**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

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| In the Matter of the Application of Duke Energy Ohio, Inc. for Recovery of Program Costs, Lost Distribution Revenues, and Performance Incentives Related to its Energy Efficiency and Demand Response Programs. | )))))) | Case No. 18-0397-EL-RDR |

**REPLY COMMENTS REGARDING DUKE’S CHARGES
TO CUSTOMERS FOR UTILITY ENERGY EFFICIENCY PROGRAMS**

**BY**

**THE OFFICE OF THE OHIO CONSUMERS’ COUNSEL**

The Attorney Examiner set deadlines for initial comments (June 27, 2019) and reply comments (July 11, 2019).[[1]](#footnote-2) The Office of the Ohio Consumers’ Counsel (“OCC”) was the only party to file initial comments. Nonetheless, OCC files these reply comments for the limited purpose of identifying additional relevant authority that was issued after the filing of OCC’s initial comments.

In OCC’s initial comments (filed June 27, 2019), OCC cited the Public Utilities Commission of Ohio’s (“PUCO”) May 15, 2019 Finding and Order in Case Nos. 16-664-EL-RDR and 17-781-EL-RDR.[[2]](#footnote-3) At the time of OCC’s initial comments, that order remained subject to an application for rehearing filed by Duke.[[3]](#footnote-4) Subsequently, on July 2, 2019, the PUCO denied Duke’s application for rehearing by operation of law.[[4]](#footnote-5)

In its initial comments, OCC encouraged the PUCO to rule that Duke cannot charge customers for expenses unrelated to energy efficiency, including incentive compensation tied to Duke’s financial performance, meals and entertainment for Duke employees, baseball sponsorships, and employee cell phone bill.[[5]](#footnote-6) The PUCO should consider its July 2 ruling as relevant precedent, further supporting OCC’s initial comments.

Respectfully submitted,

Bruce Weston (0016973)

Ohio Consumers' Counsel

*/s/ Christopher Healey*

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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of these Reply Comments was served on the persons stated below via electronic transmission, this 11th day of July 2019.

 */s/ Christopher Healey*

 Christopher Healey

 Assistant Consumers’ Counsel

**SERVICE LIST**

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1. Entry (May 2, 2019). [↑](#footnote-ref-2)
2. *See* OCC Initial Comments at 4. [↑](#footnote-ref-3)
3. Case Nos. 16-664-EL-RDR, 17-781-EL-RDR, Application for Rehearing of Duke Energy Ohio, Inc. (June 14, 2019). [↑](#footnote-ref-4)
4. *See* <https://www.puco.ohio.gov/media-room/puco-webcast/?recordID=760>. [↑](#footnote-ref-5)
5. OCC Initial Comments at 6-7. [↑](#footnote-ref-6)