BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of the Ohio Department of Development for an Order Approving Adjustments to the Universal Service Fund Riders of Jurisdictional Ohio Electric Distribution Utilities.	))))))	Case No. 22-556-EL-USF

APPLICATION FOR REHEARING BY OFFICE OF THE OHIO CONSUMERS' COUNSEL

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January 13, 2023

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BY
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The PUCO's Opinion and Order[1] accepting the Settlement[2] on the Universal Service Fund ("USF") rider rates of jurisdictional Ohio electric distribution utilities fails consumers. It allows at-risk PIPP consumers, the most vulnerable Ohioans, to be charged electricity prices that are higher than the standard service offer charged to other consumers served by each of Ohio's electric distribution utilities. And increases charges to all residential consumers. R.C. 4928.542 prohibits exactly that.

The PUCO erred in adopting a Settlement that is contrary to Ohio law. The staggering increases in the USF Rider rates are unjust and unreasonable in violation of R.C. 4905.22. The Settlement violates Ohio's policy in R.C. 4928.02(A) for reasonably priced electric service to consumers. The Settlement fails Ohio's policy law that the state must protect at-risk consumers, per R.C. 4928.02(L).

The Order is also unreasonable because it does not address going forward the untenable situation surrounding the Universal Service Fund and in effect, "kicks the can

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[1] Opinion and Order (December 14, 2022).

[2] Joint Stipulation and Recommendation ("2022 Adjustment Settlement") (November 23, 2022).

down the road." No mechanism is proposed to prevent the same scenario in May 2023 (which is the next USF filing) or any future year as occurred this year. The Opinion and Order is contrary to state policy and is an energy injustice.

Accordingly, under R.C. 4903.10, OCC applies for rehearing of the PUCO's December 14, 2022 Opinion and Order, which was unlawful and unreasonable in the following respects:

> ASSIGNMENT OF ERROR NO. 1: The PUCO erred because it did not address that the proposed increases in the Universal Service Fund rider rates are unjust and unreasonable in violation of R.C. 4905.22 and fails to protect at-risk consumers in violation of R.C. 4928.02(L) and rates charged to PIPP consumers in excess of the rates charged to utilities' standard service offer consumers in violation of R.C. 4928.542.
>
> ASSIGNMENT OF ERROR NO. 2: The PUCO erred by unreasonably adopting a Settlement that does not benefit consumers and the public interest because higher PIPP generation charges harms PIPP customers as well as all Ohio electric consumers who pay the Universal Service Rider.
>
> ASSIGNMENT OF ERROR NO. 3: The PUCO erred by unreasonably declining to address and remedy the untenable situation resulting from this year's Universal Service Fund proceeding, harming consumers by this inaction.

Respectfully submitted,

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MEMORANDUM IN SUPPORT

I. INTRODUCTION

The PUCO's Opinion and Order is unlawful and unreasonable. The PUCO approved the 2022 Adjustment Settlement authorizing excessive rider rate adjustments for each electric distribution utility that all consumers must pay for. Across each of the electric utilities, PIPP generation rates are significantly higher than the rates charged to all other non-PIPP standard offer consumers. OCC has previously addressed in the earlier phase of this proceeding how this is in violation of R.C. 4928.542(B),[3] and OCC incorporates by reference our arguments from the Notice of Intent phase.[4] And the PUCO has ignored OCC's pleas.

But all other Ohio electric consumers are harmed, and not only PIPP consumers. That is because the difference between the actual electric bill and the PIPP customer payment is paid by all consumers through the USF rider. PIPP rates that exceed the SSO

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[3] Under R.C. 4928.542(B), an energy marketer's winning bid shall ***reduce*** the cost of the PIPP program relative to the otherwise applicable standard service offer rate established under R.C. 4928.141, 4928.142 and 4928.143. And a winning bid shall result in the ***best value*** for persons paying the universal service rider, under R.C. 4928.542.

[4] *See*, Testimony Recommending Consumer Protections by James D. Williams (August 19, 2022); Post-Hearing Brief for Consumer Protection by Office of the Ohio Consumers' Counsel (September 12, 2022); Reply Brief for Consumer Protection by Office of the Ohio Consumers' Counsel (September 23, 2022); Application for Rehearing by Office of the Ohio Consumers' Counsel (November 4, 2022).

rates for generation are an unreasonable additional cost on the USF that all customers (including PIPP consumers) are responsible for paying. And the burden on all consumers is even greater when and if PIPP customers are unable to pay their total electric bill resulting in higher arrearages.

For this reason, the PUCO erred in finding that the Settlement benefits customers and the public interest. The Settlement harms consumers and the public interest, instead of benefiting them. The PUCO further erred in not addressing OCC's argument that R.C. 4905.22, which requires just and reasonable rates, is violated.

Finally, the PUCO's Order is unreasonable because it does not provide a mechanism by which to address the issue of high PIPP rates in relation to the standard service offer rates going forward. Recommending that ODOD host an annual meeting of the USF Working Group with the parties "to consider the impacts of the USF rates on residential and other consumers"[5] is not the same as the PUCO (as a regulatory agency) addressing this issue head-on. ODOD's next USF filing, in May 2023, will surely see the same issues presented in this proceeding if the PUCO does not take the necessary actions to address them before then. This is a real issue that is affecting all Ohioans and must be addressed now.

The PUCO should grant OCC's Application for Rehearing as further explained below to protect all Ohio consumers from paying excessive USF charges.

[5] Opinion and Order at 28.

II. MATTERS FOR CONSIDERATION

A. ASSIGNMENT OF ERROR NO. 1: The PUCO erred because it did not address that the proposed increases in the Universal Service Fund rider rates are unjust and unreasonable in violation of R.C. 4905.22 and fails to protect at-risk consumers in violation of R.C. 4928.02(L) and rates charged to PIPP consumers in excess of the rates charged to utilities' standard service offer consumers in violation of R.C. 4928.542.

The PUCO erred by approving a Settlement authorizing USF rates to be collected from consumers in 2023 that violate Ohio law.[6] And the PUCO erred by not addressing OCC's arguments[7] that R.C. 4905.22 and R.C. 4928.02(L) are violated.

R.C. 4905.22 requires that rates be just and reasonable. It is not just and reasonable to charge low-income PIPP consumers higher rates than the rates charged to non-PIPP standard service offer consumers. And it is not just and reasonable to charge all consumers excessively high USF rider rates. A 92% increase[8] in the USF rider revenue requirement, which all Ohio consumers are required to pay, is not just and reasonable. The increase in the revenue requirement is largely attributed to the increases in the cost of electric supply for PIPP consumers.[9]

The PUCO's Order states that it "considered but rejected OCC's claims raised in the first phase of this case."[10] But in fact, R.C. 4905.22 was never addressed in the PUCO's Order in the first phase of the case.[11] R.C. 4922.05 was not addressed in either

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[6] R.C. 4928.542(B), R.C. 4905.22, R.C. 4928.02(L), R.C. 4928.02(A).

[7] Post-Hearing Brief for Consumer Protection by Office of the Ohio Consumers' Counsel ("OCC Post-Hearing Brief") (December 6, 2022) at 8-13.

[8] OCC Ex. 1 (November 23, 2022 Testimony of James D. Williams) Table 1 at 6. The 2022 USF Revenue Requirement was $187,258,690. The 2023 USF Revenue Requirement is $358,924,849. $187,258,690 - $358,924,849 = -$-171,666,159/$187,258,690 = 91.7% (rounds to 92%) increase.

[9] *Id.*; Testimony of Megan Meadows at 27.

[10] Opinion and Order at 27.

[11] *See*, Case No. 22-556-EL-USF, Opinion and Order ("NOI Settlement Order") (October 5, 2022).

the PUCO's October 5, 2022 Order adopting the Settlement setting forth the USF rate design methodology or the December 14, 2022 Order adopting the Settlement that adjusted the Universal Service Fund rates for jurisdictional Ohio electric distribution utilities.

The PUCO erred by not addressing OCC's arguments[12] that significant rate increases in a single rider over one month represent unjust and unreasonable rates in violation of R.C. 4905.22. Across each of the electric utilities, PIPP generation rates are significantly higher than the rates charged to standard service offer consumers. OCC has previously addressed in the earlier phase of this proceeding how this is in violation of R.C. 4928.542(B).[13] Although the PUCO stated that it considered and rejected OCC's claims raised in the first phase of the case, in fact the PUCO did not mention R.C. 4905.22 in the first Order. Nor did it address OCC's claims that R.C. 4905.22 was violated in this Order.

The PUCO erred in not addressing OCC's arguments. The Court has held that the PUCO must address the arguments raised by the parties.[14] In *In re Comm'n Review of the Capacity Charges of Ohio Power Co*., the Court reversed part of the PUCO's Order and directed the PUCO on remand to substantively address AEP's arguments.[15]

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[12] OCC Post-Hearing Brief at 9-13; OCC Ex. 1 (November 23, 2022 Testimony of James D. Williams).

[13] Under R.C. 4928.542(B), an energy marketer's winning bid shall ***reduce*** the cost of the PIPP program relative to the otherwise applicable standard service offer rate established under R.C. 4928.141, 4928.142 and 4928.143. And a winning bid shall result in the ***best value*** for persons paying the universal service rider, under R.C. 4928.542.

[14] *In re Comm'n Review of the Capacity Charges of Ohio Power Co*., 147 Ohio St.3d 59, 60 N.E.3d 1221, 2016-Ohio-1607 (2016).

[15] *Id*. at ¶¶ 53-57.

The PUCO also did not address OCC's arguments[16] that R.C. 4928.02(A) and R.C. 4928.02(L) are violated. The PUCO's Order states that it "considered but rejected OCC's claims raised in the first phase of the proceeding," which presumably refers to the PUCO's statement in the October Order that it "find[s] these arguments to be without merit."[17]

Yet the PUCO did not address OCC's arguments[18] regarding these statutes in either its October or December Order, and it was an error for the PUCO not to do so.[19] In the October Order, the PUCO simply concluded that the "Stipulation ensures funding for programs which support low-income residential consumers including PIPP consumers."[20] But how this statement applies to R.C. 4928.02(L) and (A) was not indicated in either the October Order or the December Order, but should have been.

R.C. 4928.02(L) states that, as a matter of Ohio policy, the PUCO and ODOD must "protect at-risk populations." Utilities' low-income PIPP consumers are vulnerable to poverty, food and housing insecurity, inflation, and a resurging pandemic. They are at-risk. OCC's argument that authorizing utilities to charge low-income PIPP consumers higher rates than the standard service offer harms, rather than protects, an at-risk population in violation of this statute[21] was not addressed.

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[16] OCC Post-Hearing Brief (December 6, 2022) at 8-11.

[17] Opinion and Order (October 5, 2022) at 26.

[18] *See*, OCC Post-Hearing Brief (December 6, 2022) at 8-13 (December 6, 2022); Post-Hearing Brief for Consumer Protection by Office of the Ohio Consumers' Counsel at 8-9, 16-17, 20 (September 12, 2022),

[19] *In re Comm'n Review of the Capacity Charges of Ohio Power Co*., 147 Ohio St.3d 59 at ¶¶ 53-57.

[20] Opinion and Order (October 5, 2022) at 26.

[21] *See*, OCC Post-Hearing Brief (December 6, 2022) at 8.

R.C. 4928.02(A) is an Ohio policy (and regulatory principle) that requires the availability to consumers of adequate, reliable, safe, efficient, not discriminatory, and reasonably priced retail electric service. OCC's argument that the high PIPP rates are unreasonably priced retail service considering the lower rates that non-PIPP residential consumers are charged under the standard service offer in violation of R.C. 4928.02(A)[22] was not addressed. And these rates increase charges for all consumers that pay the USF. Ohio regulatory policy and principles are thus violated.

The PUCO unlawfully and unreasonably erred in not addressing OCC's argument (but claiming that it did) that the proposed increases in the USF rider rates are unjust and unreasonable in violation of R.C. 4905.22. And the PUCO erred in not addressing OCC's arguments regarding R.C. 4928.02(L) and (A) in this Order. Rehearing should be granted.

B. ASSIGNMENT OF ERROR NO. 2: The PUCO erred by unreasonably adopting a Settlement that does not benefit consumers and the public interest because higher PIPP generation charges harms PIPP customers as well as all Ohio electric consumers who pay the Universal Service Rider.

The PUCO erred in finding that the 2022 Adjustment Settlement benefits consumers and the public interest "given that the Stipulation facilitates adequate funding, at the minimum USF rider rates necessary to continue the low-income customer assistance programs and the consumer education program offered by ODOD."[23] But the PUCO missed the big picture. The Settlement adopting the significantly increased USF rider rates is not beneficial consumers who pay the USF rider. It's contrary to the public

[22] *Id*. at 13.

[23] Opinion and Order at 25-26.

interest. The PUCO erred in not considering the impact of the significantly increased USF charges to all consumers who pay the USF.

The table below was presented in testimony[24] and OCC's post-hearing brief.[25] The table shows the increase in rider charges to consumers that result from the Settlement. For example, charges to Duke consumers would more than triple, increasing from about $11 million in 2022 to about $34 million in 2023. Charges to AES (DP&L) consumers would similarly more than triple, going from about $9 million in 2022 to over $40 million in 2023. AEP charges would increase by about $100 million, going from about $81 million in 2022 to about $181 million in 2023:

Table 1: Comparison of 2023 USF Revenue Requirement with 2022[26]

EDU	2023 USF Revenue Requirement	2022 USF Revenue Requirement	Difference	Percentage Increase
AEP Ohio	$180,761,552	$80,600,646	$100,160,906	124.3%
AES Ohio	$40,905,828	$9,547,863	$31,357,964	328.4%
Duke Energy Ohio	$34,784,697	$11,485,776	$23,298,921	202.9%
Cleveland Electric Illuminating	$30,434,758	$23,243,736	$7,191,022	30.9%
Ohio Edison	$62,368,675	$47,307,588	$15,061,087	31.8%
Toledo Edison	$18,776,773	$15,073,083	$3,703,690	24.6%
Total	$358, 924,849	$187,258,690	$171,666,159	91.7%

In all instances, the higher costs which are added to PIPP consumers' arrearages are paid by all consumers via the USF rider. This will result in increases in all

[24] OCC Ex. 1 (Testimony of James D. Williams) Table 1 at 6.

[25] OCC Post-Hearing Brief (December 6, 2022) at 10-11.

[26] OCC Ex. 1 (Testimony of James D. Williams) at 6; OCC Post-Hearing Brief (December 6, 2022) at 10.

consumers' bills. The amount of the additional charges is reflected in Table Two (below) from Mr. Williams' testimony.

Under the USF rider, residential consumers pay the first USF block rate (because their usage is under 833,000 kWh) and are bearing the brunt of the increased charges.[27] The significant increased percentage difference between first block rates for each utility in 2022 compared to 2023 is summarized in the below table from OCC witness Williams' testimony. This table also shows the estimated annual USF cost for average residential consumers based on monthly and annual usage information filed by ODOD to support the amended application.[28]

[27] This is reflected in the Opinion and Order at 7, Table comparing the current USF Rider and the proposed USF rider for the two kWh blocks.

[28] ODOD Ex. 4 (Supplemental Testimony of Megan Meadows) at MM-25 through MM-30.

Table 2: Comparison of 2023 USF Rates Compared with 2022 USF Rates[29]

EDU	**2023** First 833,000 kWh	2023 Above 833,000 kWh	**2022** First 833,000 kWh	2022 Above 833,000 kWh	**Percentage Difference** (1st Block)	**Estimated Annual USF Cost for Average Residential Consumers**
AEP Ohio	$0.0053667	$0.0001756	$0.0024127	$0.0001756	122.4%	$62.79[30]
AES	$0.0035110	$0.0005700	$0.0007223	$0.0004213	386.1%	$42.55[31]
Duke	$0.0021270	$0.0004690	$0.0006075	$0.0003477	250.1%	$26.70[32]
CEI	$0.0020060	$0.0005680	$0.0015450	$0.0005680	29.8%	$17.24[33]
OE	$0.0029592	$0.0010461	$0.0022477	$0.0010461	31.6%	$30.43[34]
TE	$0.0027352	$0.0005610	$0.0021160	$0.0005610	29.3%	$26.00[35]

The percentage of the increase from 2022 to 2023 is staggering. *And the impact is primarily on lower use residential consumers, who pay the first block*. As OCC witness Williams had testified:

> The proposed Joint Settlement results in unreasonably high USF rates that contradict Ohio policy supporting reasonably priced retail electric service.[36] Assuming 1,100 kWh monthly usage, a customer of AEP Ohio will experience a USF rate increase from $2.65 in December 2022 to $5.90 in January 2023. This is a $3.25 or 123% increase for AEP consumers. AES Ohio customers will

[29] OCC Ex. 1 (Testimony of James D. Williams) at 6; table taken from Joint Ex. 1 at 4 (Settlement); *see*, OCC Post-Hearing Brief at 11.

[30] ODOD Ex 4 (Supplemental Testimony of Megan Meadows) at Attachment MM-25. Monthly 975 kWh X 12 = 11,700 X $0.0053667 = $62.79; *see*, OCC Post-Hearing Brief at 11.

[31] ODOD Ex 4 (Supplemental Testimony of Megan Meadows) at Attachment MM-26. Monthly 1010 kWh X 12 = 12,120 X $0.0035110 = $42.55; *see*, OCC Post-Hearing Brief at 11.

[32] ODOD Ex 4 (Supplemental Testimony of Megan Meadows) at Attachment MM-27. Monthly 1,046 kWh X 12 = 12,552 X $0.0021270 = $26.70; *see*, OCC Post-Hearing Brief at 11.

[33] ODOD Ex 4 (Supplemental Testimony of Megan Meadows) at Attachment MM-28. Monthly 716 kWh X 12 = 8,592 X $0.0020060 = $17.24; *see*, OCC Post-Hearing Brief at 11.

[34] ODOD Ex 4 (Supplemental Testimony of Megan Meadows) at Attachment MM-29. Monthly 857 kWh X 12 = 10,284 X $0.0029592 = $30.43; *see*, OCC Post-Hearing Brief at 11.

[35] ODOD Ex 4 (Supplemental Testimony of Megan Meadows) at Attachment MM-30. Monthly 792 kWh X 12 = 12,120 X $0.0027352 = $26.00; *see*, OCC Post-Hearing Brief at 11.

[36] R.C. 4928.02(A).

> experience a USF rate increase from $0.79 in December 2022 to $3.86 in January 2023. For AES consumers, this is a $3.07 or 389% increase. Customers of Duke Energy Ohio will experience a USF rate increase of $0.67 in December 2022 to $2.34 in January 2023. This is a $1.67 or 249% increase for Duke consumers. These are significant rate increases in a single rider over one month that do not consider the impact of other rate increases, rising electricity costs, and on-going inflationary concerns.[37]

The PUCO unreasonably erred in finding that the Settlement was in the public interest given the adverse impact of the significantly increased USF charges to all consumers who pay the USF. Rehearing should be granted.

C. ASSIGNMENT OF ERROR NO. 3: The PUCO erred by unreasonably declining to address and remedy the untenable situation resulting from this year's Universal Service Fund proceeding, harming consumers by this inaction.

The PUCO's Order is unreasonable because it does not provide a mechanism or a specific direction by which to address the issue of high PIPP rates in relation to the standard service offer rates going forward. The PUCO "recommends" that ODOD as the administrator of the electric PIPP program host an annual meeting of the USF Working Group with the "parties to the prior USF proceeding" to "consider the impacts of the USF rates on residential and other consumers. [38] But simply encouraging that a Working Group meet (a group that has not met for several years)[39] and discuss issues will not cure the problem. ODOD's next USF filing, in May 2023, will surely see the same issues presented in this proceeding if they are not addressed before then.

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[37] OCC Ex. 1 (Testimony of James D. Williams) at 8-9; OCC Post-Hearing Brief at 9.

[38] Opinion and Order at 28.

[39] Tr. at 55.

It was unreasonable for the PUCO to defer the high PIPP rate issue in relation to the standard service offer to a Working Group which has no regulatory authority. The PUCO approach merely "kicks the can" down the road. Rather, the PUCO should initiate a proceeding on its own motion to address the impacts of the USF rates on residential consumers. The PUCO erred by unreasonably declining to address the untenable situation resulting from this year's USF proceeding, harming consumers by this inaction.

The *2016 RFP Auction Order*[40] regarding the PIPP auction process may have been reasonable at the time it was entered. But times change and circumstances change, and the method of procuring PIPP generation needs must be revisited in order to comply with the law.[41] The PUCO Staff itself recognized that possibility in its September 2, 2016 Staff Report filed in that case:

> Staff recommends that the PIPP RFP Auction continues as a separate auction from the SSO as ordered by the Commission, but that the process should be closely monitored and evaluated by Staff. While the initial auctions resulted in lower initial prices for PIPP customers, the additional factors discussed in the report, and the limited sample size, leads Staff to question if the results are simply a consequence of timing. The low participation rate is a significant concern for Staff and should be monitored closely in future auctions. Staff will continue to work with parties to allow the PIPP auction process to improve. If at any point through Staff's monitoring and evaluation efforts, Staff identifies a concern that should be brought before the Commission, Staff will at that time provide its analysis to the Commission.[42]

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[40] *In the Matter of the Implementation of Sections 4928.54 and 4928.544 of the Revised Code*, Case No. 16-247-EL-UNC, Finding and Order (March 2, 2016).

[41] *See, e.g.,* R.C. 4905.22, R.C. 4928.02(L), R.C. 4928.02(A) and R.C. 4928.542(B).

[42] *In the Matter of the Implementation of Sections 4928.54 and 4928.544 of the Revised Code*, Case No. 16-247-EL-UNC, Staff Report (September 2, 2016).

PIPP consumers of each of the six electric distribution utilities are paying significantly more than standard service offer consumers for the same service, which wasn't the case in 2016 when the *RFP Auction Order* was entered.[43] The PUCO erred by not recognizing that it is time for the RFP Auction Order to be revisited, instead of deferring the problem to a parties' Working Group.

Moreover, fixing the problem going forward is just part of what was needed for the utilities' PIPP consumers. They need help now. They are presently being charged higher electricity prices in violation of law, R.C. 4928.542. The PUCO erred by not remedying this situation in this USF adjustment phase, which the PUCO could have and should have done. The PUCO should have required that PIPP consumers be billed no more than the SSO rate that is used for non-PIPP consumers.

The USF revenue requirement should be calculated based on the 2022 SSO rate not the 2022 PIPP auction rate, and utilities should be required to pay the difference between the SSO auction results and the PIPP auction results.[44] The PUCO erred in declining to consider this recommendation that OCC had presented in the earlier phase of this proceeding intended to be implemented in this phase. Such a result would be consistent with R.C. 4928.542(B)'s requirement that a winning bid ***shall reduce*** the cost of the PIPP program relative to the otherwise applicable standard service offer rate

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[43] OCC Post-Hearing Brief (December 6, 2022) at 1; *see also*, OCC Initial Brief at 1-2 (September 12, 2022). The annual electricity billings for an individual low-income PIPP consumer (for the year ending May 31, 2023) will exceed the standard offers by approximately $1,154 for AEP PIPP consumers, $1,289 for Duke PIPP consumers, $584 for AES PIPP consumers, $334 for CEI PIPP consumers, $331 for Toledo Edison PIPP consumers, and $339 for Ohio Edison PIPP consumers.

[44] OCC Ex. 1 (August 19, 2022 Testimony of James D. Williams) at 27; OCC Post Hearing Brief (September 12, 2022) at 20-21; OCC Reply Brief (September 23, 2022) at 24-25.

established and R.C. 4928.542(C)'s requirement that a winning bid shall result in the ***best value*** for persons paying the universal service rider.

The PUCO should interpret Ohio law in a way that gives proper force and effect to each and all related statutes. It failed to do so in approving this Settlement, which results in a higher rate for low-income PIPP consumers than consumers on utilities' standard service offers. The Settlement does not improve the plight of PIPP consumers, present or future, but it should. Instead, it continues with the same process that has harmed low-income consumers in recent auctions. The PUCO should protect its low-income PIPP consumers, but it did not. The PUCO should take action to give PIPP consumers, some of the most vulnerable in the state, the protection of the law for their electric generation rates. Rehearing should be granted.

III. CONCLUSION

"[T]he purpose of the PUCO * * * is to protect the customers of public utilities."[45] The PUCO should protect at-risk consumers, as required under 4928.02(L). The 2022 Adjustment Settlement is not in the public interest, harms consumers, and violates regulatory principles and practices. PIPP generation costs are increasing at a much faster rate than standard service offer costs. The PUCO should protect consumers by granting rehearing and rejecting or modifying the Opinion and Order so that electricity service rates for low-income PIPP consumers do not exceed the standard service offer. This would be through a billing adjustment made through the USF that would be paid for by the electric utilities and not consumers.

[45] *Ohio Consumers' Counsel v. Pub. Util. Comm.*, 121 Ohio St.3d 362, 372 (2009) (Pfeifer, J. dissenting).

The PUCO should have required ODOD to calculate the USF rates for supporting the electric PIPP program based on utilities' 2022 standard service offer rate and not the 2022 PIPP auction rate. Utilities should be required to make such adjustments through the USF to reflect lawful rates. This approach will protect consumers who are currently enrolled in PIPP and PIPP enrollees in subsequent years. It will also protect all consumers who pay the subsidy for the PIPP program consistent with R.C. 4928.542.

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CERTIFICATE OF SERVICE

I hereby certify that a copy of this Application for Rehearing was served on the persons stated below via electronic transmission, this 13th day of January 2023.

/s/ Amy Botschner O'Brien
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The PUCO's e-filing system will electronically serve notice of the filing of this document on the following parties:

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Summary: App for Rehearing Application for Rehearing by Office of the Ohio Consumers' Counsel electronically filed by Ms. Alana M. Noward on behalf of Botschner O'Brien, Amy