

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Commission's)	
Review of Chapter 4901:1-10, Ohio)	
Administrative Code, Pursuant to)	Case No. 12-2050-EL-ORD
Chapter 4928, Revised Code, Regarding)	
Electric Companies.)	

**MEMORANDUM CONTRA APPLICATION FOR REHEARING OF DUKE ENERGY
OHIO, INC. SUBMITTED BY OHIO EDISON COMPANY,
THE CLEVELAND ELECTRIC ILLUMINATING COMPANY AND
THE TOLEDO EDISON COMPANY**

I. INTRODUCTION

Pursuant to Rule 4901-1-35(B), O.A.C., Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company (collectively, the "Companies") hereby submit this memorandum contra the Application for Rehearing ("AFR") filed by Duke Energy Ohio, Inc. ("Duke"). As more fully discussed below, the Companies generally agree with most comments made by Duke in its AFR, but are concerned with the definition of "advanced meter" being proposed by Duke to the extent that it includes within its scope Automated Meter Reading ("AMR") technology.

In its AFR, Duke states that "Much of what has been proposed remains very susceptible to differing interpretations and is thus unclear. In addition, certain matters are impractical, if not impossible, to adhere to properly."¹ Except for its conclusions surrounding the definition of "advanced meter", which is discussed below, the Companies agree with all of Duke's observations set forth in its AFR. More specifically, for the reasons explained by Duke, the Companies agree:

¹ Duke AFR, Memorandum in Support ("Memo"), unnumbered p. 2.

- That the rules should allow the flexibility to relocate a meter upon a customer's request, provided that the customer is willing to pay for such relocation.²
- That further discussion is needed to resolve various scenarios involving the customer's election to opt out, including, but not necessarily limited to the identification of the true customer in landlord-tenant relationships, or situations in which (i) the account holder may not be a resident of the location at which the advanced meter is being installed; (ii) the customer creates a breach in cyber security; (iii) the election to opt out may disrupt a utility's advanced metering communication network; and (iv) the customer is taking generation service from a Certified Retail Electric Supplier and is on a time differentiated rate.³
- That there is an inconsistency between Rule 4901:1-10-05(J)(5)(e) that requires a utility to collect all costs of opt out service from only those customers who elect to opt out of advanced metering, and the Commission's directive (at paragraph 27 of the Order) that costs of reinstalling an advanced meter "should be borne by the utility". The Companies also agree that the utilities should be permitted to recover *all* costs for the service and that a mechanism must be put in place to allow for such recovery. However, the Companies believe that the methodology should be left to the utility, based on its specific circumstances, to determine the appropriate methodology for such recovery – an issue that would be addressed at the time the advanced meter tariff is filed.⁴
- That the one day notice of intention to install advanced meters be limited to full system upgrade deployments⁵ or, alternatively, the Companies ask that the rule allow for exceptions if such notice disrupts normal operations of the utility.

However, with regard to Duke's definition of "advanced meter", the Companies respectfully disagree. While Duke is correct that the definition as currently proposed in Rule 4901:1-10-01(A) includes only "one-way" communication capabilities, which is inconsistent with the Commission's directive (at page 9 of its October 16, 2013 Finding and Order) that includes both one- and two-way communication capabilities, for the reasons set forth in the Companies' AFR, the Companies urge the Commission to adopt the definition proposed by Dayton Power and Light Company ("DPL"). Unlike Duke's definition, DPL's proposed definition of "advanced meter" excludes AMR meters – meters that have been installed at customers' premises for more than twenty years without incident. As the Companies explained

² Id., unnumbered p. 4.

³ Id. at unnumbered pp. 4-7.

⁴ Id., unnumbered p. 5.

⁵ Id.

in their AFR, including these AMR meters within the definition of "Advanced Meter", tries to fix a problem that currently does not exist and results in an unnecessary increase in meter reading costs, the number of estimated meter reads, and possibly stranded investment.⁶ And, as DPL correctly points out in its AFR, granting customers the right to opt out of the installation of AMR metering is inconsistent with the residential water meter rules, which has no such right for similar meter technology.⁷

III. CONCLUSION

In sum, while the Companies believe that the rules should be removed in their entirety for the reasons set forth in the Companies' AFR, should the Commission disagree, the Companies urge the Commission to modify the rules by adopting DPL's proposed definition of "advanced meters" (and rejecting that of Duke) and address all remaining issues raised by Duke, resolving them consistent with the comments set forth herein and in Duke's AFR.

Respectfully submitted,



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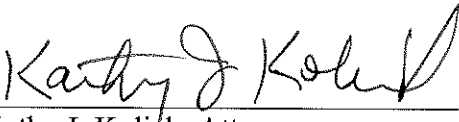
On behalf of Ohio Edison Company, The Cleveland
Electric Illuminating Company and The Toledo
Edison Company

⁶ Companies' AFR, pp. 9-10.

⁷ DPL AFR, p. 4.

CERTIFICATE OF SERVICE

The foregoing *Memorandum Contra of Duke Energy Inc., Submitted on Behalf of Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company* was filed with the Public Utilities Commission of Ohio Docketing Information System on this 25th day of November, 2013, with courtesy copies being sent via electronic mail to the parties of record.


Kathy J. Kolich, Attorney

This foregoing document was electronically filed with the Public Utilities

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11/25/2013 4:58:04 PM

in

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

Summary: Memorandum Contra Application for Rehearing of Duke Energy electronically filed by Ms. Kathy J Kolich on behalf of Ohio Edison Company and The Cleveland Electric Illuminating Company and The Toledo Edison Company