

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

|  |   |                        |
|--|---|------------------------|
| In the Matter of the Commission's Review   | ) |                        |
| of Time-Differentiated and Dynamic Pricing | ) | Case No. 12-150-EL-COI |
| Options for Retail Electric Services.      | ) |                        |

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**OHIO PARTNERS FOR AFFORDABLE ENERGY'S  
COMMENTS**

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Ohio Partners for Affordable Energy ("OPAE") hereby respectfully submits to the Public Utilities Commission of Ohio ("Commission") these comments in the above-captioned Commission-ordered investigation of time-differentiated and dynamic pricing options for retail electric services for customers with advanced meter technology. These comments are made in accordance with the Commission's Entry in this case on March 1, 2012.

OPAE is an Ohio corporation with a stated purpose of advocating for affordable energy policies for low and moderate income Ohioans.<sup>1</sup> OPAE's primary interest in cases before the Commission is to protect low and moderate income Ohioans and OPAE members whose provision of service may be affected by the case. OPAE members serve a variety of roles in the operation of programs for low-income customers in Ohio including, but not limited to: client intake, client counseling, consumer education services, emergency bill assistance, targeted energy efficiency services, and other functions. OPAE has been recognized by the Commission in the past as an advocate for consumers and particularly low-income consumers, all of whom may be affected by this Commission-ordered investigation.

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<sup>1</sup> A list of OPAE members can be found on the website: [www.ohiopartners.org](http://www.ohiopartners.org).

Ohio Revised Code §4928.02 (A) sets forth the policy of the state of Ohio to ensure the availability to consumers of adequate, reliable, safe, efficient, nondiscriminatory, and reasonably priced retail electric service. While Ohio Revised Code §4928.02 (D) encourages innovation and market access to time-differentiated pricing, Ohio Revised Code §4928.02 (L) states the policy to protect at-risk populations when considering the implementation of any new advanced energy resource. Time-differentiated and dynamic pricing options do not comply with the state policy as set forth at Revised Code §§4928.02 (A) and (L) because they do not ensure the availability of reasonably priced service and they do not protect at risk populations. Therefore, even if a distribution customer has been provided (and has paid for) an advanced meter with the capability to provide time-differentiated or dynamic pricing options for distribution and generation service, it would violate the policy of the state of Ohio if such customer were required to avail himself of such options when reasonably priced service and savings are not guaranteed.

Customers who believe that they might reduce their bills by using time-differentiated or dynamic pricing options should be able to choose those options if the customers are provided the information necessary to fully understand what is being offered. Customers need to be given all the information necessary for them to make an informed choice and maximize the bill savings potential of the new technology. Customers interested in these options should be told to consider their existing usage patterns, their current rates, and how the various pricing options could affect their bills.

Obviously, customers accustomed to rates that do not differentiate with time or do not feature dynamic pricing will not be well served if they are encouraged or forced to accept pricing options that they do not fully understand.

While the Commission's Entry mentions commercially available on-line applications and the need to facilitate customer access to such applications, it is not clear how customers will have access to these applications; whether customers will save any money with such applications; and, what the privacy implications associated with many of the applications are. Low-income customers may not have reliable access to the internet, and thus no opportunity to avail themselves of the on-line applications. Families may not have the time or inclination to avail themselves of dynamic pricing options.

Assuming that generation service is provided pursuant to time-differentiated and dynamic pricing options, any customer education should be driven and financed by competitive generation electric service providers. Distribution service ratepayer funds should not be spent on education efforts for generation service.

The Commission should also recognize that these pricing options for generation service are best provided by competitive electric retail service providers. Ohio has deregulated generation service. Therefore, competitive marketers are in the position to offer options to test these rate designs. Should the pricing options, load control potential or other uses of the advanced meter technology render time-differentiated or dynamic pricing options viable, the competitive marketers will offer them. The marketers offering generation service must decide whether customer demand and their own profit potential make dynamic and time-differentiated options worthwhile.

Small pilot programs focusing on generation customers who voluntarily offer to monitor their usage, prices, and rate options and voluntarily agree to accept the consequences of these factors are more than sufficient to determine the feasibility of time-differentiated or dynamic pricing options at this point. If

these pilots show that customers are saving money by participating, more wide-spread pilot programs could be tried. Absent evidence of bill savings, there is no basis for the Commission to encourage the offering of such pricing options.

OPAE also does not support the use of advanced meters as pre-paid meters. Ohio law and rules require a visit from a utility representative at the time of disconnection. Revised Code §4933.122; Ohio Administrative Code Rule 4901:1-18-06. The expiration of a pre-paid card is a *de facto* disconnection. Therefore, this service is not permissible under Ohio law.

In conclusion, the Commission should not require the use of time-varying rates for customers with advanced meters. Instead, competitive retail electric suppliers will determine whether such rate options are desired by their customers.

Respectfully submitted,

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## CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Comments was served electronically upon the persons identified below on this 11th day of April 2012.

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Summary: Comments electronically filed by Ms. Colleen L Mooney on behalf of Ohio Partners for Affordable Energy