

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Commission's)
Investigation of Ohio's Retail Electric) Case No. 12-3151-EL-COI
Service Market.)

**DUKE ENERGY OHIO, INC.'S
MEMORANDUM CONTRA APPLICATION FOR REHEARING
OF DIRECT ENERGY SERVICES, LLC, DIRECT ENERGY BUSINESS, LLC
AND IGS ENERGY**

I. Introduction

Pursuant to R.C. 4903.10 and Rule 4901-1-35, Ohio Administrative Code, Duke Energy Ohio, Inc., (Duke Energy Ohio) hereby submits its Memorandum Contra Application for Rehearing submitted in the above-referenced proceeding by Direct Energy Services, LLC, Direct Energy Business, LLC, (together referred to as Direct Energy) and IGS Energy. In their respective applications for rehearing, each proposes that the Commission order certain actions with respect to the relationship between electric distribution utilities (EDUs) and competitive retail service providers (CRES) that are not well considered and not timely. For reasons discussed in greater detail below, these grounds for rehearing are without merit and Direct Energy and IGS' applications for rehearing should be rejected.

II. Argument

Direct Energy argues that the Public Utilities Commission of Ohio (Commission) Finding and Order (Order) in this proceeding is unreasonable because it does not state that EDUs must provide customer interval energy usage data (CEUD) to CRES after tariffs are filed, pursuant to

the Order. Direct Energy further argues that the Order is unreasonable in that it does not place time parameters on when EDUs must file tariffs regarding CEUD. In so arguing, Direct Energy ignores the discussion provided in detail in the Commission's Order, and the realities of what is presently possible or legally permissible.

The Commission recognized that it is presently reviewing rules regarding CEUD in Case No. 12-2050-EL-ORD, and that EDUs will not be able to prepare or even consider tariff language for terms, conditions and charges associated with providing CEUD to CRES until many issues are resolved in that pending proceeding or otherwise addressed. The Commission further points out that the Staff will continue its work in the market development working group (MDWG) and that MDWG Staff Reports will assist the Commission in continually review and adopt competitive retail enhancements to further the development of the market. Despite Direct Energy's desire to force an order prior to the resolution of many very important issues. Direct Energy's demands are not well considered and should be rejected.

IGS Energy, likewise, seeks access to data, at customer cost, without any basis upon which to establish that such data will be used for customer benefit. Also, IGS Energy, like Direct Energy, seems to disregard whether EDUs are even capable of providing any such data.

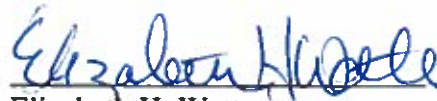
IGS Energy seeks an order that would delineate the specific requirements for data made available to CRES; an order that will not require CRES to pay for the data; an order requiring EDUs to implement meter data management systems; a procedural determination with respect to how EDU tariffs related to providing data will be approved, and finally, an order requiring EDUs to bill for services provided by CRES for every product offering a CRES can devise.

IGS Energy, similar to Direct Energy, seeks to impose its business plan upon the stakeholders in Ohio at any costs and with total disregard to what is possible or advisable. Much of what IGS Energy demands is not yet feasible or possible and certainly not developed in any record before the Commission. IGS Energy's demands should be rejected.

Based upon the above, Direct Energy and IGS Energy's arguments are without merit and their respective applications for rehearing should be denied.

Respectfully submitted,

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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 5th day of May, 2014, to the parties listed below.


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Summary: Memorandum DUKE ENERGY OHIO, INC.'S
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