BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

	)	Case No. 17-1845-GA-ORD
	)	Case No. 17-1846-GA-ORD
In the Matter of the Commission's Review of	)	Case No. 17-1847-GA-ORD
Ohio Adm. Code Chapters 4901:1-27 through	)	Case No. 17-1848-GA-ORD
4901:1-34 Governing Competitive Retail	)	Case No. 17-1849-GA-ORD
Natural Gas Service.	)	Case No. 17-1850-GA-ORD
	)	Case No. 17-1851-GA-ORD
	)	Case No. 17-1852-GA-ORD

REPLY COMMENTS OF THE EAST OHIO GAS COMPANY D/B/A DOMINION ENERGY OHIO

I. INTRODUCTION

In accordance with the Commission's September 8, 2021 Entry in this case, The East Ohio Gas Company d/b/a Dominion Energy Ohio (DEO) hereby files these reply comments regarding certain comments concerning proposed amendments to Ohio Adm.Code Chapters 4901:1-27 through 4901:1-34, which address the provision of competitive retail natural gas (CRNG) service. Any failure to address a specific comment should not be construed as support for such comment.

II. COMMENTS

A. Response to OCC Comments

The Office of the Ohio Consumers' Counsel (OCC) files many comments that would significantly impact the CRNG marketplace, such as prohibiting or limiting variable-rate offers, limiting certain forms of solicitation or special price offers, prohibiting common contractual terms, and imposing significant other requirements on marketers. DEO appreciates that some suppliers have been found to have violated the Commission's rules and have been sanctioned accordingly, and DEO supports the Commission and OCC in holding bad actors accountable.

At the same time, the Company believes that the competitive Choice market has by and large been a success. DEO's sense is that many of OCC's recommendations would go too far in hindering legitimate offers and practices, effectively throwing the baby out with the bath water. DEO expects that the marketers and suppliers will respond in detail to OCC's proposals. DEO would limit itself to urging the Commission to exercise discretion and to take a balanced approach so that it does not hinder the proper functioning of the competitive market.

1. Environmental disclosures.

Moving to specific rule provisions, OCC recommends that "the PUCO should amend both the electric and natural gas marketer rules to require express disclosure of the appropriate number of renewable energy credits purchased and retired by the marketer, including when the credits are retired." (OCC Comments at 13–14.)

DEO does not necessarily support or oppose this recommendation in principle. DEO, however, does have concerns that if such disclosures are to be required, the Commission ensure that it be done in a manner that does not require changes to the utility bill. For many companies, including DEO, it is a challenge to include all of the information currently required on the bill, and DEO suspects that many bills have already reached the point of "information overload." If the Commission chooses to act on OCC's proposal, DEO requests that it make clear the utility bill is not required to be the location for such disclosures.

2. Shadow-billing.

OCC recommends that "the PUCO should require all utilities to conduct 'shadow billing' analyses"—DEO believes OCC means tracking the difference between rate offers selected by a customer and those not selected—"and make the results available to OCC and the PUCO." (OCC Comments at 25–26.) This request is not tied to any particular rule and it is not clear what connection this request has with this rulemaking.

Regardless, this proposal should be rejected, as it has been many times before. For example, OCC's shadow-billing proposal was rejected just this past February, less than eight months ago. The Commission stated:

> Consistent with our decisions in prior cases, the Commission declines to adopt OCC's shadow-billing proposal. *2009 MGSS Case*, Finding and Order (July 29, 2010) at 48-49; *In re Duke Energy Ohio, Inc.*, Case No. 19-1593-GE-UNC, Finding and Order (Dec. 18, 2019) at ¶¶ 28, 35; *In re the Commission's Review of its Rules for Electrical Safety and Service Standards Contained in Chapter 4901:1-10 of the Ohio Administrative Code*, Case No. 17-1842- EL-ORD, Finding and Order (Feb. 26, 2020) at ¶ 162, Entry on Rehearing (Jan. 27, 2021) at ¶ 35. As OCC has acknowledged, its proposal would require significant billing system changes. Further, there are a number of existing resources, such as the Commission's Energy Choice Ohio website, that provide a substantial amount of information for customers to compare pricing and available offers.

The list of decisions cited by the Commission as previously rejecting this proposal was not exhaustive. *See* Finding & Order, Case No. 09-0326-GA-ORD (July 29, 2010).

OCC's shadow-billing proposal continues to suffer from the same fatal flaws as when previously proposed: other publicly available information allows customers to understand the differences with marketers' programs and rates (e.g., Apples to Apples); and OCC has not shown that the benefits of shadow-billing to customers would outweigh the costly billing system changes necessary to prepare the annual report and monthly statements. Indeed, it is questionable whether this proposal would provide any substantial benefit. As DEO has explained in other contexts, auction-based prices (like DEO's SCO service) are *not* subject to the same pricing constraints and risk factors as bilateral market offers. While the SCO rate may be a good choice for a given customer, it all depends on that particular customer's values and risk preferences, and bald comparisons to the SCO rate can be very misleading. The Commission should again reject this proposal.

3. Online opt-out form.

OCC also recommends that "each utility should develop an online form that permits consumers to opt out from utility sharing of consumer contact info [sic]." (OCC Comments at 26.) Once again, this request is not connected to a specific rule or proposed amendment. The proposal is not well taken and should be rejected.

It is not clear what information OCC wishes for customers to opt-out of sharing. Some information is required to be shared (for example, to perform credit checks) but utilities are subject to significant limits and consent requirements with respect to the sharing of such information. For example, Ohio Adm. Code 4901:1-13-12(D) already prohibits the sharing of several forms of customer information *without consent*. To the extent OCC is referring to the right to opt-out of being included on eligible-customer lists, the same rule already requires utilities to inform customers "at least four times per calendar year… of their right to object to being included on such lists." *Id*. 4901:1-13-12(F).

While the rules in Chapter 4901:1-13 *permit* the use of an online portal to opt out of the eligible-customer list, that is not required by the current rules, and those rules are not subject to review in this proceeding. Even if this were a proper proceeding, OCC has not shown that the other available means (in writing or via telephone) are problematic or that the costs of developing an online opt-out would be justified. As it happens, DEO does offer online opt-out from the eligible-customer list, but OCC has not shown that this should be mandated in the rules. OCC's proposal should be rejected.

B. RESA Comments

1. Time period for rescission.

The Retail Energy Supply Association (RESA) recommends that the Commission align the rescission period for CRES and CRNG providers, with seven *calendar* days for both services, instead of the seven *business* days in effect for CRNG service. (RESA Comments at 7–8.)

Although DEO recognizes the desire suppliers may have for consistency across the two sets of rules, DEO would note that this could also be accomplished by aligning the CRES rules with the CRNG rules. Any change in the rescission period may require programming changes by the utility, and it is not clear that such costs would be justified.

2. Limitations on aggregation.

RESA also recommends that the Commission remove the time limitations on governmental aggregators to offer products to customers. (RESA Comments at 13–14.)

DEO is unable to support this change. DEO is concerned that removing the time limits could lead to operational issues for natural gas companies. Time periods of less than a year could increase the frequency of major intra-year supply and customer shifts, which can pose burdens on the suppliers to whom customers may be reallocated, as well as on the utility who must process these changes. For utilities with on-system storage, it could also complicate suppliers' compliance with the annual injection and withdrawal cycle. Requiring a full year at a minimum for governmental aggregation eliminates many of these issues. For these reasons, DEO opposes this proposal.

III. CONCLUSION

For the reasons identified herein, DEO respectfully requests that the Commission issue a ruling in accordance with these reply comments.

Dated: October 22, 2021

Respectfully submitted,

/s/ Andrew J. Campbell

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Summary: Reply Comments electronically filed by Mr. Andrew J Campbell on behalf of The East Ohio Gas Company d/b/a Dominion Energy Ohio