

**BEFORE THE
ARKANSAS PUBLIC SERVICE COMMISSION**

IN THE MATTER OF AN INTERIM RATE)	
SCHEDULE OF OKLAHOMA GAS AND)	
ELECTRIC COMPANY IMPOSING A)	
SURCHARGE TO RECOVER ALL INVESTMENTS)	
AND EXPENSES INCURRED THROUGH)	DOCKET NO. 15-034-U
COMPLIANCE WITH LEGISLATIVE OR)	
ADMINISTRATIVE RULES, REGULATIONS OR)	
REQUIREMENTS RELATING TO THE PUBLIC)	
HEALTH, SAFETY, OR THE ENVIRONMENT)	
UNDER THE FEDERAL CLEAN AIR ACT FOR)	
CERTAIN OF ITS EXISTING GENERATION)	
FACILITIES)	

JOINT MOTION TO APPROVE SETTLEMENT AGREEMENT

Come now Oklahoma Gas and Electric Company (OG&E); the Consumer Utilities Rate Advocacy Division of the Arkansas Attorney General’s Office (AG); Walmart Stores Arkansas, LLC and Sam’s West, Inc. (Walmart and Sam’s); Arkansas River Valley Energy Consumers (ARVEC) and General Staff (Staff) of the Arkansas Public Service Commission (Commission), (hereinafter collectively the Settling Parties), and for their Joint Motion to Approve Settlement Agreement (Joint Motion) state as follows:

1. The Settling Parties have reached agreement on the issues outstanding in this docket. This agreement is set forth in the Stipulation and Settlement Agreement (Agreement) attached hereto as a Joint Exhibit. The Settling Parties support the Agreement as a reasonable resolution of the issues in this docket and as being in the public interest. The Agreement contains all of terms of the Settlement as agreed to by the Settling Parties.

2. As support for the Agreement and concurrent with the filing of this Joint Motion, the following witnesses are sponsoring Settlement Testimonies:

OGE: Donald R. Rowlett

AG: Kevin Lemley

Staff: William L. Matthews

Walmart and Sam's: Steve W. Chriss

ARVEC: Mark Garrett

3. The Settling Parties recommend that the current procedural schedule should remain in effect so that the Agreement can be considered at the evidentiary hearing set to begin at 9:30 a.m. on October 8, 2015, in the Hearing Room, Arkansas Public Service Commission Building, 1000 Center Street, Little Rock, Arkansas, for the purpose of considering the merits of the Agreement, taking opening statements, and receiving testimony and public comments. The Settling Parties request that on or before October 1, 2015, all witness be excused from appearing at the evidentiary hearing except those listed in Paragraph No. 2, who are filing testimony in support of the Agreement.

WHEREFORE, the Settling Parties request that the Commission approve the Agreement attached hereto in consideration of the request for an Act 310 surcharge and all other necessary and proper relief.

Respectfully submitted,

OKLAHOMA GAS AND ELECTRIC
COMPANY.

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Lawrence Chisenhall, Jr.

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CONSUMERS

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SAM'S WEST. INC.

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CERTIFICATE OF SERVICE

I, certify that a copy of the foregoing has been delivered to all Parties of Record by electronic mail via the Electronic Filing System, this 25th day of September 2015.

/s/ Fran C. Hickman _____
Fran C. Hickman

**BEFORE THE
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CERTAIN OF ITS EXISTING GENERATION)
FACILITIES)**

STIPULATION AND SETTLEMENT AGREEMENT

Comes now Oklahoma Gas and Electric Company (OG&E or the Company), the Consumer Utilities Rate Advocacy Division of the Arkansas Attorney General’s Office (AG), Walmart Stores Arkansas, LLC and Sam’s West, Inc. (Walmart and Sam’s), Arkansas River Valley Energy Consumers (ARVEC), and the General Staff (Staff) of the Arkansas Public Service Commission (Commission), being the only parties to this docket (hereinafter collectively the Settling Parties), agree to the following terms as set forth in this Stipulation and Settlement Agreement (Agreement).

1. PROCEDURAL SCHEDULE AND RECORD DEVELOPMENT

A. This Agreement resolves all issues raised in this docket.

B. OG&E filed an application for an Interim Rate Schedule Imposing a Surcharge to Recover All Investments and Expenses Incurred Through Compliance with Legislative or Administrative Rules, Regulations or Requirements Relating to the Public, Health, Safety or the Environment Under the Federal Clean Air Act for Certain of its Existing Generation Facilities on May 8, 2015 along with the Direct Testimony and

Exhibits of Donald R. Rowlett. ARVEC filed a Petition to Intervene on June 26, 2015 which was granted on July 15, 2015 by Order No. 2. Walmart and Sam's filed a Motion to Intervene on June 29, 2015 which was granted on July 15, 2015 by Order No. 3. A Joint Motion to Revise the Procedural Schedule was filed by all the parties on July 16, 2015 and was granted by Order No. 5 on August 18, 2015. Direct Testimonies of Staff and the Intervenors were filed on August 10, 2015. OG&E filed its Rebuttal Testimony on August 26, 2015. Staff and the Intervenors filed their Surrebuttal Testimonies on September 11, 2015. Motions for Partial Summary Judgment were filed by the AG and Staff to which OG&E joined in part on September, 14, 16, and 17, respectively. OG&E filed its Sur-Surrebuttal Testimony on September 17, 2015. Intervenor ARVEC responded to the Motions for Partial Summary Judgment on September 21, 2015. Walmart and Sam's responded to the Motions for Partial Summary Judgment on September 24, 2015.

C. The record has been fully developed and a complete discussion of the issues has been undertaken by the Settling Parties, with each being a strong advocate for its respective positions as reflected in its pre-filed testimony. The Settling Parties agree to accept the terms as set forth in this Agreement.

2. TERMS OF THE AGREEMENT

A. The revenue requirement and surcharge calculation as set forth in the Surrebuttal Testimony of Staff witness William Matthews will be used to calculate the surcharge (Please see Agreement Attachment No. 1).

B. The cost allocation factors from OG&E's most recent rate case, Docket No. 10-067-U, will be used to allocate the costs of the surcharge among the rate classes.

C. The rates should be designed consistent with Staff witness Matthews' recommendations. As recommended by Mr. Matthews, the surcharge for the Power and Light class will be divided between the volumetric or kWh charge and the demand or KW charge.

D. OG&E will refund the amounts excluded from the revenue requirement calculation by Staff witness Matthews that have been collected through its Surcharge, including carrying charges at the overall rate of return from Docket No. 10-067-U, as a bill credit in the month following the Commission's order in this docket.

E. The parties will not oppose up to two updated Act 310 surcharge filings by OG&E associated with this project and filed in this docket with the first filing being made no sooner than six months from its May 8, 2015 filing consistent with the provisions of Act 310, subject to examination for accuracy; calculation of the revenue requirement and surcharge consistent with Mr. Matthews' recommendations; and including the use of the approved cost allocation factors from the previous rate case, Docket No. 10-067-U.

F. OG&E will file a general rate case application and supporting testimony no later than December 31, 2016.

G. Separate and apart from its general rate case application, OG&E commits to provide to the parties as a workpaper, on the filing date of its general rate case application in 2016, a cost of service study reflecting the Average and Excess 4CP cost

allocation as well as a rate design for its largest customer class consistent with the provisions of Ark. Code Ann. §23-4-422. OG&E commits to develop those cost of service results and rate design for its largest class using the same revenue requirement and billing determinants underlying cost of service and rate design recommendations in its rate case application. OG&E is not obligated to support that cost allocation methodology and may advocate a different cost allocation methodology.

3. COMPLIANCE TARIFFS

The Settling Parties recommend that the Commission approve the compliance tariffs reflected in Agreement Attachment No. 2. The rates that will be effective as a result of the Commission's Order are shown in Agreement Attachment No. 3 and will reflect the refund as discussed in 2.D.

4. RIGHTS OF THE PARTIES

A. This Agreement is made upon the explicit understanding that it constitutes a negotiated settlement which is in the public interest. Nothing herein shall constitute an admission of any claim, defense, rule, or interpretation of law, allegation of fact, principle or method of ratemaking, or cost-of-service determination or rate design, or terms or conditions of service, or the application of any rule, or interpretation of law, that may underlie, or be perceived to underlie, this Agreement.

B. This Agreement is expressly contingent upon its approval by the Commission without modification. The various provisions of this Agreement are interdependent and unseverable. The Settling Parties shall cooperate fully in seeking the Commission's acceptance and approval of this Agreement. The Settling Parties

shall not support any alternative proposal or settlement agreement while this Agreement is pending before the Commission.

C. Except as to matters specifically agreed to be done or to occur in the future, no party shall be precluded from taking any positions on the merits of any issue in any subsequent proceeding in any forum. This Agreement shall not be used or argued as establishing precedent for any methodology or rate treatment in a future proceeding.

D. In the event the Commission does not accept, adopt, and approve this Agreement in its entirety and without modification, the Settling Parties agree that this Agreement shall be void and of no effect. In that event, however, the Settling Parties agree that: (1) no party shall be bound by any of the provisions or agreements herein contained; (2) all the Settling Parties shall be deemed to have reserved all their respective rights and remedies in this proceeding; and (3) no Settling Party shall introduce this Agreement or any related writing, discussions, negotiations, or other communications of any type in any proceeding.

E. This Agreement does not alter prior regulatory commitments of OG&E.

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CORPORATION

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IN THE MATTER OF AN INTERIM RATE SCHEDULE)
OF OKLAHOMA GAS AND ELECTRIC COMPANY)
IMPOSING A SURCHARGE TO RECOVER ALL)
INVESTMENTS AND EXPENSES INCURRED)
THROUGH COMPLIANCE WITH LEGISLATIVE OR)
ADMINISTRATIVE RULES, REGULATIONS OR)
REQUIREMENTS RELATING TO THE PUBLIC)
HEALTH, SAFETY, OR THE ENVIRONMENT)
UNDER THE FEDERAL CLEAN AIR ACT FOR)
CERTAIN OF ITS EXISTING GENERATION FACILITIES)

DOCKET 15-034-U

AGREEMENT ATTACHMENT NO. 1

September 25, 2015

LINE NO.	DESCRIPTION	ANNUAL COST AS OF APRIL 30, 2015	
1	<u>Rate Base</u>		
2	Gross Plant in Service - Additions	\$	33,995,791
3	Gross Plant in Service - Retirements Adjustment	\$	(711,870)
4	Total Gross Plant in Service	\$	33,283,921
5	Accumulated Depreciation - Additions	\$	(674,765)
6	Accumulated Depreciation - Retirements Adjustment	\$	711,870
7	Total Accumulated Depreciation	\$	37,105
8	Net Plant in Service	\$	33,321,026
9	Construction Work in Progress	\$	8,864,515
10	Total Rate Base	\$	42,185,541
11	Rate of Return/PIS		8.20%
12	AFUDC Return/CWIP		<u>8.20%</u>
13	Return on Net Plant in Service	\$	2,732,324
14	Return on Construction Work in Progress	\$	726,890
15	Total Return on Rate Base		3,459,214
16	<u>Expenses</u>		
17	Depreciation Expense	\$	568,844
18	Depreciation Expense - Retirements Adjustment	\$	(12,050)
19	Total Depreciation Expense	\$	556,794
20	Property Taxes at 1%	\$	289,570
21	Total Expenses	\$	846,364
22	Revenue Requirement @ 100%	\$	4,305,578
23	AR Jurisdictional Allocation %		10.99%
24	AR Revenue Requirement	\$	473,299

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REGULATIONS OR REQUIREMENTS RELATING TO)
THE PUBLIC HEALTH, SAFETY, OR THE)
ENVIRONMENT UNDER THE FEDERAL CLEAN AIR)
ACT FOR CERTAIN OF ITS EXISTING GENERATION)
FACILITIES)

DOCKET 15-034-U

AGREEMENT ATTACHMENT NO. 2

September 25, 2015

Original Sheet No. 1.0

Replacing _____ Sheet No. ____

OKLAHOMA GAS AND ELECTRIC COMPANY

Name of Company

Kind of Service: Electric

Class of Service: All

Part IV. Schedule No.

Title: **Table of Contents**

PSC File Mark Only

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3rd Revised Sheet No. 1.1

Replacing 2nd Revised Sheet No. 1.1

OKLAHOMA GAS AND ELECTRIC COMPANY

Name of Company

Kind of Service: Electric

Class of Service: All

Part IV. Schedule No.

Title: **Table of Contents**

PSC File Mark Only

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OKLAHOMA GAS AND ELECTRIC COMPANY

Name of Company

Kind of Service: Electric _____

Class of Service: All

Part IV. Schedule No.

Title: **Table of Contents**

PSC File Mark Only

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OKLAHOMA GAS AND ELECTRIC COMPANY

Name of Company

Kind of Service: Electric

Class of Service: All

Part IV. Schedule No.

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PSC File Mark Only

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OKLAHOMA GAS AND ELECTRIC COMPANY

Name of Company

Kind of Service: Electric

Class of Service: All

Part IV. Schedule No.

Title: **Table of Contents**

PSC File Mark Only

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OKLAHOMA GAS AND ELECTRIC COMPANY

Name of Company

Kind of Service: Electric Class of Service: All

Part IV. Schedule No.

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OKLAHOMA GAS AND ELECTRIC COMPANY

Name of Company

Kind of Service: Electric _____

Class of Service: All

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OKLAHOMA GAS AND ELECTRIC COMPANY

Name of Company

Kind of Service: Electric

Class of Service: All

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OKLAHOMA GAS AND ELECTRIC COMPANY

Name of Company

Kind of Service: Electric

Class of Service: All

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1st Revised Sheet No. 78.0

Replacing Original Sheet No. 78.0

OKLAHOMA GAS AND ELECTRIC COMPANY

Name of Company

Kind of Service: Electric Class of Service: All

Part I. Schedule No. ECP

Title: ENVIRONMENTAL COMPLIANCE PLAN RIDER

PSC File Mark Only

78.1 **EFFECTIVE IN:** All territory served.

78.2 **PURPOSE:** The purpose of this rider is to recover the Arkansas retail jurisdictional portion of the annual revenue requirement for expenditures related to environmental compliance projects.

78.3 **APPLICABILITY:** This rider is applicable to all Arkansas retail rate classes.

78.4 **TERM:** The ECP rider will remain in effect until all costs are included in base rates or is terminated by order of the Commission.

78.5 **ENVIRONMENTAL COMPLIANCE PLAN RIDER (ECP) CALCULATIONS:**
The following formulae calculate the charges, on a per kilowatt-hour (kWh) and per kilowatt (kW) basis, for each of the major rate classes and the combined minor rate classes.

The ECP_{Energy} factors for each class are calculated as follows

$$ECP_{kWh} \text{ Class Factor } (\$ \text{ per kWh}) = \frac{A * B * C_{kWh}}{D_{kWh}}$$

The ECP_{Demand} factors for each class are calculated as follows

$$ECP_{kW} \text{ Class Factor } (\$ \text{ per max kW}) = \frac{A * B * C_{kW}}{D_{kW}}$$

Where:

ECP Classes =

- **Residential** (including optional Residential tariffs);
- **General Service** (including optional General Service tariffs);
- **Power and Light** (by service level);
- **Power and Light Time-of-Use** (by service level);
- **All Other Classes**, which is the combination of all other rate classes such as Municipal Roadway and Area Lighting, Outdoor Security Lighting, Athletic Field Lighting, and Municipal Water Pumping.

1st Revised Sheet No. 78.1

Replacing Original Sheet No. 78.1

OKLAHOMA GAS AND ELECTRIC COMPANY

Name of Company

Kind of Service: Electric

Class of Service: All

Part I. Schedule No. ECP

Title: ENVIRONMENTAL COMPLIANCE PLAN RIDER

PSC File Mark Only

A = Arkansas Jurisdiction ECP Revenue Requirement

B = Production Demand Allocator for the ECP class, adjusted to exclude jurisdictions not at issue

C_{kWh} = Percentage of the revenue requirement for each rate class allocated to kilowatt-hours

C_{kW} = Percentage of the revenue requirement for each rate class allocated to kilowatts

D_{kWh} = Annual kWh for each ECP Class

D_{kW} = Annual billing kW for each ECP Class

Where:

A) Arkansas Jurisdiction ECP Revenue Requirement: The revenue requirement will be calculated as described in Docket No. 15-034-U, and, shall be based upon the most recently approved return on rate base (ROR) adjusted for income taxes for any Plant In Service costs and an Allowance for Funds Used During Construction (“AFUDC”) for any applicable Construction Work in Progress (“CWIP”) costs. Only those project expenditures included in Docket No. 15-034-U shall be recovered as part of this rider.

Original Sheet No. 78.2

Replacing _____ Sheet No. _____

OKLAHOMA GAS AND ELECTRIC COMPANY

Name of Company

Kind of Service: Electric

Class of Service: All

Part I. Schedule No. ECP

Title: ENVIRONMENTAL COMPLIANCE PLAN RIDER

PSC File Mark Only

B) Allocation Factors: The Class Allocator Percentage is the most recently approved production demand allocation factor adjusted to exclude jurisdictions not at issue. The Class kWh and kW Allocator Percentages are the kWh and kW revenues, approved by the APSC from the Company’s latest base rate filing, by percentage of total kWh and kW revenues.

EGP Class	Class Allocator Percentage	Class kWh Allocator Percentage	Class kW Allocator Percentage
Residential	31.4472%	100%	0%
General Service	9.3398%	100%	0%
Power and Light			
Service Level 1 & 2	1.0192%	30%	70%
Service Level 3	7.6014%	25%	75%
Service Level 4	0.0300%	5%	95%
Service Level 5	17.7633%	20%	80%
Power and Light Time-of Use			
Service Level 1	13.2239%	67%	33%
Service Level 2	3.8651%	57%	43%
Service Level 3	10.8960%	57%	43%
Service Level 4 & 5	4.1500%	57%	43%
All Other Classes	0.6641%	100%	0%
Total	100%		

Original Sheet No. 78.3

Replacing _____ Sheet No. _____

OKLAHOMA GAS AND ELECTRIC COMPANY

Name of Company

Kind of Service: Electric Class of Service: All

Part I. Schedule No. ECP

Title: ENVIRONMENTAL COMPLIANCE PLAN RIDER

PSC File Mark Only

- C) **Jurisdictional billing units:** The applicable annual Arkansas retail jurisdictional kWh and kW for each class will be the most recently approved kWh and kW by the APSC from the Company's latest base rate filing.

EGP Class	Annual kWh	Annual Billing kW
Residential	708,433,198	0
General Service	211,769,454	0
Power and Light		
Service Level 1 & 2	32,465,600	53,498
Service Level 3	232,726,229	498,653
Service Level 4	445,488	6,264
Service Level 5	475,342,224	1,394,304
Power and Light Time-of Use		
Service Level 1	454,330,801	1,066,446
Service Level 2	125,123,200	261,592
Service Level 3	314,293,600	677,800
Service Level 4 & 5	125,114,004	276,669
All Other Classes	30,979,940	0

BEFORE THE
ARKANSAS PUBLIC SERVICE COMMISSION

IN THE MATTER OF AN INTERIM RATE SCHEDULE)
OF OKLAHOMA GAS AND ELECTRIC COMPANY)
IMPOSING A SURCHARGE TO RECOVER ALL)
INVESTMENTS AND EXPENSES INCURRED)
THROUGH COMPLIANCE WITH LEGISLATIVE OR)
DOCKET 15-034-U ADMINISTRATIVE RULES,)
REGULATIONS OR REQUIREMENTS RELATING TO)
THE PUBLIC HEALTH, SAFETY, OR THE)
ENVIRONMENT UNDER THE FEDERAL CLEAN AIR)
ACT FOR CERTAIN OF ITS EXISTING GENERATION)
FACILITIES)

DOCKET 15-034-U

AGREEMENT ATTACHMENT NO. 3

September 25, 2015

OG&E ECP Surcharge Rates

Based on Joint Settlement Agreement

ACT 310, Docket No. 15-034-U

Customer Class	<u>ECP Surcharge Rate</u> ¹		<u>One-month Refund</u> ²	
	ECP Factor by Class per kWh	ECP Factor by Class per kW	Factor by Class per kWh	Factor by Class per kW
Residential	0.000210		(0.000053)	
General Service	0.000209		(0.000046)	
Power & Light				
Service Level 1 & 2	0.000045	0.063118	(0.000008)	(0.011101)
Service Level 3	0.000039	0.054112	(0.000008)	(0.009925)
Service Level 4	0.000016	0.021534	(0.000002)	(0.004244)
Service Level 5	0.000035	0.048238	(0.000007)	(0.009080)
Power & Light TOU				
Service Level 1	0.000092	0.019367	(0.000016)	(0.003400)
Service Level 2	0.000083	0.030070	(0.000016)	(0.005398)
Service Level 3	0.000094	0.032717	(0.000018)	(0.006078)
Service Level 4 & 5	0.000089	0.030528	(0.000018)	(0.005967)
Other	0.000101		(0.000018)	

¹ Represents ongoing factors without refund.

² Effective the first month only. Represents refund of over-collected amounts from the date rates were initially implemented, including carrying charges.