

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Duke : Case No. 14-2209-EL-ATA  
Energy Ohio, Inc., for Tariff Approval :  
Regarding Customer Energy Usage Data. :

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**COMMENTS  
SUBMITTED ON BEHALF OF THE STAFF OF  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

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**INTRODUCTION AND BACKGROUND**

In Case No. 11-3549-EL-SSO Duke Energy Ohio, Inc. (the Company or Duke) entered into a stipulation in which the Company agreed to work with competitive retail electric service (CRES) providers to develop a supplier web portal that would provide access to 24 months of interval data no later than June 1, 2014.<sup>1</sup> The development was “subject to appropriate limitations reflecting legally mandated customer privacy issues, including compliance with protections addressed in the Ohio Administrative Code and specifically including but not limited to Rules 4901:1-10-29, 4901:1-10-24, O.A.C., and

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<sup>1</sup> *In the Matter of the Application of Duke Energy Ohio for Authority to Establish a Standard Service Offer Pursuant to Section 4928.143, Revised Code, in the Form of an Electric Security Plan, Accounting Modifications and Tariffs for Generation Service, Case No. 11-3549-EL-SSO (Stipulation and Recommendation at 33-34) (Oct. 24, 2011).*

any successors to such Rules.”<sup>2</sup> The Company was granted recovery of the actual costs to develop the supplier web portal, up to \$500,000, on a non-bypassable basis.

In Case No. 10-2326-GE-RDR, Duke entered into a stipulation in which the Company agreed to provide the functionality to “offer CRES customers time differentiated rates consistent with its existing supplier tariff beginning January 1, 2013.”<sup>3</sup> Additionally, Duke agreed to provide a quarterly update to the collaborative on the status of implementing the necessary billing functionality. Staff notes that this functionality is referred to as Rate-Ready Billing and under this option, the CRES provider sends its rates to the Company and the Company computes the charges based on the rates provided by the CRES provider and the actual usage data for consolidated billing purposes. Under Duke’s current Certified Supplier Tariff, “...Rate-Ready Billing will be provided by the Company only if the price plans offered by the Certified Supplier are considered standard rates.”<sup>4</sup> The following types of rates are considered standard rates: a non-volumetric rate, a flat rate, a multi-tiered rate, a time-of-use rate, and a percentage-off rate.

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<sup>2</sup> *In the Matter of the Application of Duke Energy Ohio for Authority to Establish a Standard Service Offer Pursuant to Section 4928.143, Revised Code, in the Form of an Electric Security Plan, Accounting Modifications and Tariffs for Generation Service*, Case No. 11-3549-EL-SSO (Stipulation and Recommendation at 33-34) (Oct. 24, 2011).

<sup>3</sup> *In the Matter of the Application of Duke Energy Ohio, Inc. to Adjust and Set Its Gas and Electric Recovery Under Riders AU and Rider DR-IM and Mid-deployment Review of AMI/SmartGrid Program*, Case No. 10-2326-GE-RDR (Stipulation and Recommendation at 11) (Feb. 24, 2012).

<sup>4</sup> P.U.C.O. Electric No. 20, Sheet No. 39.3, 10.1 Billing Options

Subsequent to the Stipulation in Case No. 11-3549-EL-SSO, the Commission revised Chapter 4901:1-10-24 of the Ohio Administrative Code, finding that "... electric utilities should not disclose [residential] customer energy usage data (CEUD) without the customer's consent, including electronic consent, except for customers with traditional interval meters."<sup>5</sup> The Commission also directed electric distribution utility (EDU) companies to file amendments to their supplier tariffs proposing a recovery mechanism to recover costs associated with the rule changes.

Then, in *In the Matter of the Commission's Investigation of Ohio's Retail Electric Service Market*, Case No. 12-3151-EL-COI, the Commission ordered EDUs to file amended supplier tariffs that "specify the terms, conditions, and charges associated with providing interval CEUD" from smart meters to CRES providers.<sup>6</sup> Amendments were to address the "format, method, granularity, and frequency of CEUD that a CRES provider may receive."<sup>7</sup> The Commission also explicitly stated on Rehearing that "EDUs must provide interval CEUD to CRES providers, in a manner consistent with the Commission's rules, Ohio Adm. Code 4901:1-10-24."<sup>8</sup> Any costs associated with implementing

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<sup>5</sup> *In the Matter of the Commission's Review of Chapter 4901:1-10, Ohio Administrative Code, Regarding Electric Companies*, Case No. 12-2050-EL-ORD (Second Entry on Rehearing at 10) (May 28, 2014).

<sup>6</sup> *In the Matter of the Commission's Investigation of Ohio's Retail Electric Service Market*, Case No. 12-3151-EL-COI (Finding and Order at 36) (March 26, 2014).

<sup>7</sup> *Id.*

<sup>8</sup> *In the Matter of the Commission's Investigation of Ohio's Retail Electric Service Market*, Case No. 12-3151-EL-COI (Entry on Rehearing at 19) (May 21, 2014).

the specified changes were to be included in the proposed tariff amendments, along with sufficient justification for those costs.

Pursuant to the Commission's directives in Case No. 12-3151-EL-COI, Duke filed an Application for Tariff Approval in this proceeding which proposes modifications to the Company's existing supplier tariff. The Company also clarifies that it has approximately 4,000 Interval Data Recorders, i.e. traditional/non-smart interval meters, installed at commercial and industrial customer premises that provide interval CEUD for those customers.

As proposed in its Application, the Company's definition of "Interval Meter" is "an electric meter installed at an End-use Customer's premises for the purpose of providing measured hourly usage data, rather than estimated usage based on a Load Profile, to the Regional Transmission Organization for monthly wholesale power settlement of a load serving entity's aggregate load, as determined by the Company." Furthermore, the Company proposes that CRES providers may request one month or 12 months of 15-minute or hourly non-residential Interval Data Recorder data, for \$24 (one month) or \$32 (12 months), via electronic data interchange (EDI) or the Company's website, though it is not completely clear the level of granularity or delivery channel the charges would be applied to. For example, it is unclear whether one month of data would cost \$24 for either 15-minute data or hourly data and whether that would be the case regardless of whether the data is obtained through EDI or the Company's website. Also, CRES providers may request 24 months of non-billing quality, hourly AMI/smart meter CEUD via email for \$15.00, which will be provided in a spreadsheet format via email, as resources

permit. This option would be applicable to all customer types, including residential customers.

## **STAFF RECOMMENDATIONS**

Staff disagrees with the Company's proposed definition of "Interval Meter" as it is contrary to a reasonable interpretation of an interval meter. Staff believes an interval meter is simply a meter that is capable of recording electric usage in some defined interval, usually an hour or less, for the purposes of billing and load pattern analysis. Whether the data is submitted to the Regional Transmission Organization for the purposes of settlement is irrelevant and unduly narrows the scope of the proceeding. As such, Staff believes the Company's existing definition of "Interval Meter" should be maintained.

Staff also believes that the Company's proposed revisions regarding access to historical interval AMI/smart meter CEUD are inconsistent with the Company's previous commitments to provide access to certain data through a supplier web portal. In response to a data request in this proceeding, the Company states that it has not taken any steps to develop the capability to flag a customer account, once authorization has been received from a CRES provider, in order to share smart meter CEUD through the existing supplier portal, pursuant to the revisions to Ohio Adm. Code 4901:1-10-24. Also, in a data request response, the Company proposes that this topic and other issues associated with data access should be resolved through the Market Development Working Group, so that EDUs may enable this data on a uniform basis. However, given the Company's previous commitment to provide the data and the directives of the Commission in Case No. 12-

3151-EL-COI, Staff believes the Company should file an estimate of costs to accommodate the revisions to Ohio Adm. Code 4901:1-10-24 and to provide access to the interval data agreed to in the Stipulation.<sup>9</sup> The costs estimates should specifically address the costs for developing the functionality to house the customer authorizations, required pursuant to Ohio Adm. Code 4901:1-10-24, along with the costs to provide twenty-four months of historical non-billing quality hourly AMI interval data to CRES providers through the existing supplier web portal. These cost estimates will enable the parties to more effectively determine the quality and interval of data they believe the Company should provide to CRES.

In addition, Staff believes the record should reflect the status of the Company's current functionality to offer Rate-Ready Billing for time-of-use rates and the experience of CRES providers, if any, who have participated in the Rate-Ready time-of-use options. Therefore, Staff requests that the Company provide a status update that addresses its experience with offering Rate-Ready Billing options, since inception, along with participation levels.

Finally, in Case No. 14-1051-GE-RDR, the Attorney Examiner noted that this proceeding might be the appropriate venue for the "discussion of issues relating to CEUD

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<sup>9</sup> Though Staff notes that the granularity and quality of the data were not addressed in the Stipulation.

and customer data sharing.”<sup>10</sup> Staff believes that this proceeding should be the forum for not just the discussion, but also the resolution of the aforementioned data access issues, given the status of AMI/smart meter deployment the Company has achieved. The issues associated with AMI/smart meter data access are a matter of policy, which include the potential to establish and assign cost recovery. As such they should be decided by the Commission, not a working group. Once the matters are resolved, a working group may be an appropriate forum to achieve the specified goals set forth by the Commission and ensure uniformity in processes and data standards.

## **CONCLUSION**

In conclusion, Staff believes the Commission should require the Company to make the changes to its tariff language as recommended by Staff and to provide the information that Staff has requested in these comments. Furthermore, Staff believes the issues raised in this case should be resolved here and not in the Market Development Working Group.

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<sup>10</sup> *In the Matter of the Application of Duke Energy Ohio, Inc. to Adjust Rider DR-IM and Rider AU for 2013 SmartGrid Costs*, Case No. 14-1051-GE-RDR (Entry at 5) (Jan. 22, 2015).

Respectfully submitted,

**Michael DeWine**  
Ohio Attorney General

**William L. Wright**  
Section Chief

*/s/ Katie L. Johnson*

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**On behalf of the Staff of  
The Public Utilities Commission of Ohio**



## PROOF OF SERVICE

I hereby certify that a true copy of the foregoing **Comments** submitted on behalf of the Staff of the Public Utilities Commission of Ohio, was served by regular U.S. mail, postage prepaid, electronic mail, or hand-delivered, upon the following Parties of Record, this 6<sup>th</sup> day of March, 2015.

*/s/ Katie L. Johnson*

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**Katie L. Johnson**  
Assistant Attorney General

### Parties of Record:

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Summary: Comments submitted by Assistant Attorney General Katie Johnson on behalf of the Staff of the Public Utilities Commission of Ohio electronically filed by Kimberly L Keeton on behalf of Public Utilities Commission of Ohio