

**BEFORE THE
PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Commission’s	:	
Investigation into the Implementation of	:	Case No. 22-1024-AU-COI
the Federal Infrastructure Investment and	:	
Jobs Act’s Demand Response PURPA	:	
Standard	:	

REPLY COMMENTS OF AES OHIO

The Dayton Power and Light Company d/b/a AES Ohio (“AES Ohio” or the “Company”) files reply comments pursuant to the November 14, 2022 Entry that opened this proceeding to consider the standard established by the amendment of the federal Infrastructure Investment and Jobs Act (IIJA), Pub. L. No. 117-58, 135 Stat. 429, to the Public Utility Regulatory Policy Act (PURPA) of 1978, Pub. L. No. 95-617, 92 Stat. 3117, regarding demand-response practices, as codified in 16 U.S.C. 2621(d)(20).

The IIJA amended PURPA by adding to the list of standards that require state regulatory authorities to determine for implementation, including one relating to demand-response practices. Nov. 14, 2022 Entry, ¶ 16. The IIJA’s amendments to PURPA require that each state regulatory authority consider each PURPA standard and make a determination concerning whether or not it is appropriate to implement the standard to carry out the purposes outlined in PURPA. *Id.* at ¶ 7.

The demand-response standard added by the IIJA provides:

(20) Demand-response practices.

(A) In general. Each electric utility shall promote the use of demand-response and demand flexibility practices by commercial, residential, and industrial consumers to reduce electricity consumption during periods of unusually high demand.

(B) Rate recovery.

In general, State regulatory authority shall consider establishing rate mechanisms allowing an electric utility with respect to which the State regulatory authority has ratemaking authority to timely recover the costs of promoting demand-response and demand flexibility practices in accordance with subparagraph (A).

16 U.S.C. 2621(d)(20).

AES Ohio agrees with the comments of various parties that the Commission should adopt the demand-response standard. As observed by AEP Ohio, electric utilities are the logical entity to provide demand-response at a scale for all customer classes, including residential and commercial and industrial customers. They are in the best position to administer such programs for the benefit of all customers with lower costs and a resilient and reliable grid.

Despite the wind-down of mandatory energy efficiency programs pursuant to R.C. 4928.66(G), the Commission acknowledged that demand-side management programs may be consistent with existing state law. *E.g.*, *In re AES Ohio*, Case No. 20-1651-EL-AIR, *et al.*, Opinion and Order (Dec. 14, 2022), ¶ 124.¹ Moreover, a series of energy efficiency workshops recently conducted by the Commission demonstrated significant interest in such programs by diverse parties.² Thus, the standard is consistent with Ohio law. *E.g.*, R.C. 4928.02(A) (it is state

¹ The Commission approved numerous energy efficiency programs for Ohio utilities before mandated energy efficiency programs were enacted. *In the Matter of the Commission's Investigation into the Impacts of Demand-Side Management Programs and Power Purchase on the Profitability of Electric Utilities*, Pub. Util. Comm. No. 90-723-EL-COI, 1992 Ohio PUC LEXIS 873, at *8-9 (Oct. 1, 1992); *In re Cleveland Electric Illuminating Company*, Pub. Util. Comm. No. 92-391-EL-AAM, *et al.*, 1992 Ohio PUC LEXIS 959, at *9 (Oct. 29, 1992); *In re The Dayton Power and Light Company*, Pub. Util. Comm. No. 93-1738-EL-AAM, *et al.*, 1994 Ohio PUC LEXIS 140, at *7-11 (Feb. 24, 1994); *In re Columbus Southern Power Company*, Pub. Util. Comm. No. 94-1812-EL-AAM, *et al.*, 1995 Ohio PUC LEXIS 294, at *6-12 (Apr. 13, 1995); *In re Ohio Power Company*, Pub. Util. Comm. No. 92-777-EL-AAM, 1992 Ohio PUC LEXIS 1135, at *3-5 (Dec. 17, 1992); *In re Columbus Southern Power Company*, No. 93-2110-EL-AAM *et al.*, 1994 Ohio PUC LEXIS 358, at *6-9, 13 (May 11, 1994).

² <https://puco.ohio.gov/utilities/electricity/resources/ee-workshops>.

policy to “[e]nsure the availability to consumers of adequate, reliable, safe, efficient, nondiscriminatory, and reasonably priced retail electric service”).

AES Ohio appreciates the opportunity to comment on this topic. If the Commission adopts the demand-response standard, then AES Ohio would look forward to working with the Commission and interested stakeholders on its implementation.

Respectfully submitted,

/s/ Christopher C. Hollon
Christopher C. Hollon (0086480)
AES OHIO
1065 Woodman Drive
Dayton, Ohio 45432
Phone: (937) 259-7358
Email: christopher.hollon@aes.com

Counsel for AES Ohio

(willing to accept service by e-mail)

CERTIFICATE OF SERVICE

I certify that the foregoing document was e-filed with the Public Utilities Commission of Ohio on January 24, 2022. The PUCO's e-filing system will electronically serve notice of the filing of this document.

/s/ Christopher C. Hollon
Christopher C. Hollon (0086480)

**This foregoing document was electronically filed with the Public Utilities
Commission of Ohio Docketing Information System on**

1/24/2023 5:00:01 PM

in

Case No(s). 22-1024-AU-COI

Summary: Comments Reply Comments of AES Ohio electronically filed by Mr.
Christopher C. Hollon on behalf of The Dayton Power and Light Company d/b/a
AES Ohio