

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of Direct)	
Energy Business, LLC,)	
)	
Complainants,)	
)	
v.)	Case No. 14-1277-EL-CSS
)	
Duke Energy Ohio, Inc.,)	
)	
Respondent.)	

ENTRY

The attorney examiner finds:

- (1) On June 22, 2014, Direct Energy Business, LLC (Direct) filed a complaint against Duke Energy Ohio, Inc. (Duke). Direct states that it provides competitive retail electric services to SunCoke Energy, Inc. (SunCoke) and that Duke provides certified supplier services to Direct. Duke's services to Direct include metering customer load, which allows Direct to bill its customer, SunCoke, and for PJM Interconnection, Inc. (PJM) to bill Direct. Direct asserts that, from January 2013 to July 2013, Duke provided PJM with erroneous metering data, causing PJM to overcharge Direct. The incorrect data, per Direct, is a violation of Ohio Adm.Code 4901:1-10-05(B) and (F). According to Direct, the charges from March 2013 to July 2013, were resettled, but the charges in January and February were not. Direct believes Duke is obligated to resettle with PJM on behalf of Direct and Duke has failed to do so. Failing to do so, per Direct, is unjust and unreasonable and a violation of R.C. 4905.32 and R.C. 4928.35(C).
- (2) On August 13, 2014, Duke filed its answer to the complaint. Duke asserts that the Commission does not have jurisdiction over the issues in this case because the relevant issues deal with PJM's billing practices, which are regulated by the Federal Energy Regulatory Commission (FERC). Duke also avers that it did initiate resettlement with PJM, on behalf of Direct, even though it has no obligation to do so. According to Duke, it started the resettlement process but received no communication back from Direct, which hindered any

development. Duke also notes Direct failed to seek resettlement with PJM on its own behalf. Duke denies it violated Ohio Adm.Code 4901:1-10-05(B) and (F) or R.C. 4905.32 and 4928.32 and requests that the complaint be dismissed.

- (3) A settlement conference was held on October 21, 2014; however, the parties were unable to settle this matter.
- (4) By Entry issued January 13, 2015, the attorney examiner scheduled this matter for hearing. The hearing was scheduled to take place on April 14, 2015. Thereafter, Direct filed a motion to continue the hearing. The attorney examiner granted the motion and continued the hearing until May 12, 2015.
- (5) On May 8, 2015, Duke filed a motion to continue the hearing and a motion in support. Duke states the parties are in ongoing discussions and would benefit from additional time. Direct is in agreement with the request, according to Duke, and the parties seek a one-week continuance.
- (6) The attorney examiner finds that the motion filed by Duke to continue the hearing is reasonable and should be granted. Therefore, the hearing is rescheduled for May 19, 2015, at 10:00 a.m. at the offices of the Commission, 180 East Broad Street, 11th Floor, Hearing Room 11-C, Columbus, Ohio 43215-3793.

It is, therefore,

ORDERED, That the May 12, 2015 hearing be continued to May 19, 2015, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, 11th Floor, Hearing Room 11-C, Columbus, Ohio 43215-3793, in accordance with Finding (6). It is, further,

ORDERED, That a copy of this Entry be served upon each party of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/Nicholas Walstra

By: Nicholas Walstra
Attorney Examiner

sef/vrm

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5/11/2015 2:48:36 PM

in

Case No(s). 14-1277-EL-CSS

Summary: Attorney Examiner Entry continuing the May 12, 2015 hearing to May 19, 2015 at 10:00 a.m.; electronically filed by Vesta R Miller on behalf of Nicholas Walstra, Attorney Examiner, Public Utilities Commission of Ohio