BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of The East Ohio Gas Company d/b/a Dominion Energy Ohio for Approval of a Revision to Its Tariff	))))	Case No. 23-755-GA-ATA

INITIAL COMMENTS OF THE RETAIL ENERGY SUPPLY ASSOCIATION

I. Introduction

The "minimum stay" tariff amendments proposed by The East Ohio Gas Company d/b/a Dominion Energy Ohio ("DEO") in the instant proceeding should not be adopted because it is not needed. While the Retail Energy Supply Association ("RESA")[1] appreciates the proposed inclusion of tariff language indicating that the early return of customers to DEO's standard service offer ("SSO") will not impact those customers' right and ability to participate in the competitive retail natural gas market,[2] the concern from the Public Utilities Commission of Ohio ("Commission") that prompted "minimum stay" provisions for inclusion in the electric distribution utilities' ("EDUs") tariffs is not present for DEO and similar language is unnecessary. Moreover, adopting DEO's proposed language would be harmful.

II. Comments

DEO proposes the following new paragraph 32.7 on Tariff Sheet 56, as part of its General Terms and Conditions of Energy Choice Pooling Service to establish a "minimum stay" on

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[1] The comments expressed in this filing represent the position of RESA as an organization but may not represent the views of any particular member of the Association. Founded in 1990, RESA is a broad and diverse group of retail energy suppliers dedicated to promoting efficient, sustainable and customer-oriented competitive retail energy markets. RESA members operate throughout the United States delivering value-added electricity and natural gas service at retail to residential, commercial and industrial energy customers. More information on RESA can be found at www.resausa.org.

[2] DEO Application, Exhibit C-3 at 4.

governmental aggregations and notice requirements when the aggregation returns customers to the SSO:

> A governmental aggregator shall have the meaning set forth in R.C. 4929.01(K). A governmental aggregator, or its natural gas supplier, shall provide written notice to East Ohio 30 days prior to the return of more than 5,000 customers receiving supply service under an opt-out governmental aggregation program to the Standard Service Offer (SSO), including but not limited to at the scheduled expiration of the opt-out aggregation program. The notice shall either specify that the customers are being returned due to the expiration of the opt-out aggregation program or provide the reason for returning such customers to the SSO prior to the scheduled expiration of the opt-out aggregation program. This provision does not apply to a governmental aggregator that returns customers to the SSO due to a supplier default under Paragraph 26. If more than 5,000 customers are returned to the SSO from an opt-out aggregation program prior to its scheduled expiration, the notice shall also be docketed in the applicable PUCO GA-GAG docket created for that aggregation program at the time the notice is sent to DEO, and the governmental aggregator may not offer any new opt-out aggregation programs in DEO's service territory for a minimum stay of at least twelve months following that return or a later date as may be ordered by the PUCO. Customers returned to the SSO prior to the scheduled expiration of the opt-out aggregation program are not prevented from shopping for competitive retail natural gas from a qualifying Energy Choice supplier.

Dominion claims in its application that it believes the same concerns related to electric aggregations prematurely returning customers based on default service pricing in the Ohio electric distribution utilities ("EDUs) territories exist in its service territory.[3] RESA disagrees. The natural gas default service ("SCO") prices vary monthly, which is much more frequent than the electric default service prices.[4] That fundamental difference between the markets' default service pricing eliminates the "gaming" concern that prompted the Commission to order tariff changes for the EDUs.[5] As such, the tariff proposal is unnecessary.

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[3] *See* DEO Application, Exhibit C-3 at 2.

[4] Compare, for example, Dominion's default service tariff docket with its monthly filings (Case No. 23-119-GA-UNC) and those of the EDUs (Case Nos. 17-2391-EL-UNC, 17-957-EL-UNC, 18-6000-ELUNC and 16-776-EL-UNC).

[5] EDU Minimum Stay Tariff Order at ¶3, citing *In re Certification of Northeast Ohio Public Energy Council as a Governmental Aggregator, etc.,* Case Nos. 00-2317-EL-GAG et al., Entry at ¶14 (Sept. 7, 2022).

In addition, the tariff proposal will harm the competitive natural gas market by restricting competitive options (staying the ability for governmental aggregations to offer programs). Ohio has had a clear policy of promoting the availability of competitive retail natural gas services to customers and implementation of flexible regulatory treatment. *See* R.C. 4929.02(A)(2) and (6). Dominion's proposal is contrary to those long-standing policies. Dominion's application should be rejected.

III. Conclusion

For the foregoing reasons, RESA respectfully requests that the Commission deny DEO's application to modify its tariff and not adopt a minimum stay provision applicable to governmental aggregators.

Respectfully submitted,

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CERTIFICATE OF SERVICE

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. In addition, the undersigned hereby certifies that a copy of the foregoing document is also being served (via electronic mail) on the 15th day of September 2023 upon the persons listed below.

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