109 FERC ¶ 61,147

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Pat Wood, III, Chairman;
Nora Mead Brownell, and Joseph T. Kelliher.

ISO New England, Inc., et al.	Docket Nos. RT04-2-001, RT04-2-002, RT04-2-003, RT04-2-004, ER04-116-001, ER04-116-002, ER04-116-003, and ER04-116-004
Bangor Hydro-Electric Company, et al.	Docket Nos. ER04-157-002, ER04-157-003, ER04-157-005, and ER04-157-007
The Consumers of New England v. New England Power Pool	Docket Nos. EL01-39-001, EL01-39-002, EL01-39-003, and EL01-39-004
New York Independent System Operator, Inc. and the New York Transmission Owners	Docket No. ER04-943-000
New England Power Pool	Docket No. ER05-3-000

ORDER ACCEPTING PARTIAL SETTLEMENT,
SUBJECT TO CONDITIONS; ACCEPTING, IN PART,
COMPLIANCE FILINGS; AND Granting, IN PART, AND
DENYING, IN PART, REQUESTS FOR REHEARING

(Issued November 3, 2004)

205. ROE Filers' witness, Dr. Avera, proposes that this group exclude firms that do not pay common dividends, or for which no growth rate data is currently available, as reported by I/B/E/S International, Inc. (I/B/E/S), or Value Line. We find this approach is generally acceptable. However, we will not preclude the presiding judge from finding candidates for inclusion in the proxy group for which comparable data can reasonably be substituted for the growth rate data reported by I/B/E/S or Value Line. We also find it appropriate, as Dr. Avera proposes, to exclude from consideration in the proxy group, companies whose low-end ROE was lower than these companies' reported debt cost. In addition, we agree that the inclusion of PPL Corporation (PPL) in this Proxy Group is inappropriate. Specifically, we find PPL should be excluded from the Proxy Group because its 17.7 percent cost of equity is an extreme outlier and the inclusion of this number in the calculation in an unreliable ROE that will skew the results. As Dr. Avera states in his testimony, it is often necessary to eliminate illogical results from cost of equity estimates that fail to meet threshold tests of economic logic. We believe a 13.3 percent growth rate is not a sustainable growth rate over time and therefore does not meet threshold tests of economic logic.

206. In the March 24 Order we accepted, subject to suspension, hearing and the application of our Pricing Policy Statement (when issued), the ROE Filers' proposed 100 basis point adder[106] attributable to new transmission investment. This incentive is, we stated, is an appropriate first step to encouraging vital capital investment in the enlargement, improvement, maintenance and operation of facilities for the transmission of electric energy in interstate commerce. In order to avoid any potential delay in the hearing as a result of this directive, we find it necessary to provide guidance regarding the types of investments that would qualify for this adder. We direct the parties and the presiding judge to develop a record, in this case, addressing the pros and cons of applying a 100 basis point adder for investments that, among other things: (i) are approved through the RTEP process; (ii) are capable of being installed relatively quickly; (iii) include the use of improved materials that allow significant increases in transfer capacity using existing rights-of-way and structures; (iv) utilize equipment that allows greater control of energy flows, enabling greater use of existing facilities; (v) has sophisticated monitoring and communication equipment that allows real-time rating of

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[106] This ROE adder will be applied to net book value over time of such transmission facilities (i.e., the dollar amount of the incentive that is reflected in the cost of service will decrease over time as the book value of the transmission assets are depreciated). In addition, the overall allowed equity return, adjusted for any ROE adder, will be limited to the zone of reasonableness for the public utility authorized to receive an incentive adder.