

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In The Matter of The Application of Ohio )	
Power Company for Authority to Establish a )	
Standard Service Offer Pursuant to R.C. )	Case No. 23-23-EL-SSO
4928.141, in the Form Of an Electric Security )	
Plan. )	

In the Matter of the Application of Ohio Power )	
Company for Approval of Certain Accounting )	Case No. 23-24-EL-AAM
Authority. )	

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**TESTIMONY**

**ANTHONY J. YANKEL**

ON BEHALF OF  
Northeast Ohio Public Energy Council (NOPEC)

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June 9, 2023

**TESTIMONY OF ANTHONY J. YANKEL**  
**On Behalf of the Northeast Ohio Public Energy Council**

1 Q. PLEASE STATE YOUR NAME, ADDRESS, AND EMPLOYMENT.

2

3 A. I am Anthony J. Yankel. I am President of Yankel and Associates, Inc. My address  
4 is 12700 Lake Avenue, Suite 2505, Lakewood, Ohio, 44107.

5

6 Q. WOULD YOU BRIEFLY DESCRIBE YOUR EDUCATIONAL BACKGROUND  
7 AND PROFESSIONAL EXPERIENCE?

8

9 A. I received a Bachelor of Science Degree in Electrical Engineering from Carnegie  
10 Mellon University in 1969 and a Master of Science Degree in Chemical  
11 Engineering from the University of Idaho in 1972. From 1969 through 1972, I was  
12 employed by the Air Correction Division of Universal Oil Products as a product  
13 design engineer. My chief responsibilities were in the areas of design, start-up, and  
14 repair of new and existing product lines for coal-fired power plants. From 1973  
15 through 1977, I was employed by the Bureau of Air Quality for the Idaho  
16 Department of Health & Welfare, Division of Environment. As Chief Engineer for  
17 the Bureau, my responsibilities covered a wide range of investigative functions.  
18 From 1978 through June 1979, I was employed as the Director of the Idaho  
19 Electrical Consumers Office. In that capacity, I was responsible for all  
20 organizational and technical aspects of advocating a variety of positions before  
21 various governmental bodies that represented the interests of the electrical  
22 consumers in the State of Idaho. From July 1979 through October 1980, I was a  
23 partner in the firm of Yankel, Eddy, and Associates. Since that time, I have been in

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1 business for myself. I have been a registered Professional Engineer in the states of  
2 Ohio and Idaho. I have presented testimony before the Federal Energy Regulatory  
3 Commission (FERC), as well as the State Public Utility Commissions of Idaho,  
4 Montana, Ohio, Pennsylvania, Utah, and West Virginia.

5  
6 Q. ON WHOSE BEHALF ARE YOU TESTIFYING?

7  
8 A. I am testifying on behalf of the Northeast Ohio Public Energy Council  
9 (“NOPEC”). NOPEC was created in 2000 in response to the Ohio General  
10 Assembly’s enactment of SB 3, which deregulated the Ohio electric market. The  
11 legislation authorized community officials to aggregate the retail electric load  
12 within their communities’ boundaries for the benefit of their residents, and it  
13 allowed the communities to act jointly. Accordingly, NOPEC was formed as a  
14 regional council of governments under Chapter 167 of the Ohio Revised Code, and  
15 currently is made up of about 240 member counties, townships, and municipal  
16 corporations in 19 Ohio counties. NOPEC operates in three electric distribution  
17 utilities’ (“EDU”) service territories: Ohio Power Company (“AEP Ohio” or the  
18 “Company”), Ohio Edison Company and The Cleveland Electric Illuminating  
19 Company.

20  
21 Q. PLEASE IDENTIFY THE ISSUES YOUR TESTIMONY WILL ADDRESS?

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1     A.     I am addressing only one issue, the proposed Governmental Aggregation Standby  
2           Rider (“GASR”). AEP Ohio, through its witnesses McCulty, Mayhan and  
3           Heitcamp, has proposed the GASR as a new rider, which would be applicable only  
4           to Governmental Aggregation customers. At a high level, the GASR would  
5           require a Governmental Aggregator to elect, prior to the commencement of an  
6           aggregation program, whether it would take standby service. If so, AEP Ohio  
7           would assess a monthly to-be-determined GASR charge on each of the  
8           Governmental Aggregator’s customers for standby service during the program  
9           period. AEP Ohio would collect the charge and then pass the revenue on to SSO  
10          suppliers. If the Governmental Aggregator returned customers to the Company’s  
11          standard service offer (“SSO”) before the program period ended, the returned  
12          customers would be served under existing SSO rates. On the other hand, if the  
13          Governmental Aggregator elected not to take standby service, its customers would  
14          not pay the GASR, but if returned to the SSO before the aggregation program  
15          period ended, they would be required to take generation service at then-available  
16          market prices, through supplies procured by AEP Ohio.

17  
18     Q.     PLEASE SUMMARIZE YOUR TESTIMONY.

19  
20     A.     According to the testimony of AEP Ohio witness McCulty, the proposed GASR is  
21           the Company’s response to NOPEC’s recent return of its customers to the SSO in  
22           September 2022, after energy prices spiked. Mr. McCulty maintains that the

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1 potential for such returns result in uncertainty and volatility with auction pricing.<sup>1</sup>  
2 AEP Ohio witness Mayhan testifies that the purpose of the GASR is to reduce the  
3 risk of migration to the SSO and keep the SSO price as low as possible.<sup>2</sup> My  
4 testimony shows that:

- 5 1. The spike in energy prices in 2022 was not due to NOPEC's return of  
6 customers to the SSO, but was due primarily to unique geopolitical events  
7 (*e.g.*, the Russian invasion of Ukraine). Although AEP Ohio's SSO auction  
8 prices spiked as a result to \$119.98/MWh in the November 2022 auction, the  
9 price dropped precipitously to \$88.55/MWh at its March 2023 auction. This  
10 spike and stabilization of SSO prices is consistent with the trends of other  
11 Ohio electric utilities – including those in whose territories NOPEC does not  
12 operate.
- 13 2. The GASR will not meaningfully reduce the risk of migration to the SSO. In  
14 2022 the return of NOPEC's Governmental Aggregation customers to the  
15 Company's SSO before the expiration of their program period accounted for  
16 less than one percent of all customer load returned to AEP Ohio's SSO. The  
17 effect on AEP Ohio's SSO of Governmental Aggregation customers'  
18 premature return to the SSO was so insignificant that a standby charge is not  
19 necessary.
- 20 3. The GASR standby charge is unjust, unreasonable and discriminatory because  
21 it is applied only to Governmental Aggregation customers who may be

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<sup>1</sup> McCulty Direct at 10.

<sup>2</sup> Mayhan Direct at 14.

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1 returned to the SSO prior to the expiration of their aggregation program. It is  
2 not applied to other customers whose competitive retail electric service  
3 (“CRES”) provider may default on its customer contracts and return its  
4 customers to the SSO. Nor is it applied to Governmental Aggregation  
5 customers returned to the SSO upon expiration of their program, but during  
6 the Delivery Year. In fact, all customers, other than Governmental  
7 Aggregation customers returned to the SSO before their aggregation program  
8 expires, are free to migrate to and from existing SSO pricing at will.

9 4. It is unjust and unreasonable that Governmental Aggregation customers pay a  
10 standby charge for AEP Ohio to pass through to SSO suppliers to lower the  
11 SSO rate. The Governmental Aggregation customers’ standby charge will  
12 subsidize the SSO rate of non-shopping SSO customers and those CRES  
13 customers that return to the SSO.

14 5. The GASR charge is unjust and unreasonable because it is not based on any  
15 defined cost incurred by AEP Ohio to be charged to customers.

16 6. Other than AEP Ohio, none of the Ohio investor-owned EDUs currently have  
17 a Government Aggregation standby charge, or have proposed one in the  
18 pending Electric Security Plans (“ESP”) that have been filed for Commission  
19 approval. Ohio’s other EDUs, like AEP Ohio, have in place minimum stay  
20 tariffs that address the consequences to the Governmental Aggregator for  
21 returning customer prematurely to the SSO. Under the minimum stay tariffs,  
22 Governmental Aggregation customers prematurely returned to the SSO will

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1 appropriately be served at exiting SSO rates, like all other returning CRES  
2 customers.

3  
4 Q. WHAT ARE YOUR RECOMMENDATIONS?

5  
6 A. I strongly recommend that the Commission reject AEP's proposed GASR in its entirety.

7  
8 Q. IN HIS TESTIMONY, AEP OHIO WITNESS MCCULTY STATES THAT THE  
9 GASR IS PROPOSED IN RESPONSE TO RECENT GOVERNMENTAL  
10 AGGREGATORS' DEFAULTS OR THEIR RETURN OF CUSTOMERS TO  
11 THE SSO BEFORE THEIR AGGREGATION PROGRAM EXPIRED. CAN  
12 YOU BRIEFLY DESCRIBE THESE RECENT EVENTS?

13  
14 A. Yes. During the September 2022 billing cycle, NOPEC returned 11,972 Residential  
15 customers and 1,451 Commercial customers to AEP Ohio's SSO before NOPEC's  
16 aggregation program expired. The customers returned were less than one percent of  
17 AEP Ohio's total customer count (1,519,412). The returned customers had a  
18 combined average monthly load of 12,968 MWh, which is also less than one  
19 percent of the total load return to the SSO. According to AEP Ohio, no other  
20 Governmental Aggregator has returned customers to the Company's SSO before the  
21 expiration of its aggregation program. See Attachment AJY-1 (Response to NOPEC  
22 INT-01-009 and RESA-INT-01-003).

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1

2 Q. CAN YOU DESCRIBE THE TOTAL LOAD OF ALL SHOPPING CUSTOMERS  
3 THAT MIGRATED TO THE COMPANY'S SSO IN 2022?

4

5 A. Yes, as I explain in more detail later in my testimony, there was significant mass  
6 migration to the SSO by all customer classes. In November 2021 AEP Ohio's SSO  
7 load was 654,780 MWh compared to 2,617,912 MWh for customers shopping with  
8 CRES providers. By January 2023 the SSO load climbed to 2,102,021 MWh, an  
9 increase of 1,447,241 MWh or 321%. This combined shift of load to the SSO  
10 dwarfs the 12,968 MWh (or 0.9%) of NOPEC load returned; yet AEP Ohio  
11 proposes to impose a standby charge only on Governmental Aggregation  
12 customers.

13

14 Q. CAN YOU EXPLAIN WHAT CAUSED THIS MASS MIGRATION TO THE  
15 SSO?

16

17 A. Yes. The SSO rate is not based on current market prices, but on auctions and  
18 energy prices that occur prior to the SSO's June 1 to May 31 Delivery Year. The  
19 auction's clearing energy price remains constant during the Delivery Year. Due to  
20 unique geopolitical events resulting primarily from the Russian invasion of  
21 Ukraine, market prices for energy soared in 2022. CRES customers who were  
22 served at monthly variable market prices, like NOPEC's customers, saw their  
23 electric bills spike relative to the historically priced SSO. As would be expected, a



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1 significant number of Residential, Commercial, and Industrial customers of AEP  
2 Ohio chose to opt for the lower SSO prices, and consultants actually encouraged all  
3 classes of customers to return to the SSO when appropriate.<sup>3</sup> Customers' on  
4 variable rates whose contracts permitted it, returned to the SSO before their  
5 contracts expired. Other variable rate customers and customers with fixed rate  
6 contracts returned to the SSO when their contracts expired. This was a major shift  
7 and occurred whether customers were served by a Governmental Aggregator or not.

8  
9 Q. CAN YOU ELABORATE FURTHER ON THE RETURN OF CUSTOMERS TO  
10 THE COMPANY'S SSO?

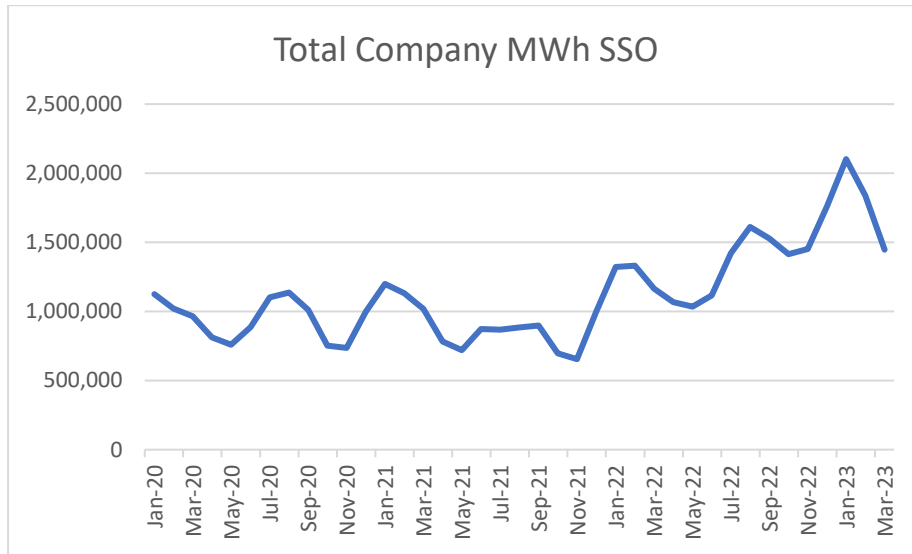
11  
12 A. Yes. Attachment AJY-2 lists various statistics regarding the number of CRES and  
13 SSO customers and their MWh usage by month between January 2020 and March  
14 2023. The data comes from the PUCO's website, "Electric Choice Activity."<sup>4</sup>  
15 Page 1 of Attachment AJY-2 lists data for Total AEP Ohio customers broken out  
16 between CRES and SSO. The following graph for January 2020 thru March 2023  
17 demonstrates the major shift to SSO rates that occurred after November 2021:

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<sup>3</sup> See, e.g., Brakey Energy, Ohio Energy Report (April 2022) <https://www.brakeyenergy.com/app/uploads/2022/05/Apr-2022.htm>; see, also, Brakey Energy, Ohio Energy Report, Residential Corner, June 2022. <https://www.brakeyenergy.com/app/uploads/2022/06/June-2022.htm>.

<sup>4</sup> <https://app.powerbigov.us/view?r=eyJrIjojZTliZDEzNGEtZjlhYi00YWZlLThjZjktMGZmNDg4OWE4ZDFkIiwidCI6IjUwZjhmY2M0LTk0ZDgtNGYwNy04NGViLTM2ZWQ1N2M3YzhhMjI9>

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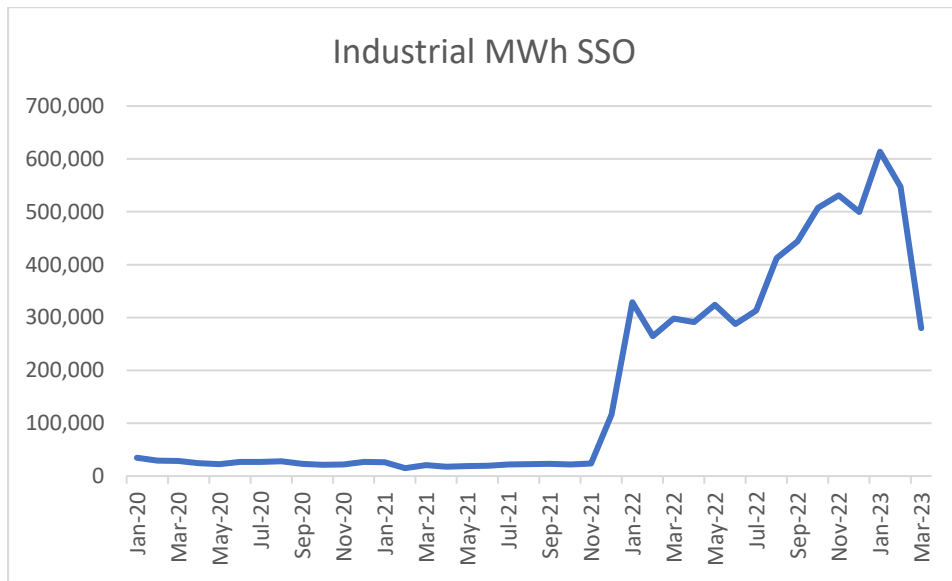


In November 2021 the SSO load was 654,780 MWh (compared to 2,617,912 MWh for CRES customers). By January 2023 the SSO load climbed to 2,102,021 MWh, an increase of 1,447,241 MWh or 321%.

Q. HOW DRAMATIC WAS THE SHIFT BY AEP OHIO'S INDUSTRIAL CUSTOMERS TO SSO RATES THAT BEGAN IN LATE 2021?

A. Page 2 of Attachment AJY-2 lists data for AEP Ohio's Industrial customers broken out between CRES and SSO. The following graph for January 2020 thru March 2023 demonstrates the major shift by shopping Industrial customers to SSO rates that occurred after November 2021:

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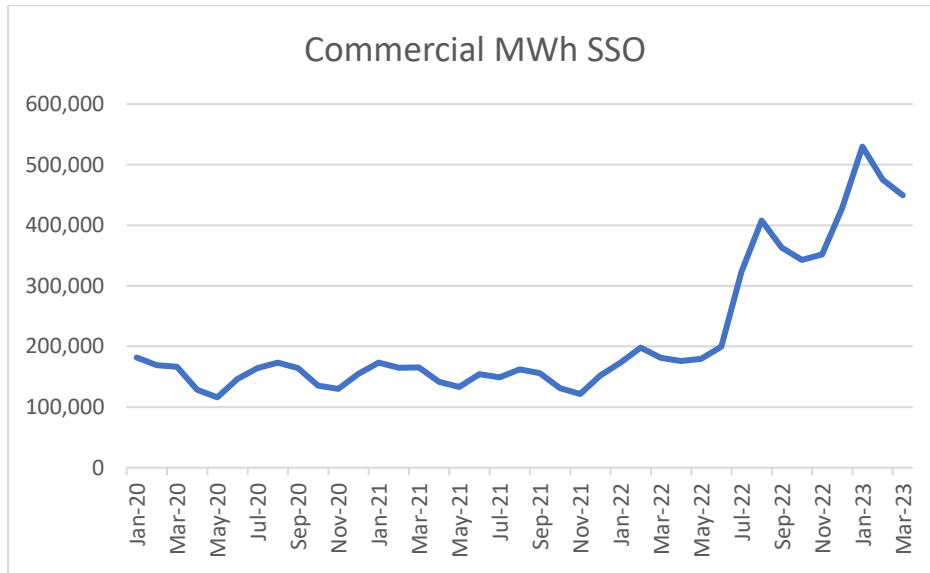


In November 2021 the Industrial SSO load was only 23,487 MWh (compared to 1,120,685 MWh for CRES customers). By January 2023 the Industrial SSO load climbed to 613,640 MWh, an increase of 590,153 MWh or 2,613%.

Q. HOW DRAMATIC WAS THE SHIFT BY AEP OHIO'S SHOPPING COMMERCIAL CUSTOMERS TO SSO RATES BEGINNING IN LATE 2021?

A. Page 3 of Attachment AJY-2 lists data for AEP's Commercial customers broken out between CRES and SSO. The following graph for January 2020 thru March 2023 demonstrates the major shift by shopping Commercial customers to SSO rates that occurred after November 2021:

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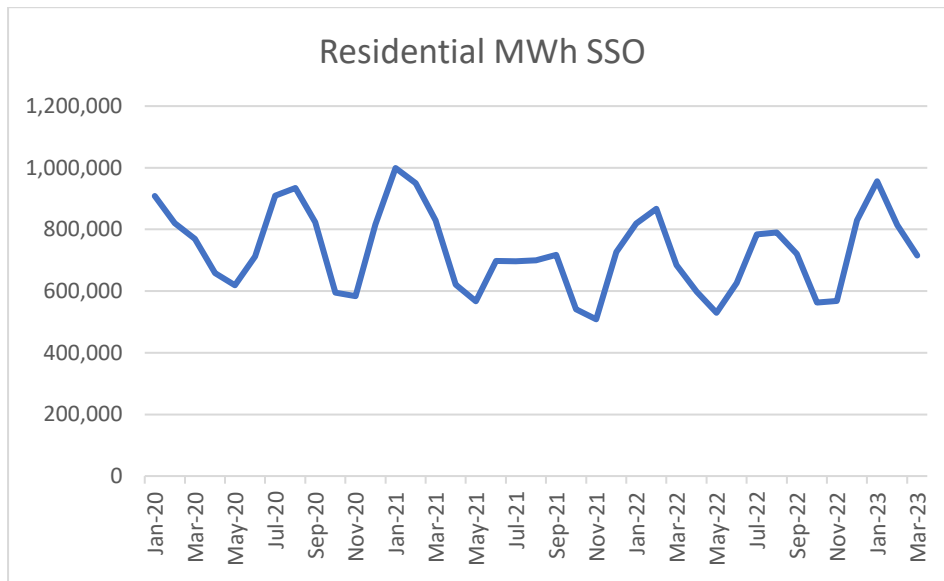


1  
2 In November 2021 the Commercial SSO load was only 121,339 MWh (compared to  
3 1,057,803 MWh for CRES customers). By January 2023 the Commercial SSO load  
4 climbed to 529,856 MWh, an increase 408,517 MWh or 437%.

5  
6 Q. BY COMPARISON, HOW DRAMATIC WAS THE SHIFT BY AEP OHIO'S  
7 RESIDENTIAL CUSTOMERS TO SSO RATES BEGINNING IN LATE 2021?

8  
9 A. Page 4 of Attachment AJY-2 lists data for AEP's Residential customers broken out  
10 between CRES and SSO. The following graph for January 2020 thru March 2023  
11 demonstrates the shift by shopping Residential customers to SSO rates that  
12 occurred after November 2021:

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In November 2021 the Residential SSO load was 508,483 MWh (compared to 430,745 MWh for CRES customers). By January 2023 the Residential SSO load climbed to 955,779 MWh, an increase of 447,296 or 222%. However, a look at the above graph demonstrates that this “increase” was within the range of the normal fluctuation for the Residential customers.

Q. HOW MUCH OF THIS SHIFT WAS CAUSED BY GOVERNMENTAL AGGREGATORS TURNING THEIR CUSTOMERS BACK TO SSO RATES?

A. NOPEC was the only governmental aggregator to return customers to AEP Ohio’s SSO before their aggregation program period expired. NOPEC announced on August 24, 2022 that it was returning its customers to the SSO rate effective with the coming September billing cycle. 11,972 Residential customers out of AEP’s 1,519,412 total customers were returned (0.8%). The average monthly load for

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1       these customers was 10,332 MWh, a mere fraction (0.7%) of the 1,447,241MWh<sup>5</sup>  
2       of load that was shifted to SSO rates between November 2021 and January 2023.  
3       In addition, 1,451 NOPEC Commercial customers out of AEP's 1,519,412 total  
4       customers were returned (0.1%). The average monthly load for these customers  
5       was 2,636 MWh, a mere fraction (0.2%) of the 1,447,241MWh of load that was  
6       shifted to SSO rates between November 2021 and January 2023.  
7

8    Q.   ARE OTHER GOVERNMENTAL AGGREGATIONS ACTIVE IN AEP OHIO'S  
9       SERVICE TERRITORY?

10  
11   A.   Yes. According to its discovery responses, AEP Ohio has 184 active aggregators in  
12       its service territory. See Attachment AJY-3 (Response to Constellation INT-02-  
13       015). Just as special circumstances caused NOPEC to return its customers to the  
14       SSO in 2022, other circumstances caused the other Governmental Aggregators not  
15       to return their customers during the aggregation program period. For example, it  
16       would not be in Governmental Aggregation customers' interest to be returned to the  
17       SSO if they were being served under favorable fixed rates. Regardless, AEP Ohio  
18       has conducted no study to support the likelihood of Governmental Aggregators  
19       returning their customers to the SSO before their aggregation program expired. See  
20       Attachment AJY-4 (Response to Constellation INT-02-014). Such returns in the

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<sup>5</sup> From Attachment AJY-2 it can be seen that the total AEP Ohio SSO load in January 2023 was 2,102,021 MWh less 654,780 MWh in November 2021, for a total increase during that period of 1,447,241 MWh.

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1 future are unlikely considering the unique circumstances that occurred in 2022 and  
2 the adoption of AEP Ohio's "minimum stay" tariff provision (discussed below).

3  
4 Q. HAS THIS SHIFT IN CUSTOMERS BY NOPEC CAUSED A SIGNIFICANT  
5 DISRUPTION TO AEP OHIO'S SSO REQUIREMENTS?

6  
7 A. No. Although AEP Ohio witness McCulty claims that NOPEC's return of  
8 customers to the SSO resulted in uncertainty and volatility with auction pricing, the  
9 volatility was caused by the geopolitical events of 2022. Although AEP Ohio's  
10 SSO auction prices spiked to \$119.98/MWh in November 2022, it was in line with  
11 other electric utilities' SSO auction pricing. In April 2022, AES Ohio's auction  
12 cleared at over \$125 per MWh for the 50 percent of tranches purchased for the  
13 2023/2024 Delivery Year. In September, Duke Energy Ohio's auction for 20 of 40  
14 tranches cleared at a wholesale price of \$115.75 per MWh for the 2023/2024  
15 Delivery Year. Notably, NOPEC does not operate in the AES Ohio and Duke  
16 Energy Ohio service territories and, to my knowledge, no other Governmental  
17 Aggregator returned customers to those utilities' SSO prior to the expiration of the  
18 applicable Aggregation program. These independent auction results confirm that  
19 SSO prices rose regardless of NOPEC's early return of its customers.

20  
21 With energy markets stabilizing, SSO auction prices are trending downward. Duke  
22 Energy Ohio's clearing price for the 2023/2024 Delivery Year was \$82.79/MWh in  
23 February 2023 and AES Ohio's was \$83.21/MWh in April 2023. Similarly, AEP

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1 Ohio's March 2023 clearing price was precipitously lower at \$88.55/MWh, and in  
2 line with its fellow Ohio utilities.

3  
4 Q. BY CONTRAST, WOULD THE GASR PROPOSED BY AEP OHIO HAVE A  
5 SIGNIFICANT IMPACT ON GOVERNMENTAL AGGREGATION  
6 PROGRAMS?

7  
8 A. Yes. The GASR requires the Governmental Aggregator to elect to take standby service or  
9 not. If the service is elected, its customers will incur an extra non-cost-of-service based  
10 charge for generation service that customers of other CRES providers will not bear. If the  
11 Governmental Aggregator declines standby service, it will have to inform its customers that  
12 if they are returned to the SSO, they will pay market prices for service, costs that customers  
13 of other CRES providers returning to the SSO will not. Under either option, Governmental  
14 Aggregation customers will be adversely affected vis-a-vis other shopping customers and  
15 enrollment in Governmental Aggregation programs will be harmed.

16  
17 Q. IS THIS EFFECT ON GOVERNMENTAL AGGREGATION AND ITS CUSTOMERS  
18 CONSISTENT WITH STATE POLICY?

19  
20 A. No. I have been advised by counsel that R.C. 2928.20(K) requires the PUCO to "adopt  
21 rules to encourage and promote large-scale governmental aggregation in this state." This  
22 was, and still is a very appropriate policy regarding deregulation in Ohio. As most of us  
23 are aware, there are many electric customers that are not sophisticated enough to do their



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1        own shopping for a competitive electric rate. Governmental Aggregation, with its ability  
2        to add sophistication and buying power where none existed before, has been a major  
3        boost to deregulation and competitive market prices in Ohio. To require Governmental  
4        Aggregation customers to pay a standby fee or a higher rate than all other SSO customers  
5        would be detrimental to Governmental Aggregation.

6  
7    Q.    IS THE PROPOSED GASR JUST AND REASONABLE AS APPLIED TO ALL  
8        GOVERNMENTAL AGGREGATION CUSTOMERS?

9  
10   A.   No. The proposed GASR is a standby charge or insurance policy in the event that the  
11        Governmental Aggregator returns customers to the SSO. Under the proposed GASR,  
12        Governmental Aggregation customers pay the standby charge so that if they are returned to  
13        the SSO, they will be placed on the existing SSO rate rather than being charged the then-  
14        market price of electricity. However, Governmental Aggregation customers do not need  
15        this insurance policy if they return to the SSO of their own volition. For example, if the  
16        Governmental Aggregator does not select the GASR standby service, its customers who  
17        return to the SSO of their own volition return at existing SSO prices, rather than at the  
18        market price they would pay had the Governmental Aggregator returned them. However, if  
19        the Governmental Aggregator selects standby service, its customers will pay the standby  
20        charge to “insure” against their return by the Governmental Aggregator. It is unjust and  
21        unreasonable to require these customers to pay the standby charge when they voluntarily  
22        return to the SSO, considering that their voluntary return would entitle them to be served  
23        under existing SSO rates anyway. The proposal also is unreasonable by virtue of the

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1        confusion caused by explaining these nuances to community leaders and prospective  
2        governmental aggregation customers. Moreover, the proposed GASR is not cost-based, or  
3        based on any cost AEP Ohio incurs to provide service to its customers.

4  
5    Q.    IS THE GASR EVEN NECESSARY?

6  
7    A.    No. NOPEC's recent return of customers to AEP Ohio's SSO was so insignificant, and  
8        the future return of Governmental Aggregation customers so improbable, that it makes this  
9        proposal not only unfair, but completely unnecessary. Further, the GASR as proposed is  
10       unnecessary because it is directed toward the Governmental Aggregator's conduct in  
11       returning customers to the SSO. AEP Ohio's recently adopted "minimum stay" tariff  
12       already addresses this conduct by penalizing the aggregator's ability to provide future  
13       aggregation programs – without inflicting unnecessary additional costs on only a segment  
14       of consumers. See Attachment AJY-5. In fact, all other Ohio EDUs also have minimum  
15       stay tariffs in place to address the issue of Governmental Aggregators prematurely  
16       returning customers to the SSO, while appropriately imposing no additional costs on the  
17       customers. None has proposed a standby charge in any pending electric service plan filing.

18  
19   Q.    ARE OTHER CUSTOMERS WHO SHOP WITH CRES PROVIDERS SUBJECT TO A  
20        STANDBY CHARGE?

21  
22   A.    No.

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1 Q. AEP OHIO WINTNESS MCCULTY IS CONCERNED ABOUT THE CONSEQUENCES  
2 OF POTENTIAL GOVERNMENTAL AGGREGATORS DEFAULT. IS IT POSSIBLE  
3 FOR A CRES PROVIDER TO DEFAULT ON SEVERAL THOUSAND NON-  
4 GOVERNMENTAL AGGREGATION CONTRACTS AND RETURN THOSE  
5 CUSTOMERS TO THE SSO?

6  
7 A. Yes. In fact, there have been instances in the past where CRES providers have defaulted  
8 and their customers were returned to SSO service.

9  
10 Q. IF NO STANDBY SERVICE APPLIES TO CRES PROVIDERS AND THEIR  
11 CUSTOMERS, HOW IS THE DEFAULT AND RETURN OF CUSTOMERS TO THE  
12 SSO HANDLED?

13  
14 A. As I explained before, SSO rates are based upon a competitive bid process or  
15 auction. Under the Company's proposed Master Standard Service Offer Agreement  
16 ("MSSOA"), winning bidders for SSO supply are not awarded a specific quantity of  
17 electricity to be delivered, but are obligated by the MSSOA to serve a percentage of  
18 SSO load at the auction clearing price. Suppliers are aware that SSO load  
19 fluctuates monthly and assume the risk of the obligation to serve customers  
20 returning to the SSO and should factor that possibility into their bid. Under the  
21 MSSOA, if a CRES provider defaults on its obligation to serve its customers under  
22 contract, its customers are returned to the SSO at existing SSO rates without having  
23 paid a standby charge. Conversely, if Governmental Aggregation customers are

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1        returned to the SSO after a Governmental Aggregator's default, they will have paid  
2        a standby charge or returned to the SSO at then-current market prices.

3  
4    Q.    TO YOUR KNOWLEDGE, IS THERE ANY REGULATORY PRINCIPLE THAT  
5        WOULD PERMIT THIS DIFFERENT TREATMENT OF GOVERNMENTAL  
6        AGGREGATION CUSTOMERS AND CRES CUSTOMERS WHEN EACH IS  
7        RETURNED TO THE SSO AFTER A DEFAULT?

8  
9    A.    No, and AEP Ohio has not justified why it is appropriate to treat customers returned  
10       to the SSO based upon a Governmental Aggregator's default any differently than  
11       customers returned based upon a CRES provider's default. Upon the advice of  
12       counsel, I'm aware that R.C. 4928.143(B)(2)(d) does not limit standby charges to  
13       Governmental Aggregation customers. However, it is unjust, unreasonable and, in  
14       the broadest terms, discriminatory to assess a standby charge only to Governmental  
15       Aggregation customers.

16  
17   Q.    ARE GOVERNMENTAL AGGREGATION CUSTOMERS WHO RETURN TO  
18        THE SSO UPON EXPIRATION OF THEIR AGGREGATION PROGRAM  
19        SUBJECT TO A STANDBY CHARGE, EVEN IF RETURNED IN THE MIDDLE  
20        OF A DELIVERY YEAR?

21  
22   A.    No. This return obliges SSO suppliers to serve the returning customers at existing  
23        SSO prices and causes the same strain on SSO suppliers and SSO rates that AEP

**TESTIMONY OF ANTHONY J. YANKEL**  
**On Behalf of the Northeast Ohio Public Energy Council**

1 Ohio alleges when Governmental Aggregation customers are returned to the SSO  
2 before their program expires. It is unjust and reasonable to permit these customers  
3 to return to existing SSO prices, but not Governmental Aggregation customers who  
4 are returned before their program expires.

5  
6 Q. ARE YOU RECOMMENDING THAT A STANDBY CHARGE BE APPLIED TO  
7 ALL SHOPPING CUSTOMERS?

8  
9 A. No. That would be completely contrary to the intent of SB 3 and deregulation in  
10 general. One of the main driving forces behind deregulation in Ohio was to get  
11 generation costs out of “rate of return regulation”. Although not a perfect system,  
12 Ohio’s ESPs and SSOs have worked toward that goal of being market based and not  
13 cost-of-service based. Putting a standby charge in place (or even a placeholder) is a  
14 major step backward.

15  
16 Q. OTHER THAN THE FACT THAT THE PROPOSED GASR UNFAIRLY  
17 TARGETS GOVERNMENTAL AGGREGATION CUSTOMERS, IS THERE  
18 ANYTHING ELSE ABOUT IT THAT IS INAPPROPRIATE?

19  
20 A. Yes. The GASR’s standby charge would cause Governmental Aggregation  
21 customers’ rates to increase. AEP Ohio would pass this charge on the SSO  
22 suppliers which in effect lowers the SSO rate. The standby charge would be  
23 counter competitive as it would artificially raise the price for one group of

**TESTIMONY OF ANTHONY J. YANKEL**  
**On Behalf of the Northeast Ohio Public Energy Council**

1 customers while lowering the rate for others. In effect, Governmental Aggregation  
2 customers that pay the standby charge would be subsidizing the rates of non-  
3 shopping SSO customers and CRES customers who return to the SSO.

4 Q. WHAT IS YOUR RECOMMENDATION REGARDING THE GASR?

5

6 A. I strongly recommend that the PUCO reject it in its entirety.

7

8 Q. DOES THIS CONCLUDE YOUR DIRECT TESTIMONY?

9

10 A. Yes, but I reserve the right to modify or supplement my testimony.

**OHIO POWER COMPANY'S RESPONSE TO  
NORTHEAST OHIO PUBLIC ENERGY COUNCIL'S  
DISCOVERY REQUEST  
PUCO CASE 23-0023-EL-SSO  
FIRST SET**

**INTERROGATORY**

NOPEC-INT-01-009      Identify the combined load of the Governmental Aggregation customers who the Governmental Aggregator returned to the Company's SSO during the following delivery years prior to the end of the Aggregation Program.

- a. June 1, 2020 – May 31, 2021
- b. June 1, 2021 – May 31, 2022
- c. June 1, 2022 – May 31, 2023

**RESPONSE**

AEP Ohio objects that the request seeks information that is not relevant or likely to lead to the discovery of admissible information. The Company further objects to the form of the question as this request is vague and overbroad and seeks information that is not kept in the ordinary course of business and would unduly burdensome to compile in the format requested. The Company further objects that the request is vague and undefined; specifically, the terms "load" and "Governmental Aggregator returned." Without waiving these objections or any general objections the Company may have, the Company states as follows. The Company does not always get advanced notice when aggregation customers are returned to the SSO and currently there is no EDI code to otherwise identify customers being dropped, but that would be required under the Company's proposal. Aside from the NOPEC incident in 2022, the Company has not located any other responsive data after a good faith search. For the NOPEC incident, please see NOPEC-INT-01-009 Attachment 1. For purposes of responding, "combined load" is interpreted as the sum of PLC (aka 5CP, CAP, AVG).

Prepared by:

Counsel  
Jaime L. Mayhan

**OHIO POWER COMPANY'S RESPONSE TO  
RETAIL ENERGY SUPPLY ASSOCIATION'S  
DISCOVERY REQUEST  
PUCO CASE 23-0023-EL-SSO  
FIRST SET**

**INTERROGATORY**

RESA-INT-01-003      How many aggregator defaults has the Company experienced, as referenced on Page 10, Lines 4-6 in the Testimony of Michael W. McCulty.

**RESPONSE**

AEP Ohio objects to the form of the question as this request is vague, undefined, overbroad, and/or unduly burdensome as it is not limited in time or scope. The Company further objects because the Company does not track this information in the ordinary course of business. Without waiving these objections or any general objections the Company may have, the Company states as follows. The Company has experienced one aggregator default to date.

Prepared by:

Counsel  
Michael W. McCulty



**AEP Total Company Usage and Customer Count**

<u>Month</u>	<u>MWH</u>			<u>MWH/Cust</u>		<u>Number of Customers</u>			<u>Total</u>
	<u>CRES</u>	<u>SSO</u>	<u>SSO %</u>	<u>CRES</u>	<u>SSO</u>	<u>CRES</u>	<u>SSO</u>	<u>SSO %</u>	
Jan-20	2,723,292	1,125,565	29%	4.75	1.22	573,832	924,303	62%	1,498,135
Feb-20	2,555,142	1,019,988	29%	4.44	1.11	575,276	920,980	62%	1,496,256
Mar-20	2,526,335	965,931	28%	4.39	1.05	576,044	922,583	62%	1,498,627
Apr-20	2,310,481	812,781	26%	3.99	0.89	579,742	918,308	61%	1,498,050
May-20	2,110,420	759,251	26%	3.64	0.82	580,092	920,397	61%	1,500,489
Jun-20	2,391,554	887,264	27%	4.13	0.96	578,893	921,790	61%	1,500,683
Jul-20	2,821,567	1,102,327	28%	4.84	1.20	583,107	919,581	61%	1,502,688
Aug-20	2,847,252	1,136,865	29%	4.92	1.23	578,391	924,308	62%	1,502,699
Sep-20	2,739,182	1,012,073	27%	4.70	1.10	583,147	922,452	61%	1,505,599
Oct-20	2,444,002	752,664	24%	4.24	0.81	576,696	928,412	62%	1,505,108
Nov-20	2,370,689	736,911	24%	4.13	0.79	574,039	929,834	62%	1,503,873
Dec-20	2,626,811	998,533	28%	4.57	1.07	574,352	932,258	62%	1,506,610
Jan-21	2,822,657	1,199,899	30%	4.90	1.29	576,054	932,300	62%	1,508,354
Feb-21	2,639,592	1,130,997	30%	4.59	1.22	574,980	928,901	62%	1,503,881
Mar-21	2,626,898	1,017,941	28%	4.52	1.09	581,186	934,467	62%	1,515,653
Apr-21	2,493,389	781,972	24%	4.20	0.85	593,456	916,545	61%	1,510,001
May-21	2,493,422	720,265	22%	4.24	0.78	588,405	920,943	61%	1,509,348
Jun-21	2,767,055	873,141	24%	4.73	0.94	585,071	925,798	61%	1,510,869
Jul-21	3,143,913	868,757	22%	4.06	1.18	775,217	735,868	49%	1,511,085
Aug-21	3,131,103	884,953	22%	4.08	1.19	766,857	744,685	49%	1,511,542
Sep-21	3,176,566	897,457	22%	4.19	1.19	758,496	754,140	50%	1,512,636
Oct-21	2,747,636	695,737	20%	3.68	0.91	747,462	766,191	51%	1,513,653
Nov-21	2,617,912	654,780	20%	3.46	0.86	757,604	757,519	50%	1,515,123
Dec-21	2,799,517	997,529	26%	3.76	1.30	745,391	769,792	51%	1,515,183
Jan-22	2,693,089	1,322,634	33%	3.65	1.70	737,618	779,647	51%	1,517,265
Feb-22	2,593,639	1,330,838	34%	3.54	1.69	732,185	785,694	52%	1,517,879
Mar-22	2,465,437	1,164,434	32%	3.30	1.51	746,143	772,463	51%	1,518,606
Apr-22	2,356,355	1,066,867	31%	3.19	1.36	739,368	785,228	52%	1,524,596
May-22	2,331,405	1,034,301	31%	3.23	1.30	722,444	795,318	52%	1,517,762
Jun-22	2,594,525	1,115,209	30%	3.66	1.38	709,516	807,985	53%	1,517,501
Jul-22	2,675,489	1,421,747	35%	3.84	1.73	697,025	821,621	54%	1,518,646
Aug-22	2,476,289	1,610,845	39%	3.63	1.93	682,673	836,358	55%	1,519,031
Sep-22	2,372,999	1,528,498	39%	3.55	1.79	667,590	851,822	56%	1,519,412
Oct-22	1,909,606	1,415,355	43%	2.94	1.63	648,921	869,620	57%	1,518,541
Nov-22	1,765,843	1,452,210	45%	2.77	1.64	636,784	883,035	58%	1,519,819
Dec-22	2,042,288	1,760,319	46%	3.24	1.98	630,382	890,272	59%	1,520,654
Jan-23	2,069,296	2,102,021	50%	3.31	2.34	625,532	897,372	59%	1,522,904
Feb-23	1,833,387	1,838,960	50%	2.94	2.05	624,515	897,680	59%	1,522,195
Mar-23	2,113,915	1,447,346	41%	3.42	1.60	618,384	904,471	59%	1,522,855

**AEP Industrial Usage and Customer Count**

<u>Month</u>	<u>MWH</u>			<u>MWH/Cust</u>		<u>Number of Customers</u>			<u>Total</u>
	<u>CRES</u>	<u>SSO</u>	<u>SSO %</u>	<u>CRES</u>	<u>SSO</u>	<u>CRES</u>	<u>SSO</u>	<u>SSO %</u>	
Jan-20	1,128,542	34,386	3.0%	192.5	9.3	5,862	3,716	38.8%	9,578
Feb-20	1,132,228	29,444	2.5%	193.6	8.0	5,847	3,684	38.7%	9,531
Mar-20	1,152,706	28,645	2.4%	197.4	7.8	5,840	3,693	38.7%	9,533
Apr-20	1,042,047	24,468	2.3%	178.2	6.7	5,848	3,660	38.5%	9,508
May-20	924,126	22,741	2.4%	158.0	6.3	5,848	3,618	38.2%	9,466
Jun-20	980,513	26,973	2.7%	167.7	7.5	5,846	3,603	38.1%	9,449
Jul-20	1,114,694	27,033	2.4%	188.4	7.5	5,916	3,588	37.8%	9,504
Aug-20	1,145,928	28,272	2.4%	193.8	7.9	5,913	3,575	37.7%	9,488
Sep-20	1,123,423	23,055	2.0%	189.4	6.5	5,932	3,546	37.4%	9,478
Oct-20	1,108,993	21,560	1.9%	187.5	6.1	5,914	3,510	37.2%	9,424
Nov-20	1,096,033	21,630	1.9%	185.9	6.1	5,897	3,532	37.5%	9,429
Dec-20	1,143,316	26,599	2.3%	192.1	7.7	5,952	3,449	36.7%	9,401
Jan-21	1,177,524	25,989	2.2%	198.7	7.5	5,927	3,458	36.8%	9,385
Feb-21	1,114,401	14,946	1.3%	190.1	4.4	5,863	3,393	36.7%	9,256
Mar-21	1,149,535	20,958	1.8%	191.2	6.1	6,012	3,456	36.5%	9,468
Apr-21	1,155,431	17,909	1.5%	196.4	5.2	5,882	3,467	37.1%	9,349
May-21	1,174,519	18,655	1.6%	200.4	5.4	5,862	3,443	37.0%	9,305
Jun-21	1,221,675	19,746	1.6%	208.7	5.6	5,854	3,503	37.4%	9,357
Jul-21	1,222,063	21,663	1.7%	201.8	6.6	6,055	3,303	35.3%	9,358
Aug-21	1,214,978	22,343	1.8%	201.5	6.8	6,031	3,293	35.3%	9,324
Sep-21	1,224,815	23,048	1.8%	203.7	7.0	6,014	3,288	35.3%	9,302
Oct-21	1,137,182	21,635	1.9%	189.8	6.5	5,993	3,337	35.8%	9,330
Nov-21	1,120,685	23,487	2.1%	186.3	7.2	6,017	3,269	35.2%	9,286
Dec-21	1,089,995	116,664	9.7%	182.1	35.4	5,986	3,293	35.5%	9,279
Jan-22	899,575	328,698	26.8%	151.0	97.5	5,957	3,372	36.1%	9,329
Feb-22	851,690	264,583	23.7%	144.3	78.7	5,902	3,362	36.3%	9,264
Mar-22	882,706	297,906	25.2%	149.3	88.3	5,911	3,373	36.3%	9,284
Apr-22	882,602	291,593	24.8%	150.4	85.7	5,870	3,402	36.7%	9,272
May-22	878,712	323,975	26.9%	151.9	92.7	5,784	3,494	37.7%	9,278
Jun-22	931,397	288,022	23.6%	166.1	79.1	5,608	3,642	39.4%	9,250
Jul-22	938,545	313,401	25.0%	168.1	85.3	5,582	3,673	39.7%	9,255
Aug-22	773,339	412,296	34.8%	143.9	105.5	5,374	3,907	42.1%	9,281
Sep-22	763,828	444,038	36.8%	145.7	111.7	5,242	3,976	43.1%	9,218
Oct-22	616,159	507,644	45.2%	119.9	123.6	5,138	4,106	44.4%	9,244
Nov-22	562,467	531,208	48.6%	110.7	128.3	5,083	4,139	44.9%	9,222
Dec-22	605,237	499,388	45.2%	120.6	119.9	5,019	4,165	45.4%	9,184
Jan-23	574,429	613,640	51.7%	113.8	147.0	5,048	4,174	45.3%	9,222
Feb-23	534,680	547,359	50.6%	107.8	130.0	4,959	4,209	45.9%	9,168
Mar-23	872,737	279,766	24.3%	171.2	68.0	5,097	4,112	44.7%	9,209

**AEP Commercial Usage and Customer Count**

<u>Month</u>	<u>CRES</u>	<u>SSO</u>	<u>SSO %</u>	<u>CRES</u>	<u>SSO</u>	<u>CRES</u>	<u>SSO</u>	<u>SSO %</u>	<u>Total</u>
Jan-20	1,095,690	181,544	14.2%	10.6	2.3	102,908	79,766	43.7%	182,674
Feb-20	981,218	169,187	14.7%	9.6	2.1	102,417	79,095	43.6%	181,512
Mar-20	955,808	166,598	14.8%	9.3	2.1	102,740	79,288	43.6%	182,028
Apr-20	887,704	128,307	12.6%	8.6	1.6	102,873	78,890	43.4%	181,763
May-20	823,703	116,064	12.4%	8.0	1.4	103,000	80,223	43.8%	183,223
Jun-20	980,174	146,388	13.0%	9.5	1.8	102,773	79,804	43.7%	182,577
Jul-20	1,144,827	164,156	12.5%	10.9	2.1	104,942	79,149	43.0%	184,091
Aug-20	1,133,645	173,542	13.3%	10.9	2.2	103,853	79,345	43.3%	183,198
Sep-20	1,112,709	164,169	12.9%	10.7	2.0	104,149	79,547	43.7%	185,014
Oct-20	980,395	135,067	12.1%	9.6	1.7	102,800	80,865	44.2%	183,268
Nov-20	936,768	129,985	12.2%	9.2	1.6	102,314	80,954	44.3%	183,511
Dec-20	1,030,824	154,863	13.1%	10.1	1.9	102,255	81,256	44.3%	183,630
Jan-21	1,103,394	173,256	13.6%	10.8	2.1	102,213	81,417	44.3%	183,630
Feb-21	1,024,618	164,903	13.9%	10.2	2.1	100,212	79,491	44.2%	179,703
Mar-21	1,031,518	165,443	13.8%	9.9	2.0	104,341	84,452	44.7%	188,793
Apr-21	972,430	141,724	12.7%	9.5	1.7	102,472	82,278	44.5%	184,750
May-21	980,595	133,045	11.9%	9.6	1.6	101,908	82,832	44.8%	184,740
Jun-21	1,120,011	154,289	12.1%	11.0	1.8	102,150	83,599	45.0%	185,749
Jul-21	1,233,256	149,118	10.8%	10.8	2.1	113,673	72,317	38.9%	185,990
Aug-21	1,237,288	162,067	11.6%	10.9	2.2	113,997	72,242	38.8%	186,239
Sep-21	1,273,049	155,662	10.9%	11.2	2.1	113,793	72,442	38.9%	186,235
Oct-21	1,119,962	131,260	10.5%	9.9	1.8	113,244	73,298	39.3%	186,542
Nov-21	1,057,803	121,339	10.3%	9.3	1.7	113,586	72,871	39.1%	186,457
Dec-21	1,137,104	152,370	11.8%	10.1	2.1	112,673	73,849	39.6%	186,522
Jan-22	1,163,364	173,579	13.0%	10.5	2.3	110,705	76,013	40.7%	186,718
Feb-22	1,104,804	198,071	15.2%	10.0	2.6	110,387	76,421	40.9%	186,808
Mar-22	1,052,900	181,064	14.7%	9.5	2.4	110,492	76,618	40.9%	187,110
Apr-22	1,014,029	176,010	14.8%	9.2	2.3	109,691	78,081	41.6%	187,772
May-22	1,041,975	179,854	14.7%	9.6	2.3	108,863	78,882	42.0%	187,745
Jun-22	1,163,256	199,878	14.7%	10.8	2.5	107,828	79,882	42.6%	187,710
Jul-22	1,117,778	323,286	22.4%	10.5	4.0	106,474	81,199	43.3%	187,673
Aug-22	1,101,382	407,564	27.0%	10.4	5.0	105,949	82,015	43.6%	187,964
Sep-22	1,087,576	362,650	25.0%	10.4	4.4	104,783	82,279	44.0%	187,062
Oct-22	918,885	342,916	27.2%	8.9	4.1	103,242	83,805	44.8%	187,047
Nov-22	858,868	351,663	29.1%	8.4	4.1	102,046	84,886	45.4%	186,932
Dec-22	962,799	429,155	30.8%	9.5	5.0	101,100	85,171	45.7%	186,271
Jan-23	961,028	529,856	35.5%	9.6	6.3	99,625	84,349	45.8%	183,974
Feb-23	847,593	475,231	35.9%	8.6	5.7	98,479	83,842	46.0%	182,321
Mar-23	845,202	449,522	34.7%	8.6	5.3	98,081	84,305	46.2%	182,386

**AEP Residential Usage and Customer Count**

Jan-20	489,801	907,985	65.0%	1.1	1.1	463,156	840,114	64.5%	1,303,270
Feb-20	433,605	819,860	65.4%	0.9	1.0	465,108	837,497	64.3%	1,302,605
Mar-20	409,687	769,153	65.2%	0.9	0.9	465,609	838,851	64.3%	1,304,460
Apr-20	373,197	658,649	63.8%	0.8	0.8	469,122	835,056	64.0%	1,304,178
May-20	355,471	619,151	63.5%	0.8	0.7	469,350	835,853	64.0%	1,305,203
Jun-20	424,077	712,686	62.7%	0.9	0.9	468,383	837,669	64.1%	1,306,052
Jul-20	555,034	909,912	62.1%	1.2	1.1	470,349	836,137	64.0%	1,306,486
Aug-20	560,275	933,838	62.5%	1.2	1.1	466,732	840,681	64.3%	1,307,413
Sep-20	495,261	823,532	62.4%	1.1	1.0	471,171	838,658	64.0%	1,309,829
Oct-20	346,203	594,667	63.2%	0.7	0.7	466,089	843,336	64.4%	1,309,425
Nov-20	329,172	583,829	63.9%	0.7	0.7	463,938	844,648	64.5%	1,308,586
Dec-20	443,389	815,524	64.8%	1.0	1.0	464,259	846,850	64.6%	1,311,109
Jan-21	532,439	999,115	65.2%	1.1	1.2	466,025	846,725	64.5%	1,312,750
Feb-21	492,335	949,742	65.9%	1.1	1.1	467,033	845,319	64.4%	1,312,352
Mar-21	437,692	830,031	65.5%	0.9	1.0	468,930	845,856	64.3%	1,314,786
Apr-21	357,982	621,042	63.4%	0.7	0.7	483,134	830,180	63.2%	1,313,314
May-21	331,238	567,345	63.1%	0.7	0.7	476,672	834,049	63.6%	1,310,721
Jun-21	418,612	697,947	62.5%	0.9	0.8	475,111	838,074	63.8%	1,313,185
Jul-21	681,565	696,785	50.6%	1.0	1.1	653,532	659,615	50.2%	1,313,147
Aug-21	671,451	699,292	51.0%	1.0	1.0	644,874	668,529	50.9%	1,313,403
Sep-21	670,913	717,432	51.7%	1.1	1.1	636,738	677,787	51.6%	1,314,525
Oct-21	482,107	541,424	52.9%	0.8	0.8	626,272	688,934	52.4%	1,315,206
Nov-21	430,745	508,483	54.1%	0.7	0.7	636,056	680,753	51.7%	1,316,809
Dec-21	562,966	726,857	56.4%	0.9	1.1	624,786	692,019	52.6%	1,316,805
Jan-22	620,741	818,708	56.9%	1.0	1.2	619,012	699,629	53.1%	1,318,641
Feb-22	629,064	866,736	57.9%	1.0	1.2	613,960	705,279	53.5%	1,319,239
Mar-22	521,708	683,992	56.7%	0.8	1.0	627,811	691,835	52.4%	1,319,646
Apr-22	452,394	597,951	56.9%	0.7	0.9	621,882	703,104	53.1%	1,324,986
May-22	404,156	529,270	56.7%	0.7	0.7	605,879	712,621	54.0%	1,318,500
Jun-22	493,992	626,205	55.9%	0.8	0.9	594,162	723,838	54.9%	1,318,000
Jul-22	612,061	783,906	56.2%	1.0	1.1	583,051	736,117	55.8%	1,319,168
Aug-22	594,488	789,666	57.1%	1.0	1.1	569,448	749,798	56.8%	1,319,246
Sep-22	514,022	720,413	58.4%	0.9	0.9	555,672	764,798	57.9%	1,320,470
Oct-22	366,444	563,170	60.6%	0.7	0.7	538,695	781,023	59.2%	1,319,718
Nov-22	336,230	567,607	62.8%	0.6	0.7	527,812	793,323	60.0%	1,321,135
Dec-22	465,376	829,626	64.1%	0.9	1.0	522,435	800,245	60.5%	1,322,680
Jan-23	525,157	955,779	64.5%	1.0	1.2	519,123	808,090	60.9%	1,327,213
Feb-23	443,715	814,238	64.7%	0.9	1.0	519,355	808,859	60.9%	1,328,214
Mar-23	388,866	715,860	64.8%	0.8	0.9	513,495	815,273	61.4%	1,328,768

**OHIO POWER COMPANY'S RESPONSE TO  
CONSTELLATION ENERGY GENERATION, LLC  
AND  
CONSTELLATION NEWENERGY, INC'S  
DISCOVERY REQUEST  
PUCO CASE 23-0023-EL-SSO  
SECOND SET**

**INTERROGATORY**

Constellation-INT-02-015      How many governmental aggregations are in effect in AEP Ohio's service territory currently?

**RESPONSE**

AEP Ohio objects to the form of the question as this request is vague and overbroad and seeks information that is not kept in the ordinary course of business and would unduly burdensome to compile in the format requested. Without waiving these objections or any general objections the Company may have, the Company states as follows. Based on a query made in the Company's billing system on May 15, 2023, there are 184 active governmental aggregations in the AEP Ohio Territory.

Prepared by:

Counsel  
Jaime L. Mayhan

**OHIO POWER COMPANY'S RESPONSE TO  
CONSTELLATION ENERGY GENERATION, LLC  
AND  
CONSTELLATION NEWENERGY, INC'S  
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SECOND SET**

**INTERROGATORY**

Constellation-INT-  
02-014

What studies or analysis did AEP Ohio conduct to determine that the proposed Government Aggregation Standby Rider is just and reasonable?

**RESPONSE**

AEP Ohio objects to the form of the question as this request is vague, overbroad and/or unduly burdensome. The Company also objects to a request to identify all supporting analyses, to the extent such analyses are not documented and cannot be discovered through an interrogatory or request for production. The Company objects to this request seeking a narrative answer that includes an array of details or outlines of evidence, which can be more efficiently answered through production of documents or taking of depositions. The Company further objects that this request calls for a legal conclusion. Without waiving these objections or any general objections the Company may have, the Company states as follows. The Company did not perform any studies. For more information on the analysis, please further see the Company's Application and supporting testimony of the GASR.

Prepared by:

Counsel  
Jaime L. Mayhan

## P.U.C.O. NO. 21

## TERMS AND CONDITIONS OF SERVICE

A Governmental Aggregator<sup>1</sup> must provide 10 days written notice to the Company if it plans to return a group of customers from the Aggregation Program to the Standard Service Offer prior to the scheduled expiration of the Aggregation Program, which notice shall also be docketed at the same time in the EL-GAG docket before the Public Utilities Commission of Ohio created for that Aggregation Program. Ten days prior to the return, the Governmental Aggregator shall also provide notice to the Company of the name, service address, and account number of all customers who are being returned to the SSO, as well as 36 months of energy consumption data, or the maximum amount of such data that is available up to 36 months, for the returning customers, by customer class. The notice shall specify the reason for returning such customers to the Standard Service Offer prior to the scheduled expiration of the Aggregation Program. This provision does not apply to a Governmental Aggregator that returns customers to the Standard Service offer: 1) at the end of the aggregation term, or 2) due to a supplier default.

If more than 5,000 customers are returned to the Standard Service Offer by a Governmental Aggregator from an opt-out aggregation program before the end of the aggregation term, the Governmental Aggregator may not offer an opt-out aggregation program for a minimum stay of at least twelve months following that return or a later date as may be ordered by the Public Utilities Commission of Ohio. Customers prematurely returned to the Standard Service Offer by the Governmental Aggregator are not prevented from shopping for Competitive Retail Electric Service from an Alternate Generation Supplier.

A customer may contact the Company and request to return to the Company's Standard Offer Service. The return to Standard Offer Service shall be conducted under the same terms and conditions applicable to an enrollment with a CRES Provider. The customer will have a seven (7) calendar day rescission period after requesting the Company's Standard Offer Service.

Provided the customer has observed the applicable notification requirements and the Company has effectuated the request to return to Standard Offer Service at least twelve (12) calendar days prior to the next regularly scheduled meter reading date, the customer will be returned to Standard Offer Service on the next regularly scheduled meter reading date.

## 28. CUSTOMER CHOICE OF COMPETITIVE SERVICE PROVIDER

Customers may elect energy services from a qualified CRES Provider, metering services from a qualified Meter Service Provider (MSP), meter data management services from a qualified Meter Data Management Agent (MDMA) and/or billing services from a qualified Billing Agent (BA). Any MSP, MDMA and/or BA services provided to the customer must be arranged through the CRES Provider who provides energy services to the customer.

Qualifications and other eligibility criteria for such entities are specified in the Supplier Terms and Conditions of Service. CRES Providers, MSPs, MDMAs and BAs are also subject to the rules and certification criteria established by the Commission for such entities as also incorporated in the Supplier Terms and Conditions of Service. CRES Providers, MSPs, MDMAs and BAs are collectively referred to as Competitive Service Providers (CSPs).

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<sup>1</sup> "Governmental aggregator" means a legislative authority of a municipal corporation, a board of township trustees, or a board of county commissioners acting as an aggregator for the provision of a competitive retail electric service under authority conferred under section 4928.20 of the Revised Code." R.C. 4928.01(A)(13)

Filed pursuant to Order dated November 17, 2021 in Case No. 20-585- EL-AIR

Issued: March 16, 2023

Effective: Cycle 1 April 2023

Issued by  
Marc Reitter, President  
AEP Ohio

## CERTIFICATE OF SERVICE

The PUCO's e-filing system will electronically serve notice of the filing of this document on the parties referenced in the service list of the docket card who have electronically subscribed to these cases. In addition, the undersigned certifies that a copy of the foregoing document is also being served upon the persons below this 9th day of June 2023 via email.



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**Case No(s). 23-0023-EL-SSO, 23-0024-EL-AAM**

Summary: Testimony of Anthony J. Yankel on behalf of Northeast Ohio Public  
Energy Council electronically filed by Teresa Orahood on behalf of Dane Stinson.