

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

)	
In the Matter of the Application of Ohio)	
Power Company for Approval to Expire Its)	Case No. 13-1937-EL-ATA
gridSMART Experimental Tariffs.)	
)	
In the Matter of the Application of Ohio)	
Power Company for Approval to Establish)	Case No. 17-1234-EL-ATA
Time-of-Use Rates.)	

**COMMENTS OF THE OHIO ENVIRONMENTAL COUNCIL
AND ENVIRONMENTAL LAW AND POLICY CENTER**

I. Introduction

The Ohio Environmental Council (OEC) and the Environmental Law & Policy Center (ELPC) (collectively, the “Environmental Advocates”) submit these reply comments regarding Ohio Power Company’s (AEP Ohio) application to amend its time-of-use (TOU) tariffs. Time-of-use tariffs can encourage shifts in energy usage, saving customers money and reducing reliance on dirty fossil fuels. The Public Utilities Commission of Ohio (PUCO) should not deny AEP Ohio’s application, as other parties suggested, but should instead adopt the recommendations of the Environmental Advocates’ July 10th comments, as well as a few of the recommendations included in the initial comments of the Ohio Consumers’ Counsel (OCC).

II. The Commission should grant AEP’s application for a TOU tariff while fostering a competitive marketplace for CRES providers.

AEP Ohio has the ability to provide both default TOU tariffs and the data necessary to foster a competitive marketplace for CRES providers. In their comments, both Direct Energy and IGS called for the Commission to terminate its TOU offering and provide the necessary data for

development of a competitive marketplace where CRES providers can develop their own TOU tariffs. *See Initial Comments of Interstate Gas Supply, Inc.*, at 5; *See also Initial Comments of Direct Energy Business, LLC and Direct Energy Services, LLC*, at 9 - 10. The Environmental Advocates support fostering a competitive CRES marketplace, but that marketplace can co-exist alongside default TOU tariffs for direct AEP customers, driving smarter energy usage from all electricity users.

Instead of requiring AEP Ohio to terminate its TOU offering, the Commission should revise AEP Ohio's TOU tariff to utilize the three tiered approach proposed in our July 10th comments to encourage behavioral shifts in energy consumption:

- Off peak hours: 7pm - 7am
- Mid peak hours: 7am - 2pm
- Peak hours: 2pm - 7pm

The resulting impacts will lower energy consumption, thereby lowering costs for consumers and reducing reliance on dirtier, more expensive forms of energy generation.

At the same time, the Commission can work with CRES providers and AEP Ohio to create a competitive marketplace so they can also provide cost-effective time-varying rates and programs.

III. The Environmental Advocates support OCC's call for bill comparisons.

In its initial comments, OCC made a number of recommendations, including one the Environmental Advocates support in these reply comments. Specifically, "customers participating in the Amended TOU Rates should receive monthly statements on their bills showing how their actual bill compares to what they would have paid under non-time-of-use

SSO rates.” *Initial Comments of Ohio Consumers’ Counsel*, at 4 - 5. Bill transparency effectively communicates to ratepayers the benefits (or costs) of programs in which they have enrolled. The Environmental Advocates support monthly bill comparisons, which will help customers understand how reducing their energy consumption during peak hours is beneficial to their electricity bills and reduces energy consumption.

IV. The Environmental Advocates oppose OCC’s other recommendations.

While we support OCC’s suggestion for bill comparisons, we oppose a few of their other recommendations. In particular, customers presently signed up for the legacy TOU tariff should not need to affirmatively opt-in to a new TOU tariff. *See Initial Comments of Ohio Consumers’ Counsel*, at 2. Instead, they should be notified of the new TOU tariff and given the opportunity to opt-out if they so choose. Similarly, the Commission should reject OCC’s suggestion for a limit on the number of customers who can sign up for the TOU tariff. *Id.* at 10. Limiting the number of customers who can sign up defeats the ability of AEP Ohio to determine the efficacy of the proposed TOU tariff and limits the number of customers who can benefit from the program.

More importantly, OCC’s recommendations would limit the energy efficiency savings possible from the proposed TOU tariff. Allowing any customer to elect to use the TOU tariff ensures every customer can benefit from potential savings *and* participate in behavior which reduces energy consumption (and consequently, greenhouse gas emissions).

V. Conclusion

The Environmental Advocates support the use of TOU tariffs, revised in line with our recommendations in these reply comments and in our July 10th comments. The alternatively

proposed timeframes we have suggested will more accurately reflect the hours of high-energy usage and appropriately compensate consumers for changes in behavior.

Respectfully Submitted,

/s/ Caroline Cox

Caroline Cox (0098175)

Associate Attorney

Environmental Law & Policy Center

21 W. Broad Street, Floor 8

Columbus, OH 43215

T: (865) 803-1778

ccox@elpc.org

*Counsel for Environmental Law & Policy
Center*

/s/Miranda Leppla

Miranda Leppla (0086351)

Counsel of Record

Chris Tavenor (0096642)

1145 Chesapeake Avenue, Suite I

Columbus, Ohio 43212-3449

(614) 487-7506 - Telephone

mleppla@theoec.org

ctavenor@theoec.org

*Counsel for the Ohio Environmental
Council*

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing was served upon all parties of record via electronic mail on July 24, 2020.

/s/Chris Tavenor

Chris Tavenor

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

7/24/2020 4:54:55 PM

in

Case No(s). 17-1234-EL-ATA, 13-1937-EL-ATA

Summary: Comments Reply Comments of the Environmental Law & Policy Center and the Ohio Environmental Council electronically filed by Chris Tavenor on behalf of The Ohio Environmental Council and Environmental Law & Policy Center