

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE COMMISSION'S
REVIEW OF CHAPTER 4901:1-25 OF THE
OHIO ADMINISTRATIVE CODE.

CASE NO. 21-478-EL-ORD

FINDING AND ORDER

Entered in the Journal on January 11, 2023

I. SUMMARY

{¶ 1} The Commission adopts proposed amendments to the market monitoring rules in Ohio Adm.Code Chapter 4901:1-25.

II. DISCUSSION

A. *Procedural Background*

{¶ 2} R.C. 111.15(B) and R.C. 106.03(A) require all state agencies to conduct a review of their rules every five years to determine whether those rules should be continued without change, be amended, or be rescinded. The Commission has opened this docket to review Ohio Adm.Code Chapter 4901:1-25, which concerns market monitoring.

{¶ 3} Among other things, R.C. 106.03(A) requires the Commission to determine whether the rules should be continued without amendment, be amended, or rescinded, taking into consideration the purpose, scope, and intent of the statute(s) under which the rules were adopted. As part of this analysis, the Commission must ascertain if the rule is still pertinent and not duplicative of existing state and federal law. Additionally, the Commission must assess if the rule is still reasonably effective for enforcement purposes. As part of this review, the Commission must consider whether the rule has an adverse impact on businesses, as determined under R.C. 107.52, or on any other person or entity. To the extent that a rule incorporates a text or other material by reference, it must provide the necessary level of detail consistent with R.C. 121.71 to 121.75.

{¶ 4} Among other things, the Commission must review its rules to determine the impact that a rule has on small businesses; attempt to balance properly the critical objectives of regulation and the cost of compliance by the regulated parties; and amend or rescind rules that are unnecessary, ineffective, contradictory, redundant, inefficient, needlessly burdensome, have had negative unintended consequences, or unnecessarily impede business growth.

{¶ 5} Additionally, under R.C. 121.82, in the course of developing draft rules, the Commission must evaluate whether those rules will have an adverse effect on businesses and prepare a business impact analysis (BIA). If there will be an adverse impact on businesses, as defined in R.C. 107.52, the Commission is tasked to incorporate features into the draft rules to eliminate or adequately reduce the adverse business impact. R.C. 121.82 also requires the Commission to provide a copy of the draft rules and BIA to the Common Sense Initiative office for comment.

{¶ 6} Further, Amended Sub. H.B. 166 of the 133rd General Assembly, which became effective on October 17, 2019, adopted a new provision, codified at R.C. 121.95, which states that a state agency, including the Commission, cannot adopt a new regulatory restriction unless it simultaneously removes two or more existing regulatory restrictions. In accordance with R.C. 121.95, and prior to January 1, 2020, the Commission identified rules having one or more regulatory restrictions that require or prohibit an action, prepared a base inventory of these restrictions in the existing rules, and submitted this base inventory on the Commission's website.

{¶ 7} On May 6, 2021, the Commission held a workshop in this proceeding to enable interested stakeholders the opportunity to propose any changes to Ohio Adm.Code Chapter 4901:1-25. Two stakeholders attended the workshop and proposed amendments to the rules.

{¶ 8} The Commission evaluated the rules contained in Ohio Adm.Code Chapter 4901:1-25 and, following its review, proposed amendments to Ohio Adm.Code 4901:1-25-01

and 4901:1-25-02. In addition, the Commission proposed new rule Ohio Adm.Code 4901:1-25-03 from language presently contained in Ohio Adm.Code 4901:1-25-02.

{¶ 9} By Entry issued December 15, 2021, the Commission ordered all interested parties to file comments and reply comments concerning the proposed amendments and the new rule.¹

{¶ 10} On January 6, 2022, the Ohio Consumers' Counsel (OCC) filed a motion to intervene and memorandum in support. OCC contends that it would like to see market monitoring information provided to all consumers and adds that the interests of residential utility consumers may be adversely affected by the rules in this Ohio Administrative Code chapter. Because it represents residential consumers' interests, OCC states, its intervention in this case is essential. OCC asserts that its intervention will not prolong or delay the proceedings, but rather will contribute to full development and equitable resolution of factual issues.

{¶ 11} No memoranda contra OCC's motion to intervene were filed.

{¶ 12} Written comments were timely filed by Ohio Power Company dba AEP Ohio (AEP Ohio), Retail Energy Supply Association (RESA), and OCC. Reply comments were filed by OCC and RESA.

{¶ 13} R.C. 121.951(A)(1), which was codified as part of Amended Substitute Senate Bill 9 of the 134th Ohio General Assembly and became effective June 8, 2022, requires state agencies to reduce their total number of regulatory restrictions by 30 percent (10 percent per year for the next three years) by June 30, 2025. Additionally, R.C. 106.03(A) requires the Commission to determine whether the rules should be continued without amendment, be amended, or rescinded, taking into consideration the purpose, scope, and intent of the statute(s) under which the rules were adopted. As part of this analysis, the Commission must ascertain if the rule is still pertinent and not duplicative of existing state and federal

¹ The deadlines for comments were later amended by Entry issued January 10, 2022.

law. Additionally, the Commission must assess if the rule is still reasonably effective for enforcement purposes. As part of this review, the Commission must consider whether the rule has an adverse impact on businesses, as determined under R.C. 107.52, or on any other person or entity.

{¶ 14} By Entry issued November 30, 2022, given the subsequent enactment of R.C. 121.951 following the Commission's December 15, 2021 Entry, the Commission proposed further amendments to Ohio Adm.Code 4901:1-25-01 and -02 and established a brief supplemental comment period for interested stakeholders.

{¶ 15} No comments were submitted within the supplemental comment period.

{¶ 16} As an initial matter, upon consideration of OCC's motion to intervene, and given the nature of the proceeding, the Commission finds that granting intervention is not necessary for us to fully consider the issues and concerns presented in this case through the established public comment process. This is a quasi-legislative proceeding, not a quasi-judicial proceeding. Such a distinction has been recognized by the Supreme Court of Ohio. *See In re Appeal of Buckeye Power, Inc.*, 42 Ohio St.2d 508,330 N.E.2d 430 (1975). In *Buckeye Power*, the Court held that the making or revising of rules is a quasi-legislative proceeding that cannot be reviewed by the Court. Additionally, the Court has explained that if an alternative avenue exists for parties to state their positions or raise their concerns in a quasi-judicial proceeding, intervention may not be necessary. *Ohio Consumers' Counsel v. Public Util. Comm.*, 111 Ohio St.3d 384, 2006-Ohio-5853 (2006). The Commission has fully considered the comments filed in this rulemaking proceeding. Thus, the granting of intervention is unnecessary in order to consider the positions of the commenting parties. Accordingly, we find that cause to grant intervention under R.C. 4903.221 has not been shown.

B. *Consideration of the Comments and Reply Comments*

1. OHIO ADM.CODE 4901:1-25-01 DEFINITIONS

{¶ 17} No comments were filed concerning the proposed amendments to this rule during either comment period.

**2. OHIO ADM.CODE 4901:1-25-02 MARKET MONITORING - REPORTING
REQUIREMENTS**

{¶ 18} Although no comments were filed during the supplemental comment period, certain comments submitted by interested stakeholders may be somewhat applicable to the proposed amendments set forth in the November 30, 2022 Entry. To the extent possible, the Commission will address those comments. If a comment is not expressly considered in this Finding and Order, it has been rejected.

{¶ 19} In its comments, AEP Ohio supports Staff's proposed rule changes, but adds that there is an inconsistent use of the terms "file" and "submit" in Staff's proposals. AEP Ohio observes that the Commission's Ohio Administrative Code rules distinguish between "filing" with the Commission's Docketing Division and "submitting" documents directly to Staff and argues that the rules should reflect this difference.

{¶ 20} No reply comments were filed regarding AEP Ohio's recommendations.

{¶ 21} The Commission agrees with AEP Ohio and notes that the proposed amendments issued for comment on November 30, 2022 reflect AEP Ohio's recommendations. Further, the Commission has made additional changes in terms of the process for requesting the disclosure of information submitted pursuant to this rule to recognize this difference, as well.

{¶ 22} In its comments, RESA asserts that Staff's proposal to eliminate the market monitoring requirement for broker-only certified competitive retail electric service (CRES) providers is reasonable. RESA notes that for power brokers, i.e. those that do not take title

to power sold to retail customers, the current reporting is confined to a representation that the power broker is not involved in any transactions that would be reported by those companies that take title to power. RESA observes that proposed Ohio Adm.Code 4901:1-25-02(A)(2) would limit reporting by non-utility electric competitive service providers to those power marketers and independent power producers that sell a portion of their production to retail customers. RESA states that it agrees with this proposal because reporting requirements for many competitive suppliers add little to determining the current state of competition in the retail electric market.

{¶ 23} RESA further urges the Commission to revise the reporting requirements to mandate annual, rather than quarterly, reporting for competitive suppliers that remain obligated to file market reports. Thus, says RESA, it makes sense to eliminate the current pro-forma requirements for many competitive electric suppliers to report quarterly. RESA adds that, although the proposed rules retain a quarterly reporting requirement, controlling statute R.C. 4928.06(F) does not require a reporting interval, and nothing suggests that quarterly reporting serves any particular purpose.

{¶ 24} In reply comments, OCC opposes RESA's proposal that reporting requirements be annual rather than quarterly. OCC contends that RESA's recommendations would result in less transparency and less information available to consumers. OCC asserts that quarterly reports, as well as information pertaining to shadow billing, provide better information for consumers to make decisions. According to OCC, shadow billing is comprised of the difference between the standard service offer (SSO) provided by the utility and the prices charged by marketers. OCC adds that the Commission should annually report to the public information about how consumers fared in the wholesale market as reflected by utilities' SSOs.

{¶ 25} The Commission finds that quarterly reporting is necessary for Staff to find, in a timely manner, noncompliance with Commission rules and statutes. In contrast, annual reporting of information would make finding data errors or omissions more difficult, in

addition to compounding the effects of noncompliance. Additionally, the submission of market monitoring data required by our rules has been exponentially streamlined with the Commission's developments in the electronic submission of such data. Therefore, we deny RESA's proposal for annual, rather than quarterly, reporting.

{¶ 26} In comments, OCC observes that, while this Ohio Administrative Code chapter primarily concerns wholesale electric market issues and not the retail market in which residential consumers participate, information about electric generation wholesale markets can assist consumers in making more informed decisions. OCC explains that the proposed rules would be improved if the information provided to the Commission pursuant to these rules was also available to consumers. OCC agrees with the existing rule language that deems information confidential that concerns electric generation wholesale markets; however, OCC proposes, such information should be aggregated for public disclosure.

{¶ 27} Next, OCC states, given the higher prices charged to consumers served by some marketers, it has advocated for shadow billing by utilities with choice programs. OCC observes that the SSO reflects the functioning of the wholesale market; with that factor in mind, OCC contends that the Commission should be monitoring and reacting to the variance between wholesale and retail electric prices to protect consumers from overpaying for energy. OCC notes that, currently, AEP Ohio is the only electric utility providing aggregate shadow billing, and that AEP Ohio's shadow billing shows significant disparities between what marketers are charging customers in comparison to the SSO. In OCC's opinion, making such information readily available is needed by consumers when making decisions about generation service.

{¶ 28} Finally, OCC urges that Staff's proposed rule changes to Ohio Adm.Code Chapter 4901:1-25 reflect Federal Energy Regulatory Commission (FERC) Order 2222. OCC explains that FERC Order 2222 promotes competitiveness in electric markets by removing barriers that prevent distributed energy resources (DER) from competing in wholesale energy markets. DERs, OCC explains, are "smaller scale electric generation that can help

consumers control their energy usage. These resources can provide substantial savings for consumers and utilities should allow these resources to be quickly integrated into the distribution system.” In OCC’s opinion, any changes made to Ohio Adm.Code 4901:1-25 should require utilities to report the efforts that they are making to integrate DERs into their distribution systems. According to OCC, FERC Order 2222 does not allow any retail regulatory authority to broadly prohibit DERs from participating in wholesale energy markets; therefore, the Commission should ensure that there is proper reporting by electric utilities regarding DER interconnection requests and the timeliness of interconnection to the distribution system.

{¶ 29} In reply comments, RESA asserts that the Commission previously rejected a request similar to OCC’s proposal that information provided by EDUs, CRES suppliers, and aggregators pursuant to Ohio Adm.Code Chapter 4901:1-25 be aggregated and made available to residential consumers. RESA observes that, in 2014, the Commission amended Ohio Adm.Code 4901:1-25-02 so that information provided by EDUs, CRES suppliers, and aggregators be held as confidential until a request for disclosure is filed; if such a request is made, the company that submitted the information to the Commission may file a motion for protective order. RESA adds that OCC sought rehearing and urged the Commission to publish the information, but the Commission found OCC’s request to be unreasonable, given the sensitive nature of the information, as well as the possibility that a supplier might have to file a motion for protective order.²

{¶ 30} RESA contends that OCC’s proposal should be rejected for additional multiple reasons. First, RESA asserts that OCC does not specify what the aggregation is to encompass, for example, whether the aggregation is by service territory, rate class across companies, or some other manner. Second, RESA argues that OCC fails to explain how access to sensitive market information will inform customers about their purchasing

² RESA cites *In re the Commission’s Review of Chapter 4901:25, Ohio Administrative Code, Regarding Market Monitoring*, Case No. 12-2053-EL-ORD, Finding and Order (Oct. 15, 2014) at ¶20, Entry on Rehearing (Sept. 9, 2015) at ¶8.

decisions. Third, given that confidential information is exempt from Ohio public disclosure laws concerning confidential or proprietary business information, RESA contends OCC does not explain how to effectively aggregate market reporting information, without revealing the confidential or proprietary nature of such information. Fourth, RESA opines that OCC does not explain the connection between information provided in marketing reports and shadow billing data. Finally, RESA notes that OCC does not address the administrative burden that its proposal will place on suppliers and the Commission, such as processes that will need to be created so that confidential information is not accidentally disclosed.

{¶ 31} The Commission finds reasonable OCC's proposal for aggregating market monitoring data and making such information available to the public. Notwithstanding RESA's remarks, submission of confidential data by stakeholders does not prohibit the Commission from sharing such data in an aggregated manner. Staff will work with entities subject to these rules and endeavor to periodically post aggregated information on the Commission's website to provide consumers with more information for assessing Ohio's retail electric market. Although we find merit in OCC's proposal, no modifications to the rules as proposed on November 30, 2022, including those regarding the confidentiality of certain information submitted pursuant to Ohio Adm.Code Chapter 4901:1-25, are necessary.

{¶ 32} Regarding OCC's emphasis on shadow billing, the Commission initially finds that this topic would be better addressed in a proceeding that does not involve the review of market monitoring rules. We note that the Commission recently rejected a similar proposal suggested by OCC in a prior rules proceeding, in which it recommended adding a subsection to Ohio Adm.Code Chapter 4901:1-10 requiring EDUs to record shadow billing data and make such information available to the Commission, OCC, and the general public. The Commission founds such a recommendation to be unnecessary, given the price-to-compare is already on the customer's bill, and allows the customer to calculate total savings or spending themselves without the need for the EDUs to provide them in a report. *In re the*

*Commission's Review of its Rules for Electrical Safety and Service Standards Contained in Ohio Adm.Code Chapter 4901:1-10, Case No. 17-1842-EL-ORD (ESSS Rules), Finding and Order (Feb. 26, 2020) at ¶ 162. Furthermore, on rehearing, the Commission noted that, while "[w]e value transparency between customers and the rates/programs administered by CRES providers and an EDU's SSO rate, * * *, we recognize the additional cost and burdens implementing OCC's proposed shadow billing report would have on EDUs." ESSS Rules, Entry on Rehearing (Jan 27, 2021) at ¶ 35. Additionally, as previously noted by the Commission, price is only one attribute of any offer available in the competitive market; there may be other features of the offer that are of value to customers. In re the Application of Ohio Power Co. for an Increase in Elec. Distribution Rates, Case No. 20-585-EL-AIR, et al., Opinion and Order (Nov. 17, 2021) at ¶ 131 (citing In re Commission's Review of the Minimum Gas Service Standards in Chapter 4901:1-13 of the Ohio Adm. Code, Case No. 19-1429-GA-ORD, Finding and Order (Feb. 24, 2021) at ¶ 69).*

{¶ 33} Finally, the Commission rejects OCC's recommendation that proposed amendments to Ohio Adm.Code Chapter 4901:1-25 reflect FERC Order 2222. Issues related to the state's implementation of FERC 2222 are evolving and would be better addressed by the relatively recently created DER Stakeholder Group or in a proceeding that involves review of the interconnection rules in Ohio Adm.Code Chapter 4901:1-22. See *In re the Commission's Review of Ohio Adm.Code Chapter 4901:1-22 Regarding Interconnection Services*, Case No. 18-884-EL-ORD, Finding and Order (Dec. 15, 2021) at ¶ 10 (where the Commission created the DER Stakeholder Group to aid in the continued development of the interconnection rules and discuss additional issues related to DER on an ongoing basis). However, we note that this chapter has always contemplated the submission of the type of data described by OCC. With the simplified approach proposed in the November 30, 2022 Entry, we make it very clear that electric utilities will continue to be required to submit data related to DERs and interconnection requests to the Commission and/or its Staff electronically.

C. *Conclusion*

{¶ 34} The Commission has considered the matters set forth in R.C. 106.03 and 121.82. Moreover, pursuant to R.C. 121.95(F), the agency must remove two or more existing regulatory restrictions for every new regulatory restriction added. The Commission has included stakeholders in the development of these rules, has considered the impact of the rules on businesses, and has adhered to the requirement regarding the removal of regulatory restrictions. With these factors in mind, and upon consideration of Staff's recommendations and the written comments, the Commission finds that Ohio Adm.Code 4901:1-25-01 and 4901:1-25-02 should be amended, as set forth in Attachment A.

{¶ 35} The rules are posted on the Commission's docketing Information System website at <http://dis.puc.state.oh.us>. To minimize the expense of this proceeding, the Commission will serve a paper copy of this Finding and Order only. Interested persons are directed to input case number 21-478 into the Case Lookup Box to view the rules, as well as this Finding and Order, or to contact the Commission's Docketing Division to request a paper copy.

III. ORDER

{¶ 36} It is, therefore,

{¶ 37} ORDERED, That OCC's motion to intervene be denied. It is, further,

{¶ 38} ORDERED, That amended Ohio Adm.Code 4901:1-25-01 and 4901:1-25-02 be adopted. It is, further,

{¶ 39} ORDERED, That the adopted rules be filed with the Joint Committee on Agency Rule Review, the Secretary of State, and the Legislative Service Commission, in accordance with R.C. 111.15. It is, further,

{¶ 40} ORDERED, That the final rules be effective on the earliest date permitted by law. Unless otherwise ordered by the Commission, the five-year review date for Ohio Adm.Code Chapter 4901:1-25 shall be in compliance with R.C. 106.03. It is, further,

{¶ 41} ORDERED, That a copy of this Finding and Order be served upon the Commons Sense Initiative at CSIPublicComments@governor.ohio.gov. It is, further,

{¶ 42} ORDERED, That a copy of this Finding and Order be served upon the Electric Listserve, all EDUs and CRES providers in the state of Ohio, OCC, and all interested persons of record.

COMMISSIONERS:

Approving:

Jenifer French, Chair
M. Beth Trombold
Lawrence K. Friedeman
Daniel R. Conway
Dennis P. Deters

MJA/JML/mef

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AMENDED

4901:1-25-01 Definitions.

As used in this chapter:

- ~~(A) "Affiliate" shall have the meaning set forth in rule 4901:1-20-16 of the Administrative Code.~~
- ~~(B)~~ (A) "Aggregation service" means the act of combining the electric load of multiple customers for the purposes of supplying or arranging for the supply of competitive retail electric generation service to those customers.
- (B) "Aggregated group" means the municipal corporation, board of township trustees, or board of county commissioners that, by ordinance or resolution, aggregated the customers' retail electric loads within its jurisdiction.
- (C) "Aggregator" means a person who provides aggregation service.
- ~~(D) "Certified competitive electric cooperative" means a not-for-profit electric light company that both is or has been financed in whole or in part under the "Rural Electrification Act of 1936," 49 Stat. 1363, 7 U.S.C. 901, and owns or operates facilities in this state to generate, transmit, or distribute electricity, or a not-for-profit successor of such company, which has been certified by the commission to be a competitive retail electric service provider in accordance with the provisions of section 4928.08 of the Revised Code.~~
- ~~(E) "Commercial customer" means a nonresidential, nonindustrial customer.~~
- ~~(F)~~ (D) "Commission" means the public utilities commission of Ohio.
- ~~(G)~~ (E) "Competitive retail electric service" (CRES) ~~shall have~~has the meaning set forth in division (A)(4) of section 4928.01 of the Revised Code.
- ~~(H) "Customer" for the purpose of this chapter shall have the same meaning as it has in the distribution tariff of the electric utility serving the customer.~~
- ~~(I)~~ (F) "Distributed energy resourcesgeneration" ~~means any generation facility interconnected to a utility distribution system, including facilities that generate electricity~~has the same meaning as that set forth in rule 4901:1-22-01 of the Administrative Code.
- ~~(J)~~ (G) "Electric utility" ~~shall have~~has the same meaning as that set forth in division (A)(11)

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of section 4928.01 of the Revised Code.

- ~~(K)~~ "Electric services company" shall have the meaning set forth in division (A)(9) of section 4928.01 of the Revised Code.
- ~~(L)~~ (H) "Governmental aggregator" shall ~~have~~ has the same meaning as that set forth in division (A)(13) of section 4928.01 of the Revised Code. In accordance with division (F) of section 4928.20 of the Revised Code, a governmental aggregator is not a public utility engaging in the wholesale purchase and resale of electricity, and provision of the aggregation service is not a wholesale utility transaction.
- ~~(M)~~ (I) "Green pricing program" shall ~~have~~ has the same meaning as set forth in rule 4901:1-42-01 of the Administrative Code.
- ~~(N)~~ (J) "Independent power producer" means an owner of generation who sells at least a portion of the electric energy from that generation at retail.
- ~~(O)~~ "~~Industrial customers" means establishments categorized under standard industrial classification codes 01 through 39, or the associated 1997 North American industry classification system codes 11, 21, 23, 31, 32, and 33.~~
- ~~(P)~~ (K) "Interconnection applicant" shall ~~have~~ has the same meaning as "applicant" in paragraph (A) of rule 4901:1-22-01 of the Administrative Code.
- ~~(Q)~~ (L) "Interconnection application" shall ~~have~~ has the same meaning as "application" in paragraph (B) of rule 4901:1-22-01 of the Administrative Code.
- ~~(R)~~ (M) "~~Ohio certificate~~ Certificate number" means the authorized identification number of an approved certification to provide a CRES as granted to the provider by the commission in accordance with the provisions of section 4928.08 of the Revised Code.
- ~~(S)~~ (N) "Power marketer" has the same meaning as that set forth in rule 4901:1-24-01 of the Administrative Code ~~means a person, certified by the commission, who provides power marketing services.~~
- ~~(T)~~ "~~Power marketing" means assuming the contractual and legal responsibility for the sale and provision of competitive retail electric generation service to a retail customer in this state and having title to electric power at some point during the transaction.~~
- ~~(U)~~ "~~Reporting entity" means the electric utility or the certified competitive retail electric service provider filing market monitoring information on a regularly scheduled basis as~~

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~~required by the commission.~~

- ~~(V) "Residential customers" means customers who consume electricity at private residences, whether owned or rented, including single family homes, multifamily housing units that are individually metered, and mobile homes only for personal use. Institutional housing, such as school dormitories, hospitals, and military barracks are included in the commercial sector.~~
- ~~(W) "Special contract customer" means a customer taking bundled service under a contract approved by the commission.~~
- ~~(X) "Street lighting and other customer" means a customer purchasing electric generation service for purposes of street and highway lighting.~~
- ~~(Y) "Standard service offer" means a standard service offer filed with the commission by an electric utility under section 4928.141 of the Revised Code, of all CRES necessary to maintain essential electric service to consumers, including a firm supply of electric generation service priced.~~

AMENDED

4901:1-25-02 Market monitoring, distributed energy resource, and interconnection - reporting requirements.

- (A) On a quarterly basis, Each each electric utility, ~~and each electric services company power marketer, electric cooperative~~ independent power producer, and governmental aggregator subject to certification under section 4928.08 of the Revised Code shall submit market monitoring data to the commission or its staff, ~~on forms in an electronic format via the commission's website and according to the instructions on the commission's website.~~ to be issued by the commission, as follows:
- ~~(1) Each electric utility, certified electric services company (power marketer, power broker, nongovernmental aggregator, and independent power producer), certified electric cooperative and certified governmental aggregator shall file a quarterly report that contains information which includes, but is not limited to, the following:~~
- ~~(a) Entity name.~~
 - ~~(b) Business address.~~
 - ~~(c) Name and title of the person responsible for submitting the market monitoring~~

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~~data required by this rule:~~

- ~~(d) Authorized signature.~~
- ~~(e) The address, telephone number, fax number, and e-mail address of the person responsible for customer enrollment.~~
- ~~(2) Each electric utility shall file on a quarterly basis monthly data related to electric generation services. The information contained in this report shall include, but not be limited to, the following:~~
 - ~~(a) For those customers for whom the entity provides generation service: The number of customers, the amount of sales in megawatt hours, and the amount of billed revenues. The reporting entity shall report this data by rate schedule and by customer class (residential, commercial, industrial, or street lighting/other) and by subclass, if applicable separately for standard service offer customers and for special contract customers.~~
 - ~~(b) Monthly system peak data identifying the number of megawatts, the peak day of the month, the peak day of the week, and the peak hour of the month.~~
 - ~~(c) Information about generation resources owned by retail customers and connected to its distribution system, regardless of the voltage at which they are interconnected; all generation resources connected at a distribution voltage, which were interconnected as a result of an interconnection application; and all resources owned by the utility and interconnected at a distribution voltage, which but for such ownership would have been the subject of an interconnection application. The report shall include the following information:
 - ~~(i) A list of generating units.~~
 - ~~(ii) A statement of whether each generating unit is owned by an end use customer, by the electric utility, by an affiliate of the electric utility, or by a nonaffiliated entity that is not an end use customer.~~
 - ~~(iii) A statement of whether or not the generator is dispatched by the control area operator or by the owner.~~
 - ~~(iv) The nameplate capacity of the generator, in megawatts or kilowatts.~~
 - ~~(v) The fuel type used by each generating unit.~~
 - ~~(vi) The technology type of generating unit (e.g., fuel cell, turbine, diesel, photovoltaic, etc.).~~~~

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~~(d) Notice to staff of any and all interconnection applications by interconnection applicants seeking to become interconnection service customers, where such applications have not yet resulted in interconnection (that is, applications that are under consideration). The required notice shall be in the form of a narrative report attached to the quarterly market monitoring report that is required by this rule and submitted on a quarterly basis. The narrative report shall include the following information:~~

~~(i) Name and contact information of the electric utility employee who is directly responsible for processing the interconnection application and/or interacting with the interconnection applicant.~~

~~(ii) Description of each interconnection request in terms of the amount and type of generation for which interconnection is being sought, and the location of the proposed interconnection.~~

~~(iii) Copies of any and all written notices required by paragraphs (C)(3), (C)(4), (C)(5), (C)(6), and (C)(7) of rule 4901:1-22-04 of the Administrative Code.~~

~~(iv) Description of the status of each interconnection application in terms of process steps that have been completed, process steps that remain to be completed, and any progress or lack thereof in addressing issues.~~

~~Until the interconnection application is completed the status of each pending interconnection application shall be updated in subsequent quarterly narrative reports by describing any modifications to the interconnection application, any meetings that may have occurred, and any correspondence or communications that have occurred between the electric utility and the interconnection applicant. The electric utility shall provide the following disclaimer on the applicant's copy of the report: If the applicant has any issues with the accuracy of this report, the applicant may contact the PUCO at (800)686-7826.~~

~~(e) For those customers for whom the entity provides generation service: The number of customers participating in utility green pricing programs and the volume of participation in such programs in megawatt hours, reported by customer class.~~

~~(f) The electric utility shall include in its quarterly reporting of monthly data related to electric generation the reporting requirements set forth in rule 4901:1-10-28 and paragraph (M) of rule 4901:1-10-34 of the Administrative Code.~~

~~(3) Each certified retail electric services company, certified electric cooperative, and certified governmental aggregator shall submit to staff on a quarterly basis monthly data related to competitive electric generation services. The reporting entity shall~~

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~~submit this information separately for each electric utility's service territory in which it does business. The information contained in this report shall include, but not be limited to, the following:~~

- ~~(a) Identity of the reporting entity including their competitive retail electric service (CRES) certificate number.~~
- ~~(b) For those customers for whom the entity provides generation service: The number of customers, the amount of sales in megawatt hours. The reporting entity shall report this data by customer class (residential, commercial, industrial, or street lighting/other) and by subclass, if applicable.~~
- ~~(c) For those customers for whom the entity provides generation service total billed revenues. The reporting entity shall report this data by rate schedule class (residential, commercial, industrial, or street lighting/other) and by subclass, if applicable.~~
- ~~(d) For those customers for whom the entity provides generation service: The number of customers participating in CRES offered green pricing programs and the volume of participation in such programs in megawatt hours, reported by customer class.~~

~~(4) Each certified aggregator and certified governmental aggregator shall submit to staff on a quarterly basis monthly data related to aggregation activity. The reporting entity shall submit this information separately for each electric utility's service territory in which it does business. The information contained in this report shall include, but not be limited to, the following:~~

- ~~(a) The identity of the aggregator including its CRES certificate number.~~
- ~~(b) The electric utility's service territory for which the report is being made.~~
- ~~(c) The name of each aggregated group.~~
- ~~(d) The number of customers by customer class in each aggregated group.~~
- ~~(e) The total number of customers in each aggregated group.~~
- ~~(f) The total number of all customers by customer class.~~
- ~~(g) The total number of customers.~~

(B) On a quarterly basis, each electric utility shall submit distributed energy resource data to the commission or its staff in electronic form according to the instructions available on

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the commission's website.

(C) On a quarterly basis, each electric utility shall submit data related to pending interconnection applications to the commission or its staff in electronic form according to the instructions available on the commission's website.

~~(5)~~ (D) The following information contained in the reports provided to the commission and/or staff for purposes of this chapter pursuant to paragraphs (A)(2)(d), (A)(3), and (A)(4) of this rule, will be held as confidential.

-(1) For data related to pending interconnection applications:

-(a) Name and contact information of the electric utility employee who is directly responsible for processing the interconnection application and/or interacting with the interconnection applicant.

-(b) Description of each interconnection request in terms of the amount and type of generation for which interconnection is being sought, and the location of the proposed interconnection.

-(c) Copies of any and all written notices required by paragraphs (C)(3), (C)(4), (C)(5), (C)(6), and (C)(7) of rule 4901:1-22-04 of the Administrative Code.

-(d) Description of the status of each interconnection application in terms of process steps that have been completed, process steps that remain to be completed, and any progress or lack thereof in addressing issues.

-(2) For data related to CRES:

-(a) Detailed information about an individual CRES supplier's generation service, including the number of generation service customers a CRES supplier has, the amount of sales in megawatt hours, and total billed revenue.

-(b) The number of customers participating in CRES-offered green pricing programs, as well as the volume of participation in such programs in megawatt hours, reported by customer class.

-(3) For data related to aggregation service, detailed information about individual aggregators, including the following:

-(a) The electric utility's service territory for which the information is being submitted.

-(b) The name of each aggregated group.

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- ~~(c) The number of customers by customer class in each aggregated group.~~
- ~~(d) The total number of customers in each aggregated group.~~
- ~~(e) The total number of all customers by customer class.~~
- ~~(f) The total number of customers.~~
- ~~(a)(4) Any person may file a request for disclosure requesting disclosure of information filed-submitted pursuant to paragraphs (AD)(21)(d), (A)(32), and (AD)(43). A request for disclosure ~~must~~ should specifically identify the information being sought ~~and the report from which it is being sought~~. The party that filed-submitted the ~~report containing the~~ information being sought will be provided three business days notice that information being held as confidential will be disclosed unless a motion for protective order is filed within three business days. To prevent disclosure, the party that filed-submitted the ~~report containing the~~ information being sought ~~must~~ may file a motion for protective order consistent with rule 4901-1-24 of the Administrative Code within the three business days. If no motion for protective order is filed, the information being sought will be disclosed on the fourth business day after the notice of disclosure.~~
- ~~(b)(5) All other information filed-with-submitted to the commission and/or staff will be deemed public pursuant to section 4905.07 of the Revised Code, unless accompanied by a motion for protective order consistent with rule 4901-1-24 of the Administrative Code.~~
- ~~(B) Pursuant to Chapter 4935. and division (E) of section 4928.02 of the Revised Code, any entity that owns or has an affiliate that owns electric transmission or distribution facilities shall provide or cause to be provided to the commission and to staff cost-effective and efficient access to information regarding the operation of the transmission or distribution systems of electric utilities to assist in determining the existence and extent of a transmission constrained area, and to information that may assist the commission or staff in determining the impact of transmission constraints on the price of a competitive retail electric service. Each entity that owns or that has an affiliate that owns electric transmission or distribution facilities shall provide or cause to be provided to the commission and staff a report of any denials of service for either transmission or distribution service due to constraints in the transmission or distribution system, the amounts of energy curtailed or denied, the duration of these curtailments or denials, and the reasons why the service was denied. These reports shall be provided to the commission and to staff annually with the third quarterly reports filed pursuant to~~

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~~paragraph (A)(1) of this rule.~~

- ~~(C)~~(E) Nothing in this rule ~~shall~~ limits the ability of the commission, or staff, to collect additional data from any electric ~~distribution utility or any electric~~ utility, ~~electric services company~~ power marketer, ~~electric cooperative~~ independent power producer, or governmental aggregator subject to certification under section 4928.08 of the Revised Code in carrying out the commission's responsibilities under Chapter 4928~~.~~ of the Revised Code.
- ~~(D)~~(F) The commission may, upon an application or a motion filed by a party, waive any requirement of this chapter, other than a requirement mandated by statute, for good cause shown.

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in

Case No(s). 21-0478-EL-ORD

Summary: Finding & Order adopting proposed amendments to the market monitoring rules in Ohio Adm.Code Chapter 4901:1-25 electronically filed by Heather A. Chilcote on behalf of Public Utilities Commission of Ohio