**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

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| In the Matter of the Application of The Dayton Power and Light Company for Approval of a Revised Bill Format for Electric Service. | )))) | Case No. 21-146-EL-UNC |

**MOTION TO SUSPEND THE AUTOMATIC APPROVAL**

**OF BILL FORMAT CHANGES THAT DO NOT COMPLY WITH OHIO LAW AND PUCO RULES**

**BY**

**OFFICE OF THE OHIO CONSUMERS’ COUNSEL**

The Office of the Ohio Consumers’ Counsel (“OCC”) moves to suspend the automatic approval process of bill format changes proposed by DP&L.[[1]](#footnote-2) DP&L is proposing a new bill format that will modify what DP&L customers will see on their utility bills.[[2]](#footnote-3) DP&L is requesting these changes to reflect its “doing business as” name to “AES Ohio.”[[3]](#footnote-4) But DP&L’s changes are not limited to the name change. There are other changes that DP&L is proposing that do not comply with PUCO requirements.

 If DP&L’s application has not been acted on by the PUCO within 45 calendar days, it will be automatically approved on the 46th day pursuant to O.A.C. 4901:1-10-22 (C). The PUCO should not permit this application to be automatically approved. The PUCO should suspend the automatic approval process until all issues related to the proposed bill format changes have been resolved.

OCC files this motion to suspend the automatic approval process on behalf of the 465,000 electric residential utility customers of DP&L (now AES Ohio). The PUCO should grant OCC’s Motion for the reasons set forth in the attached Memorandum in Support.

Respectfully submitted,

Bruce Weston (0016973)

Ohio Consumers’ Counsel

*/s/ Ambrosia E. Wilson*

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## MEMORANDUM IN SUPPORT

1. **INTRODUCTION**

The monthly utility billing statement is a key communication between the utility and its customers. Under O.A.C 4901:1-10-22(C), DP&L is required to file any new proposed bill formats at the PUCO for approval. If the PUCO does not act on the application within 45 calendar days, it will be automatically approved on the 46th day.[[4]](#footnote-5) The PUCO should act to grant OCC’s Motion to Suspend the automatic approval process. This will allow the PUCO time to consider the proposed changes and whether they comply with the law and the PUCO’s rules. As filed, they do not. OCC’s Motion to Suspend should be granted.

 AES Ohio claims that the application to modify the bill format is to include the new “AES Ohio” logo and color scheme on the bill.[[5]](#footnote-6) But the proposed bill format goes much further and makes changes that are contrary to Ohio law and the PUCO rules. The proposed changes are contrary to R.C. 4928.10, which requires customer bills to include sufficient information to enable recalculation of the bill for accuracy. It is impossible to do so from the proposed bill.

The proposed bill format is deficient in the following ways:

* The AES Ohio proposed bill format does not include the rates that customers are being charged for distribution and generation charges.
* The proposed bill format improperly removes crucial information that is currently provided to customers on the PUCO approved bill format regarding the price-to-compare.[[6]](#footnote-7)
* The proposed AES Ohio bill format does not include the SSO supply rate in the price-to-compare message[[7]](#footnote-8) and instead refers customers to the AES Ohio website and the Energy Choice Ohio website.[[8]](#footnote-9)
* The AES Ohio proposed bill format also includes confusing information about late payment charges and the amount that is past due from previous bills.

The bill format serves an important role in informing consumers about their utility rights and responsibilities, the specific services they are paying for, and alternatives that may be available to reduce energy costs. But this proposed format is sorely lacking. It also does not comply with Ohio law—R.C. 4928.10.

Moreover, OAC 4901:1-10-22 (C) requires that “*any* new bill format” shall be filed for approval (emphasis added). Here, AES Ohio did not provide bill samples for all classes of customers, nor did it provide the information noted above, and did not include a sample disconnection notice. AES Ohio’s application proposed changes to its existing electric bill formats—but failed to provide examples of the formats for all classes of customers and failed to provide a sample disconnect notice. As filed, AES Ohio’s bill format does not comply with O.A.C. 4901:1-10-22 (C).

The proposed changes—what was newly included, and what is being omitted—deserve to be thoroughly reviewed by the PUCO Staff and interested parties such as OCC. The PUCO should suspend the automatic 45-day approval process to conduct a thorough review of the proposed bill format changes and confirm that the changes comply with the PUCO’s rules and Ohio law.

O.A.C 4901:1-10-22 (C) provides that an application for a bill format change will be automatically approved on the 46th calendar day, unless the PUCO acts on it. AES Ohio filed its application on February 24, 2021, and it will be automatically approved on April 12, 2021 (since the 45th day is a Saturday), if the PUCO does not take action to suspend it. The PUCO should grant OCC’s Motion to Suspend the 45-day automatic approval of AES Ohio’s bill format application for good cause to protect consumers.

Respectfully submitted,

Bruce Weston (0016973)

Ohio Consumers’ Counsel

*/s/ Ambrosia E. Wilson*

Ambrosia E. Wilson (0096598)

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(willing to accept service by e-mail)

**CERTIFICATE OF SERVICE**

 I hereby certify that a copy of this Motion to Intervene was served on the persons stated below via electronic transmission, this 22nd day of March 2021.

 */s/ Ambrosia E. Wilson*

 Ambrosia E. Wilson

 Assistant Consumers’ Counsel

The PUCO’s e-filing system will electronically serve notice of the filing of this document on the following parties:

**SERVICE LIST**

|  |  |
| --- | --- |
| john.jones@ohioattorneygeneral.govAttorney Examiner:patricia.schabo@puco.ohio.govmichael.williams@puco.ohio.gov | michael.schuler@aes.com |

1. The Dayton Power and Light Company, Inc. dba AES Ohio (“AES Ohio”). [↑](#footnote-ref-2)
2. Application (Feb. 24, 2021). [↑](#footnote-ref-3)
3. DP&L filed with the Ohio Secretary of State on February 19, 2021. As of February 24, 2021, DP&L is now doing business as “AES Ohio.” [↑](#footnote-ref-4)
4. O.A.C. 4901:1-10-22(C). [↑](#footnote-ref-5)
5. Application at 1-2. [↑](#footnote-ref-6)
6. *In the Matter of the Application of The Dayton Power and Light Company for Approval of a Revised Bill Format for Electric Service,* Case No. 19-0095-EL-UNC (January 15, 2019). [↑](#footnote-ref-7)
7. The bill format should inform consumers about the generation supply charges under the Standard Service Offer (“SSO”) and the rate that a marketer must beat in order for a customer to save money. [↑](#footnote-ref-8)
8. *Id. See* Exhibit 1 Price-to-Compare Message. [↑](#footnote-ref-9)