

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

**In the Matter of the Application of Duke)
Energy Ohio, Inc. to File for Tariff) Case No. 14-2209-EL-ATA
Approval.)**

**INITIAL COMMENTS OF
THE RETAIL ENERGY SUPPLY ASSOCIATION**

The Retail Energy Supply Association (“RESA”)¹ timely submits these Initial Comments in response to the December 16, 2014 application for tariff approval filed by Duke Energy Ohio, Inc. (“Duke”) in this docket.² Duke’s December 16th application does not comport with the requirements established in the March 26, 2014 Opinion and Order issued by Public Utilities Commission of Ohio (“Commission”) in the *COI*. Duke’s filing attempts to avoid having tariff language that provides access to advanced metering infrastructure (“AMI”) data by instead offering only the interval data that suppliers have already been able to receive for years. If competitive retail electric service (“CRES”) providers already had access to this information, there would not have been the multiple requests throughout multiple cases, including the *COI* proceeding, and the recent directive from the Commission.

Duke has spent years deploying AMI meters in its service territory and has not provided access to the interval data from AMI meters to CRES providers. Duke has agreed to undertake

¹ RESA’s members include: AEP Energy, Inc.; Champion Energy Services, LLC; Consolidated Edison Solutions, Inc.; Constellation NewEnergy, Inc.; Direct Energy Services, LLC; Dynegy Energy Services; GDF SUEZ Energy Resources NA, Inc.; IDT Energy, Inc.; Interstate Gas Supply, Inc. dba IGS Energy; Just Energy; Liberty Power; MC Squared Energy Services, LLC; Mint Energy, LLC; NextEra Energy Services; Noble Americas Energy Solutions LLC; Nordic Energy Services, LLC; NRG Energy, Inc.; PPL EnergyPlus, LLC; Stream Energy; TransCanada Power Marketing Ltd. and TriEagle Energy, L.P. The comments expressed in this filing represent the position of RESA as an organization but may not represent the views of any particular member of RESA.

² Duke originally filed the application on November 21, 2014, in *In the Matter of the Commission’s Investigation of Ohio’s Retail Electric Service Market*, Case No. 12-3151-EL-COI (“*COI*”). On December 16, 2014, Duke withdrew the tariff application from the *COI* docket and filed it anew (without change) in Case No. 14-2209-EL-ATA.

certain actions that would have begun the provision of interval data from AMI meters and despite ample time and opportunity, has failed to meet such commitments. Duke's current filing is in blatant noncompliance with the Commission's *COI* directives for the tariff application. For all the reasons outlined in further detail below, the Commission should say "enough is enough" and take immediate action.

Specifically, the Commission should require Duke to propose in this docket no later than April 30, 2015, tariff language that complies with the Commission's earlier directives and additional points that RESA identifies. Moreover, Duke should be ordered to re-activate its Smart Grid Collaborative (which has not met for nearly one year) to work through the steps so that Duke accomplishes the following:

- Within 30 days of the Order in this case: Provide to CRES providers 12 and 24 months of historical, billing quality, hourly interval data via its web portal for any customer who authorizes the CRES provider such access.³
- Within 3 months of the Order in this case: Provide to CRES providers (with proper customer Letters of Authorization, as per Commission rules) billable quality interval data in one-hour increments (hourly intervals) on a monthly basis via EDI at least three business days before the customer bills or a time period no shorter than already provided to CRES providers using bill-ready utility-consolidated billing.
- Within 6 months of the Order in this case: Provide (A) non-billing quality (AMI meter data) in hourly intervals via an FTP file on a next-day, daily basis for any customer of a CRES provider with a verified AMI meter who authorizes the CRES provider such access; and (B) a proposed budget as well as a listing of benchmarks/tasks with deadlines for the capabilities listed in the chart contained in these comments and designated as Phase 2 and Phase 3 capabilities.

³ Duke explicitly committed to giving CRES providers this information in *In the Matter of the Application of Duke Energy Ohio Inc. 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 Nos. 11-3549-EL-SSO, et al.

RESA's comments provide specific guidance and recommendations regarding what should be included in Duke's tariff and procedural steps necessary to implement the tariff. Altogether, these recommendations will further develop a truly open and competitive retail electric service market in Duke's service territory that fully unlocks the benefits of the AMI meters Duke has deployed.

I. Background

Over the past seven years, Duke has been deploying Smart Grid technology throughout its service territory. Duke Energy's Smart Grid involves the deployment of AMI and Distribution Automation, the two-way digital communication network; and supporting information technology systems required to enable the collection and management of Smart Grid-generated data in support of Duke Energy's business goals and objectives. Its AMI and associated communications network consists of "a fully advanced metering system that provides two-way communications between the meter and the back-office data systems."⁴ Communications "from the meter" include receiving regular usage interval meter reads.⁵

As part of that deployment activity, Duke began installing AMI meters in 2008, and is presently at least 99% complete.⁶ The AMI meters collect electric usage data in smaller intervals (as compared to traditional electric meters),⁷ allow customers the opportunity to better understand their usage of electricity and take actions to affect that usage, and allow for the

⁴ *In the Matter of the Application of Duke Energy Ohio, Inc., to Adjust Rider DR-IM and Rider AU for 2010 SmartGrid Costs and Mid-Deployment Review*, Case No. 10-2326-GE-RDR, Duke Ex. 2 (Schneider Direct Testimony) at 2-3. See, also, *In the Matter of the Application of Duke Energy Ohio, Inc. to Adjust Rider DR-IM and Rider AU for 2011 SmartGrid Costs*, Case No. 12-1811-GE-RDR, Duke Ex. 3 (Schneider Direct Testimony) at 2.

⁵ *Id.*

⁶ In June 2014, Duke was 99% complete in its deployment of AMI meters and expected to be fully complete by the fourth quarter of 2014. See, *In the Matter of the Application of Duke Energy Ohio, Inc., to Adjust Rider DR-IM and Rider AU for 2013 Grid Modernization Costs*, Case No. 14-1051-GE-RDR, Duke Ex. 3 (Schneider Direct Testimony) at 3.

⁷ *In the Matter of the Application of Duke Energy Ohio, Inc. to Adjust Rider DR-IM and Rider AU for 2012 SmartGrid Costs*, Case No. 13-1141-GE-RDR, Direct Ex. 1 (Ringebach Direct Testimony) at 8.

development/offering of different electric services based on interval usage. Despite the capabilities of AMI meters, Duke has continued to provide only a lump sum, month-long total of customers' usage to CRES providers.⁸ Duke has not shared any of the interval usage data from the AMI meters, even when CRES providers supply the generation service to customers with AMI meters. As a result, CRES providers have not been able to offer time-of-use products, demand response and other dynamic services to customers with AMI meters in Duke's service territory.

II. Duke is obligated to provide CRES providers with access to the interval data from AMI meters.

For years, CRES providers have consistently sought access to the interval data from Duke's AMI meters so that the competitive market could develop further. The following events and proceedings demonstrate that *Duke is obligated to provide CRES providers with access to the interval data from AMI meters*. The time has come to end the gaming and allow further development of the competitive market in Duke's service territory through CRES providers having access to interval data from AMI meters. More than 710,000 Duke customers have AMI meters and should have the opportunity to receive a key benefit from such equipment – new CRES provider offerings.

A. Duke started the process in 2008 when it offered to deploy Smart Grid technology in its first electric security plan proceeding.

In 2008, Duke proposed to deploy Smart Grid technology for its electric distribution system, which would include a platform to allow for the collection of additional data, automated meter reading, and the introduction of new energy efficiency programs, including real-time

⁸ *In the Matter of the Application of Duke Energy Ohio, Inc. to Adjust Rider DR-IM and Rider AU for 2012 SmartGrid Costs*, Case No. 13-1141-GE-RDR, Direct Ex. 1 (Ringebach Direct Testimony) at 8.

pricing.⁹ Duke also proposed to establish the Distribution Reliability – Infrastructure Modernization Rider (“Rider DR-IM”) to collect the costs of the deployment.¹⁰ A stipulation was reached, in which Duke agreed (a) to provide deployment progress reports, annual cost reviews, and summaries of customer benefits; and (b) to convene a collaborative to explore ways to maximize the benefits of the Smart Grid investment, including the design/implementation of tariffs by December 31, 2009, and “improving access to meter information that will assist customers, especially low-income customers, in managing their electric costs.”¹¹ The Commission approved the stipulation.¹²

B. No access to the interval data from AMI meters has been provided, despite years of deploying the meters.

Through a series of Commission proceedings, Duke has provided evidence regarding its deployment efforts, costs, and the benefits that were becoming available. Below is some of the pertinent evidence specifically related to the use of interval data from the AMI meters:

- Duke’s deployment of Smart Grid equipment began in 2008. That year, Duke replaced more than 43,000 electric meters with AMI to mostly residential customers.¹³
- Duke’s full-scale deployment of AMI in Ohio began on January 11, 2010.¹⁴
- In 2010, Duke confirmed that the “digital communications network and the AMI meter provide customers with the ability to access their daily energy usage information from the previous day” and the “new technology also enables customers to participate in available

⁹ *In the Matter of the Application of Duke Energy Ohio for Approval of an Electric Security Plan*, Case Nos. 08-920-EL-SSO et al. (“*ESP I*”), Application at 17-19.

¹⁰ *Id.*

¹¹ *ESP I* Stipulation at 15-16.

¹² *ESP I*, Opinion and Order (December 17, 2008) and Entry on Rehearing (February 11, 2009).

¹³ *In the Matter of the Application of Duke Energy Ohio to Adjust and Set Its Gas and Electric Recovery Rate for SmartGrid Deployment Under Rider AU and Rider DR-IM*, Case No. 09-543-GE-UNC et al., Duke Ex. 1 (Arnold Direct Testimony) at 2-5 and at Attachment TWA-1.

¹⁴ *In the Matter of the Application of Duke Energy Ohio, Inc. to Adjust and Set Its Gas and Electric Recovery Rate for 2009 SmartGrid Costs Under Riders AU and Rider DR-IM*, Case No. 10-867-GE-RDR, Duke Ex. 3 (Schneider Direct Testimony) at 2-3, 7.

time-differentiated pricing programs.”¹⁵ Yet, at that very time in 2010, Duke stated its hesitation in providing time-differentiated/time-of-use products through the AMI meters – recognizing that competitive market offerings could compete directly against any such Duke offerings:

“Given the uncertainties around customer acceptance of the [time-differentiated] rates, the necessity for cost-justification in rate design, and the competitive landscape in Ohio, Duke Energy Ohio believes that it is too difficult to estimate the benefit that will be reaped by the company offering its customers time-differentiated rates. For this reason, the Company wants to continue to learn by offering a number of technology-enabled pilot (pilot) rates and consider any potential benefits that will come from these rates as ‘bonus’ benefits that are in addition to those that justify the SmartGrid deployment.”¹⁶

- Duke began offering its own time-of-use rates in mid-2010, but only on a pilot basis. Duke had little participation. Duke explained that most of the interested customers did not qualify for the initial pilots because they were CRES provider customers.¹⁷ Thus, not only have CRES providers been interested for years in having access to the interval usage data, but CRES customers in Duke’s service area have wanted the opportunity to have the products upon which that interval usage data is based.
- For several more years, the interval data from AMI meters was used only on a limited basis because Duke only offered a few time-differentiated pilot programs, even as it was deploying more and more AMI meters. In 2013, Duke again expressed its hesitation to generally offer time-of-use products to its customers, stating the following:

Although the Company’s financial justification for its deployment has not recognized any of the potential customer benefits that could be realized from time-differentiated rates, continuing down a deliberate path of

¹⁵ *In the Matter of the Application of Duke Energy Ohio, Inc., to Adjust Rider DR-IM and Rider AU for 2010 SmartGrid Costs and Mid-Deployment Review*, Case No. 10-2326-GE-RDR, Duke Ex. 2 (Wyatt Direct Testimony at 4).

¹⁶ *Id.* at Duke Ex. 2 (Duff Direct Testimony at 4).

¹⁷ *Id.* at 5, 7.

developing time-differentiated rate pilots is appropriate....[T]he Company plans to continue to work with the Collaborative to develop rate pilots during the remainder of its deployment, to better understand customers' requirements and receptiveness to time-differentiated rates and demonstrate the customer benefits that can be realized from having the opportunity to be served under time differentiated rates.¹⁸

- It was not until 2013 (five years after beginning to deploy the AMI meters) that Duke even committed to use the interval data from the AMI meters by offering its customers a general time-differentiated product. However, even that agreement was not an outright product offer -- in a stipulation, Duke agreed to continue to work with its Smart Grid Collaborative to develop a portfolio of time-differentiated pilot offerings, but it would also offer non-pilot rates.¹⁹
- In late 2013 and early 2014, Duke refused to agree and argued against having CRES providers receive interval usage data from its AMI meters.²⁰
- As of June 2014, Duke had installed more than 716,000 electric AMI meters in its service territory, and it was nearly 100 percent complete in its deployment of AMI meters.²¹

As a result, only a limited opportunity to select a time-differentiated product is available to Duke's customers with AMI. Moreover, those limited options are not available to any shopping customers because Duke is not allowing CRES providers to have access to the interval data from more than 716,000 AMI meters.

¹⁸ *In the Matter of the Application of Duke Energy Ohio, Inc. to Adjust Rider DR-IM and Rider AU for 2011 SmartGrid Costs*, Case No. 12-1811-GE-RDR, Duke Ex. 2 (Duff Direct Testimony) at 6.

¹⁹ *Id.*, Stipulation at 9.

²⁰ *In the Matter of the Application of Duke Energy Ohio, Inc. to Adjust Rider DR-IM and Rider AU for 2012 SmartGrid Costs*, Case No. 13-1141-GE-RDR.

²¹ *In the Matter of the Application of Duke Energy Ohio, Inc., to Adjust Rider DR-IM and Rider AU for 2013 Grid Modernization Costs*, Case No. 14-1051-GE-RDR, Duke Ex. 3 (Schneider Direct Testimony) at 3-4.

C. Duke did agree to take some steps so that CRES providers would have access to the interval data from the AMI meters, but Duke has failed to live up to those promises.

Duke voluntarily agreed, not once but twice, to take steps that would allow CRES providers to have access to the interval data from AMI meters. The first instance took place in October 2011 when Duke entered into a stipulation to resolve its second electric security plan proceeding. In that stipulation, Duke agreed to provide CRES providers access to 24 months of interval data on a secure, web-based system that Duke had agreed to develop by no later than June 1, 2014.²² Separately in that same stipulation, Duke agreed to make the AMI meter data available on a competitively neutral basis and without regard to whether the customer is a shopping or non-shopping customer.²³ That stipulation was approved by the Commission in December 2011. In February 2014, the Commission heard testimony from Duke that it was enhancing its web portal to improve interactions with CRES providers and to allow on-line access to customer data with proper authorization, and that the interval usage data would be available on June 1, 2014, in hourly intervals.²⁴ Duke's secure, web-based system (called a portal) has been developed and is operating today but CRES providers still cannot access 24 months of interval data from AMI meters. Duke cited the need for Commission direction as to appropriate form of customer Letter of Authorization ("LOA") as a reason to not provide access to the data.²⁵

²² *In the Matter of the Application of Duke Energy Ohio Inc. 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 Nos. 11-3549-EL-SSO, et al. ("ESP II"), Stipulation at 33-34.

²³ *Id.* at 37.

²⁴ *In the Matter of the Application of Duke Energy Ohio, Inc. to Adjust Rider DR-IM and Rider AU for 2012 SmartGrid Costs*, Case No. 13-1141-GE-RDR, Duke Ex. 7 (Schneider Supplemental Testimony) at 5-6; Duke Ex. 5 (Lawrence Direct Testimony) at 9.

²⁵ *In the Matter of the Application of Duke Energy Ohio, Inc. to Adjust Rider DR-IM and Rider AU for 2012 SmartGrid Costs*, Case No. 13-1141-GE-RDR, Duke Initial Brief at 3-4 (February 14, 2014).

Second, Duke entered into a stipulation in 2012, agreeing to “provide CRES providers the necessary billing system functionality to offer CRES customers time differentiated rates consistent with its existing supplier tariff beginning January 1, 2013.”²⁶ This stipulation was approved by the Commission on June 13, 2012. To this date, CRES providers are still not receiving from Duke the necessary billing functionality that would allow the providers to offer time-differentiated rates to customers in Duke’s territory with AMI meters.

III. The Commission ordered Duke to develop terms and conditions of providing access to interval data from AMI meters to CRES providers; however, Duke’s proposal fails to comply with that directive.

Beginning in 2012 in the *COI*, the Commission explored ways further develop the competitive market in Ohio. One of the suggestions made by CRES providers in the *COI* concerned was development of data-enabled electric services from AMI.²⁷ The Commission agreed. To that end, in the March 26, 2014 Opinion and Order, the Commission ordered all electric distribution utilities (“EDUs”) in Ohio to file amended tariffs that “specify the terms, conditions, and charges” pursuant to which they will provide customer energy usage data from AMI to CRES providers.²⁸ Moreover, the Commission very specifically ordered that the tariff amendments address or include the following:²⁹

- Format, method, granularity, and frequency of the customer energy usage data that a CRES provider may receive.
- Implementation of individual network service peak load and peak load contribution formulas.

²⁶ *In the Matter of the Application of Duke Energy Ohio, Inc. to Adjust and Set Its Gas and Electric Recovery Rate for 2010 SmartGrid Costs Under Riders AU and Rider DR-IM and Mid-deployment Review of AMI/SmartGrid Program*, Case No. 10-2326-GE-RDR, Stipulation at 11.

²⁷ See, e.g., *COI, supra*, RESA Initial Comments at 4, 14-16 (February 6, 2014) and RESA Reply Comments at 17-18 (February 20, 2014).

²⁸ *COI, supra*, Opinion and Order at 36.

²⁹ *Id.*

- Recovery of any necessary capital improvement or infrastructure costs.

The Commission confirmed this conclusion on rehearing.³⁰ Moreover, the Commission ordered that those tariff amendments be filed within six months of the Entry on Rehearing.

Duke purports to have filed the December 16th application to comply with the above-cited Commission Order.³¹ However, Duke's application states that the proposed tariff changes address interval data from Interval Data Recorders ("IDRs") deployed to large commercial customers only,³² and it does not address interval data from AMI meters deployed to residential and small commercial customers. Despite the Commission's directives to develop specific tariff language, Duke declares that the matters related to providing granular residential interval usage data to CRES providers require additional stakeholder development.³³ While Duke's filing addresses interval data from IDRs, it completely fails to address the issue of interval data from AMI as directed by the Commission. To be very clear, the tariff filing essentially proposes to continue not providing any AMI meter data to CRES providers and customers on an indefinite basis. The December 16th application blatantly disregards the Commission's Order and should not be tolerated.

Moreover, it should be made very clear that Duke's Application to provide interval data to CRES providers for that very small segment of its customer base with IDR meters is nothing new – this data has been available for years. There are roughly 4,000 IDR meters in the Duke service territory out of a total meter population of 720,000. Thus, IDR meters in Duke's service territory constitute roughly one-half of one percent of its electric customers. Further, the IDR meters are used by large, non-residential customers. Therefore, Duke has made no provision for

³⁰ *COI, supra*, Entry on Rehearing at 29-20 (May 21, 2014).

³¹ Application at 1.

³² Approximately 4,000 non-residential customers in Duke's service territory have IDRs. Application at 1.

³³ *Id.* at 2.

CRES providers to access the interval data of any residential customers or the majority of the other customers. Duke is attempting to ignore the fact that the Commission made it clear in its March 26, 2014 Order in the *COI* that the data access for all customers sizes would be handled, not just interval data for large commercial customers.³⁴

IV. Reviewing the many events over the past seven years demonstrates that Duke's actions and inaction concerning access to the interval data from the AMI meters cannot continue.

Duke has spent years deploying the AMI meters, but Duke has yet to provide any data from those AMI meters to CRES providers since it began installing those meters nearly seven years ago. A small number of customers are participating in Duke's time-of-use ("TOU") pilot programs, but CRES providers have not been able to develop TOU or other dynamic pricing products that would allow *all* customers in Duke's service territory to further benefit from their advanced meters. Duke's lack of compliance with two stipulations is unacceptable. Duke's response to the Commission directive in the *COI* is also unacceptable.

V. Duke's systems may not currently allow complete access to all interval data from all AMI meters, but some exchange/access is possible right now and is consistent with Ohio's Electric Policy.

When you review the events from the past seven years, RESA's position is not only reasonable, it is just. Moreover, RESA's position is fully consistent with Ohio's Electric Policy – Section 4928.02, Ohio Revised Code. These directives will be consistent with the following subsections of that statute:

- (A) Ensure the availability to consumers of adequate, reliable, safe, efficient, nondiscriminatory, and reasonably priced retail electric service;

³⁴ Similarly, the Commission addressed disclosure of residential customer energy usage data in *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, noting the provision of opportunities for customers to use their customer energy usage data for unique products and services. Second Entry on Rehearing at 11 (May 28, 2014). Nothing in that decision reflected that the access to AMI data should be limited to an extremely small segment of the customers.

- (B) Ensure the availability of unbundled and comparable retail electric service that provides consumers with the supplier, price, terms, conditions, and quality options they elect to meet their respective needs;
- (C) Ensure diversity of electricity supplies and suppliers, by giving consumers effective choices over the selection of those supplies and suppliers and by encouraging the development of distributed and small generation facilities;
- (D) Encourage innovation and market access for cost-effective supply- and demand-side retail electric service including, but not limited to, demand-side management, time-differentiated pricing, waste energy recovery systems, smart grid programs, and implementation of advanced metering infrastructure;
- (G) Recognize the continuing emergence of competitive electricity markets through the development and implementation of flexible regulatory treatment;
- (J) Provide coherent, transparent means of giving appropriate incentives to technologies that can adapt successfully to potential environmental mandates; and
- (M) Encourage the education of small business owners in this state regarding the use of, and encourage the use of, energy efficiency programs and alternative energy resources in their businesses.

In the past, Duke has raised several arguments designed to delay further actions on this issue. For instance, Duke has argued that this issue should be addressed on statewide basis

through the Market Development Working Group (“MDWG”).³⁵ Duke stands alone as the only Ohio EDU with extensive deployment of AMI meters. The issue of access to its customer’s interval data from AMI meters is not relevant to other EDUs and, accordingly, should not be moved to that working group. Moreover, the MDWG is busy with a number of other issues to which it has been assigned. Moving this topic to that working group will not resolve the issue any time soon. Additionally, Duke has claimed that its Smart Grid Collaborative should actually work out the access issue.³⁶ Duke’s Smart Grid Collaborative has not met for nearly a year (since April 2014). It is not active and any general deferral to that group will just cause further delay. However, RESA also realizes that Duke’s Smart Grid Collaborative is capable of handling the various detailed discussions associated with access to the interval data from Duke’s AMI meters. Therefore, RESA is willing to participate in detailed discussions in Duke’s Smart Grid Collaborative, but not the issue of whether Duke must provide CRES providers access to the interval data from Duke’s AMI meters. RESA’s willingness is specifically conditioned upon the Commission establishing specific tasks and deadlines to be met. The Commission should require re-activation of Duke’s Smart Grid Collaborative and assign it the tasks and timeframes as described in more detail in the next section of these comments. Also, the Commission should require Duke to propose in this docket no later than April 30, 2015, tariff language that complies with the Commission’s earlier directives and the additional points that RESA identifies.

VI. A reasonable process to move to complete access to all interval data from AMI meters at the desired frequency should be established.

When the access issue was examined in February 2014, Duke had indicated that its meter data management system cannot provide bill-quality, interval data to CRES providers for all

³⁵ *In the Matter of the Application of Duke Energy Ohio, Inc. to Adjust Rider DR-IM and Rider AU for 2012 SmartGrid Costs*, Case No. 13-1141-GE-RDR, Duke’s Initial Brief at 3-4 (February 14, 2014).

³⁶ *In the Matter of the Application of Duke Energy Ohio, Inc. to Adjust Rider DR-IM and Rider AU for 2012 SmartGrid Costs*, Case No. 13-1141-GE-RDR, Duke’s Reply Brief at 5 (March 3, 2014)

AMI meters.³⁷ However, Duke admitted that it is capable of providing access via its portal to hourly interval usage data that is non-bill-quality.³⁸ Duke also indicated that it can provide the data in a “flat file,” some of which will be non-bill-quality³⁹ RESA recognizes that upgrades to Duke’s meter data management system are needed to ensure that bill-quality interval data from AMI meters can be provided to CRES providers monthly in a EDI format and time window that provides the ability for CRES to process the data within the Duke’s bill-ready utility-consolidated billing data turnaround window. To assist in that process, RESA proposes the following basic process and tariff requirements for Duke:

Priority	Interval Frequency	Reporting Frequency	Data Quality	Format
Phase 1	Hourly	24-Month Historical	Bill Quality	Web portal and EDI
Phase 1	Hourly	Monthly (Billing Cycle)	Bill Quality	EDI
Phase 1	Hourly	Next Day	AMI Meter Data	FTP File
Phase 2	15-Minute	Next Day	AMI Meter Data	FTP File
Phase 2	15-Minute	Monthly (Billing Cycle)	Bill Quality	EDI
Phase 2	1-Minute	Next Day	AMI Meter Data	FTP File
Phase 2	1-Minute	Monthly (Billing Cycle)	Bill Quality	EDI
Phase 3	15-Minute	Live/Real-Time	Bill Quality	URL push
Phase 3	1-Minute	Live/Real-Time	Bill Quality	URL push

Additionally, RESA recommends that the tariff/process include the following:

- Five business day minimum advance notification to CRES providers of any future changes to Duke’s web portal so that access to the data is not interrupted or denied, especially because some CRES providers may utilize automated processes.
- Historical data access shall be available on a competitively neutral basis based on customer authorization.

³⁷ *In the Matter of the Application of Duke Energy Ohio, Inc. to Adjust Rider DR-IM and Rider AU for 2012 SmartGrid Costs*, Case No. 13-1141-GE-RDR, Duke Ex. 7 (Schneider Supplemental Testimony) at 6-7.

³⁸ *Id.* at Duke Ex. 7 (Schneider Supplemental Testimony) at 5-6.

³⁹ *Id.* at Direct Ex. 2 (Lause Direct Testimony) at Attachment 2.

- Enable access to non-billable quality interval data from AMI meters via the web portal or an FTP file on a next-day, daily basis.
- The annual calculation of individual network service peak load (“NSPL”) and peak load contribution (“PLC”) formulas should be clearly identified in Duke’s tariffs. The Commission specifically required such information to be in Duke’s tariff and RESA concurs. The annual values should be provided to CRES providers via EDI and the portal no later than November 30th of the year prior to their effective date (e.g., if the NSPL value goes into effect on January 1, 2016, the value would be provided to CRES providers by November 30, 2015) so that CRES providers are given this information before the values become effective. Further, it is not clear based on discovery responses received in this proceeding whether individual PLCs and NSPLs for residential and small commercial customers are “individually scaled” based on annual usage or based on that customer’s actual individual peak hour usage. RESA proposes that if not already based on individual peak hour usage, Duke should implement that process. These truly individualized values will allow customers to know their own specific use of energy and also to receive the benefit of their efficient use of energy. Also, the individualized values will allow customers who do use energy efficiently to not subsidize less-efficient customers, as a profile-based value does.
- For AMI metered customers, Duke’s PJM settlements should be based on actual hourly usage, not on allocations of hourly usages to rate class profiles. Again, the actual usage (not profile-based usage) is an industry best practice that allows

customers to know their own specific use of energy and also to receive the benefit of their efficient use of energy.

To be very clear, RESA is not proposing any changes in Duke's tariff or current processes that exist for the roughly 4,000 customers with IDR meters (they are large commercial customers). RESA's proposals in these comments are intended to institute tariff changes for the small commercial and residential customers who have AMI meters.

Next, RESA points out that Duke has presented no calculations or cost estimates for providing access to the interval data from AMI meters. Recovery of any necessary capital improvement or infrastructure costs was one of the topics that, in the *COI*, the Commission ordered Duke to include in its tariff proposal. Inasmuch as nothing has been presented by Duke about cost recovery, RESA will reserve comment on any details that are presented at a later time. However, RESA notes that Duke previously committed to filing an electric distribution rate case "in the first year after full deployment of SmartGrid."⁴⁰ Moreover, the Commission has previously ruled for another EDU that if it proposed a Smart Grid deployment plan, it must file an electric distribution rate case application at the same time.⁴¹

Moreover, to allow constructive and effective discussions needed to accomplish the process outlined above, Duke should be ordered to re-activate its Smart Grid Collaborative to work through the details so that Duke accomplishes the steps in the designated timeframes:

- Within 30 days of the Order in this case: Provide to CRES providers 12 and 24 months of historical, billing quality, hourly interval data via its web portal for any customer who authorizes the CRES provider such access.

⁴⁰ *In the Matter of the Application of Duke Energy Ohio, Inc. to Adjust and Set Its Gas and Electric Recovery Rate for 2010 SmartGrid Costs Under Riders AU and Rider DR-IM and Mid-deployment Review of AMI/SmartGrid Program*, Case No. 10-2326-GE-RDR, Stipulation at 7.

⁴¹ *In the Matter of the Application of The Dayton Power and Light Company for Approval of its Electric Security Plan*, Case Nos. 12-426-EL-SSO et al., Opinion and Order at 27-28 (September 4, 2013) and Entry on Rehearing at 15 (March 19, 2014).

- Within 3 months of the Order in this case: Provide to CRES providers (with proper customer Letters of Authorization, as per Commission rules) billable quality interval data in one-hour increments (hourly intervals) on a monthly basis via EDI at least three business days before the customer bills or a time period no shorter than already provided to CRES providers using bill-ready utility-consolidated billing.
- Within 6 months of the Order in this case: Provide (A) non-billing quality (AMI meter data) in hourly intervals via an FTP file on a next-day, daily basis for any customer of a CRES provider with a verified AMI meter who authorizes the CRES provider such access; and (B) a proposed budget as well as a listing of benchmarks/tasks with deadlines for the capabilities listed in the chart contained in these comments and designated as Phase 2 and Phase 3 capabilities.

Finally, RESA proposes that, to keep Duke on target with the adopted directives and to not allow Duke to drag things out, the Commission should expressly include the following in its Order: (1) a directive that the Duke's riders that collect Smart Grid monies (Rider DR-IM and Rider AU) will go to \$0 if Duke has not complied with the steps and timeframes set forth; (2) Duke is on notice that it will be subject to penalties of up to \$10,000 per day as authorized by Section 4905.54, Revised Code, if it does not comply (e.g., misses a deadline); and (3) the Commission may impose any other remedies within the Commission's authority if Duke does not comply.

VII. Conclusion

Duke had the forward vision to implement widespread use of Smart Grid technology, including AMI meters. However, Duke customers will continue to be denied the full benefits of their AMI investment if Duke refuses to permit data access by CRES providers. Duke agreed to take certain actions and failed to live up to its commitments. The Commission understood the dilemma and, in the *COI*, gave the EDUs six months to develop and file tariff amendments that allow CRES providers to have access to the AMI meter data. As noted above, the *COI* decision

required all EDUs to provide a path for customers and their CRES providers to obtain interval data. Duke failed to comply. RESA understands that there may have to be upgrades and information technology changes to permit AMI interval data access and exchange, but the *status quo* cannot continue. Duke should not be allowed to retain exclusive access to the interval data captured by AMI. The Commission should mandate that Duke submit in this docket no later than April 30, 2015, a new tariff proposal that complies with the Commission's directives and the additional points that RESA identifies. Additionally, Duke should be required to re-activate its Smart Grid Collaborative to work through the process and tariff provisions as RESA has outlined above. Lastly, RESA recommends that the Commission expressly warn Duke, as detailed above, of the consequences of future noncompliance with its Order in this case.

Respectfully Submitted,

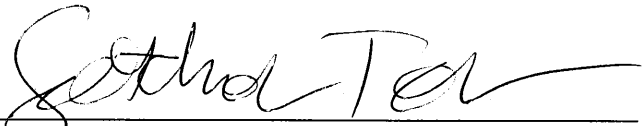


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CERTIFICATE OF SERVICE

The Public Utilities Commission of Ohio's e-filing system will electronically serve notice of the filing of this document on the parties referenced on the service list of the docket card who have electronically subscribed to the case. In addition, the undersigned hereby certifies that a copy of the foregoing document is also being served (via electronic mail) on the 6th day of February 2015 upon the persons listed below.



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Summary: Comments -- Initial Comments electronically filed by Mrs. Gretchen L. Petrucci on behalf of Retail Energy Supply Association