

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

<b>Gregory Peck</b>	)	
3268 U.S. Highway 52	)	
Felicity, Ohio 45120	)	
	)	
Complainant,	)	Case No.16-2338-EL-CSS
	)	
v.	)	
	)	
<b>Duke Energy Ohio, Inc.</b>	)	
	)	
Respondent.	)	

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**REPLY TO COMPLAINANT’S RESPONSE  
OF DUKE ENERGY OHIO, INC.**

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Comes now Duke Energy Ohio, Inc., (Duke Energy Ohio or Company) and, pursuant to Rule 4901-1-12(B)(2), O.A.C., replies to Complainant’s Response to Respondent’s Motion to Dismiss (A) and Answer (B), hereinafter referred to as Response.

Complainant Gregory Peck objects to having a smart meter due to privacy concerns. The Commission, having considered these issues during the years when Duke Energy Ohio was deploying smart meters, created an option for such customers to “opt-out” of receiving such meters.<sup>1</sup> By his own admission, Mr. Peck acknowledged that the Company provided information to him when his smart meter was installed. Mr. Peck further acknowledges that Duke Energy Ohio agents advised that the meter was used to record monthly meter readings and “have better control of the grid with power outages.”<sup>2</sup> Despite having been provided this information,

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<sup>1</sup> *In the Matter of the Application of Duke Energy Ohio, Inc., for Approval of a Grid Modernization Opt-Out Tariff and for a Change in Accounting Procedures Including a Cost Recovery Mechanism*, Case No.14-1160-EL-UNC, et al, Opinion and Order, (April 27, 2016).

<sup>2</sup> Complaint p.2.

Complainant alleges that he has been damaged since he is being charged the \$30 per month fee for not having a smart meter.

Complainant further provides unsupported allegations that the Commission has not adequately considered privacy matters in approving the deployment of smart meters. Complainant is apparently unaware of the Commission's review of such matters in respect of Duke Energy Ohio. However the Commission has indeed done a "deep dive" into such matters and has concluded that the provisions set forth in a Stipulation during the mid-term review of the Company's deployment adequately covered concerns about privacy<sup>3</sup>. Moreover, the Commission has enacted rules that directly control data privacy and the electric distribution utilities' use of customer data. See for example, Rule 4901:1-10-24(E)(3) and (4), O.A.C.

Beyond these stated "observations," Complainant has not alleged a single violation of any rule or law that can be considered in determining whether or not any service provided to Complainant is unjust, unreasonable, discriminatory, preferential or in violation of the law. Indeed, Complainant has utterly failed to state reasonable grounds upon which any relief may be granted. Complainant has an option to have the smart meter installed on his premises to record energy usage, or to opt-out of doing so, and paying the opt-out fee.

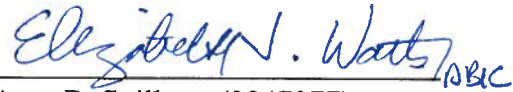
For the reasons set forth above, Duke Energy Ohio respectfully requests that the Commission grant its motion to dismiss the Complaint.

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<sup>3</sup> *In the Matter of the Application of Duke Energy Ohio, Inc. to adjust Rider DR-IM and Rider AU for 2010 SmartGrid Costs and Mid-Deployment Review*, Case No.10-2326-GE-RDR, Opinion and Order, (June 13, 2012), (recounting the evidence provided by the Company with respect to data privacy and approving a stipulation that provided for ongoing cyber-security oversight.)

Respectfully submitted,

Duke Energy Ohio, Inc.



Amy B. Spiller (0047277)

Deputy General Counsel

Elizabeth H. Watts (0031092)

Associate General Counsel

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CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing was delivered by U.S. mail (postage prepaid), personal delivery, or electronic mail, on this 24<sup>th</sup> day of January, 2017, to the following parties.

  
Elizabeth H. Watts *ABT*

Gregory Peck  
3268 U.S. Highway 52  
Felicity, Ohio 45120

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

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Summary: Reply Reply to Complainant's Response of Duke Energy Ohio, Inc. electronically filed by Dianne Kuhnell on behalf of Duke Energy Ohio, Inc. and Spiller, Amy B. and Watts, Elizabeth H.