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BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of)	
Ohio Edison Company, The Cleveland)	
Electric Illuminating Company and The)	
Toledo Edison Company for Authority to)	Case No. 23-301-EL-SSO
Provide for a Standard Service Offer)	
Pursuant to R.C. 4928.143 in the Form of)	
An Electric Security Plan.)	

REPLY BRIEF OF
OHIO PARTNERS FOR AFFORDABLE ENERGY

I. Introduction

OPAE hereby files this Reply Brief in support of the proposed low-income programs and to support certain points made by both the Office of the Ohio Consumers' Counsel ("OCC") and Commission Staff.

II. Argument

A. The Commission should approve FirstEnergy's proposed low-income energy efficiency program.

As noted in its Initial Brief, OPAE supports the proposed low-income energy efficiency program which is a continuation of the previously Commission approved Community Connections program. A review of the Initial Briefs filed by the other parties to this proceeding demonstrates that while many oppose complete approval of FirstEnergy's energy efficiency and peak demand reduction program almost all parties who opposed full approval argued that, in the alternative, if the Commission were to approve the program, the Commission should just adopt the low-income

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only program.¹ OPAE respectfully asks that the Commission, at minimum adopt the low-income portion of the proposed energy efficiency and peak demand reduction program. This program is a continuation of the Community Connections program which was previously authorized by the Commission. The Commission has acknowledged the benefits this program provides and OPAE urges the Commission to ensure those benefits to low-income customers remain available by re-approving them again in this proceeding.

The Kroger Co. argues that the proposed energy efficiency and peak demand programs are unlawful under Substitute House 6 because the programs are not truly voluntary.² This is a misunderstanding of the law. Substitute House Bill 6 repealed the energy efficiency and peak demand reduction requirements imposed upon utilities and in that manner eliminated mandatory energy efficiency programs. The law does not prevent a utility from voluntarily proposing an energy efficiency program that is non-bypassable. The elimination of the program requirements was of those requirements **imposed on the utility** not the customer. This interpretation is supported by statements made by Representative Seitz while arguing for the passage of Substitute House Bill 6,

By the way, contrary to my colleagues statements a few minutes ago section 4905.70 of the Ohio Revised Code, which remains in effect when we pass this bill, will allow utilities to file for voluntary energy efficiency programs at the Public Utilities Commission of Ohio so it is not true that we are prohibiting voluntary energy efficiency programs initiated by the utilities. And I'm given to believe that at least some of them intend to pursue those opportunities just as they have so successfully done over the years with natural gas where we have a similar program and it worked quite well without any mandates at all.³

¹ NOAC Initial Brief p. 8.; Kroger Initial Brief p. 19.; OMAEG Initial Brief pp. 41-42.; Staff Initial Brief p. 23.; OCC Initial Brief p. 52.; NRG Initial Brief p. 12; RESA Initial Brief p. 8.; IGS does not argue in the alternative in their Initial Brief they simply argue for complete rejection. However, Matt White, their Joint Witness with RESA testified that if the Commission approved any of the EE/PDR program it should be limited to the low-income weatherization program. White Testimony p. 17.

² Kroger Initial Brief pp. 17-18.

³ Ohio House of Representatives, July 23, 2019, <https://ohiochannel.org/video/ohio-house-of-representatives-7-23-2019> at 30:57-31:37. Last accessed February 9, 2024.

Substitute House Bill 6 did nothing to change Ohio's underlying policy mandate in favor of energy efficiency, as codified in R.C. 4928.02(A) and reiterated in R.C. 4905.70, nor did it eliminate the possibility that utilities could run energy efficiency programs. In this proceeding, FirstEnergy is voluntarily proposing to offer energy efficiency and peak demand reductions programs without any mandate to do so. Such a proposal is not prohibited by law and any attempts to cast the proposal as such are meritless.

B. OPAE supports certain recommendations made by OCC and Staff.

OCC proposed several modifications to the bill payment assistance programs proposed by FirstEnergy. OCC Witness Hasselman proposed that FirstEnergy be required to reports certain information on disconnections and reconnections at a rate greater than the annual report currently required.⁴ Further, OCC asks that the Commission require FirstEnergy to report disconnections and reconnections by zip code so interested parties are able to identify potential geographic areas where help is needed.⁵ OPAE strongly supports OCC's proposal on increasing reporting to a quarterly or similar basis and including information related to zip codes in the disconnection data.

Such information would be crucial to empowering local community action agencies to provide services where they are most needed. Additionally, such information could enable stakeholders at the Commission to craft future programs that better address the needs of the most vulnerable customers in FirstEnergy's three service territories. There is a myriad of ways that the zip code information related to disconnections could be used to better serve customers and those benefits far outweigh any burden placed on FirstEnergy to provide that information. OPAE respectfully urges the Commission to adopt OCC's proposed modifications to the low-income

⁴ Direct Testimony of Richard Hasselman p. 9.

⁵ Id. p. 10.

programs related to quarterly or similar reporting periods and the inclusion of zip code data for disconnections and reconnections.

Staff proposed the Companies develop and fund an internal bill assistance program, like AEP's Neighbor to Neighbor program, to assist those customers in crisis who may be above the 175% threshold for low-income assistance.⁶ OPAE strongly supports this proposal. OPAE's member agencies have seen an increase in requests for assistance by families and individuals who are not eligible for traditional low-income assistance. Creating an expanded bill payment assistance program, as Staff proposes, with an increased income eligibility would be consistent with approaches taken in prior Commission cases where expanded income eligibility programs have either been approved⁷ or are pending⁸ before the Commission. Staff proposes converting the \$16 million proposed to fund a \$5 senior citizen monthly discount into a bill payment assistance program as described above. OPAE supports this modification to reach more of the most vulnerable customers within FirstEnergy's three service territories.

III. Conclusion

For all the foregoing reasons, subject to the modifications discussed above, OPAE respectfully requests that the Commission approve the bill payment assistance and weatherization provisions of the proposed ESP if it intends to approve the ESP.

⁶ Staff Initial Brief p. 35.

⁷ Pub. Util. Comm. Case No. 22-900-EL-SSO et al., Opinion and Order p. 34 (Aug. 9, 2023).

⁸ Pub. Util. Comm. Case No. 23-23-SSO et al., Joint Stipulation and Recommendation p. 26 (Sept. 6, 2023).

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CERTIFICATE OF SERVICE

I certify that The Public Utilities Commission of Ohio'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 the case on this the 9th day of February 2024.

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