

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of Complaint of Direct
Energy Business, LLC,

Compliant,

-vs-

Case No. 14-1277-EL-CSS

Duke Energy Ohio, Inc.,

Respondent.

DEPOSITION TRANSCRIPT OF:
ANDREW VANCE

DEPOSITION DATE:
April 21, 2015
Wednesday, 10:30 A.M.

PARTY TAKING DEPOSITION:
Respondent

COUNSEL OF RECORD
FOR THIS PARTY:
Amy B. Spiller, Esq.
Duke Energy Ohio, Inc.
139 East Fourth Street
ML 1303 Main
PO Box 960
Cincinnati, OH 45202

REPORTED BY:
G. Donavich, RPR, CRR
Notary Public
Reference No. gd37694

1 DEPOSITION OF ANDREW VANCE,
2 a witness, called by the Respondent, for
3 examination, taken by and before G. Donavich, RPR,
4 CRR, a Court Reporter and Notary Public in and for
the Commonwealth of Pennsylvania, at Direct Energy,
1001 Liberty Avenue, Pittsburgh, Pennsylvania, on
Wednesday, April 21, 2015, commencing at 10:30 A.M.

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7 APPEARANCES (VIA SPEKERPHONE):

8 FOR THE DIRECT ENERGY BUSINESS, LLC:
9 Gerit F. Hull, Esq.
10 ECKERT SEAMANS CHERIN & MELLOTT, LLC
11 1717 Pennsylvania Avenue NW
12 12th Floor
13 Washington, DC 20006
14 202-659-6657
15 GHULL@ECKERTSEAMANS.COM

16 and

17
18 Joseph M. Clark, Esq.
19 Direct Energy
20 21 East State Street, 19th Floor
21 Columbus, OH 43215
22 614-220-4369 x 232
23 JOSEPH.CLARK@DIRECTENERGY.COM

24
25 FOR DUKE ENERGY OHIO, INC.
Amy B. Spiller, Esq.
Duke Energy Ohio, Inc.
139 East Fourth Street
ML 1303 Main
PO Box 960
Cincinnati, OH 45202
513-287-4359
AMY.SPILLER@DUKE-ENERGY.COM

26
27 ALSO PRESENT:
28 Bob Kennelly

EXAMINATION INDEX

ANDREW VANCE

BY MS. SPILLER

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1 ANDREW VANCE,
2 having been duly sworn,
3 was examined and testified as follows:

4 - - - -

5 EXAMINATION

6 - - - -

7 BY MS. STILLER:

8 Q. Good morning, Mr. Vance.

9 A. Good morning.

10 Q. My name is Amy Spiller, and I am representing
11 Duke Energy Ohio in connection with a
12 Complaint that has been filed against it by
13 Direct Energy Business before the Public
14 Utilities Commission of Ohio.

15 Sir, have you had your deposition
16 taken before?

17 A. No, I have not.

18 Q. Okay. And I'm just going to cover a few
19 preliminary matters before we proceed with the
20 deposition. This morning we are conducting
21 your deposition via phone, so there may be
22 some disruption in connection with the process
23 given background noise, shuffling of papers,
24 et cetera, so if throughout the deposition
25 this morning I'm asking a question and you

1 can't hear it clearly or audibly, please let
2 me know so I can restate the question for you.
3 Okay?

4 A. Okay.

5 Q. Our court reporter is taking down the exchange
6 we have while we're on the record. To ensure
7 the accuracy of the record I would ask for
8 verbal responses.

9 Although our court reporter can see
10 you this morning, we cannot, so nonverbal
11 responses or gestures are not helpful to us in
12 understanding your testimony.

13 Sir, I don't anticipate your
14 deposition will be too terribly long this
15 morning, but throughout the questioning if you
16 should need to take a break please let me know
17 and I will certainly accommodate your request,
18 my only caveat being I would ask that you
19 answer any question that is pending before you
20 take a break. Okay?

21 A. Understood.

22 Q. If I should ask you something, sir, and you
23 don't understand what I'm asking, please let
24 me know and I will rephrase that for you.
25 Okay?

1 A. Okay.

2 Q. Mr. Vance, can you state your name for the
3 record, please.

4 A. My name is Andrew Vance.

5 Q. Your job title is what?

6 A. My current job title today is energy advisor.

7 Q. By whom are you employed?

8 A. Direct Energy Business.

9 Q. How long have you worked for Direct Energy
10 Business?

11 A. Since February, 2012.

12 Q. Prior to holding the position of energy
13 advisor, did you have any other positions at
14 Direct Energy?

15 A. Yes. My first role with Direct Energy was
16 utility operations manager.

17 Q. Where were you employed before coming to
18 Direct Energy?

19 A. I worked for a solar manufacturing company,
20 Flabeg.

21 Q. What was your position there?

22 A. I was the operations controller.

23 Q. How long were you at that company, sir?

24 A. One year.

25 Q. Where were you there before that solar

1 manufacturing company?

2 A. I was employed by Lockheed Martin Corporation
3 for five years.

4 Q. In what capacity, please?

5 A. The main role was a manufacturing project
6 manager, but before that assignment I was in a
7 rotational operations program.

8 Q. How long were you at Lockheed Martin?

9 A. Five years total.

10 Q. In your current position as energy advisor for
11 Direct Energy Business, can you share with me,
12 please, your job responsibilities.

13 A. I am an energy advisor for end-use retail
14 customers. My focus is the State of
15 California on a product called Power
16 Portfolio.

17 Q. What specifically do you do with regard to
18 end-use retail customers?

19 A. We help retail customers procure power in the
20 wholesale market to meet their usage
21 obligations.

22 Q. And your jurisdictional focus right now is
23 California?

24 A. That is correct.

25 - - - -

1 (Exhibit No. 1 marked for identification.)

2 - - - -

3 BY MS. STILLER:

4 Q. Sir, do you have before you what our court
5 reporter has previously marked as Vance
6 Deposition Exhibit No. 1?

7 A. I do, yes.

8 Q. And that is a Notice of Deposition. Correct?

9 A. Yes.

10 Q. Have you seen that document before today, sir?

11 A. No. I have not.

12 Q. Do you have any documents in your possession
13 this morning?

14 A. I do not.

15 Q. Do you have with you a computer or a
16 smartphone, an iPad, any such device?

17 A. I do have a computer with me.

18 Q. I'm going to ask, sir, that you refrain from
19 using the computer while we're on the record.
20 Can we have that agreement?

21 A. Yes.

22 Q. Is anyone else in the room with you other than
23 our court reporter, Gloria?

24 A. No.

25 Q. Mr. Vance, prior to assuming your current

1 position as energy advisor you indicated that
2 you were a utility operations manager for
3 Direct Energy Business?

4 A. That is correct.

5 Q. When did you change roles, sir?

6 A. September, 2013.

7 Q. In your capacity as a utility operations
8 manager for Direct Energy Business, can you
9 share with me your job responsibilities?

10 A. As a utility operations manager I was the main
11 point of escalation for retail questions from
12 Direct Energy Business to respective
13 utilities. I was responsible for the State of
14 Ohio, Pennsylvania, New Jersey, and
15 California.

16 Q. When you say point of escalation, what does
17 that mean?

18 A. It would be if we were -- "we" being Direct
19 Energy Business -- if employees of Direct
20 Energy had reached out to a particular utility
21 and had a question and were not getting a
22 timely response, it was my job to escalate
23 that issue to my contacts within supply or
24 support at each utility.

25 Q. In the approximate year and a half that you

1 had your position as utility operations
2 manager for Direct Energy Business, did your
3 job responsibilities at all change?

4 A. In terms --

5 Just so I understand the question,
6 in terms of the questions that I was asking or
7 in terms of that point of escalation?

8 Q. Just in the nature of your responsibilities,
9 sir.

10 A. If there were any questions brought up from a
11 particular person that they needed assistance
12 in answering or phrasing to that utility, I
13 would help phrase the questions and provide
14 those questions to the utility.

15 Q. Have you ever worked for PJM?

16 A. No, I have not.

17 Q. Okay. As the utility operations manager whose
18 territory included Ohio, were you responsible
19 for knowing the requirements of a competitive
20 retail electric service provider to conduct
21 business in the State of Ohio?

22 A. It was my responsibility to understand the
23 requirements and to deliver those requirements
24 to end-use customers. The wholesale
25 requirements were not my responsibility.

1 Q. And whose responsibilities within Direct
2 Energy Business were the wholesale
3 requirements?

4 A. I do not know the answer to that question.

5 Q. Do you know what group would be responsible
6 for wholesale requirements?

7 A. It would be someone in our Houston, Texas,
8 office.

9 Q. When you say you're responsible for
10 understanding the requirements and delivering
11 them to end-use customers, what do you mean by
12 that?

13 A. If there was a requirement to procure, for
14 instance, transmission or NITS on behalf of
15 customers, it would be my responsibility to
16 provide that to our internal groups to make
17 sure we were collecting that cost from our
18 customers.

19 Q. Were you at all an external customer facing
20 employee for Direct Energy Business while a
21 utility operations manager?

22 A. I may have had one or two conversations with
23 external customers, but the majority of my job
24 was internal facing.

25 Q. And then some external communication with the

1 electric distribution utilities in whose
2 services Direct Energy Business operated.
3 Correct?

4 A. That's correct. Yes.

5 Q. And you are aware, Mr. Vance, that the
6 electric distribution utilities in Ohio have
7 certified supplier tariffs approved by the
8 PUCO. Correct?

9 A. Yes, I am.

10 Q. Are you familiar with Duke Energy Ohio's
11 current certified supplier tariff?

12 A. No, I am not.

13 Q. I'm sorry. You cut out. You are not?

14 A. I am not.

15 Q. Okay. Is someone within Duke Energy Business
16 responsible for understanding Duke Energy
17 Ohio's certified supplier tariff and the
18 rights and responsibilities of competitive
19 suppliers operating pursuant to that tariff?

20 A. From Duke Energy Business or Direct Energy
21 Business?

22 Q. From Direct Energy Business' perspective.

23 A. In my current role I do not work in Ohio, so
24 I'm not familiar with the current Duke tariff.
25 At the time being utility operations manager,

1 I would have been more updated on the tariff
2 requirements.

3 Q. I guess let me be sure so we don't have any
4 confusion. You're not aware of Duke Energy
5 Ohio's current certified supplier tariff.
6 Correct?

7 A. That is correct.

8 Q. At the time you were a utility operations
9 manager between February, 2012, and September,
10 2013, would you have had cause to review Duke
11 Energy Ohio's certified supplier tariff?

12 A. Yes.

13 Q. Do you know whether the tariff you would have
14 reviewed between 2012 and September of 2013
15 has changed at all as of today?

16 A. I would not be aware.

17 Q. What was the purpose for which you would have
18 reviewed Duke Energy Ohio's certified supplier
19 tariff while a utility operations manager?

20 A. For instance, if we, as Direct Energy
21 Business, were interested in launching a
22 utility consolidated bill option in Duke
23 territory, I would have been responsible for
24 understanding the tariff and what rates we
25 could have set up within that particular

1 utilities territory.

2 Q. Is there a group, a particular business unit,
3 Mr. Vance, or a group of individuals within
4 Direct Energy who are responsible for ensuring
5 that Direct Energy is aware of the tariff
6 requirements set forth in Duke Energy Ohio's
7 certified supplier tariff?

8 A. I believe there would have to be, yes.

9 Q. And who would that be or what business unit
10 would that be?

11 A. We have a compliance and regulatory team that
12 would be aware of those issues.

13 Q. How are these tariff requirements as set forth
14 in Duke Energy Ohio's certified supplier
15 tariff communicated within Direct Energy?

16 A. At that time as revised tariffs or as revised
17 proceedings there would be internal E-mail
18 communications between groups to understand
19 those requirements to make sure that we were
20 in operations compliance.

21 Q. Are those internal communications that would
22 have been generated by your compliance team?

23 A. They would have been generated by someone in
24 our regulatory group or compliance group, yes.

25 Q. When you took your position in February of

1 2012 --

2 Strike that. While you were a
3 utility operations manager, Mr. Vance, did you
4 have occasion to send out E-mails such as that
5 which you've just described concerning
6 compliance with Duke Energy Ohio certified
7 supplier tariff?

8 A. To our respective --

9 So I understand the question, would
10 I have disseminated that information or
11 received that information?

12 Q. Would you have disseminated it.

13 A. I would have for other utilities. I do not
14 remember specifically around Duke's
15 requirements.

16 Q. Okay. Does Direct Energy have systems in
17 place to ensure compliance with a certified
18 supplier tariff?

19 A. From a retail perspective, yes. From a
20 wholesale perspective, I do not know the
21 answer to that question.

22 Q. And what are the systems in place from a
23 retail perspective to ensure compliance with a
24 certified supplier tariff?

25 A. We have a number of internal risk and billing

1 applications that maintain specific rules to
2 serve Duke territory.

3 Q. Who would know about the wholesale systems in
4 place at Direct Energy to ensure compliance
5 with Duke Energy Ohio's certified supplier
6 tariff?

7 A. I do not know the answer to that question.

8 Q. You don't know what business unit would be
9 responsible?

10 A. It would be someone in the Houston Texas,
11 office.

12 Q. And the systems to which you just referred
13 from the retail perspective, to your
14 knowledge, how long have those been in place
15 at Direct Energy?

16 A. Some systems have been in place for many
17 years. Others there have been new
18 developments and new systems since I left the
19 position that I do not have a good
20 understanding of.

21 Q. So fair to say that the systems have evolved?

22 A. That's a fair statement, yes.

23 Q. Okay. What groups within Direct Energy
24 interface with PJM?

25 A. Within the Pittsburgh office where I am

1 located very few groups interface with PJM,
2 one being our revenue assurance team. Other
3 than that group, there are very few
4 interactions with PJM.

5 Q. In the 2013 time frame while you were in the
6 utility operations group, did that group
7 interact with PJM?

8 A. I do not know the answer to that question.

9 Q. Did you have occasion as a utility operations
10 manager to personally interact with PJM?

11 A. There were occasions where I would refer to
12 the PJM website for information, but I did not
13 contact PJM directly for issues.

14 Q. And what would have caused you, Mr. Vance, to
15 refer to the PJM website?

16 A. If there was a particular question about zonal
17 mapping or if a utility was moving from one
18 ISO to another, I would refer to the PJM
19 website for rules.

20 Q. Sir, given that you began your employment with
21 Direct Energy Business in February of 2012, am
22 I correct in stating that you were not
23 involved in any of the contracts or
24 commitments that Direct Energy Business
25 established in the Duke Energy Ohio territory

1 when Duke Energy Ohio transferred to PJM?

2 A. That is correct.

3 Q. Have you ever had occasion to access the PJM
4 dashboard?

5 A. No.

6 Q. Do you know what the PJM dashboard is?

7 A. No, I do not.

8 Q. Have you had occasion to access PJM's
9 E-schedule tool or any of its predecessor
10 tools?

11 A. There were times in filling out specific
12 utility paperwork where an E-schedule name was
13 required. I used that information, but I have
14 never personally logged into E-schedule.

15 Q. But you don't know what information is
16 accessible by Direct Energy on E-schedule
17 tool. Is that fair?

18 A. Yes.

19 Q. Can you describe for me during your tenure as
20 a utility operations manager how Direct
21 Energy's utility operations group interacted
22 with Duke Energy Ohio?

23 A. Between the utility operations team we had a
24 counterpart group at Duke Energy Ohio, the
25 certified business support center, which we

1 would interact with for escalations.

2 Q. So were these verbal interactions?

3 A. It was a combination of verbal and E-mail
4 communications.

5 Q. Were there automated system interactions
6 between Direct Energy and Duke Energy Ohio in
7 respect of the retail customers served by
8 Direct Energy in the Duke Energy Ohio
9 territory?

10 A. There would have been automated transmissions
11 through EDI interfacing. That data includes
12 enrollments, drops, and usage data.

13 Q. Is EDI electronic data interchange?

14 A. I'm not sure, to tell you the truth.

15 Q. And do you know if EDI transactions are
16 limited to a distribution utility and
17 competitive retail suppliers in that utility
18 service territory?

19 A. That is correct.

20 Q. So Direct Energy would then have, in addition
21 to the EDI system, other systems that
22 interfaced with PJM. Correct?

23 A. Yes. The EDI system would not interface with
24 PJM.

25 Q. And does Direct Energy also then have other

1 systems that it utilizes for purposes of
2 billing its retail customers?

3 A. That is correct. There is an interface
4 between EDI and an internal system that we use
5 to bill our retail customers.

6 Q. Okay. What is that internal system known as,
7 Mr. Vance, the billing system?

8 A. The acronym for that system is ERM.

9 Q. What information is available to Direct Energy
10 through EDI?

11 A. There is a series of actions, enrollments,
12 drops, usage data, both historical and actual
13 bill data, along with change transactions that
14 could provide an updated account number, meter
15 number, capacity, or transmission tag.

16 Q. Okay. I take it that this information is
17 available on the -- at the account level. Is
18 that right?

19 A. Most of the transactions are at the account
20 level. There are also meter-level information
21 for some accounts.

22 Q. What accounts would have meter level
23 information?

24 A. I don't remember.

25 Q. Do you know if Sun Coke had meter level

1 information posted through EDI?

2 A. There would have been a meter number within
3 the account level, but I do not know or
4 remember if there were multiple meters
5 associated with the Sun Coke account.

6 Q. And the historical usage data, that would have
7 been available at the account level to Direct
8 Energy through EDI. Correct?

9 A. That is correct, yes.

10 Q. The information that is available through EDI
11 at the account level, can you help me,
12 Mr. Vance, understand the timing of that? Is
13 it available to Direct Energy in real time or
14 near real time?

15 A. The availability of that data and the timing
16 depends on the type of transaction it is. If
17 it is an enrollment transaction, there is a
18 specific lead time associated with the
19 response from the subject utility.

20 If it is a usage transaction, there
21 is another lead time.

22 If there is a change transaction,
23 it's another lead time.

24 Q. And what is the lead time associated with
25 usage information?

1 A. In the EDI interchange if it is billed usage
2 data, Direct Energy does not have the ability
3 to request billed data. That is delivered by
4 the respective utility to Direct Energy.

5 Q. I'm not sure I understood that. So if it's
6 billed usage data, Direct Energy cannot
7 request that data?

8 A. We can request the data via E-mail, and as a
9 utility operations manager I would reach out
10 to Duke supplier support to understand when
11 billed usage data would be available for
12 particular accounts.

13 Q. And then the information is provided from Duke
14 Energy to Direct Energy Business. Correct?

15 A. That is correct.

16 Q. Is that billed usage data provided via EDI?

17 A. In most cases, yes.

18 Q. In what cases would it not be provided via
19 EDI?

20 A. If, for instance, there would be an interval
21 usage spreadsheet available for an account
22 that was unable to be sent to Direct Energy
23 via EDI, it could be sent manually.

24 Q. And so the manual submission of interval usage
25 data was a practice that was known by Direct

1 Energy?

2 A. There were particular instances with multiple
3 utilities that if intervals -- if billed
4 intervals were not available via EDI, the
5 utility would offer to send that information
6 to us.

7 Q. And that's generally in a spreadsheet.
8 Correct?

9 A. That is correct.

10 Q. What would Direct Energy do with that
11 information that is received manually via
12 spreadsheet?

13 A. We would load the interval data into our
14 billing systems to bill end-use retail
15 customers.

16 Q. What is the time lag, if you will, associated
17 with the production of interval usage data via
18 a manual spreadsheet and the time that that
19 information is captured in a customer bill?

20 A. I do not know the answer to that question.

21 Q. Would you agree with me it's probably a fairly
22 close connection so that retail bills are
23 issued close in time to when the service is
24 rendered?

25 A. When EDI data is delivered, it typically takes

1 less than 48 hours to deliver a retail bill.

2 Q. Okay.

3 A. Due to the manual nature of the spreadsheets,
4 there was another team that loaded that
5 information, and I do not have a good
6 understanding of the time requirements for
7 that process.

8 Q. So you don't know when a retail bill would
9 have been issued to a customer after the
10 interval data is received via the spreadsheet.
11 Correct?

12 A. Not unless I was told a bill was generated.

13 Q. Okay. Is it fair to state that Direct Energy
14 has had circumstances where it received from
15 electric distribution utilities interval data
16 via a spreadsheet because it's not able to be
17 sent via the EDI system. Correct?

18 A. That is correct.

19 Q. The historical usage data that you indicated
20 was available versus --

21 Sorry. The historical usage data
22 that you indicated was available through EDI,
23 what is the time period that would be
24 reflected in that data?

25 So if you were to ask for a utility

1 today, April 21, 2015, for historical usage
2 data, you would get data through what period
3 of time?

4 A. It would be the most recent twelve months of
5 complete bill data.

6 Q. And that is billed data that reflects billings
7 by the distribution utility?

8 A. It would be usage data from the meter.

9 Q. Okay. And what is done by Direct Energy with
10 that historical usage data?

11 A. Generally if we are requesting historical
12 usage data for a customer we are working on
13 creating a price for that customer to serve
14 their end-use contract.

15 Q. And the information that is available to
16 Direct Energy through EDI, information that
17 goes down to the account level, what does
18 Direct Energy do with that information other
19 than to generate end-use retail bills and
20 review information for purposes of formulating
21 price offers for prospective customers?

22 A. Just so I clarify, are we talking historical
23 usage prior to signing a contract with that
24 customer?

25 Q. I'm trying to understand, sir, what Direct

1 Energy does with the information available to
2 it through EDI, and if I understand, you've
3 shared with me that one function is to use
4 information for purposes of arriving at
5 pricing options for prospective retail
6 customers, another is to take the EDI
7 information and feed that into your EMR
8 billing system for purposes of retail customer
9 bills.

10 A. Historical usage IS not used to generate a
11 customer's bill. Historical usage is Direct
12 Energy's best interpretation of what that
13 customer will use in the future.

14 MR. HULL: We can go off the record
15 for just a minute, please.

16 - - - -

17 (There was a discussion off the record.)

18 - - - -

19 (Bob Kennelly joins the deposition at this time via
20 speakerphone.)

21 - - - -

22 BY MS. STILLER:

23 Q. Mr. Vance, I appreciate that clarification.
24 What I'm trying to understand at a high level
25 and then we'll go further if necessary, I'm

1 trying to understand the different uses
2 pursuant to which Direct Energy puts the
3 information and data that's available to it
4 through the EDI system.

5 Would you agree with me that one use
6 that Direct Energy makes of the information is
7 to formulate price offers for prospective
8 customers?

9 A. That's a true statement, yes.

10 Q. And Direct Energy also uses the information
11 available to it through EDI for purposes of
12 issuing retail customer bills. Correct?

13 A. Correct, for billed usage, yes.

14 Q. Does Direct Energy use the EDI information
15 that's available to it down at the account
16 level for any other purpose or reason other
17 than the two I've just identified?

18 A. The --

19 Once a customer is signed, there is
20 a wholesale forecasting piece that that usage
21 would be included in Direct Energy's forecast
22 submitted to PJM, but I do not know the
23 details and the systems behind those
24 transactions.

25 Q. Who would know the details and systems behind

1 those transactions?

2 A. Someone in our Houston, Texas, office.

3 Q. Is there a particular group within your
4 Houston, Texas, office who would know that?

5 A. There is a load forecasting group on the org
6 chart. I would imagine that group would be
7 responsible for that information.

8 Q. Does the information, Mr. Vance, available to
9 Direct Energy through EDI --

10 Strike that. The EDI system feeds
11 Direct Energy's EMR billing system. Correct?

12 A. The system acronym that you're referring to is
13 ERM, and that is our end-use billing system.

14 Q. Okay. The information in the system that
15 supports EDI, is that information sent to
16 other systems within Direct Energy?

17 A. Yes, it is.

18 Q. And what other systems, please?

19 A. We have a system called file check which
20 ensures that the data that we receive via EDI
21 is complete. The system --

22 Also ERM has a back-end database
23 which has usage tables where that data is
24 stored.

25 Those are the two end-use retail

1 systems. Once that data is in ERM, there are
2 other systems that use that information, but I
3 do not know the names of those systems and how
4 they interface with ERM.

5 Q. If Direct Energy needs to upload
6 information --

7 Strike that. If Direct Energy needs
8 to manually upload interval usage information
9 as provided to it via a spreadsheet, is that
10 information loaded into EDI before EDI
11 transmits information to ERM?

12 A. I do not know the answer to that question.

13 Q. Who would know the answer to that, sir?

14 A. Someone in our transaction management group in
15 the Pittsburgh office.

16 Q. But the intervals data that comes to Direct
17 Energy via spreadsheet forms the basis for
18 customer bills. Correct?

19 A. In that particular instance, yes.

20 Q. Is there any billing by Direct Energy that is
21 done outside of the ERM system?

22 A. There may be a handful of transactions that
23 occur for end-use retail customers outside of
24 ERM, but I do not know the details or --

25 I don't know the details behind who

1 those customers are.

2 Q. Okay. Are you familiar, Mr. Vance, with PJM's
3 settlement process?

4 A. I am familiar with it, yes.

5 Q. Can you tell me what you know about PJM's
6 settlement process?

7 A. There is a Settlement A, a Settlement B, and a
8 Settlement C.

9 Q. What is Settlement A, please?

10 A. Settlement A, I believe, is the -- almost the
11 real time settle between load-serving entities
12 and each respective utility.

13 Q. What is Settlement B?

14 A. Settlement B is the 60-day reconciliation
15 between the load-serving entity and the
16 utility.

17 Q. What is Settlement C?

18 A. That is the settlement between a load-serving
19 entity and the utility outside the 60-day
20 window.

21 Q. Have you been involved in any settlement
22 processes for Direct Energy while in its
23 employ?

24 A. No --

25 Q. So how did you gain your understanding as to

1 the PJM settlement process?

2 A. I took the PJM 101 training course.

3 Q. Did you learn in that PJM 101 training course
4 that PJM actually settles among load-serving
5 entities for their load ratio share?

6 A. Yes.

7 Q. Was the Settlement C process described in the
8 PJM 101 training course?

9 A. Yes.

10 Q. Is this an on-line program by PJM or a formal
11 course that you attended?

12 A. It was a formal in-person class.

13 Q. Were there written materials disseminated in
14 that class?

15 A. There were, yes.

16 Q. Do you know, Mr. Vance, whether all respective
17 load-serving entities need to consent to the
18 resettlement fee or settlement fee process
19 administered by PJM?

20 A. I do not remember.

21 Q. Are you --

22 Strike that. Since joining Direct
23 Energy, have you been involved in receiving
24 PJM invoices?

25 A. I personally have seen a PJM invoice. I was

1 not the main point of contact for paying them
2 or receiving them. It was more from a -- from
3 understanding the different line items within
4 that statement.

5 Q. Who within Direct Energy is responsible,
6 Mr. Vance, for reviewing the load data that's
7 posted by PJM for the retail loads served by
8 Direct Energy?

9 A. I do not know the answer to that question.

10 Q. You would anticipate that there is a group or
11 individual that is responsible for reviewing
12 that load data provided by PJM. Correct?

13 A. Yes, correct.

14 Q. Were you at all involved, Mr. Vance, in Direct
15 Energy's work that led up to its securing Sun
16 Coke as a retail customer?

17 A. No, I was not.

18 Q. And you are aware of the complaint that Direct
19 Energy Business has filed against Duke Energy
20 Ohio before the PUCO. Correct?

21 A. Yes, I am.

22 Q. When did you first become aware of this issue
23 as described in Direct Energy's Complaint?

24 A. The first point, I was copied on an E-mail for
25 a missing usage request in March, 2013.

1 Q. Was this an internal E-mail?

2 A. It was an E-mail as part of our missing meter
3 read process where Direct Energy has an
4 internal validation that if we have not
5 received a meter read for a particular
6 end-user or account number for a period of
7 time after the scheduled end of their meter
8 read cycle, someone would reach out to the
9 utility and provide a list of account numbers
10 asking on status of that missing meter read.

11 Q. And the March, 2013, E-mail to which you
12 refer, is that one, sir, that has been
13 produced in discovery here?

14 A. I'm not aware of what E-mail you're talking
15 about in discovery. I have some E-mails in
16 front of me as exhibits, but I do not have any
17 other E-mails.

18 Q. Okay. And you didn't see the Notice of
19 Deposition before today and didn't bring any
20 documents as identified in that Notice.
21 Correct?

22 A. I do not have anything in front of me at this
23 time. That's correct.

24 Q. But you recall being copied on an E-mail from
25 March of 2013. Correct?

1 A. That's correct.

2 Q. And you don't know whether or not that E-mail
3 has been produced to Duke Energy Ohio in
4 connection with this pending Complaint.
5 Correct?

6 A. Correct.

7 Q. Was that an internal E-mail on which you were
8 copied in March of 2013?

9 A. As part of our missing meter read process,
10 that would have been sent from Yin Baird to
11 the Duke Energy Ohio.

12 Q. What happened after that initial E-mail was
13 sent? What's the process on Direct Energy's
14 side?

15 A. As part of the missing meter read process
16 there would have been another E-mail sent out
17 over the next seven days if a response was not
18 received, and after three E-mails to the
19 utility, it would then transfer to utility
20 operations to escalate that missing meter
21 read.

22 Q. What happened with respect to this initial
23 missing meter read that you referenced from
24 March of 2013?

25 A. Direct Energy did receive via EDI a summary

1 meter read for the missing period towards the
2 end of the month of March, 2013.

3 Q. What was the period at issue that was
4 reflected in the summary meter read?

5 A. That was the first meter read of --

6 I don't remember the exact dates,
7 but it would have been January, 2013, to the
8 beginning of February, 2013.

9 Q. What was done with that information upon
10 receipt?

11 A. That information would have been loaded into
12 ERM to generate a bill for the customer.

13 Q. Is there any comparison made by Direct Energy
14 between the information received via EDI and
15 any forecast that Direct Energy may prepare?

16 A. I am not aware of any.

17 Q. When the information is received by EDI, is it
18 at all reviewed for purposes of assessing
19 whether or not it seems consistent with the
20 historical usage for that customer?

21 A. I do not know the answer to that question.

22 Q. Who would know that at Direct Energy, sir?

23 A. Someone in our transaction management group in
24 the Pittsburgh office.

25 Q. To your knowledge, is there anything that

1 prohibits Direct Energy from reviewing the
2 information, the meter read information,
3 that's received via EDI to the historical
4 usage data that's also received for an
5 account?

6 A. I'm not aware of anything that prevents us
7 from reviewing that information.

8 Q. With the summary meter's data that was
9 received by Direct Energy at the end of March,
10 2013, did your involvement with this
11 particular account continue or did it end at
12 that point?

13 A. It did continue.

14 Q. Okay. Can you tell me how your involvement
15 continued, please.

16 A. The account again appeared on the missing
17 meter read report for the next month's usage,
18 and I was involved in the missing meter read
19 code red escalation process again for the
20 February into March read.

21 Q. So you say you were involved in the code red
22 escalation process. Did you contact Duke
23 Energy?

24 A. That is correct.

25 Q. So you contacted Duke Energy in March of 2013

1 and then again in April of 2013?

2 A. Correct, for the next missing meter read
3 period.

4 Q. Who would you have contacted, sir, at Duke
5 Energy?

6 A. There is a generic E-mail address for Duke
7 supplier support that I would have contacted.
8 I believe the two individuals who would
9 respond or monitor that E-mail were Donna and
10 Carol.

11 Q. Okay. What was the response to your second
12 inquiry regarding the missing meter read?

13 A. There was additional confusion between where
14 that missing meter read was, and a Duke
15 account manager representative would be
16 reaching out to us.

17 Q. And that was the response that you recalled to
18 your April, 2013, inquiry?

19 A. Yes.

20 Q. What happened after you were informed that an
21 account manager would be responding to Direct
22 Energy business?

23 A. There were additional communications between
24 Direct Energy and Duke around receiving that
25 missing meter read for February, and we did

1 receive an updated summary meter read for that
2 missing period towards the end of April.

3 Q. Were you involved in those communications with
4 Duke Energy Ohio regarding the missing meter
5 read?

6 A. I was, yes.

7 Q. Can you tell me about those conversations.

8 A. I don't remember those specific interactions.

9 Q. You simply remember there being conversations?

10 A. Correct. There were conversations between,
11 but if you're asking me for specific
12 commentary and specific dates, I do not
13 remember those dates.

14 Q. Do you recall who from Duke Energy Ohio was
15 involved in the conversation?

16 A. Bob Bandenburg, Lera Hiler, and Donna and
17 Carol were also included on some of those
18 E-mails.

19 Q. Were these E-mail communications or verbal
20 communications or both, Mr. Vance?

21 A. They were both.

22 Q. Was there any discussion from Duke Energy Ohio
23 concerning the bases for the missing meter
24 data that was reported by Direct Energy?

25 A. Can you repeat the question?

1 MS. STILLER: Gloria, can you read
2 that back, please.

3 - - - -

4 (The reporter read from the record.)

5 - - - -

6 THE WITNESS: There were
7 communications that the customer had a manual
8 intensive billing process, and Duke Energy
9 Ohio was unable to provide usage data in its
10 traditional automated fashion.

11 BY MS. STILLER:

12 Q. What happened after that?

13 A. There was an offer to provide interval data
14 via spreadsheet for I believe the March and
15 April time periods, and that spreadsheet was
16 delivered to Direct Energy.

17 Q. What about subsequent time periods? How was
18 the information provided to Direct Energy?

19 A. In May there was a number of EDI transactions
20 that provided both summary and interval usage
21 to Direct Energy that were reviewed by Direct
22 Energy prior to creating a bill that
23 determined there were still issues with the
24 EDI interchange and, subsequently, Duke Energy
25 continued to provide spreadsheets with

1 interval data to Direct Energy for billing
2 purposes.

3 Q. In the communications, Mr. Vance, that you
4 were involved in beginning in March of 2013
5 and continuing through April of 2013
6 concerning the missing meter reads, who else
7 from Direct Energy was involved in those
8 conversations?

9 A. I don't remember the specific individuals
10 involved in those E-mail communications.

11 Q. Would the individuals have been folks outside
12 of the utility operations group?

13 A. There may have been communications with Direct
14 Energy sales rep, the consultant for the
15 customer, and also internal Direct Energy team
16 members that were not in the utility
17 operations group.

18 Q. There may have been; you just don't know?

19 A. I don't remember the exact names.

20 Q. But there were individuals outside of the
21 utility operations group for Direct Energy who
22 you believe were involved in the discussions
23 in March and April concerning the missing
24 meter read?

25 A. That is correct. We did have concern from our

1 sales rep and the consultant who were included
2 on some E-mails.

3 Q. Was the concern related to not timely being
4 able to bill the customer?

5 A. That is correct.

6 Q. Were there any other concerns identified by
7 Direct Energy with respect to the missing
8 meter data?

9 A. This customer was on a particular product that
10 could use both summary and interval data.
11 Because we were billing the customer on
12 summary data, the hourly intervals were
13 deaggregated using a load profile which there
14 may have been communication with the customer
15 to seek their approval to do that instead of
16 using the actual interval data.

17 Q. Mr. Vance, does Direct Energy prepare expected
18 load information?

19 A. I do not know the answer to that question.

20 Q. At some point you became aware of a PJM
21 settlement issue involving Direct Energy and
22 Duke Energy Ohio. Correct?

23 A. That is correct.

24 Q. How did that particular issue come to your
25 attention, sir?

1 A. Bob Kennelly sent me an E-mail requesting
2 information on a sync list for our customers
3 in Duke service territory.

4 Q. Do you know why that information was
5 requested?

6 A. I found out later there was a discrepancy that
7 he had uncovered between the billed data from
8 Direct Energy and our settlement data.

9 Q. After receiving that request from
10 Mr. Kennelly, did you continue to remain
11 involved in the issues concerning Direct
12 Energy business and Duke Energy Ohio as
13 referenced in Direct Energy's Complaint?

14 A. Yes.

15 Q. What was the nature of your involvement after
16 that initial request from Mr. Kennelly for a
17 synced customer list?

18 A. If there were specific questions on usage or
19 transactions that would fall into the remit of
20 a utility operations manager, I would take the
21 lead on that particular assignment.

22 If there were questions around the
23 settlement load process, I would work with
24 Mr. Kennelly on providing a detail to those
25 inquiries.

1 Q. What particular information, if any, did you
2 provide to Mr. Kennelly?

3 A. I provided sync list information, I provided
4 end-use customer information, and provided EDI
5 transaction details.

6 Q. And the source of the sync list information
7 was what, please?

8 A. The sync list process is a recurring list
9 provided to Direct Energy from Duke's supplier
10 support services.

11 Q. Is that available through EDI?

12 A. It is a separate spreadsheet sent -- at least
13 it was a separate spreadsheet sent to DEB
14 utility operations via E-mail.

15 Q. And the end use customer information would
16 have been what, sir?

17 A. Account numbers, account names, --
18 I don't remember the other
19 information within that sync list.

20 Q. And is the end-use customer information
21 available via EDI or was that through a
22 separate spreadsheet?

23 A. The sync list process was not included in EDI.
24 It was all-inclusive within a spreadsheet.

25 Q. The EDI details would have been what that you

1 provided to Mr. Kennelly?

2 A. The usage transactions, usage amounts, and
3 dates that we receive those EDI transactions.

4 Q. And these are with respect to Sun Coke.
5 Correct?

6 A. Correct.

7 Q. Do you recall, Mr. Vance, when you provided
8 that information to Mr. Kennelly?

9 A. I recall transactions and E-mails between
10 them, but I do not remember any specific
11 conversations and dates of those
12 conversations.

13 Q. Do you recall, sir, whether it was before or
14 after you received the summary meter read data
15 for March of 2013?

16 A. Mr. Kennelly reached out for a sync list the
17 first week of May. I don't remember when we
18 received that summary data.

19 Q. When you received the summary meter read data,
20 what did Direct Energy do with that
21 information?

22 A. What did --

23 The summary meter read information
24 would have been loaded into ERM, but because
25 of the issues that we were having with

1 delivering invoices to this particular
2 customer, the customer's account in ERM was
3 put on do-not-bill status, so that information
4 was available for Direct Energy to internally
5 review prior to generating a bill as our
6 normal processes would work.

7 Q. So the summary meter read information was not
8 uploaded into EDI?

9 A. There were EDI transactions, but once that
10 information was delivered to ERM, a bill for
11 that customer was not generated before that
12 usage was reviewed by Direct Energy.

13 Q. No. I appreciate that, but the information,
14 the summary meter read information that came
15 to Direct Energy from Duke Energy Ohio, that
16 came via a spreadsheet. Correct?

17 A. The summary information was usually delivered
18 via EDI. The only information that was
19 delivered via spreadsheet was the intervals.

20 Q. Okay. So let's just go back so I'm clear on
21 the sequence of events.

22 Your first involvement is prompted
23 by a missing meter read process in Direct
24 Energy where the meter read data was not made
25 available to Direct Energy, and you

1 communicated with Duke Energy Ohio concerning
2 the missing meter read data. Correct?

3 A. Correct. The one thing I would add to that is
4 I was a point of escalation for the missing
5 meter read. There was another individual who
6 would first reach out on the missing meter
7 read process.

8 Q. And that process initiated in approximately
9 March of 2013 to the best of your
10 recollection. Correct?

11 A. Correct. That process, the first inquiry went
12 out seven days after the end of that meter
13 read, so for --

14 Yes. It would have been early
15 March, 2013.

16 Q. Okay. And then Direct Energy received via EDI
17 a summary meter read in March of 2013 for a
18 January/February billing period. Correct?

19 A. Correct.

20 Q. That initial month of --

21 Okay. And from the receipt within
22 EDI, EDI would have fed ERM for purposes of
23 customer billing to Sun Coke. Correct?

24 A. Correct.

25 Q. At that point is the Sun Coke account on hold

1 such that bills are not being generated?

2 A. I don't know if the account was put on hold
3 for the first bill or not.

4 Q. Then in April of 2013 again you were contacted
5 about missing meter read data from what would
6 have been an approximate February, 2013, time
7 frame. Correct?

8 A. Yes.

9 Q. And was the summary meter read data for that
10 approximate February/March 2013 period
11 provided to Direct Energy via EDI?

12 A. Yes.

13 Q. From there EDI would have fed ERM for purposes
14 of billing Sun Coke. Correct?

15 A. For the February billing period, yes.

16 Q. Do you know if that bill went out to Sun Coke?

17 A. Are you asking if we reviewed that bill or if
18 the account was on no-bill status at that
19 point?

20 Q. Correct. I'm asking if that bill would have
21 been generated through ERM and gone out.

22 A. Yes.

23 Q. So what prompted Direct Energy to put the Sun
24 Coke account on a no-bill or hold status,
25 Mr. Vance?

1 A. There was a request from the consultant to
2 review all invoices prior to sending the Sun
3 Coke.

4 Q. And this is a consultant for whom, please?

5 A. For Sun Coke.

6 Q. Do you know why that request was made to
7 review?

8 A. I do not know why the consultant had that
9 request.

10 Q. Okay.

11 MS. STILLER: Gloria, could you
12 provide Mr. Vance -- it's an E-mail that looks
13 like Gerit's Bates number is 00499 through
14 501. This is --

15 Some of this is confidential. I'm
16 not sure Gerit what all --

17 Are you claiming that the usage
18 information is confidential or is there more
19 than that?

20 MR. HULL: Why don't we go off the
21 record for a minute and we can talk about
22 that.

23 MS. STILLER: Okay.

24 - - - -

25 (There was a discussion off the record.)

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(There was a recess in the proceedings.)

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(Exhibit No. 2, confidential, marked for
identification.)

- - - -

BY MS. STILLER:

Q. Mr. Vance, do you have before you what has
been marked as Vance Deposition Exhibit No. 2?

A. Yes.

Q. And is this a series of E-mail exchanges, the
last of which is dated February 23, 2013, from
you to Teresa Ringenbach, Jennifer Lause, and
Joseph Clark?

A. No, it is not.

MR. HULL: Do you have the correct
date?

MS. STILLER: Oh, May 23, 2013.

THE WITNESS: Yes.

BY MS. STILLER:

Q. The third page of this exhibit is the initial
E-mail in the chain from Lera Hiler at Duke
Energy Ohio to you dated May 16, 2013.
Correct.

A. Yes.

1 Q. Sir, we discussed off the record that this
2 particular exhibit does contain some
3 confidential information. I will try to steer
4 away from that as I can, but if you think
5 we're getting into confidential information
6 stop me, and we will note the deposition
7 transcript accordingly or move the exchange to
8 a confidential portion. Okay?

9 A. Okay.

10 Q. I'm just trying to again confirm a timeline
11 here. If you look at the second page of Vance
12 Deposition Exhibit No. 2, it is an E-mail from
13 you to Ms. Hiler at Duke Energy and you've
14 indicated that it was noticed in April when we
15 received the interval spreadsheet you provided
16 and our settlement team started asking some
17 questions.

18 I guess I'm just trying to confirm
19 when was the information concerning settlement
20 first identified by the Direct Energy -- by
21 Direct Energy personnel?

22 A. The first time that I was engaged of
23 settlements is after Bob Kennelly's
24 involvement.

25 Q. Okay. And if Mr. Kennelly became involved in

1 early May, then your involvement regarding the
2 settlement issue would have postdated early
3 May. Correct?

4 A. That's correct.

5 Q. Okay. Then on the first page of Vance
6 Deposition Exhibit No. 2, sir, there is a
7 reference to usage cancel/rebill transactions
8 Correct?

9 A. Yes.

10 Q. Do you know why those cancel/rebill
11 transactions occurred?

12 A. Typically cancel/rebill transactions are
13 initiated by the utility when there is a
14 change to previously delivered usage data for
15 a particular customer.

16 I do not know why these transactions
17 were sent, but when they were received the
18 usage pattern that's indicated in the E-mail
19 was indicative of those new transactions.

20 Q. Okay. Did you inquire at all of Duke Energy
21 Ohio as to why they were sent?

22 A. As I read here, if these were intended not to
23 be sent, have you made any additional progress
24 on your investigation; there may have been an
25 additional E-mail regarding that response, but

1 in this exhibit it's not included.

2 Q. Okay. But as you sit here today you don't
3 have any independent recollection of inquiring
4 of Duke Energy Ohio as to why the
5 cancel/rebill transactions were initiated.
6 Correct?

7 A. That's correct.

8 Q. Okay. Your E-mail to Mr. Bandenburg and
9 Ms. Hiler was sent on May 23, 2013, at
10 11:26 A.M. Correct?

11 A. Yes.

12 Q. Then it looks like a couple minutes later you
13 reached out to Mr. Clark, your in-house
14 counsel, Teresa Ringenbach, and Jennifer Lause
15 and indicated that Duke Energy is not
16 answering questions. Correct?

17 A. Yes.

18 Q. And so from Mr. Bandenburg's note to you of
19 May 20, 2013, to May 23rd, 2013, you felt that
20 you weren't receiving timely information from
21 Duke Energy Ohio. Correct?

22 A. Yes. The E-mail on the 20th does not have any
23 new information from the E-mail that was sent
24 on Thursday, May 16th.

25 Q. So you felt that Duke Energy Ohio wasn't

1 answering questions?

2 A. I did at that time, yes.

3 Q. Fair to say, sir, that you think that an
4 approximate one-week delay is not acceptable?

5 A. In my estimation at the time, yes.

6 Q. Okay. Mr. Vance, you attended a meeting that
7 was conducted in early June of 2013 between
8 Direct Energy and Duke Energy Ohio
9 representatives. Correct?

10 A. I did, yes.

11 - - - -

12 (There was a discussion off the record.)

13 - - - -

14 (Exhibit No. 3, confidential, marked for
15 identification.)

16 - - - -

17 MS. STILLER: Mr. Vance, there are
18 items within this document that have similarly
19 been marked as confidential. Why don't you
20 take a moment and review this. If you think
21 it's confidential, I can save the questions
22 for the confidential portion of your
23 deposition.

24 - - - -

25 (The witness reviewed the document.)

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THE WITNESS: Okay. I don't see
anything here that's confidential.

BY MS. STILLER:

Q. Okay. Mr. Vance, this is an exchange between
you and Mr. Kennelly following June, 2013, in
which you were all involved with Duke Energy
Ohio. Correct?

A. Yes.

Q. And Mr. Kennelly had issued or prepared a
summary of that meeting to share internally at
Direct Energy. Correct?

A. Yes.

Q. And you had offered a revision to suggest that
it's not correct to indicate that Duke had
agreed to refund Direct Energy Business
through resettlement. Correct?

A. That is correct. Yes.

Q. What is the basis for your understanding that
this would not be a refund from Duke Energy
Ohio to Direct Energy --

A. The Settlement B process is not a refund. It
is a reconciliation.

Q. Is Settlement C similarly a reconciliation and
not a refund?

1 A. I don't believe Settlement C is worded in this
2 particular exchange.

3 Q. So your exchange is discussing only
4 Settlement B and the 60-day reconciliation?

5 A. In this particular case, yes.

6 Q. Okay.

7 - - - -

8 (Exhibit No. 4 marked for identification.)

9 - - - -

10 MS. STILLER: Mr. Vance, do you have
11 before you what has been marked as Vance
12 Deposition Exhibit No. 4?

13 THE WITNESS: Yes, I do.

14 MR. HULL: Amy, just a second. We
15 have to switch the CD rom here to pull up the
16 nonconfidential --

17 MS. STILLER: Okay.

18 MR. HULL: Okay. We have it.

19 MS. STILLER: Okay.

20 BY MS. STILLER:

21 Q. Mr. Vance, the top of this document just looks
22 like a communication from you to Mr. Kennelly.
23 Correct?

24 A. That's correct. Yes.

25 Q. And the bottom part in this document is a

1 notification that Sheila Rogers from Duke
2 Energy sent to a list of various individuals
3 identified as LSEs or load-serving entities.
4 Correct?

5 A. That's what it looks like, yes.

6 Q. Can you tell me what generated your response
7 of unbelievable to the note from Ms. Rogers to
8 these various load-serving entities?

9 A. I was surprised that the E-mail even went out
10 from Duke Energy Ohio to speak of
11 Settlement C.

12 Q. Who did you think should have sent the E-mail
13 out?

14 A. Duke Energy should have, yes.

15 Q. So what surprised you when Duke Energy Ohio
16 sent it out?

17 A. That it was actually happening.

18 Q. Was the fact that it happened consistent with
19 prior communications between Duke Energy,
20 Ohio, and Direct Energy Business?

21 A. There were verbal conversations that there was
22 some concern that Settlement C was going to
23 happen.

24 Q. Why was there concern whether Settlement C
25 would happen?

1 A. The particular meeting that we were referring
2 to was in June, 2013. It was now three months
3 later in September. It was just very
4 unbelievable that it was happening.

5 Q. I'm just trying to understand. What was
6 unbelievable about it?

7 A. I don't know what you want me to say.

8 Q. Was it your understanding that Duke Energy
9 Ohio would initiate the process, the
10 Resettlement C process, on behalf of Direct
11 Energy Business?

12 A. Yes, it was.

13 Q. And, in fact, they did that through this
14 E-mail of September 10, 2013. Is that
15 correct?

16 A. Yes, they did.

17 Q. Do you know what happened after that initial
18 request went out on September 10, 2013?

19 A. There were only a few suppliers who responded
20 to this inquiry.

21 Q. Was the response from only a few suppliers, to
22 your knowledge, and based upon your PJM
23 training sufficient to enable Settlement C to
24 occur?

25 A. No, it was not.

1 Q. What was needed for Settlement C to occur,
2 Mr. Vance?

3 A. I believe it was one hundred percent
4 participation.

5 Q. Okay. And one hundred percent participation
6 means one hundred percent affirmative response
7 from all of the affected load-serving
8 entities. Correct?

9 A. Yes.

10 Q. And to your knowledge and based upon your PJM
11 training, could Duke Energy Ohio under PJM
12 make annual tariffs or agreements to compel
13 load-serving entities to affirmatively respond
14 and engage in Settlement C?

15 A. I don't know the answer to that question.

16 Q. Do you know whether under Duke Energy Ohio's
17 certified supplier tariff that existed while
18 you were a utility operations manager whether
19 that tariff empowered Duke Energy Ohio to
20 compel affected load-serving entities to
21 engage in the Settlement C process?

22 A. I don't remember.

23 Q. Is there someone at Direct Energy, sir, who
24 would have been aware of that sort of
25 provision if, in fact, it existed in Duke

1 Energy Ohio's certified supplier tariff?

2 A. There was a wholesale group in Houston, Texas,
3 that may have been aware of that requirement.

4 Q. So the TJM settlement process would not have
5 been within your bailiwick at the time because
6 you focused on retail transactions. Is that
7 fair?

8 A. It would have fallen under my bailiwick to
9 provide affirmative or negative response to
10 this particular inquiry, but it would not have
11 fallen under my remit to understand the
12 wholesale comments of the Duke supplier retail
13 tariff.

14 Q. Thank you.

15 - - - -

16 (There was a discussion off the record.)

17 - - - -

18 (Exhibit No. 5, confidential, marked for
19 identification.)

20 - - - -

21 MR. HULL: Could we pause for a
22 moment while we swap out our disk, please?

23 MS. STILLER: Sure.

24 MR. HULL: Okay. Thank you.

25 MS. STILLER: Okay.

1 BY MS. STILLER:

2 Q. So, Mr. Vance, do you have before you what has
3 been marked as Vance Exhibit No. 5, sir?

4 A. Yes, I do.

5 Q. This is a series of E-mails, the last of which
6 is one from you to Dennis Schmidt, James
7 Saint, Dave Roberts, and Mr. Kennelly.
8 Correct.

9 A. Yes.

10 Q. That last E-mail reference in this exhibit is
11 dated May 29, 2013. Correct?

12 A. That's correct.

13 Q. This was also a document identified as
14 confidential by your counsel, so I will try to
15 ask questions that I hope to be public or to
16 elicit public responses, but if you think I'm
17 treading into confidential territory, please
18 let me know. Okay?

19 A. Okay.

20 Q. It looks like, Mr. Vance, that this E-mail
21 exchange was initiated because there were some
22 invoices that had not -- invoices issued by
23 Duke Energy Ohio that had not been paid by
24 Direct Energy. Is that correct?

25 A. That is correct.

1 Q. And your E-mail, which is on the bottom of the
2 first page of Vance Deposition Exhibit No. 5,
3 your E-mail of Wednesday, May 29, 2013, at
4 2:36 P.M., you reference a communication that
5 you received from Duke that was dated May 6
6 concerning outstanding supplier invoices.
7 Correct?

8 A. Yes.

9 Q. And you reference that's the second time in
10 the year that you had issues with significant
11 delays and paying Duke Energy Ohio supplier
12 invoices. Correct?

13 A. Yes.

14 Q. Was that delay attributed to the Sun Coke
15 situation?

16 A. No, it was not.

17 Q. You've indicated that some process
18 improvements were implemented by Direct Energy
19 that would address the delays in paying
20 supplier issues going forward. Correct?

21 A. In supplier invoices. Correct.

22 Q. What was those process improvements, sir?

23 A. There was a recent implementation of an SAP
24 billing system internally within Direct
25 Energy; there were communications to help us

1 pay invoices in a more timely manner if a PO
2 number could be placed on a supplier invoice.

3 Q. Okay. So Direct Energy realized that there
4 were just perhaps some enhancements that could
5 be made to more timely process invoices.
6 Correct?

7 A. Yes.

8 Q. Okay. Mr. Vance, do you know whether Teresa
9 Ringenbach had meetings with the PUCO
10 commissioners concerning the complaint that
11 was filed by Direct Energy

12 A. I do not know.

13 Q. Is that information that would have been
14 shared with you?

15 A. Typically not, no.

16 Q. The reason I'm asking is if you carry over to
17 Page 2 of this Vance Deposition Exhibit No. 5,
18 your E-mail from May 29 continues, and you
19 stated that you had engaged Ms. Ringenbach of
20 your Ohio governmental and regulatory affairs
21 team, and that she had scheduled a meeting
22 with the commission to file a complaint.

23 So did Ms. Ringenbach tell you that
24 she was meeting with the PUCO commissioners in
25 connection with the complaint that would be

1 filed against Duke Energy on or about
2 June 4, 2013?

3 A. The statement reads G&RA has stated if we do
4 not hear from Duke by 6-4, a formal complaint
5 will be issued to the PUCO.

6 I did not know if Ms. Ringenbach
7 ever met with the PUCO.

8 Q. Okay. Do you know if the EDI system at Direct
9 Energy feeds information to those systems that
10 Direct Energy utilizes to see load data that's
11 reported by PJM?

12 A. I do not know the systems, but there would be
13 a data flow, yes.

14 Q. Do you know whether Direct Energy compares
15 information that's available to it at the
16 account level through EDI to the load data
17 that's reported to PJM and that serves as the
18 basis for PJM invoices?

19 A. That was not part of my remit as a utility
20 operations manager, but Mr. Kennelly must have
21 done some type of research to do that
22 reconciliation.

23 Q. Do you know, Mr. Vance, whether the settlement
24 fee process is discussed in PJM's first
25 approved tariff?

1 A. I do not know.

2 Q. Do you know whether it's discussed -- if the
3 Resettlement C process is discussed in PJM's
4 first approved reliability assurance
5 agreement?

6 A. I do not know.

7 Q. In your career at Direct Energy have you had
8 occasion or need to read PJM's tariff or
9 reliability assurance agreement?

10 A. I have read parts of the PJM open access. I
11 can't remember if I read the other two
12 documents you referenced.

13 Q. Okay. Have you had occasion in your positions
14 with Direct Energy to read PJM's manual?

15 A. Yes.

16 Q. Have you reviewed those manuals for purposes
17 of the PJM settlement process?

18 A. I don't remember.

19 Q. Do you know, Mr. Vance, what a meter data
20 management agent is for purposes of PJM
21 reporting?

22 A. It's my understanding that an MDMA reads the
23 meter and provides the -- as the billing entry
24 of record.

25 MS. STILLER: I'm sorry. Can you

1 read that answer back, please.

2 - - - -

3 (The reporter read from the record.)

4 - - - -

5 BY MS. STILLER:

6 Q. And on whose behalf is the meter data
7 management agent working?

8 A. On the load-serving entities'.

9 Q. And to the extent Duke Energy Ohio certified
10 supplier tariff that was in effect in 2013
11 made provision for meter data management agent
12 responsibilities, that would not have been
13 something that you would have been responsible
14 for as the utility operations manager.

15 Correct?

16 A. Correct.

17 - - - -

18 (There was a discussion off the record.)

19 - - - -

20 BY MS. STILLER:

21 Q. Mr. Vance, to the extent Duke Energy Ohio
22 certified supplier tariffs established
23 responsibilities for a meter data management
24 agent, is the Direct Energy transmission
25 management group the group that would have

1 been responsible for understanding that aspect
2 of the certified supplier tariff?

3 A. I think that's a fair statement, yes.

4 Q. Mr. Vance, I don't have any other questions
5 for you. Thank you.

6 A. Very good.

7 MR. CLARK: This is Joe. Before we
8 go off, what was the --

9 We couldn't catch the last name, the
10 last question, the Direct Energy transmission
11 something.

12 MR. HULL: Would the court reporter
13 please read back the last question and answer.

14 - - - -

15 (The reporter read from the record.)

16 - - - -

17 (There was a discussion off the record.)

18 - - - -

19 (The proceedings were concluded at 12:42 p.m.)

20 - - - -

21

22

23

24

25

1 COMMONWEALTH OF PENNSYLVANIA
2 COUNTY OF ALLEGHENY

3 I, G. Donavich, RPR, CRR, a Court Reporter and
4 Notary Public in and for the Commonwealth of
5 Pennsylvania, do hereby certify that the witness,
6 ANDREW VANCE, was by me first duly sworn to testify
7 to the truth; that the foregoing deposition was
8 taken at the time and place stated herein; and that
9 the said deposition was recorded stenographically by
10 me and then reduced to printing under my direction,
11 and constitutes a true record of the testimony given
12 by said witness to the best of my ability.

13 I further certify that the inspection, reading
14 and signing of said deposition were NOT waived by
15 counsel for the respective parties and by the
16 witness.

17 I further certify that I am not a relative or
18 employee of any of the parties, or a relative or
19 employee of either counsel, and that I am in no way
20 interested directly or indirectly in this action.

21 IN WITNESS WHEREOF, I have hereunto set my hand
22 and affixed my seal of office this 23rd day of
23 April, 2015.

24 _____
25 Notary Public

1 COMMONWEALTH OF PENNSYLVANIA
2 COUNTY OF ALLEGHENY

3 I, ANDREW VANCE, have read the foregoing pages of my
4 deposition given on April 21, 2015, and wish to make
the following, if any, amendments, additions,
deletions or corrections:

5 Page/Line Should Read Reason for Change

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17
18
19 In all other respects, the transcript is true and
20 correct.

21 _____
22 ANDREW VANCE

23 Subscribed and sworn to before me this
24 _____ day of _____, 20__.

25 _____
Notary Public
Reference No. 37694

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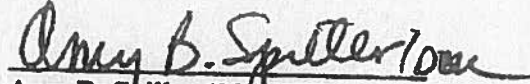
Exhibit Vance
Witness _____
Date _____ Rptr. /
**Powers
Garrison &
Hughes**

EXHIBIT A

Duke Energy Ohio hereby requests that, at the time and place set forth above in the notice of deposition, *duces tecum*, the witness shall produce true and accurate copies of the following documents:

- 1. Any and all documents reviewed by said witness in preparing, or otherwise assisting in the preparation of, discovery responses submitted by Direct Energy relative to the above-captioned proceeding**
- 2. Any and all documents prepared by said witness for purposes of preparing, or otherwise assisting in the preparation of, discovery responses submitted by Direct Energy relative to the above-captioned proceeding.**

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Amy B. Spiller". The signature is fluid and cursive, with a horizontal line drawn underneath it.

Amy B. Spiller (0047277)

Deputy General Counsel

Jeanne W. Kingery (0012172)

Associate General Counsel

DUKE ENERGY OHIO, INC.

139 East Fourth Street, ML 1303 Main

P. O. Box 960

Cincinnati, Ohio 45202

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a copy of the foregoing was served on the following parties of record by electronic service, this 17th day of April, 2015.


Amy B. Spiller

Gerit F. Hull
Eckert Seamans Cherin & Mellott, LLC
1717 Pennsylvania Avenue N.W.
12th Floor
Washington, DC 20006
ghull@eckertseamans.com

Joseph M. Clark
Direct Energy
21 East State Street, 19th Floor
Columbus, Ohio 43215
joseph.clark@directenergy.com

From: Vance, Andrew
To: Kennelly, Robert
CC: DEB Utility Operations
Sent: 9/11/2013 7:56:37 AM
Subject: FW: PJM Settlement C Billing Adjustment for Load Serving Entities (LSEs) Operating in the Duke Energy Ohio/Kentucky (DEOK) Load Zone

Unbelievable

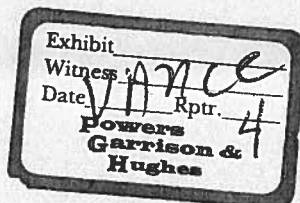
From: Rogers, Shelia J [mailto:Shelia.Rogers@duke-energy.com]
Sent: Tuesday, September 10, 2013 5:01 PM
To: Smardo, Frank -Impa; CNorton@amppartners.org; Tim.Bockhorn@dplinc.com; scott.maxwell@nesmarkets.com; mmann@ohgande.com; Palmese, Robert -palmcoenergy; rachael.cahan@macquarie.com; PA; Gonsales@ses4energy.com; rachael.cahan@macquarie.com; tcbanks@starenergypartners.com; ruzhdi@starionenergy.com; tfitzgerald@verdeenergy.com; mborovik@aepenergy.com; Kirk.Heinemann@edfrading.com; mborovik@aepenergy.com; amitrey@border-energy.com; pgarber9@gmail.com; bcrockett@championenergyservices.com; rachael.cahan@macquarie.com; Garretson, Steve -justenergy; Elena.Vekilov@exeloncorp.com; Vance, Andrew; USN Utility Contact; Iynn@discountenergygroup.com; mike.cornwell@dom.com; tim.bockhorn@aes.com; steckv@dteenergy.com; Fleissner, William E; eagleenergy@fuse.net; alexg@eligoenergy.com; msmith@encoa.com; kboltz@energypluscompany.com; jeff@energy.me; c.jamesdavis@firstenergycorp.com; kevin.stafford@gdfsuezna.com; adam.gusman@glacialenergy.vi; ssimins@hikoenergy.com; hsweeney@igsenergy.com; mstarck@independenceenergyco.com; DRPickett@integrsvenergy.com; mitchm@konaenergy.com; hrosen@libertypowercorp.com; SMJansen@midamerican.com; edwin.dearman@gexaenergy.com; bwhite@noblesolutions.com; chris@napower.com
Subject: PJM Settlement C Billing Adjustment for Load Serving Entities (LSEs) Operating in the Duke Energy Ohio/Kentucky (DEOK) Load Zone

Dear LSEs:

The purpose of this letter is to notify you that PJM Settlements has undercharged your company for load settlement services for the months of January and February 2013. Due to this error, another LSE has been overcharged by PJM for load settlement services for January and February. In order to rectify the situation, we are requesting that your company agree to a resettlement with PJM for the months of January and February 2013 which will allow the overcharged LSE to be made whole. The impact to load is approximately 30 MW's/hour that will spread across each LSE's percent of load compared to total DEOK load.

PJM allows for resettlements to occur outside of a 60 day window under the Settlement C process. This is an informal process followed by PJM. In order to initiate the Settlement C process, you will need to provide to Duke Energy Ohio consent to have your account resettled for the months of January and February. We will then provide this consent to PJM who will then resettle your account.

Please email PJMSettlementC@duke-energy.com with questions and your consent. We appreciate your attention to this matter.



This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

6/12/2017 3:48:54 PM

in

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

Summary: Deposition Duke Energy Ohio submitted deposition of Andrew Vance electronically filed by Mrs. Debbie L Gates on behalf of Duke Energy Ohio Inc. and Spiller, Amy B and Watts, Elizabeth H