

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

**In the Matter of the Commission's  
Review of Chapter 4901:1-10, Ohio  
Administrative Code, Regarding  
Electric Companies**

**Case No. 12-2050-EL-ORD**

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**REPLY COMMENTS OF OHIO EDISON COMPANY,  
THE CLEVELAND ELECTRIC ILLUMINATING COMPANY, AND  
THE TOLEDO EDISON COMPANY REGARDING PROPOSED  
AMENDMENTS TO RULES 4901:1-10-01 AND 4901:1-10-5, O.A.C.**

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## **I. INTRODUCTION**

Ohio Edison Company (“Ohio Edison”), The Cleveland Electric Illuminating Company (“CEI”), and The Toledo Edison Company (“Toledo Edison”) (collectively, the “Companies”) hereby file their reply comments to some of the comments proffered by various parties in this case. The Companies respectfully request the Commission consider their reply comments in addition to their initial comments and not adopt the proposed amendments at this time.<sup>1</sup>

## **II. COMMENTS**

As discussed in their initial comments, the Companies are concerned that the proposed rules may be interpreted as a mandate that the Companies implement a system wide advanced meter program. The Companies oppose this interpretation. The Companies believe that the proposed rules are premature and assume that advanced metering is or will soon be in place across each of the Ohio electric distribution utility’s (“EDU’s”) service territories. After reviewing the comments filed by Duke Energy Ohio, Inc. (“Duke”), The Dayton Power and Light Company (“DP&L”) and Ohio Partners for Affordable Energy, all of whom object to the proposed amendments although for different reasons, it is apparent that the proposed amendments are not appropriate at this time. .

Another reason that these rules should not be adopted, is the lack of clarity in how the rules will apply. AEP and DP&L point to the lack of clarity regarding the definition of advanced meter and traditional meter.<sup>2</sup> AEP also points out that the definitions of “de-identified energy use data” and “Third Party Developer” are not sufficiently clarified.

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<sup>1</sup> The Companies’ decision not to include a reply to all comments filed in this proceeding may not be interpreted as the Companies’ agreement with or acquiescence to other parties’ comments.

<sup>2</sup> AEP Comments at 2 and 4. DPL Comments at 3.

Direct Energy states that the rules do not address a customer who moved into a residence that already has opted for a traditional meter.<sup>3</sup> The Office of Ohio Consumers' Counsel ("OCC") comments that the Commission should require the EDUs to explain the facts concerning advanced meters, address all customer concerns and explain all options.<sup>4</sup> In addition, OCC requests that the Commission customize meter reading for those customers who choose to opt out of advanced metering.<sup>5</sup> Last, OCC also assumes that advanced metering can be turned into traditional metering simply by disabling the communication devices.<sup>6</sup> All of these comments highlight the problems with the draft rules in that they are not complete. For those reasons as well, the Commission should neither adopt OCC's proposed changes nor the proposed amendments as written.

Finally, Direct Energy Services, LLC and Direct Energy Business LLC (collectively, "Direct Energy") comment that an EDU should be required to provide energy usage data to CRES providers and CRES providers should be the entities that offer time differentiated products to Ohio customers.<sup>7</sup> However, Direct Energy recognizes that deployment of advanced metering infrastructure is a "necessary first-step."<sup>8</sup> Again, as the Companies discussed in their initial comments, any rules related to advanced metering is premature, which is highlighted by Direct Energy's comments. The Commission should neither adopt Direct Energy's proposed changes nor the proposed amendments as written.

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<sup>3</sup> Direct Energy Comments at 3.

<sup>4</sup> OCC Comments at 5.

<sup>5</sup> *Id.* at 8.

<sup>6</sup> *Id.* at 4.

<sup>7</sup> Direct Energy Comments at 4-5.

<sup>8</sup> *Id.* at 4.

### III. CONCLUSION

The Companies disagree with the Staff's desire to promulgate rules regarding opting out of the use of advanced meters, given that advanced metering is not a state mandate and the fact that most EDUs, including the Companies, do not have voluntary plans in place to fully deploy advanced metering technology. If implemented at this time, the rules would have little applicability or usefulness, but would lead to the incurrence of additional costs and customer confusion. The Companies respectfully request the Commission decline to adopt the proposed rules.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

On August 16, 2013, the foregoing document was filed on the Public Utilities Commission of Ohio's Docketing Information System and is available for viewing by any interested party.

*/s/ Carrie M. Dunn*\_\_\_\_\_  
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Summary: Reply Comments electronically filed by Ms. Carrie M Dunn on behalf of Ohio Edison Company and The Toledo Edison Company and The Cleveland Electric Illuminating Company