

**BEFORE THE
PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Commission’s Investigation of)
Ohio’s Retail Electric Service Market) 12-3151-EL-COI

In the Matter of the Market Development Working)
Group Staff Report) 14-2074-EL-EDI

**REPLY COMMENTS OF OHIO EDISON COMPANY, THE CLEVELAND ELECTRIC
ILLUMINATING COMPANY AND THE TOLEDO EDISON COMPANY REGARDING
STAFF’S REPORT**

On July 14, 2015, Staff filed a Staff Report (“Report”) proposing to implement a warm transfer process (“Proposal”). On November 13, 2015, the Attorney Examiner, upon request of the Electric Distribution Utilities (“EDUs”), issued an Entry requesting comments by December 14, 2015. On December, 9, 2015, the Attorney Examiner extended the comment deadline to January 6, 2015 and the reply comment deadline to January 20, 2016. Several parties¹ filed comments both on the Proposal and the Report. The comments demonstrate one common theme – Staff’s Proposal should be implemented on an EDU by EDU basis. Each EDU clearly has different capabilities including, at a minimum, differences in technology, business practices and staffing. For that reason, the Commission should consider each individual EDU’s comments in implementing Staff’s Proposal in a way that works for that particular EDU. A statewide, mandated program is neither reasonable nor necessary.

¹ The Dayton Power & Light Company (“DP&L”), Ohio Power Company (“AEP Ohio”), Duke Energy Ohio, Inc. (“Duke”), The Office of Ohio Consumers’ Counsel (“OCC”), The Retail Energy Supply Association (“RESA”), and IGS Energy (“IGS”).

In addition to that common theme, the Commission should not adopt the recommendations contained in the comments of RESA and IGS. As recognized by those parties, Staff spent an immense amount of time considering the options available to it. Upon balancing all of the interests including cost and consumer protections, Staff did not recommend Seamless Move, Contract Portability and Instant Connect. For all of the foregoing reasons, should the Commission require each EDU to implement a transfer program, Ohio Edison Company, The Cleveland Electric Illuminating Company and The Toledo Edison Company (“Companies”) request that they be permitted to implement the program with the modifications proposed by the Companies in their comments.

II. AS THE EDU COMMENTS INDICATE, THE IMPLEMENTATION OF STAFF’S PROPOSAL SHOULD BE DONE ON AN EDU BY EDU BASIS.

All of the EDUs filed comments in this case indicating that each EDU should be permitted the flexibility to implement Staff’s Proposal in a manner that works for that particular EDU. DP&L outlined its concerns with the time and expenses associated with implementing Staff’s Proposal and specifically identified the significant infrastructure it would require to implement Staff’s Proposal.² Specifically, although the Companies indicated that they can provide a short educational script to customers, the Companies share DP&L and AEP Ohio’s concerns related to call length especially in light of Staff’s Proposal to stay on the line for six rings or thirty seconds.³ The Companies, as discussed in their initial comments and similar to DP&L, would also need to make changes in their process and modifications to their system in order to track the data Staff requests. Therefore, the Commission should not require this data tracking.

² DP&L Comments at 3.

³ *Id.*; AEP Ohio Comments at 4.

In their comments, the Companies noted AEP Ohio's proposal relating to a pilot program regarding a third party call transfer system that arose out of Case Nos. 14-1693-EL-RDR and 14-1694-EL-RDR. Duke, likewise, proposes to utilize a third party to implement a transfer program.⁴ Based on a review of AEP Ohio's comments, AEP Ohio is proposing a pilot for its own customers and not advocating the same program for each EDU at this time. Therefore, the Companies take no position as it relates to AEP Ohio and Duke's specific proposals and have outlined in their comments the method in which the Companies, themselves, can execute Staff's Proposal. Their comments, however, do not foreclose the possibility of utilizing a third party vendor as AEP Ohio and Duke proposed – a possibility that the Companies have not fully evaluated at this time. Because each EDU has different capabilities, requiring different ways of implementing Staff's Proposal, the Commission should permit each EDU the flexibility to implement a transfer program that is consistent with its own capabilities and staffing.

III. THE COMMISSION SHOULD NOT REQUIRE SEAMLESS MOVE, CONTRACT PORTABILITY OR INSTANT CONNECT.

After conducting several discussion sessions in the MDWG, Staff determined that the least cost alternative that could be implemented in some form would be a transfer program. IGS and RESA's comments attempt to circumvent that process and request that the Commission ignore Staff's recommendations and instead implement a process that was designed for use in a different state under different circumstances. Staff, under authority of the Commission, investigated these issues under the state of affairs in Ohio – not elsewhere. Therefore, the Commission should not require in this proceeding a process simply because another jurisdiction believed it to be the best process under the circumstances present there.

⁴ Duke Comments at 3.

As AEP Ohio stated, contract portability is not feasible because current contracts with suppliers do not include language informing the customer that they are obligated to take their existing contract with them if they move.⁵ Staff also correctly indicated that this is especially complicated for customers in aggregation areas. For all of the reasons cited by Staff, contract portability is not a feasible process.

The Companies likewise agree with AEP Ohio and Staff that seamless move would require the most extensive degree of system and project changes for EDUs.⁶ Although the Companies acknowledge that certain of their affiliates have been required to implement a similar program, IGS and RESA completely ignore the cost component of such a program and do not explain how such a program would be paid for in Ohio. RESA simply states that the work “is transferable to Ohio”⁷ but fails to explain how EDUs in Ohio would implement such a program or who would pay for such a program. Likewise, although RESA advocates an instant connect program similar to Pennsylvania and states that such a program would “transferable to Ohio,” it does not explain how EDUs in Ohio would implement such a program or who would pay for such a program. On the other hand, all of the EDUs have offered a proposal that works for each individual EDU taking into consideration each individual EDU’s costs and capabilities. At any rate, all of IGS and RESA’s options were fully vetted during the Market Development Working Group (“MDWG”) meetings, were not recommended by Staff, and should not be required now by the Commission.

⁵ AEP Ohio Comments at 2.

⁶ *Id.*

⁷ RESA Comments at 9.

IV. CONCLUSION

For all of the foregoing reasons, should the Commission require each EDU to implement a transfer program, the Companies request that they be permitted to implement the program as outlined in their initial comments.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that these Comments were filed electronically through the Docketing Information System of the Public Utilities Commission of Ohio on this 20th day of January 2016.

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Summary: Reply Comments electronically filed by Ms. Carrie M Dunn on behalf of The Cleveland Electric Illuminating Company and The Toledo Edison Company and Ohio Edison Company