

THE PUBLIC UTILITIES COMMISSION OF OHIO

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

Entered in the Journal on October 3, 2016

{¶ 1} Duke Energy Ohio, Inc. (Duke or the Company) is a public utility as defined in R.C. 4905.02, and, as such, is subject to the jurisdiction of this Commission.

{¶ 2} On December 16, 2014, Duke Energy Ohio, Inc. (Duke) filed an application requesting approval of tariff language regarding customer energy usage data (CEUD). Duke explains this application is being filed pursuant to Commission orders from Case No. 12-3151-EL-COI, which required Duke to submit an amended tariff specifying the terms, conditions, and charges associated with providing interval CEUD. In this application, Duke proposes to amend its tariff to provide details related to exactly what certified retail electric service (CRES) providers may request, how such data will be provided, and at what cost.

{¶ 3} By Entry on December 16, 2015, the Commission granted the motions to intervene by IGS Energy (IGS), Ohio Partners for Affordable Energy (OPAE), Retail Energy Supply Association (RESA), Direct Energy Business, LLC and Direct Energy Services, LLC (collectively, Direct), the Environmental Defense Fund (EDF), and Ohio Environmental Council (OEC).

{¶ 4} Also on December 16, 2015, the Commission issued a procedural schedule. The schedule required Duke to file testimony by January 22, 2016, intervenors to file testimony by February 5, 2016, and a hearing to begin February 17, 2016.

{¶ 5} The attorney examiner granted a joint request to suspend the procedural schedule on April 13, 2016, after previously granting several requests to extend the

schedule. On July 1, 2016, a joint status update was filed indicating that settlement negotiations have stalled and requesting for the case to be set for hearing. Accordingly, a hearing was set for September 20, 2016. The parties again filed a motion for continuance, which was granted by the attorney examiner on August 12, 2016. At that time, an evidentiary hearing was scheduled for November 1, 2016. Duke was to file testimony by October 4, 2016 and Staff and intervenors were to file testimony by October 14, 2016.

{¶ 6} On September 22, 2016, Duke filed a motion to extend the procedural schedule and a request for expedited treatment. Duke states that, compared to any other EDU in Ohio, the Company has deployed more advanced meter infrastructure (AMI) and has more experience with AMI and is thus uniquely positioned to develop a CEUD sharing system. Duke states its approach going forward will need to consider the interests of all stakeholders and need to be replicable for other EDUs. According to Duke, this also includes consideration of new standards regarding customer privacy. Because of these issues, Duke avers it needs more time to sufficiently develop a well-reasoned proposal. Accordingly, the Company requests the procedural schedule be continued, with a hearing date no sooner than April 3, 2017.

{¶ 7} On September 29, 2016, Direct, IGS, and RESA jointly filed a memorandum contra to Duke's request to extend the procedural schedule. The parties argue that good cause does not exist to grant the motion. The parties state Duke previously agreed to the most recent procedural schedule and nothing substantive has changed to warrant changing the schedule. According to the parties, as this proceeding has been pending for over two years, Duke has had sufficient time to prepare for the hearing. Further, the parties, as CRES providers, assert they are prejudiced by any delays in the schedule as they are unable to offer time-of-use products to their customers.

{¶ 8} The attorney examiner finds the request is reasonable and the motion to extend the procedural schedule should be granted. In doing so, we note the many new and complex issues in this case and the potential impacts on costumers, marketers, and

utilities. Thus, we find there is good cause to grant Duke more time to prepare a sufficient proposal. Accordingly, the following procedural schedule should be adopted:

- (a) Testimony on behalf of Duke shall be filed by March 14, 2017.
- (b) Testimony on behalf of all intervenors shall be filed by March 28, 2017.
- (c) The evidentiary hearing shall commence on April 11, 2017, 10:00 a.m., at the offices of the Commission, 180 E. Broad St., 11th Floor, Hearing Room 11-A, Columbus, Ohio 43215-3793.

{¶ 9} It is, therefore,

{¶ 10} ORDERED, That the motion to extend the procedural be granted. It is, further,

{¶ 11} ORDERED, That a copy of this Entry be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/ Nicholas Walstra

By: Nicholas Walstra
Attorney Examiner

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in

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

Summary: Attorney Examiner Entry granting motion to extend procedural schedule; electronically filed by Vesta R Miller on behalf of Nicholas Walstra, Attorney Examiner, Public Utilities Commission of Ohio