

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

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|--|---|-------------------------|
| In the Matter of the Review of the |) | |
| Commission's Review of its Rules for |) | Case No. 13-2029-EL-ORD |
| Standard Service Offers for Electric Utilities |) | |
| Contained in Chapter 4901:1-35 of the Ohio |) | |
| Administrative Code |) | |

**INITIAL COMMENTS OF DIRECT ENERGY SERVICES, LLC
AND DIRECT ENERGY BUSINESS, LLC**

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I. INTRODUCTION

On January 29, 2014, the Public Utilities Commission of Ohio (“Commission”) issued an Entry in the above-captioned docket and set an initial comment deadline of February 26, 2014, and a reply comment deadline of March 13, 2014. Direct Energy Services, LLC and Direct Energy Business, LLC (“Direct Energy”) now respectfully submits its Initial Comments in this proceeding.

II. INITIAL COMMENTS

Rule 4901:1-35-01 – Definitions

The term “rate plan” should be amended to state simply, “Rate plan means an electric utility’s **current** standard service offer approved by the commission.” The remainder of the sentence is no longer applicable.

Rule 4901:1-35-03 – Filing and contents of application

Direct Energy urges the inclusion of additional language in Rule 4901:1-35-03(C)(9)(d) to require electric utilities to provide in its application that requests either an increase or decrease in a component of the standard service offer price to indicate whether the component is

bypassable by customers taking service from a competitive retail electric service (“CRES”) provider. The inclusion of this information would provide clarity as to the effect of a proposed charge that would automatically increase or decrease and its possible effect on shopping customers.

Direct Energy recommends the deletion of Rule 4901:1-35-03(D) as it is no longer applicable. Similarly Rule 4901:1-35-03(E) can remove the word “subsequent” as all electric utilities have filed at least one application for a standard service offer (“SSO”) that includes an electric security plan (“ESP”) and/or market rate offer (“MRO”).

Rule 4901:1-35-04 – Service of application

Currently Rule 4901:1-35-04(A) requires the filing of a waiver request concurrent with the filing of a SSO application. Direct Energy recommends that this be amended to require all waiver requests to be filed at least 60 days prior to the filing of the SSO application.

Under the current practice, the utility files the Application without the information subject to the waiver request and the decision on the waiver occurs after the SSO application proceeding has already commenced. Once the Commission makes its decision, assuming the Commission does not grant the waiver, the utility must come back with the additional information. This process cuts into the time that other parties have to review and put on their own cases. The time lag to receive such information would not be as large of an issue if there were not a statutory constraint on the Commission’s time to review the Application. However, since the Commission only has 275 days to review and make a decision on an ESP, this lag in receiving information hampers efforts by parties to fully evaluate the ESP package offered by the utility in what is already a time-constrained proceeding. Therefore, by adopting such a rule, it would provide parties the full 275 day time period to evaluate the entirety of the Application that

will be ruled upon by the Commission and would give the utility, prior to filing, certainty as to what pertinent information is necessary to be included and what information can be withheld.

III. CONCLUSION

Direct Energy reserves the right to file reply comments in this docket.

Respectfully submitted,

/s/ Joseph M. Clark

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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing document will be served via electronic mail to the e-mail addresses below on this 26th day of February, 2014 as well as electronically on February 27, 2014 to all parties who timely submit Initial Comments in Case No. 13-2029-EL-ORD when the identities of such commenters are known.

/s/ Joseph M. Clark

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Case No(s). 13-2029-EL-ORD

Summary: Comments (Initial Comments) electronically filed by JOSEPH CLARK on behalf of Direct Energy Services, LLC and Direct Energy Business, LLC