

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of the Dayton Power and Light Company d/b/a AES Ohio for Approval of Its Electric Security Plan.)	
)	Case No. 22-900-EL-SSO
)	
In the Matter of the Application of the Dayton Power and Light Company d/b/a AES Ohio for Approval of Revised Tariffs.)	Case No. 22-901-EL-ATA
)	
In the Matter of the Application of the Dayton Power and Light Company d/b/a AES Ohio for Approval of Accounting Authority Pursuant to R.C. 4905.13.)	Case No. 22-902-EL-AAM
)	

**REPLY BRIEF OF THE
THE OHIO ENERGY GROUP**

The Ohio Energy Group (“OEG”) submits this Reply Brief in response to the Initial Brief of Constellation Energy Generation, LLC and Constellation NewEnergy, Inc. (“Constellation”) filed May 26, 2023 in these proceedings. OEG’s decision not to respond to other arguments raised in this proceeding should not be construed as implicit agreement with those arguments.

In its Initial Brief, Constellation argues that the Commission should make major changes to the Standard Service Offer (“SSO”) auction structure currently in place throughout Ohio, including breaking the single SSO auction structure into three auctions using selected groupings of AES Ohio’s current rate schedules.¹ As OEG explained in detail in its Initial Brief,² Constellation’s proposal to break up the current SSO auctions into three rate schedule groupings is both flawed and has not been sufficiently vetted in this case. That proposal would not only result in arbitrary divisions among AES Ohio customers, but would fail to address the migration risk associated with residential government aggregation customers (which can be similar to the

¹ Constellation Initial Brief at 4-21.

² OEG Initial Brief at 5-9.

migration risk associated with commercial or industrial customers) as compared to individual residential customers.³ Further, breaking up the SSO auctions as Constellation proposes could result in non-competitive auctions or substantial SSO price increases for some rate schedules.⁴

While Constellation cites other states that have adopted different default supply auction structures,⁵ the mere fact that differences exist between state auction structures does not mean that Ohio should change its current practices. The Commission has already taken significant steps to mitigate supplier auction risks in Ohio,⁶ and SSO auction clearing prices have already begun to drop.⁷ To the extent the Commission wishes to explore making any additional SSO changes, it has a pending investigation case open in which to do so.⁸ Accordingly, the Commission should reject Constellation's proposed changes to the SSO auctions in this case.

Respectfully submitted,

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³ OEG Initial Brief at 7-8.

⁴ OEG Initial Brief at 8.

⁵ Constellation Initial Brief at 18-21.

⁶ Entry, Case No. 22-806-EL-WVR (September 7, 2022) at 5; *See also* Case Nos. 22-1127-EL-ATA *et al.*

⁷ Notification of CBP Auction Results, Case No. 18-6000-EL-UNC (March 15, 2023).

⁸ Case Nos. 16-776-EL-UNC *et al.*

CERTIFICATE OF SERVICE

I certify that the foregoing was filed electronically through the Docketing Information System of the Public Utilities Commission of Ohio on this 5th day of June, 2023 In accordance with Rule 4901-1-05, Ohio Administrative Code, the PUCO'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 this case.

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Summary: Brief Ohio Energy Group (OEG) Reply Brief electronically filed by Mr.
Michael L. Kurtz on behalf of Ohio Energy Group.