

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Motion to Modify       )  
the Exemption Granted to The East       )       Case No. 18-1419-GA-EXM  
Ohio Gas Company d/b/a Dominion       )  
Energy Ohio.

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**OHIO PARTNERS FOR AFFORDABLE ENERGY’S  
REPLY  
TO THE MEMORANDA CONTRA**

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Ohio Partners for Affordable Energy (“OPAE”) herein replies to the memoranda contra filed jointly by the Retail Energy Supply Association (“RESA”) and Interstate Gas Supply, Inc. (“IGS”), Direct Energy Services, LLC and Direct Energy Business Marketing LLC, and Dominion Energy Solutions, Inc. This proceeding before the Public Utilities Commission of Ohio (“PUCO”) is to consider the motions of OPAE and the Office of the Ohio Consumers’ Counsel (“OCC”) to modify the exemption granted to The East Ohio Gas Company d/b/a Dominion Energy Ohio (“Dominion”). The memoranda contra make basically the same arguments, which are without merit.

OPAE’s motion seeks to modify the Commission’s 2013 order in Case No. 12-1842-GA-EXM dated January 9, 2013. This is evident from Page 1 of OPAE’s motion. The 2013 Order discontinued the availability of the competitively-priced Standard Choice Offer (“SCO”) for all nonresidential customers and certain unfortunate residential customers in Dominion’s service territory. Because of the 2013 Order, these ill-starred customers are not able to

choose the best-priced SCO and, if they had chosen the SCO, their best competitive option was eliminated and they were randomly assigned without their consent to a supplier offering a monthly variable rate (“MVR”), which is not competitively priced.

OPAE’s motion is timely and well within the eight year timeframe for a modification of the 2013 Order. R.C. 4929.08. The gist of the argument that the motion is not timely is that OPAE’s motion is actually seeking to modify a 2008 exemption order. This sham argument is that OPAE’s motion “relates to the MVR program” that was established in the 2008 exemption order. RESA-IGS Memorandum Contra at 7. Of course, a motion to modify a Dominion exemption order might “relate” to several exemption orders and issues, such as the exit of the merchant function, the SCO, or the MVR. The fact that there is a long history of Dominion exemption orders going back to 2006 does not make a motion to modify an exemption order untimely simply because the motion “relates” to the long and sorry history of Dominion exemption orders.

OPAE’s motion seeks to modify the 2013 Order, and is therefore timely. The memoranda contra acknowledge that OPAE’s motion seeks to modify the 2013 Order. The memoranda contra agree that the 2013 Order discontinued the SCO for nonresidential customers in Dominion's territory. RESA-IGS Joint Memorandum Contra at 5. As OCC’s motion makes clear, the 2013 Order also discontinued the SCO for certain unlucky residential customers. The 2008 and 2013 Orders are part of the unfortunate history of Dominion exemption orders

that have in all likelihood cost customers millions, but OP&A's motion to modify the 2013 Order is timely.

Another false argument made in the RESA-IGS memorandum contra is that OP&A has failed to demonstrate that the Commission's 2013 Order is no longer valid or that OP&A's members are adversely affected by the 2013 Order. Id. at 9. Under the law, the PUCO may modify an exemption order if the prior findings are no longer valid and if the modification is in the public interest. R. C. 4929.04.

OP&A's motion and OCC's motion have been set for hearing with OP&A's testimony in support of its motion due November 1, 2019. The hearing on the evidence is scheduled for November 12, 2019. It is at the evidentiary hearing that OP&A will demonstrate that its members have been adversely affected by the 2013 Order and that a modification is in the public interest.

Respectfully submitted,

/s/Colleen L. Mooney  
Colleen L. Mooney  
Reg. No. 0015668  
Ohio Partners for Affordable Energy  
P.O. Box 12451  
Columbus, OH 43212-2451  
Telephone: (614) 488-5739  
e-mail: [cmooney@opae.org](mailto:cmooney@opae.org)  
(electronically subscribed)

## **CERTIFICATE OF SERVICE**

I hereby certify that the undersigned counsel served Ohio Partners for Affordable Energy's Reply to the Memoranda Contra on counsel for all parties of record in this case, by E-mail, on the 25th day of October 2019.

/s/ Colleen L. Mooney

Colleen L. Mooney

### **E-Mail Service List:**

[terry.etter@occ.ohio.gov](mailto:terry.etter@occ.ohio.gov)  
[mjsettineri@vorys.com](mailto:mjsettineri@vorys.com)  
[glpetrucci@vorys.com](mailto:glpetrucci@vorys.com)  
[mwtaylor@vorys.com](mailto:mwtaylor@vorys.com)  
[kennedy@whitt-sturtevant.com](mailto:kennedy@whitt-sturtevant.com)  
[Andrew.J.Campbell@dominionenergy.com](mailto:Andrew.J.Campbell@dominionenergy.com)  
[Barth.Royer@aol.com](mailto:Barth.Royer@aol.com)  
[mfleisher@dickinsonwright.com](mailto:mfleisher@dickinsonwright.com)  
[cpirik@dickinsonwright.com](mailto:cpirik@dickinsonwright.com)  
[joe.oliker@igs.com](mailto:joe.oliker@igs.com)  
[bethany.allen@igs.com](mailto:bethany.allen@igs.com)  
[michael.nugent@igs.com](mailto:michael.nugent@igs.com)  
[fdarr2019@gmail.com](mailto:fdarr2019@gmail.com)  
[Werner.margard@ohioattorneygeneral.gov](mailto:Werner.margard@ohioattorneygeneral.gov)

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Summary: Reply to the Memoranda Contra electronically filed by Colleen L Mooney on behalf of Ohio Partners for Affordable Energy