

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

<b>In the Matter of the Commission's</b>	)	
<b>Investigation of Ohio's Retail Electric</b>	)	<b>Case No. 12-3151-EL-COI</b>
<b>Service Market</b>	)	

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**REPLY COMMENTS  
BY  
ADVANCED ENERGY ECONOMY OHIO**

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**I. Introduction**

On December 12th 2012 the Commission filed Case No. 12-3151-EL-COI. In the entry filed on that date the Commission requested stakeholder comments on a series of questions associated with market conditions in Ohio.

Advanced Energy Economy Ohio (AEEO) is a trade association with an expanding membership of companies operating in Ohio and focusing on the growing clean energy development and energy efficiency fields. On March 1<sup>st</sup>, 2013 a broad and diverse range of interests filed extensive comments on the 12-3151-EL-COI docket. Many members of AEEO develop distributed generation projects and are directly affected in the course of usual business by the PUCO's oversight of the competitive electric marketplace in Ohio which is the subject of the December 12<sup>th</sup> entry, and the comments submitted by stakeholders on March 1st.

In its initial series of comments, AEEO opened with a review of Ohio's rapidly changing generation makeup, and the need to take action to address capacity gaps and

looming market instability that threatens price stability and economic progress.<sup>1</sup> AEEO focuses its reply comments on five areas discussed by stakeholders in initial comments that are central to that concern; data availability and advanced metering development, energy efficiency and renewable energy expansion and standards, standardized billing, bidding resources in the PJM base residual auction, and new transmission and distribution investments.

## **II. Data Availability and Smart Meter Adoption**

The comments of many stakeholders included strong support for more customer data availability. As discussed through initial comments AEEO recognizes the central role access to data plays in the development of innovative energy management products; other stakeholders point out the value more access to customer data plays in fostering greater competition, and in theory lower prices for customers.

Comments indicated broad support for increased customer data availability. AEEO agrees with the comments of Constellation New Energy and Excelon Generation Corporation (Constellation) and Interstate Gas Supply which call for more customer data availability, standardization, and sharing.<sup>2</sup> Constellation argues that customers own data – not distribution utilities; and that such data should be provided in at least 48 hour intervals.<sup>3</sup> The Ohio’s Consumers Counsel (OCC) also recognizes the need for more access to customer’s data; but urges the Commission to ensure that customer data concerns are protected by the Commission.<sup>4</sup> AEEO recognizes this concern, but notes

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<sup>1</sup>Initial Comments of Advanced Energy Economy Ohio; Case No. 12-3151-EL-COI, Filed March 1<sup>st</sup> 2013; page 2.

<sup>2</sup>Comments of Constellation New Energy and Excelon Generation Corporation; Case No. 12-3151-EL-COI, Filed March 1<sup>st</sup>2013; pages 12-13; Comments of Interstate Gas Supply; Case No. 12-3151-EL-COI, Filed March 1<sup>st</sup> 2013 at 7.

<sup>3</sup> Constellation 17-18, 12-13.

<sup>4</sup> Comments of the Ohio Consumers Counsel; Case No. 12-3151-EL-COI, Filed March 1<sup>st</sup> 2013 at 18.

that customers will benefit broadly from the uses customer data is put to by competitive retail electric suppliers and the entities they partner with to create innovative energy and price management products. AEEO urges the Commission to take action on the widespread calls for more customer data availability made by stakeholders on this docket, and others; such as in Case No. 12-150-EL-COI.

Many parties provided extensive comments on advanced or smart metering. AEEO supports those comments and parties which look to improve the amount and quality of advanced metering infrastructure in Ohio, and opposes the suggestions by some that would effectively limit advanced metering, and prevent Ohio's customers from experiencing the wide range of benefits the technology is clearly capable of providing. Along with AEEO, Constellation supports the expansion of advanced metering; and notes that in the use of these metering tools access to good data is essential to their effectiveness.<sup>5</sup> OCC also offers strong support for advanced metering infrastructure; but states that CRES providers should not be permitted to install smart meters.<sup>6</sup> OCC expresses concerns about meter standardization, and states that installation procedures could be standardized, as long as smart meters already installed by utilities can remain useful.<sup>7</sup> DP&L and Duke Energy deny that CRES providers should have the opportunity to install these meters; and all utilities argue that meter installation involves utility operations and protocols, and that these need to be followed so that distribution utilities can maintain statutory responsibilities.<sup>8</sup>

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<sup>5</sup> Constellation at 17-18.

<sup>6</sup> OCC at 17-18.

<sup>7</sup> OCC at 18.

<sup>8</sup> Comments of Dayton Power and Light; Case No. 12-3151-EL-COI, Filed March 1<sup>st</sup> 2013 at 5; Comments of Duke Energy; Case No. 12-3151-EL-COI, Filed March 1<sup>st</sup> 2013 at 8.

AEEO strongly opposes the position of those that would prohibit CRES providers from working with customers to install advanced metering technology. We are joined in this position by the Ohio Power Company, and others.<sup>9</sup> There is no prudential or legal reason why CRES providers should be prohibited from the installation of meters; utilities rightly point out that they have unique responsibilities to the public that must be managed by distribution companies. Requiring CRES providers that install advanced meters to meet the same installation standards that a utility must achieve for meter installation, and requiring CRES providers to inform utilities about such a meter installation and work with the utility to address any unique circumstances will address this concern fully.

Furthermore, smart meter installation procedure standardization would not threaten the investments in advanced metering infrastructure already made by utilities; by definition these meters are already installed; and presumably if the Commission were to adopt a standard installation protocol, utilities looking to install advanced meters in the future would have the ability do so.

As mentioned in our initial comments, smart meter development in Ohio has been limited by an absence of policy infrastructure which would create lower prices and improve market performance. Smart meters have the potential to provide these benefits; this policy failure constitutes a significant market barrier that can be eliminated or ameliorated by the Commission.

AEEO urges action on this point; the Commission has already begun exploration of the necessary next steps in Case No. 12-150-EL-COI, *In the Matter of the Commission's Review of Time-Differentiated and Dynamic Pricing Options for Retail Electric Services*. As part of that docket, AEEO's predecessor organization, "The Ohio

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<sup>9</sup>Comments of the Ohio Power Company; Case No. 12-3151-EL-COI at 19.

Business Council for a Clean Economy” offered detailed comments regarding the use of smart meters and the role Commission policy plays in ensuring the most beneficial and effective implementation of this technology on behalf of customers.<sup>10</sup> AEEO urges the Commission to embrace more dynamic pricing, encourage more storage capacity on the grid, working with CRES providers to provide more smart metering capacity and standardize and improve data sharing.

AEEO again asks the Commission to act on its previous examination of this issue. In its initial entry in Case No. 12-150-EL-COI the Commission noted that it created the proceeding to examine dynamic pricing and integration of these pricing options with smart and advanced metering customers.<sup>11</sup> That entry was issued on January 11<sup>th</sup>, 2012. Since it was issued over a dozen parties have issued detailed comments and a workshop has been held; but the Commission has not issued an opinion or an order in association with that proceeding. AEEO urges the Commission to act in that case.

Time differentiated rates were another issue focused on by several parties that AEEO addressed through initial comments. OCC and Enernoc point out that utilities are permitted under current arrangements to offer huge rate subsidies to large customers for curtailment, and that this puts curtailment service providers at a considerable disadvantage in terms of competition with these entities; both parties argue that this service should be competitively procured.<sup>12</sup> Both of these stakeholders recognize the

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<sup>10</sup> See Ohio Business Council for a Clean Economy Comments, Case No. 12-150-EL-COI, *In the Matter of the Commission’s Review of Time-Differentiated and Dynamic Pricing Options for Retail Electric Services*, Filed March 11<sup>th</sup> 2012.

<sup>11</sup> Case No. 12-150-EL-COI, *In the Matter of the Commission’s Review of Time-Differentiated and Dynamic Pricing Options for Retail Electric Services*, January 11<sup>th</sup>, 2012 Entry at 1.

<sup>12</sup> Comments of Enernoc; Case No. 12-3151-EL-COI, Filed March 1<sup>st</sup> 2013 at 1; OCC Comments at 20.

power of time-differentiated rates to help shape load and lower costs; AEEO supports this position.

Finally, the Hess Corporation, a CRES supplier – puts forward an interesting suggestion designed to develop a robust curtailment service market in Ohio. Specifically, Hess points to the final order in the companion Pennsylvania docket to this one, which includes an endorsement of hourly-priced default service to customers with a peak load share of 100 kW or higher who have installed meters, exposing them to more accurate price signals, and presumably pushing these customers towards deployment of peak demand solutions on site.<sup>13</sup> AEEO has taken the opportunity provided by this reply comment period to review this proposal. AEEO supports the concept put forward by the Hess Corporation. Improving curtailment service marketplace competition will encourage the development of more distributed, cost effective solutions to Ohio's peak demand challenges, and will create more competition, lower prices, and more responsive products for customers. AEEO urges the Commission to take action on this recommendation.

### **III. Increasing Energy Efficiency and Renewable Energy Opportunity in Ohio**

AEEO recognizes the essential role that renewable energy and energy efficiency plays in job development and ensuring low-cost energy in Ohio. State law makes these resources a policy priority. Specifically, Ohio Revised Code chapter 4928.02 (M) states that it is the policy of the state to “Encourage the education of small business owners in this state regarding the use of, and encourage the use of, energy efficiency programs and alternative energy resources in their businesses.” The code also focuses on support for distributed generation, waste energy recovery, and combined heat and power.

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<sup>13</sup>Comments of the Hess Corporation; Case No. 12-3151-EL-COI, Filed March 1<sup>st</sup> 2013 at 6.

This support for energy efficiency, renewable energy and distributed generation is reflected by many parties and stakeholders; but not all. FirstEnergy asserts that Ohio's energy efficiency standards are expensive and that they increase costs, drive up prices, and provide no "direct benefit" to parties not taking advantage of them.<sup>14</sup> These statements are demonstrably false, and reflect a position in opposition to the interests of FirstEnergy customers.

Energy efficiency programs must save more than they cost in Ohio. All programs must pass either the total resources cost test, or the utility cost test; which ensures that this is the case. Utility programs simply save people money; they save more than they cost. In fact, FirstEnergy itself announced and trumpeted the savings provided to customers as recently as October. In an October 31<sup>st</sup> press event with the City of Toledo for Energy Action Month, FirstEnergy announced that its proposed energy efficiency program would save customers a total of \$720 million over the life of the measures.<sup>15</sup> This savings is not as significant as those produced by other utilities, but it is still significant.

AEP's programs for 2009-2011 cost \$162 million, and produced total savings to customers of \$631 million.<sup>16</sup> AEP's programs for 2012-2014 cost customers \$274.1 million, but produced customer savings of \$880 million.<sup>17</sup> Overall, AEP programs, net of costs to customers, will save customers over one billion dollars. FirstEnergy's claim that these programs increase costs is simply wrong – they create costs; but those costs are far outweighed by the savings they create. By failing to tell this whole story and discuss the

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<sup>14</sup>Comments of FirstEnergy; Case No. 12-3151-EL-COI, Filed March 1<sup>st</sup> 2013 at 19-20.

<sup>15</sup>*McNamara & First Energy Promote Energy Action Month* October 31<sup>st</sup> Press Release of the Toledo City Council

<sup>16</sup>AEP 2009-2011 Program Summary Handout.

<sup>17</sup>AEP 2012-2014 Program Summary Handout.

savings these programs create FirstEnergy implies that energy efficiency is a net cost to customers while the data clearly shows that these programs must and do produce net customer savings.

Furthermore, FirstEnergy's contention that customers that are not participating in programs do not receive "direct benefits" is demonstrably false. At a basic level, energy efficiency programs lower demand. At a time when generation facilities across the state, including many FirstEnergy properties, are shutting down – demand reduction solutions defer the construction of new and very costly central generation facilities. In Ohio's current de-regulated marketplace, such facilities will only be built if the risk of construction can be justified to capital markets; this means one thing and one thing only: before new, large central generation will be built upon market forces alone; prices must be painfully high or must be forecast to be high. Accordingly, energy efficiency investments that lower demand help defer these incredibly costly central generation facilities. This deferral of major, costly investment is a massive benefit to all customers, including those that do not directly participate in programs.

Even more importantly, bidding energy efficiency into the PJM capacity auction creates significant customer benefits for non-program participants. Specifically, bidding these low-cost resources into the auction brings down the capacity clearing price; lowering wholesale prices – this benefits all customers. This is something that the Commission recognizes directly. In the recently issued PUCO decision in Case No. 12-2190-EL-POR, the Commission discusses this issue:

"The Commission will require the Companies to bid into the upcoming May 2013 PJM BRA 75 percent of the planned energy efficiency resources for the 2016/2017



planning year under their program portfolio. Thereafter, the Commission may issue an order addressing the Companies bids for the remaining two planning years. The Commission finds that this balance will appropriately mitigate the Companies' risk while benefitting ratepayers.”

As part of the order the PUCO unanimously recognized the power of energy efficiency bid into these markets to lower costs when it stated:

“...the Commission also finds that requiring the Companies to bid all planned savings into future PJM BRAs could substantially benefit ratepayers by lowering capacity auction prices and reducing Rider DSE costs.”<sup>18</sup>

The Commission clearly recognizes, as do most other stakeholders – that energy efficiency programs in Ohio produce significant benefits that accrue to all customers, including those that do not directly participate in programs. Furthermore, FirstEnergy’s own communications team has a history of proclaiming the amounts of money customers will save through its programs.

Industrial Energy Users of Ohio (IEU) refer to Ohio’s renewable energy and energy efficiency standards as “regulatory barriers” to competition, and examples of “massive government intervention.”<sup>19</sup> IEU offers no argument or facts to support this claim. Distribution utilities, upon whom Ohio’s energy efficiency standards imposed under ORC 4928.66 – are explicitly regulated companies. Plainly and clearly contrary to IEU’s assertion, energy efficiency requirements placed upon Ohio’s electric distribution

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<sup>18</sup> Case No. 12-2190-EL-POR, *In the Matter of the Application of the Cleveland Electric Illuminating Company, Ohio Edison Company and The Toledo Edison Company for Approval of Their Energy Efficiency and Peak Demand Reduction Program Plans for 2013 through 2015*. March 20<sup>th</sup>, 2013 Opinion and Order at 20.

<sup>19</sup> Comments of Industrial Energy Users of Ohio; Case No. 12-3151-EL-COI, Filed March 1<sup>st</sup> 2013 at 19-20.

utilities can never create “regulatory barriers” to competition because they do not compete, and are prevented from competition by law.

The so-called “government intervention” of which IEU complains simply requires the following: that electric distribution utilities provide energy efficiency programs if and only if those programs save customers money. Energy efficiency is the cheapest, lowest cost supply option for utility. This point is plain and widely documented.<sup>20</sup>

Because of a utility’s traditional basic interest, the drive to sell as much energy at as high a price as the market will bear – energy efficiency is rarely if ever promoted and created by a traditional full service utility on its own, which is precisely why energy efficiency standards are in Ohio law. In short, they exist as an important tool to directly save consumers money. As discussed above, the level of net savings to customers in Ohio is now in the billions. This “government intervention” is merely a consumer protection tool and insurance policy against higher bills; one similar to a thousand others imposed on regulated electric distribution utilities which are prohibited by law from competing with each other. Finally, it is important to note that government is nowhere to be seen in the implementation of the programs. This is entirely accomplished through utility businesses or third parties whom contract with utilities; this accounts for the wide range of utility performance on energy efficiency. Many utilities in Ohio run exceptional programs that help customers improve their businesses and become more competitive and economically sound.

The above claims are equally inappropriate when applied to Ohio’s renewable energy standards, the utility requirements for the purchase of renewable energy in ORC

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<sup>20</sup> Friedrich, K. et al. 2009. *Saving Energy Cost-Effectively: A National Review of the Cost of Energy Saved Through Utility-Sector Energy Efficiency Programs*. Washington, D.C.: American Council for an Energy-Efficient Economy.

4928.64. Renewable energy laws in no way hinder competition for the generation suppliers upon which they are imposed in Ohio. Retail suppliers of electricity in this state are all required to comply with the same set of annual benchmarks. The state market for renewable energy credits is well established. It is a market, and operates according to basic and clear market principles; as renewable energy developers across the state understand. Right now, those developers see little value in those credits, because of the operation of supply and demand. Currently, supply of both in-state renewable energy and solar renewable energy credits is high – which makes the price for credits and the resulting price for compliance low.

All retail suppliers have more than adequate access to this market; and since they all have equal purchase requirements under the law according to the level of their sales the renewable energy market in Ohio no way hinders competition. Ohio's renewable energy standard no more represents a government intrusion than its energy efficiency standard. All of the market actors in the compliance of the standard are private, for-profit businesses. The policy is a mainstream one; more than half the states have renewable energy standards; the total for the United States is currently 30.<sup>21</sup>

Importantly, many parties pointed to Ohio's energy efficiency standard as a way for the electric distribution utility to exercise a load-shaping responsibility that would provide consumer benefits. AEEO supports these comments; they provide another reason why Ohio's standards provide significant value to customers.

Finally, the PUCO has noted its support for these solutions through its laudatory efforts made over the last year to jumpstart new distributed generation and energy

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<sup>21</sup> See *Most States Have Renewable Energy Standards, Today in Energy*. February 3<sup>rd</sup>, 2012. U.S. Energy Information Administration.

efficiency options and opportunities in Ohio. Most recently Commission has taken the clearest steps in this regard by working to incentivize the development of combined heat and power (CHP) as well as waste energy recovery (WER); both before and after the passage of Senate Bill 315; which expanded ORC 4928.66 and ORC 4928.64 to include provisions for CHP and WER qualification. The Commission has held numerous workshops, developed case studies, and created a pilot project with the U.S. Department of Energy to work to identify facilities in Ohio most eligible for the deployment of the technology. The Commission has opened many dockets on CHP and WER or issues which directly concern CHP and distributed generation.<sup>22</sup> The Commission most recently opened docket numbers 13-651-EL-ORD and 13-652-EL-ORD; which will review rules for energy efficiency counting and compliance respectively. It is clear that the Commission is supportive of expanding energy efficiency and distributed generation resources and access. The comments of parties that request the Commission change course and diminish Ohio's energy efficiency and renewable energy options and deployment should be ignored.

#### **IV. Standardized Billing.**

In its initial comments, AEEO argued for more standardized billing across utilities and for the exploration of more new billing tools, like on-bill repayment in order to move energy efficiency and distributed generation forward in Ohio. Constellation and FirstEnergy Solutions supports the concept of standardized billing; arguing that more standardized billing will facilitate shopping.<sup>23</sup> Ohio's electric distribution utilities had

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<sup>22</sup> Cases include 12-2050-EL-ORD, focusing on Net Metering issues and the Public Utility Regulatory Policies Act of 1978 and 12-2051-EL-ORD which concerns Interconnection standards.

<sup>23</sup>Comments of Constellation at 18; Comments of FirstEnergy Solutions; Case No. 12-3151-EL-COI, Filed March 1<sup>st</sup> 2013 at 19.

extensive comments arguing against further standardized billing; FirstEnergy states that Ohio's regulations include all the standardization necessary.<sup>24</sup>

As AEEO indicated in initial comments, Ohio's billing should be modernized to allow for the development of more tools to facilitate customer choice and customer energy independence; such as on-bill repayment tools for energy efficiency installations and distributed generation. These programs don't have to involve utility outlays; billing modernization would allow the use of the electricity distribution or generation bill as a repayment mechanism for on-site energy investments. Programs could be run by third-party providers. As of today 15 states have developed a total of 19 different program models.<sup>25</sup> Any utility objections to billing modernization costs should be addressed; but should not deter the Commission from fully exploring this concept in this and other proceedings. The Commission should work to ensure the costs of billing modernization are far outweighed by the benefits to customers and businesses of creating new methods for energy efficiency and distributed energy investment.

## **V. Bidding Demand Response and Energy Efficiency in the PJM Auctions**

AEEO supports bidding all eligible demand response and energy efficiency resources from all market participants into the PJM base residual auction (BRA). Constellation, the Ohio Energy Group, and the OCC all support bidding demand response resources into the PJM auctions.<sup>26</sup> AEEO supports these recommendations and argues that they should go further. As discussed above, all customers benefit in significant ways

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<sup>24</sup>Comments of FirstEnergy at 18.

<sup>25</sup> Bell et al, 2011. *On-Bill Financing for Energy Efficiency Improvements: A Review of Current Program Challenges, Opportunities, and Best Practices*. Washington, D.C.: American Council for an Energy Efficient Economy.

<sup>26</sup>Comments of Constellation at 2; Comments of the Ohio Energy Group; Case No. 12-3151-EL-COI, Filed March 1<sup>st</sup> 2013 at 4; Comments of OCC at 22.

through the bidding of energy efficiency, as well as demand response resources into the PJM auctions. Energy efficiency bid into these markets creates an important price-suppression effect; and the Commission has recognized this consumer value in a recent order.<sup>27</sup> As the Commission considers the future of the retail electric marketplace in Ohio, and the role that high capacity prices could have on customers, it should work to consistently ensure that all available energy efficiency and demand response resources are bid into the regional capacity market. Furthermore, the Commission will soon have opportunity to expand the price suppression impacts of energy efficiency and demand response resources in auctions through the development of the energy efficiency plans of Duke Energy and Dayton Power and Light.

## **VI. Transmission and Distribution Costs and Alternatives.**

AEEO discussed in its initial comments the massive costs associated with transmission and distribution system upgrade, and some of the energy efficiency and distributed generation alternatives available to alleviate it. Several stakeholders in this proceedings responded to the Commission's questions on competitive bidding of these improvements. As this discussion continues, we urge the Commission to ensure that Ohio's future transmission and distribution planning, approval, and cost recovery regimen includes a full review of all solutions, and that the lowest-cost solutions prevail. Customers should not be required to subsidize massive transmission and distribution infrastructure where far cheaper localized distributed generation or energy efficiency deployment would produce the same result, or defer such an expense for a considerable

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<sup>27</sup>Case No. 12-2190-EL-POR, *In the Matter of the Application of the Cleveland Electric Illuminating Company, Ohio Edison Company and The Toledo Edison Company for Approval of Their Energy Efficiency and Peak Demand Reduction Program Plans for 2013 through 2015*. March 20<sup>th</sup>, 2013 Opinion and Order at 20.

period of time. We recommend that the Commission and all stakeholders work to ensure these low-cost resources, which have been proven alternatives to more expensive transmission and distribution spending in other jurisdictions, be fully considered by the Commission.<sup>28</sup>

## **VII. Conclusion**

AEEO appreciates the Commission's creation of this docket, and the opportunity this docket provides to address the questions posed. AEEO looks forward the Commission's next steps for retail market reform and improvement in Ohio.

Respectfully submitted,  
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<sup>28</sup>Regulatory Assistance Project, *US Experience with Efficiency As a Transmission and Distribution System Resource*; February 2012.

## **CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the foregoing *Reply Comments* has been filed with the Public Utilities Commission of Ohio and has been served upon the following parties via electronic mail on April 5, 2013.

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