

**BEFORE THE
PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of)	
Duke Energy Ohio, Inc. to Extend a)	Case No. 15-0773-EL-UNC
Waiver for SmartGrid Pilot)	
Programs.)	

APPLICATION OF DUKE ENERGY OHIO, INC., FOR WAIVER

1. Duke Energy Ohio, Inc., (Duke Energy Ohio or the Company) is an Ohio corporation engaged in the business of supplying electric transmission, distribution, and generation service in Adams, Brown, Butler, Clinton, Clermont, Hamilton, Montgomery, and Warren Counties in Southwestern Ohio to approximately 700,000 consumers, and supplying electric transmission and distribution service to approximately 350,000 customers who receive generation service from competitive retail electric service (CRES) providers.

2. Duke Energy Ohio is a “public utility” as defined by Sections 4905.02 and 4905.03, Revised Code, and an “electric distribution company,” “electric light company,” “electric supplier,” and “electric utility” as defined by Section 4928.01, Revised Code.

3. Duke Energy Ohio seeks a limited waiver pursuant to 4901:1-35-02(B), Ohio Administrative Code, which provides:

The commission may, upon application or motion filed by a party, waive any requirement of this chapter, other than a requirement mandated by statute, for good cause shown.

4. On February 2, 2010, Duke Energy Ohio submitted an application for a waiver of certain sections of the Ohio Administrative Code in order to proceed with implementation of

SmartGrid pilot tariff programs.¹ After receiving comments from interested parties including the Office of the Ohio Consumers' Counsel and Ohio Partners for Affordable Energy, the Public Utilities Commission of Ohio (Commission) granted the request in part and denied in part and provided directives to be observed.² The waivers granted in this Entry were the following, Rule 4901:1-10-22(B)(8), Ohio Administrative Code, (O.A.C.) (requiring a beginning and ending meter reading on the bill); Rule 4901:1-10-33, O.A.C., (requiring consolidated billing), and Rule 4901:1-18-04, O.A.C., (requiring budget billing for customers). On July 25, 2011, Duke Energy Ohio submitted an application for continuation of the Commission's waiver for the three rules set forth above in order to continue to offer SmartGrid pilot rate tariffs.³ This Application was granted by Entry dated November 29, 2011.⁴ The Commission granted the request to extend, however noting that the extension was not indefinite and would expire at the end of 2012.

5. In November of 2012, the Company sought and obtained an additional waiver that was granted by the Commission on December 19, 2012.⁵

6. Duke Energy Ohio continues to serve 797 customers on its Rate TD-13, which is a time-of-day rate that was instituted as a pilot program. The continuation of this waiver is required because the Company continues to employ interval meter data as the usage data that is pertinent for billing determinants, rather than a beginning and ending meter read.

¹ *In the Matter of the Application of Duke Energy Ohio, Inc. for a Waiver of Certain Sections of the Ohio Administrative Code for SmartGrid Pilot Programs*, Case No. 10-249-EL-WVR, Application, (February 26, 2010.)

² *Id.*, Entry, (June 2, 2010).

³ *In the Matter of the Application of Duke Energy Ohio, Inc. for a Wavier of Cerain Sections of the Ohio Administrative Code for SmartGrid Pilot Programs*, Case No. 11-4482-EL-WVR, Application, (July 25, 2011).

⁴ *Id.*, Entry, (November 29, 2011).

⁵ *In the Matter of the application of Duke Energy Ohio, Inc. to Extend a Waiver for SmartGrid Pilot Programs*, Case No. 12-3120 EL-WVR, Opinion and Order, (December 19, 2012).

7. The only rule for which a waiver is currently needed, is Rule 4901:1-10-22(B)(8) requiring a beginning and ending read. The Company is now able to comply with the rules that were previously waived.

8. In order to ensure the Company is in full compliance with the Commission's rules or has the necessary waivers, it is necessary to continue under existing practices and thus a continuation of the waiver is requested. Duke Energy Ohio respectfully requests that the Commission grant approval of the waiver in order to allow the Company to continue in compliance with the Commission's rules.

Respectfully submitted,

Duke Energy Ohio, Inc.

A handwritten signature in dark ink, appearing to read "Amy B. Spiller", is written over a horizontal line.

Amy B. Spiller (0047277)

Deputy General Counsel

Elizabeth H. Watts (0031092)

Associate General Counsel

Duke Energy Business Services

139 E. Fourth Street, 1303-Main

Cincinnati, Ohio 45201-0960

Telephone: (614) 222-1331

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