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**Eric J. Schneidewind**

ejschneidewind@varnumlaw.com

October 28, 2013

Ms. Mary Jo Kunkle  
Michigan Public Service Commission  
4300 W. Saginaw Highway  
P.O. Box 30221  
Lansing, MI 48909

Re: Case No. U-17429

Dear Ms. Kunkle:

Attached for paperless electronic filing are the Testimony and Exhibit of Alexander J. Zakem on behalf of Energy Michigan. Also attached is a Proof of Service indicating service on counsel.

Thank you for your assistance in this matter.

Very truly yours,

**V**ARNUM,<sup>LLP</sup>

Eric J. Schneidewind

EJS/mrr

cc: ALJ  
parties

STATE OF MICHIGAN  
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

\*\*\*\*\*

In the Matter of the Application of )  
CONSUMERS ENERGY COMPANY for )  
Approval of a Certificate of Necessity )  
for the Thetford Generating Plant )  
pursuant to MCL 469.6s and for )  
related accounting and ratemaking )  
authorizations. )  
\_\_\_\_\_ )

Case No. U-17429

**DIRECT TESTIMONY**  
**OF**  
**ALEXANDER J. ZAKEM**  
**ON BEHALF OF**  
**ENERGY MICHIGAN**

DIRECT TESTIMONY

**Q. Please state your name and business address.**

1 A. My name is Alexander J. Zakem and my business address is 46180 Concord,  
2 Plymouth, Michigan 48170.

3 **Q. On whose behalf are you testifying in this proceeding?**

4 A. I am testifying on behalf of Energy Michigan.

5 **Q. Please state your professional experience.**

6 A. Since January of 2004 I have been an independent consultant providing services  
7 to Integrys Energy Services, Inc., Quest Energy (a wholly-owned affiliate of Integrys  
8 Energy Services), and other clients. Integrys Energy Services is a member of Energy  
9 Michigan.

10  
11 From March 2002 to December 2003, I was Vice President of Operations for  
12 Quest. My responsibilities included the overall direction and management of Quest's  
13 power supply to its retail customers. This included power supply planning, development  
14 of customized products, negotiation with suppliers, planning and acquiring transmission  
15 rights, and scheduling and delivery of power. It also included managing risk with respect  
16 to market price movements and variation of customer loads.

17  
18 Prior to retiring from Detroit Edison in 2001, from 1998 I was the Director of  
19 Power Sourcing and Reliability, responsible for purchases and sales of power for mid-  
20 term and long-term periods, planning for generation capacity and purchase power needs,

DIRECT TESTIMONY

1 strategy for and acquisition of transmission rights, and related support for regulatory  
2 proceedings.

3  
4 Additional experience, qualifications, and publications are contained in Exhibit  
5 EM-30 (AJZ-1).

6

7 **Q. Have you testified as an expert witness in prior proceedings?**

8 A. Yes. I have testified as an expert witness in several proceedings before the  
9 Michigan Public Service Commission (“Commission”), on topics such as standby rates,  
10 retail rates and regulations, recovery and allocation of costs and revenues, and the effects  
11 of rate restructuring. I have also testified before the Federal Energy Regulatory  
12 Commission. Case citations are in Exhibit EM-1 (AJZ-1).

13

14 **Q. Are you sponsoring any exhibits?**

15 A. Yes. I am sponsoring the following exhibit:  
16 Exhibit EM-30 (AJZ-1) Qualifications

17

18

## DIRECT TESTIMONY

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

2       A.     The purposes of my testimony are to:

3           a.     Review the assumptions and assertions regarding Consumers Energy's  
4                   ("Company's") application for a Certificate of Necessity ("CON") as to  
5                   their implications for retail competition;

6           b.     Recommend to the Commission that if it grants the CON, that the  
7                   Commission make specific findings based on the Company's claims, so  
8                   that retail competition is not impaired.

9

10       **Q.     Are you addressing the question of whether or not the Company's proposed**  
11           **Thetford plant should qualify for a CON?**

12       A.     No. My review and recommendations are separate from the question of whether  
13                   or not the proposed Thetford plant meets the requirements of the CON . Dr.  
14                   Jonathan A. Lesser, also testifying on behalf of Energy Michigan, is addressing  
15                   the merits of the Company's analysis and proposal for a CON.

16

17       **Q.     Why has Consumers Energy asserted a need for the Thetford plant?**

18       A.     There are two aspects to the Company's asserted "need" for the Thetford plant.  
19                   The first aspect is why the plant should be built at all; the second aspect is why the  
20                   Company should own the plant.

21

22                   Regarding the first aspect, the Company asserts the plant is required to serve its  
23                   customers, replacing generating units that it plans to retire. I will explain later that this

## DIRECT TESTIMONY

1 need is driven primarily by financial concerns to reduce cost of supply. Regarding the  
2 second aspect, the Company asserts that owning the Thetford plant reduces the  
3 uncertainty of the cost of future capacity, particularly the cost from the MISO capacity  
4 market.

5  
6 **Q. Would you explain the first aspect?**

7 A. Yes. Company witness Mr. David R. Ronk, Jr. has testified:

8 Q. Why does the Company need this additional capacity?

9 A. This need results from the planned suspension of operations of seven coal  
10 fueled electric generating plants . . . . [Ronk direct testimony, page 8, lines 15-  
11 17.]

12  
13 Q. Does the Company require additional capacity to serve the electric demand of  
14 its customers?

15 A. Yes. Beginning in 2016 the Company expects that it will have insufficient  
16 capacity to serve the electric demand of its customers. [Ronk direct testimony,  
17 page23, lines 11-14.]

18  
19  
20 **Q. Does the Company need additional capacity the serve the demand of its  
21 customers?**

22 A. The question has to be clarified to be answered accurately. The Mid-Continent  
23 ISO (MISO) requires all Load Serving Entities (LSEs), whether traditional utility or  
24 competitive retail supplier, to procure the rights to sufficient capacity to cover the LSE's  
25 forecasted peak demand plus a reserve margin. MISO dispatches all the capacity to meet  
26 all the load in its region. Since the beginning of the MISO Market in 2005, the load of all  
27 LSEs has been served through the MISO dispatch of its aggregated resources.  
28 Consequently, since 2005, the concept of an LSE "serving" its load with its own  
29 generation has been moot.

## DIRECT TESTIMONY

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What the Company needs is the *rights* to sufficient capacity to *meet MISO's requirements*. It may own generating capacity or it may buy the rights to capacity from others. Company witness Mr. Timothy J. Sparks states:

Load serving entities can satisfy their resource capacity needs by owning the resources, holding a PPA for the capacity of resources, or buying capacity from the one-year capacity market. [*Sparks direct testimony, page 28, line 23 to page 29, line 2.*]

The rights to capacity – owned or purchased – come at a cost. The Company is proposing that building the Thetford plant is the most economic way to meet MISO's capacity requirements. Thus, the Company's decision to build the plant is primarily driven by economics.

The Company's customers will be no more and no less reliably served if another entity in the same MISO Resource Zone 7 (lower Michigan) were to build and/or own a plant equivalent to the Thetford plant. And similarly, for example, DTE Electric's customers are no more and no less "served" by the Thetford plant than Consumers Energy's customers. Consequently, the decision of how best to satisfy its resource capacity needs – in this situation by building the Thetford plant – is at root a *financial decision* by the Company, which also offers some reliability benefits for all of Zone 7 – not for just Consumers Energy customers alone.

**Q. Would you explain the second aspect of "need"?**

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1 A. Yes. Consumers Energy's testimony is filled with explanations of the economics  
2 and risk mitigation of owning the Thetford plant versus other options for meeting the  
3 Company's capacity needs. As explained by Company witness Mr. John J. Reed, the  
4 Company evaluated various options measured by the "cumulative present value of  
5 revenue requirements," or CPVRR. Mr. Reed states: "The IRP approach of analyzing  
6 expansion options based on minimizing the CPVRR, subject to meeting all other use-  
7 defined constraints, is again an industry-standard approach . . . ." [*Reed direct*  
8 *testimony, page 20, lines 16-18, emphasis added.*]

9  
10 Consumers Energy asserts that ownership of the Thetford plant provides capacity  
11 at the lowest cost, lower than the anticipated future market price and with less risk. Mr.  
12 Ronk states:

13 The resource plan with the lowest net PVRR when compared to the resource plan  
14 that relies on all of the required incremental capacity to be acquired utilizing spot  
15 market purchases is a resource plan resulting from the portfolio design under  
16 which the Company builds the proposed Thetford Plant. [*Ronk direct testimony,*  
17 *page 27, lines 12-15.*]

18  
19 **Q. What is the import to the Commission of the Company's analysis of and**  
20 **decision to build and own the Thetford plant?**

21 A. The analysis and decision included the findings that the plant would be *cheaper*  
22 *and less risky* than buying on the market. The analysis and decision were the  
23 responsibility of Consumers Energy. Therefore, being cheaper than the anticipated  
24 market, the Thetford plant should *never create stranded costs* for which any customer,  
25 whether full service customers or Electric Choice customers, would be responsible.



## DIRECT TESTIMONY

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Further, if more customers move to Electric Choice, then the electric products of the Thetford plant – capacity, energy, and ancillary services – could be sold into the market at a higher price than the cost of the plant. Thus, there is *no need for Consumers Energy to have “captive” customers* to pay for the plant. In fact, stockholders would be better off financially if the revenue from the outputs of the plant were to come from market sales – at higher prices – than from recovery of costs – at lower levels – from full-service customers.

**Q. On page 31, lines 1-3 of his testimony, Mr. Sparks asserts that an increase in the retail open access (ROA) cap above 10% would not eliminate the need for new generating capacity in Zone 7. Do you agree with that assertion?**

A. The assertion is correct, but incomplete. Neither an increase nor a decrease in the ROA cap would affect reliability, nor would they affect a need or lack of need for new generation in Zone 7. All LSEs are subject to the same capacity requirements by MISO. Who is financially responsible for what part of the total capacity that MISO requires to serve all customers in Zone 7 – traditional utilities or ROA suppliers – is completely independent of the total amount of capacity required. The percentage of ROA makes no difference.

**Q. On page 31, lines 9-13 of his testimony, Mr. Sparks states that Consumers Energy would not construct the Thetford plant if the ROA cap were increased above 10%, stating, “Increasing the ROA cap would create too much uncertainty**

## DIRECT TESTIMONY

1       **and risk for both Consumers Energy customers and CMS Energy shareholder to**  
2       **make a long-term investment in the new generating capacity like the Thetford**  
3       **Plant.” Is this statement supported by the analysis the Company has presented?**

4       A.     No. The Company has asserted that the Thetford plant is cheaper than the  
5       anticipated market prices, reduces risk compared to uncertainty of the future market, and  
6       provides additional reliability to Zone 7. Requesting a Certificate of Necessity  
7       essentially asks the Company’s full service customers to bear the risks of investing in the  
8       Thetford plant, but justifies the CON request on the basis that costs will be lower, risk  
9       will be less, and reliability will be greater.

10  
11           As I have explained above, the degree of reliability in Zone 7 is not affected by  
12       the amount of ROA, since all LSEs must meet the same requirements. If Thetford is  
13       cheaper and less risky than market, then it is a good investment regardless of the level of  
14       ROA, since any output not used for full service customers can be sold more profitably  
15       into the market.

16  
17       **Q.     Do you have any recommendations for the Commission?**

18       A.     Yes. First, I am making no judgement on the merits of the Company’s application  
19       for a Certificate of Necessity, and I am not assessing whether or not the Thetford plant is  
20       the best choice. Further, I am not addressing the level of the future competitive market –  
21       that issue is being addressed by Dr. Lesser.

22

## DIRECT TESTIMONY

1           Nevertheless, Consumers Energy has claimed that the Thetford plant is cheaper  
2 than purchases from the competitive market.

3  
4           Therefore, I recommend to the Commission that *if* it grants a CON for the  
5 Thetford proposal, that the Commission make a specific finding that the cost of the  
6 Thetford plant is *less than the anticipated cost for equivalent spot market purchases*, as  
7 the Company has asserted (on an NPV basis) in its request for the CON.

8  
9           I also recommend that *if* it grants a CON for the Thetford proposal, that the  
10 Commission make a specific finding that the Thetford plant would be *able to recover its*  
11 *costs from the competitive market and consequently does not constitute and does not*  
12 *create stranded costs* now or in the future. If the Thetford plant has been determined to  
13 be *cheaper* than the competitive market, it follows naturally that it can recover its costs  
14 from the competitive market.

15  
16           I believe that such findings are justified considering the criteria that the  
17 Commission must use to grant a CON and that the findings will remove controversy from  
18 future regulatory proceedings.

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DIRECT TESTIMONY

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2       **Q.    Does this conclude your Direct Testimony?**

3       A.    Yes, it does.

4

**ALEXANDER J. ZAKEM**

**46180 Concord  
Plymouth, Michigan 48170  
734-751-2166  
ajzakem@umich.edu**

**CONSULTANT – MERCHANT ENERGY AND UTILITY REGULATION**

Provide strategies and technical expertise on competitive market issues, transmission issues, state and federal regulatory issues involving the electricity business, and associated legal filings. Scope includes the Midwest ISO Energy Market and Resource Adequacy, FERC proceedings on transmission and market tariffs, state rules for competitive supply, and negotiation of settlements.

**PRIOR POSITIONS: Quest Energy, LLC – a subsidiary of Integrys Energy Services**

**Vice President, Operations**

**March 2002 to December 2003**

Responsible for the planning, acquisition, scheduling, and delivery of annual power supply and transmission, to serve competitive retail electric customers.

- **Power Planning** -- Designed and negotiated customized long-term power contracts, to reduce power costs and exposure to spot energy prices.
- **Transmission** -- Revamped transmission strategy to reduce transmission costs.
- **Load Forecasting** -- Instituted formal short-term forecasting process, including weather normalization.
- **Risk Management** -- Developed summer supply strategy including call options to minimize physical supply risk at least cost. Instituted probabilistic assessment of forecast uncertainty to minimize transmission imbalance costs.
- **Contract Management** – Negotiated and recovered liquidated damages for power supply contracts. Included cost of transmission losses into customer contracts.
- **Operations Capability** -- Expanded the Operations staff. Oversaw daily activity in spot market purchases. Instituted back-up capability, including equipment and processes, enabling the company to schedule and deliver virtually all power during the August 2003 blackout in the Midwest.

**PRIOR POSITIONS : DTE Energy / Detroit Edison — 1977 to 2001**

**Director, Power Sourcing and Reliability**

**May 1998 to April 2001**

Director of group responsible for monthly, annual, and long-term purchases and sales of power for Detroit Edison, including procuring power for the summer peak season.

- **Planning** -- Planned summer power requirements for Detroit Edison, including mix of generation, option contracts, hub purchases, load management, and transmission, which balanced and optimized physical risk and financial risk.
- **Contract Management** – Established decision, review, and approval process for evaluation and execution of power transactions, including mark-to-market valuation.
- **Execution** -- Executed summer plans, contracting annually for purchased power and transmission services. Directed negotiations for customized structured contracts to provide the company with increased operating flexibility, dispatch price choices, and delivery reliability.
- **Risk Management** – Developed an optimizing algorithm using load shapes to minimize corporate exposure to volatile power prices. Developed a hedging strategy to fit power purchases to the corporation's risk tolerance level.
- **Acquisitions** -- Team leader for acquisition of new peakers.
- **Settlements** -- Negotiated and settled liquidated damages claims.

**Relevant prior positions within Detroit Edison**

<u>Position</u>	<u>Organization</u>	<u>Time Period</u>
<b>Director, Special Projects</b>	<b>Customer Energy Solutions</b>	<b>Apr 97 to May 98</b>

Leader of several special projects involving the transformation of the corporation's merchant energy functions into competitive business units, including merger explorations and the start up of DTE Energy Trading (DTE's power marketing affiliate).

Directed filings to the Federal Energy Regulatory Commission to establish DTE Energy Trading as a power marketer and to gain authority for sales, brokering, and code of conduct. The FERC used DTE's flexible utility/affiliate code of conduct as precedent for rulings for other power marketers.

<b>Director, Risk Management</b>	<b>Huron Energy (temp affiliate)</b>	<b>Jan 97 to Apr 97</b>
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Leader of team responsible for competitive pricing of wholesale structured contracts and for acquiring risk management hardware and software to support risk management policy. Prepared Board resolutions to implement risk management policy.

**Director, Contract Development      Customer Energy Solutions      Jan 96 to Dec 96**

Leader of team that formulated a business strategy for the corporation in competitive power marketing. Team leader on project evaluating an existing steam and electricity contract, recommending and gaining Board approval for revamping the corporation's Thermal Energy business and strategy.

**Project Director      Executive Council Staff      Jan 91 to Dec 95  
& Corporate Strategy Group**

Project leader for competitive studies, including business risk, generation pooling, and project financing in the merchant generation industry. Team member and/or team leader for analyses of merger and acquisition opportunities

**Special Assignment      Executive Council Staff      Mar 90 to Dec 90**

Special assignment related to long-term industry strategies and mergers and acquisitions.

**Pricing Analyst      Marketing / Rate      Aug 82 to Mar 90**

Developed, negotiated, and implemented an innovative standby service tariff. Testified as an expert witness in regulatory proceedings and in state legislative hearings.

**Engineer      Resource Planning      Aug 79 to Dec 81**

Member of the company's electric load forecasting team, responsible for SE Michigan energy and peak demand forecasting, and for risk analysis. Developed the company's first residential end-use forecast model.

**PRIOR POSITIONS: Prior to DTE Energy**

Lear Siegler Corporation, ACTS Computing division, systems analyst and programmer from January 1973 to July 1977.

**EDUCATION:** M. A. in mathematics, University of Michigan, 1972  
B. S. in mathematics, University of Michigan, 1968

**MILITARY:** U. S. Army, September 1968 to June 1970.  
Viet Nam service from June 1969 to June 1970.  
Honorably discharged.

**PROFESSIONAL:** Member, Engineering Society of Detroit (1979-present)

**PUBLICATIONS & PAPERS:**

- "Competition and Survival in the Electric Generation Market," published in *Public Utilities Fortnightly*, December 1, 1991.
- "Measuring and Pricing Standby Service," presented at the Electric Power Research Institute's "Innovations in Pricing and Planning" conference, May 3, 1990.
- "Assessing the Benefits of Interruptible Electric Service," presented at the 1989 Michigan Energy Conference, October 3, 1989.
- "Principles of Standby Service," published in *Public Utilities Fortnightly*, November 24, 1988.
- "Progress in Conservation," a satirical commentary published in *Public Utilities Fortnightly*, October 27, 1988.
- "Comparing Utility Rates," published in *Public Utilities Fortnightly*, November 13, 1986.
- "Uncertainty in Load Forecasting," with co-author John Sangregorio, published in *Approaches to Load Forecasting*, Electric Power Research Institute, July 1982.



**PREVIOUS TESTIMONY:**

- Michigan Public Service Commission, U-17473
- Michigan Public Service Commission, U-17087
- Michigan Public Service Commission, U-17032
- Michigan Public Service Commission, U-16794
- Michigan Public Service Commission, U-16566
- Michigan Public Service Commission, U-16472
- Michigan Public Service Commission, U-16191
- Michigan Public Service Commission, U-15768.
- Michigan Public Service Commission, U-15744.
- Federal Energy Regulatory Commission, Docket No. EL04-135 & related dockets.
- Michigan Public Service Commission, U-12489.
- Michigan Public Service Commission, U-8871.
- Michigan Public Service Commission, U-8110 part 2.
- Michigan Public Service Commission, U-8110, part 1.
- Michigan Public Service Commission, U-7930 rehearing.
- Michigan Public Service Commission, U-7930.

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

\*\*\*\*\*

In the matter of the application of )  
CONSUMERS ENERGY COMPANY )  
for approval of a Certificate of Necessity )  
for the Thetford Generating Plant )  
pursuant to MCL 460.6s and for related )  
accounting and ratemaking authorizations. )  
\_\_\_\_\_ )

Case U-17429

PROOF OF SERVICE

STATE OF MICHIGAN )  
 ) ss.  
COUNTY OF INGHAM )

Monica Robinson, the undersigned, being first duly sworn, deposes and says that she is a Legal Secretary at Varnum LLP and that on the 28th day of October, 2013, she served a copy of the Testimony and Exhibit of Alexander J. Zakem on behalf of Energy Michigan upon those individuals listed on the attached Service List by email at their last known addresses.

\_\_\_\_\_  
Monica Robinson

Service List U-17429

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