

BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of The Dayton Power and Light Company to Increase Its Rates for Electric Distribution	:	CASE NO. 20-1651-EL-AIR
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In the Matter of the Application of The Dayton Power and Light Company for Accounting Authority	:	CASE NO. 20-1652-EL-AAM
	:	
In the Matter of the Application of The Dayton Power and Light Company for Approval of Revised Tariffs	:	CASE NO. 20-1653-EL-ATA
	:	

**OBJECTIONS AND RESPONSES OF THE DAYTON POWER AND
LIGHT COMPANY D/B/A AES OHIO TO INTERSTATE GAS SUPPLY, INC.'S
INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS,
SECOND SET (AUGUST 3, 2021)**

The Dayton Power and Light Company d/b/a AES Ohio ("AES Ohio", "DP&L," or the "Company") objects and responds to Interstate Gas Supply, Inc.'s Request for Production of Documents Propounded upon The Dayton Power and Light Company, Second Set (August 3, 2021), as follows.

GENERAL OBJECTIONS

1. AES Ohio objects to and declines to respond to each and every discovery request to the extent that it seeks information that is irrelevant and is not reasonably calculated to lead to the discovery of admissible evidence. Ohio Adm.Code 4901-1-16(B).

2. AES Ohio objects to and declines to respond to each and every discovery request to the extent that it is harassing, unduly burdensome, oppressive or overbroad. Ohio Adm.Code 4901-1-16(B) and 4901-1-24(A).

3. AES Ohio objects to each and every discovery request to the extent that it seeks information that is privileged by statute or common law, including privileged communications between attorney and client or attorney work product. Ohio Adm.Code 4901-1-16(B). Such material or information shall not be provided, and any inadvertent disclosure of material or information protected by the attorney-client privilege, the attorney work product doctrine or any other privilege or protection from discovery is not intended and should not be construed to constitute a waiver, either generally or specifically, with respect to such information or material or the subject matter thereof.

4. AES Ohio objects to each and every discovery request to the extent that it seeks information that is proprietary, competitively sensitive or valuable, or constitutes trade secrets. Ohio Adm.Code 4901-1-24(A).

5. To the extent that interrogatories seek relevant information that may be derived from the business records of AES Ohio or from an examination or inspection of such records and the burden of deriving the answer is the same for the party requesting the information as it is for AES Ohio, AES Ohio may specify the records from which the answer may be derived or ascertained and afford the party requesting the information the opportunity to examine or inspect such records. Ohio Adm.Code 4901-1-19(D).

6. AES Ohio objects to each and every interrogatory that can be answered more efficiently by the production of documents or by the taking of depositions. Under the comparable Ohio Civil Rules, "[a]n interrogatory seeks an admission or it seeks information of major significance in the trial or in the preparation for trial. It does not contemplate an array of details or outlines of evidence, a function reserved by rules for depositions." *Penn Cent. Transp. Co. v. Armco Steel Corp.*, 27 Ohio Misc. 76, 77, 272 N.E.2d 877, 878 (Montgomery Cty. 1971).

As *Penn* further noted, interrogatories that ask one to "describe in detail," "state in detail," or "describe in particulars" are "open end invitation[s] without limit on its comprehensive nature with no guide for the court to determine if the voluminous response is what the party sought in the first place." *Id.*, 272 N.E.2d at 878.

7. AES Ohio objects to each and every discovery request to the extent that it calls for information that is not in AES Ohio's current possession, custody, or control or could be more easily obtained through third parties or other sources. Ohio Adm.Code 4901-1-19(C) and 4901-1-20(D). AES Ohio also objects to each and every discovery request that seeks information that is already on file with the Public Utilities Commission of Ohio or the Federal Energy Regulatory Commission. To the extent that each and every discovery request seeks information available in pre-filed testimony, pre-hearing data submissions and other documents that AES Ohio has filed with the Commission in the pending or previous proceedings, AES Ohio objects to it. Ohio Adm.Code 4901-1-16(G).

8. AES Ohio reserves its right to redact confidential or irrelevant information from documents produced in discovery. All documents that have been redacted will be stamped as such.

9. AES Ohio objects to each and every discovery request to the extent that it is vague or ambiguous or contains terms or phrases that are undefined and subject to varying interpretation or meaning, and may, therefore, make responses misleading or incorrect.

10. AES Ohio objects to each and every discovery request to the extent that it calls for information not in its possession, but in the possession of AES Ohio's unregulated affiliates.

11. AES Ohio objects to each and every discovery request to the extent that it calls for a legal conclusion, and thus seeks information that cannot be sponsored by a witness.

12. AES Ohio objects to each and every discovery request that seeks information that AES Ohio does not know at this time.

13. AES Ohio objects to each and every discovery request to the extent that it mischaracterizes previous statements or information or is an incomplete recitation of past statements or information or takes those statements or information outside of the context in which they were made.

14. AES Ohio objects to each and every Interrogatory that seeks information that is not facts, data, or other information known or readily available to AES Ohio. Ohio Adm.Code 4901-1-19(B).

INTERROGATORIES

IGS-INT-02-001: Regarding customer uncollectible expense, please identify the following:

- a. The total amount of uncollectible expense included in the test year.
- b. The total amount of uncollectible expense associated with the Standard Service Offer included in the test year.
- c. The total amount of uncollectible expense associated with the generation of shopping customers included in the test year.
- d. All overhead and administrative related to the collection of bad debt included in the test year.

RESPONSE: General Objections Nos. 1 (relevance), 2 (unduly burdensome), 9 (vague or undefined), 13 (mischaracterization), 14 (information not readily available). Subject to all general objections, AES Ohio states that

- a) Uncollectible expense for the test year, as shown on the filed WPC 3.18, was \$2,444,632.
- b) Regarding the test year, uncollectible expense is recorded for all distribution customers, not specifically SSO.
- c) Regarding the test year, uncollectible expense is recorded for all distribution customers, not specifically for generation of shopping customers.
- d) This is an immaterial amount that is not separately tracked.

Witness Responsible: Chad Riethmiller

IGS-INT-02-002: In Finding and Order issued May 20, 2020 in Case Nos. 20-650-EL-UNC, *et al.*, the Commission ordered the following:

"In response to the intervenors' recommendations, we direct DP&L to separately track and defer the uncollectible expenses associated with its default service generation such that such expenses can potentially be recovered or reconciled through a bypassable mechanism, subject to the Commission's review in future proceedings."

Regarding this directive:

- a. Please identify the total dollar amount of uncollectible expense that AES Ohio has tracked in response to this directive.
- b. Does AES Ohio propose to collect the expenses identified in a. in this proceeding?
- c. Please identify whether your response to a. includes any overhead and/or administrative costs associated with collecting the associated bad debt.
- d. If the answer to c. is in the negative, please identify all related overhead and administrative expenses associated with collecting such bad debt.

RESPONSE: General Objections Nos. 1 (relevance), 2 (unduly burdensome), 9 (vague or undefined), 13 (mischaracterization), 14 (information not readily available). AES Ohio further objects to this Interrogatory because it seeks information about expenses that the Company does not seek to recover in this case, and is, therefore, not relevant. Subject to all general objections, AES Ohio states that the Company is not proposing to collect the deferral authorized in Case No. 20-650-EL-AAM, *et al.* in this case.

Witness Responsible: Patrick Donlon

IGS-INT-02-003: Please identify the total yearly dollar amounts that AES Ohio has been assessed under R.C. 4905.10 for the following years: 2018, 2019, 2020, and 2021.

RESPONSE: General Objections Nos. 1 (relevance), 9 (vague or undefined), 13

(mischaracterization). Subject to all general objections, AES Ohio states please see IGS 2nd Set

INT 2-003-1, DP&L 011763 – DP&L 011766. AES Ohio further states:

	PUCO
2018	1,049,506.24
2019	1,046,854.03
2020	1,196,377.06
2021	598,188.53

Note: AES Ohio has only received the Fall Bill for 2021

Witness Responsible: Patrick Donlon

IGS-INT-02-003 [sic]: Please identify the total yearly dollar amounts that AES Ohio has been assessed under R.C. 4911.18 for the following years: 2018, 2019, 2020, and 2021.

RESPONSE: General Objections Nos. 1 (relevance), 9 (vague or undefined), 13

(mischaracterization). Subject to all general objections, AES Ohio states please see IGS 2nd Set 2-003-2, DP&L 011767 – DP&L 011770. AES Ohio further states:

	OCC
2018	165,954.90
2019	170,782.99
2020	168,940.21
2021	84,470.11

Note: AES Ohio has only received the Fall Bill for 2021

Witness Responsible: Patrick Donlon

IGS-INT-
02-004:

AES Ohio's PUCO 17 Distribution Tariff, Sheet No. D34, it states the following: "A Customer may at any time return to the Company's applicable Standard Offer Tariff for Generation Service. However, the Company will charge the Customer a switching fee of five dollars (\$5) for returning to the Standard Offer Tariff." Regarding this provision:

- a. How was this fee amount determined?
- b. Please identify the total dollar amounts collected from customers under this provision in years 2019, 2020, and 2021.
- c. Please identify the amount of these fees included in the test year revenue.
- d. Please explain how these collected amounts impact the revenue requirement.

RESPONSE: General Objections Nos. 1 (relevance), 2 (unduly burdensome), 9 (vague or undefined), 13 (mischaracterization). Subject to all general objections, AES Ohio states that:

- a) This fee was determined as part of settlement in Case No. 99-1687-EL-ETP.
- b) The amount of switching fees collected from customers was \$0 in years 2019, 2020, and 2021.
- c) The amount of switching fees collected from customers during the test year was \$0.
- d) There is no impact to the revenue requirement.

Witness Responsible: Robert J. Adams

IGS-INT-02-005: AES Ohio's PUCO 17 Generation Tariff, Sheet No. G8, states the following: "The Company will be entitled to impose a Switching Fee on the End-Use Customer in accordance with Tariff Sheet No. D34 for any changes made by either a Customer or an authorized agent to a different AGS. The AGS will be required to pay the Switching Fees on behalf of the Customer." Regarding this provision:

- a. How was this fee amount determined?
- b. Please identify the total dollar amounts collected from competitive retail electric service providers under this provision in years 2018, 2019, 2020, and 2021.
- c. Please explain how these collected amounts impact the revenue requirement.

RESPONSE: General Objections Nos. 1 (relevance), 2 (unduly burdensome), 9 (vague or undefined), 13 (mischaracterization). Subject to all general objections, AES Ohio states that:

- a) Please see the response to INT-004 part a.
- b) 2018 - \$332,200; 2019 - \$274,000; 2020 - \$182,400; 2021 (through June) \$112,605
- c) The amounts collected have the effect of reducing the revenue requirement.

Witness Responsible: Robert J. Adams

IGS-INT-02-006: What is the amount of fees paid by competitive retail electric service providers in 2021?

RESPONSE: General Objections Nos. 1 (relevance), 2 (unduly burdensome), 9 (vague or undefined), 13 (mischaracterization), 14 (information not readily available). Subject to all general objections, AES Ohio states that the total fees for 2021, January through June, were \$554,430. AES Ohio further states please see IGS 2nd Set INT-2-006, DP&L 011771.

Witness Responsible: Chad Riethmiller

IGS-INT-02-007: Regarding the fees received from competitive retail electric service providers:

- a. Please explain how the collected amounts impact the revenue requirement.
- b. Do the amount of fees received from competitive retail electric service providers in the test year include fees to access a customer's interval data?
- c. If the answer to a. is in the affirmative, please identify the amount.

RESPONSE: General Objections Nos. 1 (relevance), 2 (unduly burdensome), 9 (vague or undefined), 13 (mischaracterization), 14 (information not readily available). Subject to all general objections, AES Ohio states that

- a. The fees are recorded to FERC account no. 456 and netted against the revenue requirement.
- b. Yes.
- c. Not applicable.

Witness Responsible: Chad Riethmiller

IGS-INT-02-008: As of August 3, 2021, does AES Ohio charge competitive retail electric service providers to access a customer's interval data?

RESPONSE: General Objections Nos. 1 (relevance), 9 (vague or undefined). Subject to all general objections, AES Ohio states yes; please see the Company's Tariff G8 – Alternate Generation Supplier Coordination Tariff for specific charges related to providing access to customers' interval data.

Witness Responsible: Robert J. Adams

IGS-INT-02-009: Please identify the annual 1 Coincident Peak of AES Ohio's transmission system, including the specific hour and day, for years 2018, 2019, and 2020.

RESPONSE: General Objections Nos. 1 (relevance), 9 (vague or undefined). Subject to all general objections, AES Ohio states:

Year	Date	Hour (EDT)	1CP (MW)
2018	6/18/2018	1400	3,337.2
2019	7/19/2019	1500	3,258.6
2020	7/27/2020	1500	3,308.8

Witness Responsible: Robert J. Adams

REQUEST FOR PRODUCTION OF DOCUMENTS

IGS-RPD-02-001: Please provide all documents that you relied upon or which otherwise support your responses to the above interrogatories.

RESPONSE: AES Ohio incorporates by reference the general and specific objections raised in response to IGS-INT-02-001 through IGS-INT-02-009. Subject to all general objections, AES Ohio states that it will produce responsive unprivileged documents.

Respectfully submitted,

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(willing to accept service by e-mail)

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Objections and Responses of The Dayton Power and Light Company d/b/a AES Ohio To Interstate Gas Supply, Inc.'s Interrogatories and Requests for Production of Documents, Second Set (August 3, 2021) has been served via electronic mail upon the following counsel of record, this 23rd day of August, 2021:

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in

Case No(s). 20-1651-EL-AIR, 20-1652-EL-AAM, 20-1653-EL-ATA

Summary: Exhibit IGS Exh 2 electronically filed by Mr. Ken Spencer on behalf of
Armstrong & Okey, Inc.