

BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of The Dayton Power and Light Company to Increase Its Rates for Electric Distribution	:	CASE NO. 20-1651-EL-AIR
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In the Matter of the Application of The Dayton Power and Light Company for Accounting Authority	:	CASE NO. 20-1652-EL-AAM
	:	
In the Matter of the Application of The Dayton Power and Light Company for Approval of Revised Tariffs	:	CASE NO. 20-1653-EL-ATA
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**OBJECTIONS AND RESPONSES OF THE DAYTON POWER AND  
LIGHT COMPANY D/B/A AES OHIO TO DIRECT ENERGY'S  
FIRST SET OF INTERROGATORIES AND REQUESTS FOR  
PRODUCTION OF DOCUMENTS TO AES OHIO**

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The Dayton Power and Light Company d/b/a AES Ohio ("AES Ohio," "DP&L," or the "Company") objects and responds to Direct Energy's First Set of Interrogatories and Requests for Production of Documents to Dayton Power and Light Company, as follows.

**GENERAL OBJECTIONS**

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

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

3. AES Ohio objects to each and every discovery request to the extent that it seeks information that is privileged by statute or common law, including privileged communications

between attorney and client or attorney work product. Ohio Adm.Code 4901-1-16(B). Such material or information shall not be provided, and any inadvertent disclosure of material or information protected by the attorney-client privilege, the attorney work product doctrine or any other privilege or protection from discovery is not intended and should not be construed to constitute a waiver, either generally or specifically, with respect to such information or material or the subject matter thereof.

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

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

6. AES Ohio objects to each and every interrogatory that can be answered more efficiently by the production of documents or by the taking of depositions. Under the comparable Ohio Civil Rules, "[a]n interrogatory seeks an admission or it seeks information of major significance in the trial or in the preparation for trial. It does not contemplate an array of details or outlines of evidence, a function reserved by rules for depositions." *Penn Cent. Transp. Co. v. Armco Steel Corp.*, 27 Ohio Misc. 76, 77, 272 N.E.2d 877, 878 (Montgomery Cty. 1971). As *Penn* further noted, interrogatories that ask one to "describe in detail," "state in detail," or "describe in particulars" are "open end invitation[s] without limit on its comprehensive nature

with no guide for the court to determine if the voluminous response is what the party sought in the first place." *Id.*, 272 N.E.2d at 878.

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

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

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

10. AES Ohio objects to each and every discovery request to the extent that it calls for information not in its possession, but in the possession of AES Ohio's unregulated affiliates.

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

12. AES Ohio objects to each and every discovery request that seeks information that AES Ohio does not know at this time.

13. AES Ohio objects to each and every discovery request to the extent that it mischaracterizes previous statements or information or is an incomplete recitation of past statements or information or takes those statements or information outside of the context in which they were made.

14. AES Ohio objects to each and every Interrogatory that seeks information that is not facts, data, or other information known or readily available to AES Ohio. Ohio Adm.Code 4901-1-19(B).

## **INTERROGATORIES**

**Inter No. 1.** For each of the calendar years 2018, 2019 and 2020, identify:

- a. The total Switching Fee revenue received by the Company;
- b. The total Historical Usage Fee revenue received by the Company;
- c. The total Electronic Interval Meter Data Fee revenue received by the Company; and
- d. The total AGS Fee revenue received by the Company (to the extent not reflected in response to a. – c. above).

**RESPONSE:** General Objections Nos. 1 (relevance), 2 (unduly burdensome), 9 (vague or undefined), 14 (seeks information not readily available). Subject to all general objections, AES Ohio states that:

- a. Please see the Company's response to IGS 2<sup>nd</sup> Set INT 5.
- b. 2018: \$413,325; 2019: \$605,925; 2020: \$722,190
- c. 2018: \$157,775; 2019: \$122,150; 2020: \$110,800
- d. Please see response to parts a. – c. above.

Witness Responsible: Robert Adams/Chad Riethmiller

**Inter No. 2.** For the Test Year identify:

- a. The total Switching Fee revenue received by the Company;
- b. The total Historical Usage Fee revenue received by the Company;
- c. The total Electronic Interval Meter Data Fee revenue received by the Company; and
- d. The total AGS Fee revenue received by the Company (to the extent not reflected in response to a. – c. above).

**RESPONSE:** General Objections Nos. 1 (relevance), 2 (unduly burdensome), 9 (vague or undefined), 14 (seeks information not readily available). Subject to all general objections, AES Ohio states that fees paid by competitive retail electric service providers were inadvertently excluded from the forecasted portion of the test year. Further, please see responses for parts a.- d. for the period June 2020 through August 2020 below:

- a. \$37,385
- b. \$114,450
- c. \$29,725
- d. Please see response to parts a. – c.

Witness Responsible: Robert J. Adams/Chad Riethmiller

**Inter No. 3.** During the Test Year, how many customer accounts were subjected to or associated with charges for Switching Fees? Provide separate subtotals for residential and non-residential customers.

**RESPONSE:** General Objections Nos. 1 (relevance), 2 (unduly burdensome), 9 (vague or undefined), 14 (seeks information not readily available). Subject to all general objections, AES Ohio states that there was none as switching fees are charged to the suppliers, not customers.

Witness Responsible: Chad Riethmiller

**Inter No. 4.** During the Test Year, how many customer accounts were subjected to or associated with charges for Historical Usage Fees? Provide separate subtotals for residential and non-residential customers.

**RESPONSE:** General Objections Nos. 1 (relevance), 2 (unduly burdensome), 9 (vague or undefined), 14 (seeks information not readily available). Subject to all general objections, AES Ohio states that there were no customer accounts associated with Historical Usage Fees in the test year.

Witness Responsible: Chad Riethmiller/Claire Hale



**Inter No. 5.** During the Test Year, how many customer accounts were subjected to or associated with charges for Electronic Interval Meter Data Fees? Provide separate subtotals for residential and non-residential customers.

**RESPONSE:** General Objections Nos. 1 (relevance), 2 (unduly burdensome), 9 (vague or undefined), 14 (seeks information not readily available). Subject to all general objections, AES Ohio states that there were 66 non-residential accounts and 0 residential.

Witness Responsible: Chad Riethmiller/Claire Hale

**Inter No. 6.** During the Test Year, and to the extent not reflected in the responses to Interrogatory Nos. 2 through 5 above, how many customer accounts were subjected to or associated with charges for AGS Fees? Provide separate subtotals for residential and non-residential customers.

**RESPONSE:** General Objections Nos. 1 (relevance), 2 (unduly burdensome), 9 (vague or undefined), 14 (seeks information not readily available). Subject to all general objections, AES Ohio states that no AGS Fees are passed on to customers.

Witness Responsible: Chad Riethmiller/Claire Hale

**Inter No. 7.** During the Test Tear, how many customer accounts were switched to or from the Company and suppliers of governmental aggregators? Provide separate subtotals for residential and non-residential customers.

**RESPONSE:** General Objections Nos. 1 (relevance), 2 (unduly burdensome), 3 (privileged and work product), 4 (proprietary), 5 (inspection of business records), 6 (calls for narrative answer), 7 (not in AES Ohio's possession or available on PUCO website), 9 (vague or undefined), 10 (possession of AES Ohio's unregulated affiliate), 11 (calls for a legal conclusion), 12 (seeks information that AES Ohio does not know at this time), 13 (mischaracterization). Subject to all general objections, AES Ohio states that:

Residential – 49,649

Non-residential – 5,004

Witness Responsible: Robert J. Adams

**Inter No. 8.** Identify, by FERC account number, all Test Year revenue and expense associated with the Company's 4.9% interest in OVEC.

**RESPONSE:** General Objections Nos. 1 (relevance), 2 (unduly burdensome), 9 (vague or undefined), 13 (mischaracterization), 14 (seeks information not readily available). Subject to all general objections, AES Ohio states please see lines 11 through 21 on WPC-3.3, which show the test year revenue and expenses associated with the Company's interest in OVEC.

Witness Responsible: Chad Riethmiller/Claire Hale

**Inter No. 9.** Identify, by FERC account number, all costs allocated by the Service Company to the Company during the Test Year.

**RESPONSE:** General Objections Nos. 1 (relevance), 2 (unduly burdensome), 9 (vague or undefined), 14 (seeks information not readily available). Subject to all general objections, AES Ohio states that O&M expenses assigned and/or allocated to AES Ohio during the test year are as follows:

		Test Year
560000	T-Operation supervision and engineering	\$ 30,588.0
561100	T-Load dispatch—Reliability	\$ 19,576.2
570000	T-Maintenance of station equipment	\$ 19,556.2
580000	D-Operation supervision and engineering	\$ 252,074.5
590000	D-Maintenance supervision and engineering	\$ 114,370.2
592000	D-Maintenance of station equipment	\$ 23,307.7
593000	D-Maintenance of overhead lines	\$ 2,204.1
902000	CustAcct-Meter reading expenses	\$ 174.2
903000	CustAcct-Customer records and collection expenses	\$ 65,120.2
907000	CustSrv- Supervision	\$ 171,514.4
909000	CustSrv-Informational and instructional advertising expenses	\$ 452,595.2
920000	A&G-Administrative and general salaries	\$ 16,195,271.0
921000	A&G-Office supplies and expenses	\$ 11,183,270.3
923000	A&G-Outside services employed	\$ 2,947,086.1
925000	A&G-Injuries and damages	\$ 96,779.8
926000	A&G-Employee pensions and benefits	\$ 1,891,841.1
930100	A&G-General advertising expenses	\$ 874,939.5
930200	A&G-Miscellaneous general expenses	\$ 158,963.2
935000	Maintenance of general plant	\$ 172,500.0

Witness Responsible: Lauren Whitehead

**Inter No. 10.** Identify, by FERC account number, all costs allocated by the Service Company to AES Ohio Generation during the Test Year.

**RESPONSE:** General Objections Nos. 1 (relevance), 2 (unduly burdensome), 9 (vague or undefined), 10 (possession of AES Ohio's unregulated affiliate), 13 (mischaracterization), 14 (seeks information not readily available). AES Ohio further objects because this Interrogatory seeks information that is not relevant to this proceeding.

## **REQUESTS FOR PRODUCTION OF DOCUMENTS**

1. The Cost Allocation Manual described on page 12 of the Staff Report (under the heading “Allocations”).

**RESPONSE:** General Objections Nos. 4 (proprietary). Subject to all general objections, AES Ohio states see DP&L 001158 – DP&L 001198 – CONFIDENTIAL.

2. The FERC Letter Order described on page 12 of the Staff Report (under the heading “Allocations”).

**RESPONSE:** Subject to all general objections, AES Ohio states please see 'Direct Energy 1st Set - RPD 1-2 - Attachment 1, DP&L 0011772 – DP&L 0011775.

3. The Company’s FERC Form 1 for each of the years 2018, 2019 and 2020.

**RESPONSE:** Subject to all general objections, AES Ohio states please see Direct Energy 1st Set – RPD 1-3 – Attachment 1, Attachment 2, and Attachment 3, DP&L 0011776 – DP&L 0012461.

4. All studies, analyses, calculations, workpapers, or similar material identifying total costs incurred by the Company during the Test Year to process switches to or from the Company and AGS (plural).

**RESPONSE:** General Objections Nos. 1 (relevance), 2 (unduly burdensome), 3 (privileged and work product), 9 (vague or undefined). Subject to all general objections, AES Ohio states that it does not possess responsive documents.

5. All studies, analyses, calculations, workpapers, or similar material relied on by the Company to determine the specific dollar amount of each or any AGS Fee.

**RESPONSE:** General Objections Nos. 1 (relevance), 2 (unduly burdensome), 3 (privileged and work product), 9 (vague or undefined). AES Ohio further objects because the phrase "studies, analyses, calculations, workpapers, or similar material" is vague and undefined. Subject to all general objections, AES Ohio states that it does not possess responsive documents.

6. All workpapers, documents, and correspondence with PUCO Staff regarding the C-3.28 adjustment referenced on p. 19 of Staff Report.

**RESPONSE:** General Objections Nos. 1 (relevance), 3 (privileged and work product), 9 (vague or undefined). Subject to all general objections, AES Ohio states please see Direct Energy 1st Set - RPD 1-6 - Attachment 1, DP&L 0012462.



Respectfully submitted,

/s/ Michael J. Schuler

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## **CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing Objections and Responses of The Dayton Power and Light Company d/b/a AES Ohio to Direct Energy's First Set of Interrogatories and Requests for Production of Documents to AES Ohio has been served via electronic mail upon the following counsel of record, this 30th day of August, 2021:

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**Case No(s). 20-1651-EL-AIR, 20-1652-EL-AAM, 20-1653-EL-ATA**

Summary: Exhibit Direct Energy Exh 2 electronically filed by Mr. Ken Spencer on  
behalf of Armstrong & Okey, Inc.