

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

**IN THE MATTER OF THE COMPLAINT OF  
DIRECT ENERGY BUSINESS, LLC,**

**COMPLAINANT,**

**CASE NO. 14-1277-EL-CSS**

**v.**

**DUKE ENERGY OHIO, INC.,**

**RESPONDENT.**

**ENTRY**

Entered in the Journal on January 5, 2017

{¶ 1} Duke Energy Ohio, Inc. (Duke or the Company) is an electric services company as defined in R.C. 4928.01(A)(9), and, as such, is subject to the jurisdiction of this Commission.

{¶ 2} Pursuant to R.C. 4905.26, the Commission has authority to consider written complaints filed against a public utility by any person or corporation regarding any rate, service, regulation, or practice furnished by the public utility that is in any respect unjust, unreasonable, insufficient, or unjustly discriminatory. Pursuant to R.C. 4928.16, the Commission has jurisdiction under R.C. 4905.26, upon complaint of any person, regarding the provision by an electric services company subject to certification under R.C. 4928.08 of any service for which it is subject to certification.

{¶ 3} On July 22, 2014, Direct Energy Business, LLC (Direct) filed a complaint against 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).

{¶ 4} 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 4928.32 and requests that the complaint be dismissed.

{¶ 5} By Entry issued January 13, 2015, the attorney examiner scheduled this matter for hearing on April 14, 2015. Thereafter, the attorney examiner granted two motions to continue the hearing. On May 18, 2016, the attorney examiner granted Direct's motion to suspend the procedural schedule as the parties indicated they were making significant progress in settlement discussions.

{¶ 6} At this time, Direct is directed to file a notice by February 3, 2017, informing the Commission of the current status of this case and whether it wishes to proceed. If no such notice is filed, the attorney examiner will recommend that the complaint be dismissed.

{¶ 7} It is, therefore,

{¶ 8} ORDERED, That Direct file a status update by February 3, 2017. It is, further,

{¶ 9} ORDERED, That a copy of this Entry be served upon each party of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/ Nicholas Walstra

By: Nicholas Walstra  
Attorney Examiner

jrj/vrm

**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

**1/5/2017 9:27:28 AM**

**in**

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

Summary: Attorney Examiner Entry ordering that Direct Energy Business, LLC file a status update by February 3, 2017; electronically filed by Vesta R Miller on behalf of Nicholas Walstra, Attorney Examiner, Public Utilities Commission of Ohio