

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

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

In the Matter of the Application of the)	
Dayton Power and Light Company for)	Case No. 18-1876-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. 18-1877-EL-AAM
Approval of Certain Accounting Methods.)	

In the Matter of the Application of the)	
Dayton Power and Light Company for)	
Administration of the Significantly)	
Excessive Earnings Test Under R.C.)	Case No. 19-1121-EL-UNC
4928.143(F) and Ohio Adm. Code)	
4901:1-35-10 for 2018.)	

In the Matter of the Application of The)	
Dayton Power and Light Company for a)	
Finding that its Current Electric Security)	Case No. 20-1041-EL-UNC
Plan Passes the Significantly Excessive)	
Earnings Test and the More Favorable in)	
the Aggregate Test in R.C. 4928.143(E).)	

In the Matter of the Application of The)	
Dayton Power and Light Company for a)	
Finding That Its Current Electric Security)	
Plan Passes the Significantly Excessive)	Case No. 20-0680-EL-UNC
Earnings Test and More Favorable in the)	
Aggregate Test in R.C. 4928.143(E).)	

INITIAL BRIEF OF INTERSTATE GAS SUPPLY, INC. AND IGS SOLAR, LLC

I. INTRODUCTION

On October 23, 2020, The Dayton Power and Light Company (“DP&L”) and a diverse group of parties, including Interstate Gas Supply, Inc. and IGS Solar, LLC (collectively, “IGS”), filed a Stipulation and Recommendation (“Stipulation”) to resolve multiple cases that were consolidated in this proceeding, including the implementation of the first phase of DP&L’s distribution modernization endeavor (“SGP Phase I”).¹ While the Stipulation as a whole represents a comprehensive resolution to issues presented across numerous proceedings, IGS files this brief in support of certain provisions that will promote innovation and a variety of offerings within the competitive retail electric market.

Specifically, consistent with the Public Utilities Commission of Ohio’s (“Commission’s”) belief “that timely and efficient access to and sharing of customer usage data with customers and competitive suppliers is necessary to promote customer choice and grid modernization,” the Stipulation will provide CRES providers with near-real time access to customer’s energy usage data, subject to the appropriate authorization.² Further, the Stipulation requires the implementation of measures “directed at broadening the opportunity for customers to act on their supply side and demand side preferences,”

¹ *In the Matter of the Application of the Dayton Power and Light Company for Approval of its Plan to Modernize its Distribution Grid*, Case Nos. 18-1875-EL-GRD et al; *In the Matter of the Application of the Dayton Power and Light Company for Administration of the Significantly Excessive Earnings Test Under R.C. 4928.143(F) and Ohio Adm. Code 4901:1-35-10 for 2018*, Case No. 19-1121-EL-UNC; *In the Matter of the Application of The Dayton Power and Light Company for a Finding that its Current Electric Security Plan Passes the Significantly Excessive Earnings Test and the More Favorable in the Aggregate Test in R.C. 4928.143(E)*, Case No. 20-1041-EL-UNC; *In the Matter of the Application of The Dayton Power and Light Company for a Finding That Its Current Electric Security Plan Passes the Significantly Excessive Earnings Test and More Favorable in the Aggregate Test in R.C. 4928.143(E)*, Case No. 20-0680-EL-UNC, Stipulation and Recommendation (Oct. 23, 2020) (“Stip. Parties Ex. 1”).

² Mission:Data Ex. 1 at 14, citing *In the Matter of the PowerForward Collaborative*, Case Nos. 18-1595-EL-GRD et al., Entry (Apr. 22, 2020) (“PowerForward Entry”) at ¶ 10.

such as removal of the current disconnect between the wholesale and retail market and support for the development of behind the meter generation.³

Collectively, these provisions encourage the development of products and services to provide customers with effective choices over the selection of their generation supply. Accordingly, the Commission should approve these provisions within the Stipulation.

II. ARGUMENT

The Commission will approve a stipulation if it answers three questions affirmatively:

- 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?⁴

In this proceeding, DP&L Witness Schroder testified in support of approval of the Stipulation, detailing how the agreement meets the criteria for Commission approval.⁵

OCC's witnesses argue that the settlement does not, as a package or through individual provisions, benefit ratepayers or the public interest, and at least in some ways, violates important regulatory principles or practices.⁶ However, each OCC witness falls short of adequately demonstrating these points. As explained further below, the provisions of the Stipulation meant to strengthen and enhance the competitive retail

³ *Id.*

⁴ See *Indus. Energy Consumers of Ohio Power Co. v. Pub. Util. Comm'n*, 68 Ohio St.3d 559 (1994).

⁵ DP&L Ex. 4 at 3, 12-14.

⁶ OCC Ex. 2 at 19, 23-26; OCC Ex. 4 at 20-24; OCC Ex. 7 at 5-6; and OCC Ex. 6 at 12-33.

electric market in Ohio are in line with state policy and will have the intended effect of benefitting customers through enabling the development of innovative products and services.

A. The Stipulation will benefit ratepayers and the public interest by contributing to the development of innovative products and services in the competitive retail electric market.

Included in the benefits that the Stipulation will provide to ratepayers are the provisions that will promote innovation and a variety of offerings in generation supply. These provisions provide for timely and efficient access to customer energy usage data, implementation of systems and processes that allow CRES providers offer a variety of rates, and support for the development of behind the meter generation without the use of ratepayer funds. As testified by Witness Schroder, these “will foster innovation in the competitive marketplace, providing customers with new energy choices and solutions unavailable today.”⁷

Specifically, DP&L will provide, with appropriate customer authorization, access to historical and ongoing usage data and other billing determinants to CRES providers and third parties for future and prospective customers.⁸ DP&L will also implement convenient, electronic methods for customers to authorize the release of this data to CRES providers and third parties.⁹ Once a customer consents to the release, DP&L’s system will immediately or nearly immediately process and return the data using a standardized

⁷ DP&L Ex. 4 at 20.

⁸ Stip. Parties Ex. 1 at 24-25.

⁹ *Id.* at 25-26.

format.¹⁰ These capabilities will unlock innovative offerings by providing CRES providers and third-parties with timely and efficient access to customer data.

Additionally, the Stipulation specifies that there will be no additional fees to access a customer's interval data.¹¹ Notably, DP&L currently charges CRES providers \$150 per account per request for twelve months of a customer's hourly load data.¹² Retrieval of this data is necessary to provide prospective customers with the most personalized rate but the sizeable fee to merely develop an offer can prevent this from occurring, particularly when not all prospective customers ultimately sign a contract. Barriers to data access, such as a fee, prevent customers from enjoying all of the benefits associated with grid modernization. Indeed, maintaining this fee would be particularly harmful to residential customers because the cost is substantial compared to the customer's overall generation spend. Thus, removal of the fee ensures that customers and CRES providers have access to the full benefits from advanced metering infrastructure and will increase competition in the state.

Further, the Stipulation goes beyond just providing access to a customer's energy usage data. It includes a commitment that DP&L will make the necessary system improvements that will enable CRES providers to utilize this data in a meaningful way. Most notably, the Stipulation requires DP&L to make the necessary upgrades to the manner in which it performs wholesale market settlements for load serving entities. Under the Stipulation, DP&L agrees to calculate and settle load serving entity (CRES providers)

¹⁰ *Id.* at 27.

¹¹ *Id.* at 23.

¹² DP&L Electric Distribution Service Tariff at Sheet D26.

wholesale settlements based upon the individual total hourly energy obligation ("THEO"), peak load contribution ("PLC"), and network service peak load ("NSPL") values for each customer, instead of relying on generic load profiles.¹³

As the Commission has repeatedly recognized, the ability to calculate wholesale market settlements based upon an individual's customer behavior is vital to grid modernization efforts as it will remove the disconnect between the wholesale and retail market.¹⁴ Indeed, the ability to monetize changes in an individual customer's energy usage is key in the development of innovative products and services.¹⁵ In addition, the new Customer Information System ("CIS") will provide CRES providers with important billing functionalities, such as allowing CRES providers to bill customers for products that utilize AMI data on the utility consolidated bill.¹⁶

Finally, as recognized by Witness Schroder, the Stipulation "will benefit customers by increasing the availability of clean and renewable energy in DP&L's service territory."¹⁷ In order to encourage the development of distributed generation facilities, the Stipulation provides a \$1 million dollar shareholder grant toward the design, construction, and

¹³ Stip. Parties Ex. 1 at 28.

¹⁴ See PowerForward Entry, Concurring Opinion of Commissioner M. Beth Trombold at ¶ 5 ("The interval data must also be used by the EDUs for wholesale settlement so that CRES providers have the opportunity to build a better business case in Ohio. To not do these things is to devalue the investment made across the state in advanced meters and to move away from - instead of towards - greater customer engagement."); *PowerForward Roadmap* (Aug. 29, 2018) at 32 ("In the short term, the Commission believes that the EDUs should calculate and settle the following values on an individual basis for all customers with smart meters: total hourly energy obligation (THEO), peak load contribution (PLC) and network service peak load (NSPL).")

¹⁵ See PowerForward Roadmap at 32.

¹⁶ Stip. Parties Ex. 1 at 21.

¹⁷ DP&L Ex. 4 at 28.

deployment of at least 1.5 MW of behind the meter solar generation in DP&L's service territory.¹⁸ Consistent with state law and policy, these funds will be provided solely by shareholders and DP&L will have no ownership interest or involvement in the operation of the project(s).¹⁹ However, DP&L will submit a report describing any distribution and/or transmission costs saved or avoided as a result of the project(s), which will provide valuable insight into the potential benefits of distributed generation at no cost to ratepayers.²⁰

B. The Stipulation does not violate any important regulatory principle or practice.

Without violating any important regulatory principle or practice, the Stipulation promotes and supports the state policy contained in R.C. 4928.02. As noted previously, DP&L has committed to providing "cost-effective, timely, and efficient access to and sharing of customer usage data with customers and competitive suppliers," which will "promote customer choice and grid modernization."²¹ Further, customer data will be provided in a standardized format in near real-time as prescribed by R.C. 4928.02(P). Additionally, the Stipulation includes measures to support the development of distributed generation in DP&L's territory.²² Thus, the Stipulation will set the stage for additional innovation in supply-and demand-side retail electric service.²³

¹⁸ Stip. Parties Ex. 1 at 41-42.

¹⁹ *Id.*; see R.C. 4928.02(H).

²⁰ Stip. Parties Ex. 1 at 41-42; DP&L Ex. 4 at 28.

²¹ R.C. 4928.02(O).

²² R.C. 4928.02(C); Stip. Parties Ex. 1 at 41-42; DP&L Ex. 4 at 33.

²³ R.C. 4928.02(D).

III. CONCLUSION

For the foregoing reasons, IGS recommends that the Commission find that the Stipulation is the product of serious bargaining, is in the public interest, and does not otherwise violate any important regulatory policy or principle. In particular the Stipulation includes long fought-for provisions providing for data access enhancements and the encouragement of new emissions-free distributed generation. These portions of the Stipulation will contribute to the development of the competitive market and increase the availability of innovative products and services. Therefore, IGS recommends that they should approved as submitted in the Stipulation.

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CERTIFICATE OF SERVICE

I certify that this *Initial Brief of Interstate Gas Supply, Inc. and IGS Solar, LLC* was filed electronically through the Docketing Information System of the Public Utilities Commission of Ohio on February 12, 2021. The PUCO's e-filing system will electronically serve notice of the filing of this document on the parties subscribed to this proceeding. Additionally, notice was provided to the parties listed below.

/s/ Bethany Allen

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Summary: Brief Initial Brief of Interstate Gas Supply, Inc. and IGS Solar, LLC electronically filed by Bethany Allen on behalf of Interstate Gas Supply, Inc. and IGS Solar, LLC