

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Commission's	)	
Review of Chapters 4901:5-1, 4901:5-3,	)	
4901:5-5 and 4901:5-7 of the Ohio	)	Case No. 15-0053-GE-ORD
Administrative Code, Regarding Gas and	)	
Electric Forecasting Rules.	)	

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**REPLY COMMENTS  
BY  
THE OFFICE OF THE OHIO CONSUMERS' COUNSEL**

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**I. INTRODUCTION**

The Office of the Ohio Consumers' Counsel ("OCC") files these Reply Comments where the administrative rules governing long-term forecasting reporting requirements for gas and electric utilities, electric transmission owners, and natural gas and electric distribution companies are under review. Modifications proposed and adopted in this proceeding may affect the information available about long-term plans for Ohio natural gas and electric utility customers. The rules under review list requirements for the contents of annual, long-term forecasting reports and fee instructions for gas and electric utilities, electric transmission owners, and natural gas and electric distribution companies. The reports provide an analysis of load forecasts, the resource plans to meet the load, and a description of how the forecasts were calculated.

The Public Utilities Commission of Ohio ("PUCO") invited interested persons to file comments and reply comments concerning proposed changes to the gas and electric forecasting rules contained in Ohio Adm. Code Chapters 4901:5-

1,4901:5-3,4901:5-5, and 4901:5-7.<sup>1</sup> OCC and Duke Energy Ohio, Inc. (“Duke” or “Utility”) filed comments on December 21, 2016. OCC’s Reply Comments address the issues raised by Duke in its initial Comments.

## II. COMMENTS

**A. Duke’s request to eliminate Ohio Admin. Code 4901:5-5-03 should be denied because this section is primarily concerned with germane utility forecasting information and not information related to the construction of new utility generation as Duke asserts.**

In its Comments, Duke states that “Rule 4901:5-5-03, O.A.C. should be eliminated entirely with a proviso that it may be used when an EDU is proposing new generation pursuant to R.C.4928.143(B)(2)(c).”<sup>2</sup> But the information requirements contained in Ohio Admin. Code 4901:5-5-03 pertain to the analytical foundation of an electric utility’s demand and energy forecasts - not new generation resources. Without the information specified in this section, it would be challenging for the PUCO and stakeholders to determine the veracity and robustness of a utility’s demand forecast. In this regard, a utility providing this information is important for customers because if these requirements are eliminated from the rules, a utility’s forecast may be subject to error. Customers could then be impacted by paying more if there a supply shortfall emanating from a faulty forecast. The rather detailed section only mentions utility resources in three areas,<sup>3</sup> but the information requirements are easily met (if the utility is not proposing constructing a new power plant) by providing the information contained in the Forms specified in 4901:5-5-06. Those forms have been modified to simply request that the

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<sup>1</sup> Case No. 15-0053-GE-ORD, Entry at 1 (November 18, 2015).

<sup>2</sup> Duke Comments at 2.

<sup>3</sup> These appear in 4901:5-5-03(A), 4901:5-5-03(C)(1)(a) and 4901:5-5-03(C)(3).

utility provide “reserve” information, rather than detailed information on dedicated resources.<sup>4</sup> As such, Duke’s request to eliminate Rule 4901:5-5-03 is unnecessary and should be rejected.

**B. Duke’s request to revise or eliminate portions of Ohio Admin. Code 4901:5-5-06 is vague and should be rejected as the Utility does not reference any specific section, nor does it offer any concrete language changes.**

Duke states that “[s]elect portions of 4901:5-5-04, O.A.C. should be revised as needed to allow the [PUCO] to oversee safety and reliability concerns, however, much can be eliminated as transmission is otherwise regulated and managed by FERC and PJM.”<sup>5</sup> But Duke makes no specific language revisions to the proposed rule. This rule section provides important information that is locally accessible concerning a utility’s transmission system and reliability of that system.<sup>6</sup> Reliable and affordable power is very important to consumers. Given Duke’s lack of specificity regarding the modification to this rule, the PUCO should reject Duke’s recommendation.

**C. Duke’s recommendation to condition 4901:5-5-06 on the proposal to build new generation is too broad and therefore should be rejected.**

Duke states in its comments that “[a]ll of Rule 4901:5-5-06, O.A.C. should be conditioned upon applications needed when an [Electric Distribution Utility] EDU is proposing new generation.”<sup>7</sup> The rule does require some detailed information on resource planning that is pertinent in the Ohio context when a utility is proposing new generation

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<sup>4</sup> Ohio Admin. Code 4901:5-5-06(A)(6)(a-f).

<sup>5</sup> Duke Comments at 3.

<sup>6</sup> That utility transmission information may be available at FERC or PJM does not mean the utility should not have to provide that information to the PUCO. Providing the information to the PUCO in a regulatory proceeding allows the PUCO staff and intervenors to more easily access and query that information, and provide expert witness testimony as necessary.

<sup>7</sup> Id. at 3.

(these provisions are found in R.C 4928.143 (B)(2)(b and c)). But the rule is not overly burdensome, as completion of PUCO forms is the only requirement in a forecast filing (unless the PUCO invokes the conditions specified in section 4901:5-1-04, presumably, if the EDU in question were proposing to build a new power plant.) In addition, PUCO Forms in this section do not require detailed utility generation resource information but simply “reserve” information. For these reasons, OCC believes Duke’s requested changes are not necessary and should be rejected.

### **III. CONCLUSION**

OCC appreciates the opportunity to provide these reply comments regarding the proposed changes to the gas and electric forecasting rules on behalf of Ohio consumers.

Respectfully submitted,

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### **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the Reply Comments have been served via electronic service upon the following parties of record this 22<sup>nd</sup> day of February, 2016.

/s/ Kyle L. Kern  
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Summary: Comments Reply Comments by the Office of the Ohio Consumers' Counsel electronically filed by Ms. Deb J. Bingham on behalf of Kern, Kyle L.