



## Office of the Ohio Consumers' Counsel

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July 1, 2016

Hon. Nicholas Walstra, Attorney Examiner  
Public Utilities Commission of Ohio  
180 East Broad Street, 12<sup>th</sup> Floor  
Columbus, Oh 43215

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

Dear Examiner Walstra:

The Public Utilities Commission of Ohio (“PUCO”), in an Entry dated December 16, 2015,<sup>1</sup> set forth a procedural schedule in this case that included the filing of testimony and an evidentiary hearing. That Entry specifically requested testimony regarding the estimated costs to provide advanced metering technology (“AMI”) customer energy usage data (“CEUD”) to marketers. The parties in the case requested that the PUCO suspend the procedural schedule in order to allow parties time to resolve the case through settlement. The parties stated that they would provide a status report to the PUCO on July 1, 2016 regarding the progress of negotiations.

The Ohio Consumers’ Counsel files this letter to inform the PUCO that the negotiations, thus far, have not resulted in a settlement. While the PUCO may establish a case schedule, OCC does note that this case is an application for tariff approval (ATA) and, as such, is not a type of case where the PUCO may increase charges to customers. Specifically, a rate increase to charge customers for the utility to provide customer energy usage data to marketers is an inappropriate consideration in this

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<sup>1</sup> *In the Matter of the Application of Duke Energy Ohio, Inc. for Tariff approval Regarding customer Energy Usage Data, Case No. 14-2209-EL-ATA, Entry at 5 (Dec. 16, 2015).*

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case. The proper method for a utility to request an increase to customers' rates is through a rate increase application filed in accordance with Title 49 of the Ohio Revised Code.

Respectfully submitted,



Jodi Bair  
Assistant Consumers' Counsel

**This foregoing document was electronically filed with the Public Utilities**

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**in**

**Case No(s). 14-2209-EL-ATA**

Summary: Correspondence CEUD Status electronically filed by Ms. Jamie Williams on behalf of Bair, Jodi Mrs.