

In the Matter of the Application of the Dayton)
Power and Light Company for a Limited Waiver of) Case No. 18-1257-EL-WVR
Ohio Adm. Code 4901:1-18-06(A)(2).)

¹ See, Ohio Adm. Code 4901: 1-18-06.

premises, the new meters can be remotely disconnected by the utility without giving personal notice to the customer.²

The Office of the Ohio Consumers' Counsel ("OCC") recommends that the PUCO defer consideration of DP&L's waiver request for "Code Red" customers and consolidate that request with DP&L's broader waiver request in Case No. 18-1876-EL-WVR. If DP&L's request in Case No. 18-1876-EL-WVR were approved, the Utility would be permitted to disconnect all residential customers without personal notice.³ If the PUCO decides not to consolidate these cases, then the PUCO should modify DP&L's waiver proposal to incorporate the consumer safeguards as discussed herein.

II. STANDARD OF REVIEW

The PUCO may waive any non-statutory requirement of the disconnection of residential service rules for good cause shown.⁴ DP&L has the burden of proof in this case.

III. RECOMMENDATIONS

A. DP&L's waiver request is duplicative of the utility's waiver request in Case No. 18-1876-EL-WVR, potentially leading to customers paying more than is just and reasonable for meters.

On December 21, 2018, DP&L filed a waiver request from Ohio Adm. Code 4901:1-18-06(A)(2) in Case No. 18-1876-EL-WVR, consolidated with 18-1875-EL-GDR. Part of DP&L's proposal includes system-wide Advanced Metering Infrastructure

² Application at 2.

³ *In the Matter of the Application of The Dayton Power and Light Company for Approval of a Limited Waiver of Ohio Administrative Code 4901:1-18-06(A)(2)*, Case No. 18-1876-EL-WVR (Dec. 21, 2018).

⁴ Ohio Adm. Code 4901:1-18-02.

(AMI) with remote connected and disconnect features. As part of the case, DP&L is also seeking a waiver of the PUCO rule which requires DP&L to provide residential customers with personal notice on the day of disconnection. While the waiver request in the instant case specifically targets “Code Red” customers, the waiver request in Case No. 18-1876-EL-WVR pertains to *all* residential customers who have meters installed with remote shut-off capabilities.⁵

The “Code Red” waiver should be considered part of the broader waiver request and resolved as part of that case with all the costing information provided. DP&L intends to spend money that will be eventually collected from customers for purchasing and installing a metering system that is capable of remotely disconnecting and reconnecting customers. However, DP&L has not selected a vendor or metering system with the functionality to accommodate the Code Red waiver request in this proceeding.⁶ DP&L also claims that it does not know the total cost of the Code Red metering system⁷ and is unwilling to disclose how the costs will ultimately be recovered.⁸ In addition to remote shut-off capabilities, the metering system will apparently provide usage information to the Utility.⁹

The functionalities of this metering system are similar to capabilities that DP&L has proposed to deploy in new advanced metering infrastructure (“AMI”) throughout its

⁵ See, *In the Matter of the Application of The Dayton Power and Light Company for Approval of Its Plan to Modernize Its Distribution Grid*, Case No. 18-1875-EL-GRD (Dec. 21, 2018); *In the Matter of the Application of The Dayton Power and Light Company for Approval of a Limited Waiver of Ohio Adm. Code 4901:1-18-06(A)(2)*, Case No. 18-1876-EL-WVR (Dec. 21, 2018).

⁶ DP&L response to OCC INT-1-011.

⁷ DP&L response to OCC INT-1-013.

⁸ DP&L response to OCC INT-1-014.

⁹ DP&L response to OCC INT-1-012.

service territory.¹⁰ The new AMI metering system and other proposed grid upgrades come with a hefty price tag of over \$600 million.

The metering capabilities and functionality that DP&L plans to install for targeted “Code Red” customers appear to be duplicative of many of the AMI capabilities and functionality that DP&L is proposing to install for all residential customers. In 2016, AEP Ohio filed a similar waiver request involving “Code Red” disconnections;¹¹ however, the functionality for remote shut-offs for all residential customers can ultimately be provided through the AMI meters *as they are installed*. DP&L has not provided any assurance that the yet-to-be-defined metering system it plans to install as part of its proposed “Code Red” waiver is in any way compatible with the metering system capabilities it now proposes to deploy system-wide. Therefore, the new “Code Red” metering system could be replaced in a very short time with an even newer AMI metering system. And there is no assurance that the costs that will likely be passed along to customers were prudently incurred or are just and reasonable.

The PUCO should reject DP&L’s “Code Red” waiver request and instead address the more comprehensive AMI remote disconnection and reconnection matters in Case No. 18-1876-EL-WVR when (and if) the PUCO approves DP&L grid modernization proposal. This could avoid DP&L unnecessarily spending money on a “Code Red” metering system that could be duplicative and not needed if DP&L’s \$600 million metering system is installed.

¹⁰ *In the Matter of the Application of The Dayton Power and Light Company for Approval of Its Plan to Modernize Its Distribution Grid*, Case No. 18-1875-EL-GRD (Dec. 21, 2018).

¹¹ *In the Matter of the Application of Ohio Power Company for a Limited Waiver of Rule 4901:1-18-06(A)(2), Ohio Administrative Code*, Case No. 16-1773-EL-WVR, Application (August 24, 2016).

B. If the PUCO won't consolidate this case with DP&L's request in Case No. 18-1876-EL-WVR, then the PUCO should modify DP&L's waiver proposal to incorporate the consumer safeguards applied to a similar request by AEP.

OCC's recommendation is that the PUCO defer consideration of DP&L's waiver request for "Code Red" customers and consolidate that request with DP&L's broader waiver request in Case No. 18-1876-EL-WVR. However, if the PUCO decides not to consolidate these cases, then the PUCO should modify DP&L's waiver proposal to incorporate the consumer safeguards consistent with how it ruled on a similar application by AEP.

The PUCO's rule with respect to disconnection of procedures for electric utilities states:

On the day of disconnection of service, the utility company shall provide the customers with personal notice. If the customer is not at home, the utility company shall provide personal notice to an adult consumer. If neither the customer nor an adult consumer is at home, the utility company shall attach written notice to the premises in a conspicuous location prior to disconnecting service.¹²

DP&L's waiver would bypass the PUCO's personal notice requirement for those customers who the Utility claims have acted violently or aggressively towards DP&L agents in the past deemed as "Code Red" customers. At the time of the application for waiver, the utility had approximately 50 active customer accounts designated as "Code Red."¹³ DP&L claims that accounts that are designated "Code Red" require either "special handling or a police escort to disconnect or reconnect service."¹⁴ Under DP&L's proposal, those 50 customers who are currently on the "Code Red" list as well as any

¹² Ohio Adm. Code 4901:1-18-06(A)(2).

¹³ Application at 1-2.

¹⁴ *Id.*

newly designated “Code Red” customers will have equipment installed at their home so that their electric service can be remotely shut-off.¹⁵

OCC recommends that if the PUCO approves DP&L’s waiver request, the PUCO should modify the waiver request to include the safeguards it ordered in AEP’s 4901:1-18-06(A)(2) waiver request.¹⁶ The PUCO’s order approving the waiver for AEP includes specific directions regarding the utility’s diligence towards its customers and reporting to the PUCO and was more detailed than the Staff report in this case.¹⁷

OCC further recommends that DP&L update the account notes for current “Code Red” customers to include notes that will include the date of the threat or aggressive action, the name of the person behaving aggressively or threatening, the type of threat made and the date the note was added to the account.¹⁸ OCC recommends that the PUCO require DP&L to note on both current and new “Code Red” customer accounts the reason for this designation, including whether police escorts were required, or police reports were filed.¹⁹

III. CONCLUSION

OCC recommends that the PUCO defer consideration of DP&L’s waiver request of the personal notice requirement required under the PUCO’s rules for “Code Red” customers and consolidate that request with DP&L’s broader waiver request in Case No. 18-1876-EL-

¹⁵ *Id.*

¹⁶ See, *In the Matter of the Application of Ohio Power Company for a Limited Waiver of Ohio Adm. Code 4901:1-18-06(A)(2)*, Entry, Case No. 16-1773-EL-WVR (Feb. 8, 2017).

¹⁷ *Id.* at 5-6.

¹⁸ Case No. 16-1773-EL-WVR, Entry at 5.

¹⁹ See for example, DP&L Response to OCC INT-1-009, 010.

WVR. If the PUCO decides not to consolidate the cases, then the PUCO should modify DP&L's waiver proposal to incorporate the consumer safeguards discussed herein.

Respectfully submitted,

Bruce Weston (0016973)
Ohio Consumers' Counsel

/s/ Amy Botschner-O'Brien
Amy Botschner O'Brien (0074423)
Counsel of Record
Assistant Consumers' Counsel

Office of the Ohio Consumers' Counsel
65 East State Street, 7th Floor
Columbus, Ohio 43215-4213
Telephone [Botschner O'Brien]: (614) 466-9575
amy.botschner.obrien@occ.ohio.gov
(Will accept service via email)

CERTIFICATE OF SERVICE

I hereby certify that a copy of these Comments was served on the persons stated below via electronic transmission, this 10th day of April 2019.

/s/ Amy Botschner-O'Brien
Amy Botschner O'Brien
Assistant Consumers' Counsel

SERVICE LIST

John.jones@ohioattorneygeneral.gov

Michael.schuler@aes.com

Attorney Examiners:

Gregory.price@puco.ohio.gov

Patricia.schabo@puco.ohio.gov

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

4/10/2019 4:56:50 PM

in

Case No(s). 18-1257-EL-WVR

Summary: Comments Comments on DP&L's Proposal to Waive Personal Notice to Residential Customers on the Day of Disconnection by The Office of the Ohio Consumers' Counsel electronically filed by Ms. Jamie Williams on behalf of Botschner-O'Brien, Amy Ms.