u>Eq. as %</u>		<u>Amt.</u>	
						<u>Cap. Struc. (# Cases)</u>		<u>\$ Mil. (# Cases)</u>	
1996	Full Year	9.25	(23)	11.19	(20)	47.69	(19)	193.4	(34)
1997	Full Year	9.13	(13)	11.29	(13)	47.78	(11)	-82.5	(21)
1998	Full Year	9.46	(10)	11.51	(10)	49.50	(10)	93.9	(20)
1999	Full Year	8.86	(9)	10.66	(9)	49.06	(9)	51.0	(14)
2000	Full Year	9.33	(13)	11.39	(12)	48.59	(12)	135.9	(20)
2001	Full Year	8.51	(6)	10.95	(7)	43.96	(5)	114.0	(11)
2002	Full Year	8.80	(20)	11.03	(21)	48.29	(18)	303.6	(26)
2003	Full Year	8.75	(22)	10.99	(25)	49.93	(22)	260.1	(30)
2004	Full Year	8.34	(21)	10.59	(20)	45.90	(20)	303.5	(31)
2005	Full Year	8.25	(29)	10.46	(26)	48.66	(24)	458.4	(34)
2006	Full Year	8.51	(16)	10.43	(16)	47.43	(16)	444.0	(25)
2007	Full Year	8.12	(32)	10.24	(37)	48.37	(30)	813.4	(48)
	1st Quarter	8.78	(7)	10.38	(7)	52.07	(7)	129.6	(7)
	2nd Quarter	8.28	(3)	10.17	(3)	51.80	(3)	52.0	(4)
	3rd Quarter	8.33	(7)	10.49	(7)	50.58	(7)	312.8	(10)
	4th Quarter	8.45	(13)	10.34	(13)	49.25	(13)	390.4	(20)
	Full Year	8.48	(30)	10.37	(30)	50.47	(30)	884.8	(41)
2008	1st Quarter	8.01	(5)	10.24	(4)	43.81	(4)	156.4	(7)
	2nd Quarter	8.05	(7)	10.11	(8)	48.84	(7)	92.5	(8)
	3rd Quarter	8.30	(2)	9.88	(2)	51.00	(2)	19.2	(4)
2009	Year-To-Date	8.07	(14)	10.11	(14)	47.62	(13)	268.1	(19)

* Number of observations in each period indicated in parentheses.

ELECTRIC UTILITY DECISIONS

Order Date	Company (State)	ROR %	ROE %	Common Eq. as % Cap. Str.	Test Year & Rate Base	Amt. \$ Mil.
1/14/09	Public Service Oklahoma (OK)	8.31	10.50	44.10	2/08-YE	59.3 (1)
1/21/09	Westar Energy (KS)	---	---	---	---	65.0 (B)
1/21/09	Kansas Gas & Electric (KS)	---	---	---	---	65.0 (B)
1/21/09	Cleveland Electric Illuminating (OH)	8.48	10.50 (E)	49.00	2/08-DC	29.2 (D)
1/21/09	Ohio Edison (OH)	8.48	10.50 (E)	49.00	2/08-DC	68.9 (D)
1/21/09	Toledo Edison (OH)	8.48	10.50 (E)	49.00	2/08-DC	38.5 (D)
1/30/09	Idaho Power (ID)	8.18	10.50	49.27	12/08-YE	27.0 (R)
2/4/09	United Illuminating (CT)	7.59	8.75	50.00	12/07-A	6.8 (D,R,2)
2/4/09	Interstate Power & Light (IA)	---	10.10 (3)	---	---	---
2/5/09	Kentucky Utilities (KY)	---	---	---	---	-8.9 (B)
2/5/09	Louisville Gas & Electric (KY)	---	---	---	---	-13.2 (B)
2/10/09	Union Electric (MO)	8.34	10.76	52.01	3/08-YE	161.7
3/4/09	Indiana Michigan Power (IN)	7.62	10.50	45.80 *	9/07-YE	19.1 (4)
3/11/09	Entergy Texas (TX)	---	---	---	3/07	30.5 (B,I,5)
3/17/09	Southern California Edison (CA)	---	---	---	12/09-A	308.1 (6)
2009	1ST QUARTER: AVERAGES/TOTAL	8.19	10.29	48.52		857.0
	MEDIAN	8.33	10.50	49.00		---
	OBSERVATIONS	8	9	8		14
4/2/09	Entergy New Orleans (LA)	---	11.10	---	12/08-YE	-24.7 (B,7)
4/16/09	PacifiCorp (ID)	---	---	---	---	4.4 (B)
4/21/09	PacifiCorp (UT)	8.36	10.61	51.00	12/09-A	45.0 (B)
4/24/09	Consolidated Edison of New York (NY)	7.79	10.00	48.00	3/10-A	523.4 (D)
4/30/09	Tampa Electric (FL)	8.29 (R)	11.25	47.49 *(R)	12/09-A	147.7 (Z,R)
5/4/09	Minnesota Power (MN)	8.45	10.74	54.79	6/09-A	21.1 (I)
5/20/09	Oklahoma Gas & Electric (AR)	6.43	10.25	36.04 *	12/07-YE	13.3 (B)
5/20/09	NorthWestern Corp. (MT)	8.38	10.25	50.00	---	--- (B)
5/20/09	PacifiCorp (WY)	---	---	---	---	18.0 (B)
5/28/09	Public Service New Mexico (NM)	8.77	10.50	50.47	3/08-YE	77.1 (B,Z)
5/29/09	Idaho Power (ID)	---	---	---	---	10.5 (9)
6/2/09	Southwestern Public Service (TX)	---	---	---	12/07	57.4 (B,I)
6/9/09	Public Service Co. of Colorado (CO)	---	---	---	---	112.2 (B)
6/10/09	Kansas City Power & Light (MO)	---	---	---	12/07-YE	95.0 (B)
6/10/09	KCP&L Greater Missouri Oper-L&P (MO)	---	---	---	12/07-YE	15.0 (B)
6/10/09	KCP&L Greater Missouri Oper-MPS (MO)	---	---	---	12/07-YE	48.0 (B)
6/22/09	Central Hudson Gas & Electric (NY)	7.28	10.00	47.00	6/10-A	39.6 (D)
6/24/09	Nevada Power (NV)	8.66 (10)	10.80 (10)	44.15	6/08-YE	222.7 (Z)
2009	2ND QUARTER: AVERAGES/TOTAL	8.05	10.55	47.66		1,425.7
	MEDIAN	8.36	10.56	48.00		---
	OBSERVATIONS	9	10	9		17

ELECTRIC UTILITY DECISIONS (continued)

Order Date	Company (State)	ROR %	ROE %	Common Eq. as % Cap. Str.	Test Year & Rate Base	Amt. \$ Mil.
7/8/09	Duke Energy Ohio (OH)	8.61	10.63 (E)	51.59 (E)	12/08-DC	55.3 (D,B)
7/14/09	Southwestern Public Service (NM)	---	---	---	---	14.2 (B)
7/17/09	Avista Corp. (ID)	8.55	10.50	50.00	9/08-A	12.5 (B)
7/24/09	Kansas City Power & Light (KS)	---	---	---	12/07-YE	59.0 (B)
7/24/09	Oklahoma Gas & Electric (OK)	---	---	---	9/08-YE	48.3 (B)
8/21/09	Texas-New Mexico Power (TX)	---	---	---	3/08	12.7 (B)
8/31/09	Oncor Electric Delivery (TX)	8.28	10.25	40.00	12/07-YE	115.1 (D)
2009	3RD QUARTER: AVERAGES/TOTAL	8.48	10.46	47.20		317.1
	MEDIAN	8.55	10.50	50.00		---
	OBSERVATIONS	3	3	3		7
2009	YEAR-TO-DATE AVERAGES/TOTAL	8.17	10.43	47.94		2,599.8
	MEDIAN	8.35	10.50	49.00		---
	OBSERVATIONS	20	22	20		38

GAS UTILITY DECISIONS

Order Date	Company (State)	ROR %	ROE %	Common Eq. as % Cap. Str.	Test Year & Rate Base	Amt. \$ Mil.
1/7/09	Vectren Energy Delivery of Ohio (OH)	8.89	---	---	5/08-DC	14.8 (B)
1/13/09	Michigan Gas Utilities (MI)	7.60	10.45	46.49 *	12/09	6.0 (B)
2/2/09	New England Gas (MA)	7.74	10.05	34.19	12/07-YE	3.7
2/5/09	Louisville Gas & Electric (KY)	---	---	---	---	22.0 (B)
2/26/09	Equitable Gas (PA)	---	---	---	12/08	38.4 (B)
3/9/09	Atmos Energy (TN)	8.24	10.30	48.12	6/08-A	2.5 (B)
3/25/09	Northern Illinois Gas (IL)	7.58	10.17	46.42	12/09-A	69.0
2009	1ST QUARTER: AVERAGES/TOTAL	8.01	10.24	43.81		156.4
	MEDIAN	7.74	10.24	46.46		---
	OBSERVATIONS	5	4	4		7
4/2/09	Entergy New Orleans (LA)	---	10.75	---	12/08-YE	5.0 (B,7)
5/15/09	Niagara Mohawk Power (NY)	7.70	10.20 (11)	43.70	3/10-A	39.4 (B)
5/29/09	EnergyNorth Natural Gas (NH)	8.28	9.54	50.00	6/07-A	5.5 (B,I)
6/3/09	Black Hills/Iowa Gas Utility (IA)	8.71	10.10	51.38	12/07-A	10.4 (B,I)
6/9/09	Peoples Gas System (FL)	8.50	10.75	48.51 *	12/09-A	19.2 (I)
6/22/09	Central Hudson Gas & Electric (NY)	7.28	10.00	47.00	6/10-A	13.8
6/29/09	Minnesota Energy Resources (MN)	7.98	10.21	48.77	12/08-A	15.4 (I)
6/30/09	Connecticut Natural Gas (CT)	7.92	9.31 (12)	52.52	6/08-(13)	-16.2
2009	2ND QUARTER: AVERAGES/TOTAL	8.05	10.11	48.84		92.5
	MEDIAN	7.98	10.15	48.77		---
	OBSERVATIONS	7	8	7		8
7/17/09	Southern Connecticut Gas (CT)	8.05	9.26 (12)	52.00	6/08-(13)	-12.5
7/17/09	Avista Corp. (ID)	8.55	10.50	50.00	9/08-A	1.9 (B)
8/27/09	UGI Penn Natural Gas (PA)	---	---	---	9/09	19.8 (B)
8/27/09	UGI Central Penn Gas (PA)	---	---	---	9/09	10.0 (B)
2009	3RD QUARTER: AVERAGES/TOTAL	8.30	9.88	51.00		19.2
	MEDIAN	8.30	9.88	51.00		---
	OBSERVATIONS	2	2	2		4
2009	YEAR-TO-DATE AVERAGES/TOTAL	8.07	10.11	47.62		268.1
	MEDIAN	8.02	10.19	48.51		---
	OBSERVATIONS	14	14	13		19

FOOTNOTES

- A- Average
 - B- Order followed stipulation or settlement by the parties. Decision particulars not necessarily precedent-setting or specifically adopted by the regulatory body.
 - D- Applies to electric delivery only
 - DC- Date certain
 - E- Estimated
 - I- Interim rates implemented prior to the issuance of final order, normally under bond and subject to refund.
 - R- Revised
 - YE- Year-end
 - Z- Rate change implemented in multiple steps.
 - * Capital structure includes cost-free items or tax credit balances at the overall rate of return.
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- (1) Recovery of an additional \$22.1 million authorized through adjustment mechanisms.
 - (2) Second-year distribution rate increase of \$19.4 million authorized based on a 7.76% ROR. This increase is subject to adjustment for pension expense.
 - (3) Adopted ROE applies only to the company's proposed 649-MW, coal-fired Sutherland Unit 4 plant. The company subsequently cancelled plans to construct the plant.
 - (4) Commission decision modified a settlement. Recovery of an additional \$22.5 million authorized through tracking mechanisms.
 - (5) Indicated rate increase includes a \$46.7 million base rate increase offset by a net \$16.2 million decrease in revenues collected under certain riders.
 - (6) Indicated rate increase is retroactive to January 1, 2009 and reflects the one-time refund of a \$72.5 million overcollection of postretirement benefits other than pension costs. Additional rate increases of \$205.3 million and \$219 million authorized for 2010 and 2011, respectively. Rate of return was not an issue in this case.
 - (7) Rate changes effective June 1, 2009.
 - (8) Authorized return parameters apply only to the 120-150 MW, gas-fired Mill Creek generating plant.
 - (9) Rate increase associated with implementation of advanced metering infrastructure. Return parameters are those adopted in the company's previous rate case.
 - (10) Reflects incentive ROE (and ROR) for demand side management programs and the Chuck Lenzie generating plant. Without the incentives, a 10.5% ROE was authorized.
 - (11) Indicated ROE includes a 20 basis-point premium associated with the multi-year term of the settlement.
 - (12) Adopted ROE reflects a 10-basis point penalty for billing errors.
 - (13) Rate base valued as of 12/31/09.

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