

BEFORE THE CORPORATION COMMISSION OF THE STATE OF OKLAHOMA

IN THE MATTER OF THE APPLICATION OF
OKLAHOMA GAS AND ELECTRIC
COMPANY FOR COMMISSION
PREAPPROVAL OF NEW GENERATION
CAPACITY PURSUANT TO 17 O.S.
SECTION 286(C)

PUD 2023-000038

SETTLEMENT TESTIMONY OF TODD F. BOHRMANN
ON BEHALF OF
GENTNER F. DRUMMOND, OKLAHOMA ATTORNEY GENERAL

Gentner F. Drummond, the Attorney General of Oklahoma, on behalf of the utility customers of this State, hereby submits the Settlement Testimony of Todd F. Bohrmann in the proceeding referenced above. The Attorney General urges close consideration of the testimony.

Respectfully submitted,

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CERTIFICATE OF SERVICE

On this 13th day of October 2023, a true and correct copy of the *Settlement Testimony of Todd F. Bohrmann on Behalf of Gentner F. Drummond, Oklahoma Attorney General* was sent via electronic mail to the following interested parties:

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PUD 2023-000038
Settlement Testimony of Todd F. Bohrmann

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OF

TODD F. BOHRMANN

ON BEHALF OF

GENTNER F. DRUMMOND,

OKLAHOMA ATTORNEY GENERAL

October 13, 2023

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1 **I. Introduction**

2 **Q. PLEASE STATE YOUR NAME.**

3 A. My name is Todd F. Bohrmann.

4 **Q. PLEASE IDENTIFY YOUR EMPLOYER AND YOUR BUSINESS ADDRESS.**

5 A. I am employed by the Oklahoma Office of the Attorney General (“Attorney General”). My
6 business address is 313 NE 21st Street, Oklahoma City, Oklahoma 73105.

7 **Q. ARE YOU THE SAME TODD F. BOHRMANN WHO FILED RESPONSIVE**
8 **TESTIMONY IN THIS PROCEEDING ON AUGUST 31, 2023?**

9 A. Yes, I am.

10 **Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY IN THIS PROCEEDING?**

11 A. The purpose of my testimony is to recommend on behalf of the Attorney General that the
12 Oklahoma Corporation Commission (“Commission”) should approve the Joint Stipulation
13 and Settlement Agreement (“Joint Stipulation”) filed by the parties in this case to resolve
14 all outstanding issues among the signing parties. The Joint Stipulation represents a fair,
15 just, and reasonable resolution of all outstanding issues, and is in the public interest.

16 **Q. DID YOU PARTICIPATE IN THE DISCUSSIONS THAT LED TO THE JOINT**
17 **STIPULATION?**

18 A. Yes. I participated in the discussions that occurred on September 28 and October 10, 2023,
19 that led to the terms of the Joint Stipulation.

20 **Q. DID THESE DISCUSSIONS INCLUDE MORE THAN JUST THE SIGNATORIES?**

21 A. Yes. All interested parties appearing in this Cause were present for discussions and had
22 their voices heard at the scheduled settlement conference, as scheduled in the procedural

1 order for this case. All parties were notified and generally participated in the settlement
2 discussions. In the end, however, not all parties were able to agree to the settlement.

3 **II. Overview of Joint Stipulation**

4 **Q. WHO ARE THE SIGNATORIES TO THE JOINT STIPULATION?**

5 A. The signatories to the Joint Stipulation are Oklahoma Gas & Electric Company (“OGE” or
6 the “Company”), OGE’s Shareholders’ Association, the Corporation Commission’s Public
7 Utility Division (“PUD”), the Petroleum Alliance of Oklahoma, and the Office of the
8 Oklahoma Attorney General (collectively, the “Stipulating Parties”).

9 **Q. ARE THERE ANY PARTIES THAT ARE NOT SIGNATORIES TO THE JOINT**
10 **STIPULATION?**

11 A. Yes. The parties that are not signatories are Oklahoma Industrial Energy Consumers
12 (“OIEC”), Walmart, Inc., and the Oklahoma Sustainability Network. These parties have
13 chosen not to oppose the Joint Stipulation.

14 **Q. HAS THE COMPANY DEMONSTRATED A NEED FOR GENERATING**
15 **CAPACITY?**

16 A. Yes. The Stipulating Parties agree that sufficient evidence exists in the record for the
17 Commission to find that OGE has a demonstrated need for generating capacity.

18 **Q. HAS OGE ASSESSED THE MOST REASONABLE ALTERNATIVES FOR**
19 **MEETING THIS CAPACITY NEED?**

20 A. Yes. The Stipulating Parties agree that the record reflects OGE engaged in a series of
21 competitive bidding processes to assess the most reasonable alternatives for meeting that
22 capacity need. These competitive bidding processes showed that the best option for
23 meeting OGE’s capacity need is the construction of two GE 7F Class combustion turbines

1 at the Horseshoe Lake Power Plant with a summer rated capacity of 448 MWs and an
2 estimated in-service date of late 2026 (“HL CTs”). The Stipulating Parties agree that the
3 Commission should approve OGE’s HL CTs under 17 Okla. Stat. §286.

4 **III. Evaluation of Joint Stipulation**

5 **Q. SHOULD THE ATTORNEY GENERAL’S ASSENT TO ANY TERM IN THIS**
6 **JOINT STIPULATION BE CONSTRUED AS ADVOCATING FOR SIMILAR**
7 **TREATMENT IN OTHER CAUSES?**

8 A. No. The Joint Stipulation is only to be viewed in its totality. It represents a negotiated
9 position where parties receive certain terms in exchange for others. The Joint Stipulation
10 is not precedential and should not be relied on as a representation of the Attorney General
11 in future matters. Such is expressly recognized in Paragraphs A, B, and D of Section 3 of
12 the Joint Stipulation.

13 **Q. IS THE JOINT STIPULATION IN THE PUBLIC INTEREST?**

14 A. Yes. The Joint Stipulation balances the interests of all the Stipulating Parties, and
15 represents a fair, just, and reasonable means to resolve the outstanding issues in this case
16 through reasonable compromise.

17 **Q. WHAT IS YOUR RECOMMENDATION?**

18 A. On behalf of the Attorney General, I recommend that the Commission approve the Joint
19 Stipulation and Settlement Agreement reached by the Stipulating Parties.

20 **IV. Conclusion**

21 **Q. PLEASE SUMMARIZE YOUR TESTIMONY.**

22 A. The Joint Stipulation represents a well-balanced compromise of the interests represented
23 by the Stipulating Parties. The Joint Stipulation represents a fair, just, and reasonable

1 settlement of the issues presented in this Cause, and the terms and conditions of the Joint
2 Stipulation are in the public interest.

3 **Q. DO YOU HAVE ANY ADDITIONAL COMMENTS?**

4 A. Yes. My testimony is limited to the subject matters discussed. The Commission and the
5 stakeholders should not infer my agreement with or support for a subject matter not covered
6 in this testimony.

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

8 A. Yes, it does.

