

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Amendment of)	
Chapters 4901:1-10 and 4901:1-21, Ohio)	
Administrative Code, Regarding Electric)	Case No. 14-1411-EL-ORD
Companies and Competitive Retail)	
Electric Service, to Implement 2014 Sub)	
S.B. No 310)	

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

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 December 17, 2014 Finding and Order (“Order”) because it conflicts with the plain language in the Ohio Revised Code (ORC) §4928.65.

MEMORANDUM IN SUPPORT

I. The Commission’s Order is unreasonable because it conflicts with the plain text of the Ohio Revised Code (ORC).

Specifically, the ORC § 4928.65 (A) (1) states:

“That every electric distribution utility list, on all customer bills sent by the utility, including utility consolidated bills that include both electric distribution utility and electric services company charges, the individual customer cost of the utility's compliance with all of the following for the applicable billing period:

(a) The renewable energy resource requirements under section 4928.64 of the Revised Code, subject to division (B) of this section;

(b) The energy efficiency savings requirements under section 4928.66 of the Revised Code;

(c) The peak demand reduction requirements under section 4928.66 of the Revised Code.”

Although it may have been the intent of the legislature to inform customers about the actual cost of compliance incurred by both utilities and CRES Providers that are providing services to customers, the plain language of the ORC states that if a bill is issued by the utility, it should be the cost of the utility’s compliance that is reported on the bill even when the utility issues a consolidated bill that contains CRES Provider charges. The statutory provision clearly and unambiguously does not impose a requirement on utilities to collect compliance data from CRES Providers and modify their billing systems to print CRES Provider costs of compliance on consolidated bills. SB 310 takes the administratively simpler approach of requiring only that the utility’s renewable compliance costs be stated on bills issued by the utility, irrespective of whether the utility or another entity is providing the supply component of the bill.

Therefore, the Commission’s proposed rule is inconsistent with the ORC. Specifically the proposed rule §4901:1-10-35 (B) states in part:

“ . . . Consolidated bills set by the EDU, which include supplier charges, shall include the EDU’s individual customer cost of compliance for paragraphs (B)(2) and (B)(3) of this rule for the applicable billing period and will be included under the EDU’s section of charges. Suppliers are responsible for providing the EDU with the individual customer costs of compliance pursuant to paragraph (B)(1) of rule 4901:1-21-19 of the Administrative Code for the applicable billing period which will be included under the supplier section of charges.”

Paragraph (B)(1) of rule 4901:1-21-19 relates to the CRES Provider’s renewable compliance costs, not the utility’s compliance costs. In order to be consistent with the

ORC, the Commission's rule must require the utility to place the utility's renewable compliance costs on consolidated bills issued by the utility.

DP&L is supportive of providing customers with accurate information from which they can draw reasonable conclusions about state policy issues like energy efficiency and renewable energy. DP&L suggests the Commission initiate a working group such that the utilities, CRES Providers, the PUCO Staff and other interested parties can openly discuss what and how renewable and energy compliance costs should be shown on customer bills.

CONCLUSION

For the foregoing reasons, the Commission should grant rehearing with respect to the SB 310 compliance rules and modify them as proposed herein by DP&L.

Respectfully submitted,

ss:/ *Randall V. Griffin*

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Summary: App for Rehearing of The Dayton Power and Light Company electronically filed by Mr. Randall V Griffin on behalf of The Dayton Power and Light Company