

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of	)	
the Dayton Power and Light Company for	)	Case No. 16-0395-EL-SSO
Approval of its Electric Security Plan.	)	
	)	
In the Matter of the Application of the	)	
Dayton Power and Light Company for	)	Case No. 16-0396-EL-ATA
Approval of Revised Tariffs.	)	
	)	
In the Matter of the Application of the	)	
Dayton Power and Light Company for	)	Case No. 16-0397-EL-AAM
Approval of Certain Accounting Authority	)	
Pursuant to Ohio Rev. Code § 4905.13.	)	

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**REPLY BRIEF  
BY  
THE OFFICE OF THE OHIO CONSUMERS' COUNSEL**

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**I. INTRODUCTION**

The Office of the Ohio Consumers' Counsel ("OCC") opposes the Settlement in this case. It opposes the Reconciliation Rider, in any form. But given that the Public Utilities Commission of Ohio ("PUCO") has already approved the Rider, OCC believes that IGS's proposal to make the it bypassable, so that only standard service offer ("SSO") customers would pay it, would make a bad situation even worse.<sup>1</sup> IGS's proposal to unbundle costs associated with standard service offer rates by creating two new riders would also make the Settlement worse and harm customers.<sup>2</sup> IGS's proposals should be rejected. They are harmful to consumers, not in the public interest, and contrary to important regulatory principles and practices.

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<sup>1</sup> See Rebuttal Testimony of Wm. Ross Willis on Behalf of the Office of the Ohio Consumers' Counsel (April 9, 2019).

<sup>2</sup> See *id.*

## II. RECOMMENDATIONS

**A. No party supports either of IGS's proposals, confirming OCC's demonstration that they are harmful to consumers, not in the public interest, and contrary to important regulatory principles and practices.**

That IGS's proposals should be rejected is confirmed by the fact that no one supports them. Six parties made filings in response to IGS's effort to rewrite the PUCO's Opinion and Order in this case to make the Reconciliation Rider bypassable and to unbundle costs associated with standard service offer rates by creating two new riders.<sup>3</sup> The PUCO Staff pointed out that "IGS has presented nothing that warrants any change in the Commission's Opinion and Order."<sup>4</sup> DP&L asserts that the Settlement – without IGS's proposals – "passes the Commission's three-part [settlement] test, and [the PUCO] should reject IGS' challenges to the Stipulation."<sup>5</sup> OEG accurately notes that "IGS has not introduced any arguments that were not considered by the Commission at the time of its October 20, 2017 Order approving the Amended Stipulation with modifications or its Third Entry on Rehearing again declining to approve a bypassable [Reconciliation Rider]."<sup>6</sup> Neither Kroger nor OMA supports IGS's proposals.<sup>7</sup>

The complete lack of support for IGS's proposals only serves to confirm OCC's recommendations in this case. IGS's proposals should be rejected.

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<sup>3</sup> OCC, The Kroger Company, Ohio Energy Group, Dayton Power & Light Company, the Ohio Manufacturer's Association Energy Group, and PUCO Staff.

<sup>4</sup> PUCO Staff's Initial Brief at 7.

<sup>5</sup> DP&L's Initial Brief at 36.

<sup>6</sup> OEG's Initial Brief at 4.

<sup>7</sup> See Kroger's Initial Brief; OMA's Letter of Notification.

**B. OCC's testimony rebutting IGS's proposals is unchallenged, confirming OCC's demonstration that they are harmful to consumers, not in the public interest, and contrary to important regulatory principles and practices.**

Equally as significant, no party – including IGS – takes issue with the testimony of OCC expert Wm. Ross Willis. As explained in detail in our Initial Brief, Mr. Willis confirmed that the Reconciliation Rider should be non-bypassable. This is less harmful to consumers and more in the public interest than a bypassable rider that harms standard offer customers.<sup>8</sup> It is also more consistent with important regulatory principles and practices.<sup>9</sup> OCC opposes the Reconciliation Rider, in any form. But given the PUCO's prior approval of the Rider, it should be paid by all customers. OCC Witness Willis's testimony on this score is unchallenged.

Likewise, Mr. Willis's testimony that IGS's unbundling proposal harms customers, is not in the public interest, and violates important regulatory principles and practices remains unrefuted.<sup>10</sup> The standard service offer is available to all customers, all of the time, no matter what. Accordingly, all customers should pay for it. That is how it is now, and that is how it should remain. OCC Witness Willis's testimony on this score is unchallenged.

That OCC's testimony in this case has gone unchallenged only serves to confirm OCC's recommendations in this case. IGS's proposals should be rejected.

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<sup>8</sup> See OCC's Initial Brief at 6-15.

<sup>9</sup> See *id.* at 15-16.

<sup>10</sup> See *id.* at 16-20.

### III. CONCLUSION

The PUCO should reject IGS's proposals regarding the Reconciliation Rider and unbundling. They would harm consumers, are not in the public interest, and violate important regulatory principles and practices.

Respectfully submitted,

Bruce Weston (0016973)  
Ohio Consumers' Counsel

*/s/ William J. Michael*  
William J. Michael, (0070921)  
Counsel of Record  
Ambrosia E. Logsdon (0096598)  
Assistant Consumers' Counsel

**Office of the Ohio Consumers' Counsel**  
65 East State Street, 7<sup>th</sup> Floor  
Columbus, Ohio 43215  
Telephone: [Michael] (614) 466-1291  
Telephone: [Logsdon] (614) 466-1292  
[william.michael@occ.ohio.gov](mailto:william.michael@occ.ohio.gov)  
[ambrosia.logsdon@occ.ohio.gov](mailto:ambrosia.logsdon@occ.ohio.gov)  
(Will accept service via email)

## **CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the Reply Brief was served upon the following parties via electronic transmission this 30th day of May 2019.

/s/ William J. Michael

William J. Michael

Assistant Consumers' Counsel

## **SERVICE LIST**

[Thomas.mcnamee@ohioattorneygeneral.gov](mailto:Thomas.mcnamee@ohioattorneygeneral.gov)

[dboehm@bkllawfirm.com](mailto:dboehm@bkllawfirm.com)

[mkurtz@bkllawfirm.com](mailto:mkurtz@bkllawfirm.com)

[jkylercohn@bkllawfirm.com](mailto:jkylercohn@bkllawfirm.com)

[kboehm@bkllawfirm.com](mailto:kboehm@bkllawfirm.com)

[fdarr@mwncmh.com](mailto:fdarr@mwncmh.com)

[mpritchard@mwncmh.com](mailto:mpritchard@mwncmh.com)

[mjsettineri@vorys.com](mailto:mjsettineri@vorys.com)

[glpetrucci@vorys.com](mailto:glpetrucci@vorys.com)

[ibatikov@vorys.com](mailto:ibatikov@vorys.com)

[wasieck@vorys.com](mailto:wasieck@vorys.com)

[mleppla@theoec.org](mailto:mleppla@theoec.org)

[cmooney@ohiopartners.org](mailto:cmooney@ohiopartners.org)

[joliker@igsenergy.com](mailto:joliker@igsenergy.com)

[mswhite@igsenergy.com](mailto:mswhite@igsenergy.com)

[ebetterton@igsenergy.com](mailto:ebetterton@igsenergy.com)

[Slessor@calfee.com](mailto:Slessor@calfee.com)

[jang@calfee.com](mailto:jang@calfee.com)

[talexander@calfee.com](mailto:talexander@calfee.com)

[mkeaney@calfee.com](mailto:mkeaney@calfee.com)

[slessor@calfee.com](mailto:slessor@calfee.com)

[elizabeth.watts@duke-energy.com](mailto:elizabeth.watts@duke-energy.com)

[jeanne.kingery@duke-energy.com](mailto:jeanne.kingery@duke-energy.com)

[gthomas@gtpowergroup.com](mailto:gthomas@gtpowergroup.com)

[stheodore@epsa.org](mailto:stheodore@epsa.org)

[laurac@chappelleconsulting.net](mailto:laurac@chappelleconsulting.net)

[jdoll@djflawfirm.com](mailto:jdoll@djflawfirm.com)

[michael.schuler@aes.com](mailto:michael.schuler@aes.com)

[djireland@ficlaw.com](mailto:djireland@ficlaw.com)

[jsharkey@ficlaw.com](mailto:jsharkey@ficlaw.com)

[mfleisher@elpc.org](mailto:mfleisher@elpc.org)

[kfield@elpc.org](mailto:kfield@elpc.org)

[jeffrey.mayes@monitoringanalytics.com](mailto:jeffrey.mayes@monitoringanalytics.com)

[evelyn.robinson@pjm.com](mailto:evelyn.robinson@pjm.com)

[schmidt@sppgrp.com](mailto:schmidt@sppgrp.com)

[rsahli@columbus.rr.com](mailto:rsahli@columbus.rr.com)

[tony.mendoza@sierraclub.org](mailto:tony.mendoza@sierraclub.org)

[kristin.henry@sierraclub.org](mailto:kristin.henry@sierraclub.org)

[mdortch@kravitzllc.com](mailto:mdortch@kravitzllc.com)

[rparkers@kravitzllc.com](mailto:rparkers@kravitzllc.com)

[Bojko@carpenterlipps.com](mailto:Bojko@carpenterlipps.com)

[perko@carpenterlipps.com](mailto:perko@carpenterlipps.com)

[Ghiloni@carpenterlipps.com](mailto:Ghiloni@carpenterlipps.com)

[paul@carpenterlipps.com](mailto:paul@carpenterlipps.com)

[sechler@carpenterlipps.com](mailto:sechler@carpenterlipps.com)

[mwarnock@bricker.com](mailto:mwarnock@bricker.com)

[dparram@bricker.com](mailto:dparram@bricker.com)

[dborchers@bricker.com](mailto:dborchers@bricker.com)

[lhawrot@spilmanlaw.com](mailto:lhawrot@spilmanlaw.com)

[dwilliamson@spilmanlaw.com](mailto:dwilliamson@spilmanlaw.com)

[charris@spilmanlaw.com](mailto:charris@spilmanlaw.com)

[ejacobs@ablelaw.org](mailto:ejacobs@ablelaw.org)

[rseiler@dickinsonwright.com](mailto:rseiler@dickinsonwright.com)

[cpirik@dickinsonwright.com](mailto:cpirik@dickinsonwright.com)

[wvorys@dickinsonwright.com](mailto:wvorys@dickinsonwright.com)

[todonnell@dickinsonwright.com](mailto:todonnell@dickinsonwright.com)

Attorney Examiners:

[gregory.price@puco.ohio.gov](mailto:gregory.price@puco.ohio.gov)

[patricia.schabo@puco.ohio.gov](mailto:patricia.schabo@puco.ohio.gov)

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