

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

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

In the Matter of the Application of The )  
Dayton Power and Light Company for ) Case No. 18-1875-EL WVR  
Approval of a Limited Waiver of Ohio )  
Adm. Code 4901:1-18-06(A)(2). )

In the Matter of the Application of The )  
Dayton Power and Light Company for ) Case No. 18-1875-EL-AAM  
Approval of Certain Accounting Methods )

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**INITIAL BRIEF  
OF  
OHIO PARTNERS FOR AFFORDABLE ENERGY**

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**I. INTRODUCTION**

On December 21, 2018, The Dayton Power and Light Company (“DP&L”) filed this application to authorize a grid modernization plan, which includes the deployment of smart meters and related communications systems; implementation of Distribution Automation on 20% of circuits; implement Substation Automation on 30 substations; and, accelerate implementation of Conservation Voltage Reduction/Voltage and VAR Optimization (“CVR/VVO”). DP&L is the last of Ohio’s major electric distribution utilities to seek approval of a grid modernization program. Ohio Partners for Affordable Energy (“OPAE”) hereby submits this brief in support of the stipulation.<sup>1</sup>

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<sup>1</sup> OPAE is not a party to Case Nos. 20-680-EL-UNC, 19-1121-EL-UNC, and 20-1041-EL-UNC, and takes no position on the provisions of the stipulation related to the issues in these cases.

## **II. THE AGREEMENT MEETS THE COMMISSION'S THREE-PART TEST FOR EVALUATING STIPULATIONS.**

The Commission evaluates stipulations based on reasonableness.<sup>2</sup> There are three criteria:

- 1) Is the settlement a product of serious bargaining among capable, knowledgeable parties?
- 2) Does the settlement, as a package, benefit ratepayers and the public interest?
- 3) Does the settlement package violate any important regulatory principle or practice?

The stipulation filed in this matter meets the three-part test.

### **A. The Stipulation is the Product of Serious Bargaining Among Knowledgeable Parties.**

Signatories to the stipulation represent a broad range of interests. All were represented by experienced counsel. And, the stipulation includes the Staff of the Public Utilities Commission of Ohio as a signatory party.

The negotiations to develop the stipulation was lengthy, with eight full bargaining sessions and multiple individual discussions. DP&L offered a number of settlement terms sheets for consideration, which evolved as the settlement sessions continued. The end product represents a compromise among all signatories that differs substantially from the original application.

The first prong of the three-part test is clearly satisfied.

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<sup>2</sup> See, e.g., *Cincinnati Gas & Electric Co.*, Case No. 91-410-EL-AIR (April 14, 1994); *Ohio Edison Co.*, Case No. 92-1463-GA-AIR, et al. (August 26, 1993); *Ohio Edison Co.*, Case No. 89-1001-EL-AIR (August 19, 1993); *The Cleveland Electric Illumination Co.*, Case No. 88-170-EL-AIR (January 31, 1989); and *Restatement of Accounts and Records (Zimmer Plant)*; Case No, 84-1187-EL-UNC (November 26, 1985).

## **B. The Stipulation Benefits the Public Interest.**

Grid optimization involves the deployment of technologies that improve reliability, provide customers with additional tools to control their energy use, result in energy savings on the system. Improved communications systems will also improve efficiency. The grid optimization proposal includes cybersecurity provisions that will better protect the grid and consumer information.

There are also specific provisions that will insure the continuation of basic consumer protections. As a part of the stipulation, DP&L withdrew its application for a waiver of Ohio Adm. Code 4901:1-18-06(A)(2), the 'last knock' rule, that requires a personal visit from the utility on the day of disconnection. The utility agent has to be prepared to accept payment from a customer in order to prevent disconnection. This fundamental consumer protection, embodied in O.R.D. 4933.122, ensures customers the right to personally dispute the reasons for termination. Per the terms of Section 7 of the stipulation, DP&L will file the waiver request separately, allowing the issue to be fully litigated.

The stipulation also ensures consumers are protected in other ways. Under Section 12(d), DP&L commits not to implement "any form of prepay program as a part of ...Phase I" of the grid modernization process. Stipulation at 32. DP&L also commits to not using AMI as a service limiter. Section 12(e), Stipulation at 32. Both these provisions prevent smart meter technology from being used in a manner that will harm customers. The stipulation also includes funding to continue efforts to make low-income homes more energy efficient using ratepayer funds, made necessary by the termination of previous efficiency programs as a result of HB 6 (133<sup>RD</sup> General Assembly).


**C. The Stipulation Does Not Violate Any Important Regulatory Principle or Practice.**

The grid modernization program contained in the stipulation is consistent in scope with similar programs approved for other electric distribution utilities, and is informed by the successes and failures of these previous deployments. It is funded through a rider. Calculated benefits of the deployment are funneled back through to customers as credits against the rider collections. A collaborative is established to allow customers to closely monitor the deployment, and annual rider proceedings will allow financial aspects of the deployment to be scrutinized. The settlement does not violate any important regulatory principles.

**III. CONCLUSION**

The stipulation as filed meets the three-part test for stipulations as approved by the Ohio Supreme Court. OPAE urges approval of the grid modernization component of the stipulation.

Sincerely,



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## CERTIFICATE OF SERVICE

In accordance with Rule 4901-1-05, Ohio Administrative Code, I hereby certify that a copy of the foregoing Initial Brief of Ohio Partners for Affordable Energy will be served by the Commission's Docketing Division on these parties on this 12th day of February, 2021.



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Summary: Brief of Ohio Partners for Affordable Energy electronically filed by Mr. David C Rinebolt on behalf of Ohio Partners for Affordable Energy