

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Commission's Review)
of Chapter 4901:1-9, Ohio Administrative) Case No. 12-2049-EL-ORD
Code, Regarding Metering Options.)

INITIAL COMMENTS OF DUKE ENERGY OHIO, INC.

Comes now Duke Energy Ohio, Inc., (Duke Energy Ohio) and respectfully submits its comments regarding administrative rules in O.A.C. Chapter 4901:1-9, addressing metering options and other topics. The Public Utilities Commission of Ohio (Commission) issued an entry on December 11, 2013, proposing to make no changes to the rules in that chapter. Pursuant to the Commission entry, comments were to be filed no later than January 7, 2013. Because the Commission's office was closed on the entirety of January 7, 2013, these comments are being filed on January 8, 2013, under the terms of O.A.C. 4901-1-7(D).

COMMENTS

Duke Energy Ohio offers comments only with regard to O.A.C. Rule 4901:1-9-06, which relates to retention of records. Duke Energy Ohio's suggestion is that this rule should simply adopt existing record retention requirements that already apply to all electric utilities.

Duke Energy Ohio, like other electric utilities in Ohio, is subject to the jurisdiction of the Federal Energy Regulatory Commission (FERC), in addition to the Commission. In addition, Duke Energy Ohio is affiliated with utilities in other states, which other utilities are subject to the jurisdiction of their respective state utility commissions. The imposition of retention

requirements by the Commission, which in many situations differ from those imposed by FERC, causes utilities to expend substantial resources ensuring that both sets of rules are followed. With the addition of other state commissions, Duke Energy Ohio and its affiliates must balance the requirements of many separate sets of requirements. All of these rules have the same goal: to ensure that records exist to demonstrate compliance with applicable laws, for as long as those records might be needed.

As noted in the Commission's entry of December 11, 2013, the Ohio Governor's "Common Sense Initiative" requires the Commission to balance the critical objectives of its rules with the cost of compliance.¹ Where the Commission finds that a rule is needlessly burdensome or inefficient, the Executive Order requires that the rule be amended or rescinded. Duke Energy Ohio certainly agrees that the state of Ohio should regulate the retention of records by utilities. However, it is inefficient and needlessly burdensome to require utilities to attend to separate and conflicting sets of complex retention rules, all of which rules are designed to address the very same objectives. Duke Energy Ohio therefore suggests that the Commission amend O.A.C. Rule 4901:1-9-06 to adopt the comparable FERC rules.

Finally, Duke Energy Ohio also notes that the appendix to O.A.C. Rule 4901:1-06 is titled as if it is applicable to utilities outside of the electric industry. As the rule itself indicates that it applies only to electric utilities and the Commission's entry was only served on electric utilities, the title of the appendix should be amended correspondingly.

¹ Executive Order 2011-01K.

CONCLUSION

For the reasons stated above, Duke Energy Ohio respectfully suggests that the Commission modify the proposed rules as described.

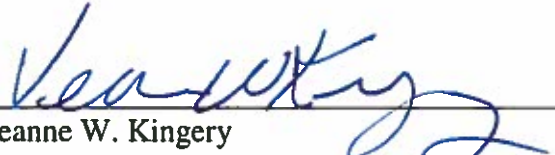
Respectfully submitted,
DUKE ENERGY OHIO, INC.



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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was served on the following parties via electronic mail delivery or by U.S. mail, postage prepaid, as indicated, on this 8th day of January, 2014.



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