

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

The Office of the Ohio Consumers' Counsel,)	
)	
Complainant,)	
)	
v.)	
)	Case No. 16-0782-EL-CSS
Ohio Power Company,)	
)	
Respondent.)	

**REPLY TO OHIO POWER COMPANY'S MEMORANDUM CONTRA MOTION
FOR A MORATORIUM TO STOP AEP OHIO FROM PROVIDING NEW
SERVICE TO THOSE WHO RESELL SERVICE TO SUBMETERED
RESIDENTIAL CONSUMERS
BY
THE OFFICE OF THE OHIO CONSUMERS' COUNSEL**

On April 12, 2016, the Office of the Ohio Consumers' Counsel ("OCC") filed a complaint against Ohio Power Company ("AEP Ohio") to protect submetered residential consumers in its service territory who have been billed unreasonably high rates and denied the significant consumer protections and market-based pricing that other Ohioans receive.¹ Simultaneously with its complaint, the OCC filed a Motion for a Moratorium (the motion at issue here) on all new AEP Ohio sales to submeterers who resell service to submetered residential consumers.²

¹See *In the Matter of the Complaint and Request for Relief for Consumers by the Office of the Ohio Consumers' Counsel*, Case No. 16-0782-EL-CSS (Apr. 12, 2016).

²See *Motion for a Moratorium to Stop AEP Ohio From Providing New Service to Those who Resell Service to Submetered Residential Consumers by the Office of the Ohio Consumers' Counsel*, Case No 16-0782-EL-CSS (Apr. 12, 2016).

On April 27, 2016, AEP Ohio filed an answer to the OCC complaint as well as a memorandum contra the OCC's Motion for a Moratorium and its own motion to amend its tariffs.³ In its pleadings, AEP Ohio agreed with the OCC that "submetering is harmful, that AEP Ohio's tariff does not currently prohibit submetering, and that amending AEP Ohio's tariff is one means to address the substantial harms caused by submetering."⁴ Although AEP claimed that the OCC's motion was "amorphous," it ultimately requested similar relief. Specifically, AEP Ohio requested that the PUCO "grant AEP Ohio's proposed tariff change for immediate application pending a full process and procedural schedule in this docket [because doing so] will prevent further harm to customers in AEP Ohio's territory as the [PUCO] considers the issues raised here."⁵ AEP also requested that the PUCO grant "expedited approval of AEP Ohio's proposed tariff change."⁶

OCC does not oppose the proposal by AEP Ohio, in part, which would prohibit AEP from entering into any new customer service contracts to provide master meter service to new apartment and condominium complexes that submeter to residential customers. As OCC proposed in its motion for a moratorium, the PUCO should protect residential consumers by stopping AEP Ohio from making sales to submeterers for any new arrangements for properties that serve residential consumers during the pendency of this complaint. With regard to AEP Ohio's proposal to immediately stop *all* sales to

³See *Answer of Ohio Power Company*, Case No. 16-0782-EL CSS (Apr. 27, 2016); *Ohio Power Company's Memorandum Contra OCC's Motion for a Moratorium*, Case No. 16-0782-EL-CSS (Apr. 27, 2016); *Ohio Power Company's Motion for Tariff Amendment and Memorandum in Support*, Case No. 16-0782-EL-CSS (Apr. 27, 2016).

⁴ Ohio Power Company's Memorandum Contra at 1.

⁵ Ohio Power Company's Memorandum Contra at 2.

⁶Id.

submeterers, it would be essential to assure continuity of service for residential consumers (as addressed in our complaint) and to address other elements in our complaint and other concerns including potential utility charges.⁷ These matters could be considered promptly, but they do need consideration. As AEP proposed, the PUCO should expedite its review of OCC's Complaint. And the PUCO should expedite its review of both parties' proposed tariff modifications. All Ohioans in AEP Ohio's service territory should receive the benefits and protections that they deserve and Ohio law requires for their utility services.

OCC should have the opportunity, however, for a full review of AEP Ohio's proposed tariff modifications before the PUCO amends the tariffs. The deadline is May 12, 2016, for filing a memorandum contra AEP Ohio's motion to amend its tariffs. In that response, OCC will address the specific modifications proposed in AEP Ohio's motion to amend its tariffs.

⁷See *In the Matter of the Complaint and Request for Relief for Consumers by the Office of the Ohio Consumers' Counsel* at ¶ 43 (prayer for relief that there be a six month period to transition out of existing submetering contracts), Case No. 16-0782-EL-CSS (Apr. 12, 2016).

Accordingly, to protect residential customers, the PUCO should issue a moratorium now. The moratorium should prohibit AEP Ohio from entering into new service contracts and providing electric service to master meters that are used for new submetering arrangements for Ohioans in apartments, condominium complexes, and other affected housing.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Reply was served by electronic mail to the persons listed below, on this 4th day of May 2016.

/s/ Kimberly W. Bojko
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Summary: Reply To Ohio Power Company's Memorandum Contra Motion For A Moratorium To Stop AEP Ohio From Providing New Service To Those Who Resell Service To Submetered Residential Consumers By The Office Of The Ohio Consumers' Counsel electronically filed by Mrs. Kimberly W. Bojko on behalf of The Ohio Consumers' Counsel