

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Commission's Review	)	
of Chapter 4901:1-10, Ohio Administrative	)	Case No. 11-2050-EL-ORD
Code, Regarding Electric Companies.	)	

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**COMMENTS OF  
OHIO PARTNERS FOR AFFORDABLE ENERGY**

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Ohio Partners for Affordable Energy ("OPAE") hereby respectfully submits to the Public Utilities Commission of Ohio ("Commission") these comments in this docket to review Chapter 4901:1-10 of the Ohio Administrative Code ("O.A.C.") regarding electric companies. These comments are filed in accordance with the Commission's Entry of July 10, 2013.

In this five-year review proceeding, the Staff of the Commission ("Staff") has proposed additional amendments to Rules 4901:1-10-01 and 4901:1-10-5 to provide for advanced meter opt-outs and associated definitions. Supplemental comments are to address the proposed additional amendments and the issue whether the advanced meter opt-out should apply to commercial and residential customers or only to residential customers.

The Proposed Rule 4901:1-10-05(J) identifies a new service called "advanced meter opt-out service" under which a customer has the option to take electric service using a traditional meter and may request a traditional meter and opt out of advanced meter service by contacting the utility. The electric utility will provide the customer with the option to remove an installed advanced meter and

replace it with a traditional meter, and the option to decline installation of an advanced meter and retain a traditional meter, including a cost-based, tariffed opt-out service.

The customer will be required to pay the costs associated with the installation of the traditional meter, the ongoing costs associated with the manual reading of the traditional meter, and other fees and costs associated with the traditional meter that may be assessed by the electric utility. The utility may refuse to provide opt-out service if such service creates a safety hazard and/or if the customer does not allow the utility access to the meter.

Electric utilities are to file tariffs for the opt-out service and may establish fees for electing not to use an advanced meter. Such fees shall be calculated based on the additional costs incurred to provide opt-out service. There may be a one-time fee to recover the costs of removing an existing advanced meter and the subsequent installation of a traditional meter. There may be a recurring fee to recover costs associated with providing meter reading and billing services associated with the use of a traditional meter. Costs incurred by the electric utility to provide the opt-out service shall be borne only by customers who elect to use a traditional meter instead of an advanced meter.

OPAE is concerned that the proposed rule makes a “traditional” meter a “new” service offering that is clearly an exception to electric utility metering service, outside the standard electric utility metering service of the advanced meter. The proposed rule grudgingly provides for a customer to opt out of an advanced meter but clearly is biased against the opt out. The rule is punitive to

the customer who attempts to opt out and who succeeds in opting out. This is inappropriate for an administrative code rule.

For example, it is not clear that the electric utility's current distribution rates already exclude all the costs associated with the "traditional" metering service, such as the cost of the traditional meter and the costs associated with reading the traditional meter. If these costs are already in base distribution rates, the continued costs of traditional meter service, hardly a new service, are already being paid by the customer. The customer should not be subject to any additional costs.

Moreover, if the customer is paying a rider to the electric utility to recover the costs associated with the advanced meter, the customer should be able to opt out of the rider as well, consistent with the principal of cost causation. Customers not using the advanced meter and related infrastructure are not causing the cost. The customer might end up paying the utility less, not more, for the traditional meter service.

If the proposed amended rule is adopted, and when the utilities file their tariffs to include new fees for the various opt out "services", such as the one-time fee to recover the cost of removing an existing advanced meter and the re-installation of a traditional meter and the recurring fee to recover costs associated with providing meter reading and billing services associated with the use of the traditional meter, it will be necessary for the Commission to determine that these costs are not already embedded in the distribution rates already being paid by the customer. If the rule intends to isolate the opt-out customer from

other customers and have the opt-out customer pay all the costs associated with the opt-out, it would only be fair that the opt-out customer is not subject to new charges for a traditional service he is already paying for and new charges for the advanced meter he is not using.

As written, the rule would punish the customer who opts out. The electric utility could possibly double charge the customer for metering service and even make unwarranted additional revenues if this rule is adopted. While it might be convenient for there to be only one “official” metering service available to customers and for the Commission to discourage opt outs of an “official” metering service, if the Commission is going to adopt an administrative code rule allowing for opt outs, the Commission is obligated to make the rule fair to customers who opt out.

In conclusion, OPAE respectfully recommends that the Commission not adopt the proposed additional amendments to the rule. Because OPAE does not support adoption of this proposed amended rule, OPAE does not support its application for either residential or commercial customers.

Respectfully submitted,

/s/Colleen L. Mooney  
Colleen L. Mooney  
Ohio Partners for Affordable Energy  
231 West Lima Street  
Findlay, OH 45840  
Telephone: (419) 425-8860  
Or (614) 488-5739  
FAX: (419) 425-8862  
[cmooney@ohiopartners.org](mailto:cmooney@ohiopartners.org)

## CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Comments was served electronically upon the persons identified below on this 6th day of August 2013.

/s/Colleen L. Mooney  
Colleen L. Mooney

William Wright  
Chief, Public Utilities Section  
Public Utilities Commission of Ohio  
180 East Broad Street  
Columbus, Ohio 43215  
[William.wright@puc.state.oh.us](mailto:William.wright@puc.state.oh.us)  
[Bryce.mckenney@puc.state.oh.us](mailto:Bryce.mckenney@puc.state.oh.us)

Thadeus B. Culley  
Keyes, Fox & Wiedman LLP  
436 14th Street, Suite 1305  
Oakland, California 94612  
510-314-8203  
510-314-8205  
[ikeyes@kfwlaw.com](mailto:ikeyes@kfwlaw.com)  
[tculley@kfwlaw.com](mailto:tculley@kfwlaw.com)

Christopher J. Allwein  
Advanced Energy Economy - Ohio  
Williams Allwein & Moser, LLC  
1373 Grandview Ave., Suite 212  
Columbus, Ohio 43212  
[callwein@wamenergylaw.com](mailto:callwein@wamenergylaw.com)

Nicholas McDaniel  
Environmental Law & Policy Center  
1207 Grandview Avenue, Suite 201  
Columbus, Ohio 43212  
[NMcDaniel@elpc.org](mailto:NMcDaniel@elpc.org)

Nolan Moser  
Ohio Environmental Council  
1207 Grandview Avenue, Suite 201  
Columbus, Ohio 43212-3449  
[Nolan@theoec.org](mailto:Nolan@theoec.org)

Annie C. Lappé  
Solar Policy Director  
The Vote Solar Initiative  
1120 Pearl Street, Suite 200  
Boulder, Colorado 80302  
[annie@votesolar.org](mailto:annie@votesolar.org)

Kimberly W. Bojko  
Carpenter Lipps & Leland LLP  
280 North High Street, Suite 1300  
Columbus, Ohio 43215  
[bojko@carpenterlipps.com](mailto:bojko@carpenterlipps.com)

Jeanne W. Kingery  
Duke Energy Retail Sales, LLC  
155 East Broad Street, 21 Fl  
Columbus, Ohio 43215  
[Jeanne.kingery@duke-energy.com](mailto:Jeanne.kingery@duke-energy.com)

Amy B. Spiller  
Elizabeth H. Watts  
Duke Energy Business Services, LLC  
139 East Fourth Street, 1303 Main  
Cincinnati, Ohio 45202  
[Elizabeth.watts@duke-energy.com](mailto:Elizabeth.watts@duke-energy.com)  
[Amy.spiller@duke-energy.com](mailto:Amy.spiller@duke-energy.com)

Nathan G. Johnson  
Staff Attorney  
Buckeye Forest Council  
1200 W. Fifth Ave., STE 103  
Columbus, Ohio 43212  
[nathan@buckeyeforestcouncil.org](mailto:nathan@buckeyeforestcouncil.org)

Scotte Elliott, MSEE, CEM  
NABCEP Certified Solar PV  
InstallerTM  
Metro CD Engineering, LLC  
7003 Post Road, Suite 204  
Dublin, Ohio 43016  
[selliott@metrocdengineering.com](mailto:selliott@metrocdengineering.com)

M. Howard Petricoff  
Stephen M. Howard  
Vorys, Sater, Seymour and Pease LLP  
52 East Gay Street  
P. O. Box 1008  
Columbus, Ohio 43216-1008  
[mhpetricoff@vorys.com](mailto:mhpetricoff@vorys.com)  
[smhoward@vorys.com](mailto:smhoward@vorys.com)

Matthew S. White (0082859)  
In House Counsel  
Vincent A. Parisi  
General Counsel  
Interstate Gas Supply, Inc.  
6100 Emerald Parkway  
Dublin, Ohio 43026  
[mwhite@igsenergy.com](mailto:mwhite@igsenergy.com)  
[vparisi@igsenergy.com](mailto:vparisi@igsenergy.com)

Judi L. Sobecki  
Dayton Power and Light Company  
1065 Woodman Drive  
Dayton, Ohio 45432  
[Judi.sobecki@dplinc.com](mailto:Judi.sobecki@dplinc.com)

Trent A. Dougherty, Esq.  
Director of Legal Affairs  
Ohio Environmental Council  
1207 Grandview Ave. Suite 201  
Columbus, Ohio 43212  
[www.theOEC.org](http://www.theOEC.org)

Mark A. Hayden  
Scott J. Casto  
FirstEnergy Service Company  
76 South Main Street  
Akron, Ohio 44308  
[haydenm@firstenergycorp.com](mailto:haydenm@firstenergycorp.com)  
[scasto@firstenergycorp.com](mailto:scasto@firstenergycorp.com)

James W. Burk (0043808)  
Counsel of Record  
Carrie M. Dunn (0076952)  
FirstEnergy Corporation  
76 South Main Street  
Akron, Ohio 44308  
[burkj@firstenergycorp.com](mailto:burkj@firstenergycorp.com)  
[cdunn@firstenergycorp.com](mailto:cdunn@firstenergycorp.com)

J. Thomas Siwo  
Matthew W. Warnock  
BRICKER & ECKLER LLP  
100 South Third Street  
Columbus, Ohio 43215-4291  
[tsiwo@bricker.com](mailto:tsiwo@bricker.com)  
[mwarnock@bricker.com](mailto:mwarnock@bricker.com)

Matthew J. Satterwhite  
Steven T. Nourse  
AMERICAN ELECTRIC POWER  
CORPORATION  
1 Riverside Plaza, 29th Floor  
Columbus, Ohio 43215  
[mjstatterwhite@aep.com](mailto:mjstatterwhite@aep.com)  
[stnourse@aep.com](mailto:stnourse@aep.com)

Thomas J. O'Brien  
BRICKER & ECKLER LLP  
100 South Third Street  
Columbus, Ohio 43215-4291  
[tobrien@bricker.com](mailto:tobrien@bricker.com)

Steven Giles  
Vice President – Alternative Energy  
Hull & Associate, Inc.  
6397 Emerald Parkway  
Dublin, Ohio 43016  
[sgiles@hullinc.com](mailto:sgiles@hullinc.com)

Emma Berndt  
Opower, Inc.  
1515 North Courthouse Road  
Arlington, Virginia 22201  
[Emma.berndt@opower.com](mailto:Emma.berndt@opower.com)

Richard L. Sites  
General Counsel and Senior Director of  
Health Policy  
155 East Broad Street, 15th Floor  
Columbus, Ohio 43215-3620  
[ricks@OHANET.org](mailto:ricks@OHANET.org)

Matthew White (0082859)  
In-House Counsel  
Interstate Gas Supply, Inc.  
6100 Emerald Parkway  
Dublin, Ohio 43016  
[mwhite@igsenergy.com](mailto:mwhite@igsenergy.com)

Joseph M. Clark  
Jennifer L. Lause  
Direct Energy  
Fifth Third Building  
21 East State Street, 19th Floor  
Columbus, Ohio 43215  
[joseph.clark@directenergy.com](mailto:joseph.clark@directenergy.com)  
[jennifer.lause@directenergy.com](mailto:jennifer.lause@directenergy.com)

Melissa Yost  
Office of Consumers' Counsel  
10 W. Broad Street  
Columbus, Ohio 43212  
[yost@occ.state.oh.us](mailto:yost@occ.state.oh.us)

**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

**8/6/2013 12:45:26 PM**

**in**

**Case No(s). 12-2050-EL-ORD**

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