



Louisiana Public Service Commission

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June 28, 2024

VIA HAND DELIVERY

Ms. Terri Bordelon
Louisiana Public Service Commission
Records and Recordings
602 N. Fifth St.
Galvez Bldg, 12th Fl.
Baton Rouge, LA 7082

Re: Docket No. U-37134, 1803 Electric Cooperative, Inc., Beauregard Electric Cooperative, Inc., Claiborne Electric Cooperative, Inc., Northeast Louisiana Power Cooperative, Inc., South Louisiana Electric Cooperative Association, and Washington-St. Tammany Electric Cooperative, Inc., ex parte. In re: Joint Request for Non-Opposition to an asset transfer by 1803 Member Cooperatives to 1803 and for operation of same by 1803.

Dear Ms. Bordelon:

Please find enclosed for filing into the above-referenced matter the *Direct Testimony and Exhibit of Phil Hayet on behalf of Louisiana Public Service Commission Staff*. A confidential version of this testimony is being provided under seal.

Thank you for your assistance in this matter. Should you have any questions please do not hesitate to contact me.

Sincerely,

Arvind Viswanathan
Staff Attorney

Encl. cc.: Service List (via email)

DIRECT TESTIMONY

PHILIP HAYET

ON BEHALF OF

THE LOUISIANA PUBLIC SERVICE COMMISSION STAFF

DOCKET NO. U-37134

PUBLIC REDACTED

I. INTRODUCTION

Q. STATE YOUR NAME, BUSINESS ADDRESS AND OCCUPATION.

A. My name is Philip Hayet, and I am a Vice President and Principal of J. Kennedy and Associates, Inc. ("Kennedy"). My business address is 570 Colonial Park Drive, Suite 305, Roswell, Georgia, 30075.

Q. DESCRIBE YOUR EDUCATIONAL BACKGROUND AND PROFESSIONAL EXPERIENCE.

A. I received a Bachelor of Science degree in Electrical Engineering from Purdue University, and a Master of Science degree from the Georgia Institute of Technology, with a specialization in Power Systems Analysis. I have over 40 years of experience in the electric utility industry, and have worked in the areas of resource planning, economic analysis, generation operations, rate analysis, and utility policy analysis. I was employed from 1979 to 1996 by Energy Management Associates ("EMA," now known as Hitachi Energy), and I supported clients in their use of the PROMOD IV™ ("PROMOD") and STRATEGIST software models.¹ In 1996, I founded Hayet Power Systems Consulting

¹ PROMOD is a detailed hourly probabilistic production cost model, and STRATEGIST is a long-term resource optimization planning model.

1 (“HPSC”) and offered consulting services to United States and international-based clients.

2 In addition to working for HPSC, in 2000, I began working for Kennedy. In 2015, HPSC
3 and Kennedy combined, and I became a Principal of the merged company. A summary of
4 my education, work experience, and expert testimony appearances is included in Exhibit
5 PMH-1.

6 **Q. ON WHOSE BEHALF DO YOU PROVIDE THIS TESTIMONY?**

7 A. I am testifying on behalf of the Louisiana Public Service Commission (“LPSC”) Staff.

8 **Q. HAVE YOU PREVIOUSLY TESTIFIED BEFORE THE LOUISIANA PUBLIC**
9 **SERVICE COMMISSION (“LPSC”)?**

10 A. Yes, I have testified in numerous cases at the LPSC since around 2000, in proceedings that
11 have involved LPSC jurisdictional electric utilities. Examples include, in January 2019, I
12 testified in Entergy Louisiana LLC’s (“Entergy”) request for certification of the LA3 West
13 Baton Rouge LLC Solar Facility (Docket No. U-34836), in May 2019, I testified in
14 Entergy’s Application for Authorization to Make Available Experimental Renewable
15 Option and Rate Schedule ERO (Docket No. U-35019), and in October 2021, I testified in
16 1803 Electric Cooperative, Inc.’s (“1803” or the “Company”) certification proceeding for
17 the approval of a series of power purchase agreements (“PPAs”) that will begin in 2025
18 (Docket No. U-35927). In February 2024, I testified in 1803’s Application for Approval of
19 Calpine Capacity Purchase Agreement and for Cost Recovery (Docket No. U-36974). I
20 have also testified on several occasions for the LPSC at the Federal Energy Regulatory
21 Commission (“FERC”) regarding Entergy System Agreement matters. Finally, I have
22 testified as an expert witness in other states, including Georgia, Indiana, Kentucky, South
23 Carolina, Minnesota, Utah, West Virginia, Wisconsin, and Wyoming.

1 **Q. WHAT IS THE PURPOSE OF YOUR DIRECT TESTIMONY IN THIS**
2 **PROCEEDING?**

3 A. The purpose of my testimony is to discuss Kennedy's review of 1803's *Petition for*
4 *Approval of Asset Transfer by 1803 Member Cooperatives to 1803 and Operation of*
5 *Transmission Facilities by 1803* (the "Transaction") that was filed March 13, 2024. In
6 addition, I address 1803's Prayer for Relief requests that were included in 1803's Petition.

7 **Q. WHAT ATTACHMENTS TO 1803'S PETITION HAVE YOU REVIEWED?**

8 A. I reviewed the following attachments:

- 9 • Exhibit A – 18-Point Analysis.
- 10 • The Direct Testimony of Mr. Brian W. Hobbs, Chief Executive Officer ("CEO") of
11 1803, and his Confidential Exhibit BWH-1, that contained the Second Amendment
12 to the Wholesale Power Contract ("Amendment") between 1803 and the 1803
13 Cooperatives.
- 14 • The Direct Testimony of Mr. Ronald Repsher, Chief Operating Officer ("COO") and
15 his Public and Confidential Exhibits RR-1 and RR-2, respectively, which contained
16 the Asset Lists.
- 17 • The Direct Testimony of Mr. Dane Hocott, General Manager and CEO of
18 Washington-St. Tammany Electric Cooperative ("WST").

19 **II. 1803'S PRAYER FOR RELIEF REQUESTS**

20 **Q. WHAT IS 1803 REQUESTING IN THIS PROCEEDING?**

21 A. 1803 is seeking approval of the Transaction to transfer ownership of certain high voltage
22 assets and facilities² from the 1803 Cooperatives ("Cooperatives"),³ which 1803 will then
23 own and manage on behalf of the Cooperatives. The assets are either currently owned and

² 1803 states the assets and facilities include, without limitation, the high side of substations, delivery points, meter points, certain electric lines, meters and equipment associated with meters, and such similar assets (collectively the "Assets").

³ The Cooperatives include Beauregard Beauregard Electric Cooperative, Inc. ("BECi"), Claiborne Electric Cooperative, Inc. (Claiborne"), Northeast Louisiana Power Cooperative, Inc. (NELPCO"), South Louisiana Electric Cooperative Association ("SLECA"), and Washington-St. Tammany Electric Cooperative, Inc. ("WST"). NELPCO will begin receiving service from 1803 on 1/1/2025, all the rest will begin on 4/1/2025.

1 operated by Louisiana Generating LLC (“LaGen”, a subsidiary of Cleco Cajun),⁴ or
2 directly by the Cooperatives, who individually contract with third parties to provide
3 services and activities required to operate the assets. In accordance with the Power Supply
4 and Service Agreements (“PSSAs”) in effect between the Cooperatives and LaGen, the
5 LaGen assets will transfer to the Cooperatives upon termination of the PSSAs, beginning
6 in 2025 when 1803 begins to provide wholesale power supply to the Cooperatives. The
7 Transaction will transfer ownership and management responsibilities of the high voltage
8 assets and facilities directly to 1803,⁵ and will result in 1803 taking on all transmission
9 responsibilities for the Cooperatives, including operations and maintenance of the assets,
10 operating a NERC certified transmission operations control desk, coordination with other
11 transmission operators, coordination with MISO, and compliance obligations associated
12 with NERC/SERC.⁶

13 1803 has stated the assets will be transferred either at a net book value or at zero
14 cost.⁷ In an effort to consolidate responsibility for owning, managing, and maintaining the
15 assets, the Cooperatives and 1803 have determined it would be in the Cooperative’s
16 customer’s best interests to enter into this Transaction, and the Cooperatives and 1803 have
17 each signed the Amendment. 1803 is seeking Commission approval of the Amendment and
18 1803’s Prayer for Relief requests.

19 **Q. PLEASE DESCRIBE THE AMENDMENT.**

⁴ LaGen was a subsidiary of Cleco Cajun LLC, which in turn was owned by Cleco Corporation. According to a press release (www.cleco.com/media/press-releases/detail/2023/11/30/cleco-announces-sale-of-cleco-cajun-assets), Cleco Cajun’s assets and wholesale contracts were sold to Atlas Capital Resources IV LP (“Atlas”) on November 30, 2023.

⁵ The plan is that all of the assets owned by LaGen will transfer directly to 1803, rather than to the Cooperatives first, and then to 1803 thereafter.

⁶ Direct Testimony of Brian Hobbs, Docket No. U-37134, March 13, 2024, p. 7, l. 15.

⁷ 1803 response to LPSC Staff Request No. 1-4b.

1 A. The Amendment effectuates the Transaction, and a separate Amendment is provided in
2 1803's Exhibit A to the Petition for each Cooperative. The Amendment appears to be
3 identical with the exception of a unique Exhibit for each Cooperative listing the
4 Cooperatives' assets that will transfer to 1803. The Amendment adds a new paragraph
5 ("b") to Section 3 of the Wholesale Power Contract between 1803 and the Cooperatives,
6 which contains the language that transfers the assets from the Cooperatives to 1803.
7 Section 3b also contains a provision that provides for the assets to revert back to the
8 Cooperative "[REDACTED]
9 [REDACTED]
10 [REDACTED]" The Amendments were all signed between the [REDACTED]
11 [REDACTED]

12 **Q. WHAT ARE 1803'S PRAYER FOR RELIEF REQUESTS IN 1803'S PETITION?**

13 A. Page 7 of 1803's Petition contains the following Prayer for Relief requests seeking
14 Commission approval orders for the following items, repeated here for convenience:

- 15 1. Approving the proposed Transaction between 1803 and the 1803
16 Cooperatives pursuant to the Commission's General Order dated March 18,
17 1994, *In re: Commission Approval Required of Sales, Leases, Mergers,*
18 *Consolidations, Stock Transfers, and All Other Changes of Ownership or*
19 *Control of Public Utilities Subject to Commission Jurisdiction* as meeting the
20 burden of the 18-point analysis provided for therein, as well as any other
21 applicable statute or LPSC order or regulation, finding this Transaction to be
22 in the public interest;
- 23 2. Approving the Amendment between 1803 and each 1803 Cooperative;
- 24 3. Finding that 1803 has complied with the LPSC's general orders and
25 requirements related to the requests made herein;
- 26 4. Declaring that all costs associated with this transaction be deemed eligible for
27 rate recovery by 1803 subject to 1803's affirmative obligation to prudently

1 manage the transaction and assets for the benefit of the 1803 Cooperatives
2 and their members;

3 5. Finding, as provided in the LPSC's General Order dated August 31, 1992,
4 that the confidential direct testimony, exhibits, and other materials referenced
5 in the Application shall be exempt from public disclosure pursuant to such
6 General Order and Rule 12.1 of the LPSC's Rules of Practice and Procedure;

7 6. Directing that the period for interventions and protests be shortened to fifteen
8 (15) days and that, to the extent practical, a scheduling conference be held the
9 week of, or the week following, the close of the intervention period;

10 7. Developing and implementing a procedural schedule as considered
11 appropriate for timely and expedited treatment; and

12 8. Ordering such other general and equitable relief as to which 1803 may show
13 itself so entitled.

14 I address items 1-4 in this testimony. I do not take a position on items 5-8, as those items
15 are procedural items that 1803 is concerned with that relate to confidentiality, intervention
16 period, procedural schedule, and general and equitable relief.

17 **Q. 1803'S FIRST REQUEST SEEKS APPROVAL OF THE PROPOSED**
18 **TRANSACTION PURSUANT TO THE COMMISSION'S MARCH 18, 1994**
19 **GENERAL ORDER AS MEETING THE BURDEN OF THE 18-POINT ANALYSIS**
20 **PROVIDED FOR THEREIN, AND A FINDING THAT THE TRANSACTION IS IN**
21 **THE PUBLIC INTEREST. DO YOU RECOMMEND THE COMMISSION**
22 **APPROVE THE PROPOSED TRANSACTION AS 1803 REQUESTED?**

23 **A.** Ultimately, I do recommend the Commission approve the proposed Transaction; however,
24 a decision regarding whether the Transaction is in the public interest requires consideration
25 of the Commission's 18-Point Analysis. The 18-Point Analysis requirement came about in
26 a Commission Order ("Asset Order") dated March 18, 1994, which concerned the LPSC's
27 requirement that Commission approval be sought by jurisdictional utilities for sales, leases,

1 mergers, consolidations, stock transfers, and other changes of ownership or control of
2 Public Utilities.

3 **Q. PLEASE DISCUSS 1803'S RESPONSE TO THE 18-POINT ANALYSIS.**

4 **A.** The following is a review of 1803's response to the 18-Point Analysis, and it includes my
5 additional observations.

6 1. **Whether the transfer is in the public interest** – My understanding is that LaGen is
7 unwilling to provide asset management services, now that it will no longer supply
8 energy to the Cooperatives; therefore, the Transaction will place 1803 in the role of
9 managing the transmission assets for the Cooperatives. Another alternative that was
10 considered was for the individual Cooperatives to take over management of their
11 individual assets, though that was determined to be less cost-effective compared to
12 1803 managing the assets. The transfer will offer central coordination of the assets,
13 resulting in considerable efficiency that will save the Cooperative customers money
14 in the form of lower rates. Another option would be for a third party to be hired for
15 management of the assets, however, capital investments will have to be made, and the
16 third party's cost of financing would likely be considerably higher than 1803's, given
17 1803's not-for-profit status. Furthermore, 1803's management team, including
18 Company Witnesses Hobbs and Repsher have provided information concerning their
19 backgrounds, which demonstrate they both have a long history of management
20 responsibilities working with Cooperatives that own significant transmission assets.
21 Mr. Hobbs states that he has extensive experience at an executive level managing
22 transmission assets, having spent 40 years working for Western Farmers Electric
23 Cooperative that serves parts of Oklahoma, Texas, Kansas and New Mexico and owns

1 over 3,800 miles of transmission.⁸ Mr. Repsher states that he worked for 20 years at
2 Cooperative Energy, a Mississippi Generation and Transmission (“G&T”) that serves
3 11 member distribution Cooperatives, and most recently at Big Rivers Electric
4 Corporation (“Big Rivers”), which is based in Kentucky and serves three member
5 distribution Cooperatives. Mr. Repsher served as Vice President of Energy Services
6 at Big Rivers, and states he provided senior leadership for transmission operations,
7 and has experience working with the Midcontinent Independent System Operator
8 (“MISO”) System.⁹ These points have led me to conclude that the Transaction is in
9 the public interest; however, I do have some conditions/recommendations, which I
10 discuss at the conclusion of the testimony.

11 2. **Whether the purchaser is ready, willing, and able to continue providing safe,**
12 **reliable, and adequate service to the utility’s ratepayers** – 1803 states it is has the
13 expertise required to take on the responsibility of owning, operating, and managing
14 the Assets, and that it is familiar with the available options for consulting and
15 contracting services for the Assets.¹⁰ As an example, 1803 has hired a well-known
16 national consulting firm, [REDACTED],
17 to perform a Transmission Asset Life Assessment Study, dated [REDACTED], which
18 1803 provided in response to LPSC 1-8. The study was performed by a subsidiary of
19 [REDACTED].¹¹ The purpose of the study was [REDACTED]
20 [REDACTED]

⁸ Id at p. 8, l. 21 – p. 9, l. 6.

⁹ Direct Testimony of Ron Repsher, p. 3, par. 14 – p. 4, l. 4.

¹⁰ 1803’s Exhibit A to Petition, 18-Point Analysis, p. 3, point 2.

¹¹ [REDACTED] has a consulting and technology focus and complements [REDACTED] architectural,
engineering and consulting practice. [REDACTED]

1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]¹² I am familiar with [REDACTED]
5 [REDACTED] and am aware they are well respected in the industry for performing
6 equipment assessments and other work for utilities, and it appears they have
7 reasonably structured an analysis of the Assets. Mr. Repsher's testimony discusses
8 1803's plan for ownership, operation, and maintenance of the Assets, which includes
9 becoming a registered transmission owner ("TO") in MISO, conducting forward
10 planning for the transmission assets, performing control center functions,
11 implementing a preventative maintenance program for the Assets, and performing
12 capital replacements of aging or failing equipment.

13 All of these actions provide evidence that 1803 is taking reasonable steps to be
14 able to "continue providing safe, reliable, and adequate service to the utility's
15 ratepayers." However, there is still a lot of work that 1803 has to complete in a short
16 period of time, and 1803 will need to execute well on its plans on a timely basis. 1803
17 should be transparent about how it plans to complete all required work by the
18 December 31, 2024 deadline when 1803 will take over on power supply
19 responsibilities and transmission management duties.

20 Furthermore, 1803 has not been entirely forthcoming about identifying its plans
21 and costs, which have been revealed on a piecemeal basis. For example, the full extent
22 of all of the costs involved in this transaction were not known at the time 1803 filed

¹² 1803 response to LPSC Request No. 1-8a.

1 its testimony on March 13, 2024, or before that.¹³ At the time 1803 filed testimony, it
2 identified \$ [REDACTED] in costs associated with the Transaction; however, 1803 did
3 not make clear those costs were only for the LaGen assets. The Cooperatives also plan
4 to transfer assets that they currently own and manage, and the costs of those assets
5 were provided in a transmittal on May 17, 2024, amounting to an additional cost of
6 \$ [REDACTED]. In addition 1803 will be responsible for capital investments, both over
7 the long-term, as well as the near term. 1803's long-term estimated [REDACTED]
8 [REDACTED] for capital investment was only revealed in its response to Staff's
9 discovery Request No. 1-8(b), which provided the Transmission Asset Life
10 Assessment Study, as discussed above. Finally, 1803's near-term estimated [REDACTED]
11 [REDACTED] for capital investment was only revealed in its response to Staff's
12 discovery Request No. 1-8(b), in which 1803 provided a Construction Work Plan
13 ("CWP") associated with its efforts to obtain financing for its asset purchase costs and
14 near-term capital investment plans.

15 That aside, 1803 has stated it is prepared to own, operate and manage the
16 assets,¹⁴ and has identified efficiency benefits, as discussed previously. The
17 Transaction is important and necessary to the on-going operation of the Cooperatives,
18 and as such, 1803's Transaction request should be approved. I also provide
19 conditions/recommendations at the end of this testimony.

20 **3. Whether the transfer will maintain or improve the financial condition of the**
21 **resulting public utility** – 1803 explains that it is member-owned and thus will

¹³ 1803's plans did not include managing transmission operations at the time of Certification.

¹⁴ 1803 Petition for Approval of Asset Transfer by 1803 Member Cooperatives to 1803 and Operation of Transmission Facilities by 1803, Exhibit A – 18-Point Analysis, Point 2.

1 “optimize reliability while controlling costs,” which will provide financial benefits to
2 its members. 1803 states that its cost of financing is lower for capital investment,
3 compared to third parties it would otherwise have to contract with.¹⁵ 1803 also notes
4 that as a “not-for-profit rural electric cooperative, it is eligible for FEMA recovery,”
5 when necessary, which 1803 notes is a “significant benefit to rural electric cooperative
6 end-use consumer members.”¹⁶

- 7 **4. Whether the proposed transfer will maintain or improve the quality of service to**
8 **public utility ratepayers** – 1803 does not expect the transfer of the Assets would have
9 a negative impact on quality of service to customers, as the same or improved
10 management of the assets would likely take place once 1803 acquires the assets. This
11 seems reasonable as long as 1803 executes properly on the plans it has laid out.
- 12 **5. Whether the transfer will provide net benefits to ratepayers in both the short**
13 **term and the long term and provide a ratemaking method that will ensure, to the**
14 **fullest extent possible, that ratepayers will receive the forecasted short and long**
15 **term benefit** – 1803 strongly asserts that being in control of its Assets will be
16 beneficial for the Cooperatives and their customers, particularly over the long-term. It
17 is reasonable that 1803 would want to be in control of the Assets, as that would
18 completely align with customer’s interests as opposed to having to rely on a third
19 party, not regulated by the LPSC. However, the Commission should ensure that the
20 Member Cooperative customers do not pay twice for the same assets presently owned
21 by the Member Cooperatives, once through their present rates and then a second time

¹⁵ Direct Testimony of Brian Hobbs, p. 11, l. 2 – l. 5.

¹⁶ 1803 Response to Staff 1-15.

1 through increases in those rates due to the increased costs imposed by 1803 on the
2 Member Cooperatives through the updated 1803 wholesale tariff rate.

3 6. **Whether the transfer will adversely affect competition** – This Transaction would
4 not affect competition and therefore it is not a relevant issue for this Transaction.

5 7. **Whether the transfer will maintain or improve the quality of management of the**
6 **resulting public utility or common carrier doing business in the State** – 1803 states
7 there will be no change in 1803's management structure as a result of the Transaction,
8 however, 1803 does expect the quality of management of the Assets will improve as
9 the management of the Assets will be placed under 1803's direct control and the Assets
10 will be managed exclusively for the benefit of the Cooperative's customers.

11 8. **Whether the transfer will be fair and reasonable to the affected public utility or**
12 **common carrier employees** – 1803 expects the Transaction will not affect the
13 Cooperatives employees, and will result in increased employment at 1803.

14 9. **Whether the transfer would be fair and reasonable to the majority of all affected**
15 **public utility or common carrier shareholders** – 1803 is a not-for-profit
16 Cooperative and does not have shareholders. The Transaction is intended to benefit
17 1803's Cooperative members.

18 10. **Whether the transfer will be beneficial on an overall basis to State and local**
19 **economies and to the communities in the area served by the public utility or**
20 **common carrier** – 1803 expects there would be benefits to the State and local
21 communities based on the stability that would be provided by 1803 managing the
22 Assets.

1 **11. Whether the transfer will preserve the jurisdiction of the Commission and the**
2 **ability of the Commission to effectively regulate and audit public utility's or**
3 **common carrier's operations in the State** – The Transaction will enhance the
4 jurisdiction of the Commission, as currently LaGen provides services to the
5 Cooperatives on an unregulated basis, and when the Assets are transferred, they will
6 be under 1803's control, which is fully regulated by the Commission.

7 **12. Whether conditions are necessary to prevent adverse consequences which may**
8 **result from the transfer** – 1803 Witness Hobbs states, "1803 and the 1803
9 Cooperatives do not foresee any adverse consequences as a result of the proposed
10 transaction."¹⁷ 1803 also states that "[w]ithout 1803's involvement, most of these
11 assets will return to the respective Member Cooperative who has little or no experience
12 in operating, maintaining, interacting with MISO, and reliability compliance as it
13 relates to these assets."¹⁸ I agree with 1803, however, I emphasize the point that 1803
14 must properly execute its plans, otherwise it seems reasonable to assume that adverse
15 results could occur. As mentioned above, the Commission should ensure that the
16 Member Cooperative customers are not charged twice for the costs of the same assets
17 presently recovered in the Member Cooperative rates. With this and the other
18 condition/recommendation that I discuss at the end of this testimony, I believe 1803's
19 request should be approved.

20 **13. The history of compliance or noncompliance of the proposed acquiring entity or**
21 **principals or affiliates have had with regulatory authorities in this State or other**
22 **jurisdictions** – In evaluating 1803's history of compliance with the Commission, I

¹⁷ Direct Testimony of Brian Hobbs, p. 15, l. 19.

¹⁸ 1803 response to LPSC Staff 1-6.

1 requested 1803 to respond in discovery how it has addressed the conditions the
2 Commission imposed at the time 1803's Portfolio was certified (Commission Order
3 No. U-35972 approved at the January 25, 2022 B&E). 1803's initial response was not
4 on target, but after I followed up, 1803 provided a supplemental response (LPSC Staff
5 1-7 Supplemental) that satisfactorily addressed my discovery request and proved 1803
6 has complied with the LPSC's requirements.

7 **14. Whether the acquiring entity, persons, or corporations have the financial ability**
8 **to operate the public utility or common carrier system and maintain or upgrade**
9 **the quality of the physical system** – 1803 states that its management team is prepared
10 to own, operate and manage the Assets, and 1803 has identified the fact that it will
11 need to finance the asset acquisition. 1803 has not indicated it expects there will be
12 any issues in financing the acquisitions. In response to LPSC Staff 1-9, 1803 indicated
13 that it considered CoBank, National Rural Utilities Cooperative Finance Corporation
14 (CFC), and the United States Department of Agriculture Rural Utilities Service (RUS)
15 to finance the acquisitions, and it stated it has selected RUS as the preferred lender
16 and is currently working with them to secure financing.

17 **15. Whether any repairs and/or improvements are required and the ability of the**
18 **acquiring entity to make those repairs and/or improvements** – See the response to
19 Point 2 above, which discusses the Transmission Asset Life Assessment Study that
20 has been performed by [REDACTED].

21 **16. The ability of the acquiring entity to obtain all necessary health, safety and other**
22 **permits** – 1803 asserts it has the ability to obtain all permits.

1 **17. The manner of financing the transfer and any impact that may have on**
2 **encumbering the assets of the entity and the potential impact on rates** – See the
3 response to Points 5, 12, and 14 above.

4 **18. Whether there are any conditions which should be attached to the proposed**
5 **acquisition** – Yes, I have identified a few conditions/recommendations, which I
6 discuss at the end of this testimony.

7 **Q. 1803’S SECOND PRAYER FOR RELIEF SEEKS APPROVAL FOR THE**
8 **AMENDMENT. DO YOU AGREE WITH THIS?**

9 A. Yes, I do. As mentioned previously, the Amendment effectuates the acquisition of the
10 Assets. While I am not an attorney, I have reviewed the contracts, and I did not identify
11 any issues. However, I noticed two possibly immaterial issues with the contracts. First,
12 1803 should search for the words “Coop Abbreviation” in the Amendment. I believe that
13 should be replaced with the name of the relevant Cooperative. Second, the Amendment
14 refers to both “Exhibit A-2” and “Exhibit 2A.” The Exhibit itself is identified as Exhibit
15 A-2. Again, these issues may be inconsequential, but 1803 may want to be aware of them.

16 **Q. 1803’S THIRD PRAYER FOR RELIEF SEEKS A FINDING THAT 1803 HAS**
17 **COMPLIED WITH THE LPSC’S GENERAL ORDERS AND REQUIREMENTS**
18 **RELATED TO THE REQUESTS MADE HEREIN. DO YOU AGREE THAT 1803**
19 **HAS COMPLIED?**

20 A. Yes, I do agree that 1803 has complied with the LPSC’s general orders and requirements
21 related to the requests made in this docket. 1803 provided a response to the 18-Point
22 Analysis, and I provided my own observations above. As I mentioned, based on my review

1 of the 18-Point Analysis, I do have some conditions/recommendations, which I discuss at
2 the end of this testimony.

3 **Q. 1803'S FOURTH PRAYER FOR RELIEF REQUESTS A DECLARATION THAT**
4 **ALL COSTS ASSOCIATED WITH THIS TRANSACTION BE DEEMED**
5 **ELIGIBLE FOR RATE RECOVERY BY 1803 SUBJECT TO 1803'S**
6 **AFFIRMATIVE OBLIGATION TO PRUDENTLY MANAGE THE**
7 **TRANSACTIONS AND ASSETS FOR THE BENEFIT OF THE 1803**
8 **COOPERATIVES AND THEIR MEMBERS. DO YOU AGREE WITH THIS?**

9 A. Yes, I recommend that 1803's requests be granted, except I clarify that while costs
10 identified in this proceeding may be deemed eligible for cost recovery, the ultimate
11 decisions about cost recovery will be determined in Docket U-37212, Application for
12 Approval of Revisions to Wholesale Formula Rate Tariff, Adjustment Clauses, and
13 Formula Rate Plan, which was filed on May 21, 2024.

14 **Q. DOES THE COMMISSION'S APPROVAL OF THE COMPANY'S REQUEST**
15 **THAT THE COSTS ASSOCIATED WITH THIS TRANSACTION BE DEEMED**
16 **ELIGIBLE FOR RATE RECOVERY DETERMINE THE FORM OR TIMING OF**
17 **RATE RECOVERY FOR THE COMPANY OR THE MEMBER**
18 **COOPERATIVES?**

19 A. No. There are ratemaking effects on both the Company and the Member Cooperatives that
20 are not addressed in this proceeding. The Company will incur increased costs and the
21 Member Cooperatives will benefit from avoided and reduced costs if the transactions are
22 approved and completed.

1 The ratemaking effects on both the Company and Member Cooperatives will be
2 determined in Docket U-37212. 1803 presently has an authorized wholesale formula rate
3 tariff (“WFRT”), which provides recovery of its costs, and the Member Cooperatives also
4 presently have authorized tariffs that provide recovery of their costs, including the costs
5 they incur pursuant to the Company’s wholesale rate tariff.

6 In the Docket U-37212, the Company seeks to significantly modify the presently
7 authorized wholesale rate tariff that will change the form and timing of recovery for costs
8 of transmission and distribution assets. The Commission will determine the form and
9 timing of the costs incurred by the Company and the cost recovery for the Member
10 Cooperatives in that proceeding.

11 **Q. PLEASE SUMMARIZE YOUR CONCLUSIONS AND RECOMMENDATIONS.**

12 A. Overall, Staff believes that 1803’s Petition for Approval of Asset Transfer by 1803
13 Member Cooperatives to 1803 and Operation of Transmission Facilities by 1803 is in the
14 public interest. All of the actions 1803 is taking to acquire, manage, and maintain the
15 Assets provide evidence that 1803 is taking reasonable steps to be able to “continue
16 providing safe, reliable, and adequate service to the utility’s ratepayers.” The assets will
17 have to transfer either to the Cooperatives or to 1803, and 1803 has demonstrated that it
18 would be much more efficient for them to transfer to 1803.

19 However, it bears repeating that there is still a lot of work that 1803 will have to
20 perform before it begins providing service to customers on January 1, 2025, and 1803 will
21 need to execute well on its plans to achieve its goals. 1803 should be transparent about how
22 its plans to complete all required work by the January 1, 2025. The first condition I
23 recommend is in Rebuttal Testimony, 1803 should provide the most up-to-date accounting

1 of the costs that it will incur to acquire all Assets, including those from LaGen and from
2 the Cooperatives, and provide a detailed timeline for the activities that will have to be
3 performed to provide transmission operations and maintenance services both in 2024, and
4 over the near-term between 2025 and 2027, based on the money it is seeking from the RUS
5 as part of the CWP. 1803 should also provide customer rate impacts associated with all of
6 the additional costs it will be incurring over the 2024 to 2027 time period, and 1803 should
7 discuss any challenges that may arise in achieving its goals.

8 The second condition I recommend, is the Commission require 1803 to ensure that
9 the Member Cooperative customers do not pay twice for the same assets presently owned
10 by the Member Cooperatives, once through their present rates and then a second time
11 through increases in those rates due to the increased costs imposed by 1803 on the Member
12 Cooperatives through the updated 1803 WFRT. This condition can be established in this
13 proceeding, and enforced in Docket No. U-37212.

14 The third condition I recommend, is that 1803 confirm Staff's understanding is
15 correct that the assets 1803 is acquiring from either LaGen or the Member Cooperatives
16 will be priced at either a cost of zero or Net Book Value, and any cost recovery 1803 seeks
17 from the Member Cooperatives will be addressed in the WFRT Docket (Docket No.
18 37212), subject to Commission approval.

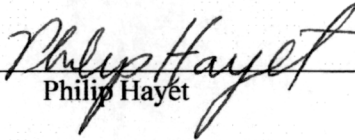
19 **Q. DOES THIS CONCLUDE YOUR TESTIMONY?**

20 **A.** Yes, it does.

AFFIDAVIT

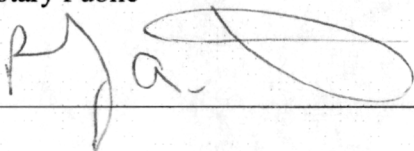
STATE OF GEORGIA)
)
COUNTY OF FULTON)

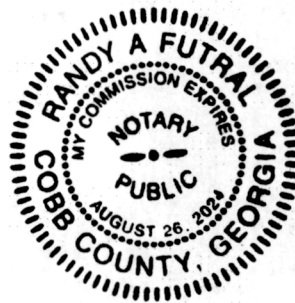
PHILIP HAYET, being duly sworn, deposes and states: that the attached are his sworn Testimony and Exhibits and that the statements contained are true and correct to the best of his knowledge, information, and belief.

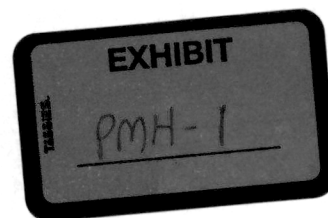

Philip Hayet

Sworn to and subscribed before me on this
28th day of June, 2024.

Notary Public







RESUME OF PHILIP HAYET, VICE PRESIDENT

EDUCATION/CERTIFICATION

M.S., Electrical Engineering, Georgia Institute of Technology, 1980

B.S., Electrical Engineering, Purdue University, 1979

Cooperative Education Certificate, Purdue University, 1979

PROFESSIONAL AFFILIATIONS

National Society of Professional Engineers

Georgia Society of Professional Engineers

Institute of Electrical and Electronic Engineers

EXPERIENCE

Since completing his Master's program, Mr. Hayet worked for fifteen years at Energy Management Associates, now Ventyx, providing consulting services and client service support to electric utility companies for the widely used planning models, PROMOD IV and STRATEGIST. Mr. Hayet had an instrumental role in designing some of the modeling features of those tools including the competitive market modeling logic in STRATEGIST.

In 1995, Mr. Hayet formed the utility consulting firm, Hayet Power Systems Consulting ("HPSC"), and worked for customers in the United States, and internationally in Australia, Japan, Singapore, Malaysia, the United Kingdom, and Vietnam. Mr. Hayet provided consulting services to Public Utility Commissions, Regional Power Pools, State Energy Offices, Consumer Advocate Offices, Electric Utilities, Global Power Developers, and Industrial Companies. Mr. Hayet's expertise covers a number of areas including utility system planning and operations, RTO analysis, market price forecasting, Integrated Resource Planning, renewable resource evaluation, transmission planning, demand-side analysis, and economic analysis.

In 2000, Mr. Hayet also joined the consulting firm of J. Kennedy & Associates, Inc. ("Kennedy and Associates") and assisted on projects that required utility resource planning, analysis, and software modeling expertise. Mr. Hayet merged his firm and became a Vice-President and Principal of Kennedy and Associates in 2015.

Mr. Hayet has conducted numerous consulting studies in the areas of RTO Cost/Benefit Analysis, Renewable Resource Evaluation, Renewable Portfolio Standards Evaluation, Electric Market Price Forecasting, Generating Unit Cost/Benefit Analysis, Integrated Resource Planning, Demand-Side Management, Load Forecasting, Rate Case Analysis and Regulatory Support.

2000 to J. Kennedy and Associates, Inc.
Present: Vice President and Principal

J. KENNEDY AND ASSOCIATES, INC.

RESUME OF PHILIP HAYET, VICE PRESIDENT

- Initially began as Director of Consulting, became Vice President and Principal in 2015
- Managed electric related consulting projects.
- Responsible for business development.
- Clients include Staffs of Public Utility Commissions and other State Agencies, State Energy Offices, Global Power Developers, and Industrial Groups, and large energy users.

**1996 to Present: Hayet Power Systems Consulting
President and Principal**

- Managed electric utility related consulting projects
- Clients include Staffs of Public Utility Commissions and other State Agencies, State Energy Offices, Global Power Developers, and Industrial Groups, and large energy users.

**1991 to 1996: EDS Utilities Division, Atlanta, GA (Now Ventyx)
Lead Consultant, PROSCREEN (Now STRATEGIST) Department**

- Managed a client services software team that supported approximately 75 users of the STRATEGIST electric utility strategic planning software.
- Participated in the development of STRATEGIST's competitive market modeling features and the Network Economy Interchange Module
- Provided client management direction and support, and developed new consulting business opportunities.
- Performed system planning consulting studies including integrated resource planning, DSM analysis, marketing profitability studies, optimal reserve margin analyses, etc.
- Based on experience with PROMOD IV, converted numerous PROMOD IV databases to STRATEGIST, and performed benchmark analyses of the two models.

**1988 to 1991: Energy Management Associates (EMA), Atlanta, GA
Manager, Production Analysis Department**

- Served as Project Manager of a database modeling effort to create an integrated utility operations and generation planning database. Database items were automatically fed into PROMOD IV.
- Supervised and directed a staff of five software developers working with a 4GL database programming language.
- Interfaced with clients to determine system software specifications, and provide ongoing client training and support

RESUME OF PHILIP HAYET, VICE PRESIDENT

1980 to Energy Management Associates (EMA), Atlanta, GA
1988: Senior Consultant, PROMOD IV Department

- Provided client service support to EMA's base of over 70 electric utility customers using the PROMOD IV probabilistic production cost simulation software.
- Provided consulting services in a number of areas including generation resource planning, regulatory support, and benchmarking.

RESUME OF PHILIP HAYET, VICE PRESIDENT

TESTIMONY AND EXPERT WITNESS APPEARANCES

Date	Case	Jurisdiet	Party	Utility	Subject
09/98	97-035-01	UT	Utah Committee for Consumer Services	PacifiCorp	Utah jurisdictional Net Power Costs, PacifiCorp Rate Case Proceeding
07/01	01-035-01	UT	Utah Committee for Consumer Services	PacifiCorp	Utah Jurisdictional Net Power costs in General Rate Case
2001	ER00-2854-000	FERC	Louisiana Public Service Commission	Entergy	Proposed System Agreement Modifications
07/02	02-035-002	UT	Utah Committee for Consumer Services	PacifiCorp	Special contract for industrial consumer
2002/ 2003	U-25888	LA	Louisiana Public Service Commission	Entergy	Investigation of retail issues related to the System Agreement
2003	U-27136 Subdocket A	LA	Louisiana Public Service Commission Staff	Entergy	Aging gas steam-fired retirement study
07/03	EL01-88-000	FERC	Louisiana Public Service Commission	Entergy	Rough production cost equalization proceeding
05/04	03-035-14	UT	Utah Committee for Consumer Services	PacifiCorp	Development of a large QF avoided cost methodology
06/04	18687-U 18688-U	GA	Georgia Public Service Commission Staff	Georgia Power and Savannah Electric	2004 Integrated Resource Planning Studies
08/04	ER03-583-000	FERC	Louisiana Public Service Commission	Entergy	Affiliate power purchase agreements
11/04	03-035-19	UT	Utah Committee for Consumer Services	PacifiCorp	Industrial customer's request for a special economic development tariff
11/04	03-035-38	UT	Utah Committee for Consumer Services	PacifiCorp	Large QF proceeding.
03/05	03-035-14	UT	Utah Committee for Consumer	PacifiCorp	Concerning PacifiCorp's Schedule 38 avoided cost tariff and remaining

RESUME OF PHILIP HAYET, VICE PRESIDENT

Date	Case	Jurisdic	Party	Utility	Subject
			Services		unsubscribed capacity
07/05	03-035-14	UT	Utah Committee for Consumer Services	PacifiCorp	Concerning PacifiCorp's Schedule 38 avoided cost proceeding
12/05	04-035-42	UT	Utah Committee for Consumer Services	PacifiCorp	Net power costs in General Rate Case
04/06	05-035-54	UT	Utah Committee for Consumer Services	PacifiCorp	Certification request to expand Blundell Geothermal Power Station. Related to Mid-American Energy Holding's Acquisition of PacifiCorp
05/06	22403-U	GA	Georgia Public Service Commission Staff	Georgia Power and Savannah Electric	March 2006 fuel cost recovery filing
2006	06-35-01	UT	Utah Committee for Consumer Services	PacifiCorp	2006 rate case, net power costs
08/06	U-21453	LA	Louisiana Public Service Commission Staff	Entergy Gulf States	Jurisdictional separation.
11/06	U-25116	LA	Louisiana Public Service Commission Staff	Entergy Louisiana	Fuel adjustment clause filings
01/07	23540-U	GA	Georgia Public Service Commission Staff	Georgia Power	November 2005 fuel cost recovery filing
04/07	07-035-93	UT	Utah Committee for Consumer Services	PacifiCorp	General Rate Case
06/07	24505-U	GA	Georgia Public Service Commission Staff	Georgia Power	2007 Integrated Resource Planning
10/07	U-30334	LA	Louisiana Public Service Commission Staff	Cleco Power	2008 Short-Term RFP
04/08	26794-U (FCR-20)	GA	Georgia Public Service Commission Staff	Georgia Power	Fuel cost recovery filing

RESUME OF PHILIP HAYET, VICE PRESIDENT

Date	Case	Jurisdiet	Party	Utility	Subject
2008	6630-CE-299	WI	Wisconsin Industrial Energy Group, Inc.	WEPCO	Certification Proceeding for environmental upgrades at Oak Creek power plant
07/08	ER07-956	FERC	Louisiana Public Service Commission	Entergy	2006 rough production cost equalization compliance filing in the System Agreement case
09/08	6680-CE-180	WI	Wisconsin Industrial Energy Group, Inc.	Wisconsin Power and Light	Certification proceeding concerning Nelson-Dewey coal-fired generating unit
11/08	08-1511-E-GI	WV	West Virginia Energy Users Group	Allegheny Power	Fuel cost recovery filing
12/08	27800-U	GA	Georgia Public Service Commission Staff	Georgia Power	Vogtle 3 and 4 nuclear unit certification proceeding
2008	08-035-35	UT	Utah Committee for Consumer Services	PacifiCorp	Chehalis Combine Cycle Power Plant based on a waiver of the RFP solicitation process certification proceeding
07/09	ER08-1056	FERC	Louisiana Public Service Commission	Entergy	2007 rough production cost equalization compliance filing in the System Agreement case
07/09	U-30975	LA	Louisiana Public Service Commission Staff	SWEPCO and Cleco	Application to acquire the Oxbow Mine to supply Dolet Hills Power Station certification proceeding
09/09	E015/PA-09-526	MN	Large Power Intervenor	Minnesota Power	Request for approval to purchase Square Butte's 500 kV DC transmission line, restructure a coal based power purchase agreement
09/09	09-035-23 Direct	UT	Utah Office of Consumer Services	PacifiCorp	2009 rate case, net power costs
10/09	09A-415E	CO	Public Utilities Commission of Colorado	Black Hills/Colorado	CPCN application to construct two LMS 100 natural gas combustion turbine units
10/09	09-035-23 Surrebuttal	UT	Utah Office of Consumer Services	PacifiCorp	2009 rate case, net power costs
12/09	29849-U	GA	Georgia Public Service Commission Staff	Georgia Power	First Semi-Annual Vogtle Construction Monitoring Report

RESUME OF PHILIP HAYET, VICE PRESIDENT

Date	Case	Jurisdiction	Party	Utility	Subject
12/09	ER08-1224	FERC	Louisiana Public Service Commission	Entergy	2008 production costs used to develop bandwidth payments
2009	09-2035-01	UT	Utah Office of Consumer Services	PacifiCorp	2008 IRP
01/10	28945-U	GA	Georgia Public Service Commission Staff	Georgia Power	Fuel cost recovery filing
2010	EL09-61	FERC	Louisiana Public Service Commission	Entergy	System Agreement, individual operating company sales
06/10	29849-U	GA	Georgia Public Service Commission Staff	Georgia Power	Second Semi-Annual Vogtle Construction Monitoring Report
12/10	29849-U	GA	Georgia Public Service Commission Staff	Georgia Power	Third Semi-Annual Vogtle Construction Monitoring Report
01/11	ER09-1350 Direct	FERC	Louisiana Public Service Commission	Entergy	2008 production costs used to develop bandwidth payments
02/11	ER09-1350 Cross-Answering	FERC	Louisiana Public Service Commission	Entergy	2008 production costs used to develop bandwidth payments
04/11	33302-U (FCR-22)	GA	Georgia Public Service Commission Staff	Georgia Power	Fuel cost recovery filing
06/11	29849-U	GA	Georgia Public Service Commission Staff	Georgia Power	Fourth Semi-Annual Vogtle Construction Monitoring Report
09/11	U-31892	LA	Louisiana Public Service Commission Staff	Cleco Power	Settlement agreement, CPCN to upgrade Madison 3 coal unit to accommodate biomass fuel
11/11	26550-U	GA	Georgia Public Service Commission Staff	Georgia Power	Reacquisition of wholesale block capacity
11/11	34218-U	GA	Georgia Public Service Commission Staff	Georgia Power	Decertification of two aging coal units, acquire PPA resources, approve IRP update

RESUME OF PHILIP HAYET, VICE PRESIDENT

Date	Case	Jurisdiction	Party	Utility	Subject
12/11	29849-U	GA	Georgia Public Service Commission Staff	Georgia Power	Fifth Semi-Annual Vogtle Construction Monitoring Report
03/12	U-32148	LA	Louisiana Public Service Commission Staff	Entergy	Change of Control Proceeding to move to Midwest ISO
2012	20000-EA-400-11	WY	Wyoming Industrial Energy Consumers	Rocky Mountain Power	Certification of environmental upgrades at Naughton 3
05/12	35277-U (FCR-23)	GA	Georgia Public Service Commission Staff	Georgia Power	Fuel cost recovery filing
05/12	29849-U	GA	Georgia Public Service Commission Staff	Georgia Power	Sixth Semi-Annual Vogtle Construction Monitoring Report
07/12	2012-00063	KY	Kentucky Industrial Utility Customers, Inc.	Big Rivers	Environmental upgrades in compliance with MATS and CSAPR
09/12	U-32275	LA	Louisiana Public Service Commission Staff	Dixie Electric Member Cooperative	Ten year power supply acquisition certification proceeding
12/12	EL09-61-002 Direct	FERC	Louisiana Public Service Commission	Entergy	Harm calculation, violation of System Agreement
12/12	U-32557	LA	Louisiana Public Service Commission Staff	Entergy	Certification of 28 MW PPA for renewable energy capacity (RAIN waste heat) in accordance with LPSC's Renewable Energy Pilot
12/12	U-29764	LA	Louisiana Public Service Commission Staff	Entergy	Retail proceeding regarding termination of cross-PPAs
12/12	29849-U	GA	Georgia Public Service Commission Staff	Georgia Power	Seventh Semi-Annual Vogtle Construction Monitoring Report
03/13	EL09-61-002 Cross-Answering	FERC	Louisiana Public Service Commission	Entergy	Harm calculation, violation of System Agreement
04/13	2012-00578	KY	Kentucky Industrial Utility Customers, Inc.	Kentucky Power Company	Mitchell Certificate of Public Convenience and Necessity

RESUME OF PHILIP HAYET, VICE PRESIDENT

Date	Case	Jurisdiet	Party	Utility	Subject
05/13	36498-U	GA	Georgia Public Service Commission Staff	Georgia Power	2013 IRP and request to decertify over 2,000 MW of coal-fired capacity
07/13	U-32785	LA	Louisiana Public Service Commission Staff	Entergy	8.5 MW PPA for renewable energy capacity (Agrilectric rice hull) in accordance with LPSC's Renewable Energy Pilot
08/13	29849-U	GA	Georgia Public Service Commission Staff	Georgia Power	Eighth Semi-Annual Vogtle Construction Monitoring Report
10/13	2013-00199	KY	Kentucky Industrial Utility Customers, Inc.	Big Rivers	Base rate case
05/14	13-035-184	UT	Utah Office of Consumer Services	PacifiCorp	2014 General Rate Case, net power cost
06/14	29849-U	GA	Georgia Public Service Commission Staff	Georgia Power	Ninth/Tenth Semi-Annual Vogtle Construction Monitoring Report
07/14	20000-446-EA-14	WY	Wyoming Industrial Energy Consumers	PacifiCorp	2014 General Rate Case, net power cost
08/14	2000-447-EA-14	WY	Wyoming Industrial Energy Consumers	PacifiCorp	2014 Energy Cost Adjustment Mechanism application
08/14	14-035-31	UT	Utah Office of Consumer Services	PacifiCorp	2014 Energy Balancing Adjustment application
09/14	ER13-432	FERC	Louisiana Public Service Commission	Entergy	Allocation of Union Pacific Settlement Agreement benefits
10/14	2014-00225	KY	Kentucky Industrial Utility Customers, Inc.	Kentucky Power	Kentucky Power Company's Fuel Adjustment Clause
12/14	29849-U	GA	Georgia Public Service Commission Staff	Georgia Power	Eleventh Semi-Annual Vogtle Construction Monitoring Report
05/15	14-035-140	UT	Utah Office of Consumer Services	PacifiCorp	Solar and wind capacity contribution avoided cost proceeding.
06/15	29849-U	GA	Georgia Public Service Commission Staff	Georgia Power	Twelfth Semi-Annual Vogtle Construction Monitoring Report

RESUME OF PHILIP HAYET, VICE PRESIDENT

Date	Case	Jurisdic	Party	Utility	Subject
08/15	15-035-03	UT	Utah Office of Consumer Services	PacifiCorp	2015 Energy Balancing Adjustment application
09/15	14-035-114	UT	Utah Office of Consumer Services	PacifiCorp	Cost and Benefits of PacifiCorp's Net Metering Program
11/15	39638-U	GA	Georgia Public Service Commission Staff	Georgia Power	FCR-24 Fuel Cost Recovery Proceeding
11/15	29849-U	GA	Georgia Public Service Commission Staff	Georgia Power	Thirteenth Semi-Annual Vogtle Construction Monitoring Report
5/16	40161	GA	Georgia Public Service Commission Staff	Georgia Power	Georgia Power Company's 2016 IRP and Application for Decertification of Plant Mitchell Units 3, 4A, and 4B, Kraft Unit 1 CT, and Intercession City CT
6/16	29849	GA	Georgia Public Service Commission Staff	Georgia Power	Fourteenth Semi-Annual Vogtle Construction Monitoring Report
8/16	16-035-27	UT	Utah Office of Consumer Services	PacifiCorp	Renewable Energy Services Contract between Rocky Mountain Power and Facebook, Inc
8/16	16-035-01	UT	Utah Office of Consumer Services	PacifiCorp	2016 Energy Balancing Adjustment application
9/16	09-035-15	UT	Utah Office of Consumer Services	PacifiCorp	EBA Pilot Evaluation Direct Testimony
11/16	29849-U	GA	Georgia Public Service Commission Staff	Georgia Power	Fifteenth Semi-Annual Vogtle Construction Monitoring Report
11/16	09-035-15	UT	Utah Office of Consumer Services	PacifiCorp	EBA Pilot Evaluation Rebuttal Testimony
11/16	EL09-61-04	FERC	Louisiana Public Service Commission	Entergy	Violation of System Agreement, Phase III, Harm Calculation, Direct
3/17	EL09-61-04	FERC	Louisiana Public Service Commission	Entergy	Violation of System Agreement, Phase III, Harm Calculation, Rebuttal
6/17	29849-U	GA	Georgia Public Service Commission Staff	Georgia Power	Sixteenth Semi-Annual Vogtle Construction Monitoring Report

RESUME OF PHILIP HAYET, VICE PRESIDENT

Date	Case	Jurisdic	Party	Utility	Subject
9/17	17-035-39	UT	Utah Office of Consumer Services	PacifiCorp	Approval of Resource Decision to Repower Wind Facilities, Direct
11/17	17-035-39	UT	Utah Office of Consumer Services	PacifiCorp	Approval of Resource Decision to Repower Wind Facilities, Surrebuttal
4/18	17-035-39	UT	Utah Office of Consumer Services	PacifiCorp	Approval of Resource Decision to Repower Wind Facilities, Response
4/18	17-035-39	UT	Utah Office of Consumer Services	PacifiCorp	Approval of Resource Decision to Repower Wind Facilities, Rebuttal to Response
12/17	17-035-40	UT	Utah Office of Consumer Services	PacifiCorp	Approval of Resource Decision for New Wind and New Transmission, Direct
1/18	17-035-40	UT	Utah Office of Consumer Services	PacifiCorp	Approval of Resource Decision for New Wind and New Transmission, Rebuttal
4/18	17-035-40	UT	Utah Office of Consumer Services	PacifiCorp	Approval of Resource Decision for New Wind and New Transmission, Second Rebuttal
6/18	29849-U	GA	Georgia Public Service Commission Staff	Georgia Power	Eighteenth Semi-Annual Vogtle Construction Monitoring Report
8/18	Cause 45052	IN	Indiana Coal Council	Vectren Energy Delivery of Indiana	Request for Approval of an 850 MW CCGT Plant
9/18	U-34836	LA	Louisiana Public Service Commission Staff	Entergy Louisiana, LLC	Authorization to Participate in a 50 MW Solar PPA
11/18	29849-U	GA	Georgia Public Service Commission Staff	Georgia Power	Nineteenth Semi-Annual Vogtle Construction Monitoring Report
1/19	U-35019	LA	Louisiana Public Service Commission Staff	Entergy Louisiana	Authorization to Make Available Experimental Renewable Option and Rate Schedule RTO
4/19	42310-U	GA	Georgia Public Service Commission Staff	Georgia Power	Georgia Power's 2019 IRP Proceeding
11/19	29849-U	GA	Georgia Public Service Commission Staff	Georgia Power	Twenty/Twenty-First Semi-Annual Vogtle Construction Monitoring Report

RESUME OF PHILIP HAYET, VICE PRESIDENT

Date	Case	Jurisdiet	Party	Utility	Subject
5/20	43011-U	GA	Georgia Public Service Commission Staff	Georgia Power	Georgia Power Fuel Cost Recovery Application (FCR-25)
6/20	29849-U	GA	Georgia Public Service Commission Staff	Georgia Power	Twenty-Second Semi-Annual Vogtle Construction Monitoring Report
7/20	17-035-61	UT	Utah Office of Consumer Services	Rocky Mountain Power	Approval of an Export Credit Rate for Customer Generators (Primarily Rooftop Solar)
9/20	20-035-04	UT	Utah Office of Consumer Services	Rocky Mountain Power	Utah Rate Case
10/20	2019-226-E	SC	South Carolina Office of Regulatory Services	Dominion Energy South Carolina	Review of DESC's 2020 IRP
10/20	2019-227-E	SC	South Carolina Office of Regulatory Services	Lockhart Power Company	Review of Lockhart Power Company's 2020 IRP
11/20	29849-U	GA	Georgia Public Service Commission Staff	Georgia Power	Twenty-Third Semi-Annual Vogtle Construction Monitoring Report
12/20	20-035-01	UT	Utah Office of Consumer Services	Rocky Mountain Power	Application for Approval of the 2020 Energy Balancing Account
2/21	2019-224 and 225-E	SC	South Carolina Office of Regulatory Services	Duke Energy Carolinas and Duke Energy Progress	Review of Duke Energy's 2020 IRP
6/21	29849-U	GA	Georgia Public Service Commission Staff	Georgia Power	Twenty-Fourth Semi-Annual Vogtle Construction Monitoring Report
9/21	U-35927	LA	Louisiana Public Service Commission	1803 Electric Cooperative	Compliance with MBM Order in Conducting RFP and Acquiring Resources
12/21	29849-U	GA	Georgia Public Service Commission Staff	Georgia Power	Twenty-Fifth Semi-Annual Vogtle Construction Monitoring Report

RESUME OF PHILIP HAYET, VICE PRESIDENT

Date	Case	Jurisdicit	Party	Utility	Subject
5/22	44160-U	GA	Georgia Public Service Commission Staff	Georgia Power	Georgia Power's 2022 IRP Proceeding
6/22	29849-U	GA	Georgia Public Service Commission Staff	Georgia Power	Twenty-Sixth Semi-Annual Vogtle Construction Monitoring Report
12/22	22-035-01	UT	Utah Office of Consumer Services	Rocky Mountain Power	Application for Approval of the 2022 Energy Balancing Account
12/22	2022-259-E	SC	South Carolina Office of Regulatory Services	Dominion Energy South Carolina, Inc.	Mid-Period Adjustment to Increase Base Rates for the Recovery of Electric Fuel Costs
1/23	29849-U	GA	Georgia Public Service Commission Staff	Georgia Power	Twenty-Seventh Semi-Annual Vogtle Construction Monitoring Report
06/23	2023-9-E	SC	South Carolina Office of Regulatory Services	Dominion Energy South Carolina, Inc.	Review of DESC's 2023 IRP
7/23	29849-U	GA	Georgia Public Service Commission Staff	Georgia Power	Twenty-Eighth Semi-Annual Vogtle Construction Monitoring Report
09/23	2023-154-E	SC	South Carolina Office of Regulatory Services	South Carolina Public Service Authority	Review of Santee Cooper's 2023 IRP
11/23	23-0735-E	WV	West Virginia Energy Users Group	Mon Power and Potomac Edison	Expanded Net Energy Cost proceeding.
12/23	U-36974	LA	Louisiana Public Service Commission Staff	1803	Calpine Capacity PPA Certification Proceeding.

ADDITIONAL JUDICIAL PROCEEDINGS AND OTHER PROJECT INFORMATION

- 1995 – 2000 - Modeled the Singapore Power Electricity System and analyzed the benefits of dispatching a new oil-fired unit within the system, BHP Power
- 1995 – 2000 - Modeled the Australian National Energy Market to develop market based energy price forecasts on behalf of an Independent Power Producer in Australia, BHP Power

J. KENNEDY AND ASSOCIATES, INC.

RESUME OF PHILIP HAYET, VICE PRESIDENT

- 1995 – 2000 - Analyzed the benefit of purchasing existing gas-fired steam turbine units within the Australian market, BHP Power
- 1995 – 2000 Developed market price forecasts for South Australia as part of the evaluation of a new gas fired combined cycle unit, BHP Power
- 1995 – 2000 - Modeled the Vietnam Electricity System as part of a project to develop Least Cost Expansion plans for Vietnam, EVN State Utility
- 1995 – 2000 - Assisted in the evaluation of Phu My CCGT power plant in Vietnam, BHP Power
- 1995 – 2000 - Assisted in the development of Market Price Forecasts in several regions of the US. These forecasts were used as the basis for stranded cost estimates, which were filed in testimony in a number of jurisdictions across the country.
- 1995 – 2000 - Conducted research regarding ISO Tariffs and Operations for the PJM Power Pool, the California ISO, and the Midwest ISO on behalf of a Japanese Research.
- 1995 – 2000 - Performed research on numerous electric utility issues for 3 Japanese research organizations. This was primarily related to deregulation issues in the US in anticipation of deregulation being introduced in Japan.
- 1995 – 2000 - Critiqued the IRP filings of 5 utilities in South Carolina on behalf of the South Carolina State Energy Office
- 1999 - Helped to analyze the rate structure and develop an electricity price forecast for the Metropolitan Atlanta Rapid Transit Authority (MARTA) in Atlanta, Georgia
- August 2002 – Expert Report, Civil Action No. 1:00-cv-1262 in the United States District Court for the Middle District of North Carolina, United States v. Duke Energy Corporation, Department of Justice
- 2002 - Worked on behalf of the Utah Committee of Consumer Services to provide guidance and assist in the analysis of PacifiCorp's 2002 Integrated Resource Plan.
- July 2003 - Worked on behalf of the Oregon Public Utility Commission to Audit PacifiCorp's Net Power Costs per a Settlement Agreement accepted by the Public Utility Commission of Oregon in its Order No. 01-787. Audit report in Docket No. UE-116 filed July 2003.
- 2003 - Regulatory support to the Utah Committee of Consumer Services regarding PacifiCorp's 2003 Utah General Rate Case Docket # 03-2035-02.
- 2004 – Assistance to the Utah Committee of Consumer Services to analyze a series of power purchase agreements and special contracts between PacifiCorp and several of its industrial customers.
- 2005 - Worked on behalf of the Utah Committee of Consumer Services to help analyze PacifiCorp's restructuring proposals.

RESUME OF PHILIP HAYET, VICE PRESIDENT

- 2005 - Assisted the Utah Committee of Consumer Services by evaluating PacifiCorp's 2005 IRP and assisted in writing comments that were filed with the Commission.
- 2007 - Assisted the Utah Committee of Consumer Services to evaluate PacifiCorp's 2007 IRP.
- 2007 - Conducted an investigation of the Southern Company interchange accounting and fuel accounting practices on behalf of the Georgia Public Service Commission Staff (Docket 21162-U).
- 2008 - Assisted the Louisiana Public Service Commission Staff with the review and evaluation of Cleco Power's 2008 Short Term RFP and its 2010 Long-Term RFP.
- 2008 - Assisted the Utah Committee of Consumer Services by participating in a collaborative process to develop an avoided cost tariff for large QFs.
- 2008 - Assisted the Louisiana Public Service Commission Staff with a rulemaking for the opportunity to implement a Renewable Portfolio Standard in Louisiana. (Docket No. R-28271 Sub-Docket B)
- April 2011 – Initial Expert Report, Civil Action No. 2:10-cv-13101-BAF-RSW, on behalf of the Department of Justice in US District Court, United States v. Detroit Edison
- June 2011 – Rebuttal Expert Report, Civil Action No. 2:10-cv-13101-BAF-RSW, on behalf of the Department of Justice in US District Court, United States v. Detroit Edison
- 2011 - Assisted the Georgia Public Service Commission Staff to investigate the acquisition of additional coal and combustion turbine capacity currently wholesale capacity (Docket 26550).
- 2012 - Assisted the Louisiana Public Service Commission Staff with a rulemaking to design Integrated Resource Planning ("IRP") rules. (Docket No. R-30021)
- December 2013 – Expert Report, Civil action no. 4:11-cv-00077-RWS, on behalf of the Department of Justice in US District Court, United States v. Ameren Missouri.

PUBLICATIONS AND PRESENTATIONS

Co-authored "Review of EPA's Section 111 May 23, 2023 Proposed Rule for the State of South Carolina", on behalf of South Carolina Office of Regulatory Staff, August 2023.

Co-authored "Review of EPA's Section 111(d) CO₂ Emission Rate Goals for the State of Montana, on behalf of the Montana Large Customer Group, October 2014.

Authored "Singapore's Developing Power Market", which appeared in the July/August 1999 edition of Power Value Magazine

Co-authored "The New Energy Services Industry – Part 1", which appeared in the

RESUME OF PHILIP HAYET, VICE PRESIDENT

January/February 1999 edition of Power Value Magazine.

Co-authored and Presented “Evaluation of a Large Number of Demand-Side Measures in the IRP Process: Florida Power Corporation’s Experience”, Presented at the 3rd International Energy and DSM Conference, Vancouver British Columbia, November 1994

Co-authored “Impact of DSM Program on Delmarva’s Integrated Resource Plan”, Published in the 4th International Energy and DSM Conference Proceedings, held in Berlin, Germany, 1995

Presentation – Law Seminars International, Electric Utility Rate Cases, Case Study of the Louisiana Public Service Commission’s Quick Start Energy Efficiency Program, March 2015.

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as of 6/28/2024**

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