

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Ohio Power Company for an Increase in Electric Distribution Rates.)	Case No. 20-585-EL-AIR
)	
In the Matter of the Application of Ohio Power Company for Tariff Approval.)	Case No. 20-586-EL-ATA
)	
In the Matter of the Application of Ohio Power Company for Approval to Change Accounting Methods.)	Case No. 20-587-EL-AAM
)	

**OBJECTIONS OF
CONSTELLATION NEWENERGY, INC.**

In accordance with Ohio Revised Code Section 4909.19(C), Ohio Administrative Code Rule 4901:1-19-07(F), and the Attorney Examiner’s Entries in these proceedings, Constellation NewEnergy, Inc. (“Constellation”) files the following objections to the Staff Report docketed on November 25, 2020, and to Ohio Power Company’s Rate Increase Application filed on June 8, 2020.

A. Objections to the Staff Report

1. The Staff Report failed to address AEP’s supplier-consolidated billing pilot. (Staff Report at 53)

On Tariff Sheet 103-43¹ in the supplier portion of the tariff of Ohio Power Company (“AEP”), competitive retail electric service suppliers are authorized to perform supplier-consolidated billing pursuant to the terms and conditions established in Case No. 16-1852-EL-SSO. Staff noted that the second largest category of AEP customer calls during the period of its customer service audit related to issues involving AEP’s billings. Customers raised concerns regarding high bills from AEP, backbilling, and final/initial billing issues. Staff Report at 53.

¹ References in these objections to the tariff are those in the proposed tariff, redlined copy, which was included in the rate increase application as Application Schedule E-2.

Staff, however, did not address the existing supplier-consolidated billing program and the impact it may have had relative to the customer service audit. Constellation objects to that omission.

2. **The Staff Report failed to address access to customer consumption data by competitive retail electric service suppliers who have the necessary authorization. (Staff Report at 28)**
3. **The Staff Report failed to recommend changes to AEP's tariff to allow access to AMI data by competitive retail electric service suppliers who have the necessary authorization. (Staff Report at 28)**

AEP's President and Chief Operating Officer explained in his prefiled testimony that AEP is redefining the future of energy and deploying new technology such as automated metering infrastructure ("AMI") to enhance the customer experience. Sundararajan Prefiled Testimony at 6, 14-15. He further stated that AMI is a *necessary* framework for innovative solutions. *Id.* at 15. Yet, AEP's investment in AMI has not prompted better access to the AMI data for competitive suppliers who can also enhance the customer's experience and promote even more innovative solutions. Suppliers use a business portal today to access AMI data. AEP's existing business portal in Ohio is not adequate for extracting large amounts of data (AMI data is broken into 15-minute intervals and therefore involves greater amounts of data on a per-account basis and even greater amounts of data when a supplier has numerous accounts served by AMI.) In addition, AEP's tariff addresses requests for data from only interval meters – stating such data must be transferred via standardized EDI transaction. Section 31.8(b), Tariff Sheet 103-38.

Staff in its report recognized that the utility's own troubles gaining access to certain meters (and thus the data) should be resolved with AMI, which is continuing to be deployed. Staff Report at 28, 33.² The Staff Report also recommended approval of AEP's proposed change to the existing tariff language in Section 31.8(b) on Tariff Sheet 103-38 that identified the Letter of Authorization

² Staff stated that the percentage of AMI deployment as of October 2020 was 63%. Staff Report at 33.

as the appropriate customer authorization needed to request customer data. Staff Report at 27.³ The Staff Report, however, did not address requests for AMI data, given the existing and continuing deployment of AMI in AEP's service territory. The Staff Report also failed to address the means by which competitive suppliers can access the AMI meter data – through a portal that adequately handles AMI data extraction in bulk. Constellation objects to these omissions. Access to AMI meter data should be fair and reasonable for the utility and the competitive suppliers. The existing tariff language is inadequate. AEP's existing business portal is not adequate for suppliers with many accounts; however, AEP is familiar with a site that does work. In Texas, suppliers and others can access AEP Texas' AMI data and extract in bulk through a secure site.⁴

4. The Staff Report's recommendation to approve AEP's proposed reservation of the right to terminate utility-consolidated billing services if a competitive supplier does not comply with administrative rules should be rejected. (Staff Report at 27; Section 31.20(n), Tariff Sheet 103-52)

AEP proposes tariff language that would allow it to terminate its consolidated billing service to a supplier if the supplier is “not following the Ohio Administrative Code rules” and AEP has provided notice to the supplier. Tariff Sheet 103-52. Termination could occur three months after AEP's notice. *Id.* AEP described this proposed change as a “three strikes” policy that is consistent with its supplier-consolidated billing program. Application Schedule E-3 at 8; Moore Prefiled Testimony at 10-11. The Staff Report failed to address AEP's proposal; rather, by omission, Staff recommends approval of the change. Staff Report at 27.

Constellation objects to the Staff's recommendation. AEP's proposed language does not say that the supplier must be noncompliant three separate times or for three consecutive months

³ Staff recommended approval of the change in Section 31.8(b) because it did not address the change. Staff Report at 27.

⁴ AEP's affiliate in Texas collaborated with other utilities to establish Smart Meter Texas, which is endorsed by the Public Utility Commission of Texas. *See* general information regarding the Smart Meter Texas website at: <https://www.smartmetertexas.com/aboutus>.

before termination. Additionally, AEP’s proposed language is vague as to what “not following the Ohio Administrative Code rules” means. A strict interpretation could allow AEP to terminate utility-consolidated billing based on its opinion of noncompliance, which could be unrelated to competitive service, be unrelated to billing or be a minor act of noncompliance. The proposed language omits the concept of materiality. Importantly, AEP’s language unreasonably establishes strict liability – noncompliance will result in notification and then AEP “will terminate” three months after the notice. There is nothing allowing a supplier the opportunity to be heard, to dispute the alleged noncompliance or to attempt other redress. This proposed tariff provision could result in termination from utility-consolidated billing for something that the supplier is actively attempting to correct if, for example, a correction takes more than three months to fix. Altogether, the provision is unjust and unreasonable. Constellation objects to Staff’s recommendation to approve this unjust and unreasonable tariff language.

B. Objections to AEP’s Rate Increase Application

1. AEP failed to address its supplier-consolidated billing program. (Tariff Sheet 103-43)

AEP proposed retaining language in its supplier tariff (Tariff Sheet 103-43) that allows suppliers to perform supplier-consolidated billing pursuant to the terms and conditions established in Case No. 16-1852-EL-SSO without addressing its program. Constellation objects to that omission.

2. **AEP failed to address access to customer consumption data by competitive retail electric service suppliers who have the necessary customer authorization. (Tariff Sheet 103-38)**
3. **AEP failed to propose changes to its tariff to allow access to AMI data, including bulk extraction, by competitive retail electric service suppliers who have the necessary authorization. (Tariff Sheet 103-38)**

Although AEP's President and Chief Operating Officer explained that AEP is deploying AMI to enhance the customer experience and that AMI is a *necessary* framework for innovative solutions,⁵ AEP's investment in AMI has not prompted better access to the AMI data for competitive suppliers, who can also enhance the shopping customer's experience and promote even more innovative solutions in the marketplace. AEP's existing business portal in Ohio does not work for extracting large amounts of AMI data. Also, AEP's tariff addresses requests for data from "interval meters" – stating it must be transferred via standardized EDI transaction (Tariff Sheet 103-38). This suggests that data from AMI meters may not have to be provided. Constellation objects to retaining the existing tariff language without it addressing access to AMI data by competitive suppliers and without authorizing appropriate access to AMI data, including bulk extraction through appropriate means.

4. **AEP's proposed reservation of the right to terminate utility-consolidated billing services if a competitive supplier does not comply with administrative rules should be rejected. (Section 31.20(n), Tariff Sheet 103-52)**

AEP proposed language in Section 31.20(n), Tariff Sheet 103-52, giving it the right to terminate utility-consolidated billing services to a supplier for noncompliance with the Ohio Administrative Code. As explained above (and without repeating the multiple points here), the language is fraught with problems and Constellation objects to the language because it is unjust and unreasonable. AEP's proposed language should be rejected.

⁵ Sundararajan Prefiled Testimony at 6, 14-15.

C. Conclusion

For the foregoing reasons, Constellation objects to the Staff Report and AEP's Rate Increase Application in these proceedings. Constellation's **major issues** are:

- (a) AEP's supplier-consolidated billing pilot should be made permanent.
- (b) AEP's existing tariff language does not allow suppliers to request data from AMI meters.
- (c) AEP's existing portal does not appropriately allow access to data from AMI meters and extraction in bulk.
- (d) AEP's tariff language reserving the right to terminate utility-consolidated billing should be rejected.

Respectfully Submitted,

/s/ Gretchen L. Petrucci

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Summary: Objection Objections electronically filed by Mrs. Gretchen L. Petrucci on behalf of Constellation NewEnergy, Inc.