

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Commission's)	
Investigation of Submetering in the)	Case No. 15-1594-AU-COI
State of Ohio)	

**REPLY COMMENTS OF
THE DAYTON POWER AND LIGHT COMPANY**

The Dayton Power and Light Company (“DP&L” or “Company”) submits the following comments in reply to initial comments previously filed by interested participants in this proceeding. Without endorsing the position taken by the Office of the Ohio Consumers’ Counsel, et. al¹ with respect to the criteria under which a submetering company would be found to be the equivalent of a utility, DP&L agrees that once that threshold is crossed, the customers of a submetering company that is found to be the equivalent of a utility should be provided consumer protections applicable to utilities including reconnect and disconnect procedures, credit and collection practices, payment assistance plans, and low income assistance. DP&L also agrees with Ohio Power and Duke Energy Ohio that currently these customers cannot shop for generation supply and, thus, have neither the protection of Commission rate regulation nor the opportunity to protect against excessive prices through shopping.²

I. The Test to Find a Submetering Company is subject to PUCO Jurisdiction Should Be Easy to Understand and Practical to Apply.

¹ Comments of The Coalition on Homelessness and Housing in Ohio, Legal Aid Society of Southwest Ohio, LLC, Edgemont Neighborhood Coalition, The Office of the Ohio Consumers’ Counsel, and Ohio Poverty Law Center, page 1.

² Initial Comments of Ohio Power Company and Duke Energy Ohio, Inc. page 1.

Any test as to whether or not a submetering company must meet the Commission's rules and regulations needs to be plain, simple and easy to understand so that landlords and tenants can have some certainty as to whether those rules apply to their given situation. When a landlord is considering establishing a submetering electric business it should be clear what the rules are for this type of service, what type of regulatory reporting is expected, and what the consequences are if the landlord does not or cannot comply. Determining whether the submetering company is subject to PUCO jurisdiction or not based on a price test that uses the utility's SSO price, creates an overwhelming level of uncertainty for the consumer, the submetering company, the landlord, the PUCO, as well as the Office of the Ohio Consumers' Counsel who might be trying to help protect the consumer.

As this Commission is well aware, Ohio utilities' Standard Service Offer (SSO) rates fluctuate on at least a seasonal basis and sometimes rates change on even a more frequent basis.³ The SSO rate can change due to a change in the competitive bid structure, or the results of the bid, or other market and industry changes. SSO rates also differ based on the way the customer consumes electricity (i.e., tariff classes include secondary, primary, primary substation, high voltage, residential, residential heating, street lighting) because the total cost of generating and delivering electricity differs based on the customers demand and usage pattern and voltage level of service. Last and not least some tariff classes contain blocked rates, which means that even within a given tariff class if a customer consumes more energy or less energy their total average rate will differ from their neighbor. If the criteria used to determine whether or not a submetering company is subject to PUCO jurisdiction is based on

³ DP&L's SSO rates changed a total of 8 times during calendar year 2016.

its price versus the utility's SSO price, the parameters of what, when, how this price measurement takes place needs to be clear, concise and easily understood by all.

It does not make practical sense that a submetering company may not be subject to PUCO jurisdiction in a given month or season, and the following month or season they may be subject to PUCO jurisdiction because either their price changed or the utility's SSO price changed. It seems like an insurmountable task for the PUCO Staff to track which submetering companies are under PUCO jurisdiction, during what time period, and whether or not the submetering company was in violation of a notice requirement, a billing or late payment charge maximum, or other PUCO consumer protection rule.

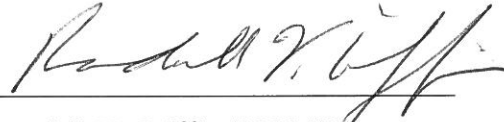
If any kind of price comparison approach is to be used, perhaps the better approach would be for the Commission and its Staff to review annually utility SSO rates and publish on the PUCO web-site the threshold pricing level that would cause the submetering company to become subject to Commission jurisdiction. That threshold price should remain fixed for the year.

DP&L does not have specific proposals to offer with respect to other consumer protections in areas such as reconnect and disconnect procedures, credit and collection practices, payment assistance plans, and low income assistance. But the overall principles of ease of understanding and practicality of application should apply. The Commission should set clear rules for submetering companies to follow regarding electricity pricing and consumer protections and those rules should be applied consistently over time and throughout Ohio.

II. Conclusion

DP&L appreciates the opportunity to provide comments and urges the Commission to adopt the recommendations set forth above.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Randall V. Griffin", written over a horizontal line.

Randall V. Griffin (0080499)

Attorney for the Dayton Power and Light Company

1065 Woodman Drive

Dayton, OH 45432

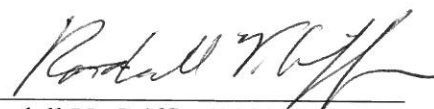
Telephone: (937) 259-7221

Email: Randall.Griffin@aes.com

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Reply Comments have been served via electronic service upon the following parties this 3rd day of February 2017.

bingham@occ.state.oh.us	glpetrucci@vorys.com
dparram@bricker.com	vleach-payne@mwncmh.com
sdismukes@eckertseamans.com	WHITT@WHITT-STURTEVANT.COM
glover@whitt-sturtevant.com	gblazer@porterwright.com
cmooney@ohiopartners.org	cmooney@ohiopartners.org
rendris@firstenergycorp.com	rendris@firstenergycorp.com
torahood@bricker.com	jennifer.spinosi@directenergy.com
jamie.williams@occ.ohio.gov	mcorbett@calfee.com
aemerson@porterwright.com	MSMCKENZIE@AEP.COM
fdarr@mwncmh.com	bojko@carpenterlipps.com
mjsettineri@vorys.com	kjohnson@oneenergylc.com
dona.seger-lawson@aes.com	Sandra.Coffey@puc.state.oh.us
Donielle.Hunter@puc.state.oh.us	randall.griffin@aes.com
stnourse@aep.com	msmalz@ohiopoveritylaw.org
frice@spectrumutilities.com	



Randall V. Griffin (0080499)

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

2/3/2017 2:18:17 PM

in

Case No(s). 15-1594-AU-COI

Summary: Reply Comments electronically filed by Mrs. Dona R Seger-Lawson on behalf of
The Dayton Power and Light Company