

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of)
Duke Energy Ohio, Inc., for Approval of) Case No.14-2128 -EL-UNC
Changes to Bill Format.)

**MEMO CONTRA MOTION TO INTERVENE AND INITIAL COMMENTS OF
THE OFFICE OF THE OHIO CONSUMERS' COUNSEL**

On November 21, 2014, pursuant to a Finding and Order of the Public Utilities Commission of Ohio, (Commission) Duke Energy Ohio, Inc., (Duke Energy Ohio) submitted bill specimens that include competitive retail energy service (CRES) provider logos for approval.¹ However, the two bill specimens provided as attachments to the application were missing certain required elements. Accordingly, Duke Energy Ohio submitted an Amended Application that contained corrected specimens on February 4, 2015.

In between these two applications, The Office of the Ohio Consumers' Counsel (OCC) moved to intervene and comment on the Company's first application. It appears that OCC's comments were submitted without reference to the Amended Application. The OCC's stated reasons for requesting intervention relate to a concern that the proposed changes may impose costs on Duke Energy Ohio's customers that in OCC's view, should be borne by CRES providers.

The Amended Application does not include any request for cost recovery for the costs that the Company will incur in making the necessary changes. The Company understands that the

¹ *In the Matter of the Commission's Investigation of Ohio's Retail Electric Service Market, Case No. 12-3151-EL-COI, Finding and Order, (March 26, 2014).*

Commission requires the changes to be made as soon as possible. The Commission has explicitly provided that electric distribution utilities (EDUs) may recover costs in a distribution rate case.² The Commission also found that “EDUs may file applications for authority to defer expenses related to bill format changes when they file applications to amend their bill.”³ Duke Energy Ohio withdrew its request in this proceeding by submitting an Amended Application that does not include a request for cost recovery. The Amended Application merely requests approval of the bill formats provided. Accordingly, the reasons for OCC’s requested intervention, and the matters contained in the Comments submitted are not pertinent to this docket. OCC’s motion should be denied.

For the reasons stated above, Duke Energy Ohio respectfully requests that the Commission deny OCC’s motion to intervene and approve the proposed bill formats as contained in the attached tariffs.

Respectfully submitted,



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² Id., pg. 26, para.26

³ *In the Matter of the Commission's Investigation of Ohio's Retail Electric Service Market, Case No. 12-3151-EL-COI*, Entry on Rehearing, (May 21, 2014), pg.10, para.19.

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 10th day of February, 2015, to the following parties.


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