

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Commission’s Review of     )  
the Green Pricing Programs in Chapter     ) Case No. 20-1195-EL-ORD  
4901:1-42 of the Ohio Administrative Code.     )

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**REPLY COMMENTS OF INTERSTATE GAS SUPPLY, INC.**

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**I. INTRODUCTION**

On February 24, 2021, the Public Utilities Commission of Ohio (“Commission”) issued amended rules for comment in Ohio Adm.Code Chapter 4901:1-42, which implement the review of the green pricing programs offered by electric distribution utilities (“EDUs”) and competitive retail electric service (“CRES”) providers. Based upon the current rules, it is clear that the intent of this review is to ensure that these programs are being offered transparently in the marketplace for the benefit of customers.

Consistent with its Initial Comments, IGS continues to recommend alterations that ensure the programs do not run afoul with state law and policy regarding generation service in Ohio. Although the specific amendments recommended by the Comments of Citizens’ Utility Board of Ohio (“CUB”) are unnecessary, CUB’s Initial Comments do further exemplify the need to clarify the rules to ensure that carbon-free resources are not permitted to “double count” their environmental attributes. Thus, IGS respectfully renews its request to amend the proposed rules regarding double counting as provided in its Initial Comments and highlighted by the comments below.

## II. COMMENTS

The additions recommended by CUB in its Initial Comments would simply add additional layers of complexity to the customer enrollment process without providing anything new or noteworthy.<sup>1</sup> The Commission's current rules addressing marketing and customer contracts are adequate to educate and protect consumers seeking a green offering, including the requirement that any "green pricing program shall ensure that any program or marketing materials distributed to customers accurately portray the product."<sup>2</sup> Additionally, as CUB points out, the Commission Staff retains the right to review potentially misleading marketing material and take subsequent appropriate action.<sup>3</sup> Thus, CUB's amendments are unnecessary.

However, CUB's Initial Comments do further underscore the need to ensure that customers are truly receiving the attributes of a green product. For example, CUB references a CRES provider marketing a carbon-free product supported by nuclear generating units in Ohio and Pennsylvania.<sup>4</sup> Under the current rules, it is not clear that the prohibition on double counting would apply to this product because nuclear generation is not renewable energy or energy efficiency as contained in the rule.<sup>5</sup> This leaves open the possibility that the CRES provider could be attaching the same emissions credit to a retail offering in both Ohio and Pennsylvania. By implementing the recommendations

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<sup>1</sup> Initial Comments of Citizen's Utility Board of Ohio at 6 (March 24, 2021).

<sup>2</sup> Ohio Adm.Code 4901:1-42-03(A). See also Ohio Adm.Code 4901:1-21-11(D).

<sup>3</sup> Initial Comments of Citizen's Utility Board of Ohio at 5 (March 24, 2021).

<sup>4</sup> *Id.* at 3, Att. A at 3.

<sup>5</sup> Ohio Adm.Code 4901:1-42-01(C) incorporates Ohio Adm.Code 4901:1-40-01(I), which only covers "utilizing renewable energy or, renewable energy credits, or energy efficiency savings" for certain marketing activities.

made by IGS in its Initial Comments, products backed by nuclear projects would be properly accounted for and on a level playing field with other green product offerings.<sup>6</sup> Therefore, the rules should be amended to prohibit all double-counting to sustain a fair and free open marketplace.

### III. CONCLUSION

For the foregoing reasons, IGS renews its request to revise Ohio Adm.Code Chapter 4901:1-42 to prevent the double-counting of carbon-free environmental attributes.

Respectfully submitted,

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<sup>6</sup> See Initial Comments of IGS Energy at 4-5.

## **CERTIFICATE OF SERVICE**

I certify that this *Reply Comments of Interstate Gas Supply, Inc.* was filed electronically through the Docketing Information System of the Public Utilities Commission of Ohio on April 7, 2021. The PUCO's e-filing system will electronically serve notice of the filing of this document on the stakeholders subscribed to this proceeding.

/s/ Evan Betterton  
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