

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

Entered in the Journal on July 21, 2017

{¶ 1} Duke Energy Ohio, Inc. (Duke or the Company) is an electric services company as defined in R.C. 4928.01(A)(9), a public utility as defined in R.C. 4905.02 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 June 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. After several continuances, a hearing was held on June 13, 2017. At that time, the parties agreed to a briefing schedule with initial briefs due July 21, 2017, and reply briefs due August 11, 2017.

{¶ 6} On July 19, 2017, Direct filed a motion to modify the briefing schedule. Due to intervening circumstances, Directs requests that deadline to submit both the initial briefs and the reply briefs be extended three weeks. Direct represents that Duke does not oppose the motion.

{¶ 7} For good cause shown, and because the motion is unopposed, the briefing schedule will be modified as follows: initial briefs will be due August 11, 2017, and reply briefs will be due September 1, 2017.

{¶ 8} It is, therefore,

{¶ 9} ORDERED, That the briefing schedule be modified in accordance with paragraph 7. It is, further,

{¶ 10} 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

sef/vrm

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in

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

Summary: Attorney Examiner Entry modifying briefing schedule; electronically filed by Vesta R Miller on behalf of Nicholas Walstra, Attorney Examiner, Public Utilities Commission of Ohio