

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA**

In the Matter of the Application of Black Hills)
Power, Inc. For Authority to Increase Its) DOCKET NO. EL09-018
Electric Rates)

**DIRECT TESTIMONY OF DAVID A. SCHLISSEL
ON BEHALF OF
THE RESIDENTIAL CONSUMERS COALITION
(Bobbie Handley, Liliias Jarding, Carla Kock, and
the South Dakota Peace and Justice Center)**

**PUBLIC VERSION
PROTECTED MATERIALS REDACTED**

APRIL 30, 2010

EXHIBIT
RCC 9
Docket No. EL09-018

List of Exhibits

Exhibit DAS-1	Current Résumé for David A. Schlissel
Exhibit DAS-2	<i>Climate Change and Power: Carbon Dioxide Emissions Costs and Electricity Resource Planning</i>
Exhibit DAS-3	<i>Synapse 2008 CO₂ Price Forecasts</i>
Exhibit DAS-4	<i>Don't Get Burned, the Risks of Investing in New Coal-Fired Generating Facilities</i>
Exhibit DAS-5	[CONFIDENTIAL] Attachment No. 37.1 to Black Hills Power's Response to Residential Consumers Coalition Data Request No. 37
Exhibit DAS-6	[CONFIDENTIAL] Attachment No. 24.1 to Black Hills Power's Response to Residential Consumers Coalition Data Request No. 24
Exhibit DAS-7	[CONFIDENTIAL] Attachment No. 56.1 to Black Hills Power's Response to Black Hills Industrial Intervenors Data Request No. 56

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1 **Q. What are your name, position and business address?**

2 A. My name is David A. Schlissel. I am the President of Schlissel Technical
3 Consulting, Inc., 45 Horace Road, Belmont, MA 02478.

4 **Q. Please summarize your educational background and recent work experience.**

5 A. I graduated from the Massachusetts Institute of Technology in 1968 with a
6 Bachelor of Science Degree in Engineering. In 1969, I received a Master of
7 Science Degree in Engineering from Stanford University. In 1973, I received a
8 Law Degree from Stanford University. In addition, I studied nuclear engineering
9 at the Massachusetts Institute of Technology during the years 1983-1986.

10 Since 1983 I have been retained by governmental bodies, publicly-owned utilities,
11 and private organizations in 28 states to prepare expert testimony and analyses on
12 engineering and economic issues related to electric utilities. My recent clients
13 have included the General Staff of the Arkansas Public Service Commission, the
14 U.S. Department of Justice, the Attorney General of the State of New York, cities
15 and towns in Connecticut, New York and Virginia, state consumer advocates, and
16 national and local environmental organizations.

17 I have testified before state regulatory commissions in Arizona, New Jersey,
18 California, Connecticut, Kansas, Texas, New Mexico, New York, Vermont, North
19 Carolina, South Carolina, Maine, Illinois, Indiana, Ohio, Massachusetts, Missouri,
20 Rhode Island, Wisconsin, Iowa, South Dakota, Georgia, Minnesota, Michigan,
21 Florida and North Dakota and before an Atomic Safety & Licensing Board of the
22 U.S. Nuclear Regulatory Commission.

23 A copy of my current resume is attached as Exhibit DAS-1.

24 **Q. On whose behalf are you testifying in this case?**

25 A. I am testifying on behalf of the Residential Consumers Coalition ("RCC").

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1 **Q. Have you testified previously before the South Dakota Public Utilities**
2 **Commission?**

3 A. Yes. I have testified in Docket No. EL05-022.

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

5 A. I have been asked to review the reasonableness of Black Hills Power's 2007
6 Integrated Resource Plan ("IRP") and the Company's decision to build the Wygen
7 III coal-fired power plant.

8 This testimony presents the results of my analyses.

9 **Q. Please summarize your conclusions.**

10 A. My conclusions are as follows:

11 1. The Base or Reference Case Carbon Dioxide ("Carbon" or "CO₂") prices
12 used by Black Hills Power in the 2007 IRP were unreasonably low. The
13 CO₂ prices that Black Hills Power has described as a "High CO₂ Tax
14 Case" or the "Very High CO₂ Case" actually were closer to what the
15 Company should have used as its Base or Reference Case prices.

16 2. Contrary to the testimony of Black Hills Power witness Tietjen, the
17 estimated carbon or CO₂ prices used in the 2007 IRP have not been
18 validated by government agencies and are not reasonable from today's
19 perspective or at the time the IRP was prepared.

20 3. At the time that it decided to undertake the Wygen III project, Black Hills
21 Power was extremely dependent on coal-fired generation. Building
22 another coal-fired unit was a very risky decision in light of likely federal
23 regulation of greenhouse gas emissions. Black Hills Power remains
24 extremely dependent on coal-fired generation.

25 4. Black Hills Power projects that its annual CO₂ emissions will [REDACTED]
26 [REDACTED] percent between 2005 and 2030. This is contrary to developing federal

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1 climate change policies which project 42 percent *reductions* in CO₂
2 emissions during this same period.

3 **Q. Did Black Hills Power adequately consider the potential financial risks of**
4 **future CO₂ emissions in its 2007 IRP?**

5 A. No. The Reference Case CO₂ prices (in the form of taxes) that Black Hills Power
6 used in the 2007 IRP were unreasonably low. These CO₂ allowance costs were
7 well below then-current price projections from independent sources including: the
8 Energy Information Administration of the U.S. Department of Energy (“EIA”),
9 the U.S. Environmental Protection Agency (“EPA”), and researchers at the
10 Massachusetts Institute of Technology (“MIT”) and Duke University (“Duke”).

11 **Q. What is the basis for this conclusion?**

12 A. Figure 1, below, compares the annual Reference Case and High CO₂ Case CO₂
13 prices used in Black Hills Power’s 2007 IRP with the results of the following
14 modeling analyses that were available to Black Hills Power at the time it was
15 preparing its 2007 IRP:

- 16 • The EIA’s assessment of the *Energy Market and Economic Impacts of S.*
17 *280, the Climate Stewardship and Innovation Act of 2007* (July 2007).¹
- 18 • The EIA’s October 2007 Supplement to *the Energy Market and Economic*
19 *Impacts of S. 280, the Climate Stewardship and Innovation Act of 2007*.²
- 20 • The EPA’s *Analysis of the Climate Stewardship and Innovation Act of*
21 *2007 – S. 280 in 110th Congress* (July 2007).³
- 22 • *The Assessment of U.S. Cap-and-Trade Proposals* by the Joint Program at
23 MIT on the Science and Policy of Global Change (April 2007).⁴
- 24 • *The Lieberman-Warner America’s Climate Security Act: A Preliminary*
25 *Assessment of Potential Economic Impacts*, prepared by the Nicholas

1 Available at [http://www.eia.doe.gov/oiaf/servicerpt/csia/pdf/sroiaf\(2007\)04.pdf](http://www.eia.doe.gov/oiaf/servicerpt/csia/pdf/sroiaf(2007)04.pdf).

2 Available at http://www.eia.doe.gov/oiaf/servicerpt/biv/pdf/s280_1007.pdf.

3 Available at <http://www.epa.gov/climatechange/economics/economicanalyses.html>.

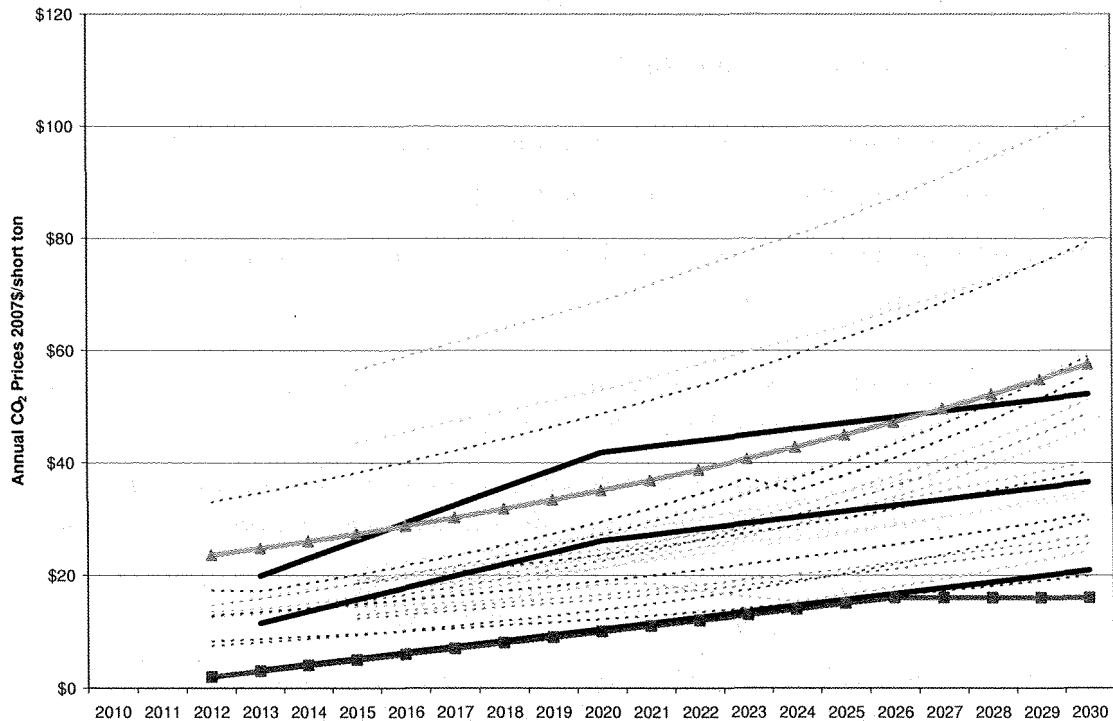
4 Available at http://web.mit.edu/globalchange/www/MITJPSPGC_Rpt146.pdf.

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1 Institute for Environmental Policy Solutions, Duke University and RTI
2 International (October 2007).⁵

3 The dashed lines in Figure 1 are the annual CO₂ prices that were developed in
4 each of the scenarios that were studied by the EIA, the EPA, MIT, and Duke. The
5 solid black lines are the Low, Mid and High CO₂ price forecasts that were
6 developed by Synapse Energy Economics in 2006. The blue lines with the squares
7 represents Black Hills Power's Base CO₂ price forecast. The orange line with
8 triangles represents the Company's High CO₂ prices.

9 **Figure 1: Annual CO₂ Prices – Black Hills Power Reference Case and High**
10 **CO₂ Prices vs. EPA, EIA, MIT and Duke Analyses and the Synapse**
11 **Price Forecasts as of 2007**



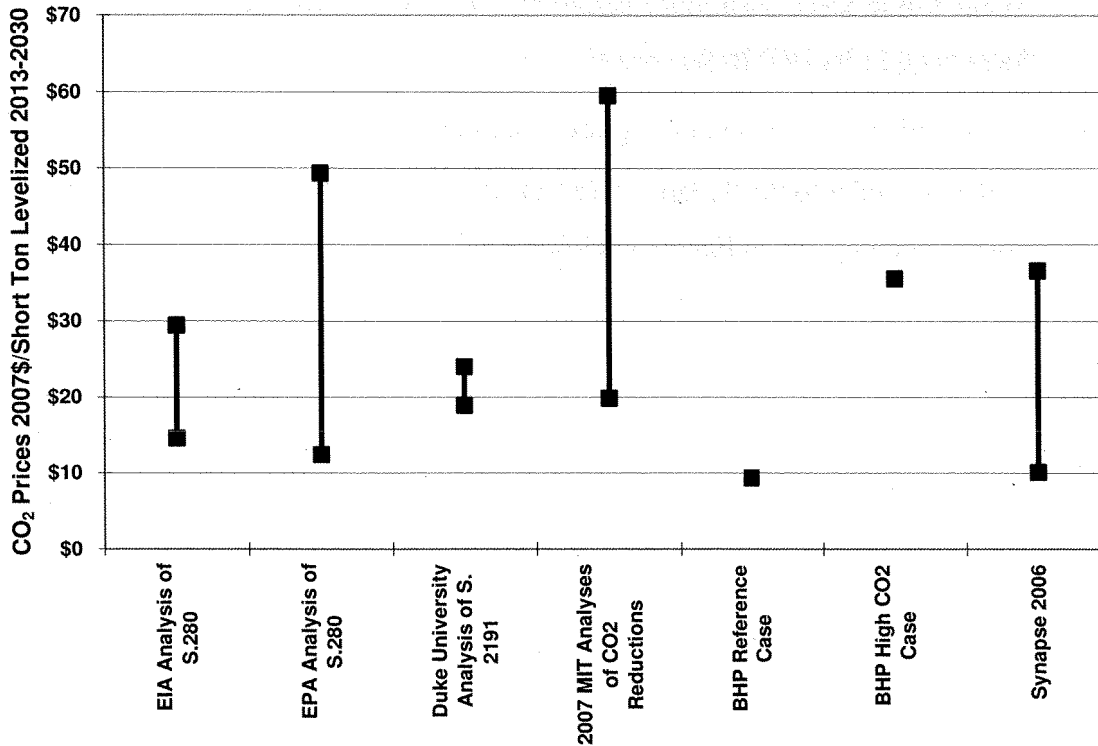
12
13 As can be seen from Figure 1, the Company's Reference Case CO₂ prices were
14 lower than any of the projections from the EIA, the EPA, MIT or Duke and were
15 comparable to the Synapse Low CO₂ prices.

⁵ Available at <http://www.nicholas.duke.edu/institute/econsummary.pdf>.

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1 Figure 2, below, presents the same comparison except that the CO₂ prices are
2 presented as the levelized costs for the years 2013 through 2030 (in 2007 dollars).
3 Again, it is clear that the Reference Case CO₂ prices used by Black Hills Power in
4 its 2007 IRP were too low to be used as the main base case CO₂ prices in an IRP.

5 **Figure 2: Levelized CO₂ Prices – Black Hills Power Reference Case CO₂ Prices**
6 **vs. EPA, EIA, MIT and Duke Analyses and Synapse Price Forecasts**
7 **as of 2007**



8
9 **Q. What was the impact of Black Hills Power's use of such low CO₂ prices in its**
10 **Reference Case analyses?**

11 **A.** The use of such low CO₂ prices biased the analyses in favor of the most carbon
12 intensive alternative, the coal-fired power plant.

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1 **Q. What is the basis for the Synapse Low, Mid and High CO₂ prices that you**
2 **have included in Figures 1 and 2?**

3 A. Synapse developed a set of three CO₂ price trajectories (Low, Mid and High) in
4 2006 that we believed were appropriate for use in utility resource planning
5 analyses such as IRPs. The basis for these price trajectories is described in detail
6 in Exhibit DAS-2.

7 **Q. What would have been more reasonable CO₂ prices for Black Hills Power to**
8 **have used in its IRP Reference Case analyses?**

9 A. Black Hills Power should have used a set of CO₂ prices in its Reference Case
10 analyses similar to the Synapse Mid CO₂ Price Forecast. These two sets of CO₂
11 prices are compared in Figure 3 below:

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1 Q. Do you agree with the testimony of Black Hills Power witness Tietjen that the
2 2007 IRP “bracketed the current estimates of carbon prices being made by
3 governmental agencies?”

4 A. Although technically correct, Ms. Tietjen’s testimony is misleading. It is correct
5 that the Reference Case CO₂ prices used by Black Hills Power in the 2007 IRP
6 were close to or below the lower end of the CO₂ prices developed through 2007
7 by government agencies and independent studies at MIT and Duke University (as
8 I have shown above) and that the High Case CO₂ prices used by the Company
9 were a reasonable set of high CO₂ prices. However, as I explained above, Black
10 Hills Power should not have used the Reference Case CO₂ prices for the main
11 base case analyses on which the Company would seek to rely. They were far too
12 low for that. Instead, the Reference Case CO₂ prices should have been used as a
13 low sensitivity, as I discussed previously, with a set of CO₂ prices similar to the
14 Synapse Mid CO₂ Price Forecast being used for the main base case analyses.

15 Q. Do you believe that the carbon prices used by Black Hills Power in its 2007
16 IRP are valid today?

17 A. No. The Company’s Reference Case CO₂ prices remain at or below both the
18 carbon prices developed in federal and independent assessments of proposed
19 climate change legislation and the prices being used by many utilities and state
20 regulatory commissions in resource planning analyses.

21 For example, Figure 4, below, compares the CO₂ emissions prices that Black Hills
22 Power used in their 2007 IRP analyses and the current 2008 Synapse CO₂ price
23 forecasts with the results of the independent modeling of the legislation that has
24 been introduced in the U.S. Congress in recent years.

25 The modeling analyses in Figure 4 includes studies prepared by the EPA, the EIA,
26 MIT, Duke University, the Clean Air Task Force, the American Council for
27 Capital Formation, the National Association of Manufacturers, CRA-

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1 International, Inc., and the Natural Resources Defense Council (“NRDC”). These
2 modeling analyses include:

- 3 • The EIA’s assessment of the *Energy Market and Economic Impacts of S.*
4 *280, the Climate Stewardship and Innovation Act of 2007* (July 2007).⁶
- 5 • The EIA’s October 2007 Supplement to the *Energy Market and Economic*
6 *Impacts of S. 280, the Climate Stewardship and Innovation Act of 2007*.⁷
- 7 • The EIA’s assessment of the *Energy Market and Economic Impacts of S.*
8 *1766, the Low Carbon Economy Act of 2007* (January 2008).⁸
- 9 • The EIA’s assessment of the *Energy Market and Economic Impacts of S.*
10 *2191, the Lieberman-Warner Climate Security Act of 2007* (April 2008).⁹
- 11 • The EIA’s assessment of the *Energy Market and Economic Impacts of*
12 *H.R. 2454, the American Clean Energy and Security Act of 2009* (August
13 2009).¹⁰
- 14 • The EPA’s *Analysis of the Climate Stewardship and Innovation Act of*
15 *2007 – S. 280 in 110th Congress* (July 2007).¹¹
- 16 • The EPA’s *Analysis of the Low Carbon Economy Act of 2007 – S. 1766 in*
17 *110th Congress* (January 2008).¹²
- 18 • The EPA’s *Analysis of the Lieberman-Warner Climate Security Act of*
19 *2008 – S. 2191 in 110th Congress* (March 2008).¹³
- 20 • The EPA’s *Analysis of the American Clean Energy and Security Act of*
21 *2009, H.R. 2454 in the 111th Congress* (June 2009).¹⁴
- 22 • *Assessment of U.S. Cap-and-Trade Proposals* by the Joint Program at MIT
23 on the Science and Policy of Global Change (April 2007).¹⁵
- 24 • *Analysis of the Cap and Trade Features of the Lieberman-Warner Climate*
25 *Security Act – S. 2191* by the Joint Program at MIT on the Science and
26 Policy of Global Change (April 2008).¹⁶

6 Available at [http://www.eia.doe.gov/oiaf/servicerpt/csia/pdf/sroiaf\(2007\)04.pdf](http://www.eia.doe.gov/oiaf/servicerpt/csia/pdf/sroiaf(2007)04.pdf).

7 Available at http://www.eia.doe.gov/oiaf/servicerpt/biv/pdf/s280_1007.pdf.

8 Available at [http://www.eia.doe.gov/oiaf/servicerpt/lcea/pdf/sroiaf\(2007\)06.pdf](http://www.eia.doe.gov/oiaf/servicerpt/lcea/pdf/sroiaf(2007)06.pdf).

9 Available at [http://www.eia.doe.gov/oiaf/servicerpt/s2191/pdf/sroiaf\(2008\)01.pdf](http://www.eia.doe.gov/oiaf/servicerpt/s2191/pdf/sroiaf(2008)01.pdf).

10 Available at <http://www.eia.doe.gov/oiaf/servicerpt/hr2454/index.html>.

11 Available at <http://www.epa.gov/climatechange/economics/economicanalyses.html>.

12 Available at <http://www.epa.gov/climatechange/economics/economicanalyses.html>.

13 Available at <http://www.epa.gov/climatechange/economics/economicanalyses.html>.

14 Available at http://www.epa.gov/climatechange/economics/pdfs/HR2454_Analysis.pdf.

15 Available at http://web.mit.edu/globalchange/www/MITJPSPGC_Rpt146.pdf.

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- 1 • *The Lieberman-Warner America's Climate Security Act: A Preliminary*
2 *Assessment of Potential Economic Impacts*, prepared by the Nicholas
3 Institute for Environmental Policy Solutions, Duke University and RTI
4 International (October 2007).¹⁷
- 5 • *U.S. Technology Choices, Costs and Opportunities under the Lieberman-*
6 *Warner Climate Security Act: Assessing Compliance Pathways*, prepared
7 by the International Resources Group for the Natural Resources Defense
8 Council (May 2008).¹⁸
- 9 • *The Lieberman-Warner Climate Security Act – S. 2191, Modeling Results*
10 *from the National Energy Modeling System – Preliminary Results*, Clean
11 Air Task Force (January 2008).¹⁹
- 12 • *Economic Analysis of the Lieberman-Warner Climate Security Act of 2007*
13 *Using CRA's MRN-NEEM Model*, CRA International (April 2008).²⁰
- 14 • *Analysis of the Lieberman-Warner Climate Security Act (S. 2191) using*
15 *the National Energy Modeling System (NEMS/ACCF/NAM)*, a report by
16 the American Council for Capital Formation and the National Association
17 of Manufacturers (March 2008).²¹

18 In total, these modeling analyses examined more than 85 different scenarios.
19 These scenarios reflected a wide range of assumptions concerning important
20 inputs such as: the “business-as-usual” emissions forecasts; the reduction targets
21 in each proposal; whether complementary policies such as aggressive investments
22 in energy efficiency and renewable energy are implemented independent of the
23 emissions allowance market; the policy implementation timeline; program
24 flexibility regarding emissions offsets (perhaps international) and allowance
25 banking; assumptions about technological progress and the cost of alternatives;
26 and the presence or absence of a “safety valve” price.

27 As in Figure 1, above, the Black Hills Power Reference Case CO₂ prices in Figure
28 4 are shown in blue with square symbols. The Company's High CO₂ Prices are

16 Available at http://mit.edu/globalchange/www/MITJPSPGC_Rpt146_AppendixD.pdf.

17 Available at <http://www.nicholas.duke.edu/institute/econsummary.pdf>.

18 Available at http://docs.nrdc.org/globalwarming/glo_08051401A.pdf.

19 Available at <http://lieberman.senate.gov/documents/catflwrsa.pdf>.

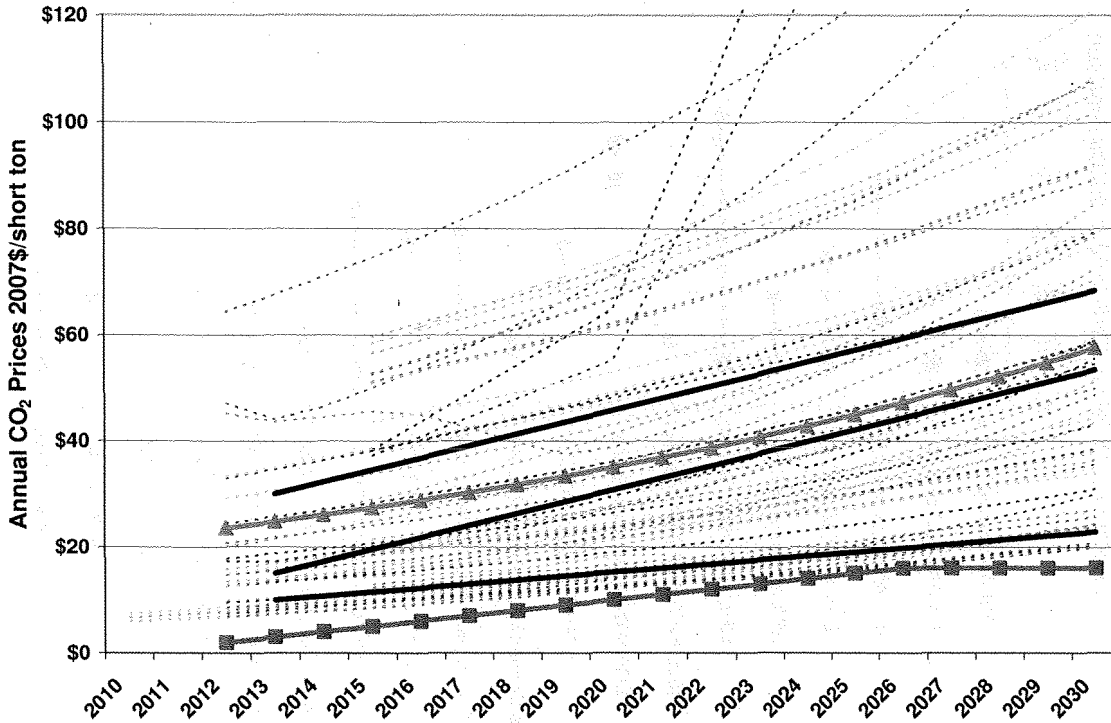
20 Available at http://www.nma.org/pdf/040808_crai_presentation.pdf.

21 Available at <http://www.accf.org/pdf/NAM/fullstudy031208.pdf>.

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1 shown in orange with triangle symbols. The 2008 Synapse CO₂ Price Forecasts
2 are in the solid black lines. All of the dashed lines represent the annual CO₂ Costs
3 (in 2007 dollars per short ton) for each of the numerous scenarios studied in the
4 EIA, EPA, MIT, Duke, and other assessments.

5 **Figure 4: Annual Black Hills Power and Synapse 2008 CO₂ Prices Compared**
6 **to Results of Modeling of Proposed Federal Legislation**



7
8 As can be seen, the annual CO₂ costs used by Black Hills Power in its 2007
9 Reference Case IRP analyses are below the annual costs of all of the
10 approximately 85 modeling scenarios that are included in Figure 4.

11 Figure 5, below, then presents the same comparison but in levelized prices for the
12 years 2013 through 2030 (in 2009 dollars per short ton of CO₂).

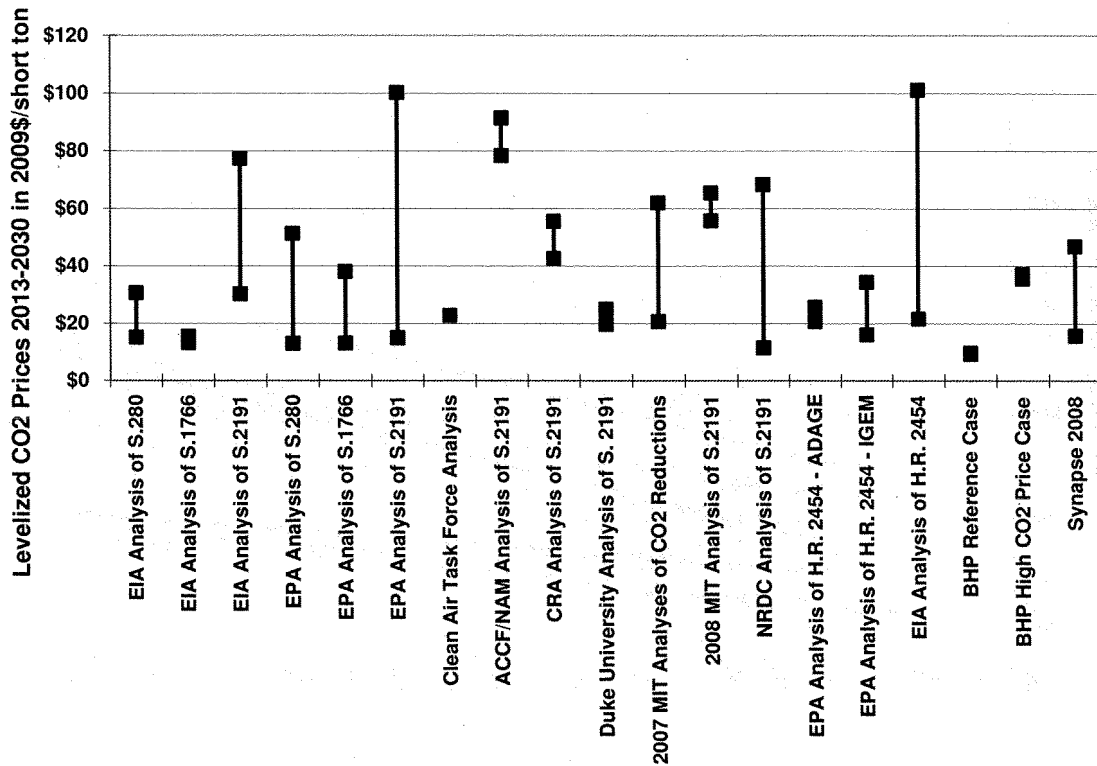
13 In Figure 5:

- 14 • S.280 refers to the McCain-Lieberman bill introduced in 2007 in the 110th
15 U.S. Congress.

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- 1 • S.1766 refers to the Bingaman-Specter bill introduced in 2007 in the 110th
- 2 U.S. Congress.
- 3 • S. 2191 refers to the Lieberman-Warner bill introduced in 2007 in the
- 4 110th U.S. Congress.
- 5 • HR. 2454 refers to the Waxman-Markey bill introduced in 2009 in the
- 6 current 111th U.S. Congress.

7 **Figure 5: Levelized Black Hills Power and Synapse 2008 CO₂ Prices**
 8 **Compared to Results of Modeling of Proposed Federal Legislation**



9

10 Figures 4 and 5 confirm that the Reference Case CO₂ prices used by Black Hills

11 Power were too low to represent base case assumptions. Instead, the Company

12 should have assumed a higher set of base case CO₂ prices for its Reference Case

13 analyses and kept its Reference Case CO₂ prices for a low CO₂ price sensitivity.

14 Based on the information in Figures 4 and 5, it now appears that the Company's

15 High CO₂ Case prices are probably more appropriate for the base case analyses

16 and another, higher, set of CO₂ prices should be used in a High CO₂ price

17 sensitivity.

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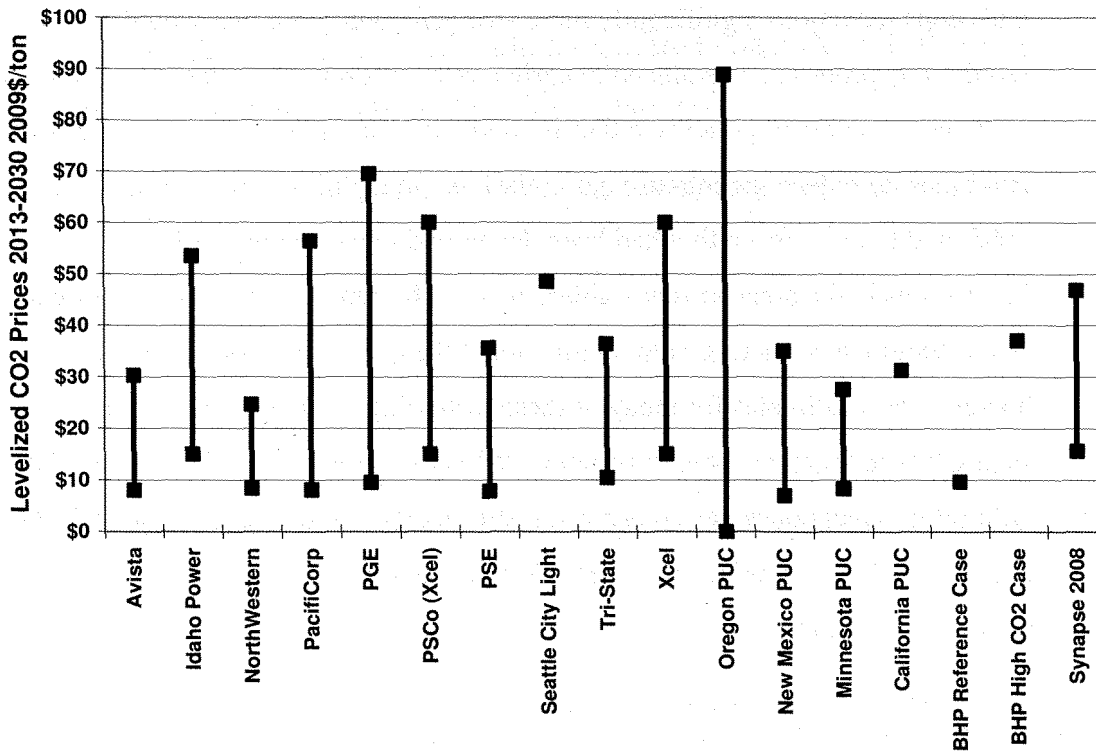
1 Q. Do Figures 4 and 5 include the modeling of the recent Waxman-Markey bill
2 that has been passed by the U.S. House of Representatives?

3 A. Yes. The annual CO₂ prices from the recent modeling of the Waxman-Markey bill
4 by the EIA and the EPA are included in Figure 4. In addition, the fourth through
5 sixth bars from the right in Figure 5 provide the ranges of levelized CO₂ prices
6 from that recent modeling of the Waxman-Markey bill.

7 Q. How do the Reference Case CO₂ prices that Black Hills Power used in its
8 base case IRP analyses compare to the CO₂ prices that other utilities and
9 state regulatory commissions are using in resource planning?

10 A. As can be seen from Figure 6, Black Hills Power's Reference Case CO₂ prices are
11 at the low end of the ranges of CO₂ prices that other utilities and state regulatory
12 commissions have been using in resource planning in recent years.

13 **Figure 6: Levelized Black Hills Power CO₂ Prices Compared to Prices Used by**
14 **Other Utilities and State Regulatory Commissions in Resource**
15 **Planning**

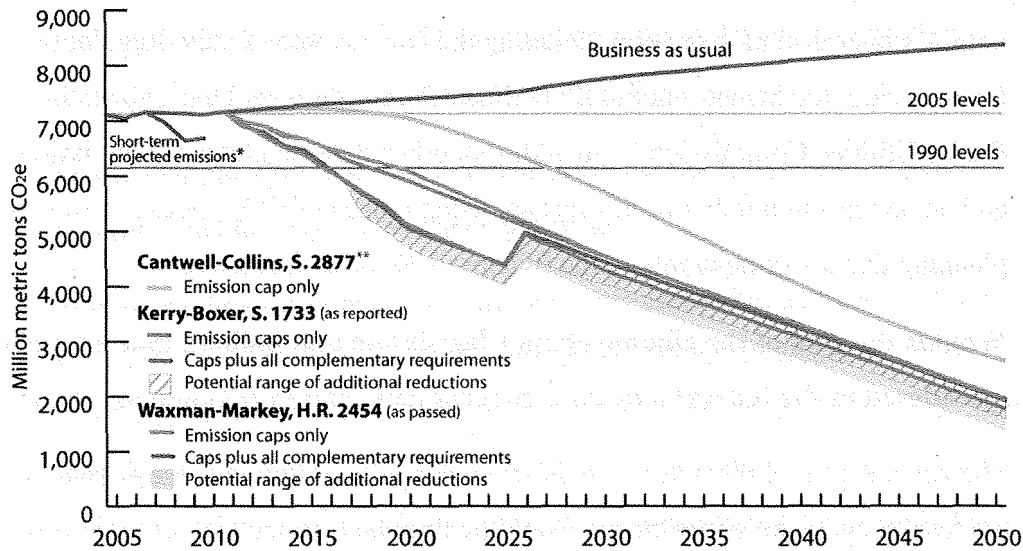


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Figure 7: Comparison of Legislative Climate Change Targets in the Current 111th U.S. Congress as of December 17, 2009

Net Emission Reductions Under Cap-and-Trade Proposals in the 111th Congress, 2005-2050
December 17, 2009



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For a full discussion of underlying methodology, assumptions and references, please see <http://www.wri.org/usclimatetargets>.

*"Business as usual" emission projections are from EPA's reference case for its analysis of the Waxman-Markey bill. "Short-term projected emissions" represent EIA's most recent estimates of emissions for 2008-2010.

** Cantwell-Collins sets economy-wide reduction targets beginning with a 20 percent reduction from 2005 levels by 2020. However, additional action by Congress would be required before these targets could be met. Reduction estimates do not include emissions above the cap that could occur due to the safety-valve.

3

It is uncertain which, if any, of the specific climate change bills that have been introduced to date in the Congress will be adopted. Nevertheless, the general trend is clear; and it would be a mistake to ignore it in long-term decisions concerning electric resources. Over time the proposals are becoming more stringent as evidence of climate change accumulates and as the political support for serious governmental action grows.

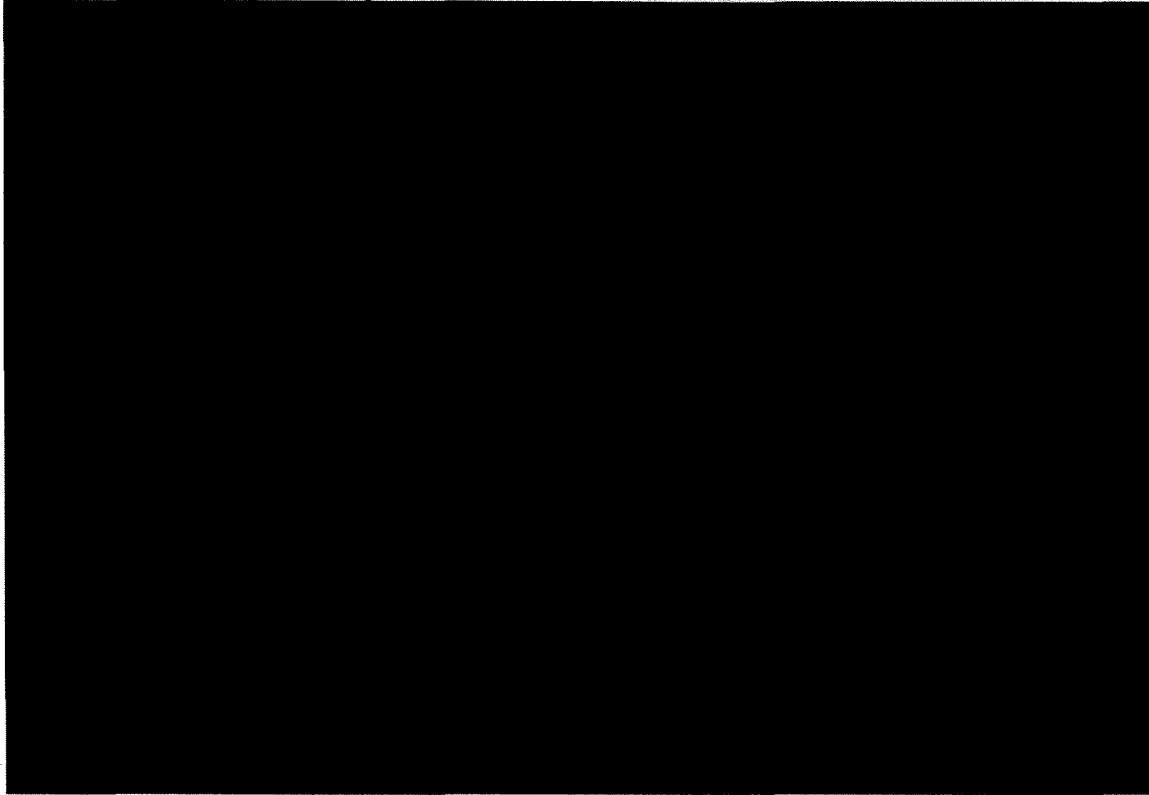
10 **Q. What would Black Hills Power's annual CO₂ emissions be under its proposed**
11 **IRP resource plan?**

12 A. The Company's annual CO₂ emissions through 2030 under its IRP Resource Plan
13 are shown in Figure 8, below.

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Figure 8: Black Hills Power's Projected Future Annual CO₂ Emissions through 2030²³ [CONFIDENTIAL]



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Consequently, Black Hills Power's CO₂ emissions would be [REDACTED] percent through 2030 at the very time that the legislative proposals in Congress would be mandating reductions in emissions. In other words, Black Hills Power's CO₂ emissions would be [REDACTED] at a time when the mandated levels of emissions were being reduced.

²³ The source for Black Hills Power's recent CO₂ emissions is Attachment No. 37.1 to the Company's Response to RCC Data Request No. 37. A copy of this response is attached as Exhibit DAS-5 [Confidential]. The source for the Company's projected CO₂ emissions is Attachment No. 24.1 to its Response to RCC Data Request No. 24. A copy of this response is attached as Exhibit DAS-6 [Confidential].

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1 **Q. Was Black Hills Power heavily dependent on coal-fired generation even**
2 **before the Wygen III unit was built?**

3 A. Yes. [REDACTED] percent of the energy generated by Black Hills Power in 2006
4 came from coal-fired units.²⁴ [REDACTED] percent of the energy generated by the
5 Company came from coal-fired units in 2007.²⁵

6 **Q. Is it prudent for a utility that is already extremely heavily dependent on coal**
7 **to add yet another coal-fired unit?**

8 A. No. Adding even more coal to its generation or fuel mix was not prudent given
9 the significant risks to which the owners of existing and new coal plants are being
10 exposed. These risks include the potential for federally mandated reductions in
11 greenhouse gas emissions, state actions that would adversely affect the need for
12 and the relative economics of coal-fired power plants, uncertainties related to
13 carbon capture and sequestration, more stringent regulation of non-greenhouse
14 gas emissions, and potential construction cost increases. These risks are discussed
15 in more detail in *Don't Get Burned, the Risks of Investing in New Coal-Fired*
16 *Generating Facilities*, a report that I co-authored in 2008. A copy of this report is
17 attached as Exhibit DAS-4.

18 **Q. Does this complete your testimony?**

19 A. Yes.

²⁴ The data on the generation of each of the Company's units was provided in Attachment No. 56.1 to Black Hills Power's Response to Black Hills Industrial Intervenors Data Request No. 56. A copy of this response is attached as Exhibit DAS-7 [Confidential].

²⁵ Id.