

**BEFORE
THE PUBLIC UTILITY COMMISSION OF OHIO**

In the Matter of the Application of)	
The Dayton Power and Light Company to)	Case No. 15-1830-EL-AIR
Increase Its Rates for Electric Distribution)	

In the Matter of the Application of)	
The Dayton Power and Light Company for)	Case No. 15-1831-EL-AAM
Accounting Authority)	

In the Matter of the Application of)	
Dayton Power and Light Company for)	Case No. 15-1832-EL-ATA
Approval of Revised Tariffs)	

**DIRECT TESTIMONY OF TERESA RINGENBACH
ON BEHALF OF
THE RETAIL ENERGY SUPPLY ASSOCIATION AND
INTERSTATE GAS SUPPLY, INC.**

Q1. Please introduce yourself.

A1. My name is Teresa Ringenbach. I am the Senior Manager of Government and Regulatory Affairs, Midwest, for Direct Energy, LLC. My business address is 5200 Upper Metro Place, Suite 170, Dublin, OH 43017.

Q2. Please describe your educational background and work history.

A2. I hold a Bachelor of Business Administration with a concentration in International Business from the University of Toledo. I started in the energy industry in 2001 with Integrys Energy Services, Inc., formerly WPS Energy Services, Inc., as a Customer Service and Marketing Specialist promoting and managing Ohio residential and small commercial electric offers. In 2002, I became an Account Manager – Inside Sales, where I sold and managed Government Aggregation Programs for both gas and electric. In 2005, I was promoted to Regulatory Specialist. In this position, I was responsible for regulatory compliance throughout the United States and Canada. In 2006, I accepted the position of Regulatory Affairs Analyst – East covering New England, New York, New Jersey, Ohio and Pennsylvania gas and electric issues. In the spring of 2008, I accepted the Regulatory Affairs Analyst position for the Midwest region covering Ohio, Michigan, Illinois, Indiana, Kentucky, and all of Canada. In this position, I directed the regulatory and legislative efforts affecting Integrys Energy’s gas and electric business. In September 2009, I joined Direct Energy as the Manager of Government and Regulatory Affairs for the Midwest.

Q3. Have you previously testified before any regulatory agency?

1 A3. Yes. I have testified before the Connecticut Department of Public Utility Control, the
2 Pennsylvania Public Utility Commission, the Illinois Commerce Commission, the
3 Kentucky Public Service Commission and the Public Utilities Commission of Ohio.

4 **Q4. What is the purpose of your testimony in this proceeding?**

5 A4. I am testifying to explain RESA and IGS's opposition to the continuation of a charge for
6 historical interval data by the utility.

7 **Q5. Why do RESA and IGS oppose this charge?**

8 A5. DP&L has furnished no information demonstrating that it incurs costs to provide this
9 information. There is no reason to believe that any de minimus costs DP&L incurs are not
10 already being recovered by DP&L through base rates or its customer charge.

11 **Q6. Do suppliers and their customers need historical usage data to make informed**
12 **decisions about choosing a supplier or offer?**

13 A6. Yes. Historical usage data is an essential piece for a customer to receive accurate pricing
14 from their supplier. Historical interval or hourly usage allows a supplier to model and
15 calculate a product to the particular customer's needs and peak usage profiles.

16 **Q7. Should suppliers pay for this data?**

17 A7. No. As things stand today in Ohio the only entity that can provide this data is the utility.
18 It is essentially a monopoly service. Neither a customer nor their supplier should have to
19 pay a fee for this service which currently remains a sole function of the monopoly.

20 **Q8. Can a customer receive this data without a fee?**

21 A8. Not in a manner that is simple and allows them to provide it to a supplier. Also, note that
22 a supplier is looking for interval data to calculate peak usages and other factors which
23 will allow us to shape and model our product to that customer.

1 **Q9. Would a lower fee be more appropriate?**

2 A9. No. As I have already pointed out this service remains a monopoly service at this time
3 and as such should be recovered as a monopoly service because neither suppliers nor our
4 customers can receive this in any other form or from anywhere else.

5 In addition, while we disagree, if the Commission wanted to only have a pay-for-
6 use process then this system should have been paid for by now. DP&L recovered over
7 \$2.7 million dollars between 2012 and 2017.¹ DP&L has not provided any information on
8 what this fee is used to recover or at what point over \$2.7 million dollars in fees would be
9 enough to recover system costs and eliminate this fee.²

10 **Q10. Please summarize your testimony.**

11 A10. The Commission should recognize that access to hourly or less meter data is at this time a
12 monopoly function and eliminate all fees associated with a customer's right to allow
13 access to their data for CRES pricing. In addition, the Commission should order DP&L to
14 immediately eliminate the fee charged to access this data. If the Commission believes
15 DP&L may have a right to charge customers and their approved suppliers for this data,
16 the Commission should order DP&L to substantiate the costs basis for its proposed fee.

17 **CONCLUSION**

18 **Q11. Does this complete your testimony?**

19 A11. Yes.

¹ Exhibit TR-1 at 5-6.

² Exhibit TR-2 at 6-7.

CERTIFICATE OF SERVICE

I hereby certify that a copy the foregoing Direct Testimony of Teresa Ringenbach was served by electronic mail this 11th day of April, 2018 to the following:

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/s/ Rebekah J. Glover

Rebekah J. Glover

**BEFORE
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In the Matter of the Application of The : Case No. 15-1830-EL-AIR
Dayton Power and Light Company for an
Increase in Electric Distribution Rates. :

In the Matter of the Application of The : Case No. 15-1831-EL-AAM
Dayton Power and Light Company for
Approval to Change Accounting Methods. :

In the Matter of the Application of The : Case No. 15-1832-EL-ATA
Dayton Power and Light Company for Tariff
Approval. :

**THE DAYTON POWER AND LIGHT COMPANY'S SUPPLEMENTAL OBJECTIONS
AND RESPONSES TO INTERSTATE GAS SUPPLY, INC.'S FOURTH SET OF
INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS TO
THE DAYTON POWER AND LIGHT COMPANY**

December 13, 2017

The Dayton Power and Light Company ("DP&L") objects and responds to Interstate Gas Supply, Inc.'s Fourth Set of Interrogatories and Requests for Production of Documents to The Dayton Power and Light Company, as follows.

GENERAL OBJECTIONS

1. DP&L objects to and declines to respond to each and every discovery request to the extent that it seeks information that is irrelevant and is not reasonably calculated to lead to the discovery of admissible evidence. Ohio Admin. Code § 4901-1-16(B).

2. DP&L objects to and declines to respond to each and every discovery request to the extent that it is harassing, unduly burdensome, oppressive or overbroad. Ohio Admin. Code §§ 4901-1-16(B) and 4901-1-24(A).

3. DP&L objects to each and every discovery request to the extent that it seeks information that is privileged by statute or common law, including privileged communications between attorney and client or attorney work product. Ohio Admin. Code § 4901-1-16(B). Such material or information shall not be provided, and any inadvertent disclosure of material or information protected by the attorney-client privilege, the attorney work product doctrine or any other privilege or protection from discovery is not intended and should not be construed to constitute a waiver, either generally or specifically, with respect to such information or material or the subject matter thereof.

4. DP&L objects to each and every discovery request to the extent that it seeks information that is proprietary, competitively sensitive or valuable, or constitutes trade secrets. Ohio Admin. Code § 4901-1-24(A).

5. To the extent that interrogatories seek relevant information that may be derived from the business records of DP&L or from an examination or inspection of such records and the burden of deriving the answer is the same for the party requesting the information as it is for DP&L, DP&L may specify the records from which the answer may be derived or ascertained and afford the party requesting the information the opportunity to examine or inspect such records. Ohio Admin. Code § 4901-1-19(D).

6. DP&L objects to each and every interrogatory that can be answered more efficiently by the production of documents or by the taking of depositions. Under the

comparable Ohio Civil Rules, "[a]n interrogatory seeks an admission or it seeks information of major significance in the trial or in the preparation for trial. It does not contemplate an array of details or outlines of evidence, a function reserved by rules for depositions." Penn Cent. Transp. Co. v. Armco Steel Corp., 27 Ohio Misc. 76, 77, 272 N.E.2d 877, 878 (Montgomery Cty. 1971). As Penn further noted, interrogatories that ask one to "describe in detail," "state in detail," or "describe in particulars" are "open end invitation[s] without limit on its comprehensive nature with no guide for the court to determine if the voluminous response is what the party sought in the first place." Id., 272 N.E.2d at 878.

7. DP&L objects to each and every discovery request to the extent that it calls for information that is not in DP&L's current possession, custody, or control or could be more easily obtained through third parties or other sources. Ohio Admin. Code § 4901-1-19(C) and 4901-1-20(D). DP&L also objects to each and every discovery request that seeks information that is already on file with the Public Utilities Commission of Ohio or the Federal Energy Regulatory Commission. To the extent that each and every discovery request seeks information available in pre-filed testimony, pre-hearing data submissions and other documents that DP&L has filed with the Commission in the pending or previous proceedings, DP&L objects to it. Ohio Admin. Code § 4901-1-16(G).

8. DP&L reserves its right to redact confidential or irrelevant information from documents produced in discovery. All documents that have been redacted will be stamped as such.

9. DP&L objects to each and every discovery request to the extent that it is vague or ambiguous or contains terms or phrases that are undefined and subject to varying interpretation or meaning, and may, therefore, make responses misleading or incorrect.

10. DP&L objects to any discovery request to the extent that it calls for information not in its possession, but in the possession of DP&L's unregulated affiliates.

11. DP&L objects to each and every discovery request to the extent that it calls for a legal conclusion, and thus seeks information that cannot be sponsored by a witness.

12. DP&L objects because these discovery requests seek information that DP&L does not know at this time.

13. DP&L objects to the request to the extent that it mischaracterizes previous statements or information or is an incomplete recitation of past statements or information or takes those statements or information outside of the context in which they were made.

OBJECTIONS AND RESPONSES TO INTERROGATORIES

INT-4-2. DP&L's Alternate Generation Supplier Coordination Tariff's Schedule of Fees and Charges, page 30 identifies a charge of \$150 for 12 months of interval hourly load data, per account. Regarding the charge identified above:

- a. Describe and provide calculations demonstrating how the cost of \$150 was derived.
- b. Identify all costs being recovered through the \$150 charge. Including but not limited to labor, software expenses, IT equipment, etc.
- c. Identify the origin or basis of this \$150 charge.
- d. Describe the entire process used to deliver the applicable data to parties who pay the \$150 under the current structure by which the data is delivered
- e. Is the data provided to suppliers through an EDI transaction?
- f. How much labor is required to provide each data request on a monthly basis?
- g. How often and with what delay is interval data delivered to suppliers who pay the \$150 charge under the current system?
- h. Identify the amount fees collected by DP&L in each year for 2012-2017.
- i. Identify the amounts of fees collected during the test year.

RESPONSE: General Objections Nos. 1 (relevance), 2 (unduly burdensome), 3 (privileged and work product), 4 (proprietary), 5 (inspection of business records), 6 (calls for narrative answer), 7 (publicly available), 9 (vague or undefined), 11 (calls for a legal conclusion), 12 (seeks information that DP&L does not know at this time), 13 (mischaracterization). Subject to all general objections, DP&L states:

- h. 2012: \$346,200
2013: \$479,400

2014: \$477,300

2015: \$381,150

2016: \$518,250

2017: \$501,000

i. \$339,300

Witness Responsible: Nathan C. Parke

Respectfully submitted,

/s/ Michael J. Schuler

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3. DP&L objects to each and every discovery request to the extent that it seeks information that is privileged by statute or common law, including privileged communications between attorney and client or attorney work product. Ohio Admin. Code § 4901-1-16(B). Such material or information shall not be provided, and any inadvertent disclosure of material or information protected by the attorney-client privilege, the attorney work product doctrine or any other privilege or protection from discovery is not intended and should not be construed to constitute a waiver, either generally or specifically, with respect to such information or material or the subject matter thereof.

4. DP&L objects to each and every discovery request to the extent that it seeks information that is proprietary, competitively sensitive or valuable, or constitutes trade secrets. Ohio Admin. Code § 4901-1-24(A).

5. To the extent that interrogatories seek relevant information that may be derived from the business records of DP&L or from an examination or inspection of such records and the burden of deriving the answer is the same for the party requesting the information as it is for DP&L, DP&L may specify the records from which the answer may be derived or ascertained and afford the party requesting the information the opportunity to examine or inspect such records. Ohio Admin. Code § 4901-1-19(D).

6. DP&L objects to each and every interrogatory that can be answered more efficiently by the production of documents or by the taking of depositions. Under the

comparable Ohio Civil Rules, "[a]n interrogatory seeks an admission or it seeks information of major significance in the trial or in the preparation for trial. It does not contemplate an array of details or outlines of evidence, a function reserved by rules for depositions." Penn Cent. Transp. Co. v. Armco Steel Corp., 27 Ohio Misc. 76, 77, 272 N.E.2d 877, 878 (Montgomery Cty. 1971). As Penn further noted, interrogatories that ask one to "describe in detail," "state in detail," or "describe in particulars" are "open end invitation[s] without limit on its comprehensive nature with no guide for the court to determine if the voluminous response is what the party sought in the first place." Id., 272 N.E.2d at 878.

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8. DP&L reserves its right to redact confidential or irrelevant information from documents produced in discovery. All documents that have been redacted will be stamped as such.

9. DP&L objects to each and every discovery request to the extent that it is vague or ambiguous or contains terms or phrases that are undefined and subject to varying interpretation or meaning, and may, therefore, make responses misleading or incorrect.

10. DP&L objects to any discovery request to the extent that it calls for information not in its possession, but in the possession of DP&L's unregulated affiliates.

11. DP&L objects to each and every discovery request to the extent that it calls for a legal conclusion, and thus seeks information that cannot be sponsored by a witness.

12. DP&L objects because these discovery requests seek information that DP&L does not know at this time.

13. DP&L objects to the request to the extent that it mischaracterizes previous statements or information or is an incomplete recitation of past statements or information or takes those statements or information outside of the context in which they were made.

OBJECTIONS AND RESPONSES TO INTERROGATORIES

INT-4-1. As of December 31, 2016, identify the amount of DP&L customers in each of the following customer classes, breaking out shopping vs. non-shopping for each category:

- a. Residential Heating
- b. Residential Non-Heating
- c. Commercial
- d. Industrial
- e. State & Local Government
- f. Federal Government
- g. Public Street & Highway Lighting
- h. Street Railway

RESPONSE: General Objections Nos. 1 (relevance), 2 (unduly burdensome), 4 (confidential), 5 (inspection of business records). Subject to all general objections, DP&L states that please see IGS Set 4 INT-1 Attachment 1 – HIGHLY CONFIDENTIAL - OUTSIDE COUNSELS' EYES ONLY, DP&L-AIR 0036098.

Witness Responsible: Robert J. Adams

INT-4-2. DP&L's Alternate Generation Supplier Coordination Tariff's Schedule of Fees and Charges, page 30 identifies a charge of \$150 for 12 months of interval hourly load data, per account. Regarding the charge identified above:

- a. Describe and provide calculations demonstrating how the cost of \$150 was derived.
- b. Identify all costs being recovered through the \$150 charge. Including but not limited to labor, software expenses, IT equipment, etc.
- c. Identify the origin or basis of this \$150 charge.
- d. Describe the entire process used to deliver the applicable data to parties who pay the \$150 under the current structure by which the data is delivered
- e. Is the data provided to suppliers through an EDI transaction?
- f. How much labor is required to provide each data request on a monthly basis?
- g. How often and with what delay is interval data delivered to suppliers who pay the \$150 charge under the current system?
- h. Identify the amount fees collected by DP&L in each year for 2012-2017.
- i. Identify the amounts of fees collected during the test year.

RESPONSE: General Objections Nos. 1 (relevance), 2 (unduly burdensome), 3 (privileged and work product), 4 (proprietary), 5 (inspection of business records), 6 (calls for narrative answer), 7 (publicly available), 9 (vague or undefined), 11 (calls for a legal conclusion), 12 (seeks information that DP&L does not know at this time), 13 (mischaracterization). Subject to all general objections, DP&L states:

- a. The calculations were derived from the Stipulation and Recommendation filed on October 26, 2011, which was approved in PUCO Case No. 11-3002-EL-MER.

- b. The costs being recovered are a result of confidential settlement communications resulting in the Stipulation and Recommendation filed on October 26, 2011, which was approved in PUCO Case No. 11-3002-EL-MER.
- c. The origin of the \$150 charge is the Stipulation and Recommendation filed on October 26, 2011, which was approved in PUCO Case No. 11-3002-EL-MER.
- d. Requests are made either by email or through an EDI 814 HI transaction. If by email, the recipient will locate the meter recorder IDs by account number, query the requested number of months of data within the MV90 source system, reformat the data and return the data via email. If by EDI, the request will trigger an EDI 867 transaction in response that will include up to 12 months of historical interval data.
- e. Please see the response to sub-part (d).
- f. DP&L objects to this Interrogatory as vague because the phrase "[h]ow much labor" is subject to varying interpretations.
- g. EDI responses will typically be delivered on the next business day following the EDI request but no later than 4 calendar days. Email responses may experience slightly longer delays due to the manual effort involved.
- h. DP&L will supplement its response.
- i. DP&L will supplement its response.

Witness Responsible: Nathan C. Parke

4-3. Identify the total amount of switching fees that DP&L collected (either from a customer or a supplier) in the following time periods:

- a. The test year
- b. 2012
- c. 2013
- d. 2014
- e. 2015
- f. 2016
- g. 2017

RESPONSE: General Objections Nos. 1 (relevance), 2 (unduly burdensome), 4 (proprietary), 5 (inspection of business records), 9 (vague or undefined), 12 (seeks information that DP&L does not know at this time). Subject to all general objections, DP&L states:

- a. \$247,120
- b. Not available
- c. Not available
- d. \$158,000 (August-December 2014)
- e. \$254,445
- f. \$223,715
- g. \$270,060

Witness Responsible: Nathan C. Parke

REQUESTS FOR PRODUCTION OF DOCUMENTS

RPD-4-1. Provide a copy of all documents relied upon to answer INT-4-1 through INT-4-3

RESPONSE: General Objections Nos. 1 (relevance), 2 (unduly burdensome), 3 (privileged and work product), 4 (proprietary), 7 (publicly available), 9 (vague and undefined). Subject to all general objections, DP&L states that it will produce responsive unprivileged documents.

Respectfully submitted,

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in

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Summary: Text Direct Testimony of Teresa Ringenbach electronically filed by Ms. Rebekah J. Glover on behalf of Retail Energy Supply Association and Interstate Gas Supply, Inc.