

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Duke	)	
Energy Ohio, Inc., to Adjust Rider DR-IM	)	Case No. 13-1141-GE-RDR
and Rider AU for 2012 SmartGrid Costs.	)	

---

**REPLY BRIEF OF DIRECT ENERGY SERVICES, LLC  
AND DIRECT ENERGY BUSINESS, LLC**

---

Joseph M. Clark (Counsel of Record)  
Direct Energy  
21 East State Street, 19<sup>th</sup> Floor  
Columbus, Ohio 43215  
Phone – (614) 220-4369 Ext 232  
Fax – (614) 220-4674  
[joseph.clark@directenergy.com](mailto:joseph.clark@directenergy.com)

**Attorney for Direct Energy Services, LLC  
and Direct Energy Business, LLC**

<b>TABLE OF CONTENTS</b>	<b>PAGE</b>
I. INTRODUCTION	3
II. ARGUMENT	
A. The Commission should amend the Stipulation as suggested by Direct Energy.	4
B. This docket is the appropriate venue for the Commission to address the issues raised by Direct Energy.	7
C. Benefits to customers suggested by Direct Energy should be amended into the Stipulation.	10
D. OPAE's arguments to rebut Direct Energy's recommendations should be rejected.	12
III. CONCLUSION	16

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Duke	)	
Energy Ohio, Inc., to Adjust Rider DR-IM	)	Case No. 13-1141-GE-RDR
and Rider AU for 2012 SmartGrid Costs.	)	

---

**REPLY BRIEF OF DIRECT ENERGY SERVICES, LLC  
AND DIRECT ENERGY BUSINESS, LLC**

---

**I. INTRODUCTION**

This case is much more than an uneventful or sleepy rider approval case. It presents the Public Utilities Commission of Ohio (“Commission”) an opportunity to enable competitive retail electric service (“CRES”) providers the ability to offer innovative advanced meter enabled products to the Ohio market. Duke Energy Ohio, Inc. (“Duke”) will be the first electric utility in Ohio to reach full deployment of advanced metering in their service territory. However, without the modifications to the Stipulation and Recommendation (“Stipulation”) suggested by Direct Energy Services, LLC and Direct Energy Business, LLC (collectively “Direct Energy”), Duke customers will still not be able to utilize their meters in a way that can have a meaningful impact on their bills. The Signatory Parties to the Stipulation have not demonstrated that the Stipulation is reasonable or meets the Commission’s criteria for approval of settlements. The supposed customer benefits and advancement of the public interest by the Stipulation cannot overcome the glaring omissions of the Stipulation, nor can the Signatory Parties explain away the Stipulation’s violation of several subsections of Ohio’s state energy policy in Section 4928.02, Revised Code. Direct Energy hereby submits its Reply Brief in response to the Initial Briefs filed in this proceeding.

## **II. ARGUMENT**

### **A. The Commission should amend the Stipulation as suggested by Direct Energy.**

As Direct Energy demonstrated in its Initial Brief, the Commission should amend the Stipulation to ensure it meets the Commission's criteria for the approval of settlements. The Stipulation is not reasonable, does not benefit ratepayers, is not in the public interest, and violates important regulatory principles or practices.<sup>1</sup> The Commission should rectify the omissions from the Stipulation that would bring the Stipulation in line with the Commission's criteria for the approval of settlements.

The Commission should amend the Stipulation as follows:

- 1) Require Duke to provide bill quality interval data to CRES providers who have proper customer authorization starting June 2014 through Duke's CRES portal.
- 2) Require Duke to reserve the 90,000 meter capability of its Meter Data Management ("MDM") Phase 2 system (hereinafter "MDM Phase 2") for customers who enroll in a CRES provider advanced metering infrastructure ("AMI") meter-enabled product.
- 3) Require Duke to provide bill quality interval data in a timely manner to allow for CRES providers to bill products chosen by the customer.
- 4) Require Duke to provide a plan and work with stakeholders to expand its MDM Phase 2 system to accommodate all customers with deployed and certified AMI meters.
- 5) Require Duke to begin work to allow for electronic data interchange ("EDI") transfer of bill quality interval data and allow \$1,368,000 in recovery from Rider DR-IM for this project.

---

<sup>1</sup> Direct Energy Exhibit 1 at 5 (Direct Testimony of Teresa L. Ringenbach) and Direct Energy Exhibit 2 at 4-5 (Direct Testimony of Jennifer L. Lause).

- 6) Require Duke to permit CRES providers to obtain customer consent to receive the customer interval energy consumption/load data through a conspicuous disclosure in the terms and conditions of service for the contract.
- 7) Declare that Duke's tariff sufficiently protects customer interval usage data from disclosure by CRES providers and accept Direct Energy's proposal for additional customer consent until another rule is in place.
- 8) Require Duke to implement the minimum Phase 1 customer interval usage data capabilities suggested by Direct Energy for CRES providers to receive customer interval usage data.
- 9) Require Duke to work with Stakeholders to implement Priority Phase 2 and Priority Phase 3 capabilities by June 2018.

The Stipulation is unreasonable, not in the public interest, nor benefits ratepayers because it lacks these items and therefore limits customers' choice of advanced metered products to only that of the utility pilot.

The changes supported by Direct Energy would allow up to 90,000 Duke ratepayers the opportunity to take advantage of the full benefits of their AMI meters, which they have paid for, as soon as June 2014. In addition, these changes would allow the remaining customers who have yet to receive their meters to also participate as part of the 90,000 soon after full deployment in the middle of this year.<sup>2</sup> The timing of this case so close to full deployment, when combined with the fact that this case resolves how customers pay Duke for AMI meters, is a part of why it is not in the public interest and does not benefit ratepayers to omit these issues from the Stipulation. Without these changes Duke ratepayers who want to use their AMI meters to their

---

<sup>2</sup> Direct Energy Exhibit 1 at 6.

advantage by accepting an offer from a competitive retail electric service (“CRES”) provider for time-differentiated or dynamically priced products will not be able to at all.

Additionally, the changes would benefit ratepayers and be in the public interest inasmuch as they would detail protection of customer information by CRES providers and provide important disclosures regarding CRES provider access to customer interval usage data.<sup>3</sup> The changes suggested by Direct Energy would also remedy the Stipulation’s failure (as a package) to follow Ohio’s state policies enumerated in Section 4928.02, Revised Code.

Finally, as an alternative if the Commission does not feel comfortable issuing such an order applicable to all CRES providers without an initial test period in Duke Energy Ohio’s service territory, the Commission should permit Direct Energy to access customer interval usage data on a 24 month pilot basis under the conditions suggested by Direct Energy. And, if the Commission determines the pilot be applicable to all interested CRES providers, the Commission should direct Duke Energy Ohio to promptly implement necessary information technology upgrades to effectuate the proposed pilot.<sup>4</sup> As Duke pointed out repeatedly, Direct Energy is the only CRES provider to request interval customer energy usage data; therefore Duke Energy Ohio should have no concern with multiple suppliers in the pilot.<sup>5</sup> If the Commission is concerned that Duke’s system may need to be tested prior to a full roll out, Direct Energy is willing to partner with Duke for this project. The Commission only need allow the pilot to bring advanced products, a test of Duke’s system, and reporting on consumer reaction sooner rather than several years from now. Direct Energy’s proposal also includes appropriate reporting for the Commission to evaluate the pilot.

---

<sup>3</sup> Direct Energy Exhibit 1 at 6.

<sup>4</sup> Direct Energy Exhibit 1 at 7-8.

<sup>5</sup> Duke Energy Ohio Exhibit 5 at 11 (Direct Testimony of Jared Lawrence); Duke Energy Ohio Exhibit 7 at 6 (Schneider, Jr. Supplemental Direct Testimony); Tr. at 36 .

**B. This docket is the appropriate venue for the Commission to address the issues raised by Direct Energy.**

As expected, Duke, the Ohio Consumers' Counsel ("OCC"), and Ohio Partners for Affordable Energy ("OPAE") all claim the issues raised by Direct Energy, and specifically those related to data access and privacy for customers, are being addressed in other dockets or are better addressed in Duke's Smart Grid Collaborative ("Collaborative"). Therefore the Commission should not take up those issues in this case.<sup>6</sup> Direct Energy demonstrated in its Initial Brief and through record evidence that the Commission should take up these topics in this docket.<sup>7</sup> Nothing in the Initial Briefs filed by the other Parties provides any persuasive reason to defer to another docket on the issues raised by Direct Energy.

Moving these issues forward in this docket, and limited to this one utility, makes sense inasmuch as Duke is the furthest along of the Ohio electric distribution utilities in smart meter deployment.<sup>8</sup> The longer these issues go unresolved, the longer Duke customers lose opportunities to put their AMI meters to full use for their benefit. Therefore, this case serves as a pre-developed vehicle and provides record support for implementation of the data access and other important issues should the Commission agree with Direct Energy on the items presented to the Commission in this case for decision. By putting this record in this case, it gives the Commission a place to approve these market enhancements, gives CRES providers in Duke's territory a head start on implementing these important market enhancements, and gives customers quicker access to the improved products (and possibly services) that might be provided by using the smart meters installed in their premises.

---

<sup>6</sup> Duke Initial Brief at 3-4; OCC Initial Brief at 9-10; OPAE Initial Brief at 3-4, 6.

<sup>7</sup> Direct Energy Initial Brief at 13-14. The Attorney Examiner already denied a Motion to Strike Direct Energy's testimony based on those arguments and the Commission should take up Direct Energy's arguments in this case. Entry at 4-5 (January 30, 2014).

<sup>8</sup> Direct Energy Exhibit 1 at 6-7.

Even if the Commission does address the data access issues identified in this case in one or more of the dockets cited, it seems unlikely that those dockets would be where individual electric distribution utilities will actually implement the Commission's decisions on the data access issues.<sup>9</sup> For example, the 12-2050-EL-ORD docket is a rulemaking docket and individual utility by utility nuances to implement the Commission's new rules related to data access and confidentiality would likely need to go through individual tariff cases. And, in the 12-3151-EL-ORD docket, Staff called for separate cases in its Market Development Work Plan ("MDWP") to discuss data access and time-differentiated rates, suggesting each utility file tariff amendment cases to deal data granularity, individual peak load contribution formulas, and recovery of information technology costs.<sup>10</sup>

Direct Energy applauds Staff's recommendations and willingness to move the ball forward, but there is an important opportunity now in the first service territory to have a full rollout of AMI meters to give customers the full benefits of those AMI meters. The tariff (and any other cases) could take years in litigation at the Commission. Duke's customers should not have to wait to utilize their meters and shouldn't be held back simply because the other electric distribution utilities ("EDU") have not had the foresight that Duke did to roll out AMI meters to their customers so promptly.<sup>11</sup> As testified to by Witness Ringenbach, the other EDUs are

---

<sup>9</sup> Direct Energy Exhibit 1 at 7.

<sup>10</sup> *In the Matter of the Commission's Investigation of Ohio's Retail Electric Service*, Case No. 12-3151-EL-COI, Market Development Work Plan at 23-25 (January 16, 2014).

<sup>11</sup> AEP-Ohio has a current case pending to convert an additional 894,000 meters to AMI (on top of the 132,000 AMI meters already converted) over the next 4 years. *In the Matter of the Application of Ohio Power Company to Initiate Phase 2 of its gridSMART Project and Establish the gridSMART Phase 2 Rider*, Case No. 13-1939-EL-RDR, Application (Attachment A at 2-3) (September 13, 2013). DP&L withdrew its proposed AMI meter implementation plan after it did not receive federal stimulus monies to help fund the project. *In the Matter of the Dayton Power and Light Company for Approval of its Electric Security Plan*, Case No. 08-1094-EL-SSO, *et al.*, Entry (January 5, 2011). FirstEnergy is in the process of completing Phase II of its deployment, which when combined with Phase I will total approximately 44,000 AMI meters. *In the Matter of the Application of Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company for Approval of Ohio Site Deployment*



nowhere near Duke's AMI meter deployment.<sup>12</sup> Finally, the Commission has not signaled any intent as to timing of an order in the 12-3151 proceeding. Any time that continues to lapse since the MDWP was filed will contribute to a delay of customer benefits that might come from Staff's recommendations.

The Commission should also reject assertions that the Commission address the issues raised by Direct Energy in Duke's Collaborative.<sup>13</sup> First, neither of Duke's witnesses that support moving Direct Energy's issues to the Collaborative actually participates in the Collaborative and therefore the Commission should not rely on their testimony to validate this recommendation.<sup>14</sup> Additionally, Duke's Witness Lawrence admitted he couldn't even give an approximate timeframe for how long it would take for Direct Energy's proposals to run through the Collaborative.<sup>15</sup> Duke Witness Schneider, Jr. also could not provide an answer to how long it would take Direct Energy's proposals to wind their way through the Collaborative.<sup>16</sup> Finally, while Duke's Collaborative is a great forum for education and discussion among stakeholders, it does not have the same authority of a Commission Order and cannot direct Duke to take any action or grant Duke cost recovery. Punting the issues to the Collaborative would needlessly delay customer benefits related to the AMI meters for an unknown amount of time and should be rejected.

Finally, there is Commission precedent for the Commission to actively encourage market development before the Commission's own statewide rules have caught up. For example, in

---

*of the Smart Grid Modernization Initiative and Timely Recovery of Associated Costs*, Case Nos. 09-1820-EL-ATA, *et al.*, Finding and Order at 1 (May 15, 2013).

<sup>12</sup> Tr. at 72.

<sup>13</sup> Initial Brief at 9-10.

<sup>14</sup> Tr. at 16-17, 36.

<sup>15</sup> Tr. at 16.

<sup>16</sup> Tr. at 36.

2002 the Commission adopted rules related to partial payment priority between CRES provider and EDU charges.<sup>17</sup> In 2003, the Commission adopted a different payment priority between CRES and the FirstEnergy utilities, which encouraged market development.<sup>18</sup> Then, in 2008 the Commission revised its statewide payment priority rules to match the revised payment priority accepted in the 2003 FirstEnergy case.<sup>19</sup> The Commission demonstrated in the past it was willing to act to spur the market before its rules caught up and this case is yet another time when the Commission should be willing to take this same action related to providing Duke customers the full benefits of their AMI meters.<sup>20</sup>

**C. Benefits to customers suggested by Direct Energy should be amended into the Stipulation.**

Staff and OCC take the Commission on a tour of all of the “benefits” of the Stipulation, which largely consist of everything that is different in the Stipulation than in the Application itself in this case.<sup>21</sup> Direct Energy respectfully suggests the amendments to the Stipulation suggested by Direct Energy are significantly more beneficial than the benefits contained in the Stipulation.

The Commission’s ultimate determination is whether the Stipulation is reasonable and should be adopted. Direct Energy presented to the Commission ample evidence to demonstrate

---

<sup>17</sup> *In the Matter of the Commission’s Review of its Electric Service and Safety Standards at Chapter 4901:1-10, of the Ohio Administrative Code*, Case No. 02-564-EL-ORD, Finding and Order at 49-52 (September 26, 2002).

<sup>18</sup> *See WPS Energy Services, Inc. and Green Mountain Energy Company v. FirstEnergy Corp., et al.*, Case No. 02-1944-EL-CSS, Opinion and Order (August 6, 2003).

<sup>19</sup> *In the Matter of the Commission’s Review of Chapters 4901:1-9, 4901:1-10, 4901:1-21, 4901:1-22, 4901:1-23, 4901:1-24, and 4901:1-25 of the Ohio Administrative Code*, Case No. 06-653-EL-ORD, Finding and Order (November 5, 2008) (*See* adopted Rule 4901:1-10-33, O.A.C.).

<sup>20</sup> Electric opt-out aggregations began prior to rules becoming effective. The City of Cleveland first served customers in its government aggregation in July 2001. On December 21, 2000 in the 00-2087-EL-GAG City of Cleveland certification case, staff and parties put in place recommendations for opt-out disclosure rules which was then followed by a rulemaking in the 00-2394-EL-ORD docket. While many electric government aggregations began serving customers in 2001, a final order was not issued until November 2001 and rules on disclosure of opt-out information did not become effective until April 2002.

<sup>21</sup> Staff Initial Brief at 3-8; OCC Initial Brief at 2-8.

the omissions from the Stipulation render it unreasonable. While the Stipulation carries substantial weight with the Commission, it is still the Commission's discretion to determine whether it is reasonable. The additional benefits supported by the record evidence should not be ignored simply because those benefits are not included in the Stipulation.

For example, it is unreasonable and violates Ohio's state energy policy for smaller residential customers (and CRES providers) to be shut out of the benefits of dynamic or time of use products CRES providers may offer simply because Duke unilaterally chose to fill its more sophisticated MDM Phase 2 system with other customers (primarily larger residential and commercial customers) who are not asking for dynamic or time of use pricing.<sup>22</sup> And, it is unreasonable and violates Ohio's state energy policy to make Duke MDM Phase 2 (paid for by all customers) available only to non-shopping residential customers (through a manual process) who want to participate in Duke's pilot program but not for customers who wish to buy dynamic or time of use products from CRES providers.<sup>23</sup> It is also unreasonable and violates Ohio's state policy for mechanical items, like whether Duke provides interval customer data to a CRES provider in time to bill its customers or whether data is billing quality, to effectively block customers from AMI meter-enabled products from CRES providers. These are just a couple examples of the items that do not benefit customers and violate Ohio's state energy policy that should be remedied by amending the Stipulation in the manner suggested by Direct Energy.

---

<sup>22</sup> Direct Energy Initial Brief at 19-21; Section 4928.02, Revised Code.

<sup>23</sup> Id.

**D. OPAE's arguments to rebut Direct Energy's recommendations should be rejected.**

OPAE makes several arguments against Direct Energy's recommendations that are incorrect or easily distinguishable. The Commission should reject OPAE's assertions and amend the Stipulation as suggested by Direct Energy.

First, OPAE avers that Duke is unable to supply the customer usage data Direct Energy requests.<sup>24</sup> Direct Energy agrees that Duke may not be as technologically capable as Direct Energy would prefer. However, OPAE's assertion is incorrect. Duke intends to provide important elements of the data Direct Energy requests by June 1, 2014 on its CRES portal. Further, Duke has the ability to manually move customers to its Duke MDM Phase 2, which provides billing quality interval data and which Duke has already moved its pilot program customers. And, Duke can provide billing quality interval data before customers bill inasmuch as it already does this for purposes of billing customers on the pilot program. Direct Energy is simply asking for Duke's MDM Phase 2 system to enable customers to enroll in AMI meter-enabled products with a CRES provider, rather than being limited to current shopping opportunities or participating in Duke's pilot.

OPAE also claims that Direct Energy shows a "callous disregard for the needs of customers with respect to privacy and solicitation issues before the Commission in other proceedings."<sup>25</sup> OPAE frets about customers having appropriate information to determine if a product meets his/her needs. The Commission should dismiss out of hand OPAE's advocacy. As explained by Witness Ringenbach, Direct Energy follows all of the requirements for CRES providers when soliciting customers and often exceeds current requirements, which includes

---

<sup>24</sup> OPAE Initial Brief at 4, 6.

<sup>25</sup> OPAE Initial Brief at 4-5.

explaining to customers all of the terms and conditions.<sup>26</sup> Additionally, for a time-of-use product and using the free day product as an example, the customer would be told what day their power would be free and they would also be informed how they would be provided additional tips and information on ways to shift their load to their free day.<sup>27</sup> Further, if the solicitation happens at the residential customer's door, not only does the customer sign the terms and conditions and agreement and disclosures, but the agent representing Direct Energy physically leaves the property during the TPV even though this isn't required today in the rules. Then the customer is called separately by a third-party verifier who may only ask the customer very specific questions related to terms and conditions where the customer must answer yes or no.<sup>28</sup> The sale is completely voided and does not go through if the customer answers anything else besides yes or no to the TPV questions. Thus 100% of door to door solicitation by Direct Energy has a TPV despite the fact that current rules do not require 100% TPV.<sup>29</sup> The customer is also sent a welcome packet from Direct Energy and a rescission letter from the utility prior to their enrollment being finalized.<sup>30</sup> Customers do receive enough information to make informed choices and the Commission should not accept arguments that customers lack information to make informed choices. Finally, Commission staff always has the authority to review contracts and marketing pieces to ensure they are fair and in compliance with rules.<sup>31</sup>

---

<sup>26</sup> Tr. at 76.

<sup>27</sup> Tr. at 76-77.

<sup>28</sup> Tr. at 77.

<sup>29</sup> Id.

<sup>30</sup> Id.

<sup>31</sup> Additionally, in order for customers to clearly understand they are releasing their interval usage data, Direct Energy suggests a conspicuous disclosure in terms and conditions and additional measures for customers to understand their consent to disclosure. Direct Energy Exhibit 1 at 13-14; Direct Energy Initial Brief at 28-29.

Next OPAE argues that Duke's tariff related to customer confidentiality does not contemplate new AMI technology.<sup>32</sup> As explained by Direct Energy in its Initial Brief, the beauty of the Duke tariff is that it provides no exceptions related to release of customer interval data. The tariff is simple and clear – CRES providers are required to protect this customer interval usage data without exception and may not provide customer interval usage data to anyone else. The Commission, as with all approved tariffs, retains the authority and discretion to enforce the tariffs should any breaches of the tariff arise, including proper penalties on a CRES provider. Therefore, any concerns about release of customer data from new technology are already addressed by the current language of the tariff.

OPAE further points to claims by Duke that providing the system functionality requested by Direct Energy will be costly and require significant system changes.<sup>33</sup> The more accurate statement is that Duke doesn't know if the system changes suggested by Direct Energy will be costly or require significant system changes. Both Duke Witnesses Lawrence and Schneider, Jr. admitted on cross examination that they did not know how much (nor did they provide an estimate) of how much the changes suggested by Direct Energy would actually cost or the extent of the system changes recommended by Direct Energy.<sup>34</sup> Direct Energy, however, did prove in this case that the existing Duke MDM Phase 2 system does allow for data access for up to 90,000 customers and is already approved and funded by customers. OPAE's unsupported argument that Direct Energy's changes are costly should be ignored.

---

<sup>32</sup> OPAE Initial Brief at 5.

<sup>33</sup> OPAE Initial Brief at 6.

<sup>34</sup> Tr. at 15-17; Tr. at 55

Finally, OPAE (and OCC) argue that CRES providers should pay for the system upgrades because the upgrades only benefit CRES providers.<sup>35</sup> It is fair and reasonable for customers to pay for information technology upgrades that will allow them to actually utilize the AMI meters they already paid for in ways that provide additional benefits to them.<sup>36</sup> As explained by Witness Ringenbach, all customers benefit from the changes suggested by Direct Energy inasmuch as CRES providers offer products to customers that enable them to enroll with a CRES provider or pick a CRES provider product that would allow them to use that data in different ways.<sup>37</sup> Some examples included products that allow customers to see what they're using depending on how often CRES providers get the data and change their usage before they get a large bill at the end of the month.<sup>38</sup> These benefits accrue to all customers.

These arguments also neglect to take into account that the current information technology systems associated with Duke customers' AMI meters were already paid for on a non-bypassable basis through Rider DR-IM and Duke uses this same data today for its pilot. Duke customers have been paying for AMI meters and the necessary information technology systems on a non-bypassable basis since the beginning of the AMI project.<sup>39</sup> Further, customers will likely be charged twice for accessing their AMI data if CRES providers now must also pay for the same data access the utility receives today for its pilot inasmuch as CRES providers will want to recapture that cost. It is also reasonable to include these costs in the 2012 cost recovery for Duke

---

<sup>35</sup> OPAE Initial Brief at 6-7; OCC Initial Brief at 9).

<sup>36</sup> Tr. at 63.

<sup>37</sup> Tr. at 73.

<sup>38</sup> Id.

<sup>39</sup> *In the Matter of the Application of Duke Energy Ohio, Inc., for Approval of an Electric Security Plan*, Case No. 08-920-EL-SSO, *et al.*, Opinion and Order at 17 (December 17, 2008).

inasmuch as allowing Duke to recover the costs while performing the work will properly incent Duke to undertake and complete the project promptly while enjoying concurrent cost recovery.<sup>40</sup>

### III. CONCLUSION

Direct Energy requests the Commission amend the Stipulation in the manner suggested by Direct Energy so that it may benefit customers, advance the public interest, and comply with Ohio's state energy policy in Section 4928.02, Revised Code.

Respectfully Submitted,

/s/ Joseph M. Clark

Joseph M. Clark

Direct Energy

21 E. State St., 19<sup>th</sup> Floor

Columbus, OH 43215

Tel. (614) 220- 4369 Ext. 232

Fax (614) 220-4674

[joseph.clark@directenergy.com](mailto:joseph.clark@directenergy.com)

Attorney for Direct Energy Services, LLC and  
Direct Energy Business, LLC

---

<sup>40</sup> Tr. at 68. Similarly, AEP is asking for concurrent cost recovery for AMI meter and information technology upgrades in its pending gridSMART proceeding. *In the Matter of the Application of Ohio Power Company to Initiate Phase 2 of its gridSMART Project and Establish the gridSMART Phase 2 Rider*, Case No. 13-1939-EL-RDR, Application (September 13, 2013).



## **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and accurate copy of the foregoing Memorandum Contra of Direct Energy Services, LLC and Direct Energy Business, LLC was served this 28<sup>th</sup> day of February, 2014 by electronic mail delivery upon the persons listed below.

/s/ Joseph M. Clark

Joseph M. Clark

Amy B. Spiller  
Elizabeth H. Watts  
Duke Energy Ohio, Inc.  
155 East Broad Street, 21st Floor  
Columbus, Ohio 43215  
amy.spiller@duke-energy.com  
elizabeth.watts@duke-energy.com

Terry Etter  
The Office of the Ohio Consumers' Counsel  
10 West Broad Street, Suite 1800  
Columbus, Ohio 43215  
etter@occ.state.oh.us

Collen L. Mooney  
Ohio Partners for Affordable Energy  
1431 Mulford Road  
Columbus, Ohio 43212  
cmooney2@columbus.rr.com

Mark A. Hayden  
Scott J. Casto  
FirstEnergy Service Company  
76 South Main Street  
Akron, Ohio 44308  
haydenm@firstenergycorp.com  
scasto@firstenergycorp.com

Devin D. Parram, Assistant Attorney General  
Office of the Ohio Attorney General  
Public Utilities Section  
180 East Broad Street, 6th Floor  
Columbus, Ohio 43215  
[devin.parram@puc.state.oh.us](mailto:devin.parram@puc.state.oh.us)

**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

**2/28/2014 4:39:42 PM**

**in**

**Case No(s). 13-1141-GE-RDR**

Summary: Reply Brief of Direct Energy electronically filed by Ms. Jennifer L. Lause on behalf of Mr. Joseph Clark