

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Commission's Review    )  
of Chapter 4901:1-10, Ohio                    ) Case No. 12-2050-EL-ORD  
Administrative Code, Regarding Electric    )  
Companies.

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**APPLICATION FOR REHEARING OF  
THE DAYTON POWER AND LIGHT COMPANY**

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Pursuant to Ohio Revised Code § 4903.10 and Ohio Administrative Code § 4901-1-35, the Dayton Power and Light Company (DP&L) seeks rehearing of the Commission's October 16, 2013 Opinion and Order ("Order") on the following grounds:

- I. The Commission's Order is unreasonable because it sets forth a definition for Advanced Meter that is overly broad and rehearing should be granted to revise the definition so as to exclude meters with "Encoder Receiver Transmitter technology" ("ERT").
  - A. The Advanced Meter Opt-Out Service ("Opt-Out Plan"), if permitted, should focus primarily on those meters that are part of a Smart Grid program with the capabilities of communicating more granular customer usage directly to the utility over a network.
  - B. Smart meters have been the focus of customer concern, not ERT meters. ERT meters employ technology that DP&L has installed and used for decades with little to no customer resistance. This history confirms that implementing an opt-out service for this technology now is unnecessary as customer acceptance of ERT meters has been tested.
  - C. ERT meters are also used for residential water meters and the most recent rule review within this industry did not result with an advanced meter definition that includes this technology. The Commission should provide parity in this regard between its water and electric metering rules.

## MEMORANDUM IN SUPPORT

- I. **The Commission's Order is unreasonable because it sets forth a definition for Advanced Meter that is overly broad and rehearing should be granted to revise the definition so as to exclude meters with "Encoder Receiver Transmitter" (ERT) technology.**

Ohio Administrative Code § 4901-1-35(A) provides, in pertinent part, "[a]n application for rehearing must set forth the specific ground or grounds upon which the applicant considers the commission order to be unreasonable or unlawful." Here the Commission Order is unreasonable in that it failed to exclude ERT meters from the definition of "Advanced Meter," thereby allowing customers with ERT meters to "opt out." The policy considerations that may support a customer's ability to opt out of Smart Meters (i.e. privacy concerns) do not apply in the case of ERT meters. Indeed, ERT meters provide significant benefits to customers, and customers may unwittingly opt-out of these benefits due to confusion or misunderstanding over the important differences between Smart Meters and ERT meters. Excluding ERT meters from the definition of Advanced Meters will protect customers, and ensure they do not inadvertently opt themselves out of the benefits of ERT meters.

- A. **Smart meters have been the focus of customer concern, not ERT meters. The Advanced Meter Opt-Out Service ("Opt-Out Plan"), if permitted, should focus primarily on those meters with the capabilities of communicating more granular customer usage directly to the utility over a network.**
- B. **ERT meters employ technology that DP&L has installed and used for decades with little to no customer resistance. This history confirms that implementing an opt-out service for this technology now is unnecessary as customer acceptance of ERT meters has been tested.**

The Order includes a definition for Advanced Meter as follows:

"Advanced meter" means any meter that meets the pertinent engineering standards using digital technology to measure demand and/or usage and has the

capability to communicate such measurements to the electric utility without a manual read.

In its comments, DP&L proposed the following definition:

“Advanced meter” means any meter that meets the pertinent engineering standards using digital technology to measure demand and/or usage at hourly intervals or more frequently, provides usage data to both consumers and energy companies at least once daily, and requires a fixed network that enables two-way data transfer.

This definition clarifies that ERT meters with one-way communication are not considered an advanced meter. Thus the definition would more carefully tailor the universe of meters from which a customer may opt-out to those which cause actual customer privacy concerns--Smart Meters--and exclude ERT meters. While DP&L takes no position in this application for rehearing on whether customers should be permitted to opt-out of Smart Meters, DP&L does acknowledge that one of the drivers of customers wanting the ability to opt-out of these meters is over privacy concerns. Smart Meters employ technology using two-way communications and transmit data which is quite granular and on a frequent basis. The data is transmitted to a location which can be far from the customer's location. ERT meters, on the other hand, employ one-way communication, transmit less granular data, and do so less frequently. Importantly, ERT meters still require a meter reader to be dispatched to the premise and be within a specified distance of the meter to acquire a meter reading. While the utility still incurs a portion of the labor cost associated with the reading of an ERT meter when compared to a remote read using smart grid technology, the customer still realizes a benefit through lower costs associated with reading the meter, which can be done much more quickly and with fewer readers. Customers also benefit from the ease of having the meter read without being inconvenienced or disturbed by the need to provide physical access inside the premises.

Finally, it is important to note the ERT meters have been widely deployed throughout the state for decades with very little customer complaint. History and experience has shown that the concerns customers have with Smart Meters have not been there with respect to ERT meter technology, and ERT meters should not be swept into a net which is cast too wide due to the broadly-worded definition of "Advanced Meter" found in the Commission Order. The definition should be narrowed so the substantial benefits of ERT meters can continue to be realized by customers.

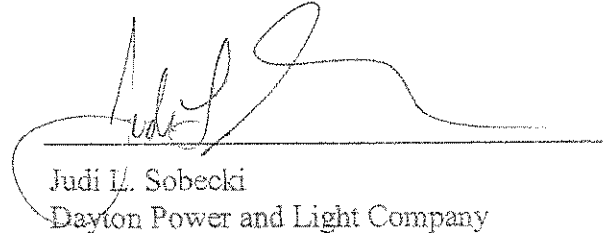
- C. ERT meters are also used for residential water meters and the most recent rule review within this industry did not result with an advanced meter definition that includes this technology. The Commission should provide parity in this regard between its water and electric metering rules.**

Section 4901:1-15-19 of the Ohio Administrative Code set forth rules governing water meter reading. Notably, these rules do not provide an option for customers to opt-out of having an ERT water meter. These rules were under review recently (Case No. 11-5605-WS-ORD), and no provision allowing an opt-out was contemplated. Electrical ERT meters should receive similar treatment, and the benefits of these meters should be realized.

### **CONCLUSION**

For the foregoing reasons, the Commission should grant rehearing on the definition of "Advanced Meter" and should adopt the definition as proposed herein by DP&L.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Judi L. Sobecki', is written over a horizontal line. The signature is fluid and cursive, with a large loop at the end.

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Summary: Application for Rehearing of the Dayton Power and Light Company electronically filed by Mr. Robert J Adams on behalf of The Dayton Power and Light Company