

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Seamless Move )  
Operational Plan of Ohio Power ) Case No. 19-2141-EL-EDI  
Company. )

In the Matter of the Application of The )  
Dayton Power and Light Company for ) Case No. 19-2144-EL-UNC  
Approval of a Future Seamless Move )  
Operational Plan. )

In the Matter of the Seamless Move )  
Operational Plan of Ohio Edison )  
Company, The Cleveland Electric ) Case No. 19-2150-EL-UNC  
Illuminating Company and The Toledo )  
Edison Company. )

In the Matter of Duke Energy Ohio, Inc. )  
for Approval of an Operational Plan for ) Case No. 19-2151-EL-EDI  
Seamless Move. )

---

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

---

**I. INTRODUCTION**

There is no justification for imposing higher rates on all customers for a service (seamless moves) that benefits few customers. The PUCO should protect Ohio's residential electric consumers from having to pay unnecessary costs for electric service. This is especially important when consumers are facing perilous times-a health crisis and an ensuing personal-finance crisis. In the coming months and potentially years, many Ohioans will struggle to pay their utility bills. Those Ohioans with financial challenges will include customers who have historically paid their bills in full and on time but who may be unable to continue doing so following the economic fallout of the coronavirus

pandemic. Ohio businesses and families will face financial burdens that were unforeseeable just a few months ago. As a result of lost wages, unemployment, and other financial hardships from the coronavirus, the need to make sure that all customers pay only fair, just, and reasonable rates is especially heightened. Consumers should not be asked to pay unnecessary, unfair, unjust, and unreasonable costs for an initiative that primarily benefits marketers.

If the PUCO proceeds with the seamless move initiative, it should at the very least suspend any work on the initiative until after the pandemic emergency ends (or the PUCO determines otherwise based on a review and analysis of information available at the that time). And if the PUCO proceeds with seamless move, then it should require that marketers pay all of the costs for seamless move as the OCC, PUCO Staff, and NOPEC have recommended.

## **II. RECOMMENDATIONS**

- A. To protect consumers, the PUCO should accept OCC's, its Staff's, and the Northeast Ohio Public Energy Council's recommendations to require marketers to pay for the implementation and ongoing costs related to seamless move when and if the PUCO moves forward with implementation of the seamless move mechanism.**

As a result of the health and financial crises resulting from the coronavirus, many Ohioans have lost their jobs or had their income substantially reduced. The financial harm to Ohioans from these crises will persist for some time, potentially years, after the formal health emergency ends. But maintaining essential utility service to consumers in this coronavirus emergency is crucial. To protect consumers at this difficult time, “non-

essential” utility services (and charges for them) should be suspended.<sup>1</sup> Suspending “non-essential” utility services during the emergency will help consumers dealing with the financial hardships they are facing because consumers would not be paying charges associated with those “non-essential” utility services. Seamless move implementation is a non-essential service and should be suspended until after the pandemic emergency ends or until the PUCO determines otherwise.<sup>2</sup>

But if the PUCO moves forward with seamless move (which it should not) then it should adopt OCC’s, its Staff’s, and the Northeast Ohio Public Energy Council’s (“NOPEC”) recommendations that marketers should pay 100% of the expense of the seamless move initiative.<sup>3</sup> The marketers are the primary beneficiary of the seamless move and in accordance with the principles of costs causation, it is only fair that marketers fully shoulder these costs. Consumers deserve to pay rates that are no more than what is just and reasonable. And paying for seamless move is neither just nor reasonable for consumers.

The marketers disagree with any operational plan that increases their costs.<sup>4</sup> They argue that they should not have to pay for the utilities’ customer information system upgrades that will benefit all customers.<sup>5</sup> The marketers recommend that the cost of seamless move should be included in the cost of the utilities’ future system upgrades

---

<sup>1</sup> See R.C. 4905.22 (Essential utility services are those necessary to make sure that Utilities have necessary and adequate facilities to provide basic reliable service to customers. Non-essential services are those not needed to provide basic utility services to customers).

<sup>2</sup> See OCC Comments at 3.

<sup>3</sup> See *Id.*; see also Staff Comments at 3; see also NOPEC comments at 3.

<sup>4</sup> See IGS Comments at 4; See RESA and Direct Joint Comments at 8-11.

<sup>5</sup> See *Id.*

through a traditional rate proceeding or a PUCO-approved rider, or a non-bypassable charge (i.e. all consumers pay for it).<sup>6</sup> The PUCO should reject the marketers' recommendation.

The marketers want consumers to pay so they can retain customers even when customers move, and even if it's not in the customer's best interest.<sup>7</sup> Neither consumers nor the utilities requested seamless move capability. Consumers should not be required to foot the bill and the utilities should not be required to update their customer information systems solely to benefit marketers. The marketers should bear the cost of any program that will primarily benefit themselves. If a consumer wants to choose a new marketer when they move, they have the choice to do so now. But they should be given the opportunity to make the best choice when they move and there is no choice when their old contract with the same marketer and the same terms and conditions automatically moves with them.

**B. The PUCO should adopt the Northeast Ohio Public Energy Council's recommendation to include governmental aggregators if Seamless Move is implemented.**

AEP's and FirstEnergy's proposed plans specifically exclude governmental aggregation customers from seamless move eligibility.<sup>8</sup> These plans are unlawful.<sup>9</sup>

---

<sup>6</sup> *See Id.*

<sup>7</sup> *See* OCC Comments at 4-5.

<sup>8</sup> *See* AEP's Seamless Move Plan, Case No. 19-2141-EL-EDI, NOPEC Comments at 4; *see also* FirstEnergy's Seamless Move Plan, Case No. 19-2150-EL-UNC, NOPEC Comments at 4.

<sup>9</sup> *See* R.C. 4905.35; *see also* R.C. 4928.02(H) (FirstEnergy's Plan seeks to exclude governmental aggregation customers from making seamless moves, but would require them to pay for marketer customers' moves through the non-bypassable Rider GDR. This proposal violates the anti-subsidy provisions of R.C. 4928.02(H) and the anti-discrimination provisions of R.C. 4905.35(A)).

Under Ohio law, if seamless move technology is implemented, it cannot exclude governmental aggregation customers.<sup>10</sup>

As NOPEC correctly stated in its comments, Ohio law requires that consumers have effective choices over the selection of electric supplies and suppliers.<sup>11</sup> Ohio consumers have three choices under which they may receive electric supply: through the utilities' standard service offer,<sup>12</sup> through communities that have adopted governmental aggregation programs,<sup>13</sup> and through marketers' bilateral contracts.<sup>14</sup> OCC agrees with NOPEC's recommendation that the utilities should be required to use a script that identifies all of the choices that an electric customer has when moving.<sup>15</sup>

The PUCO should protect consumer rights when choosing its electric provider. Operational plans, for implementing seamless move technology, that do not include governmental aggregators cannot provide consumers this protection. The PUCO should include all electric providers-the utilities, the governmental aggregators, and the marketers-if it implements seamless move. To do otherwise is unfair to consumers and governmental aggregators and violates Ohio law.<sup>16</sup>

---

<sup>10</sup> *See Id.*

<sup>11</sup> *See Id.* at 5; *see also* R.C. 4928.02(C).

<sup>12</sup> *See* R.C. 4928.141.

<sup>13</sup> *See* R.C. 4928.20.

<sup>14</sup> *See* R.C. 4928.08.

<sup>15</sup> *See* NOPEC Comments at 4 (the choices include enrolling with a governmental aggregator, remain on the SSO, choose a new marketer, or view the Energy Choice Website).

<sup>16</sup> *See* R.C. 4928.02(C) (Consumers must have effective choices over the selection of electric supplies and suppliers).

### III. CONCLUSION

To best protect consumers in this challenging time, the PUCO should suspend further work on seamless move. Consumers should not have to pay for a capability that provides little, if any, benefit to a very small number of customers.

But if the PUCO proceeds with its implementation of seamless move technology, the PUCO should allocate all costs related to the implementation of seamless move to the marketers who get the primary benefit from the technology. And if seamless move technology is implemented, the PUCO should allow consumers to choose among all options, including governmental aggregation.

Respectfully submitted,

Bruce Weston (0016973)  
Ohio Consumers' Counsel

*/s/ Ambrosia E. Wilson*

Ambrosia E. Wilson (0096598)  
Counsel of Record

Amy Botschner O'Brien (0074423)  
Assistant Consumers' Counsel

**Office of the Ohio Consumers' Counsel**

65 East State Street, 7th Floor

Columbus, Ohio 43215

Telephone [Wilson]: (614) 466-1292

Telephone: [Botschner O'Brien]: (614) 466-9575

[ambrosia.wilson@occ.ohio.gov](mailto:ambrosia.wilson@occ.ohio.gov)

[amy.botschner.obrien@occ.ohio.gov](mailto:amy.botschner.obrien@occ.ohio.gov)

(willing to accept service by e-mail)

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of these Reply Comments were served on the persons stated below via electronic transmission, this 20th day of May 2020.

*/s/ Ambrosia E. Wilson*  
Ambrosia E. Wilson  
Assistant Consumers' Counsel

The PUCO's e-filing system will electronically serve notice of the filing of this document on the following parties:

**SERVICE LIST**

[steven.darnell@ohioattorneygeneral.gov](mailto:steven.darnell@ohioattorneygeneral.gov)  
[steven.beeler@ohioattorneygeneral.gov](mailto:steven.beeler@ohioattorneygeneral.gov)  
[gkrassen@bricker.com](mailto:gkrassen@bricker.com)  
[dstinson@bricker.com](mailto:dstinson@bricker.com)  
[dparram@bricker.com](mailto:dparram@bricker.com)  
[bethany.allen@igs.com](mailto:bethany.allen@igs.com)  
[joe.oliker@igs.com](mailto:joe.oliker@igs.com)  
[michael.nugent@igs.com](mailto:michael.nugent@igs.com)

[michael.schuler@aes.com](mailto:michael.schuler@aes.com)  
[stnourse@aep.com](mailto:stnourse@aep.com)  
[cblend@aep.com](mailto:cblend@aep.com)  
[cwatchorn@firstenergycorp.com](mailto:cwatchorn@firstenergycorp.com)  
[rocco.dascenzo@duke-energy.com](mailto:rocco.dascenzo@duke-energy.com)  
[larisa.maysman@duke-energy.com](mailto:larisa.maysman@duke-energy.com)  
[whitt@whitt-sturtevant.com](mailto:whitt@whitt-sturtevant.com)  
[fykes@whitt-sturtevant.com](mailto:fykes@whitt-sturtevant.com)

Attorney Examiner:  
[matthew.sandor@puco.ohio.gov](mailto:matthew.sandor@puco.ohio.gov)

**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

**5/20/2020 1:12:27 PM**

**in**

**Case No(s). 19-2141-EL-EDI, 19-2144-EL-UNC, 19-2150-EL-UNC, 19-2151-EL-EDI**

Summary: Comments Reply Comments by the Office of the Ohio Consumers' Counsel electronically filed by Ms. Deb J. Bingham on behalf of Wilson, Ambrosia E.