

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of The Commission's Review of)	
its Rules for Competitive Retail Electric)	Case No. 12-1924-EL-ORD
Service Contained in chapters 4901:1-21 and)	
4901:1-24 of the Ohio Administrative Code)	

**REPLY COMMENTS OF THE DAYTON POWER AND LIGHT COMPANY
REGARDING THE COMMISSION'S REVIEW OF ITS RULES FOR COMPETITIVE
RETAIL ELECTRIC SERVICE CONTAINED IN CHAPTERS 4901:1-21 AND 4901:1-24
OF THE OHIO ADMINISTRATIVE CODE**

The Dayton Power and Light Company ("DP&L" or "Company") submits the following comments in reply to comments previously filed by interested participants in this proceeding.¹ DP&L's comments are generally directed to issues related to technical matters and are grouped within subject categories and not by party. The lack of a reply comment with respect to some or any aspect of another participant's comments should not be construed as agreement with the comments.

4901:1-21-01 Definitions

DP&L strongly disagrees with the Retail Energy Supplier Association's (RESA) proposed changes to Section 4901:1-21-01(II) OAC, small commercial customer. RESA suggests that small commercial customers should be defined as any customer that has a demand of 25 kW or less. RESA at 2. It is ambiguous as to whether 25 kW is a valid level to distinguish small commercial versus large commercial customers, and would put an undue burden on the utility by requiring extensive system changes. Additionally, this new definition would be in conflict with the ORC definition for mercantile customers.

¹ For ease of citation, references to other participants' Initial Comments omit the words "Initial Comments of." Citations are in the form [party name or abbreviation] at [page number].

4901:1-21-03 General Provisions

DP&L disagrees with Direct Energy's suggestion to amend 21-03(B) to allow CRES providers to arrange for the disconnection of distribution service if the CRES provider participates in a utility's purchase of receivables program or the customer is billed under a supplier consolidated billing agreement between the provider and the electric utility. Direct Energy at 2. The electric utility should determine the appropriateness of disconnecting distribution service under any billing scenario; however, the electric utility should have the right to include past due CRES provider charges in the amount needed to avoid disconnection. DP&L believes that this approach is beneficial to both the electric utility and the CRES provider regardless of who is doing the billing and whether or not there is a purchase of receivables agreement in place.

4901:1-21-05 Marketing and solicitation

DP&L supports Duke Energy Retail's proposed addition to 21-05(C)(5):

Engaging in ~~telephone~~ any solicitation

(a) that leads the customer to believe that the CRES supplier or governmental aggregator or its agent is soliciting on behalf of or is an agent of an Ohio electric utility where no such relationship exists or

(b) that does not include an affirmative statement of the relationship or lack thereof between the CRES supplier or governmental aggregator or its agent and the Ohio electric utility that supplies distribution service to the customer of individuals who have been placed on the federal trade commission's "do not call" registry and who are not otherwise exempted. Duke Energy Retail at 9.

DP&L disagrees with deleting the language prohibiting telephone solicitation of individuals on the “do not call” registry as it violates an important customer right that is essential in a robust competitive environment.

DP&L is supportive of Duke Energy Ohio’s proposed new subparagraph to 21-05(E), which protects customer rights:

In the absence of local ordinances or regulation and to ensure the safety of all involved, CRES providers, governmental aggregators, brokers/aggregators, and their agents shall not conduct door-to-door marketing outside the hours of 9:00 am to 9:00 pm local time. Duke Energy Ohio at 2.

DP&L supports Duke Energy Ohio’s proposed new subparagraph to 21-05(F) that requires CRES providers to notify the electric utility of any upcoming marketing plans, allowing the utility to prepare its customer call center accordingly. Duke Energy Ohio at 2.

4901:1-21-06 Customer Enrollment

Duke Energy Retail pushes for statewide consistency to be considered regarding the requirement for EDU-CRES coordination in regards to customer enrollment in 21-06(A). In particular, Duke Energy Retail makes the following suggestions:

- (1) EDUs should be required to allow enrollment on the basis of account number only, and
- (2) EDUs should be required to allow the CRES to rescind an enrollment request, on behalf of the customer, up to 4 days before the switch date. Duke Energy Retail at 10.

DP&L fully supports Duke Energy Retail’s first suggestion and supports in part its second suggestion. DP&L would note that the second suggestion is beneficial to customers; however, would require sufficient implementation time for the electric utility due to a change in the rescission period methodology. In addition, DP&L shares the same support and comments

towards Duke Energy Retail's amendment suggestion to 21-11(E) to allow the customer to rescind by means of contacting the CRES provider. Duke Energy Retail at 12.

DP&L supports Duke Energy Retail's suggestion in 21-06(D)(1)(j) that creates an additional requirement for CRES providers engaging in door-to-door marketing of providing customers an identification card to each solicited customer in a format to be left with that customer. Duke Energy Retail at 11.

DP&L supports AEP Ohio, FirstEnergy, Dominion Retail, and Direct Energy's opposition to PUCO Staff's proposal to change the rescission window from seven calendar days to seven business days in multiple sections of 21-06(D), 21-06(G). DP&L agrees that this modification would cause system changes, additional labor resources, and is also unaware of concerns being expressed about the current operation of the rescission notice or associated time period.

DP&L supports AEP Ohio's proposed new rule, 21-06(D)(2), to ensure the protection of customer privacy by requiring CRES providers who during a telephone enrollment engage an electric utility on a 3-way call to immediately disclose that the CRES provider is present with the customer. AEP Ohio at 2.

DP&L strongly supports FirstEnergy's defense for not adopting PUCO Staff's proposed subparagraph (I) in 21-06. FirstEnergy at 7.

DP&L strongly opposes Eagle Energy's suggestion of a new rule under 21-06 requiring the electric utility to permit enrollment as long as the CRES provider has provided a minimum of five business days notice prior to the meter read date. Eagle Energy at 8. Changing enrollment

procedures would require extensive statewide electric utility billing system changes. DP&L also believes this additional rule is an EDU requirement and does not belong in Section 4901:1-21 OAC.

DP&L strongly opposes Direct Energy's proposal to add a subparagraph to 21-06, which states:

Each electric utility shall provide in its tariff the ability for a CRES provider to enroll a customer by providing a secure pin known to the account holder, such as a social security number, driver's license registration number, or other unique identifier. Direct Energy at 5.

This would require extensive system and EDI changes as the current enrollment process requires an account number.

4901:1-21-08 Customer access, slamming complaints, and complaint handling procedures

DP&L disagrees with Duke Energy Retail's proposed modification to 21-08(B) to require electric utilities to include in their tariffs a process whereby a CRES provider can make a payment to a customer account for the purpose of providing a credit. Duke Energy Retail at 12. The addition would be an electric utility requirement and does not belong in Section 4901:1-21 OAC. Nonetheless, DP&L currently has a process in place to perform these actions for CRES providers and believes that requiring a tariff update to include it would be unnecessary and burdensome.

4901:1-21-10 Customer information

Similar to Direct Energy's proposal detailed above on page 4 of these comments, DP&L strongly opposes RESA's proposal to allow customer enrollment by providing a piece of customer-specific information other than account number. RESA at 16. As previously stated, this change would require extensive billing system and EDI changes.

DP&L strongly opposes RESA's proposal in 21-10 that would require the utility, upon request, to send CRES providers customer account numbers for purposes of enrollment. RESA at 16. An account number is considered Personally Identifiable Information and should not be released without customer consent.

4901:1-21-11 Contract administration

DP&L disagrees with FirstEnergy Solutions' recommendation to modify the rescission period from seven calendar days to five business days as the change would require unnecessary process and system changes. FirstEnergy Solutions at 9.

4901:1-21-13 Net metering contracts

DP&L opposes Duke Energy Retail's suggestion to require all electric utilities to identify net-metered accounts on pre-enrollment lists. This is a requirement for the electric utility and does not fit within the scope of 4901:1-21 OAC. Duke Energy Retail at 14.

4901:1-21-17 Opt-out disclosure requirements

DP&L supports AEP Ohio's addition to 21-17(A), which helps ensure customer notice of aggregation enrollment;

Prior to including a customer's electric account or accounts in an aggregation, a governmental aggregator shall provide each customer written notice that the customer's account(s) will be automatically included in the aggregation unless the customer affirmatively opts out of the aggregation. The notice clearly marked from the outside "important notice regarding your electric service", written in plain language, shall, at a minimum, include: AEP Ohio at 3.

DP&L is strongly against the EDU being held liable for any inaccuracies on the government aggregation list. It is the responsibility of the CRES provider or Governmental Aggregator to determine whether or not the customer is located within the aggregation's boundaries. Requiring the EDU to verify the customer's tax location would result in significant new expenses and burdens.

4901:1-21-18 Consolidated billing requirements

DP&L believes FirstEnergy Solutions' proposed subparagraph to 21-18(H) allowing CRES charges to remain on a customer bill until fully paid is unnecessary. FirstEnergy Solutions at 10. This rule applies to supplier consolidated billing only and does not pertain to the removal of CRES charges from a utility bill. If FirstEnergy Solutions is suggesting that CRES charges remain on a customer bill that is produced by the electric utility until fully paid, this should not be argued under Section 4901:1-21 OAC.

As always, DP&L appreciates the opportunity to provide comments in connection with this five-year rule review, and urges the Commission to adopt the changes proposed by DP&L.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "J Strines", written over a horizontal line.

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This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

2/6/2013 5:04:53 PM

in

Case No(s). 12-1924-EL-ORD

Summary: Reply Comments electronically filed by Mr. Tyler A. Teuscher on behalf of The Dayton Power and Light Company