

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

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| In the Matter of the Application of The East |) | |
| Ohio Gas Company d/b/a Dominion Energy |) | Case No. 20-1634-GA-ALT |
| Ohio for Approval of an Alternative Form |) | |
| of Regulation. |) | |

**REPLY BRIEF
BY OHIO PARTNERS FOR AFFORDABLE ENERGY**

I. The Stipulation should not be rejected for lack of diversity.

In its Initial Brief, the Ohio Consumers' Counsel ("OCC") argues that although diversity is not required as part of the three-part test, the Commission should nonetheless reject the Stipulation for lack of diversity because OCC is not a signatory party.¹ OCC expressly recognizes in its Brief that diversity is not required and no single party can veto a settlement.² Despite this acknowledgement, the OCC claims that it is the only party that truly represents residential customers and therefore its views should be given more weight than the rest of the Stipulating parties.³ OCC's then asks that the Stipulation be rejected for lack of OCC's participation.⁴

The Commission has already rejected this very argument in the past. The Commission has repeatedly determined that it will not require any singly party, including OCC, to agree to a stipulation in order to meet the first part of the three-part test.⁵ Further, OCC's statement

¹ OCC Initial Brief at pp. 3-4.

² Id.

³ Id. at pp. 3-4.

⁴ Id.

⁵ *In the Matter of the Application of Ohio Power Co.*, 14-16-93-EL-RDR et al., Opinion and Order (March 31, 2016) at pp. 52-53; *In re Vectren Energy Delivery of Ohio, Inc.*, Case No. 13-1571-GA-ALT, Opinion and Order (Feb. 19, 2014) at 10; *In re FirstEnergy*, Case No. 12-1230-

regarding it being the only true representative of residential customers is patently false. OCC is the statutorily authorized representative of residential customers but they are not the only representative of residential customers. OPAE has been representing residential customers, specifically low to moderate-income customers, for over twenty-five years. The Commission has previously rejected OCC's claims it be considered the only true residential advocate.⁶ The Commission should reject that claim again in this matter.

II. Conclusion

For the foregoing reasons, OPAE respectfully request that the Commission reject OCC's arguments that the Stipulation fails the first part of the three-part test and asks that the Commission approve the Stipulation.

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EL-SSO, Opinion and Order (July 18, 2012) at 26, citing *Dominion Retail, Inc. v. The Dayton Power and Light Co.*, Case No. 03-2405-EL-CSS, et al., Opinion and Order (Feb. 2, 2005) at 18, Entry on Rehearing (Mar. 23, 2005) at 7-8.

⁶ *In the Matter of the Application of Ohio Power Co.*, 14-16-93-EL-RDR et al., Opinion and Order (March 31, 2016) at p. 53; *In re FirstEnergy*, Case No. 12-1230-EL-SSO, Opinion and Order (July 18, 2012) at p. 26.

CERTIFICATE OF SERVICE

I certify that The Public Utilities Commission of Ohio's e-filing system will electronically serve notice of the filing of this document on the parties referenced on the service list of the docket card who have electronically subscribed to the case on this the 8th day of December 2021.

/s/ Robert Dove
Robert Dove

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Summary: Reply Brief electronically filed by Mr. Robert Dove on behalf of Ohio
Partners for Affordable Energy