

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of Direct)	
Energy Business, LLC,)	
)	
Complainant,)	
)	
v.)	Case No. 14-1277-EL-CSS
)	
Duke Energy Ohio, Inc.,)	
)	
Respondent.)	

ENTRY

The attorney examiner finds:

- (1) On July 22, 2014, Direct Energy Business, LLC (Direct) filed a complaint against Duke Energy Ohio, Inc. (Duke). Direct states that it provides competitive retail electric services to SunCoke Energy, Inc. (SunCoke) and that Duke provides certified supplier services to Direct. Duke's services to Direct include metering customer load, which allows Direct to bill its customer, SunCoke, and for PJM Interconnection, Inc. (PJM) to bill Direct. Direct asserts that, from January 2013 to July 2013, Duke provided PJM with erroneous metering data, causing PJM to overcharge Direct. The incorrect data, per Direct, is a violation of Ohio Adm.Code 4901:1-10-05(B) and (F). According to Direct, the charges from March 2013 to July 2013 were resettled, but the charges in January and February were not. Direct believes Duke is obligated to resettle with PJM on behalf of Direct and Duke has failed to do so. Failing to do so, per Direct, is unjust and unreasonable and a violation of R.C. 4905.32 and R.C. 4928.35(C).
- (2) On August 13, 2014, Duke filed its answer to the complaint. Duke asserts that the Commission does not have jurisdiction over the issues in this case because the relevant issues deal with PJM's billing practices, which are regulated by the Federal Energy Regulatory Commission (FERC). Duke also avers that it did initiate resettlement with PJM, on behalf of Direct, even though it has no obligation to do so. According to Duke, it started the resettlement process but received no

communication back from Direct, which hindered any development. Duke also notes Direct failed to seek resettlement with PJM on its own behalf. Duke denies it violated Ohio Adm.Code 4901:1-10-05(B) and (F) or R.C. 4905.32 and 4928.35 and requests that the complaint be dismissed.

- (3) At this time, the attorney examiner finds that a settlement conference should be scheduled in this matter to discuss settlement of the issues. The settlement conference in this matter is scheduled for October 21, 2014, at 1:00 p.m., at the offices of the Commission, 180 East Broad Street, 12th Floor, Conference Room 1246, Columbus, Ohio 43215-3793. If it becomes apparent that the parties are not likely to settle this matter, the parties should be prepared to discuss a procedural schedule to facilitate the timely and efficient processing of this complaint.
- (4) Pursuant to Ohio Adm.Code 4901-1-26(F), the representatives of the public utility shall investigate the issues raised in the complaint prior to the settlement conference, and all parties attending the conference shall be prepared to discuss settlement of the issues raised and shall have the authority to settle those issues. In addition, parties attending the settlement conference should bring with them all documents relevant to this matter.
- (5) As is the case in all Commission complaint proceedings, the complainant has the burden of proving the allegations of the complaint. *Grossman v. Public Util. Comm.*, 5 Ohio St. 2d 189, 214 N.E. 2d 666 (1966).

It is, therefore,

ORDERED, That a settlement conference is scheduled for October 21, 2014, at 1:00 p.m., at the offices of the Commission, 180 East Broad Street, 12th Floor, Conference Room 1246, Columbus, Ohio 43215-3793, in accordance with Finding (3). It is, further,

ORDERED, That a copy of this Entry be served upon each party of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/Nick Walstra

By: Nick Walstra
Attorney Examiner

jrj/vrm

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in

Case No(s). 14-1277-EL-CSS

Summary: Attorney Examiner Entry scheduling a settlement conference for October 17, 2014, at 1:00 p.m.; electronically filed by Vesta R Miller on behalf of Nicholas Walstra, Attorney Examiner, Public Utilities Commission of Ohio