

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Commission's)
Investigation of Ohio's Retail Electric) Case No. 12-3151-EL-COI
Service Market.)

REPLY COMMENTS OF DUKE ENERGY RETAIL AND DUKE ENERGY COMMERCIAL ASSET MANAGEMENT

I. INTRODUCTION

On December 12, 2012, the Public Utilities Commission of Ohio (Commission) issued an Entry initiating the investigation of Ohio's retail electric service market (Entry). In its Entry, the Commission invited comments and reply comments from interested persons. Duke Energy Retail Sales, LLC, (DER) and Duke Energy Commercial Asset Management, Inc., (DECAM) hereby submit the following reply comments in response to certain of the comments that have been filed in the docket. The failure of DER and DECAM to comment in response to any inquiry or comment should not be interpreted as a lack of opinion on such inquiry or comment.

II. DISCUSSION

In order to respond more efficiently to the multitude of comments filed in this proceeding, DER and DECAM will discuss their reply issues thematically, rather than by party.

A. Regulation should be consistent and should support market development.

As DER and DECAM have previously expressed, consistency across the state is critical to the development of a fully functioning competitive retail electric service (CRES) market. Without regulatory consistency and, thus, predictability, the CRES market will not develop.

On the basis of this principle, DER and DECAM therefore agree with those comments that support consistency. For example, Exelon and Constellation NewEnergy support the

implementation of retail market enhancements and increased access to data and information. Although such changes have been incorporated in recent standard service offers, as noted by DP&L, that approach is a piecemeal one. A consistent regulatory approach by the Commission to enforce standardized access to information and data would provide a more robust framework, through which the competitive market can flourish across all territories within the Commission's purview. Similarly, Dominion Energy argues against minimum stay provisions. Again, DER and DECAM agree but recommend that the solution must be consistent across the state.

The need for programs to allow the purchase of CRES providers' accounts receivable (POR programs) has also been raised, although some have suggested that consistency would require that the Commission move to eliminate POR programs, as only one utility in Ohio offers one. The point of consistency is for the benefits of valuable competitive policies to be made available to all customers in Ohio regardless of territory. A program proven as valuable as the POR program in the Duke Energy Ohio territory should not be limited to just Southwest Ohio shopping customers. Uniform application of unfavorable policies is not the goal of consistency.

Consistency – with regard to beneficial policy decisions – should be the Commission's watchword, if it wishes to encourage the market to develop as fully and as quickly as possible.

B. PIPP customers and reasonable arrangement customers should be treated just like others.

Under the current paradigm, certain segments of customers would be treated differently than the rest of the population. Specifically, current law prohibits shopping by customers under the percentage-of-income payment program (PIPP) or under the terms of a reasonable arrangement. DER and DECAM recommend that these distinctions be removed. There is no tenable rationale for treating these customers differently and, thereby, preventing CRES suppliers from offering such customers more options. DER and DECAM agree with those commenters that have suggested such a change.

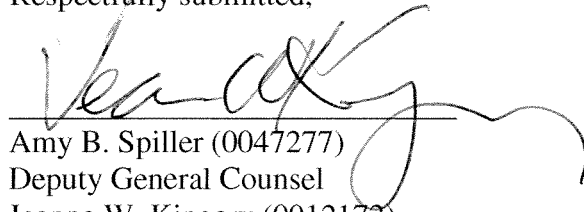
C. Neither the Commission nor the Legislature needs to exert additional influence on the market in order for it to develop appropriately.

A healthy market for CRES can, and should, develop independent of government interference, even if that interference is intended to be beneficial. When this market was first developing, assistance was needed. Indeed, in the early and mid-1990s, the Commission included “shopping credits” in utilities’ standard service offers and discussed the “headroom” necessary to incentivize shopping. However, that time is past; shopping is rampant in many parts of the state. It is thus unnecessary for the Commission to take actions such as developing educational resources about the market. It is entirely inappropriate for the Commission to mandate audits of CRES providers’ businesses in order to help them improve their offerings and compete more effectively. The market is developing, and will continue to do so, without such artificial buttresses.

III. CONCLUSION

DER and DECAM appreciate the opportunity to provide comment in connection with the Commission’s investigation into the retail electric service market.

Respectfully submitted,



Amy B. Spiller (0047277)

Deputy General Counsel

Jeanne W. Kingery (0012172)

Associate General Counsel

139 E. Fourth Street

1303-Main

Cincinnati, Ohio 45202

(513) 287-4359 (telephone)

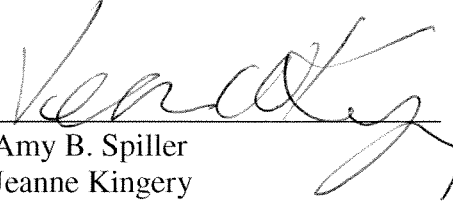
(514) 287-4385 (facsimile)

Amy.Spiller@duke-energy.com (e-mail)

*Attorneys for Duke Energy Retail and Duke Energy
Commercial Asset Management*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing document was served this 5th day of April, 2013, by U.S. mail, postage prepaid, or by electronic mail upon the persons listed below.



Amy B. Spiller
Jeanne Kingery

Maureen R. Grady
Joseph P. Serio
Office of the Ohio Consumers' Counsel
10 West Broad Street, Suite 1800
Columbus, Ohio 43215-3485
grady@occ.state.oh.us
serio@occ.state.oh.us

**Attorneys for Ohio Consumers'
Counsel**

Colleen L. Mooney
Ohio Partners for Affordable Energy
231 West Lima Street
Findlay, OH 45839-1793
cmooney@ohiopartners.org

**Attorneys for Ohio Partners for
Affordable Energy**

M. Howard Petricoff,
Stephen M. Howard
Vorys, Sater, Seymour and Pease LLP
52 E. Gay Street
Columbus, OH 43215
mhpetricoff@vorys.com
smhoward@vorys.com

**Attorneys for Exelon Generation
Company, LLC and
Constellation NewEnergy, Inc.**

Steven T. Nourse
Matthew J. Satterwhite
Yazen Alami
American Electric Power Service
Corporation
1 Riverside Plaza 29th Floor
Columbus, Ohio 43215
stnourse@aep.com
mjsatterwhite@aep.com
yalami@aep.com

Attorneys for Ohio Power Company

Glenn S. Krassen
BRICKER & ECKLER LLP
1001 Lakeside Avenue East, Suite 1350
Cleveland, Ohio 44114
gkrassen@bricker.com

Matthew W. Warnock
J. Thomas Siwo
BRICKER & ECKLER LLP
100 South Third Street
Columbus, Ohio 43215
mwarnock@bricker.com
tsiwo@bricker.com

**Attorneys for Northeast Ohio Public
Energy Council**

M. Howard Petricoff
Stephen M. Howard
Vorys, Sater, Seymour and Pease LLP
52 East Gay Street
Columbus, Ohio 43216-1008
mhpetricoff@vorys.com
smhoward@vorys.com

**Attorneys for the Retail Energy Supply
Association**

Samuel C. Randazzo
Frank P. Darr
Matthew R. Pritchard
Joseph E. Olikier
MCNEES WALLACE & NURICK LLC
21 East State Street, 17th Floor
Columbus, OH 43215-4228

**Attorney for Industrial Energy Users of
Ohio**

Todd M. Williams
Williams Allwein & Moser, LLC
Two Maritime Plaza, Third Floor
Toledo, OH 43604
toddm@wamenergylaw.com

M. Howard Petricoff
Stephen M. Howard
Vorys, Sater, Seymour and Pease LLP
52 East Gay Street
Columbus, Ohio 43216-1008
mhpetricoff@vorys.com
smhoward@vorys.com

Attorneys for the NRG Energy, Inc.

Joseph Patrick Meissner
Law Firm of Meissner and Associates
5400 Detroit Avenue
Cleveland, Ohio 44102
meissnerjoseph@yahoo.com

Attorney for The Citizens Coalition

David F. Boehm, Esq.
Michael L. Kurtz, Esq.
Jody Kyler Cohn, Esq.
BOEHM, KURTZ & LOWRY
36 East Seventh Street, Suite 1510
Cincinnati, Ohio 45202
dboehm@BKLawfirm.com
mkurtz@BKLawfirm.com
ikylerecohn@BKLawfirm.com

Attorney for The Ohio Energy Group

Christopher J. Allwein
Williams, Allwein and Moser, LLC
1373 Grandview Ave., Suite 212
Columbus, Ohio 43212
callwein@wamenergylaw.com

**Attorney for Advanced Energy
Economy Ohio**

Trent A. Dougherty
Cathryn N. Loucas
1207 Grandview Avenue, Suite 201
Columbus, Ohio 43212-3449
trent@theoec.org
cathy@theoec.org

**Counsel on behalf of The Ohio
Environmental Council**

John Borell
Office of the Lucas County Prosecutor
700 Adams Street, Suite 43604
Toledo, Ohio
JABorell@co.lucas.oh.us

Counsel for Lucas County and NOAC

Gregory J. Poulos
EnerNOC, Inc.
471 East Broad Street, Suite 1520
Columbus, Ohio 43215
gpoulos@enernoc.com

Counsel for EnerNOC Inc.

Nicholas McDaniel
Environmental Law & Policy Center
1207 Grandview Avenue, Suite 201
Columbus, OH 43212
NMcdaniel@elpc.org

Counsel for Environmental Law and

Attorney for the Sierra Club

Leslie A. Kovacik (0070157)
One Government Center, Suite 2250
Toledo, Ohio 43604
leslie.kovacik@toledo.oh.gov

**Counsel for the City of Toledo and
NOAC**

Thomas R. Hays
7108 Cannons Park Road
Toledo, OH 43617
trhayslaw@gmail.com

Counsel for Lucas County and NOAC

J. Thomas Siwo
Frank L. Merrill
BRICKER & ECKLER LLP
100 South Third Street
Columbus, OH 43215-4291
tsiwo@bricker.com
fmerrill@bricker.com

Counsel for the OMA Energy Group

Gary A. Jeffries
Dominion Resources Services, Inc.
501 Martindale Street, Suite 400
Pittsburgh, PA 15212-5817
Garv.A.Jeffries@dom.com

Attorneys for Dominion Retail, Inc. d/b/a

Policy Center

Barth E. Royer
BELL &, ROYER CO., LPA
33 South Grant Avenue
Columbus, Ohio 43215-3927
BarthRover@aol.com

**Attorneys for Dominion Retail, Inc.
d/b/a Dominion Energy Solutions**

Todd M. Williams
Williams Allwein and Moser, LLC
Two Maritime Plaza, Third Floor
Toledo, Ohio 43604
toddm@wamenergylaw.com

**Counsel for Advanced Energy
Economy Ohio**

M. Howard Petricoff
Vorys, Sater, Seymour and Pease LLP
52 E. Gay Street
Columbus, OH 43215
mhpetricoff@vorys.com

Attorney for Interstate Gas Supply, Inc.

Dominion Energy Solutions

Michael K. Lavanga
Brickfield, Burchette, Ritts & Stone, P.C.
1025 Thomas Jefferson Street, N.W.
8th Floor, West Tower
Washington, D.C. 20007
mkl@bbrslaw.com

Attorney for Nucor Steel Marion, Inc.

James W. Burk
Carrie M. Dunn
76 South Main Street
Akron, OH 44308
burkj@firstenergycorp.com
cdunn@firstenergycorp.com

**Attorneys for Applicants, Ohio Edison
Company, The Cleveland Electric
Illuminating Company, and The Toledo
Edison Company**

Amy Spiller
Jeanne Kingery
Duke Energy Retail Sales, LLC
155 East Broad St
21st Floor
Columbus OH 43215
Amy.spiller@duke-energy.com
Jeanne.Kingery@duke-energy.com

**Attorneys for Duke Energy Retail Sales,
LLC. and Duke Energy Commercial
Asset Management**

Judi Sobecki
Joseph Strines
1065 Woodman Dr
Dayton OH 45432
Judi.sobecki@aes.com

**Counsel for Dayton Power and Light
Company**

Mark A. Hayden
FIRSTENERGY SERVICE COMPANY
76 South Main Street
Akron, OH 44308
haydenm@firstenergycorp.com

***Attorneys for FirstEnergy Solutions
Corp.***

Rocco D'Ascenzo
Elizabeth Watts
Duke Energy Shared Services
155 East Broad St
21st Floor
Columbus OH 43215
Rocco.dascenzo@duke-energy.com
Elizabeth.watts@duke-energy.com

Attorneys for Duke Energy Ohio

James F. Lang
Laura C. McBride
N. Trevor Alexander
Colleen M. O'Neil
Lindsey E. Sacher
CALFEE, HALTER & GRISWOLD LLP
1400 KeyBank Center
800 Superior Ave.
Cleveland, OH 44114
jlang@calfee.com
lmcbride@calfee.com
talexander@calfee.com
coneil@calfee.com
lsacher@calfee.com

Attorneys for FirstEnergy Solutions Corp.

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Summary: Comments Reply Comments of Duke Energy Retail and Duke Energy Commercial Asset Management electronically filed by Carys Cochern on behalf of Kingery, Jeanne W Ms.