

## BEFORE

### THE PUBLIC UTILITIES COMMISSION OF OHIO

|                                      |   |                         |
|--------------------------------------|---|-------------------------|
| In the Matter of the Commission's    | ) |                         |
| Review of its Rules for Competitive  | ) |                         |
| Retail Electric Service Contained in | ) | Case No. 12-1924-EL-ORD |
| Chapters 4901:1-21 and 4901:1-24 of  | ) |                         |
| the Ohio Administrative Code.        | ) |                         |

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### COMMENTS OF DUKE ENERGY OHIO, INC.

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Pursuant to the Public Utilities Commission of Ohio (Commission) Entry of November 7, 2012, the Commission initiated this docket to consider changes to rules contained in Chapters 4901:1-21 and 4901:1-24 of the Ohio Administrative Code, (O.A.C.). The Commission's Entry invited comments from interested parties on proposed changes to the rules. Duke Energy Ohio, Inc. (Duke Energy Ohio) appreciates this opportunity to offer comments. For the reasons set forth below, the Company respectfully request the Commission consider the responses and comments submitted and modify the rules accordingly. Duke Energy Ohio reserves the ability to file reply comments on any matter raised by another commenter.

#### I. General Comments

Duke Energy Ohio recognizes that most of the rules in these Chapters are directed toward regulating the conduct of competitive retail electric suppliers. Consequently Duke Energy Ohio's comments are limited. However the Company offers the following general comments with respect to these chapters.

A. Duke Energy Ohio recommends that the Commission review and consider modeling current rules after those included in the North American Energy Standards Board,

Inc., Supplier Marketing Practices. Many of the provisions in that document are applicable and helpful in guiding fair marketing practices.

B. The Commission should consider establishing a rule that a supplier may not perform door-to-door marketing after dusk. Also, suppliers should share plans for mass marketing with the jurisdictional utility so that the utility can appropriately staff its call center to assist with additional calls that are generated by such marketing activities. Therefore, Duke Energy Ohio offers the below two draft rules for the Commission's consideration.

4901:1-21-05 (E) In the absence of local ordinances or regulation and to ensure the safety of all involved, CRES providers, governmental aggregators, brokers/aggregators, and their agents shall not conduct door-to-door marketing outside the hours of 9:00 a.m. to 9:00 p.m. local time.

4901:1-21-05 (F) CRES providers shall notify the appropriate electric utility of upcoming marketing and solicitation plans for door-to-door marketing, telemarketing, and direct mail marketing to allow the electric utility to prepare its call center for the inquiries it will receive as a result of the marketing activity. If possible, the CRES provider will provide the electric utility copies of its marketing materials, but at a minimum shall provide general, non-proprietary information regarding the extent of the marketing effort, duration of the effort, and a description of the geographical area involved.

## **Conclusion**

Duke Energy Ohio appreciates the opportunity to comment on the proposed rules in Chapters 4901:1-21 and 4901:1-10-24, O.A.C. and respectfully requests that the Commission adopt the changes recommended herein.

Respectfully submitted on behalf of  
Duke Energy Ohio, Inc.,

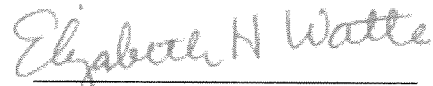


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### **CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the foregoing was delivered via U.S. mail (postage prepaid), personal, or electronic mail delivery on this the 7<sup>th</sup> day of January, 2013, to the following parties.

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Summary: Comments Reply Comments of Duke Energy Ohio, Inc. electronically filed by Carys Cochern on behalf of Watts, Elizabeth H. Ms.