

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

The Office of the Ohio Consumers' Counsel)	
)	
Complainant,)	
)	
v.)	Case No. 16-0782-EL-CSS
)	
Ohio Power Company)	
)	
Respondent.)	

**OHIO POWER COMPANY'S
MEMORANDUM CONTRA
OCC'S MOTION FOR A MORATORIUM**

As described in the Answer and Motion for Tariff Amendment filed by Ohio Power Company ("AEP Ohio") concurrently with this Memorandum Contra, AEP Ohio does not agree with key aspects of the Complaint filed by the Ohio Consumers' Counsel ("OCC"). But AEP Ohio *does* agree that submetering is harmful, that AEP Ohio's tariff does not currently prohibit submetering, and that amending AEP Ohio's tariff is one means to address the substantial harms caused by submetering. Accordingly, in its Motion for Tariff Amendment, AEP Ohio proposed, as a resolution to this case, that the Commission adopt specific tariff language that would allow AEP Ohio to discontinue electric service to any premises where any entity is "marking up" or profiting by assessing charges to tenants or occupants for electric service.

Here, OCC has filed a motion seeking a "moratorium" on AEP Ohio's "new provision of electric service to those who resell (submeter) utility-related services to residential consumers in apartments, condominiums and other housing." OCC Motion for Moratorium at 1. It is unclear what precisely OCC is requesting, and AEP Ohio would oppose any amorphous "moratorium" that is untethered from specific tariff language changes.

However, AEP Ohio agrees that expedited action by the Commission is appropriate. As OCC notes, new apartment construction is rapid in AEP Ohio's service territory. A recent *Columbus Dispatch* article, for instance, noted that Columbus is the top city in the country for new apartment growth.¹ And many of these new apartments are being established as submetered premises. The Commission should act quickly to stem the tide of the harmful submetering practices that have already grown too prevalent in AEP Ohio's territory.

Accordingly, although AEP Ohio opposes the unclear "moratorium" requested by OCC, AEP Ohio would support – and believes the Commission should grant – expedited approval of AEP Ohio's proposed tariff change. Specifically, the Commission should grant AEP Ohio's proposed tariff change for immediate application pending a full process and procedural schedule in this docket. This will prevent further harm to customers in AEP Ohio's territory as the Commission considers the issues raised here.

CONCLUSION

For the foregoing reasons, the Commission should deny OCC's Motion for a Moratorium insofar as it seeks amorphous, undefined relief, but it should take expedited action to address submetering by granting AEP Ohio's Motion for Tariff Amendment on a temporary basis while the Commission proceeds with this docket.

¹ Jim Weiker, *Columbus Is Nation's Hottest Apartment Market, Zillow Says*, The Columbus Dispatch, Apr. 6, 2016, available at <http://www.dispatch.com/content/stories/business/2016/04/06/1-central-ohio-is-nations-hottest-apartment-market-zillow-says.html>.

Respectfully submitted,

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CERTIFICATE OF SERVICE

In accordance with Rule 4901-1-05, Ohio Administrative Code, the PUCO's e-filing system will electronically serve notice of the filing of this document upon the following parties. In addition, I hereby certify that a service copy of the foregoing *Memorandum Contra OCC's Motion for a Moratorium* was sent by, or on behalf of, the undersigned counsel to the following parties of record this 27th day of April 2016, via electronic transmission.

/s/ Steven T. Nourse

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Summary: Memorandum Ohio Power Company's Memorandum Contra OCC's Motion for a Moratorium electronically filed by Mr. Steven T Nourse on behalf of Ohio Power Company