

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

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

**REPLY BRIEF
SUBMITTED ON BEHALF OF THE STAFF OF
THE PUBLIC UTILITIES COMMISSION OF OHIO**

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The stipulation is reasonable and meets the Commission's three-part test. The signatory parties to the stipulation adequately explained why the stipulation should be adopted in their initial briefs, so Staff will not repeat those comments here. Staff will only briefly address Direct's opposition to the stipulation.

Direct's proposals in this case may or may not have merit. This is case, however, is not the appropriate venue to address Direct's concerns. Direct's own witness, Teresa Ringenbach, admits that some of the issues Direct raised in this case have also been "raised in other Commission dockets, including 12-3151-EL-COI, 12-2050-EL-ORD, and 11-277-GE-UNC."¹ In Case No. 12-2050-EL-COI, the Commission rejected Direct's recommendations, indicating that Direct's concerns should be addressed in Case No. 12-3151-EL-COI:

The Commission finds that Direct Energy's recommendations should be denied. The Commission recognizes the need for further dialogue and development of appropriate procedures and standards for disclosure of customer energy usage data and de-identified customer energy usage data. Already, the Commission has opened two dockets to obtain information on the issue. First, the Commission opened Case No. 11-277-GE-UNC, which received significant comments and reply comments from stakeholders. On May 9, 2012, the Commission issued its Finding and Order in that case directing Commission Staff to form a proposal recommending the appropriate next steps for review of consumer privacy protection and customer data access issues. More recently, the Commission opened Case No. 12-3151-EL-COI initiating an investigation into the health, strength, and vitality of Ohio's retail electric service market and actions that the Commission may take to enhance the health, strength, and

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Ringenbach Direct at 6, Direct Ex. 1.

vitality of the market. The Commission then adopted a procedural schedule with multiple stakeholder collaboration workshops and directing Staff to develop a short term market development plan. The Commission finds that procedures and standards for appropriate handling and disclosure of customer energy usage data and de-identified customer energy usage data is directly related to the health, strength, and vitality of Ohio's retail electric service market.²

Direct witness Jennifer Lause acknowledged that Commission Staff filed a market development plan in Case No. 12-3151-EL-COI on January 16, 2014, which was developed based upon the input of the diverse group of stakeholders currently participating in that case.³ The various participants in Case No. 12-3151-EL-COI, including Direct, filed comments addressing Staff's market development plan.⁴ The process being followed in Case No. 12-3151-EL-COI appears to be the exact process the Commission envisioned when it rejected Direct's recommendations in Case No. 12-2050.

While Staff is not arguing the merits (or lack thereof) of Direct's proposals, Staff believes the Commission already indicated that these proposals should be addressed in Case No. 12-3151-EL-COI. Direct simply chose the wrong venue to raise its concerns and, thus, these concerns are not a basis for either rejecting or modifying the stipulation. The Commission should adopt the stipulation as submitted.

² *In the Matter of the Commission's Review of Chapter 4901:1-1-, Ohio Administrative Code, Regarding Electric Companies*, Case No. 12-2050-EL-ORD (Finding and Order at 16-17) (Oct. 16, 2013).

³ Tr. at 90-91.

⁴ *In the Matter of the Commission's Investigation of Ohio's Retail Electric Service Market*, Case No. 12-3151-EL-COI, (Initial Comments of Direct in response to the Market Development Work Plan) (Feb. 6, 2014) and ,(Reply Comments of Direct regarding the Market Development Work Plan) (Feb. 20, 2014).

Respectfully submitted,

/s/ Devin D. Parram

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PROOF OF SERVICE

I certify that a true copy of the foregoing **Reply Brief** submitted on behalf of the Staff of the Public Utilities Commission of Ohio was served via electronic mail upon the following parties of record, this 3rd day of March, 2014.

/s/ Devin D. Parram

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Summary: Reply Reply Brief of PUCO Staff electronically filed by Mr. Devin D Parram on behalf of PUCO Staff