

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Commission's)
Review of its Rules for Competitive)
Retail Natural Gas Service Contained) Case No. 12-925-EL-ORD
in Chapters 4901:1-27 Through)
4901:1-34 of the Ohio Administrative)
Code.)

COMMENTS OF DUKE ENERGY OHIO, INC.

Pursuant to the Public Utilities Commission of Ohio (Commission) Entry of November 7, 2012, the Commission initiated this docket to consider changes to rules contained in Chapters 4901:1-27 through and 4901:1-34 of the Ohio Administrative Code, (O.A.C.). The Commission's Entry invited comments from interested parties on proposed changes to the rules. Duke Energy Ohio, Inc. (Duke Energy Ohio) appreciates this opportunity to offer comments. Duke Energy Ohio recognizes that most of the rules in these Chapters are directed toward regulating the conduct of competitive retail gas suppliers. Consequently Duke Energy Ohio's has only a few comments with respect to the proposed rules contained in these chapters.

Proposed O.A.C. 4901:1-29-05, discusses requirements for marketing and solicitation. The Commission should consider establishing a rule that a supplier may not perform door-to-door marketing after dusk. Also, suppliers should share plans for mass marketing with the jurisdictional utility so that the utility can appropriately staff its call center to assist with additional calls that are generated by such marketing activities. Therefore, Duke Energy Ohio offers the below two draft rules for the Commission's consideration.

In the absence of local ordinances or regulation and to ensure the safety of all involved, retail natural gas suppliers, governmental aggregators, brokers/aggregators, and their agents shall not conduct door-to-door marketing outside the hours of 9:00 a.m. to 9:00 p.m. local time.

Retail natural gas suppliers and government aggregators shall notify the incumbent natural gas utility of upcoming marketing and solicitation plans for door-to-door marketing, telemarketing, and direct mail marketing to allow the incumbent natural gas utility to prepare its call center for the inquiries it will receive as a result of the marketing activity. If possible, the retail natural gas supplier, or government aggregator will provide the incumbent natural gas utility copies of its marketing materials, but at a minimum shall provide general, non-proprietary information regarding the extent of the marketing effort, duration of the effort, and a description of the geographical area involved.

Proposed O.A.C. 4901:1-32-03(B), discusses information required of a natural gas company that seeks to recover capacity, commodity and incidental costs entered into on behalf of customers that take commodity gas service from other than the natural gas company. Paragraph (B) (1) and (2) of that rule propose that the natural gas company provide migration rates since the inception of the competitive retail program, to support its application. Duke Energy Ohio's competitive retail gas program began in May 1997. Migration data would therefore go back sixteen years. Such data is irrelevant and not readily available. If available, it would be extremely burdensome to produce. This section of the rule should be revised to require migration data for the most recent five years instead of "since the inception of the competitive retail natural gas service program."

Duke Energy Ohio appreciates the opportunity to comment on the proposed rules in O.A.C. Chapters 4901:1-21 and 4901:1-10-24, and respectfully requests that the Commission adopt the changes recommended herein.

Respectfully submitted on behalf of
Duke Energy Ohio, Inc.,



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CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing was delivered via U.S. mail (postage prepaid), personal, or electronic mail delivery on this the 7th day of January, 2013, to the following parties.



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