

## THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE APPLICATION OF  
OHIO POWER COMPANY TO INITIATE  
PHASE 3 OF ITS GRIDSMART PROJECT.

CASE NO. 19-1475-EL-RDR

### ENTRY

Entered in the Journal on October 12, 2021

{¶ 1} Ohio Power Company d/b/a AEP Ohio (AEP Ohio or the Company) is an electric distribution utility as defined in R.C. 4928.01(A)(6) and a public utility as defined in R.C. 4905.02, and, as such, is subject to the jurisdiction of this Commission.

{¶ 2} R.C. 4928.141 provides that an electric distribution utility shall provide consumers within its certified territory a standard service offer (SSO) of all competitive retail electric services necessary to maintain essential electric services to customers, including a firm supply of electric generation services. The SSO may be either a market rate offer in accordance with R.C. 4928.142 or an electric security plan (ESP) in accordance with R.C. 4928.143.

{¶ 3} In Case No. 08-917-EL-SSO, et al., the Commission modified and approved AEP Ohio's application for a first ESP, including the Company's proposal to establish a gridSMART Rider and initiate Phase 1 of its gridSMART program, which would focus on advanced metering infrastructure (AMI), distribution automation, and home area network initiatives. *In re Columbus Southern Power Co.*, Case No. 08-917-EL-SSO, et al., Opinion and Order (Mar. 18, 2009) at 37-38, Entry on Rehearing (July 23, 2009) at 18-24.

{¶ 4} On August 8, 2012, the Commission approved, with certain modifications, AEP Ohio's application for a second ESP, effective with the first billing cycle of September 2012 through May 31, 2015. Among other provisions of the ESP, the Commission approved AEP Ohio's request to continue the gridSMART Phase 1 project, as well as the gridSMART Phase 1 Rider, which enabled the Company to recover its prudently incurred costs associated with Phase 1 and was subject to an annual true-up and reconciliation. The Commission also directed AEP Ohio to file an application addressing Phase 2 of the

gridSMART program. *In re Columbus Southern Power Co. and Ohio Power Co.*, Case No. 11-346-EL-SSO, et al. (*ESP 2 Case*), Opinion and Order (Aug. 8, 2012) at 62-63, Entry on Rehearing (Jan. 30, 2013) at 53.

{¶ 5} In Case No. 13-2385-EL-SSO, et al., the Commission approved, pursuant to R.C. 4928.143, AEP Ohio's application for a third ESP for the period of June 1, 2015, through May 31, 2018. Among other matters, the Commission approved AEP Ohio's proposal to extend the gridSMART program. The Commission also noted that, consistent with its directive in the *ESP 2 Case*, AEP Ohio should file, within 90 days after the expiration of ESP 2, an application for review and reconciliation of the gridSMART Phase 1 Rider. The Commission found that, after the review and reconciliation of the gridSMART Phase 1 costs, AEP Ohio should be authorized to transfer the approved capital cost balance into its distribution investment rider (DIR), which would not be subject to the DIR caps, and should also transfer any unrecovered operations and maintenance balance into the gridSMART Phase 2 Rider. *In re Ohio Power Co.*, Case No. 13-2385-EL-SSO, et al., Opinion and Order (Feb. 25, 2015) at 51-52.

{¶ 6} In Case No. 13-1939-EL-RDR, the Commission modified and approved a joint stipulation and recommendation (Phase 2 Stipulation) regarding AEP Ohio's application to implement Phase 2 of its gridSMART project. The Phase 2 Stipulation provides that costs incurred for the gridSMART Phase 2 project will be recovered through a gridSMART Phase 2 Rider to be adjusted on a quarterly basis and subject to an annual audit for prudence. *In re Ohio Power Co.*, Case No. 13-1939-EL-RDR, Opinion and Order (Feb. 1, 2017) at ¶ 33.

{¶ 7} In Case No. 16-1852-EL-SSO, et al., the Commission modified and approved a stipulation and recommendation filed by AEP Ohio, Staff, and numerous other signatory parties, which authorized the Company to implement a fourth ESP for the period of June 1, 2018, through May 31, 2024, including continuation of the gridSMART Phase 2 Rider. *In re Ohio Power Co.*, Case No. 16-1852-EL-SSO, et al., Opinion and Order (Apr. 25, 2018) at ¶ 93.

{¶ 8} On July 26, 2019, in the above-captioned case, AEP Ohio filed an application, along with supporting testimony, to continue its gridSMART deployment through a number of programs referred to as gridSMART Phase 3. AEP Ohio states that gridSMART Phase 3 will focus on deploying distribution automation circuit reconfiguration (DACR) on an additional 80 schemes and 416 distribution circuits; deploying distribution supervisory control and data acquisition (SCADA), which provides detailed information about the existence and locations of outages to dispatchers, on 160 distribution circuits; deploying volt/var optimization (VVO) on an additional 190 substation buses and 492 distribution circuits; completing the deployment of AMI to the Company's remaining customers by replacing approximately 475,000 meters; deploying fiber optic infrastructure in areas without readily available broadband service; installing a distribution line sensor demonstration of 3,100 total sensors on non-SCADA stations, hard-to-patrol segments of Phase 3 DACR circuits, and locations that have not received other reliability improvements; implementing an incremental VVO pilot through the installation and evaluation of 340 dynamic voltage controllers on 20 circuits; continuing to deploy and manage the "It's Your Power" application; and adding functionality to provide AMI data to competitive retail electric service providers via electronic data interchange for customers on time-of-use programs. AEP Ohio notes that it would recover the costs of its Phase 3 investments through the gridSMART Rider, which is subject to an annual filing with the Commission to true up and reconcile the actual costs of investments placed in service and the revenues collected through the rider during the prior period.

{¶ 9} By Entry dated August 10, 2020, the attorney examiner directed that motions to intervene in this case be filed by September 2, 2020, and that initial and reply comments be filed by September 9, 2020, and September 25, 2020, respectively.

{¶ 10} In accordance with the procedural schedule, initial and reply comments were filed by various parties to this proceeding.

{¶ 11} On September 22, 2021, the attorney examiner set this matter for hearing on November 18, 2021, and directed that supplemental testimony on behalf of AEP Ohio be filed by October 15, 2021. Testimony on behalf of Staff and intervenors is due no later than November 10, 2021.

{¶ 12} On September 29, 2021, a joint motion to shorten the discovery response period was filed, pursuant to Ohio Adm.Code 4901-1-17(G), by the Ohio Manufacturers' Association Energy Group, Ohio Telecom Association, Ohio Cable Telecommunications Association, The Kroger Co., and Ohio Consumers' Counsel (collectively, Joint Movants). Specifically, Joint Movants request that the discovery response period be shortened to seven calendar days. In support of their motion, Joint Movants state that the amount of time between the filing of AEP Ohio's supplemental testimony and the filing of Staff's and intervenors' testimony will allow for only one round of written discovery related to the Company's supplemental testimony under the standard 20-day discovery response period, which, according to Joint Movants, is unreasonable given that the scope of that testimony cannot be known at this point. Joint Movants add that their requested relief is particularly compelling in light of the amount that AEP Ohio seeks to collect through its application, the unusual issues identified in the comments and reply comments, and an alleged lack of cost, policy, or legal justification provided for portions of the application. Joint Movants also note that a shortened discovery response time will afford the parties a fair opportunity to conduct a full investigation of the issues after AEP Ohio files its supplemental testimony, as well as enable the Joint Movants to prepare more thoroughly for any additional settlement discussions that may occur in this proceeding. Finally, Joint Movants request an expedited ruling on the motion pursuant to Ohio Adm.Code 4901-1-12(C), which they claim is warranted by the magnitude and complexity of AEP Ohio's application.

{¶ 13} On October 4, 2021, AEP Ohio filed a memorandum contra the joint motion. AEP Ohio argues that Joint Movants have failed to establish good cause for their motion and that it should be denied. In particular, AEP Ohio notes that Joint Movants failed to acknowledge that they have had over two years to conduct discovery in this case and that

the Company has already responded to more than 200 discovery requests. AEP Ohio also maintains that Joint Movants' contention that they are entitled to multiple, sequential rounds of discovery after the Company's supplemental testimony is filed is flawed and unreasonable. AEP Ohio adds that, if the Commission is inclined to modify the response time for discovery, Joint Movants should not be permitted to shorten the discovery response time and extend the default discovery cutoff deadline, which should remain October 29, 2021, if the response time is shortened to seven calendar days. AEP Ohio also requests that the Commission permit the Company at least one round of discovery by establishing a deadline of November 11, 2021, for service of discovery requests from the Company to intervenors.

{¶ 14} Upon consideration of the arguments raised by Joint Movants and AEP Ohio, the attorney examiner finds that, although the current procedural schedule and discovery procedures afford Joint Movants sufficient time to conduct discovery, it is nonetheless appropriate to modify the deadlines to ensure that Joint Movants are thoroughly and adequately prepared for the hearing in this case. Accordingly, for any discovery request served on or after the date of this Entry, the discovery response period should be shortened to seven calendar days, as requested by Joint Movants. In addition, the attorney examiner finds that the deadline for discovery requests, except for notices of deposition, from intervenors to AEP Ohio should be November 2, 2021. The deadline for service of discovery requests, except for notices of deposition, from AEP Ohio to intervenors should be November 11, 2021.

{¶ 15} Unless otherwise agreed to by the parties, discovery requests and replies shall be served by hand delivery, facsimile, or e-mail. An attorney serving a discovery request shall attempt to contact, in advance, the attorney upon whom the discovery request will be served to advise him/her that a request will be forthcoming.

{¶ 16} It is, therefore,

{¶ 17} ORDERED, That, consistent with this Entry, the joint motion to shorten the discovery response period be granted. It is, further,

{¶ 18} ORDERED, That the parties adhere to the procedural directives set forth in Paragraphs 14 and 15. It is, further,

{¶ 19} ORDERED, That a copy of this Entry be served upon all interested persons and parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/ Sarah J. Parrot

By: Sarah J. Parrot  
Attorney Examiner

GAP/kck

**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

**10/12/2021 11:19:15 AM**

**in**

**Case No(s). 19-1475-EL-RDR**

Summary: Attorney Examiner Entry ordering that, consistent with this Entry, the joint motion to shorten the discovery response period be granted and ordering that the parties adhere to the procedural directives set forth in Paragraphs 14 and 15.  
electronically filed by Kelli C. King on behalf of Sarah J. Parrot, Attorney Examiner, Public Utilities Commission of Ohio