INFORMATION SHEET

PRESIDING: Commissioner Duffley, Presiding; and Commissioners Brown-Bland, Hughes, McKissick, and

Kemerait

PLACE: Dobbs Building, Raleigh, NC DATE: Friday, March 10, 2023 TIME: 10:55 a.m. – 12:55 p.m. DOCKET NOS.: A-41, Sub 22

COMPANY: Bald Head Island Transportation, Inc., and Bald Head Island Transportation, LLC DESCRIPTION: Joint Application of Bald Head Island Transportation, Inc., and Bald Head Island Transportation, LLC, for Approval of Transfer of Common Carrier Certificate to Bald Head Island Ferry

Transportation, LLC, and Permission to Pledge Assets.

VOLUME NUMBER: 8

APPEARANCES

(See attached)

WITNESSES

(See attached)

EXHIBITS

(See attached)

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REPORTED BY: Kaylene Clayton TRANSCRIPT PAGES: 108
DATE FILED: April 13, 2023 PREFILED PAGES: 22
TOTAL PAGES: 130

PLACE: Dobbs Building, Raleigh, North Carolina

DATE: Friday, March 10, 2023

TIME: 10:55 a.m. - 12:55 p.m.

DOCKET NO.: A-41, Sub 22

BEFORE: Commissioner Kimberly W. Duffley, Presiding

Chair Charlotte A. Mitchell

Commissioner Daniel G. Clodfelter

Commissioner Jeffrey A. Hughes

Commissioner Floyd B. McKissick, Jr.

Commissioner Karen M. Kemerait

IN THE MATTER OF:

Joint Application of

Bald Head Island Transportation, Inc., and

Bald Head Island Ferry Transportation, LLC, for

Approval of Transfer of Common Carrier Certificate to

Bald Head Island Ferry Transportation, LLC, and

Permission to Pledge Assets

VOLUME: 8



Session Date: 3/10/2023

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Session Date: 3/10/2023

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NORTH CAROLINA UTILITIES COMMISSION PUBLIC STAFF - APPEARANCE SLIP

DATE: Mar	rch 7, 2023	DOCKET	#: <u>A-41</u>	, Sub 22	
PUBLIC ST	TAFF ATTORNEYS:	Gina C.	Holt an	nd William	Е. Н.
	ST A CONFIDENTIA DRESS BELOW:	L TRANSCR	IPT, PLE	EASE PROVII	E YOUR
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WATER					
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	MEMBER(s) REQUE SIGNED A CONFID OW.				
/s/ Gina					
/s/ Will	iam E. H. Creech	n			

Article 7.

Rates of Public Utilities.

§ 62-133. How rates fixed.

- (a) In fixing the rates for any public utility subject to the provisions of this Chapter, other than bus companies, motor carriers and certain water and sewer utilities, the Commission shall fix such rates as shall be fair both to the public utilities and to the consumer.
 - (b) In fixing such rates, the Commission shall:
 - (1) Ascertain the reasonable original cost or the fair value under G.S. 62-133.1A of the public utility's property used and useful, or to be used and useful within a reasonable time after the test period, in providing the service rendered to the public within the State, less that portion of the cost that has been consumed by previous use recovered by depreciation expense. In addition, construction work in progress may be included in the cost of the public utility's property under any of the following circumstances:
 - a. To the extent the Commission considers inclusion in the public interest and necessary to the financial stability of the utility in question, reasonable and prudent expenditures for construction work in progress may be included, subject to the provisions of subdivision (4a) of this subsection.
 - b. For baseload electric generating facilities, reasonable and prudent expenditures shall be included pursuant to subdivisions (2) or (3) of G.S. 62-110.1(f1), whichever applies, subject to the provisions of subdivision (4a) of this subsection.
 - (1a) Apply the rate of return established under subdivision (4) of this subsection to rights-of-way acquired through agreements with the Department of Transportation pursuant to G.S. 136-19.5(a) if acquisition is consistent with a definite plan to provide service within five years of the date of the agreement and if such right-of-way acquisition will result in benefits to the ratepayers. If a right-of-way is not used within a reasonable time after the expiration of the five-year period, it may be removed from the rate base by the Commission when rates for the public utility are next established under this section.
 - (2) Estimate such public utility's revenue under the present and proposed rates.
 - (3) Ascertain such public utility's reasonable operating expenses, including actual investment currently consumed through reasonable actual depreciation.
 - (4) Fix such rate of return on the cost of the property ascertained pursuant to subdivision (1) of this subsection as will enable the public utility by sound management to produce a fair return for its shareholders, considering changing economic conditions and other factors, including, but not limited to, the inclusion of construction work in progress in the utility's property under sub-subdivision b. of subdivision (1) of this subsection, as they then exist, to maintain its facilities and services in accordance with the reasonable requirements of its customers in the territory covered by its franchise, and to compete in the market for capital funds on terms that are reasonable and that are fair to its customers and to its existing investors.
 - (4a) Require each public utility to discontinue capitalization of the composite carrying cost of capital funds used to finance construction (allowance for funds) on the construction work in progress included in its rate based upon the effective date of the first and each subsequent general rate order issued with respect to it after the effective date of this subsection; allowance for funds may

G.S. 62-133 Page 1

- be capitalized with respect to expenditures for construction work in progress not included in the utility's property upon which the rates were fixed. In determining net operating income for return, the Commission shall not include any capitalized allowance for funds used during construction on the construction work in progress included in the utility's rate base.
- (5) Fix such rates to be charged by the public utility as will earn in addition to reasonable operating expenses ascertained pursuant to subdivision (3) of this subsection the rate of return fixed pursuant to subdivisions (4) and (4a) on the cost of the public utility's property ascertained pursuant to subdivisions (1) and (1a) of this subsection.
- (c) The original cost of the public utility's property, including its construction work in progress, shall be determined as of the end of the test period used in the hearing and the probable future revenues and expenses shall be based on the plant and equipment in operation at that time. If the public utility elects to establish rate base using fair value, the fair value determination of the public utility's property shall be made as provided in G.S. 62-133.1A, and the probable future revenues and expenses shall be based on the plant and equipment in operation at the end of the test period. The test period shall consist of 12 months' historical operating experience prior to the date the rates are proposed to become effective, but the Commission shall consider such relevant, material and competent evidence as may be offered by any party to the proceeding tending to show actual changes in costs, revenues or the cost of the public utility's property used and useful, or to be used and useful within a reasonable time after the test period, in providing the service rendered to the public within this State, including its construction work in progress, which is based upon circumstances and events occurring up to the time the hearing is closed.
- (d) The Commission shall consider all other material facts of record that will enable it to determine what are reasonable and just rates.
- (e) The fixing of a rate of return shall not bar the fixing of a different rate of return in a subsequent proceeding.
 - (f) Repealed by Session Laws 1991, c. 598, s. 7.
 - (g) Reserved.
- (h) Repealed by Session Laws 1998-128, s. 4, effective September 4, 1998. (1899, c. 164, s. 2, subsec. 1; Rev., s. 1104; C.S., s. 1068; 1933, c. 134, s. 8; 1941, c. 97; 1963, c. 1165, s. 1; 1971, c. 1092; 1973, c. 956, s. 1; c. 1041, s. 1; 1975, c. 184, s. 2; 1977, c. 691, ss. 2, 3; 1981, c. 476; 1981 (Reg. Sess., 1982), c. 1197, s. 6; 1985, c. 676, s. 15(2); 1989 (Reg. Sess., 1990), c. 962, s. 4; 1991, c. 598, s. 7; 1998-128, s. 4; 2007-397, s. 8; 2018-51, s. 1.)

G.S. 62-133 Page 2

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NORTH CAROLINA PUBLIC STAFF UTILITIES COMMISSION

September 30, 2010

FILED

SEP 3 0 2010

Clerk's Office
N.C. Utilities Commission

official cop

Ms. Renné C. Vance, Chief Clerk North Carolina Utilities Commission 4325 Mail Service Center Raleigh, North Carolina 27699-4325

Re: Docket No. A-41, Sub 7
Bald Head Island Transportation, Inc.

Dear Ms. Vance:

In connection with the above-captioned docket, I transmit herewith for filing on behalf of the Public Staff, eighteen (18) copies of the following: Testimony of James G. Hoard, Assistant Director, Accounting Division.

By copy of this letter, I am forwarding a copy to all parties of record.

Sincerely,

Dianna W. Downey

Staff Attorney

dianna.downey@psncuc.nc.gov

cc: Parties of Record

Executive Director 733-2435

Communications 733-2810

Economic Research 733-2902 Legal 733-6110

Transportation 733-7766

Accounting 733-4279

Consumer Services 733-9277 Electric 733-2267 Natural Gas 733-4326 Water 733-5610

Taylor Rebuttal Re-Direct Ex. 1 Hoard's Testimony in A-41, Sub 7 filed on 9/30/2010 A-41 Sub 22

DOCKET NO. A-41, SUB 7 SEP 3 0 2010

TESTIMONY OF JAMES G. HOARD

Clerk's Office N.C. Utilities Commission

ON BEHALF OF

THE PUBLIC STAFF - NORTH CAROLINA UTILITIES COMMISSION

September 27, 2010

- 1 Q. PLEASE STATE YOUR NAME, BUSINESS ADDRESS, AND PRESENT
- POSITION.
- 3 A. My name is James G. Hoard, and my business address is 430 North Salisbury
- 4 Street, Raleigh, North Carolina. I am an Assistant Director in the Accounting
- 5 Division of the Public Staff. My qualifications and experience are provided in
- 6 Appendix A.
- 7 Q. PLEASE DESCRIBE THE PURPOSE OF YOUR TESTIMONY IN THIS
- 8 PROCEEDING.
- 9 A. The purpose of my testimony is to discuss the adjustments and computations
- supporting the revenue requirement and rates reflected in the Agreement and
- 11 Stipulation of Settlement (Stipulation) between Bald Head Island Transportation,
- 12 Inc. (BHIT or the Company), and the Public Staff (collectively, the Stipulating
- Parties) filed on September 27, 2010.
- 14 Q. HOW DOES THE RATE INCREASE PROPOSED BY THE COMPANY IN ITS
- 15 APPLICATION COMPARE TO THE RATE INCREASE AGREED TO IN THE
- 16 STIPULATION?

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- 1 A. The Company proposed to increase its present annual level of ferry ticket
- 2 revenue from \$3,368,017 to \$6,135,565, a rate increase of \$2,767,548, or 82.2%.
- The Stipulation reflects an annual increase in revenues of \$1,866,061 or 55.3%.
- 4 Q. PLEASE DESCRIBE THE ORGANIZATION OF YOUR EXHIBITS.

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Schedules 2 through 8.

- 5 A. I am presenting four exhibits. Hoard Exhibit 1 is a computation of the cost of
 6 service and revenue requirement that supports the Stipulation. Schedule 1 of
 7 Exhibit 1 identifies, by issue, the revenue requirement impact of the various
 8 stipulated adjustments on the rate increase proposed by the Company.
 9 Schedule 1A summarizes the various adjustments to rate base and expenses
 10 that are reflected in the Stipulation, and Schedule 1B provides details on the
 11 items composing the stipulated cost of service. Additional details on the pro
 - Hoard Exhibit 2 presents the net operating income for return, rate base, capital structure, and cost of capital information normally included in the Commission's rate case orders. Hoard Exhibit 2 also includes the customer growth adjustment to end of period revenues.

forma adjustments and items that compose the cost of service are provided on

- Hoard Exhibit 3 presents the billing units, rate design assumptions, and other information used to develop the stipulated rates.
- Hoard Exhibit 4 presents the computation of the levelized annual payment reflected in the Stipulation for the Deep Point terminal.

ı		REVENUE REQUIREMENT				
2	Q.	PLEASE EXPLAIN THE ADJUSTMENTS TO THE COMPANY'S PROPOSED				
3		REVENUE REQUIREMENT REFLECTED IN THE STIPULATION.				
4	A.	As presented in Hoard Exhibit 1, the Stipulation reflects adjustments for the				
5		following items:				
6		(a) To include revenues associated with parking.				
7 8		(b) To reflect the gain on the transfer of the Indigo Plantation terminal to non-utility operations.				
9 10		(c) To include the actual net depreciated cost of the Bald Head Island terminal in rate base instead of as an operating lease.				
11 12		(c) To reformulate the lease for the Deep Point terminal as a cost- based lease.				
13 14		(d) To reflect additional revenues associated with intercompany tram transportation provided by BHIT to employees of affiliates.				
15		(e) To update fuel expenses.				
16 17		(f) To remove the Company adjustment that amortizes the balance of the fuel surcharge deferral account.				
18		(g) To update plant and related items to June 30, 2010.				
19		(h) To adjust the management fees.				
20		(i) To amortize revised rate case expenses over five years.				
21		(j) To adjust payroll and payroll taxes to June 30, 2010.				
22		(k) To adjust the capital structure, cost of debt, and return on equity.				
23		Parking Revenues				
24	Q.	PLEASE EXPLAIN THE ADJUSTMENT RELATED TO PARKING REVENUES.				
25	A.	The Stipulation reflects an adjustment that reduces the proposed revenue				
26		requirement to reflect \$523,097 of revenues from the parking facility located at				
27		the Deep Point terminal that is owned and operated by an affiliate of the				

Company, Bald Head Island Limited (Limited). The amount of the parking revenue adjustment reflects a compromise between the Stipulating Parties that considers projected operating results of the parking facility over a period of years. Neither the investment nor the operating expenses associated with the Deep Point parking facilities have been reflected in the revenue requirement computation on a fully rolled-in basis, and thus the entire amount of the parking revenue adjustment results in a direct reduction in the amount of the rate increase. Had the parking facility been reflected in revenue requirement on a fully rolled-in basis, the full amount of parking revenues would have been offset by the pre-tax rate of return on the parking facility rate base investment, depreciation expense, operation and maintenance expenses, property taxes and payroll taxes. In my opinion, the revenue requirement impact of reflecting the parking facility on a fully rolled-in basis would have been considerably less favorable for ratepayers than the stipulated adjustment.

Gain on Transfer of Indigo Plantation

- 16 Q. PLEASE EXPLAIN THE ADJUSTMENT RELATED TO THE GAIN ON THE
 17 TRANSFER OF THE INDIGO PLANTATION TERMINAL.
- The Stipulation reflects an adjustment that reduces revenue requirement by \$73,683 for the gain on the transfer of the former ferry terminal located at Indigo Plantation property from utility to nonutility property. Prior to June 2, 2009, BHIT conducted its ferry operations from facilities located at Indigo Plantation. Hoard Exhibit 1, Schedule 3-1, presents the computation of the \$368,415 gain amount and an adjustment that amortizes the gain over a five-year period.

Bald Head Island Terminal

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- Q. PLEASE EXPLAIN THE ADJUSTMENT RELATED TO THE BALD HEAD
 ISLAND TERMINAL.
- 4 The Company reflected lease expense of \$350,000 for the terminal on Bald Head Α. 5 Island (BHI) pursuant to a lease agreement between BHIT and its affiliate, Limited. The \$350,000 annual amount of the lease payment by BHIT to Limited 6 7 for the BHI terminal that is reflected in the Company's application was 8 determined using an income capitalization approach commonly used by real estate appraisers to determine the market value of real property, where there is 9 10 an income stream (rental value) that can be capitalized. In this particular case, 11 the Company reversed the process and started with the fair market value of the 12 property to determine the income stream or annual lease payment. Under this 13 approach, the lease payments made by the lessee do not reduce the principal of 14 a loan or mortgage that could be eventually paid off. Instead, the lessee makes 15 perpetual payments without ever obtaining an ownership interest in the property.

The Stipulation reflects the inclusion of the BHI terminal in rate base at its depreciated net book value of \$363,503, as computed on Hoard Exhibit 1, Schedule 2-2. The impact of including the terminal in rate base at the rate of return reflected in the Stipulation, in lieu of including the lease payment as an operating expense, is in a reduction in revenue requirement of \$278,438. The treatment of the BHI terminal as a component of rate base, as reflected in the Stipulation, is the method typically used by the Commission to determine the revenue requirement for assets dedicated to the provision of utility service.

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Deep Point Terminal

- 3 Q. PLEASE DESCRIBE THE DEEP POINT FACILITY.
- 4 The Deep Point facility is located on 77 acres along Fort Fisher Ferry Road and Α. 5 the Cape Fear River, in Southport. The facility includes several parking lots, 6 access and entry roads, the terminal building, a channel to the Cape Fear River, 7 a marina basin, the BHIT passenger and contractor ferry landings, a marine 8 maintenance building and pier, a barge landing, and other facilities. The total 9 cost of the facility was \$28.5 million, \$11.8 million of which has been allocated to 10 BHIT. The chart shown below presents the portion of each property type that 11 has been allocated to BHIT.

Property Type	Total	BHIT	BHIT %
Main Ferry Terminal	\$9,086,505	\$7,267,388	79.98%
Contractor Landing	448,080	448,080	100.00%
Marine Mantenance	825,513	586,114	71.00%
Bulkhead & Basin	3,423,955	1,673,470	48.88%
Sitework/Utilities	12,385,366	1,668,807	13.47%
Maintenance Pier	153,819	146,128	95.00%
Land	299,022	22,656	7.58%
Other	1,868,146	-	0.00%
Total Facility	\$28,490,404	\$11,812,643	41.46%

- 13 Q. PLEASE EXPLAIN THE ADJUSTMENT RELATED TO THE DEEP POINT
 14 TERMINAL.
- 15 A. Operating expenses have been increased by \$213,338 to reflect the annual impact of reformulating the lease of the Deep Point terminal as a cost-based lease. The annual amount of the lease payment by BHIT to Limited that is

reflected in the Company's application was determined by the Company using the same income capitalization approach as was employed by the Company for the BHI terminal lease. The Stipulation reflects a reformulation of the Deep Point terminal lease as a levelized cost-based lease for the BHIT portion of the facility. The computation of the levelized payment is presented on Hoard Exhibit 4.

Q. PLEASE EXPLAIN WHY THE TERMINAL HAS NOT BEEN INCLUDED IN RATE
 BASE.

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9 Over the long term, the levelized lease payment for the portion of the terminal Α. 10 allocated to BHIT provides a better match of cost recovery with ridership levels 11 than including that portion in rate base. The terminal is a new, long-lived asset 12 that has been built with a view toward serving a growing customer base for many 13 years into the future. The terminal building has a 40-year depreciable life 14 (though other assets have shorter lives) and was placed in service in June 2009. 15 Consequently, very little depreciation has been recorded on the terminal as of 16 June 30, 2010, and the revenue requirement associated with the unrecovered 17 rate base investment would be relatively large. Including BHIT's allocated 18 portion of the terminal in rate base would result in an annual revenue requirement of \$1,775,241.1 The levelized payment approach results in an 19 20 annual revenue requirement of \$1,178,776, a 34% reduction from the revenue 21 requirement that would have resulted had the terminal been included in rate 22 base. In my opinion, the levelized payment approach results in the transfer of a 23 significant portion of the cost responsibility for the terminal to later periods when

¹ Year 2 revenue requirement as reflected in Hoard Exhibit 4, Schedule 1.

- there should be more paying riders, and consequently a better matching of cost
- 2 recovery with ferry ridership.

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Intercompany Tram Revenues

- 4 Q. PLEASE EXPLAIN THE STIPULATION ADJUSTMENT RELATED TO
- 5 INTERCOMPANY TRAM REVENUES.
- 6 Α. BHIT provides on-island transportation service to employees of affiliates from the 7 BHI terminal to centralized drop-off points near the employees' places of work, 8 and then back again at the end of the work day. The test year reflected \$68,099 9 of revenues to BHIT for these charges. These charges were determined by BHIT 10 based on 2008 tram payroll, benefits, fuel, repairs and maintenance, and 11 departmental operating expenses. The stipulated adjustment reflects these 12 amounts at the full cost of providing the transportation service by including cost 13 elements for the depreciation expense and rate of return related to the trams and 14 shuttles. The Stipulation reflects a \$32,446 pro forma adjustment to increase the 15 amount of BHIT's revenues for these charges to affiliates for this service.

16 Fuel Expenses

- 17 Q. PLEASE EXPLAIN THE ADJUSTMENT TO FUEL EXPENSES.
- A. Fuel expenses have been adjusted to reflect the actual cost to BHIT for diesel fuel during the 12-month period ended June 30, 2010. The Stipulation reflects a diesel price of \$2.53 per gallon as compared to the price of \$2.60 per gallon that was reflected in the Company's application. The total fuel expense amount reflected in the Stipulation is \$661,834, including \$615,745 for fuel used by the ferries. For purposes of the fuel tracker, approved by the Commission in Docket

- No. A-41, Sub 5, a computation of the fuel component of rates \$2.185 is reflected
- on Hoard Exhibit 1, Schedule 4-2.

3 Fuel Surcharge

- 4 Q. PLEASE EXPLAIN THE ADJUSTMENT TO THE FUEL SURCHARGE.
- 5 A. The Stipulating Parties agree that the fuel surcharge should be set to zero and
- that the present fuel tracker account and current quarterly report filed by BHIT
- 7 pursuant to the Commission's December 16, 2008, order in Docket No. A-41,
- 8 Sub 5 should continue. Hoard Exhibit 1, Schedule 3, reflects the removal of the
- 9 Company's adjustment that amortized the balance of the fuel tracker account
- over three years.

11 Plant Updates

- 12 Q. PLEASE EXPLAIN THE ADJUSTMENT TO UPDATE PLANT AND RELATED
- 13 ITEMS.
- 14 A. The Stipulation reflects an adjustment to plant, accumulated depreciation,
- 15 accumulated deferred income taxes, and depreciation expense for plant
- 16 additions, retirements, and additional depreciation accrued through June 30,
- 17 2010. The details of this adjustment are presented on Hoard Exhibit 1, Schedule
- 18 2-1.

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Management Fees

- 20 Q. PLEASE EXPLAIN THE ADJUSTMENT TO THE MANAGEMENT FEE.
- 21 A. The management fee has been adjusted to reflect the ongoing level of expense
- charged by Limited to the Company and Patriot, LLC, the owner of the Patriot
- and Ranger ferries. The management fee for Patriot, LLC, has replaced the

- 1 administrative fee charged by Patriot, LLC, to BHIT pursuant to the lease
- 2 agreement for these vessels. The details of this adjustment are presented on
- 3 Hoard Exhibit 1, Schedule 4-4.

4 Rate Case Expenses

- 5 Q. PLEASE EXPLAIN THE ADJUSTMENT TO RATE CASE EXPENSES.
- 6 A. The Stipulation reflects an adjustment to amortize the Company's rate case
- 7 expenses of \$153,525 over five years. The details of this revised estimate of rate
- 8 case expenses and the related adjustment are presented on Hoard Exhibit 1,
- 9 Schedule 4-5.

10 Payroll and Related Taxes

- 11 Q. PLEASE EXPLAIN THE ADJUSTMENT TO PAYROLL EXPENSES AND
- 12 RELATED TAXES.
- 13 A. Payroll expenses and the related taxes have been decreased to reflect the actual
- amount of these costs for the 12 months ended June 30, 2010. The details of
- the respective payroll and payroll tax elements of this adjustment are presented
- on Hoard Exhibit 1, Schedules 4-1 and 6.

17 Customer Growth

- 18 Q. PLEASE EXPLAIN THE COMPUTATION OF THE END OF PERIOD BILLING
- 19 UNITS AND FERRY TICKET REVENUES REFLECTED IN THE STIPULATION.
- 20 A. The Company reflected the actual ferry ticket (excluding the fuel surcharge)
- revenues of \$3,368,017 for the test year as end of period revenues. Overall ferry
- ridership, on a rolling 12-months ended basis, peaked during 2007 and declined
- throughout 2008 and has only recently begun showing increases for some rate

schedules, while other rate schedules have continued to show declining ridership. The Stipulating Parties have agreed to determine end of period billing units and ferry ticket revenues in the following manner:

- The ridership levels for Class IV Government Employee, Class V-Special Event, Class VI No Frills, Class VIII Corporate Guest, Class XI Annual Pass, Class XII Senior Citizen Pass, and Class XIV Student Ticket, which have continued to show declining ridership, were determined based on the number of riders for the 12-months ended August 31, 2010.
- 2. The ridership levels for the Class I General, Class II Bulk, Class III Group Purchase, Class X Children, Class XIII Excess Baggage, and Class XV Lost Ticket, which have begun to show increases in ridership, were determined by applying a 4.75% annual growth rate to the December 31, 2009 test year number of riders.
- 3. The ridership level for the Class VII Contractor rate schedule was determined based actual ticket sales for the 12 months ended August 31, 2010, reduced by 3,450. Contractor ridership was reduced to adjust for a portion of the ridership on that fare associated with golf course construction on BHI. That golf course construction project has now been completed.

The overall effect of this adjustment is to increase actual test year ferry ticket revenues by \$4,219 to \$3,372,236. The details of this adjustment are presented

- on Hoard Exhibit 2, Schedule 3. Additional details and analysis regarding actual ridership levels is provided in Hoard Exhibit 5.
- 3 Cost of Capital

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- 4 Q. PLEASE IDENTIFY THE COMPONENTS OF THE COST OF CAPITAL THAT
- 5 ARE REFLECTED IN THE STIPULATION.
- 6 A. The Stipulation reflects a capital structure composed of 50% debt and 50% 7 equity. The Stipulated cost of debt is 6.65% and the return on equity is 10%. 8 These capital cost components produce an overall rate of return of 8.33% and 9 pre-tax interest coverage ratio of approximately 3.4 times. For purposes of 10 comparison, the overall rate of return reflected in recent rate orders for other 11 major utilities was PSNC Energy at 8.54% in Docket No. G-5, Sub 495, Piedmont 12 Natural Gas Company, Inc. at 8.55% in Docket No. G-9, Sub 550, Duke Energy Carolinas at 8.38% in Docket No. E-7, Sub 909, and Carolina Pines Utility, Inc. (a 13 14 subsidiary of Utilities, Inc.) at 8.36% in Docket No. W-1151, Sub 5.
 - BHIT's status as a regulated utility presents a unique situation. There are very few ferry operations regulated by state utilities commissions and their cost of capital treatment is not useful for the instant proceeding. There are no known publicly-traded ferry operations. Even among ferry operations, BHIT is unique because it only transports passengers and not vehicles. In addition, as reflected on Mayfield Exhibit 1, Schedule 3(a), the actual capital structure of BHIT at December 31, 2009, was composed of more than 100% intercompany debt, due to a significant amount of accumulated deficits. In view of the uniqueness of BHIT, and in comparison to other regulated utilities in North Carolina, the

Stipulating Parties believe that the cost of capital components and the overall cost rate reflected in the Stipulation is reasonable.

3 RATE DESIGN

- Q. PLEASE IDENTIFY THE TYPES OF CUSTOMERS SERVED AND SERVICES
 PROVIDED BY THE COMPANY.
- 6 A. The Company provides ferry transportation service to year-round residents for 7 whom Bald Head Island is their only residence; part-time residents who own a 8 home elsewhere; property owners; short-term and long-term renters; daily 9 visitors; construction contractors; and employees of affiliated businesses, non-10 affiliated merchants, and the Village of Bald Head Island. In addition, the Company provides baggage handling service; excess baggage service for large 11 12 items such as, golf clubs, kayaks, and bicycles; and on-island tram and shuttle 13 transportation service. From the ferry operations perspective, the characteristics 14 that differentiate customers include the frequency of use by the customer; the 15 season, days, and times that the ferry is used; the need for baggage and/or 16 excess baggage service; and the need for on-island tram or shuttle service.
- 17 Q. PLEASE DESCRIBE THE FACTORS THAT ARE TYPICALLY EMPLOYED BY
 18 THE COMMISSION IN ITS EVALUATION OF RATE DESIGN.
- 19 A. In the design of utility rates, the Commission typically evaluates historical usage 20 and cost data and considers several factors including the following:
- Cost of service.
- Value of service.

Taylor Rebuttal Re-Direct Ex. 1 Hoard's Testimony in A-41, Sub 7 filed on 9/30/2010 A-41 Sub 22

1 Historical rate design and customer impact. 2 Usage or load equalization. Revenue stability. 3 4 Cost of service recognizes that the cost of providing utility service can vary 5 among customers. Depending upon their usage and other service characteristics 6 and the utility's cost structure, some types of customers may contribute more 7 revenue towards the fixed costs of the utility than others. In the case of BHIT, 8 some customers ride the ferry much more frequently than other customers, and 9 therefore contribute much more towards the fixed costs of operating the ferry. 10 Value of service recognizes that the price paid cannot be greater than the cost 11 to the customer of a satisfactory alternative. In the case of BHIT, there are 12 essentially no practical alternatives to the ferry for regular transportation service 13 to and from the island. 14 Historical rate design and customer impact recognizes the effects of past rate 15 design and the anticipated responses to rate increases and changes in rate 16 design. 17 Usage or load equalization recognizes the effect of load valleys and peaks on 18 the utility's costs and the ability of rate design to shift usage, reduce the resources needed at peak times, and lower the unit cost of providing service. 19 20 Revenue stability recognizes that dramatic changes in rate design may 21 adversely affect the ability of the utility to attract new customers and maintain its 22 current customers.

- The appropriate weight to be given these and other factors varies from utility to utility and from case to case, with the goal being to design rates that are just and reasonable without unjust discrimination or unreasonable preferences or advantages.
- Q. PLEASE EXPLAIN HOW THE STIPULATED RATE DESIGN REFLECTS
 CONSIDERATION OF THESE FACTORS.
- 7 A. The stipulated rate design recognizes that price differences between rate classes 8 should reflect the relative characteristics and costs of the services. Frequent 9 users will be allowed to purchase tickets or passes at a discount because they 10 pay relatively more towards the peak load fixed costs of the Company than 11 infrequent users. In addition, customers that purchase tickets in bulk have been 12 allowed a discount in recognition of the cost savings that they provide the 13 Company. Customers who purchase tickets in bulk save the Company money by 14 requiring fewer transactions, which translates into lower administrative costs, and 15 by paying for tickets in-advance, which reduces the Company's working capital 16 requirements.
- 17 Q. PLEASE EXPLAIN THE PROCESS USED TO DEVELOP THE STIPULATED

 18 RATES.
- 19 A. Hoard Exhibit 3 provides the data and other assumptions supporting the stipulated rates. The first step in the process involved the determination of changes to the number and types of rate schedules that the Company should offer. The current rates, except for a few modifications, are the original rates that existed at the time that the Company received its common carrier authority from

the Commission in 1993. My understanding is that the Commission did not evaluate the particulars of the Company's rate design in place at that time. Consequently, this docket is the first time that the Commission has evaluated the overall rate structure of BHIT. The Stipulating Parties have agreed that the following current rate schedules should be eliminated:

- 1. Class IV Government Employees
- 7 2. Class V Special Events

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- 8 3. Class VIII Corporate Guest
- 9 4. Class XII Senior Citizen Annual Pass
- 10 5. Class XV Student Ticket

The second step in the process involved determining the appropriate reclassification adjustments to the end of period billing units that result from the rate schedule changes. Next, the rate design target ratios and rate rebalancing adjustments were determined. This step involved expressing the desired level for each current rate as a ratio relative to the current General fare. The stipulated ferry ticket revenue level was spread across the various rate schedules using the billing units (including the reclassification adjustments) for each rate schedule. Rate rounding adjustments were then applied to the individual rate levels for rate administrative purposes.

- 20 Q. PLEASE EXPLAIN WHY THE PUBLIC STAFF SUPPORTED ELIMINATION OF 21 THE SENIOR CITIZEN ANNUAL PASS.
- 22 A. The Public Staff acknowledges that strong support for continuation of a Senior 23 Citizen Annual Pass was expressed by witnesses at the July 23rd public hearing,

and seriously considered a modest discount (perhaps 10%). The current Senior Citizen Annual Pass provides a 50% discount off the regular Annual Pass. Using the current annual ridership levels for the Senior Citizen Annual Pass and the stipulated rates, it was determined that the Senior Citizen Annual Pass would need to provide at least a 44% discount off the regular Annual Pass to provide the pass-holder a more economical alternative than would be provided by the new Bulk 80 rate. Because of the lack of value and higher upfront cost for a Senior Citizen Annual Pass set at a discount of less than 44%, we did not believe that continuation of the rate class was practical. My analysis of the breakeven point for the Senior Citizen Annual Pass as compared to the Bulk 80 and Bulk 40 fares is provided on Hoard Exhibit 3, Schedule 6.

- 12 Q. PLEASE EXPLAIN THE RATE REBALANCING ADJUSTMENTS.
- A. Company witness Fulton describes the rationale for the rate rebalancing adjustments in his pre-filed testimony. The Stipulation reflects a refinement of the specific amount of the rate rebalancing adjustments for some rates, but the rationales supporting these adjustments remain essentially the same as was discussed by Mr. Fulton.

18 OTHER MATTERS

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- 19 Q. PLEASE EXPLAIN THE PROVISION OF THE STIPULATION RELATED TO
 20 DEPRECIATION RATES.
- 21 A. The Stipulating Parties have agreed that the depreciation rates for regulatory 22 accounting purposes shall, with the exception of certain listed assets, be 23 determined by the Company based on the straight-line method and the life of the

- asset used for federal income tax purposes. The depreciation rates applicable to
 the specific listed assets listed shall be the rates set forth in Exhibit F to the
 Stipulation. In my opinion, this provision clarifies how the Company's
 depreciation expense should be determined for Commission regulatory
 accounting purposes.
- Q. PLEASE EXPLAIN THE PROVISION OF THE STIPULATION RELATED TO
 LEASES.
- A. BHIT has agreed that it shall, within 30 days after Commission entry of an order approving the Stipulation (the Approval Order), file with the Commission amendments to its affiliate agreements with Limited that reflect any changes necessary to conform the affiliate agreements with the Approval Order.
- 12 Q. PLEASE EXPLAIN THE PROVISION OF THE STIPULATION RELATED TO
 13 FINANCIAL REPORTING.

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A. BHIT has agreed to submit to the Commission and Public Staff a quarterly financial report of monthly information within forty-five days after the end of each quarter. The report shall contain a calendar year-to-date income statement in a format presently produced for internal management purposes, information on the Company's month-end balances of plant, accumulated depreciation, and accumulated deferred taxes by plant category, monthly book depreciation expense by plant category, the number of customers by fare class for each month, and the number of tram riders by month. In my opinion, this periodic financial report will allow the Public Staff to perform its regulatory oversight responsibilities more effectively.

- 1 Q. PLEASE EXPLAIN THE PROVISION OF THE STIPULATION RELATED TO
 2 THE COMPANY'S ACCOUNTING POLICIES.
- 3 The Company employs a modified tax-basis of accounting for regulatory A. 4 reporting purposes. The financial statements produced by the Company for 5 internal management purposes are prepared on a tax-basis of accounting. The 6 tax basis financial statements are modified for regulatory reporting purposes to 7 reflect book depreciation expense. The Company agrees that it shall use the 8 same asset capitalization and asset retirement policies for regulatory reporting 9 purposes that it uses for tax purposes. The Stipulation also provides that, 10 consistent with codes of conduct governing transactions between other utilities 11 regulated by the Commission and their unregulated affiliates, charges to the 12 Company from affiliates will be priced at the lower of cost or fair market value 13 and that charges by the Company to affiliates will be priced at the higher of cost 14 or fair market value. In my opinion, this provision clarifies the accounting policies 15 that the Company should use for Commission regulatory accounting purposes.
- 16 Q. DOES THIS CONCLUDE YOUR TESTIMONY?
- 17 A. Yes.

A-41 Sub 22 Appendix A

JAMES G. HOARD

Qualifications and Experience

I graduated from the University of Rhode Island in 1979 with a Bachelor of Science degree in Business Administration. Subsequent to graduation I have completed various economics, statistics, and regulatory courses. I am a Certified Public Accountant and a member of the American Institute of Certified Public Accountants.

I joined the Public Staff as a Staff Accountant in October, 1979, and was promoted to Supervisor of the Electric Section in January 1984. At the end of 1985, I assumed the position of manager in a small regional certified public accounting firm. In that position, I was responsible for financial audits and utility matters involving many of the firm's governmental, electric cooperative, telecommunications, and water and sewer utility In September 1987 I rejoined the Public Staff as Supervisor of the clients. Telecommunications Section, and in March 1991 I became Supervisor of the Natural Gas Section. On August 1, 2000, I was promoted to Assistant Director of the Accounting Division. In my present position, I am responsible for all regulatory accounting matters involving the natural gas, communications, and transportation utilities regulated by the Commission. I have testified before the Commission on many occasions addressing a wide range of topics and issues.

JDT-1R REBUTTAL EXHIBIT A-41 SUB 22

ATRIUM ECONOMICS

CENTERED ON ENERGY

John D. Taylor

Managing Partner

Mr. Taylor has experience with a wide range of costing, ratemaking, and regulatory activities for gas and electric utilities. He has testified numerous times on these and other issues for clients across North America. He has extensive experience with costing and pricing rates and services, regulatory planning and strategy development, revenue recovery and tracking mechanisms, merger and acquisitions analysis, new product and service development, affiliate transaction reviews, line extension policies, market assessments, litigation support, and organizational and operations reviews. He has testified on numerous occasions as an expert witness on costing and ratemaking related issues on behalf of utilities before federal, state, and provincial regulatory bodies and has extensive experience in evaluating and implementing innovative ratemaking approaches and rate design concepts.

He has also testified on return on equity, electric vehicle and battery storage programs, time-of-use rates, and the appropriate use of statistical analysis during audit testing. Mr. Taylor has led engagements relating to gas supply planning and the review of midstream transportation and storage capacity resources. He has worked as the market monitor for New England ISO's capacity market, supported the negotiation of PPAs, and supported feasibility and prudence studies of

EDUCATION

M.A., Economics, American University

B.A., Environmental Economics, University of North Carolina at Asheville

YEARS EXPERIENCE

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RELEVANT EXPERTISE

Utility Costing and Pricing, Expert Witness Testimony, Transaction Facilitation, Revenue Requirements, Statistics, Valuation, Market Studies, Rate Case Management, New Product and Service Development, Strategic Business Planning, Marketing and Sales

generation investments. He has also been involved in selling generating assets and distribution companies, supporting due diligence efforts, financial analyses, and regulatory approval processes.

Mr. Taylor received a master's degree in Economics from American University and holds a bachelor's degree in Environmental Economics from the University of North Carolina at Asheville.

His consulting career includes Managing Partner with Atrium Economics, LLC; Principal Consultant – Advisory & Planning with Black & Veatch Management Consulting, LLC; Senior Project Manager & Principal of Concentric Energy Advisors, Inc.; and CEO of Nova Data Testing, Inc. Mr. Taylor started his career working on Capitol Hill working with NGOs that were seeking Public Private Partnerships with the Federal Government, World Bank, and International Monetary Fund to pursue various projects in developing countries.



EXPERT WITNESS TESTIMONY PRESENTATION

United States

- California Superior Court of California
- Delaware Public Service Commission
- Florida Public Service Commission
- Federal Energy Regulatory Commission
- Illinois Commerce Commission
- Indiana Utility Regulatory Commission
- Maine Public Service Commission
- Massachusetts Department of Public Utilities

Canada

- Alberta Utilities Commission
- British Columbia Utilities Commission
- Ontario Energy Board

- Minnesota Public Utilities Commission
- New Hampshire Public Utilities Commission
- North Carolina Utilities Commission
- Oregon Public Utility Commission
- Pennsylvania Public Utility Commission
- Virginia State Corporation Commission
- Washington Utilities and Transportation Commission
- Public Service Commission of West Virginia

REPRESENTATIVE EXPERIENCE

Rate Design and Regulatory Proceedings

Mr. Taylor has worked on dozens of electric and gas rate cases including the development of revenue requirements, class cost of service studies, and projects related to utility rate design issues. Specifically, he has:

- Lead expert and witness for class costs of service studies across North America and worked on dozens of other class cost of service and rate design projects for other lead witnesses.
- Developed WNA mechanism for a gas utility including back casting results and supporting expert witness testimony and exhibits.
- Developed revenue requirement model to comply with a new performance-based formula ratemaking process for a Midwest electric utility.
- Supported the developed of time of use rates, demand rates, economic development rates, load retention rates, and line extension policies.
- Analyzed and summarized allocation methodology for a shared services company.
- Assessed the reasonableness of costs through various benchmarking efforts.
- Led the effort to collect and organize plant addition documentation for six Midwest utilities associated with the state commission's audit of rate base.
- Supported lead-lag analyses and testimonies.
- Analyzed customer usage profiles to support reclassification of rate classes for a gas utility.
- Helped conduct a marginal cost analysis to support rate design testimony.



JDT-1R REBUTTAL EXHIBIT A-41 SUB 22

Litigation Support and Expert Testimony

Mr. Taylor has testified in several cases on class cost of service studies and statistical audit methods. He has also supported numerous other expert testimonies. Specifically, he has:

- Filed testimony as an expert witness on allocated class cost of service studies for both electric and gas utilities.
- Filed testimony as an expert witness on the application of statistical analysis.
- Filed testimony before FERC on the rate of return for an Annual Transmission Revenue Requirement and participated in FERC settlement conferences.
- Part of two-person expert witness team that provided an expert report to the British Columbia Utilities Commission on the use of facilities for transportation balancing services for Fortis BC.
- Part of two-person expert witness team that provided an expert report on affiliate transactions and capitalized overhead allocations for Hydro One on three separate occasions.
- Sole expert for expert report on affiliate allocations for Alectra utilities, the second largest publicly owned electric utility in North America. This was conducted shortly after the merger of four distinct utilities.
- Sole expert for expert report on the allocation of overhead costs between transmission and distribution businesses for EPCOR.

Transaction Experience

Mr. Taylor has been involved with several generating asset transactions supporting both buy side and sell side analysis and due diligence. His work has included:

- Worked as buy side advisor for a large water utility in the mid-Atlantic region including supporting the review of revenue requirements, rates, and forecasts.
- Helped facilitate and manage processes for a nuclear plant auction by processing Q&A, collecting relevant documentation and managing the virtual data room for auction participants.
- Supported the auction process for steam and chilled water distribution and generation assets in the Midwest.
- Supported the development of a financial model to ascertain the net present value of several competing wholesale power purchase agreements and guided the client with a decision matrix for the qualitative aspects of the offers.
- Provided research on comparable transactions, previous mergers and acquisitions, and potential transaction opportunities for several clients.

Financial Analysis and Market Research

Other financial analysis and market research Mr. Taylor has conducted include:

- Estimated the rate impact and costs associated with moving California energy market to 100% renewable.
- Assessed the consequences of a divestiture on the cost of service model for a New England gas distribution company.
- Developed LNG market studies for two separate utilities and two separate competitive market participants.
- Modeling alternative mechanisms for the allocation of overhead costs to a nuclear plant.

