

**BEFORE THE  
PUBLIC UTILITIES COMMISSION OF OHIO**

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

**DIRECT TESTIMONY  
AND EXHIBITS**

**OF**

**JAMES L. CRIST, P.E.**

**ON BEHALF OF  
THE RETAIL ENERGY SUPPLY ASSOCIATION**

**November 15, 2019**

1    **I.        WITNESS BACKGROUND**

2    **Q1.    PLEASE STATE YOUR NAME AND BUSINESS ADDRESS, AND ON**  
3    **WHOSE BEHALF YOU ARE TESTIFYING?**

4    A1.    I am James L. Crist, President of Lumen Group, Inc., a consulting firm focused on  
5        regulatory and market issues. My business address is 4226 Yarmouth Drive,  
6        Suite 101, Allison Park, Pennsylvania, 15101. I am presenting testimony on  
7        behalf of the Retail Energy Supply Association ("RESA").

8    **Q2.    DO YOU HAVE ANY QUALIFICATIONS OR OTHER SPECIALIZED**  
9    **KNOWLEDGE THAT WOULD ASSIST THIS COMMISSION IN ITS**  
10   **DELIBERATIONS IN THIS CASE?**

11   A2.    Yes.

12   **Q3.    WHAT IS YOUR EDUCATIONAL BACKGROUND?**

13   A3.    I have an MBA from the University of Pittsburgh and a B.S. in Chemical  
14        Engineering from Carnegie Mellon University. Additionally, I am a Registered  
15        Professional Engineer in the Commonwealth of Pennsylvania.

16   **Q4.    BRIEFLY        DESCRIBE        YOUR        RELEVANT        BUSINESS**  
17   **QUALIFICATIONS.**

18   A4.    I have run a consulting practice for the past 23 years focused on regulated and  
19        deregulated energy company strategy, market strategy, and regulatory issues.  
20        During 2004 and 2005, I undertook a consulting assignment as the Vice President  
21        of Consumer Markets for ACN Energy. ACN is a gas and electric supplier that is  
22        active in eight states. Prior to my consulting practice, I worked at three major  
23        energy companies for a total of 19 years. Most recently, I was Vice President of

1 Marketing for Equitable Resources, Inc. In that function, I was responsible for  
2 the development of the company's deregulated business strategy.

3 Prior to that, I was Vice President of Marketing for Citizens Utilities Company  
4 ("Citizens"), responsible for gas, electric, water and wastewater marketing  
5 activities in several service territories within the United States. The gas and  
6 electric utility operations were in Vermont, Louisiana, Arizona, Colorado, and  
7 Hawaii. Under my direction, Citizens initiated commercial and industrial  
8 transportation and supply services at its gas operation in Arizona. As a consultant  
9 for Citizens, I designed a demand response program for its electric operations in  
10 Arizona.

11 Before that, during 1988 through 1994, I was the Marketing Director at the  
12 Peoples Natural Gas Company ("Peoples") where I was actively involved in many  
13 gas transportation programs as the company relaxed transportation requirements  
14 so that customers would have supply choices.

15 From 1977 through 1988, at Consolidated Natural Gas and the East Ohio Gas  
16 Company, I held several engineering and technical management positions  
17 encompassing work on energy conversion technology, coal gasification, and  
18 combined heat & power ("CHP") systems. I have conducted training sessions on  
19 CHP for the Gas Technology Institute ("GTI") and the Association of Energy  
20 Engineers, and served as a Project Advisor on GTI's Cogeneration Advisory  
21 Committee.

1 In summary, I have considerable experience in several states involving residential,  
2 commercial, and industrial customer utility issues, energy procurement and  
3 industry restructuring programs.

4 In addition to my current consulting practice, I am a Visiting Faculty Scholar at  
5 the Katz Graduate School of Business at the University of Pittsburgh.

6 **Q5. HAVE YOU PREVIOUSLY TESTIFIED BEFORE THIS PUBLIC**  
7 **UTILITIES COMMISSION?**

8 A5. Yes. I testified earlier this year in PUCO Case Nos. 18-298-GA-AIR et al.  
9 Additionally, I have appeared before regulatory commissions in Pennsylvania,  
10 Arizona, Illinois, New Mexico, Maryland and the U.S. Virgin Islands. I have  
11 provided testimony in several gas and electric regulatory proceedings on a variety  
12 of issues relating to energy procurement, industry restructuring, and customer  
13 choice. A list of my recent appearances is attached as Exhibit JC-1.

14

15 **II. RETAIL ENERGY SUPPLY ASSOCIATION**

16 **Q6. WOULD YOU DESCRIBE THE RETAIL ENERGY SUPPLY**  
17 **ASSOCIATION?**

18 A6. Founded in 1990, RESA is a broad and diverse group of retail energy suppliers  
19 dedicated to promoting efficient, sustainable and customer-oriented competitive  
20 retail energy markets. RESA members operate throughout the United States  
21 delivering value-added electricity and natural gas service at retail to residential,  
22 commercial and industrial energy customers.

23

24

1   **III.    PURPOSE OF TESTIMONY**

2   **Q7.    WHAT IS THE PURPOSE OF YOUR TESTIMONY?**

3   A7.    The purpose of my testimony is to address the issues raised in this proceeding by  
4           certain parties and present my recommendations on those issues. My direct  
5           testimony will focus on several main areas.

6           (1) A brief recap of the issues raised in this proceeding.

7           (2) Explanation of the basis for the Monthly Variable Rate (“MVR”) assignment  
8           program and the Standard Choice Offer (“SCO”), including the role each play and  
9           the relationship of the two.

10          (3) Examination of the data that shows customers’ actions regarding customer  
11          choice and selection of gas supplies.

12          (4) A discussion of the issues raised by other parties, primarily the Office of the  
13          Ohio Consumers’ Counsel (“OCC”) and the Ohio Partners for Affordable Energy  
14          (“OPAE”).

15          (5) An analysis of the customers that are experiencing issues with the MVR  
16          program.

17          (6) Solutions to address the issues that were raised about the MVR program and  
18          that will serve to fulfill the goals of the MVR program.

19          (7) Recommendations concerning OCC’s motion and the OPAE’s motion.

20          My recommendations are important in promoting a fair and unbiased marketplace  
21          in which customers may shop for gas supply services from competitive retail  
22          suppliers working under fair rules and on a level playing field. Ohio has made  
23          positive steps in the direction of establishing a level playing field for competitive  
24          natural gas suppliers to compete for a customer’s patronage in Dominion Energy

1 Ohio's ("Dominion" or "DEO" or "Company") territory and my  
2 recommendations will advance that movement and support existing State policy.  
3

4 **IV. ISSUES IN THIS PROCEEDING**

5 **Q8. WHAT ACTION INITIATED THIS PROCEEDING?**

6 A8. OCC and OPAE, both who originally filed motions in the 2012 case docket (Case  
7 No. 12-1842-GA-EXM), filed motions in this proceeding requesting modification  
8 of the Commission's January 9, 2013 Order in Case No. 12-1842-GA-EXM (the  
9 "2013 Order"). The 2013 Order served to advance the development of retail  
10 competition in Ohio by requiring Dominion to cease providing non-residential  
11 customers with a wholesale supply service known as the Standard Choice Offer.  
12 Under the 2013 Order, customers in certain rate classes (Choice-eligible General  
13 Sales Service – Non-Residential, Large Volume General Sales Service, Energy  
14 Choice Transportation Service – Non-Residential and Large Volume Energy  
15 Choice Transportation Service customers) that don't elect a supplier or go to an  
16 aggregation are assigned to an MVR supplier after two months on the Standard  
17 Service Offer ("SSO") following the MVR process that was established in the  
18 Commission's June 18, 2008 Opinion and Order in Case No. 07-1224-GA-EXM.  
19 Once assigned and on an MVR, those customers are free to consider a variety of  
20 retail supply offers available through several competitive retail suppliers.

21 **Q9. WHAT WAS THE RESULT OF THE COMMISSION'S 2013 ORDER?**

22 A9. The SCO has always been an auction process in which suppliers who won were  
23 assigned tranches of customers as the default supplier. The Commission in its

1 June 18, 2008 order in Case No. 07-1224-GA-EXM (the “2008 Order”) changed  
2 the SCO program to be a default service only for customers who were new to  
3 Dominion or were coming out of a terminated opt-out aggregation program.  
4 Customers that failed to participate in another aggregation program, select an  
5 energy choice supplier, or select the SCO after the termination of their Choice  
6 contract or aggregation opt-in contract defaulted to the MVR after two SSO  
7 billing cycles. The Commission subsequently, in the 2013 Order, granted DEO’s  
8 request to discontinue the availability of its SCO to non-residential customers that  
9 were eligible to shop for gas supply services under its Choice program. Thus  
10 maintaining a default option by retaining the MVR assignment program but  
11 further encouraging customers to take an active decision per State policy. As of  
12 today, such customers can and should actively shop for and select their gas  
13 supplier just as they select other providers of materials, supplies, and services for  
14 their commercial and industrial businesses. Such shopping is consistent with the  
15 intention of the State policy to develop the retail supply gas marketplace in Ohio.

16 **Q10. WHAT CUSTOMER GROUPS DID THE 2013 ORDER AFFECT?**

17 A10. The motion that initiated the 2012 case and resulted in the 2013 Order was  
18 specific to the non-residential customers (as defined in that case’s approved  
19 stipulation) that are eligible for Choice service. With the Choice-eligible non-  
20 residential customers no longer on SCO service, they have a variety of choices.  
21 They can select service through a Choice supplier or participate in a governmental  
22 aggregation program. If they do not make a choice, they are then assigned to an  
23 MVR supplier following the process established by the 2008 Order. Residential

1 customers were not affected by the 2013 Order, retaining their right to choose the  
2 SCO. Per the 2008 Order, residential customers returning from shopping or  
3 coming out of an opt-in aggregation are assigned to an MVR supplier after two  
4 months on the SSO if they do not select the SCO, service through a Choice  
5 supplier or join an aggregation program.

6 **Q11. WHAT IS THE PROCEDURE IN EFFECT FOLLOWING THE 2013**  
7 **ORDER?**

8 A11. Non-residential Choice-eligible customers can select service through a Choice  
9 supplier, or participate in a governmental aggregation program. If they do not  
10 take any action, they will be assigned to an MVR supplier after two months on the  
11 SSO. Again, residential customers retain the SCO as a choice but the goal should  
12 be to eventually eliminate SCO for them also and move toward full retail product  
13 choice.

14 **V. COMPETITIVE MARKET POLICIES IN OHIO AND THE MVR**

15 **Q12. ARE YOU FAMILIAR WITH OHIO'S POLICIES ON NATURAL GAS**  
16 **SERVICES AND GOODS?**

17 A12. Yes. Ohio Revised Code § 4929.02(A) lists the state policy as to natural gas  
18 services and goods. These include the following subsections of Revised Code §  
19 4929.02(A):

- 20 (2) Promote the availability of unbundled and comparable  
21 natural gas services and goods that provide wholesale and  
22 retail consumers with the supplier, price, terms, conditions,  
23 and quality options they elect to meet their respective  
24 needs;  
25  
26 (4) Encourage innovation and market access for cost-effective  
27 supply- and demand-side natural gas services and goods;



- 1  
2 (5) Encourage cost-effective and efficient access to  
3 information regarding the operation of the distribution  
4 systems of natural gas companies in order to promote  
5 effective customer choice of natural gas services and  
6 goods;  
7  
8 (6) Recognize the continuing emergence of competitive natural  
9 gas markets through the development and implementation  
10 of flexible regulatory treatment;  
11  
12 (7) Promote an expeditious transition to the provision of  
13 natural gas services and goods in a manner that achieves  
14 effective competition and transactions between willing  
15 buyers and willing sellers to reduce or eliminate the need  
16 for regulation of natural gas services and goods under  
17 Chapters 4905. and 4909. of the Revised Code; [and]  
18  
19 (8) Promote effective competition in the provision of natural  
20 gas services and goods by avoiding subsidies flowing to or  
21 from regulated natural gas services and goods.

22 I have extensive experience since 1988 with the development of Choice programs  
23 in several states, and am capable of evaluating if Dominion's actions and the  
24 Commission's orders are supportive of the stated goals in Revised Code §  
25 4929.02(A) of developing and expanding the competitive gas supply market  
26 Certainly the six paragraphs above provide significant direction that the  
27 Commission must support rather than hinder the development of the competitive  
28 market.

29 **Q13. WHAT IS THE PURPOSE OF THE MVR PROGRAM?**

30 A13. The MVR program supports customer engagement during the transition to a  
31 competitive market and provides an incentive to customers to seek and select a  
32 gas supplier rather than being assigned one. A supplier provides gas supply on a  
33 monthly basis to serve its assigned customers' load which is not predictable and  
34 not guaranteed over a long term. The MVR's purpose is not to provide the lowest

1 available price. Rather, due to the nature of the service it should be consistent  
2 with offers on the PUCO Apples-to-Apples chart and bound by generally  
3 available market products which incorporate costs to acquire and regulatory costs.

4 **Q14. WHAT IS THE PURPOSE OF THE SCO?**

5 A14. The SCO was created as the second step in the transition of DEO to a fully exited  
6 construct. The first step was a move from GCR to a wholesale SSO in which  
7 DEO took title to gas for default service. The second step was having suppliers  
8 serve customers directly and the customer would see the supplier's name on the  
9 bill (the SCO). Unlike the SSO, this was to further educate customers that DEO  
10 was not their supplier. However, as a transition state the SCO retained the auction  
11 and does not include the acquisition and regulatory costs to enroll (even for  
12 residential customers who request the SCO today). The SCO is a wholesale-like  
13 product in which DEO conducts a competitive wholesale auction for large  
14 tranches of gas. SCO pricing contains many subsidies. The SCO is offered to  
15 customers by DEO, using the DEO customer contact platform (website, call  
16 center) and such costs are a component of DEO's delivery rate which is paid for  
17 by all customers, including those customers that have selected a Choice supplier.  
18 The SCO supplier has no cost in acquiring customers, no regulatory costs and no  
19 regulatory recordkeeping costs. All of these put the retail competitive suppliers'  
20 pricing at an economic disadvantage to the SCO.

21 **Q15. WHAT IS THE DIFFERENCE BETWEEN THE MVR PROGRAM AND**  
22 **THE SCO?**

23 A15. Through the MVR assignment process, customers that are assigned receive a short

1 term retail product offered by a supplier that is bound to the competitive market  
2 offers available on the Apples-to-Apples chart. An MVR product is at a price  
3 disadvantage to the SCO due to the substantial price subsidization that the SCO  
4 realizes in addition to the use of wholesale auctions of large tranches of gas to set  
5 the SCO adder (which with the monthly NYMEX sets the final SCO price for  
6 each month). The SCO is a monthly variable product procured through a  
7 wholesale auction-like construct which is not tied to general market offers and  
8 therefore is not reflective of normal shopping options in a competitive retail  
9 market. The MVR product that assigned customers receive is a short term supply  
10 solution that motivates and allows customers to select a Choice supplier by  
11 bringing costs in line with market offers in order to achieve the State's policy.

## 12 **VI. MARKET DATA**

### 13 **Q16. WHAT CONCLUSIONS CAN BE DRAWN FROM AN EXAMINATION** 14 **OF SHOPPING DATA?**

15 A16. I examined data available on the PUCO website at the URL  
16 [https://www.puco.ohio.gov/industry-information/statistical-reports/ohio-](https://www.puco.ohio.gov/industry-information/statistical-reports/ohio-customer-choice-activity/)  
17 [customer-choice-activity/](https://www.puco.ohio.gov/industry-information/statistical-reports/ohio-customer-choice-activity/). This provides historic data for shopping customers and  
18 I am including data from the 1<sup>st</sup> Quarter 2019 as Exhibit JC-2. The reports  
19 present data on the number of choice and non-choice customers by utility and by  
20 customer classification of residential or commercial/industrial. Although  
21 "choice" often refers to residential customers who are obtaining gas supply from a  
22 competitive retail natural gas supplier, in the context of this report "choice" refers  
23 to all customer classes obtaining supply from a competitive retail natural gas

1 supplier (“CRNGS”). Non-choice customers are obtaining their supply under  
2 arrangements made by the utility.

3 Of the four large natural gas utilities in Ohio, DEO leads the others in  
4 participation at 68.2% (Residential), and 94.3% (Commercial/Industrial). If we  
5 roll back the calendar by one year and examine the 1<sup>st</sup> Quarter 2018 the results are  
6 similar with 65.8% (Residential), and 95.4% (Commercial/Industrial), meaning  
7 the residential market has reversed the dip that occurred in 2018 in participation  
8 of Choice while the Commercial/Industrial market is maintaining its high share of  
9 Choice.

10 **Q17. HAS THE MVR ASSIGNMENT PROGRAM BEEN EFFECTIVE?**

11 A17. Yes. There are a relatively small number of customers that are currently assigned  
12 to MVR suppliers. DEO data (DEO response to Direct Energy Int. 1-1 and 1-2,  
13 included as Exhibit JC-3) show that 1,392 residential customers are on the MVR  
14 for 0-12 months but only 397 customers are on for 13-24 months, meaning that  
15 72% of those first year MVR customers switched off the MVR. The non-  
16 residential data show that 5,184 residential customers are on the MVR for 0-12  
17 months but only 1,233 customers are on for 13-24 months, meaning that 77% of  
18 those first year MVR customers switched off the MVR.

19 Analyzing the data over several years presents even stronger evidence of the  
20 effectiveness of the MVR at motivating customers to select competitive choice  
21 offers or join governmental aggregation programs. I analyzed the data obtained  
22 from Dominion’s discovery responses to RESA Set 1, Interrogatories 1-1, 1-2, 1-3  
23 and 1-4 which I include as Exhibits JC-4, along with the previously referenced

1 Direct Energy Int. 1-1 and 1-2 data. I reviewed a 60-month period from  
2 September 2014 through August 2019 and present that data in Table JC-5. At  
3 the beginning of the period (September 2014) there were 2,598 residential  
4 customers on MVR service. Summing the monthly additions to MVR through  
5 August 2019 equals 15,828, and the residential customer count on MVR that same  
6 month is 3,616. The number of residential customers remaining on MVR after  
7 60 months is 345 (DEO Response to RESA Int. 1-3, Exhibit JC-4). This shows  
8 that 79% of the residential customers that were assigned to an MVR departed the  
9 MVR for other services. A similar analysis conducted on the non-residential data  
10 show an even greater migration off the MVR of 86%.

11 The MVR is effective at encouraging a large majority of customers to switch to  
12 other retail gas services. It is achieving its purpose, i.e., doing the job it was  
13 intended to do, and the process should not be changed.

14 The Ohio Consumers Council is the “statewide legal representative for Ohio’s  
15 residential consumers” ([www.occ.ohio.gov/content/about-occ](http://www.occ.ohio.gov/content/about-occ)). Studying the  
16 OCC motion in this proceeding one would think that there is a problem affecting a  
17 majority of residential customers. This is misleading, as only 3,488 residential  
18 customers were on the MVR as of October 9, 2019 out of approximately 1.1  
19 million residential customers in Dominion’s territory which is a miniscule 0.3%.

20 Also, OCC ignores that there is migration on and off the MVR monthly as  
21 residential customers and non-residential customers chose service from a Choice  
22 provider or join a government aggregation program. In summary, the MVR does  
23 exactly what it is intended to do. There is no compelling reason to discontinue the

1 MVR or change the existing practice of assigning customers to the MVR.

2 **Q18. DID YOU EXAMINE MVR PRICE DATA?**

3 A18. Yes. For the majority of suppliers, their MVR pricing tracks with retail offers on  
4 the Apples-to-Apples website. I reviewed the October 14, 2019, Apples-to-  
5 Apples residential offers, I identified 22 suppliers with MVR posted rates that  
6 were not introductory rates. Of that 22, nine did not offer any other rate on the  
7 Apples-to-Apples chart. For those 13 that did offer another rate, commonly a  
8 fixed-rate product, prices ranged from \$2.98 to \$6.25 per MCF and the supplier's  
9 fixed-rate product price generally tracked the supplier's MCF rate.

10

11 **VII. ISSUES RAISED BY OCC AND OPAE**

12 **Q19. HAVE YOU REVIEWED OPAE's AND OCC'S CONCERNS STATED IN**  
13 **THEIR MOTIONS IN THIS PROCEEDING?**

14 A19. Yes. The OCC opined on several issues in its motion, and the OPAE echoed  
15 those opinions in its motion filed in this proceeding. Overall, they wish to ignore  
16 the purpose of the MVR, which is to motivate customers to select a Choice  
17 supplier or join a governmental aggregation program. Instead they characterize  
18 the MVR as a "rip off" and selectively present data that show higher MVR pricing  
19 than the SCO. They wish to have the SCO be the default service of Choice  
20 eligible customers, both residential and non-residential. Their promotion of this  
21 concept illustrates a disregard for the purpose of the MVR pricing, which is to  
22 promote migration off the MVR onto the many other choices customers have –  
23 migration which the data shows is happening. The MVR program is fulfilling its

1 purpose.

2 **Q20. WHAT IS THE BASIS FOR OCC’S AND OPAE’S OBJECTIONS TO THE**  
3 **MVR?**

4 A20. Simply, it is the MVR price that is the sole item cited by those parties. In its  
5 motion the OCC stated, “The rip-off is occurring through some marketers’  
6 outrageously high natural gas prices in the so-called “Monthly Variable Rate”  
7 program.” It continues to provide data as of August 14, 2019, claiming seven  
8 marketers were charging MVR prices that ranged from 150% to 292% above  
9 DEO’s SCO, and none was lower than the SCO. I have already explained why  
10 the SCO is fundamentally a different structure of gas supply with its use of DEO  
11 storage, large volumes, and long contract duration, so it is wholly unlikely that an  
12 MVR would be lower than the SCO. I would not expect the MVR program rates  
13 to be lower than the SCO; the MVR was always designed to be bound by market  
14 offerings for pricing but ultimately to move customers into a choice. Examining  
15 the data as of October 28, 2019, a little more than two months after the OCC data,  
16 shows that the seven highest priced marketer prices were now relatively lower in  
17 comparison to the SCO, charging 122% to 249% above the SCO price.

18 **Q21. WHAT ARE THE MERITS OF THE FIXED RATE PRODUCTS LISTED**  
19 **ON THE PUCO’S APPLES TO APPLES WEBSITE?**

20 A21. Fixed rate products are generally the products that consumers who purchase gas  
21 from a Choice supplier prefer. Such products provide stability in gas pricing, and  
22 typically lock in prices for a year, although other periods both shorter and longer  
23 can be available. The OCC stated in its motion (p. 6) that “Ohioans have many

1 priorities for their time, including family matters and work, that rise above trying  
2 to surmount the steep challenge of understanding and continually monitoring  
3 complicated natural gas pricing and contracts.” Those are among the reasons that  
4 Choice customers find fixed price products attractive. In my experience,  
5 reputable marketers usually offer fixed priced products and the majority of their  
6 customers select such products.

7 Given that understanding, I then examined the Apples-to-Apples chart to  
8 determine if any of the seven MVR marketers with the highest prices as of  
9 October 2019 offered a fixed priced product, and I was not surprised to find that  
10 none of them did. This indicates that they are not engaged in efforts to move  
11 customers given to them through the MVR process to a fixed price product that  
12 offers a higher value to customers. Many of the other marketers however offer  
13 both a variable priced product and a fixed-rate product, enabling them to acquire  
14 customers through the MVR process and then facilitate those customers transition  
15 to a fixed price product. That is how a successful Choice program should  
16 function.

17 **Q22. WHY DO YOU BELIEVE THAT DEO’S MVR PROGRAM IS**  
18 **ACHIEVING ITS PURPOSE?**

19 A22. DEO provides a Standard Service Offer (“SSO”) for up to two billing periods to  
20 all customers following the termination of their previous Energy Choice service  
21 or their governmental aggregation service. At that point the customers have had  
22 time to seek out gas suppliers, review competitive offers, and select new Choice  
23 suppliers or enroll in a governmental aggregation program. Residential customers



1 coming out of shopping contracts or out of aggregations can also elect to go to the  
2 SCO. If they do not make a choice they will be assigned to an MVR supplier  
3 randomly. At that point and given current pricing, seeing that the MVR rate is  
4 higher than the SSO rate they had been paying they should be motivated to then  
5 select a Choice supplier or a government aggregation program, or select the SCO  
6 (residential customers only). In other words, the MVR provides a landing ground  
7 for customers once they are no longer eligible to remain on the SSO, provides an  
8 opportunity to receive an opt-out if they are in a government aggregation and are  
9 between enrollments and also provides encouragement to move from the MVR to  
10 a more attractive fixed price or for certain residential customers, to elect the SCO.

11 **Q23. SHOULD NON RESIDENTIAL CUSTOMERS BE ABLE TO SELECT**  
12 **THE SCO?**

13 A23. No. This could cause a decrease in the percentage of the customers engaged in  
14 shopping and ignore the purpose of the MVR. The MVR process purpose is to  
15 increase shopping activity and continue to develop the competitive market. The  
16 non-residential customers are quite adept at shopping and very few remain on the  
17 MVR, as they migrate off that service usually during the first year.

18 **Q24. HAS DEO RECEIVED COMPLAINTS ABOUT THE MVR PROGRAM**  
19 **FROM ITS CUSTOMERS?**

20 A24. It has not indicated with any certainty if it has. When asked by the OCC through  
21 discovery to list customer complaints about the MVR program DEO responded  
22 that, "DEO does not track or otherwise segregate customer complaints based on  
23 relationship to the MVR." (Dominion Responses to OCC Requests for

1 Production, RPD-1-6, attached as Exhibit JC-6). It then attached a table listing all  
2 the informal complaints it had received over the past three years concerning its  
3 Energy Choice program, presumably where any complaints about MVR would be  
4 categorized. (OCC RPD-1-6). There were approximately 300 such complaints  
5 over a three-year period, or about 100 per year. This represents 0.01% of DEO's  
6 approximately 1,000,000 residential customer base. This is clearly an  
7 insignificant amount of complaints, and refutes the OCC contention that the MVR  
8 program is harming customers. OCC in its August 15, 2019 memorandum in  
9 support stated at page 2 that "the number of residential customers on the Monthly  
10 Variable Rate at any point in time may be few." That hardly serves as a  
11 substantial reason to opine that the MVR should be discontinued and in fact  
12 supports the point that the MVR program is achieving its purpose to get  
13 customers to take action.

14 **Q25. ARE OPAE AND OCC ASKING THE COMMISSION TO EDUCATE**  
15 **CUSTOMERS ABOUT THE MVR PROGRAM TO DIRECTLY FIX**  
16 **THEIR CONCERNS OF MVR CONFUSION?**

17 A25. No. They identified either in their motions or comments filed in this proceeding  
18 what they consider to be a specific need for customers – namely, education about  
19 the MVR program – but they do not even make a recommendation to educate the  
20 customers. This is troubling for several reasons. First, OCC's and OPAE's  
21 positions are not consistent with their own missions. For example, OCC's  
22 mission is to advocate for Ohio's residential utility consumers through

1 representation and education in a variety of forums<sup>1</sup> Also, one of the four  
2 identified benefits that OPAE provides to its members is “access to education.”<sup>2</sup>  
3 Second, these parties have not demonstrated that they even tried to fulfill the need  
4 for MVR education. For example, OPAE has never tried to educate its  
5 membership about the MVR. OPAE admitted that as of September 12, 2019, it  
6 did not conduct any education of its members about the MVR program.  
7 Similarly, OPAE has not conducted any education of its members on competitive  
8 retail natural gas since the Commission’s 2008 decision in Case No. 12-1842-GA-  
9 EXM. (OPAE Responses to RESA Request for Admissions RFA 2-2 and 2-3,  
10 attached as Exhibit JC-7). OCC has offered general education but has not tried to  
11 target MVR customers. (OCC Response to RESA Interrogatory INT 1-7,  
12 attached as Exhibit JC-8).

13 Altogether, this demonstrates that OPAE and OCC have not attempted to fix the  
14 confusion that they perceive to exist. Instead, they are rashly seeking to  
15 restructure Dominion’s Choice program by advocating for elimination of the  
16 MVR program and reverting to the SCO – a framework which is now hindering  
17 and will hinder retail shopping in Ohio.

18 **Q26. HAVE ANY OPAE MEMBERS COMPLAINED ABOUT THE DEO MVR**  
19 **PROGRAM?**

20 A26. Not at all. OPAE’s responses to several of RESA’s Requests for Production of  
21 Documents consistently showed that there have been no OPAE member  
22 complaints or complaints from the general public about the DEO MVR program.

---

<sup>1</sup> See <http://www.occ.ohio.gov/content/mission-vision> (accessed October 30, 2019).

<sup>2</sup> See <http://www.opae.org/> (accessed October 30, 2019).

1 OPAE was firm in its claim that it had not provided any information regarding the  
2 DEO MVR program, or competitive retail choice programs to either its members  
3 or the general public. Its total lack of action in this area is illuminating, and  
4 demonstrates that while OPAE may talk of its concern in this proceeding that in  
5 practice it is taking no action to resolve its concerns.. I have attached the OPAE  
6 responses I referenced as Exhibit JC-9.

7 **Q27. WHAT OVERSIGHT OF THE COMPETITIVE SUPPLIERS EXISTS?**

8 A27. Although the pricing and products offered to customers by the competitive  
9 suppliers are not regulated, there is significant oversight of the industry by the  
10 PUCO. The financial security of the supplier, known as a Competitive Retail  
11 Natural Gas Supplier or CRNGS, is evaluated and marketing practices must  
12 comply with consumer protection regulations. Complaints against a CRNGS may  
13 be presented to the PUCO and its decisions could impact the CRNGS financially  
14 or restrict or eliminate their right to conduct business in Ohio. There is  
15 substantial oversight of the industry and therefore there are remedies that can  
16 address the concerns expressed by OCC and OPAE. The radical step of  
17 eliminating the MVR and moving all customers to the subsidized SCO is not  
18 necessary or wise. However, I believe that changes can be made to the MVR  
19 program to better ensure pricing is in line with market offerings.

20

21 **VIII. SOLUTIONS TO ENHANCE THE CHOICE MARKET**

22 **Q28. WHAT DO THE OCC AND OPAE PROPOSE?**

23 A28. Sadly, they wish to eliminate the MVR and simply move customers to the SCO,

1           thus reversing the forward movement of a DEO exit over the last 14 years. This  
2           does not further State policy, and retaining the subsidies inherent to the SCO  
3           should not be done.

4   **Q29. WHAT COULD BE DONE TO IMPROVE THE EFFECTIVENESS OF**  
5   **THE CURRENT MVR PROCESS?**

6   A29. OCC has identified, and I agree, that there are some MVR providers charging  
7           relatively high prices. More importantly, if I were assigned to such a supplier I  
8           would be motivated to seek out a more competitive gas supply solution. As I  
9           observed, such suppliers are not even attempting to offer higher value products,  
10          such a lower variable price, or risk-managed fixed price products. One action that  
11          could be taken would be to require such suppliers to offer lower prices. This  
12          however is not a desired requirement as price regulation should not exist in a  
13          competitive market. With that said, one concept that could be applied to the  
14          MVR program (which assigns customers to a supplier) is to implement a  
15          competitive market component to the program which would result in customers  
16          only being assigned to MVR suppliers that are at or below the monthly median  
17          MVR price of all suppliers. In addition, although perhaps unnecessary given my  
18          recommendations, as well as those of other RESA witnesses , the current issue of  
19          a few suppliers charging high rates can be further addressed by limiting any  
20          supplier that does not qualify for customer assignments in a month to charge  
21          previously assigned MVR customers a MVR price of no more than that month's  
22          median monthly MVR price.

23   **Q30. WHY ARE YOU RECOMMENDING THAT THE MEDIAN MONTHLY**

1           **MVR PRICE BE USED IN DETERMINING SUPPLIER ELIGIBILITY**  
2           **FOR CUSTOMER ASSIGNMENTS?**

3    A30.   The median approach would add a competitive element as a guardrail for the  
4           benefit of the assigned customers. Under the median approach, the assignment  
5           would still be random but suppliers having a price above the monthly median  
6           MVR price would not be assigned customers. Suppliers would then have an  
7           incentive to price their MVR rate in line with monthly market variable rates and  
8           that in turn would help eliminate the current structure that randomly assigns  
9           customers to supplier without price considerations. Some suppliers have taken  
10          advantage of that and charge rates that are much higher than other MVR program  
11          rates. Also, restricting suppliers that have been assigned customers in prior  
12          months but do not qualify for customer assignments in the current month to a  
13          maximum MVR price that is no more than the median monthly MVR price will  
14          eliminate the scenario of a few suppliers charging MVR assigned customers  
15          significantly higher than market prices.

16   **Q31. DOES DEO PROVIDE INFORMATION AND EDUCATIONAL**  
17   **MATERIAL TO ITS CUSTOMERS CONCERNING THE VARIETY OF**  
18   **GAS SUPPLY OPTIONS AVAILABLE?**

19   A31.   Yes. According to the response to data request RESA Int. 1-13 (Exhibit JC-10),  
20          information is provided to customers through the DEO website, bill stuffers,  
21          direct mail, social media and contact center representatives. DEO conducts  
22          customer surveys and focus groups specifically to determine awareness of  
23          competitive supply choices. I reviewed several of those studies covering as far

1 back as 2011 and the recommendations that were contained in each of those  
2 studies. Recommendations consistently call for increased customer education.

3 **Q32. WHAT SHOULD BE DONE TO IMPROVE EDUCATION OF**  
4 **CUSTOMERS WITH REGARD TO THE CHOICE PROGRAM?**

5 A32. Apparently OCC and OPAE have given up on the concept of educating  
6 customers. The OCC motion at page 6 states:

7 “Moreover, the PUCO should be highly skeptical about whether it is  
8 feasible to reach and adequately inform 1.1 million Dominion residential  
9 consumers (and many more decision-makers in Ohio households) on the  
10 complexities of buying natural gas. In reality, it is not feasible to educate  
11 all those consumers, and PUCO programs should not be created or  
12 continued based on a false premise about customers education that the  
13 industry may advance.”  
14

15 I do not share the OCC’s view the customers do not merit continuous education  
16 concerning their energy purchases, and believe there are a host of programs that  
17 can be effectively conducted by the PUCO, the Company, and suppliers. DEO  
18 explained in its response to data request RESA Int. 1-13 that it educates its  
19 customers through discussion with its customer service agents, bill inserts,  
20 mailing, advertising, and public educational initiative. This is a robust model  
21 (although always open to improvement and change as communication channels  
22 change) from which the PUCO, OCC, and OPAE could adopt components and  
23 should follow. Customer education must be dynamic and on-going as customers  
24 migrate into DEO’s service territory continuously, and such new customers would  
25 not come in with an understanding of DEO’s Choice program.

26 **Q33. DOES OPAE EDUCATE ITS MEMBERS ABOUT COMPETITIVE**  
27 **RETAIL NATURAL GAS SERVICE IN OHIO?**

1 A33. This was asked of OPAE in discovery (OPAE Response to RESA Interrogatory  
2 INT 1-11, attached as Exhibit JC-11). OPAE said it had not conducted a formal  
3 education program on competitive natural gas service in Ohio since 2008, more  
4 than a decade ago. In the same discovery set OPAE further responded that it has  
5 not provided formal educational programs regarding competitive retail natural gas  
6 service to the general public since approximately 2005.

7 **Q34. TO MOVE COMPLETELY TO A FULLY COMPETITIVE MARKET,**  
8 **WHAT IS THE NEXT STEP DEO MUST TAKE TO EXIT THE**  
9 **MERCHANT FUNCTION?**

10 A34. The SCO would be eliminated as an option for customers who are eligible to shop  
11 and all choice eligible customers would have the ability to receive service without  
12 making a choice. Therefore, all customers would need to take action to select a  
13 supplier. The utility would not function as a supplier, nor would the utility  
14 arrange a Standard Choice Offer for choice-eligible customers, so all customers  
15 would be served by competitive suppliers or through a government aggregation  
16 program.

17

18 **IX. RECOMMENDATIONS REGARDING THE MOTIONS OF OCC AND**  
19 **OPAE**

20 **Q35. WHAT DO YOU RECOMMEND REGARDING OCC'S REQUEST THAT**  
21 **THE PUCO ELIMINATE THE MVR AND REPLACE IT WITH THE SCO**  
22 **AS THE DEFAULT SERVICE OFFERING TO CUSTOMERS?**



1 A35. I have demonstrated there is no significant reason to do that, it is a reversal of a  
2 fourteen-year move to implement state policy, and that the MVR is working as  
3 intended to enhance the development of the Choice program.

4 **Q36. WHAT DO YOU RECOMMEND REGARDING OPAE'S REQUEST**  
5 **THAT THE PUCO ELIMINATE THE MVR AND REPLACE IT WITH**  
6 **THE SCO AS THE DEFAULT SERVICE OFFERING TO CUSTOMERS?**

7 A36. OPAE simply echoed the OCC motion and provided absolutely no original  
8 thought or evidence regarding the MVP program. I presented data from OPAE  
9 that demonstrated that it has not conducted education programs in over a decade,  
10 and has not received any complaints about DEO's MVR program. OPAE's  
11 wishes to make the SCO the default pricing service for customers should be  
12 rejected.

13 **Q37. DOES THIS CONCLUDE YOUR DIRECT TESTIMONY?**

14 A37. Yes, but I reserve the right to modify my testimony.

## **CERTIFICATE OF SERVICE**

The Public Utilities Commission of Ohio's e-filing system will electronically serve notice of the filing of this document on the parties referenced in the service list of the docket card who have electronically subscribed to this case. In addition, the undersigned certifies that a courtesy copy of the foregoing document is also being served upon the persons below via electronic mail this 15th day of November, 2019.

/s/ Michael J. Settineri

---

Michael J. Settineri

OPAE	<a href="mailto:cmooney@ohiopartners.org">cmooney@ohiopartners.org</a> <a href="mailto:cmooney@opae.org">cmooney@opae.org</a> <a href="mailto:drinebolt@opae.org">drinebolt@opae.org</a>
OCC	<a href="mailto:terry.etter@occ.ohio.gov">terry.etter@occ.ohio.gov</a> <a href="mailto:bojko@carpenterlipps.com">bojko@carpenterlipps.com</a>
The East Ohio Gas Company d/b/a Dominion Energy Ohio	<a href="mailto:kennedy@whitt-sturtevant.com">kennedy@whitt-sturtevant.com</a> <a href="mailto:andrew.j.campbell@dominionenergy.com">andrew.j.campbell@dominionenergy.com</a>
Interstate Gas Supply, Inc.	<a href="mailto:joe.oliker@igsenergy.com">joe.oliker@igsenergy.com</a> <a href="mailto:michael.nugent@igsenergy.com">michael.nugent@igsenergy.com</a> <a href="mailto:bethany.allen@igsenergy.com">bethany.allen@igsenergy.com</a> <a href="mailto:fdarr2019@gmail.com">fdarr2019@gmail.com</a>
Direct Energy Business, LLC and Direct Energy Services, LLC	<a href="mailto:mfleisher@dickinsonwright.com">mfleisher@dickinsonwright.com</a> <a href="mailto:cpirik@dickinsonwright.com">cpirik@dickinsonwright.com</a>
Dominion Energy Solutions, Inc.	<a href="mailto:barthroyer@aol.com">barthroyer@aol.com</a>
Staff of the Public Utilities Commission of Ohio	<a href="mailto:werner.margard@ohioattorneygeneral.gov">werner.margard@ohioattorneygeneral.gov</a>

In the Matter of the Motion to Modify the :  
Exemption Granted To The East Ohio Gas :  
Company d/b/a Dominion Energy Ohio. :

Case No.18-1419-GA-EXM

**EXHIBITS**

**OF**

**JAMES L. CRIST, P.E.**

**ON BEHALF OF**

**THE RETAIL ENERGY SUPPLY ASSOCIATION**

**November 15, 2019**

**EXHIBIT JC-1**  
**TO THE DIRECT TESTIMONY OF JAMES CRIST**  
**CASE NO. 18-1419-GA-EXM**

**James Crist Regulatory Experience**

## PARTIAL LIST OF REGULATORY EXPERIENCE OF JAMES L. CRIST

1. Vectren Energy Delivery of Ohio, Inc, Approval of an Alternative Rate Plan, 18-49-GA-ALT
2. Duquesne Light Company, General Base Rate Increase, R-2018-3000124, Representing the Duquesne Industrial Intervenor
3. UGI Merger case, Docket A-2018-3000381, Representing the Natural Gas Supplier Parties
4. Columbia of PA General Base Rate Increase, Docket R-2018-2647577, Representing the Pennsylvania State University
5. Columbia of PA Gas Cost Increase, Docket R-2017-2591326, Representing the Pennsylvania State University
6. West Penn Power Company, General Base Rate Increase, Docket R-2016-2537359, Representing the Pennsylvania State University
7. Columbia of PA General Base Rate Increase, Docket R-2016-2529660, Representing the Pennsylvania State University
8. UGI Utilities General Base Rate Increase, Docket R-2015-2518438, Representing Dominion Retail, Inc., Shipley, Choice, LLC, Interstate Gas Supply, Inc., Amerigreen Energy, and Rhoads Energy
9. Columbia of PA General Base Rate Increase, Docket R-2015-2468056, Representing the Pennsylvania State University
10. West Penn Power Company, General Base Rate Increase, Docket R-2014-2428742, Representing the Pennsylvania State University
11. Herman Oil & Gas Company, General Base Rate Increase, R-2014-2414379, Representing Herman Oil & Gas Company
12. Columbia of PA General Base Rate Increase, Docket R-2014-2406274, Representing the Pennsylvania State University
13. Ameren Gas- General Base Rate Increase, Docket No. 13-0192, Representing Dominion Retail and Interstate Gas Supply of Illinois
14. Columbia of PA General Base Rate Increase, Docket R-2012-2321748, Representing the Pennsylvania State University, Dominion Retail, Interstate Gas Supply, and Shipley Energy
15. Columbia of PA Petition for Approval of a Distribution System Improvement Charge Docket R-2012-2338282, Representing the Pennsylvania State University
16. PUC PA Generic Investigation Regarding Gas-On-Gas Competition, Docket No. P-2011-2277868, Representing the Pennsylvania State University
17. Ameren Gas- General Base Rate Increase, Docket 11-0282 (Cons.), Representing Dominion Retail and Interstate Gas Supply of Illinois
18. WAPA- Electric Base Rate Case, Docket 575, June 2009, Representing Frenchman's Reef Marriott
19. WAPA- Water Base Rate Case, Docket 576, June 2009, Representing Frenchman's Reef Marriott
20. Public Service of New Mexico 2010 Base Rate Case, Informal rate design workshops pursuant to the stipulation in NMPRC Case No. 08-00273-UT, Representing City of Albuquerque
21. Public Service of New Mexico, Electric base case at Case No. 08-00273-UT, Representing City of Albuquerque
22. Public Service of New Mexico 2009 Renewable Energy Procurement Plan for 2010, Case No. 09-00260-UT, Representing City of Albuquerque and Santa Fe County
23. Public Service of New Mexico, Gas sale case at Case No. 08-00078-UT, Representing City of Albuquerque
24. UGI Utilities, Central Penn Gas, Penn Natural Gas, Gas Cost Increase, Docket No. R-2011-2238953, Representing Shipley Energy, Rhodes Energy, and CenterPoint Energy
25. UGI Utilities- Gas Division, Gas Cost Increase, Docket No. R-2010-2172933, Representing Shipley Energy
26. Columbia of PA General Base Rate Increase, Docket R-2010-2215623, Representing the Pennsylvania State University, Dominion Retail, Interstate Gas Supply, and Shipley Energy
27. Columbia of PA General Base Rate Increase, Docket R-2009-2149262, Representing the Pennsylvania State University, Dominion Retail, Interstate Gas Supply, and Shipley Energy
28. Columbia of PA General Base Rate Increase, Docket R-2008-2011621, Representing Hess Energy, Dominion Retail, Interstate Gas Supply, and Shipley Energy
29. Columbia of PA Gas Cost Increase, Docket R-2008-2028039, Representing Dominion Retail, Interstate Gas Supply, and Shipley Energy
30. PPL Electric Utilities Voluntary Purchase of Accounts Receivables Program and Merchant Function Charge, Docket No. P-2009-2129502
31. Nicor Gas Company, Provision of facilities and services and the transfer of assets between Nicor Gas Company and Nicor Inc., Docket No. 09-0301, Representing Dominion Retail
32. North Shore Gas and Peoples Gas Light and Coke Company, General Base Rate Increase, Dockets 09-0166 and 09-0167, Representing Dominion Retail, Interstate Gas Supply and Nicor Advanced Energy
33. Nicor Gas Company, Base Rate Increase, Docket No. 08-0363, Representing Interstate Gas Supply and Dominion Retail
34. North Shore Gas and Peoples Gas Light and Coke Company, General Base Rate Increase, Dockets 07-0241 and 07-0242, Representing Dominion Retail, Interstate Gas Supply and U.S. Energy Savings

35. WPS Resources, Peoples Energy, Peoples Gas Light and Coke Company, North Shore Gas Company, Application pursuant to Section 7-204 of the Public Utilities Act for authority to engage in a Reorganization, Docket 06-0540, Representing Dominion Retail, Interstate Gas Supply, US Energy Savings, MxEnergy, and Direct Energy Services.
36. Allegheny Energy, Approval of Retail Electric Default Service Program and Competitive Procurement Plan, Docket No. P-2008-2021608, Representing the Pennsylvania State University
37. Allegheny Energy, Generation Rate Cap, Docket No. P-2007-2001828, Representing the Pennsylvania State University
38. Equitable Gas Company, Rate Increase, Docket R-2008-2029325, Representing Independent Oil & Gas Association and Hess Corp.
39. Equitable Gas Company and Peoples Gas, Merger Case, Docket A-122250F5000, Representing National Energy Marketers, Hess Corporation, and Constellation New Energy.

**EXHIBIT JC-2**  
**TO THE DIRECT TESTIMONY OF JAMES CRIST**  
**CASE NO. 18-1419-GA-EXM**

**PUCO 1<sup>st</sup> Quarter 2019 Shopping Data**

# Natural Gas Choice Activity

Select Year

Use the arrows to scroll left or right

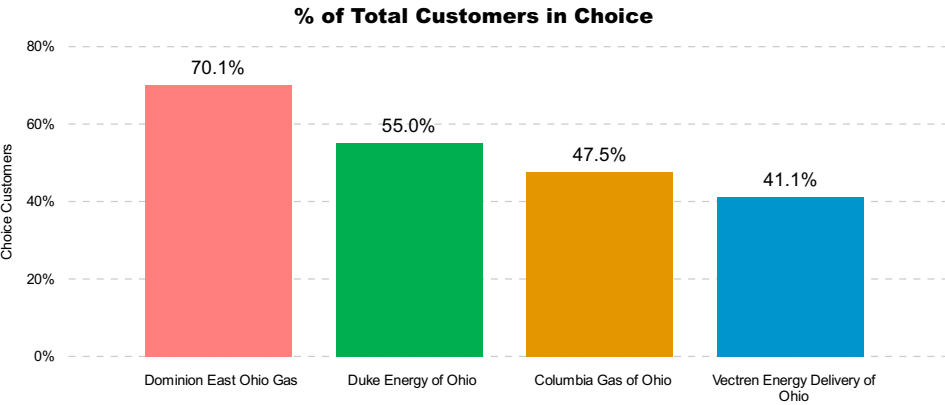
2019   2018   2017   2016   2015   >

Select Quarter

1

Statewide Total % in Choice  
2019 Quarter 1

55.8%



1. The Natural Gas Choice Activity dashboard is based on data submitted by Ohio's electric distribution utilities pursuant to [ORC 4935.01](#) and [OAC 4901:5](#) (SG-1 or forecasting data).

2. Data shown are for the last month of each quarter.

Questions: [MarketMonitoring@puco.ohio.gov](mailto:MarketMonitoring@puco.ohio.gov)

Last refreshed on 08/1/19

Residential Customers

Company	Choice	Non-Choice	Total	% in Choice
Columbia Gas of Ohio	626,178	721,666	1,347,844	46.5%
Dominion East Ohio Gas	765,215	356,353	1,121,568	68.2%
Duke Energy of Ohio	223,818	176,576	400,394	55.9%
Vectren Energy Delivery of Ohio	121,219	178,743	299,962	40.4%
Total	1,736,430	1,433,338	3,169,768	54.8%

Commercial/Industrial Customers

Company	Choice	Non-Choice	Total	% in Choice
Columbia Gas of Ohio	66,817	43,589	110,406	60.5%
Dominion East Ohio Gas	81,857	4,970	86,827	94.3%
Duke Energy of Ohio	17,741	21,369	39,110	45.4%
Vectren Energy Delivery of Ohio	12,057	12,561	24,618	49.0%
Total	178,472	82,489	260,961	68.4%

Total All Classes

Company	Choice	Non-Choice	Total	% in Choice
Columbia Gas of Ohio	692,995	765,255	1,458,250	47.5%
Dominion East Ohio Gas	847,072	361,323	1,208,395	70.1%
Duke Energy of Ohio	241,559	197,945	439,504	55.0%
Vectren Energy Delivery of	133,276	191,304	324,580	41.1%
Total	1,914,902	1,515,827	3,430,729	55.8%



**EXHIBIT JC-3**  
**TO THE DIRECT TESTIMONY OF JAMES CRIST**  
**CASE NO. 18-1419-GA-EXM**

**DEO Response to Direct Energy Interrogatories INT 1-1 and INT 1-2**

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

In accordance with Ohio Adm. Code 4901-1-18, 4901-1-19(A), and 4901-1-20(C), The East Ohio Gas Company d/b/a Dominion Energy Ohio (DEO) hereby provides its responses and objections to the First Set of Interrogatories and Requests for Production of Documents of Direct Energy Services, LLC and Direct Energy Business Marketing, LLC (collectively, Direct Energy), which were served on October 8, 2019.

DEO's responses to the Direct Energy's First Set of Interrogatories and Requests for Production of Documents are subject to the following general objections:

1. DEO objects to the Instructions for Answering to the extent such instructions purport to impose discovery obligations that are inconsistent with or go beyond the Commission's rules for discovery.
2. DEO objects to each discovery request to the extent such request seeks the disclosure of information subject to attorney-client privilege or that constitutes attorney work product.
3. DEO objects to each discovery request that purports to require a detailed, narrative response. Under applicable Commission rules and the Ohio Rules of Civil Procedure, "[a]n interrogatory seeks an admission or 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 the rules for deposition.” *Penn Central Transp. Co. v. Armco Steel Corp.*, 27 Ohio Misc. 76, 77 (Montgomery Cty. 1971).

## II. INTERROGATORIES

INT-1-1. Please identify, for residential customers who received MVR service as of October 2018 as identified in the attached Direct Energy Exhibit A, the number of customers served by each MVR supplier (identified as “Supplier A,” “Supplier B,” etc.) and the MVR rate offered by that supplier:

- a. For customers with an account receiving MVR service for 0-12 months;
- b. For customers with an account receiving MVR service for 13-24 months;
- c. For customers with an account receiving MVR service for 25-36 months;
- d. For customers with an account receiving MVR service for 37-48 months;
- e. For customers with an account receiving MVR service for 49-60 months; and
- f. For customers with an account receiving MVR service for over 60 months.

**RESPONSE:** DEO objects that this request is vague and undefined, and overbroad and unduly burdensome to answer. DEO also objects to this request to the extent it calls for the creation of new analysis or the manual compilation of data that DEO does not maintain in the regular course of business in the form requested. Subject to and without waiving these objections, DEO answers as follows:

DEO’s broker change orders, i.e., the enrollment records, identify (1) the new supplier; (2) the prior supplier; (3) the new rate; and (4) the date of enrollment. The broker change orders, however, do not identify the prior rate, whether that prior rate was fixed or variable, the duration that the customer was served under

that prior rate, or otherwise indicate the type or terms of service for the prior rate. Without information on prior service type and prior enrollment date on the broker change order records, DEO cannot easily run a query on its stored data to determine the prior service type and prior enrollment date for customers currently taking service on the Market Variable Rate (MVR), and has not otherwise developed and tested a program to accurately and reliably extract that data from its systems. To provide the October 2018 data included in Direct Energy Exhibit A, DEO identified and examined data for the broker change orders associated with those specific accounts to determine the approximate duration that the customer had been served under the MVR. The results of that manual review and analysis produced the segregated data in Direct Energy Exhibit A. (A similar manual process was utilized to compile the October 2019 data in DEO's Response to RESA INT-1-3.) For its response to Direct Energy INT-1-1, DEO has further segregated the October 2018 data by supplier, the supplier's October 2018 MVR rate, and the number of residential customers. The results of that additional manual review and analysis are included in Direct Energy INT-1-1 Attach. Since it takes a significant amount of time to review data for the broker change orders on an account by account basis, it would be unreasonable and unduly burdensome, and DEO does not intend, to supplement this information or perform additional, new analysis to produce different snapshots of data based on different dates.

Answerer: Larry J. Rice, Manager, Commercial Operations Support Services, Dominion Energy Ohio

INT-1-2. Please identify, for non-residential customers who received MVR service as of October 2018 as identified in the attached Direct Energy Exhibit A, the number of customers served by each MVR supplier (identified as “Supplier A,” “Supplier B,” etc.) and the MVR rate offered by that supplier:

- a. For customers with an account receiving MVR service for 0-12 months;
- b. For customers with an account receiving MVR service for 13-24 months;
- c. For customers with an account receiving MVR service for 25-36 months;
- d. For customers with an account receiving MVR service for 37-48 months;
- e. For customers with an account receiving MVR service for 49-60 months; and
- f. For customers with an account receiving MVR service for over 60 months.

**RESPONSE:** DEO objects that this request is vague and undefined, and overbroad and unduly burdensome to answer. DEO also objects to this request to the extent it calls for the creation of new analysis or the manual compilation of data that DEO does not maintain in the regular course of business in the form requested. Subject to and without waiving these objections, DEO answers as follows:

DEO’s broker change orders, i.e., the enrollment records, identify (1) the new supplier; (2) the prior supplier; (3) the new rate; and (4) the date of enrollment. The broker change orders, however, do not identify the prior rate, whether that prior rate was fixed or variable, the duration that the customer was served under that prior rate, or otherwise indicate the type or terms of service for the prior rate. Without information on prior service type and prior enrollment date on the broker change order records, DEO cannot easily run a query on its stored data to

determine the prior service type and prior enrollment date for customers currently taking service on the Market Variable Rate (MVR), and has not otherwise developed and tested a program to accurately and reliably extract that data from its systems. To provide the October 2018 data included in Direct Energy Exhibit A, DEO identified and examined data for the broker change orders associated with those specific accounts to determine the approximate duration that the customer had been served under the MVR. The results of that manual review and analysis produced the segregated data in Direct Energy Exhibit A. (A similar manual process was utilized to compile the October 2019 data in DEO's Response to RESA INT-1-4.) For its response to Direct Energy INT-1-2, DEO has further segregated the October 2018 data by supplier, the supplier's October 2018 MVR rate, and the number of non-residential customers. The results of that additional manual review and analysis are included in Direct Energy INT-1-2 Attach. Since it takes a significant amount of time to review data for the broker change orders on an account by account basis, it would be unreasonable and unduly burdensome, and DEO does not intend, to supplement this information or perform additional, new analysis to produce different snapshots of data based on different dates.

Answerer: Larry J. Rice, Manager, Commercial Operations Support Services, Dominion Energy Ohio

October 2018 Snapshot of MVR Customers Aging  
Residential

		Direct INT - 1					
		a.	b.	c.	d.	e.	f.
Oct '18 Rate		0 - 12 Mths	13 - 24 Mths	25 - 36 Mths	37 - 48 Mths	49 - 60 Mths	>60 Mths
Supplier A	\$ 4.6924	67	18	10	7	10	26
Supplier B	\$ 6.2900	67	25	15	8	12	90
Supplier C	\$ 4.6710	81	35	17	12	10	47
Supplier D	\$ 3.5210	88	24	17	11	2	45
Supplier E	\$ 3.0910	78	31	23	13	8	6
Supplier F	\$ 4.2900	79	27	13	12	9	44
Supplier G	\$ 4.5000	30					
Supplier H	\$ 4.8100	67	31	7	5	3	29
Supplier I	\$ 2.9900	75	42	10	10	5	3
Supplier J	\$ 6.0900	70	16	6			
Supplier K	\$ 4.9170	75	22	11	8	3	9
Supplier L	\$ 4.4500	55	5				
Supplier M	\$ 4.9900	75	20	7	8	4	3
Supplier N	\$ 5.2900	70	20	6	6	6	20
Supplier O	\$ 3.6000	48	2				
Supplier P	\$ 5.0350	68	21	10	5	6	20
Supplier Q	\$ 6.5000	68	11	11	6	5	6
Supplier R	\$ 9.2500	75	12	6	6	4	3
Supplier S	\$ 3.6310	85	7				
Supplier T	\$ 3.8850	71	28	17	12	8	55
		1,392	397	186	129	95	406

October 2018 Snapshot of MVR Customers Aging  
Non-Residential

		Direct INT - 2					
		a.	b.	c.	d.	e.	f.
Oct '18 Rate		0 - 12 Mths	13 - 24 Mths	25 - 36 Mths	37 - 48 Mths	49 - 60 Mths	>60 Mths
Supplier A	\$ 4.6924	258	79	101	51	48	158
Supplier B	\$ 6.2900	271	84	95	51	81	308
Supplier C	\$ 4.6710	283	68	99	48	41	158
Supplier D	\$ 3.5210	279	90	91	44	50	198
Supplier E	\$ 3.0910	295	83	89	48	57	195
Supplier F	\$ 4.2900	266	76	95	46	57	152
Supplier G	\$ 4.5000	50					
Supplier H	\$ 4.8100	260	65	89	47	45	156
Supplier I	\$ 2.9900	282	76	93	33	50	5
Supplier J	\$ 6.0900	253	70	42			
Supplier K	\$ 4.9170	251	65	73	42	45	172
Supplier L	\$ 4.4500	271	23				
Supplier M	\$ 4.9900	264	65	85	23	48	146
Supplier N	\$ 5.2900	282	63	81	39	36	141
Supplier O	\$ 3.6000	226					
Supplier P	\$ 5.0350	274	69	95	50	47	347
Supplier Q	\$ 6.5000	263	55	56	27	49	173
Supplier R	\$ 9.2500	296	85	75	36	38	142
Supplier S	\$ 3.6310	264	31				
Supplier T	\$ 3.8850	296	86	99	43	51	213
		5,184	1,233	1,358	628	743	2,664



**EXHIBIT JC-4**  
**TO THE DIRECT TESTIMONY OF JAMES CRIST**  
**CASE NO. 18-1419-GA-EXM**

**DEO Response to RESA Interrogatories INT 1-1, INT 1-2, INT 1-3, and INT 1-4.**

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

In accordance with Ohio Adm. Code 4901-1-18, 4901-1-19(A), and 4901-1-20(C), The East Ohio Gas Company d/b/a Dominion Energy Ohio (DEO) hereby provides its responses and objections to the Retail Energy Supply Association's (RESA) First Set of Interrogatories and Requests for Production of Documents, served on September 24, 2019.

DEO's responses to the RESA's First Set of Interrogatories and Requests for Production of Documents are subject to the following general objections:

2. DEO objects to each request for production to the extent such discovery requests seek the disclosure of information subject to attorney-client privilege or that constitutes attorney work product.

3. DEO objects to each request for production that purports to require a detailed, narrative response. Under applicable Commission rules and the Ohio Rules of Civil Procedure, “[a]n interrogatory seeks an admission or 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 the rules for deposition.” Penn Central Transp. Co. v. Armco Steel Corp., 27 Ohio Misc. 76, 77 (Montgomery Cty. 1971).

## **II. INTERROGATORIES**

The Monthly Variable Rate (“MVR”) program referenced in this first set of discovery refers to the MVR program that is the subject of this proceeding.

INT-1-1. Identify the number of residential customers that were assigned to a supplier in the Dominion Energy Ohio MVR program in each month of the following years: 2013; 2014; 2015; 2016; 2017; 2018 and January through August 2019.

**RESPONSE:** DEO objects that this request is overbroad and unduly burdensome to answer.

DEO further objects to the request to the extent that it calls for the creation of new analysis or the manual compilation of data that DEO does not maintain in the regular course of business in the form requested. Subject to and without waiving these objections, DEO answers as follows:

The data provided below represents the “gross” number of customers that were assigned to the MVR each month for the time period January 2013 through August 2019. This data does not identify the “net” number of customers that were assigned to the MVR each month, and does not take into account the number of customers who switched from the MVR to a different rate in that month or who were enrolled in MVR but terminated service or were disconnected in that month. Please see DEO’s Responses to INT 1-3 and 1-4 for an explanation of the data identified on DEO’s broker change orders, i.e., enrollment records.

Dominion Energy Ohio							
Residential MVR Adds by Month							
	2013	2014	2015	2016	2017	2018	2019
Jan	285	344	122	188	223	680	382
Feb	210	394	182	269	808	341	356
Mar	173	200	167	293	274	396	525
Apr	104	90	76	81	138	276	645
May	-	16	4	8	22	14	664
Jun	81	236	109	176	176	190	588
Jul	670	226	211	345	274	339	471
Aug	156	154	170	185	192	307	347
Sep	134	130	141	203	162	294	
Oct	159	161	134	233	171	339	
Nov	168	120	129	179	303	404	
Dec	199	187	198	273	490	363	

Answerer: Larry J. Rice, Manager, Commercial Operations Support Services, Dominion Energy Ohio

INT-1-2. Identify the number of non-residential customers that were assigned to a supplier in the Dominion Energy Ohio MVR program in each month of the following years: 2013; 2014; 2015; 2016; 2017; 2018 and January through August 2019.

**RESPONSE:** DEO objects that this request is overbroad and unduly burdensome to answer.

DEO further objects to the request to the extent that it calls for the creation of new analysis or the manual compilation of data that DEO does not maintain in the regular course of business in the form requested. Subject to and without waiving these objections, DEO answers as follows:

The data provided below represents the “gross” number of customers that were assigned to the MVR each month for the time period January 2013 through August 2019. This data does not identify the “net” number of customers that were assigned to the MVR each month, and does not take into account the number of

customers who switched from the MVR to a different rate in that month or who were enrolled in MVR but terminated service or were disconnected in that month. Please see DEO's Responses to INT 1-3 and 1-4 for an explanation of the data identified on DEO's broker change orders, i.e., the enrollment records.

Dominion Energy Ohio							
Non-Residential MVR Adds by Month							
	2013	2014	2015	2016	2017	2018	2019
Jan	25	1,859	1,708	1,569	1,560	2,034	1,827
Feb	30	1,233	1,187	1,420	1,431	1,458	1,034
Mar	6,945	733	1,022	1,157	857	1,111	1,028
Apr	10,389	1,161	832	811	697	973	860
May	9	806	655	1,109	828	1,574	810
Jun	400	1,770	633	1,303	649	1,383	764
Jul	591	875	490	1,272	548	611	654
Aug	549	549	527	532	554	574	659
Sep	457	514	509	471	520	653	
Oct	627	646	649	635	650	666	
Nov	753	779	664	759	687	714	
Dec	1,610	1,689	1,339	1,467	1,652	1,758	

Answerer: Larry J. Rice, Manager, Commercial Operations Support Services, Dominion Energy Ohio

INT-1-3. Identify both the median and mean length of time residential customers participated in the Dominion Energy Ohio MVR program from January 2013 to present.

**RESPONSE:** DEO objects that this request is overbroad and unduly burdensome to answer.

DEO does not maintain or track this information in the regular course of business, and it cannot be readily reported. This information cannot be determined without performing a manual review and compilation of information associated with individual customer account records each month and repeating such review over

multiple months for each account. Subject to and without waiving these objections, DEO answers as follows:

The snapshot of data provided below is based on customer accounts enrolled in MVR as of October 9, 2019. DEO's broker change orders, i.e., the enrollment records, identify the (1) new supplier; (2) the prior supplier; (3) the new rate; and (4) the date of enrollment. The broker change orders, however, do not identify the prior rate, whether that prior rate was fixed or variable, the duration that the customer was served under that prior rate, or otherwise indicate the type or terms of service for the prior rate. To provide the October 9, 2019 snapshot of data below, DEO performed the same analysis that it performed when it previously provided similar data to Staff on October 17, 2018. (Counsel for all parties received the October 2018 data on October 2, 2019.) Without information on prior service type and prior enrollment date on the broker change order records, DEO cannot easily run a query on its stored data to determine the prior service type and prior enrollment date for customers currently enrolled in MVR, and has not otherwise developed and tested a program to accurately and reliably extract that data from its systems. For the customer accounts enrolled in MVR as of October 9, 2019, DEO identified and examined data for the broker change orders associated with those specific accounts to determine the approximate duration that the customer had been served under the MVR. The results of that manual review and analysis produced the data below. Since it takes a significant amount of time to review data for the broker change orders on an account by account basis, it would be unreasonable and unduly burdensome, and DEO does not intend, to

supplement this information or perform additional, new analysis to produce different snapshots of data based on different dates.

0-12 months	2,366	67.8%
13-24 months	377	10.8%
25-36 months	208	6.0%
37-48 months	102	2.9%
49-60 months	90	2.6%
60+ months	<u>345</u>	9.9%
	3,488	

Answerer: Larry J. Rice, Manager, Commercial Operations Support Services, Dominion Energy Ohio

INT-1-4. Identify both the median and mean length of time non-residential customers participated in the Dominion Energy Ohio MVR program from January 2013 to present.

**RESPONSE:** DEO objects that this request is overbroad and unduly burdensome to answer.

DEO does not maintain or track this information in the regular course of business, and it cannot be readily reported. This information cannot be determined without performing a manual review and compilation of information associated with individual customer account records each month and repeating such review over multiple months for each account. Subject to and without waiving these objections, DEO answers as follows:

The snapshot of data provided below is based on customer accounts enrolled in MVR as of October 9, 2019. DEO's broker change orders, i.e., the enrollment records, identify the (1) new supplier; (2) the prior supplier; (3) the new rate; and

(4) the date of enrollment. The broker change orders, however, do not identify the prior rate, whether that prior rate was fixed or variable, the duration that the customer was served under that prior rate, or otherwise indicate the type or terms of service for the prior rate. To provide the October 9, 2019 snapshot of data below, DEO performed the same analysis that it performed when it previously provided similar data to Staff on October 17, 2018. (Counsel for all parties received the October 2018 data on October 2, 2019.) Without information on prior service type and prior enrollment date on the broker change order records, DEO cannot easily run a query on its stored data to determine the prior service type and prior enrollment date for customers currently enrolled in MVR, and has not otherwise developed and tested a program to accurately and reliably extract that data from its systems. For the customer accounts enrolled in MVR as of October 9, 2019, DEO identified and examined data for the broker change orders associated with those specific accounts to determine the approximate duration that the customer had been served under the MVR. The results of that manual review and analysis produced the data below. Since it takes a significant amount of time to review data for the broker change orders on an account by account basis, it would be unreasonable and unduly burdensome, and DEO does not intend, to supplement this information or perform additional, new analysis to produce different snapshots of data based on different dates.



0-12 months	3,870	41.7%
13-24 months	1,548	16.7%
25-36 months	674	7.3%
37-48 months	613	6.6%
49-60 months	387	4.2%
60+ months	<u>2,195</u>	23.6%
	9,287	

Answerer: Larry J. Rice, Manager, Commercial Operations Support Services, Dominion Energy Ohio

INT-1-5. Identify both the median and mean length of time residential customers participated in the Dominion Energy Ohio MVR program from January 2018 to present.

**RESPONSE:** See the Objections and Response to INT-1-3.

INT-1-6. Identify both the median and mean length of time non-residential customers participated in the Dominion Energy Ohio MVR program from January 2018 to present.

**RESPONSE:** See the Objections and Response to INT-1-4.

INT-1-7. Identify both the median and mean length of time residential customers participated in the Dominion Energy Ohio MVR program from January 2013 to December 2015.

**RESPONSE:** See the Objections and Response to INT-1-3.

**EXHIBIT JC-5**  
**TO THE DIRECT TESTIMONY OF JAMES CRIST**  
**CASE NO. 18-1419-GA-EXM**

**Summary Chart of MVR Participation**

Total MVR Residential

	2013	2014	2015	2016	2017	2018	2019	
Jan	3,087	2,838	2,100	1,986	2,125	2,667	2,757	Jan
Feb	3,218	2,901	2,148	2,047	2,242	3,376	2,947	Feb
Mar	3,277	3,264	2,178	2,173	2,585	4,369	2,919	Mar
Apr	3,300	3,292	2,007	2,348	2,595	3,167	2,717	Apr
May	3,216	3,096	2,073	2,329	2,550	2,741	2,848	May
Jun	3,097	2,509	1,973	1,917	2,304	2,465	3,270	Jun
Jul	2,814	2,426	1,889	1,861	2,275	2,253	3,242	Jul
Aug	2,932	2,592	2,004	2,109	2,457	2,460	3,616	Aug
Sep	3,424	2,598	2,080	2,159	2,581	2,511	3,492	Sep
Oct	3,420	2,435	2,148	2,254	2,558	2,711	3,565	Oct
Nov	3,418	2,480	2,085	2,240	2,480	2,627		Nov
Dec	2,998	2,175	2,007	2,125	2,392	2,772		Dec

MVR Residential Adds

	2013	2014	2015	2016	2017	2018	2019	
Jan	285	344	122	188	223	680	382	Jan
Feb	210	394	182	269	808	341	356	Feb
Mar	173	200	167	293	274	396	525	Mar
Apr	104	90	76	81	138	276	645	Apr
May	-	16	4	8	22	14	664	May
Jun	81	236	109	176	176	190	588	Jun
Jul	670	226	211	345	274	339	471	Jul
Aug	156	154	170	185	192	307	347	Aug
Sep	134	130	141	203	162	294		Sep
Oct	159	161	134	233	171	339		Oct
Nov	168	120	129	179	303	404		Nov
Dec	199	187	198	273	490	363		Dec
	2339	2258	1643	2433	3233	3943	3978	
		598	1643	2433	3233	3943	3978	15828

Total MVR Nonresidential

	2013	2014	2015	2016	2017	2018	2019	
Jan	334	13,295	12,176	11,480	11,938	11,664	10,871	Jan
Feb	336	14,208	13,522	12,160	13,245	12,807	12,125	Feb
Mar	351	15,431	13,439	13,207	13,401	13,973	11,972	Mar
Apr	15690	15,811	11,387	14,136	13,397	13,639	11,150	Apr
May	17683	14,673	12,881	13,899	12,708	12,315	9,910	May
Jun	15256	12,996	12,608	12,634	12,271	12,630	10,214	Jun
Jul	14116	13,471	12,038	12,898	12,505	12,593	9,525	Jul
Aug	14151	13,704	12,181	12,010	11,839	12,874	9,843	Aug
Sep	14178	13,720	11,796	12,898	12,026	11,964	9,487	Sep
Oct	13902	13,118	11,932	13,007	11,857	12,320	9,433	Oct
Nov	13967	13,240	11,696	12,761	11,649	11,826		Nov
Dec	12906	11,945	11,387	11,938	10,785	11,486		Dec

MVR Non-Residential Add

	2013	2014	2015	2016	2017	2018	2019	
Jan	25	1,859	1,708	1,569	1,560	2,034	1,827	Jan
Feb	30	1,233	1,187	1,420	1,431	1,458	1,034	Feb
Mar	6,945	733	1,022	1,157	857	1,111	1,028	Mar
Apr	10,389	1,161	832	811	697	973	860	Apr
May	9	806	655	1,109	828	1,574	810	May
Jun	400	1,770	633	1,303	649	1,383	764	Jun
Jul	591	875	490	1,272	548	611	654	Jul
Aug	549	549	527	532	554	574	659	Aug
Sep	457	514	509	471	520	653		Sep
Oct	627	646	649	635	650	666		Oct
Nov	753	779	664	759	687	714		Nov
Dec	1,610	1,689	1,339	1,467	1,652	1,758		Dec
	22385	12614	10215	12505	10633	13509	7636	
		3628	10215	12505	10633	13509	7636	58126

## Residential Customer Count Balance

Sep-14	2,598
Tot ADD	15828
over 60 mo	345
Aug-19	3,616

## Nonresidential Customer Count Balance

Sep-14	13,720
Tot ADD	58126
over 60 mo	2195
Aug-19	9,843

## Percent in

and out	79.334%	86.842%
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Note 1: 79.3% of residential customers going into MVR from Sept. 2014 to August 2019 have made a choice and left MVR

Note 2: 86.8% of non-residential customers going into MVR from Sept. 2014 to August 2019 have made a choice and left the MVR

Note 3: Over 60 month count from DEO Responses to RESA INT 1-3 and 1-4 which is an approximation for over 60 month count as of August 2019.

**EXHIBIT JC-6**  
**TO THE DIRECT TESTIMONY OF JAMES CRIST**  
**CASE NO. 18-1419-GA-EXM**

**DEO Response to OCC Request for Production of Documents RPD 1-6**

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

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

**RESPONSES AND OBJECTIONS TO THE OFFICE OF THE OHIO CONSUMERS'  
COUNSEL'S FIRST SET OF INTERROGATORIES AND  
REQUESTS FOR THE PRODUCTION OF DOCUMENTS OF  
THE EAST OHIO GAS COMPANY D/B/A DOMINION ENERGY OHIO**

In accordance with Ohio Adm. Code 4901-1-18, 4901-1-19(A), and 4901-1-20(C), The East Ohio Gas Company d/b/a Dominion Energy Ohio (DEO) hereby provides its responses and objections to the Office of the Ohio Consumers' Counsel's First Set of Interrogatories and Requests for Production of Documents, served on September 27, 2019.

**I. GENERAL OBJECTIONS**

DEO's responses to the OCC's First Set of Interrogatories and Requests for Production of Documents are subject to the following general objections:

1. DEO objects to the Instructions for Answering to the extent such instructions purport to impose discovery obligations that are inconsistent with or go beyond the Commission's rules for discovery.
2. DEO objects to each request for production to the extent such discovery requests seek the disclosure of information subject to attorney-client privilege or that constitutes attorney work product.
3. DEO objects to each request for production that purports to require a detailed, narrative response. Under applicable Commission rules and the Ohio Rules of Civil Procedure, "[a]n interrogatory seeks an admission or 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

RPD-1-5. Please provide copies of all discovery received by the Company from other parties in this proceeding, and the Company's responses to that discovery.

**RESPONSE:** See DEO's Objections and Response to RPD 1-1.

RPD-1-6. Please provide copies of all complaints Dominion has received from residential customers regarding the Monthly Variable Rate program since the program started in 2013.

**RESPONSE:** DEO objects that this request is vague and undefined, overbroad and unduly burdensome to answer, and seeks information that is neither relevant to the subject matter of this proceeding nor reasonably calculated to lead to the discovery of admissible evidence. DEO also objects to this request to the extent it seeks information that is publicly available or that DEO does not maintain, and is not required to maintain, in the regular course of business in the form requested. DEO also objects to OCC's characterization of when the MVR program began. The Commission's March 3, 2009 Entry in Case No. 07-1224-GA-ATA approved the tariff covering MVR Commodity Service, Original Sheet B-MVR. Subject to and without waiving these objections, DEO responds as follows:

The request does not make clear either what is meant by "complaint" nor what is meant by "regarding the MVR program." DEO does not track or otherwise segregate customer complaints based on relationship to the MVR. Formal complaints involving DEO are publicly available through the Commission's DIS website. See the accompanying file marked as "OCC RPD-1-6 Attach" for a list

of informal Commission complaints that DEO has logged as pertaining to the Energy Choice program for the past three years. The reference numbers for the informal complaints correspond to numbers assigned to the complaints by the Commission. Informal Commission complaints are publicly available to OCC via public records requests.

RPD-1-7. Please provide all documents Dominion used in responding to OCC INT-1-001.

**RESPONSE:** DEO objects that this request is vague and undefined, overbroad and unduly burdensome to answer, and seeks information that is neither relevant to the subject matter of this proceeding nor reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving these objections, DEO responds as follows: See DEO's Response to OCC INT-1-1, and DEO's Response and Objections to RESA INT 1-1.

RPD-1-8. Please provide all documents Dominion used in responding to OCC INT-1-002.

**RESPONSE:** DEO objects that this request is vague and undefined, overbroad and unduly burdensome to answer, and seeks information that is neither relevant to the subject matter of this proceeding nor reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving these objections, DEO responds as follows: See DEO's Response to OCC INT-1-2, and DEO's Response and Objections to RESA INT 1-3.

<b>Date Received</b>	<b>Complaint Origin</b>	<b>Case Reference #</b>
10/15/19	Commission Informal	CASE ID: 00540543
10/10/19	Commission Informal	00550372
10/7/19	Commission Informal	00548036
9/26/19	Commission Informal	00535059
9/19/19	Commission Informal	CASE ID: 00543492
9/19/19	Commission Informal	00543491
9/17/19	Commission Informal	CASE ID: 00540883
9/16/19	Commission Informal	00536536
9/9/19	Commission Informal	00533798
9/3/19	Commission Informal	00248316
8/26/19	Commission Informal	00531218
8/23/19	Commission Informal	00529629
8/22/19	Commission Informal	CASE ID: 00534906
8/20/19	Commission Informal	00500817
8/14/19	Commission Informal	00532108
8/8/19	Commission Informal	CASE ID: 00530462
8/7/19	Commission Informal	00523065
8/6/19	Commission Informal	00527708
8/2/19	Commission Informal	00522016
7/30/19	Commission Informal	00503166
7/26/19	Commission Informal	00516902
7/25/19	Commission Informal	00521924
7/24/19	Commission Informal	00510314
7/23/19	Commission Informal	00258695
7/23/19	Commission Informal	00525534
7/18/19	Commission Informal	00513971
7/16/19	Commission Informal	00523136
7/16/19	Commission Informal	00259581
7/12/19	Commission Informal	00522776
7/10/19	Commission Informal	00519999
7/8/19	Commission Informal	00519966
7/2/19	Commission Informal	00514333
7/1/19	Commission Informal	00255435
6/28/19	Commission Informal	00517761
6/28/19	Commission Informal	00265587
6/27/19	Commission Informal	00517436
6/25/19	Commission Informal	00514950
6/24/19	Commission Informal	00514383
6/20/19	Commission Informal	00515242
6/19/19	Commission Informal	00515370
6/18/19	Commission Informal	00514423
6/14/19	Commission Informal	00511887
6/11/19	Commission Informal	00512287
6/11/19	Commission Informal	00259289
6/11/19	Commission Informal	00250225
6/10/19	Commission Informal	00500955
6/10/19	Commission Informal	00512325
6/7/19	Commission Informal	00511401
6/6/19	Commission Informal	00509368
6/4/19	Commission Informal	00509945
6/4/19	Commission Informal	00509897



5/30/19	Commission Informal	00503810
5/24/19	Commission Informal	CASE ID: 00279253
5/22/19	Commission Informal	00501913
5/22/19	Commission Informal	00261923
5/21/19	Commission Informal	00265347
5/20/19	Commission Informal	00502602
5/20/19	Commission Informal	00505590
5/17/19	Commission Informal	00504062
5/17/19	Commission Informal	CASE ID: 00504002
5/13/19	Commission Informal	00501789
5/13/19	Commission Informal	00500362
5/10/19	Commission Informal	CASE ID: 00500939
5/10/19	Commission Informal	CASE ID: 00262427
5/9/19	Commission Informal	00266007
5/9/19	Commission Informal	00264207
5/8/19	Commission Informal	00264473
5/8/19	Commission Informal	00266114
5/6/19	Commission Informal	00500997
5/3/19	Commission Informal	00261465
5/3/19	Commission Informal	00261526
5/3/19	Commission Informal	00261527
5/3/19	Commission Informal	00263710
5/3/19	Commission Informal	00263790
5/3/19	Commission Informal	00263732
5/2/19	Commission Informal	00265846
5/1/19	Commission Informal	CASE ID: 00262935
5/1/19	Commission Informal	00500382
4/30/19	Commission Informal	CASE ID: 00261483
4/29/19	Commission Informal	00257677
4/26/19	Commission Informal	00257975
4/26/19	Commission Informal	00289707
4/25/19	Commission Informal	00265921
4/25/19	Commission Informal	00261908
4/24/19	Commission Informal	00262492
4/24/19	Commission Informal	00264687
4/23/19	Commission Informal	00265884
4/22/19	Commission Informal	CASE ID: 00263343
4/22/19	Commission Informal	CASE ID: 00260143
4/22/19	Commission Informal	00262973
4/18/19	Commission Informal	CASE ID: 00261281
4/18/19	Commission Informal	CASE ID: 00262485
4/18/19	Commission Informal	CASE ID: 00263000
4/16/19	Commission Informal	CASE ID: 00258043
4/16/19	Commission Informal	00257652
4/16/19	Commission Informal	00252407
4/12/19	Commission Informal	CASE ID: 00263801
4/12/19	Commission Informal	00262433
4/11/19	Commission Informal	00260142
4/10/19	Commission Informal	CASE ID: 00258614
4/10/19	Commission Informal	00263774
4/9/19	Commission Informal	00242255
4/8/19	Commission Informal	00261401

4/8/19	Commission Informal	00257633
4/5/19	Commission Informal	00259532
4/4/19	Commission Informal	0025850
4/4/19	Commission Informal	00259807
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4/2/19	Commission Informal	00259951
4/2/19	Commission Informal	00258795
4/2/19	Commission Informal	00260015
4/2/19	Commission Informal	00257019
4/2/19	Commission Informal	00259034
4/2/19	Commission Informal	00252878
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3/29/19	Commission Informal	00261643
3/29/19	Commission Informal	00261688
3/28/19	Commission Informal	00261345
3/27/19	Commission Informal	CASE ID: 00258933
3/27/19	Commission Informal	00259436
3/26/19	Commission Informal	CASE ID: 00259682
3/26/19	Commission Informal	260824
3/26/19	Commission Informal	CASE ID: 00259817
3/25/19	Commission Informal	CASE ID: 00260200
3/25/19	Commission Informal	00260826
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3/22/19	Commission Informal	CASE ID: 00257992
3/22/19	Commission Informal	CASE ID: 00257354
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3/21/19	Commission Informal	00259351
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3/20/19	Commission Informal	00259841
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3/19/19	Commission Informal	00256965
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3/18/19	Commission Informal	00254975
3/18/19	Commission Informal	CASE ID: 00255229
3/14/19	Commission Informal	00256888
3/13/19	Commission Informal	CASE ID: 00257039
3/13/19	Commission Informal	00257351
3/13/19	Commission Informal	CASE ID: 00258409
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3/5/19	Commission Informal	00248913
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3/1/19	Commission Informal	00251618
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2/26/19	Commission Informal	CASE ID: 00254155
2/26/19	Commission Informal	00254626
2/22/19	Commission Informal	00252703
2/21/19	Commission Informal	00253123
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9/18/18	Commission Informal	00227035
9/6/18	Commission Informal	00225225
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8/9/18	Commission Informal	CASE ID: 00221307
8/8/18	Commission Informal	CASE ID: 00220718
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7/25/17	Commission Informal	AGUP072417PA
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7/17/17	Commission Informal	RWOO071417PB
6/23/17	Commission Informal	CASE ID: JWAL062317PM
4/24/17	Commission Informal	CASE ID: EPAL040617DG
4/7/17	Commission Informal	CASE ID: JRUS040717IA
3/14/17	Commission Informal	CASE ID: MCOL030617VS
2/28/17	Commission Informal	WJAC022717Z8
2/7/17	Commission Informal	CASE ID: IBIT020717SI
1/3/17	Commission Informal	CPOL010317CX
1/5/17	Commission Informal	RGER1227161B
1/9/17	Commission Informal	HSAN010617TY
1/10/17	Commission Informal	BYEA011017XJ
1/19/17	Commission Informal	ASMR011817J6
1/24/17	Commission Informal	DTER012317XE
12/19/16	Commission Informal	JDER121916JH
11/8/16	Commission Informal	ABIS103116HO
10/24/16	Commission Informal	DBAR102116NQ

**EXHIBIT JC-7**  
**TO THE DIRECT TESTIMONY OF JAMES CRIST**  
**CASE NO. 18-1419-GA-EXM**

**OPAE Response to RESA Request for Admissions RFA 2-2 and RFA 2-3**

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

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

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**OHIO PARTNERS FOR AFFORDABLE ENERGY'S  
RESPONSES TO  
THE RETAIL ENERGY SUPPLY ASSOCIATION'S  
SECOND SET OF INTERROGATORIES, REQUESTS FOR PRODUCTION OF  
DOCUMENTS, AND REQUESTS FOR ADMISSION**

**October 28, 2019**

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Ohio Partners for Affordable Energy ("OPAE") herein responds to the Retail Energy Supply Association ("RESA") Second Set of Interrogatories, Requests for Production of Documents, and Requests for Admission. All responses were prepared by OPAE's counsel.

**INTERROGATORIES**

INT 2-1. Identify any person OPAE intends to call as a witness in this proceeding. To the extent OPAE claims that it has not made a final determination as to which witnesses OPAE intends to call, please supplement this response as soon as such a determination is made.

**RESPONSE:**

OPAE will call David C. Rinebolt as a witness in this proceeding.

## **REQUESTS FOR ADMISSION**

RFA 2-1. Admit that, as of October 2, 2019, OPAGE was not aware of any complaints from any of its members regarding the MVR program.

### **RESPONSE:**

Admit.

RFA 2-2. Admit that, as of September 12, 2019, OPAGE had not conducted any education of its members on competitive retail natural gas service after the issuance of the Commission's June 18, 2008 Order in Case No. 12-1842-GA-EXM.

### **RESPONSE:**

Admit.

RFA 2-3. Admit that, as of September 12, 2019, OPAGE had not conducted any education of its members about the MVR program.

### **RESPONSE:**

Admit.

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)



**EXHIBIT JC-8**  
**TO THE DIRECT TESTIMONY OF JAMES CRIST**  
**CASE NO. 18-1419-GA-EXM**

**OCC Response to RESA Interrogatories INT 1-7**

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

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

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**OCC’S OBJECTIONS AND RESPONSES TO THE RETAIL ENERGY SUPPLY  
ASSOCIATION’S  
FIRST SET OF INTERROGATORIES, REQUESTS FOR PRODUCTION  
OF DOCUMENTS AND REQUESTS FOR ADMISSIONS**

**(October 7, 2019)**

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The Office of the Ohio Consumers’ Counsel (“OCC”), by and through its counsel, hereby submits its Responses and Objections to the First Set of Interrogatories and Requests for Production of Documents submitted to OCC by the Retail Energy Supply Association (“RESA”) in the above-captioned case. OCC’s responses to these discovery requests are being provided subject to, and without waiver of, the general objections stated below, and the specific objections posed in response to each interrogatory and request for production of documents. The general objections are hereby incorporated by reference into the individual response made to each discovery request. OCC’s responses to these discovery requests are submitted without prejudice to, and without waiving any general objections not expressly set forth therein.

The provisions of any response below shall not waive OCC’s objections. The responses below, while based on diligent investigation and reasonable inquiry by OCC and its counsel, reflect only the current state of OCC’s knowledge and understanding and belief with respect to the matters about which the discovery requests seek information, based upon the information and discovery to date. OCC’s investigation is not yet complete and is continuing as of the date of the responses below. OCC anticipates the possibility that it may discover additional information

**Person(s) responsible for responding:** OCC's counsel.

INT 1-5. Why does OCC believe that "[t]he number of residential consumers on the Monthly Variable Rate at any point in time may be few" as stated at page 2 of OCC's August 15, 2019 memorandum in support?

**RESPONSE:** OCC receives monthly aggregate data from one supplier, Dominion Energy Ohio, with the number of residential customers on the monthly variable rate.

**Person(s) responsible for responding:** OCC's counsel.

INT 1-6. Has OCC communicated to residential consumers that are or were on the Monthly Variable Rate about the Monthly Variable Rate?

**RESPONSE: Objection.** This interrogatory is overly broad because it does not set a time period regarding any communication. Without waiving OCC's objections, OCC responds as follows: Yes.

**Person(s) responsible for responding:** OCC's counsel.

INT 1-7. What steps has OCC taken to educate residential consumers about the Monthly Variable Rate?

**RESPONSE:** OCC has offered general education to the public without targeting specific MVR customers through a variety of means, including but not limited to fact sheets, website information, and, on a limited basis, personal contact with consumers on a limited basis. OCC does not believe it is even feasible for all residential consumers to be reached and adequately educated on the complexities of buying natural gas. Ohioans have many priorities for their time, including family and work, that rise above trying to surmount the steep challenge of understanding and continually monitoring complicated natural gas pricing and contracts. The difficulty of this challenge for consumers is reflected in the Columbia shadow-

billing data where Columbia customers who purchased from natural gas marketers have paid about \$1.6 billion more than they would have paid under the Columbia's competitively priced Standard Choice Offer rate.

**Person(s) responsible for responding:** As to objections: OCC's counsel.

**EXHIBIT JC-9**  
**TO THE DIRECT TESTIMONY OF JAMES CRIST**  
**CASE NO. 18-1419-GA-EXM**

**OPAE Response to RESA Requests for Production of Documents RPD 1-1 to RPD 1-15**

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

Ohio Partners for Affordable Energy (“OPAE”) herein responds to the Retail Energy Supply Association’s (“RESA”) First Set of Interrogatories and Requests for Production of Documents.

1

## **REQUESTS FOR PRODUCTION OF DOCUMENTS**

RESA requests that Ohio Partners for Affordable Energy produce true and accurate copies of the following documents:

RPD 1-1. Provide all documents in OPAE's possession that relate or refer to any OPAE member complaints regarding the Dominion Energy Ohio MVR program.

**RESPONSE:**

OPAE has no such documents.

RPD 1-2. Provide all documents in OPAE's possession that relate to or refer to any complaint from a member of the public regarding the Dominion Energy Ohio MVR program.

**RESPONSE:**

OPAE has no such documents.

RPD 1-3. Provide any educational materials OPAE or its agents provided since April 1, 2013 to its members regarding competitive retail natural gas service in Ohio.

**RESPONSE:**

Not applicable.

RPD 1-4. Provide any educational materials OPAE or its agents provided since April 1, 2013 to a member of the public regarding competitive retail natural gas service in Ohio.

**RESPONSE:**

Not applicable.

RPD 1-5. Provide all documents produced, created and/or disseminated by OPAE since April 1, 2013 regarding the Dominion Energy Ohio MVR program.

**RESPONSE:**

Not applicable.

RPD 1-6. Provide all documents produced, created and/or disseminated by OPAE since January 1, 2017 regarding the Dominion Energy Ohio MVR program.

**RESPONSE:**

OPAE has no such documents.

RPD 1-7. Provide any educational materials OPAE or its agents provided since January 1, 2017 to its members regarding competitive retail natural gas service in Ohio.

**RESPONSE:**

OPAE has no such documents.

RPD 1-8. Provide any educational materials OPAE or its agents provided since January 1, 2017 to a member of the public regarding competitive retail natural gas service in Ohio.

**RESPONSE:**

OPAE has no such documents.

RPD 1-9. Provide all documents produced, created and/or disseminated by OPAE since January 1, 2017 regarding the Dominion Energy Ohio MVR program.

**RESPONSE:**

OPAE has no such documents.



RPD 1-10. Provide any surveys and results of any surveys conducted by or for OPAE regarding competitive retail natural gas service in Ohio.

**RESPONSE:**

OPAЕ is currently working on a survey and will supplement this response when it is available.

RPD 1-11. Provide any surveys and results of any surveys conducted by or for OPAЕ regarding the Dominion Energy Ohio MVR program.

**RESPONSE:**

OPAЕ is currently working on a survey and will supplement this response when it is available.

RPD 1-12. Provide all documents evidencing, relating to or referring to communications with the Office of the Ohio Consumers' Counsel about the Dominion Energy Ohio MVR program on or after January 1, 2017.

**RESPONSE:**

OPAЕ has had no such communications with the Office of the Ohio Consumers' Counsel.

RPD 1-13. Provide all documents evidencing, relating to or referring to OPAЕ's belief that price gouging is taking place under the Dominion Energy Ohio MVR program.

**RESPONSE:**

Objection. Any such information available to OPAЕ is in the public record at the Commission's Docketing Division for this proceeding and prior Dominion proceedings.

RPD 1-14. Provide all documents evidencing, relating to or referring to the Dominion Energy Ohio MVR program.

**RESPONSE:**

Objection. This request is overly broad. Without waiving this objection, all such documents are in the public record at the Commission's Docketing Division for this proceeding and prior Dominion proceedings.

RPD 1-15. Provide all documents in OPAE's possession and created or received since January 1, 2017 that relate to or refer to any complaint from a member of the public regarding the Dominion Energy Ohio MVR program.

**RESPONSE:**

OPAE has no such documents.

**EXHIBIT JC-10**  
**TO THE DIRECT TESTIMONY OF JAMES CRIST**  
**CASE NO. 18-1419-GA-EXM**

**DEO Response to RESA Interrogatories INT 1-13**

3. DEO objects to each request for production that purports to require a detailed, narrative response. Under applicable Commission rules and the Ohio Rules of Civil Procedure, “[a]n interrogatory seeks an admission or 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

INT-1-13. How does Dominion Energy Ohio educate customers about the MVR program?

**RESPONSE:** DEO objects that this request is vague and undefined, and overbroad and unduly burdensome to answer. Subject to and without waiving these objections, DEO answers as follows:

DEO informs customers regarding its Energy Choice program, including the MVR, through a variety of means, including its tariffs, information provided by customer service agents, bill inserts and mailings, websites (including [www.DominionGasChoice.com](http://www.DominionGasChoice.com)), and through other generally available information. In addition, DEO also educates customers on its Energy Choice program through advertisements and other public educational initiatives in its service territory. See the Objections and Response to RPD 1-3 for examples of the messaging that DEO has provided to customers on its Energy Choice program.

Answerer: Vicki H. Friscic, Director Regulatory and Pricing, Dominion Energy Ohio

INT-1-14. Has Dominion Energy Ohio provided any data on the MVR program to the Staff of the Public Utilities Commission of Ohio?

**RESPONSE:** DEO objects that this request is vague and undefined, and overbroad and unduly burdensome to answer. DEO further objects that this request seeks information that is neither relevant to the subject matter of this proceeding nor reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving these objections, DEO answers as follows:

See the October 17, 2018 email provided to counsel for all parties on October 2, 2019. In addition, see the accompanying document marked as “RESA INT-1-14

**EXHIBIT JC-11**  
**TO THE DIRECT TESTIMONY OF JAMES CRIST**  
**CASE NO. 18-1419-GA-EXM**

**OPAE Response to RESA Interrogatories INT 1-11**

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

Ohio Partners for Affordable Energy (“OPAE”) herein responds to the Retail Energy Supply Association’s (“RESA”) First Set of Interrogatories and Requests for Production of Documents.

**1**

INT 1-8. Are any OPAE members currently taking competitive retail natural gas service from a supplier in Dominion Energy Ohio's service territory?

**RESPONSE:**

All Dominion distribution customers take competitive retail natural gas from a supplier in Dominion's service territory.

INT 1-9. How many OPAE members are currently taking competitive retail natural gas service from a supplier in the Dominion Energy Ohio service territory?

**RESPONSE:**

See response to Interrogatories Nos. 2 and 8.

INT 1-10. Does OPAE receive natural gas distribution service from Dominion Energy Ohio? If so, under what rate class?

**RESPONSE:**

No.

INT 1-11. Does OPAE educate its members about competitive retail natural gas service in Ohio?

**RESPONSE:**

No, OPAE has not conducted a formal education program on competitive retail natural gas service in Ohio since approximately 2008.

INT 1-12. How does OPAE educate its members about competitive retail natural gas service in Ohio?

**RESPONSE:**

Not applicable.



**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

**11/15/2019 5:00:33 PM**

**in**

**Case No(s). 18-1419-GA-EXM**

Summary: Testimony of James L. Crist, P.E. electronically filed by Mr. Michael J. Settineri on behalf of Retail Energy Supply Association