OK Commission Staff

REVENUE DECOUPLING SURVEY RESPONSES FROM OTHER STATE COMMISSIONS

As of 10/27/06

	(1) Does your state have a decoupling statute and/or Commission rules? If yes, please cite the provision or provide a link so that they may be accessed.	(2) Has your state initiated any formal proceeding concerning gas and electric industry decoupling? If yes, what is the docket number?	(3) What cost recovery mechanism does your Commission utilize or plan to utilize for revenue decoupling?	(4) If the answer to question 2 is no, does the state intend to have a formal proceeding that will entail testimony and expert witnesses pertaining to decoupling?	(5) Did your state commission hold any technical conferences and/or workshops to address decoupling of the gas and electric industry prior to holding any formal proceedings?	(6) What incentives does your state commission offer to utilities to promote the efficient use of energy?	(7) What programs to promote the efficient use of energy are used by the gas and electric industry in your state?
Arizona	No	No, the Commission has not initiated proceedings, but the recent Southwest Gas rate case included a proposal for revenue decoupling that was rejected by the Commission, while encouraging further discussions on the issue. Further, UNS Gas' pending rate application contains a decoupling proposal.	No	Not at this time other than responding to utility rate case applications as required.	Consideration has been given within a rate proceeding process.	For one electric utility the ACC has approved a performance incentive, but the details are still being worked out.	Electric and natural gas utilities in Arizona have a wide variety of energy efficiency programs spanning residential, commercial, and industrial customers.
Arkansas	No	No	N/A	There is not a proceeding established to specifically and directly address decoupling. However, the Arkansas Public Service Commission has initiated a proceeding, Docket No. 06-004-R, to develop and implement rules governing conservation and energy efficiency programs and services for Arkansas. The Commission has convened a collaborative process to assist it in developing those rules and an initial list of	See Response to Question No. 4.	None at this time. See Response to Question No. 4.	On January 6, 2005, the Commission issued Order No. 4 in Docket No. 05-111-P approving Arkansas Western Gas Company's *Home Weatherization Program* for immediate implementation of a 3-year pilot program. The proceedings referenced above can be accessed at: www.arkansas.gov/psc/ and clicking on the APSC Online Services link.

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Arkansas				potential conservation and energy efficiency programs and services. Decoupling is one of the issues being discussed in the collaborative process. However, decoupling is not the primary focus of the proceeding. The proceedings referenced above can be accessed at: www.arkansas.gov/psc/ then click on the APSC Online Services link.			
California (Gas Only)	No. California does not have a decoupling statute for natural gas. The CPUC has not adopted any general decoupling rules or policy for natural gas.	The CPUC has not initiated any formal proceeding in recent years concerning natural gas decoupling. The CPUC has typically addressed utility risk associated with natural gas sales in utility-specific proceedings.	The CPUC allows utilities to use balancing accounts in cases where natural gas revenues are decoupled from sales. Under- or over-collections of balancing accounts are amortized on an annual basis.	No	No	Utilities that achieve certain energy efficiency savings are rewarded under the CPUC's Annual Earnings Assessment Program.	The CPUC has adopted a major energy efficiency program that provides rebates to customers who install energy efficient devices. In addition, the CPUC requires California utilities to offer baseline energy rates that provide a lower rate for customers

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California (Gas Only)							who use lower amounts of energy. Finally, the CPUC has adopted bill rebate programs for customers who use lower amounts of energy relative to previous years.
Connecticut	During its June 2005 Special Session, the General Assembly passed Public Act No. 05-01, An Act Concerning Energy Independence (Public Act 05-01 or the Act). In Section 21 of the Act, the Department of Public Utility Control (Department) is directed to investigate the decoupling of sales from earnings for energy distribution companies ("Docket about 134 - PrudenceDC") to promote the state's energy policy and provide a report to the General	There is an open proceeding before the Department that is considering local distribution companies ("LDC")-sponsored gas conservation, demand and supply, Docket No. 04-10-02, DPUC Review of the Connecticut Gas Utilities Forecasts of Gas Conservation, Demand and Supply, 2005-2009. In that docket, the Department will be reviewing funding, conservation programs and the impact of the same on ratepayers and gas LDCs.	The electric DCs in Connecticut currently spend ratepayer funds of approximately $60 million annually on conservation. The electric DCs are only allowed recovery of lost revenues if their earnings are below their allowed rate of return for six months. This change significantly improves the C&LM adjustment clause.	N/A	In October 2005, the Department issued a Notice of Request for Written Comments, soliciting comments from the gas LDCs, the electric DCs and the public on decoupling and promotion of the state's energy policy. In response to the Notice, the two electric DCs, the three gas LDCs, and three environmental organizations submitted comments. Environment Northeast, the Office of the Attorney General, the Office of Consumer Counsel and the five energy distribution	Recent legislation provides new incentives, including a lost sales revenue adjustment for new conservation and load management, load response and distributed generation initiatives undertaken to reduce federally mandated congestion costs. The electric DCs are given a 5% incentive payment to administer the conservation programs that is based on a percentage of the funds spent on the programs.	• Weather normalization adjustment • Customer Service and Demand Charges • Conservation Adjustment Mechanism For the non-low-income ratepayer, there aren't any gas LDC sponsored conservation programs. The current LDC conservation programs, funded by gas ratepayers, provide low-income consumers with weatherization

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Connecticut	Assembly.				companies, submitted briefs.		and other energy-efficiency measures. Currently, the gas LDCs have an approved annual conservation program budget amount that is recovered in base rates.
Delaware	No	No	N/A	A current natural gas base rate case application by Delmarva Power & Light Company (Docket No. 06-284) contains a proposal to implement a Bill Stabilization Adjustment (SBA) that is basically a decoupling mechanism. Staff will be addressing the proposed mechanism as part of the base rate case proceeding. Implementation of decoupling mechanisms will likely be evaluated on a case-by-case basis in Delaware, rather than a generic proceeding.	N/A	N/A	The electric and natural gas utilities generally provide various energy conservation and education information through their websites, bill enclosures, newsletters, etc. The Commission Staff is leading the Consumer Energy Education Group ("CEEG") activities related to consumer education on energy matters in compliance with the Electric Restructuring legislation passed in 1999. CEEG has primarily focused on the expiration of the electric rate caps for Delmarva

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Delaware							Power and the related electric rate increases, the associated impacts on customer bills, as well as energy efficiency and conservation measures. CEEG conducted meetings for industry, health care organizations, higher education institutions, as well as smaller groups - the Delaware Economic Development Council and a Sears Retirees group. CEEG established an informational website (www.manageenergycosts.com) and developed and distributed a handout for consumers with resource and contact information related to the electric and energy conservation issues. CEEG also conducted public outreach sessions to provide various energy

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Delaware							information and demonstrations in 2005 and 2006.
Illinois	No	No	N/A	No	No	Department of Commerce and Economic Opportunity has various programs.	Unknown
Indiana	Yes, the IURC has approved a form of decoupling known as NTA (Normal Temperature Adjustment) for two gas companies (Indiana Gas and Southern Indiana Gas and Electric Company) in Order No. 42890. Several other gas companies have filed for this type of adjustment; those cases are pending. Theses companies have filed for another form of decoupling in Cause Numbers 42943 and 43046, which are pending. Citizens Gas has filed for	No	No Answer Provided	No Answer Provided	No Answer Provided	No Answer Provided	No Answer Provided

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Indiana	a form of items contained in #1 and #2 above as part of its general rate increase in pending Cause No. 42767. All causes can be viewed in our electronic filing system on our web site.						
Iowa	No	Yes, it is NOI-06-1 and can be accessed at the IUB website: www.state.ia.us/government/com/util	No, but the Board is in the process of having its inquiry.	No Answer Provided	Yes, a workshop was held in May as part of the inquiry.	Energy efficiency is mandated by statute, Iowa Code 476.6(16) and utilities are allowed to recover costs of approved plans through the Energy Efficiency Cost Recovery factor. Iowa Administrative Code 199 chapter 35 has the rules on the plans and cost recovery calculations.	The utilities use a variety of programs. Please contact Gordon Dunn at 515-281-7051 for additional information concerning the programs.
Kansas	No	Yes, discussion is included in Docket No. 07-GIMX-247-GIV, opened September 11, 2006.	No, but its under discussion (see 1).	N/A	Not yet.	None for promotion. Statutes allow an increased ROR of up to 2% for investments in energy efficiency, conservation or renewable energy. This has not been used to	Most of the activity is in demand side electric rate design. Few programs are in place for energy efficiency beyond providing customers with information. KCPL has

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Kansas						date.	the most advanced programs and can be accessed at: http://www.kcpl.com/residential/analyzerfr.html
Maine	No	Not recently. In the 1990's the MPUC decoupled electric revenues from costs to protect the utility from the effects of conservation programs. (Electric Rate Adjustment Mechanism). Rates increased so fast thereafter, that it became politically unsustainable and was discontinued.	None	No	No	In 2001, the Maine Legislature removed the responsibility for implementing efficiency and conservation programs from utilities and created an Energy Division at MPUC to do so, thus avoiding the inherent conflict utilities have to not use best efforts to promote energy conservation.	One of our gas utilities offers rebates for energy efficient gas heating and commercial equipment.
Maryland	No statute or rules. Decoupling has been carried out on a case by case basis. Maryland had included "lost revenue" as part of its demand side management surcharge mechanism for most gas and electric programs during the 1990s. Maryland instituted a general decoupling	We have no formal generic proceeding underway for decoupling. Decoupling is an issue in our advanced metering/pricing Energy Policy Act proceeding, Case. No. 9059. It is likely to also be an issue in a Demand Response and Distributed Generation Working Group established recently under Case No. 8908.	In the old DSM mechanism (no longer in effect) cost recovery was an element of the surcharge. In the BGE and WG gas mechanisms it is a monthly rate adjustment applied to distribution rates.	There will ultimately be testimony or comments related to new decoupling mechanisms. The BGE gas mechanism was originally supported by testimony in its case and has been the subject of sworn testimony in two subsequent rate cases.	Representatives of the Mid-Atlantic Distributed Resources Initiative (MADRI) provided a workshop to the Commission and staff on decoupling and other DR related issues. It is possible there will be a technical conference or another workshop related to the new EPAct case and	There currently are no explicit incentives. -	All utilities have active customer education plans. Some electric utilities continue to offer load curtailment or direct load control program incentives. Gas utilities operate weatherization programs for low-income customers.

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Maryland	mechanism (not DSM specific) for Baltimore Gas and Electric gas service in 1998 as part of a rate case settlement (Case No. 8780). Here is the language in BGE's tariff for that adjustment: 8. Monthly Rate Adjustment The Delivery Price under Schedules D and C is adjusted to reflect test year base rate revenues established in the latest base rate proceeding, after adjustment to recognize the change in the number of customers from the test year level. The change in revenues associated with the Customer Charge is the change in number of customers multiplied by the Customer Charge for the rate schedule. The change in revenues associated with throughput is the test year				working group.		

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Maryland	average use per customer multiplied by the net number of customers added since the like-month during the test year and multiplying that product by the Delivery Price for the rate schedule. The change in revenues associated with Customer Charge and throughput is added to test year revenue to restate test year revenues for the month to include the revised values. Actual revenues collected for the month are compared to the restated test year revenues and any difference is divided by estimated sales for the second succeeding month to obtain the adjustment to the applicable Delivery Price. Any difference between actual and estimated sales is reconciled in the determination of the adjustment for a future						

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Maryland	month. The Monthly Rate Adjustment is calculated separately for Schedule D, Schedule C, excluding Daily Metered customers, and Schedule C Daily Metered customers only. Details of the calculation of the billing adjustment are filed monthly with the Public Service Commission. The Commission approved a very similar adjustment for the Maryland service territory of Washington Gas in 2005. The WG tariff is included in the email response for this survey.						
Minnesota	No	N/A	N/A	On May 24, 2006, the Minn. PUC hosted a 1/2 day workshop conducted by the Regulatory Assistance Project on "Regulatory Barriers to Energy Efficiency-Eliminating Disincentives, Creating the Right Incentives."	No	The MN PUC is authorized by statute to approve energy conservation incentive plans for gas and electric utilities pursuant to Minn. Stat. Section 216.16 subd. 6c, ("Incentive plan for energy conservation	All gas and electric utilities are required to file conservation improvement plans (CIPs) every tow years pursuant to Minn. Stat. Section 216B.2 41 (Energy Conservation Improvement.)

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Minnesota				The MN PUC has not held formal proceeding on decoupling.		improvement". The intent of the law is not to give utilities a financial incentive for simply complying with the law but to encourage increase energy savings and increased cost - effectiveness. Under the Minnesota Shared Savings Incentive, utilities are rewarded with a specific percentage of the net benefits (utility programs cost needed against avoided supply-side costs) produced through investments in conservation. The percentage of net benefits awarded increases as the percentage of the energy savings goal achieved increases.	
Missouri	Yes, for natural gas utilities MO Revised Statute 386.266 provides for an ability to	No formal proceeding as this has been addressed in statutes although the rulemaking to address this legislation will	No, but if addressed per MO statute 386.266 the mechanism will likely simply be a per unit	The rulemaking will have testimony. Expert witnesses may be brought in but that has	We have held a number of stakeholder meetings regarding implementing MO statute 386.266. The	We have a number of conservation and energy efficiency programs currently operating with	Some examples include energy audits, weatherization funding, energy efficiency light

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Missouri	implement a surcharge to provide for recovery of, or return of, reduced or increased revenues for warmer or colder than normal weather and conservation. Our agency will implement rules to address this legislation. Also, in many rate cases MO Staff is looking at changing our policy on customer charges to address this issue directly without the need to implement surcharge provisions.	be a formal docket.	surcharge or credit to reflect under or over recoveries of utility operating costs. If addressed through rate cases and adjustments in customer charges this issue may simply be addressed through higher customer charges.	not been determined at this point.	discussions in these meetings related to the natural gas provisions of 386.266.3 focused on the policy implications associated with decoupling.	our natural gas and electric utilities. These programs were adopted in settlements. Missouri does not consider these incentives for the utilities.	bulb replacement programs, refrigerator bounty programs, advanced metering to reduce peak loads during extremely hot weather, TOU metering pilot and a number of other programs currently being developed in ongoing rate cases.
Nevada	Nevada does not have a decoupling statute or rule. It does have an open investigation /rulemaking on weather normalization. Staff is proposing a decoupling weather normalization mechanism in that investigation /rulemaking.	Yes, Docket 05-7018 (see #1).	No Answer Provided	No Answer Provided	Yes, Docket 05-7018. Also, see the Order in Docket 04-3011, at Section VI (A) Margin Per Customer Balancing Provision, pages 72-77, for decoupling mechanism discussion proposed in Southwest Gas' general rate case in 2004.	For conservation and demand management programs, NAC 704.9523 prescribes a 500 basis points equity adder.	A wide variety of programs, which are standard to most utilities.
New York	No	Yes, on June 26, 2006 a Notice Soliciting Comments was issued in Case 03-E-	To be determined	No Answer Provided	No	The following web site should provide information you are	NYSERDA's web site address is shown above.

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New York		0640--Proceeding on Motion of the Commission to Investigate Potential Electric Delivery Rate Disincentives Against the Promotion of Energy Efficiency, Renewable Technologies and Distributed Generation; and Case 06-G-0746--In the Matter of the Investigation of Potential Gas Delivery Rate Disincentives Against the Promotion of Energy Efficiency, Renewable Technologies and Distributed Generation.				requesting above: http://www.getenergysmart.org/**New York Energy $mart**℠ **Program** - a partnership between the New York State Energy Research and Development Authority (NYSERDA) and the Public Service Commission (PSC) and **New York Energy $mart**℠ also brings you ENERGY STAR®, a program to reduce your energy use with efficient products.	
North Carolina	No	Yes. Piedmont Natural Gas filed a general rate case proposing a decoupling mechanism in Docket No. G-9, Sub 499. The Commission approved the plan, but two Commissioners dissented and the Attorney General filed an appeal. The Company settled with the AG by providing more funds for conservation, but the legality of such a decoupling mechanism	No Answer Provided	No Answer Provided	No Answer Provided	State law addresses subsidized competition between utilities. Utilities must file proposed promotional plans with the Commission, including those promoting energy efficiency.	Piedmont, as part of its decoupling proposal, agreed to make contributions to existing programs that promoted conservation and efficiency. Electric utilities have DSM plans. They also have time-of-use rates for some customers.

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North Carolina		remains in doubt. Documents in G-9, Sub 499 can be found at the link below: http://ncuc.commerce.state.nc.us/cgi-bin/fldrdocs.ndm/INPUT?compdesc=Piedmont%20Natural%20Gas%20Company%2C%20Inc%2E&numret=001&comptype=G&docknumb=9&suffix1=&subNumb=499&suffix2=&parm1=000123283					
Ohio	No	Case No. 05-1444-GA-UNC established a decoupling mechanism for a single gas company: Vectren Energy Delivery of Ohio.	Case No. 05-1444-GA-UNC established a tariff rider to recover the difference between current normalized weather use per residential customer and a base case usage.	No Answer Provided	No	None	Low income weatherization programs
Oregon	No rules or statutes.	Yes, two. The docket numbers are: UG 143/UG 163 (Northwest Natural Gas Company); Advice No. 05-10-01 (Cascade Natural Gas Company)	Deferral with annual recovery and true-up.	No Answer Provided	Yes	a. Decoupling. b. Adjustment for weather impact on revenues. c. Relaxed revenue reviews.	The gas and electric utilities utilize direct end-use incentives, technology additions (more efficient equipment) to homes/businesses, advertising/public

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Oregon							awareness, and special tariffs. The Energy Trust of Oregon, a separate and independent agency that is state organized, but not a part of state government, administers these programs almost entirely.
Pennsylvania	No, Pennsylvania Statute or rules address decoupling, though a surcharge for program costs is permitted.	No, formal proceeding; however the matter has been assigned to our demand response-working group.	Unknown, but such programs are eligible programs to each Alternative energy credits in satisfaction of our Alternative energy portfolio standard, which provides for a surcharge for recovery of such costs.	No, but the matter is also before the PA PUC in a formal rate increase proceeding.	Yes, our demand response-working group uses such techniques.	At present the only incentive is the eligibility for AEPS credits. Full recovery has been a characteristic of such programs geared to low income consumers since 1986.	Companies offer weatherization services to low income customers that exceed the LIHEAP program, time of day pricing and hourly rate pricing are available for customers over 300KW. Advanced metering covers nearly 3 million customers for future programs.
South Dakota	No	No	N/A	No	N/A	There are several utilities promote energy efficiency via shareholder financed programs. But, there is only one approved pilot program that is	The Commission approved Montana-Dakota Utilities Co.'s program in Docket NG05-016, which can be found at http://www.state.sd.us/p

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South Dakota						ratepayer financed. Under this program, the company can recover non-gas revenues lost from its offered rebates for high efficiency appliances and certain other activities.	uc/commission/dockets/naturalgas/2005/NG05-016/NG05-016.htm The Commission is considering the "South Dakota Energy Efficiency Initiative, which involves customer incentives for acquisition of energy efficient appliances, motors, lighting and other incentives. To learn more please contact Phil Lusk at 605-773-3201.
Tennessee	No	Two companies have proposed a decoupling mechanism in pending rate cases before the TRA: Docket 06-00175 (Chattanooga Gas Company) and 05-00258 (Atmos Energy).	N/A	Prior to implementing such a mechanism, either (1) testimony would be considered in a contested case proceeding or (2) comments would be considered in a rulemaking proceeding.	N/A	None.	A few companies have listed conservation tips on their websites.
Texas	No, Texas does not have a statute or a Texas Railroad Commission (RRC) rule pertaining to the decoupling of natural gas revenues for	No	N/A	No	No	The Texas Railroad Commission does not offer specific incentives for energy efficiency promotion. However, within the context of a	There are not programs currently being offered by the regulated gas utilities within the Texas Railroad Commission's primary

REVENUE DECOUPLING SURVEY RESPONSES FROM OTHER STATE COMMISSIONS

As of 10/27/06

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Texas	ratemaking or regulatory purposes. Texas cities have original jurisdiction over natural gas rates and services within city limits. The RRC has original jurisdiction over natural gas rates and services outside the city limits (environs) and appellate jurisdiction over rate decisions of a city. The RRC still uses a cost-of-service ratemaking approach for natural gas local distribution companies (LDC's) within its jurisdiction. However, larger retail customers (industrials and electric utilities) operate in a negotiated rates competitive environment, and consume approximately 90% of Texas natural gas volumes.					cost of service review, the merit and benefits of all proposals by any of our regulated gas utilities are considered on a case-by-case basis.	environs jurisdiction. However, the Texas Department of Housing and Community Affairs conducts a low-income weatherization program. In addition, there are several programs administered by some of the larger municipalities under Texas' home rule regulation. These include: rebates for switching from electric to gas for home heating; rebates for gas appliance maintenance and efficiency upgrades; and the payments of incentives to distributors and installers for HVAC high SEER improvements.

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Utah	No	Currently there is an active Docket to decouple the Gas Utilities revenues collected from residential customers. Docket No. 05-057-T01.	The method being proposed by the Utility is a full decoupling of the revenues on a pilot program with a three-year duration.	No Answer Provided	We have held technical conferences and task forces over the past three years to discuss the issue with the gas utility.	None	The gas utility has not offered any incentives yet. If the decoupling proposal is adopted, the utility is set to roll out some DSM programs to help customers save on energy use. The electric utility already has DSM programs but not because of decoupling but rather because the utility lacks the physical generating capacity to meet demand.
Washington	No	We have three proceedings underway for gas utilities, which include decoupling proposals. The docket numbers are UE-060266 (Puget Sound Energy general rate case), UG-060256 (Cascade Natural Gas general rate case) and UG-060518 (Avista Utilities petition for a decoupling mechanism.)	The three proposals all include deferrals with recovery in the subsequent year.	No Answer Provided	The commission held a Rulemaking to Review Natural Gas Decoupling in 2005. The docket was UG-050369. The commission withdrew the rulemaking after holding a workshop and receiving stakeholder comments, and decided that the commission would address decoupling in the context of specific utility proposals rather than through a generic rulemaking.	We do not have any incentive mechanisms. As a result of a settlement, one utility, Puget Sound Energy, faces penalties for failing to achieve its savings target.	Attached is a report prepared for CAMPUT, which includes a summary of Washington DSM.

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West Virginia	No	No	N/A	No	N/A	WV does not have any incentive programs for energy efficiency.	The three largest gas utilities contribute funds to the DOE low-income weatherization program.
Wisconsin	No	We looked at it for electric service in docket 05-EI-107. This was opened on the Commission's own motion in 1989 to determine whether we should go to rulemaking. After a technical conference and numerous written comments from parties, rulemaking was not pursued.	No Answer Provided	No	No Answer Provided	The only utility in the state to have an incentive is Wisconsin Power and Light Company (WP&L). For its Shared Savings program, WP&L is allowed to earn the same return on its energy efficiency investments as it does for other investments. There is also, through a conservation escrow, one-for-one recovery of all energy efficiency expenditures.	Statewide energy efficiency programs, funded with public benefits dollars, are administered by the Department of Administration and are under the Focus on Energy umbrella. More information on the statewide Focus on Energy Programs can be found at www.focusonenergy.com. Additionally, municipal utilities and cooperatives are required to collect and spend an average of $8 per meter on energy efficiency programs. Most of the municipal utilities and cooperatives provide their own energy efficiency programs with this funding.

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Wisconsin							Several of our larger investor-owned utilities have programs that are funded with dollars that are in addition to the public benefits funding. These include WP&L's Shared Savings Program mentioned in question 6 and programs offered by Wisconsin Electric Power Company (WEPCO) and Wisconsin Public Service Corporation (WPSC). WP&L's Shared Savings Program is a voluntary program that finances energy efficiency projects for commercial and industrial natural gas and electric customers. Both WEPCO and WPSC offer additional energy efficiency services as a result of Commission orders in power plant construction cases.

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Wisconsin							These additional electric energy efficiency programs provide rebates for a number of technologies for both residential and business customers.
Result Summary							
26 States	22-No, 4-Yes	15 - No, 11 – Yes	21-None, 5-has some type of cost recovery,	22-No, 4-Yes	17-No, 9-Yes	11-None, 15 have incentives	19-Yes, 7-None