

BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of the Ohio :
Development Services Agency for an Order : Case No. 21-659-EL-USF
Approving Adjustments to the Universal :
Service Fund Riders of Jurisdictional Ohio
Electric Distribution Utilities.

**REPLY COMMENTS OF
THE DAYTON POWER AND LIGHT COMPANY D/B/A AES OHIO**

In accordance with the June 16, 2021, Entry in this matter, The Dayton Power and Light Company d/b/a AES Ohio (“AES Ohio” or “the Company”) files these Reply Comments in response to the Comments filed by the Office of the Ohio Consumers’ Counsel (“OCC”).

When passed in September 2015, R.C. 4928.54 set forth a new process aggregating the percentage of income payment plan program (“PIPP”) customers for purposes of establishing an auction for the competitive procurement of competitive retail electric service for those customers. R.C. 4928.542 set forth certain requirements for the competitive procurement process. Upon the enactment of R.C. 4928.542, the Commission opened a docket whereby Staff submitted recommended processes and the Commission solicited comments shortly thereafter.¹ Based upon the Staff Reviews and stakeholder Comments, the Commission adopted the following PIPP auction process:

- The first phase of the competitive RFP process consists of an initial RFP auction during which certified competitive retail electric service (CRES) providers submit bids to serve the PIPP load for less than the standard service offer (SSO).

¹ *In Re the Implementation of Sections 4928.54 and 4928.544 of The Revised Code*, Case No. 16-247-EL-UNC, Entry (February 1, 2016) & Entry (February 23, 2016).

- If no CRES provider submits a bid to serve the PIPP load for less than the SSO, then a supplemental PIPP auction is conducted where CRES providers may submit bids to serve the PIPP load at any price.
- Finally, if no CRES provider participates in either RFP auction, the electric utility may implement contingency measures to procure supply for the PIPP load.²

OCC did not file an Application for Rehearing objecting to or otherwise alleging that the process was unreasonable or unlawful.

This process was followed in AES Ohio's most recent auction, whereby, on April 19, 2021, AES Ohio accepted bids for a competitive RFP auction to serve the PIPP load but received no conforming bid. Accordingly, pursuant to the RFP Auction Order, a supplemental auction was conducted on May 3, 2021. The May 3, 2021 competitive RFP auction procured supply for 100 percent of the PIPP load for the June 1, 2021, to May 21, 2022, delivery period.³ The independent third-party auction administrator (Charles River Associates) and the fourth-party auditor (Bates White) both "recommend[ed] that the Commission find that the competitive RFP auction, within the limits of its structures, had sufficient competitive attributes and resulted in a winning price that is reasonable."⁴ As a result, the Commission accepted the auction results finding that the "competitive RFP auction process followed the process adopted by the Commission in the RFP Auction Order and met the requirements of R.C. 4928.542."⁵ OCC did not file an Application for Rehearing or otherwise contest the results of that auction, which were approved on May 5,

² *In Re the Procurement of Percentage of Income Payment Plan Program Generation for Customers of Dayton Power and Light Company*, 17-1163-EL-UNC, Finding and Order at ¶ 4 (May 5, 2021) (citing *In Re the Implementation of Sections 4928.54 and 4928.544 of The Revised Code*, Case No. 16-247-EL-UNC, Finding and Order (March 2, 2016) (hereinafter referred to as "RFP Auction Order")).

³ Id. at ¶ 5.

⁴ Id. at ¶ 6.

⁵ Id. at ¶ 7.

2021.

OCC now takes issue with the Universal Service Rider (“USF”) and the results of the aforementioned auction process, despite the fact that AES Ohio followed the Commission process and the Commission accepted the results of the auction that were found to be compliant with R.C. 4928.542. While AES Ohio is amenable to exploring other prospective options associated with the standard service offer for PIPP customers, such options are not without complication. To the extent such options are considered, they should be discussed as part of an open process with the input of all interested stakeholders like originally done in the 16-247-EL-UNC matter. Moreover, the Commission should reject OCC’s undefined and vague request to provide a “remedy” for PIPP customers and customers that paid the USF Rider.⁶ As a practical matter, because the USF Rider is a pass through to the winning bid suppliers, any sort of remedy would likely be impractical as the results have been accepted and supply contracts have been executed accordingly.

AES Ohio appreciates the opportunity to file Rely Comments in this matter.

Respectfully submitted,

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⁶ Consumer Protection Comments by The Office of the Ohio Consumers’ Counsel, at p. 5 (July 6, 2021).

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing were filed electronically through the Docketing Information System of the Public Utilities Commission of Ohio on this 16th day of July 2021. The PUCO's e-filing system will electronically serve notice of the filing of this document on counsel for all parties.

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Summary: Reply Comments of The Dayton Power and Light Company d/b/a AES Ohio electronically filed by Mr. Michael J Schuler on behalf of The Dayton Power and Light Company d/b/a AES Ohio