

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of the Dayton)	
Power and Light Company for a Limited Waiver)	Case No. 18-1257-EL-WVR
of Ohio Adm. Code. 4901:1-18-06(A)(2))	

**REPLY COMMENTS OF THE DAYTON POWER AND LIGHT COMPANY IN
RESPONSE TO THE OFFICE OF THE OHIO CONSUMERS' COUNSEL**

I. INTRODUCTION

On August 2, 2018, DP&L filed a limited request for waiver of Ohio Administrative Code 4901:1-18-06 (A)(2), which requires personal notice on the day of disconnection. Specifically, DP&L requests a waiver of the personal notice requirement for customers who have acted violently or aggressively toward a Company representative, similar to waivers requested by other electric distribution companies and approved by the Public Utilities Commission of Ohio (“PUCO” or “the Commission”). Granting DP&L’s request for a waiver is necessary to ensure the safety of DP&L field representatives and customers alike. DP&L files these Reply Comments to address the Comments filed by The Office of the Ohio Consumers’ Council (“OCC”) comments, which should be disregarded.

II. RESPONSE TO COMMENTS OF THE OFFICE OF COUNSERS’ COUNCIL

OCC raises two alternative arguments in response to DP&L’s request for limited waiver. First, OCC suggests that DP&L’s request for waiver with respect to Code Red customers is duplicative of the waiver request made in Case No. 18-1875-EL-GRD (“DP&L’s Grid Modernization case”); therefore, the request in this matter should be consolidated with DP&L’s

Grid Modernization case and addressed in that much larger case.¹ To the contrary, however, the limited request for waiver in this case involves a small number of dangerous customers threatening the safety of DP&L representatives. As OCC admits, DP&L's Grid Modernization case, on the other hand, proposes a much more comprehensive waiver of O.A.C. 4901:1-18-06 (A)(2) on a system-wide basis in order to take advantage of efficiency benefits for customers and limit or prevent other costs associated with safety. DP&L's Grid Modernization case is a large case that is still in its infancy without a procedural order. Thus, OCC's first argument appears to be nothing more than a delay tactic that will only serve to jeopardize the health and safety of DP&L's field representatives from those customers that have "acted violently or aggressively towards DP&L representatives."²

Without any factual support, OCC bases this argument primarily upon the belief that "DP&L intends to spend money that will be eventually collected from customers for purchasing and installing a metering system that is capable of remotely disconnecting and reconnecting customers . . . [that] could be replaced in a very short time with an even newer AMI metering system."³ But DP&L has not requested cost recovery in this waiver request nor has it indicated any intention of seeking cost recovery at this time. And while the exact meter technology has not yet been determined, OCC's theory that these meters will need to be replaced or will not work with future Smart Grid assets is speculative and unfounded. Moreover, the few dangerous customers to whom this waiver could apply are actually causing additional costs for every interaction, not just of the utility but of tax dollars used to support local law enforcement that are

¹ See, Comments on DP&L's Proposal to Waive Personal Notice to Residential Customers on the Day of Disconnection by The Office of the Ohio Consumers' Counsel ("OCC Comments") at p.3 (April 10, 2019).

² Request for Wavier of the Dayton Power and Light Company at p. 1 (August 2, 2018).

³ OCC Comments at pp. 3-4.

often brought in as escorts. Therefore, this waiver may potentially reduce overall costs and protect DP&L field representatives and law enforcement alike; therefore, the waiver request should be granted as quickly as possible.

Alternatively, if this case is not consolidated with DP&L's Grid Modernization case, OCC requests certain conditions upon the waiver. Initially, DP&L notes that the Commission Staff reviewed and filed a report in this case that recommended no edits to DP&L's request for waiver. Moreover, OCC's recommended conditions, are not entirely clear and should be disregarded. First OCC requests that "the PUCO should modify the waiver request to include the safeguards it ordered in AEP's 4901:1- 18-06(A)(2) waiver request."⁴ But OCC makes no effort to list or describe those safeguards other than a generic reference to an AEP case, let alone any analysis of whether those same safeguards are necessary or applicable to DP&L's waiver. Thus, this request should be denied.

OCC further requests the following information be recorded for all customers designated as Code Red:

- (1) date of the threat or aggressive action,
- (2) name of the person behaving aggressively or threatening,
- (3) type of threat made and the date the note was added to the account, and
- (4) the reason for designation as Code Red, including whether police reports were filed.⁵

DP&L can make best efforts to record this type of information, but it is not always possible. For instance, when a field representative is in flight due to threat of death, it is unlikely that he/she will be able to request the name of the perpetrator. Moreover, DP&L cannot go back in time and

⁴ OCC Comments at p. 6.

⁵ OCC Comments at p. 6.

recreate this information to the extent it does not already exist. Thus, DP&L requests that, to the extent the Commission places any further requirements upon the Company as a condition for receiving the requested waiver, DP&L should only be required to make best efforts to record this information going forward.

III. CONCLUSION

The OCC's comments are unfounded, lack clarity and only serve to delay protections for the men and women that are face-to-face with dangerous individuals that have acted violently or aggressively. For the reasons stated above, and in accordance with PUCO Staff's recommendation, the Commission should approve DP&L's request for a limited waiver of OAC 4901:1-18-06 (A)(2).

Respectfully submitted,

/s/ Michael J. Schuler

Michael J. Schuler (0082390)
Attorney for the Dayton Power and Light
Company
1065 Woodman Drive
Dayton, OH 45432
Telephone: (937) 259-7358
Facsimile: (937) 259-7178
Email: michael.schuler@aes.com

CERTIFICATE OF SERVICE

It is hereby certified that a true copy of the foregoing was served upon the persons listed below via electronic transmission this 24th day of April 2018:

amy.botschner.obrien@occ.ohio.gov

barbara.bossart@puco.ohio.gov

william.wright@ohioattorneygeneral.gov

/s/ Michael J. Schuler

Michael J. Schuler (0082390)

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

4/24/2019 1:58:36 PM

in

Case No(s). 18-1257-EL-WVR

Summary: Comments Reply Comments in Response to the Office of the Ohio Consumers' Counsel electronically filed by Mr. Alan M. O'Meara on behalf of The Dayton Power and Light Company