

1 **A.** On that I believe that FERC would require
2 PJM to resettle everyone. I don't think that they
3 would tell them to respond. I think that the
4 complaint would ask FERC to actually just mandate
5 that PJM just do the resettlement, to clarify.

6 **Q.** And what would help with that FERC
7 complaint is if the Ohio Commission issued an order
8 directing affected suppliers to consent?

9 **A.** Affected CRES providers, yes.

10 **Q.** And is it just CRES providers?

11 **A.** Well, because their TSAs or LSEs are
12 ultimately working for the CRES provider.

13 **Q.** But the state Commission's order isn't
14 necessary for the FERC to Direct PJM to resettle.

15 **A.** The state Commission, according to what
16 PJM told us, the state Commission order would help
17 move the FERC's complaint along.

18 **Q.** And so on page 8, the question 14,
19 Ms. Ringenbach, talking about attempted efforts at
20 Resettlement C, again, the last sentence in this
21 answer you indicate that "Direct Energy suggested
22 Resettlement C in a show of goodwill."

23 Duke Energy -- I'm sorry. Direct Energy
24 suggested Resettlement C is a show of goodwill when?

25 **A.** That was I believe part of the discussions

1 that happened in June.

2 Q. And what do you mean by "a show of
3 goodwill"?

4 A. So we ultimately believe that this is not
5 a PJM settlement error, that the error actually
6 happened at the utility level before it even hit our
7 MDMA. And when we were talking about different ways
8 to resolve things, we had talked about all the
9 different time periods that we could just resolve by
10 using the PJM resettlement process. And when we
11 referred to January and February, what we had
12 discussed was we could use the Resettlement C
13 process.

14 Q. And is it your testimony, Ms. Ringenbach,
15 that in June of 2013 you knew that this was a state
16 level issue?

17 A. Yes.

18 Q. And you knew that based upon, what, your
19 interpretation of the supplier tariff?

20 A. This was based upon what I understood from
21 my Operations people that the information provided
22 was incorrect meter data.

23 Q. And was there any consideration to the
24 certified supplier tariff when your Operations people
25 arrived at that conclusion that they shared with you?

1 **A.** In?

2 **Q.** In 2013.

3 **A.** So when they spoke to me, it was about we
4 have wrong meter information coming to us. And in
5 June we were still getting wrong meter information
6 for billing purposes too. So it was a matter of all
7 this wrong meter information is leading to all these
8 other problems including the settlement issue.

9 **Q.** So but let me go back. When you heard
10 that from your Operations in June of 2013 this was a
11 meter issue, do you know whether the certified
12 supplier tariff had been reviewed or consulted by the
13 Operations folks who told you that information?

14 **A.** I do not.

15 **Q.** Okay. And do you believe that SunCoke was
16 erroneously billed by Direct Energy from January
17 through June of 2013?

18 **A.** We were erroneously billing them at the
19 beginning of the year and I believe in March we
20 actually stopped billing them until we started
21 getting the accurate information.

22 Which I don't think we actually started
23 getting accurate information because it came in these
24 individual spreadsheets for a while until, again I'd
25 have to check, but I think it was July or August when

1 we finally started getting the correct data to bill
2 them off of.

3 Q. What information came from Direct Energy
4 to Duke Energy Ohio for billing purposes in
5 January 2013?

6 A. I believe we received interval data along
7 with summary data.

8 Q. So Duke Energy Ohio gave you both interval
9 data and summary data?

10 A. I'd have to check with Ops.

11 Q. And is it your testimony that the summary
12 data was wrong?

13 A. No. I'd have to check which one was wrong
14 but I'm pretty sure it was the interval data.

15 Q. But you believe that information that
16 would have been received from Direct Energy for
17 purposes of billing Direct -- for purposes of billing
18 SunCoke in January 2013 as initially provided by Duke
19 Energy Ohio was wrong.

20 A. Yes.

21 Q. And you believe that to be true with
22 respect to February of 2013.

23 A. Yes.

24 Q. So page 8, line 15 of your -- I'm sorry,
25 line 19 of your testimony, Ms. Ringenbach, you

1 believe that the Ohio Commission should require Duke
2 to undertake the Resettlement C process, correct?

3 **A.** Yes. Well, to make -- if they choose to
4 force the Resettlement C process, this is what would
5 be needed to make it work.

6 **Q.** But if the Commission forces Duke to
7 undertake Resettlement C, what does that order look
8 like? Is the Commission also telling affected
9 certified suppliers to affirmatively consent?

10 **A.** Yes.

11 **Q.** And if that happens, why do you need a
12 complaint at the FERC?

13 **A.** So we could take that to PJM and they
14 could go with it or PJM could come back and say no,
15 we're still not comfortable, you need to have FERC
16 tell us to do it.

17 **Q.** Why wouldn't PJM just go with it if all of
18 the affected suppliers consented?

19 **A.** PJM can be skittish.

20 **Q.** And the basis for that is what?

21 **A.** So my understanding is PJM sometimes isn't
22 comfortable just going outside of their norm and they
23 would prefer a FERC order on some things. But there
24 have been times that PJM has gone outside of the norm
25 and just moved ahead with things where they feel like

1 all parties are in agreement.

2 Q. And, ma'am, do you recall answering
3 discovery about conversations that you had with --
4 strike that.

5 Do you recall receiving discovery requests
6 from Duke Energy Ohio about conversations with PUCO
7 Commissioners involving this dispute?

8 A. I think Joe sent me some things and I'm
9 pretty sure I sent over all the dates that we had the
10 conversations. Or at least the dates that I still
11 had on my calendar.

12 Q. Do you recall identifying only
13 conversations with Katie Stenman and Mike Fraizer?

14 A. I think it depends on how the discovery
15 question was worded. Because I didn't have specific
16 dates to the Commissioners because it was part of
17 different conversations and not specific to anything.

18 MR. CLARK: Can you identify the question
19 you're talking about in the discovery request? Do
20 you know what it is?

21 MS. SPILLER: I'll look and see if I have
22 it with me, Joe.

23 A. I'll have to look because I remember
24 answering it but I think it was specific to dates.
25 And I only had dates with the ones to Katie and Mike.

1 I don't think I had specific dates for the
2 Commissioners.

3 Q. And on what authority can the PUCO mandate
4 that competitive suppliers engage in resettlement?

5 A. So Direct's position is if you are a
6 competitive retail electric supplier in this market,
7 then everyone has responsibility to make sure that
8 the market's functioning properly which also means if
9 there's a situation in the market where one supplier
10 may be disadvantaged because there needs to be some
11 sort of resettlement, then everyone should come
12 together and work through that whether it's Direct or
13 another supplier.

14 Q. And is that participation and ensuring
15 properly functioning market, are those activities
16 that can be enabled at the state level?

17 A. Yes.

18 Q. And so Direct Energy did not support the
19 revisions that Duke Energy Ohio proposed to its
20 certified supplier tariff in its most recent ESP
21 filing, correct?

22 A. I believe we did support it and we
23 actually plan to request for hearing in that case.

24 Q. So you believe that in Direct Energy's
25 post-hearing briefs they supported the revisions to

1 the certified supplier tariff?

2 **A.** I don't think we put anything in the
3 briefs but I believe we -- I was asked on the stand
4 if we supported it.

5 **Q.** Do you recall that RISA is the other
6 entity on whose behalf you testified in that
7 proceeding did not support the revision? To the
8 certified supplier tariff insofar as those revisions
9 concerned Resettlement C?

10 **A.** I don't think RISA -- I'd have to go back
11 and see what RISA said. I think there was a supplier
12 who opposed it but I don't think RISA aggressively
13 opposed it. I'm pretty sure I've made them soften
14 that.

15 **Q.** But they still opposed it, right?

16 **A.** I'd still have go back and look.

17 **Q.** You'd agree that the brief says what it
18 says?

19 **A.** Probably.

20 **Q.** Do you believe -- strike that.

21 Ms. Ringenbach, on what authority can the
22 PUCO revoke a CRES provider's license for failing to
23 participate in a process administered through PJM?

24 **A.** So as part of your CRES license you have
25 to fulfill certain obligations which include your

1 FERC power marketer's license, you have to show your
2 participation in the PJM, and in addition to that the
3 utility tariffs require specific items.

4 So you have to make sure that you're
5 basically a good acting company and you fulfill all
6 the requirements to deliver that power and ensure
7 that the market functions properly.

8 So based on that we think that the
9 licensing process is broad enough to allow the
10 Commission to say as part of a supplier in this
11 market you have to basically make sure -- you have
12 responsibility to make sure that the market is
13 properly functioning too, which means if something
14 gets messed up and everybody has to agree to fix it,
15 everybody has to agree to fix it.

16 Q. And do you think the Ohio Commission can
17 do that on a retroactive basis?

18 MR. HULL: Objection. It's calling for a
19 very specifical legal conclusion and we haven't put
20 her up as a witness on generic issues at the PUCO.

21 MS. SPILLER: I'm not asking for a legal
22 conclusion. She seems to suggest what she believes
23 the Commission can do. So I'm just asking that they
24 can make that determination and it would have a
25 retroactive effect.

1 MR. HULL: Go ahead and answer the
2 question but keep our objection on the record.

3 A. So can they retroactively tell CRES
4 providers you need to agree to this?

5 Q. Uh-huh.

6 A. Yes, I believe that they can.

7 Q. On what basis do you -- have you formed
8 that belief?

9 A. I think that the Commission has pretty
10 wide authority under their licensing requirements of
11 CRES providers.

12 (RINGENBACH EXHIBIT 2 WAS MARKED.)

13 Q. Ms. Ringenbach, I'm handing you what's
14 been marked as Ringenbach Deposition Exhibit No. 2.
15 This is a discovery response that you -- for which
16 you have been identified as the responsible person,
17 correct?

18 A. Yes.

19 Q. And this was a question that concerned an
20 allegation that was set forth in the complaint filed
21 by Direct Energy. Is it your testimony,
22 Ms. Ringenbach, that the four individuals identified
23 in response to this interrogatory promised to assist
24 Direct in obtaining a resettlement?

25 A. Yes.

1 **Q.** And Duke Energy Ohio did initiate those
2 efforts on Direct Energy's behalf, correct?

3 **A.** Yes.

4 (RINGENBACH EXHIBIT 3 WAS MARKED.)

5 **Q.** Ms. Ringenbach, I'm handing you what's
6 been marked as Ringenbach Deposition Exhibit No. 3.
7 Again another discovery response, a response from
8 Direct Energy for which you are identified as a
9 responsible person, correct?

10 **A.** Yes.

11 **Q.** And here you indicate that you had
12 discussions with Ms. Stenman and Mr. Fraizer on
13 various dates but you can't provide the exact dates,
14 correct?

15 **A.** Yes.

16 **Q.** The question asked to identify
17 communications with the PUCO staff, correct?

18 **A.** Yes.

19 **Q.** And so is this the particular discovery
20 response to which you were referring earlier?

21 **A.** Yes.

22 (RINGENBACH EXHIBIT 4 WAS MARKED.)

23 **Q.** Ms. Ringenbach, you've been handed what's
24 been marked as Ringenbach Deposition Exhibit No. 4.
25 This is an email that I sent to you on February 20,

1 2014, correct?

2 A. Yes.

3 Q. And it shares with you sort of the results
4 of Duke Energy Ohio's efforts to solicit consent from
5 affected suppliers in respect of the resettlement
6 process, correct?

7 A. Yes.

8 Q. What was your response to this email?

9 A. I don't remember.

10 Q. In the second-to-last paragraph I'm asking
11 you to let me know how Direct Energy would like us to
12 address resettlement.

13 A. I don't remember what my response was.
14 I'd have to go through the emails and find it.

15 Q. Do you know if you responded?

16 A. I think I did respond. But I don't
17 remember.

18 Q. If you would have responded, you would
19 have produced an email to Mr. Clark for purposes of
20 discovery in this case?

21 A. It should be in there.

22 Q. If there isn't an email, can we -- is it
23 fair to assume there wasn't a response?

24 A. It's possible.

25 (RINGENBACH EXHIBIT 5 WAS MARKED.)

1 **Q.** Ms. Ringenbach, you've been handed what's
2 been marked as Ringenbach Deposition Exhibit No. 5.
3 I will note that this is confidential so I guess my
4 first question to you is do you believe that this
5 email contains confidential information?

6 **A.** Just this section because there's two
7 emails on here.

8 **Q.** The entire document was marked
9 confidential by your lawyers.

10 **A.** I'm not sure -- well, I don't see anything
11 in here that is confidential but the attachments that
12 were part of this are not on here so I don't know if
13 those PJM invoices are considered confidential.
14 Which are not here but as part of the entire chain.
15 So it could be.

16 **Q.** And the date on this email exchange is
17 June 10, the email exchange is June 10, 2013,
18 correct?

19 **A.** Starts on June 10, yes.

20 **Q.** And your response to Mr. Kennelly
21 referring to the PJM invoices, you were simply trying
22 to understand what particular aspects of those
23 invoices were in dispute, correct?

24 **A.** Yes.

25 (RINGENBACH EXHIBIT 6 WAS MARKED.)

1 **Q.** And you've been handed Duke Energy
2 Exhibit No. -- I'm sorry. You've been handed
3 Ringenbach Deposition Exhibit No. 6, correct?

4 **A.** Yes.

5 **Q.** A series of email exchanges, and you are
6 copied on some of these, correct?

7 **A.** Yes.

8 **Q.** Time period runs it looks like from
9 May 29, 2013, through June 6 of 2013, correct?

10 **A.** Yes.

11 **Q.** And you indicated in mid-page on page 1
12 you reference the meeting with Duke that was
13 scheduled for what would have been Friday, June 7,
14 2013, correct?

15 **A.** Yes.

16 **Q.** And the purpose of that meeting as
17 originally scheduled was to talk about the SunCoke
18 settlement error, correct?

19 **A.** Yes.

20 **Q.** Okay.

21 **A.** Well, there were two issues at that
22 meeting.

23 **Q.** Okay.

24 **A.** There was the other line item transfer
25 discussion.

1 **Q.** And so when you asked if there were more
2 issues that should be added to the meeting, at that
3 point did you already have the declaration of
4 authority issue on your agenda?

5 **A.** Yes.

6 **Q.** And you indicated that if Duke didn't fix
7 the issue ASAP after we meet, that Direct Energy was
8 going to file a complaint at the PUCO, correct?

9 **A.** Yes.

10 **Q.** At that point did Direct Energy have a
11 complaint prepared and ready to go?

12 **A.** I do not think that we did. I'm pretty
13 sure that we didn't because I was optimistic that we
14 would resolve things with Duke.

15 (RINGENBACH EXHIBIT 7 WAS MARKED.)

16 **Q.** Ms. Ringenbach, I'm handing you what's
17 been marked as Ringenbach Deposition Exhibit No. 7.
18 This is two email exchanges, one is from Candace Cox
19 to you and others concerning a media coverage of the
20 complaint that was filed July 22nd of 2014, as well
21 as your response to Ms. Cox and others on that email
22 exchange, correct?

23 **A.** Yes.

24 **Q.** Does this help to refresh your date as to
25 when you talked to the Ohio Commissioners about the

1 complaint?

2 **A.** No.

3 **Q.** So it says "I met with Commissioners and
4 staff Monday prior to filing."

5 **A.** Oh. I guess then I would have met with
6 the Commissioners and staff the Monday prior to
7 filing.

8 **Q.** And these would have been individual
9 Commission meetings that you previously identified
10 for me?

11 **A.** I don't know if all the Commissioners were
12 part of that. I definitely probably would have met
13 with, like, Lesser and Haque. I don't remember when
14 Johnson -- I guess Johnson probably would have been
15 part of that too. When I say "Commissioners and
16 staff," it's definitely Katie Stenman would have been
17 part of that and a couple of Commissioners, probably
18 Lesser and Haque.

19 **Q.** So let me go back. So if you had more
20 than one conversation with former-Commissioner Lesser
21 concerning --

22 **A.** Concerning this, no.

23 **Q.** So the only conversation would have been
24 the Monday prior to the filing of this complaint.

25 **A.** Yes.

1 **Q.** And Commissioner Haque, have you had more
2 than one conversation with him concerning this
3 matter?

4 **A.** Not concerning this, no.

5 **Q.** And Commissioner Trombold?

6 **A.** Definitely not.

7 **Q.** Former-Chairman Johnson?

8 **A.** No.

9 MS. SPILLER: Can we go off the record.
10 (Off the record.)

11 **Q.** Ms. Ringenbach, could you turn to page 9
12 of your testimony filed in this case, please. So the
13 paragraph that begins on line 7, I just want to be
14 sure that I understand your testimony.

15 You're indicating that if the
16 Commission -- if the Ohio Commission elects to direct
17 competitive suppliers to affirmatively consent in
18 writing or risk some negative effect on their
19 licensing.

20 **A.** Yes.

21 **Q.** You also want the Commission to
22 incorporate into that order a provision that to the
23 effect that a supplier is silent and doesn't respond,
24 that that silence is deemed as consent, correct?

25 **A.** Yes.

1 **Q.** But then you go -- so is that for purposes
2 of a FERC complaint?

3 **A.** Yes.

4 **Q.** And that's because if the Commission, if
5 the Ohio Commission were to include such a provision
6 in an order and suppliers are deemed to have
7 consented through their silence, that PJM wouldn't
8 accept that silence as consent?

9 **A.** Yes.

10 **Q.** And is that something that PJM told you?

11 **A.** Yes. That goes back to what we talked
12 about before where PJM could just resettle if
13 everybody says yes, even though the Commission
14 ordered them to versus really wanting that FERC
15 order.

16 **Q.** And you say beginning on line 9 that in
17 conversations with PJM's counsel on February 6, 2015,
18 Direct Energy learned that Duke will need affirmative
19 consent from all affected LSEs.

20 **A.** You said line 9?

21 **Q.** Page 9, line 9, "In Direct Energy's
22 discussions with PJM's counsel."

23 **A.** I see, okay.

24 **Q.** So that sentence reads "In Direct Energy's
25 discussions with PJM's counsel on February 6, 2015,

1 regarding the Resettlement C process, Direct Energy
2 learned that Duke will need affirmative consent from
3 all affected LSEs to run resettlement for
4 January 2013 and February 2013." Correct?

5 **A.** Yes.

6 **Q.** Is that the first time that Direct Energy
7 learned that affirmative consent from all suppliers
8 was needed?

9 **A.** No. I think it would be better to say
10 "confirmed" than "learned."

11 **Q.** Is Direct Energy a customer of Duke Energy
12 Ohio?

13 **A.** I think it depends on what sense we're
14 using the term "customer." I mean, we do pay Duke
15 for certain things including billing services and
16 things that are provided. So in a way we are
17 purchasing some services from the utility.

18 **Q.** How about a customer as defined in the
19 Commission's regulations?

20 **A.** I'd have to look at that specific
21 regulation.

22 MS. SPILLER: I don't have any further
23 questions. Thank you.

24 (Whereupon, at 4:57 p.m., the deposition
25 was concluded and signature was not waived.)

AFFIDAVIT

State of Ohio)
) SS:
County of _____)

I, TERESA RINGENBACH, do hereby certify that I have read the foregoing transcript of my deposition given on Tuesday, April 21, 2015; that together with the correction page attached hereto noting changes in form or substance, if any, it is true and correct.

TERESA RINGENBACH

I do hereby certify that the foregoing transcript of the deposition of TERESA RINGENBACH was submitted to the witness for reading and signing; that after she had stated to the undersigned Notary Public that she had read and examined her deposition, she signed the same in my presence on the _____ day of _____, 2015.

Notary Public

My commission expires _____, _____.

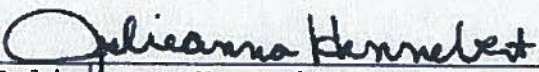
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CERTIFICATE

State of Ohio)
) SS:
County of Franklin)

I, Julieanna Hennebert, RPR and RMR, the undersigned, a duly qualified and commissioned notary public within and for the State of Ohio, do certify that, before giving her deposition, TERESA RINGENBACH was by me first duly sworn to testify to the truth, the whole truth, and nothing but the truth; that the foregoing is the deposition given at said time and place by TERESA RINGENBACH; that I am neither a relative of nor employee of any of the parties or their counsel and have no interest whatever in the result of the action.

IN WITNESS WHEREOF, I hereunto set my hand and official seal of office on this 24th day of April 2015.


Julieanna Hennebert, RPR, RMR,
and Notary Public in and for the
State of Ohio.



My commission expires February 19, 2018.

(1242-JLH2)

--|--

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of Complaint of Direct
Energy Business, LLC

Compliant

v.

Duke Energy Ohio, Inc.

Respondent

)
)
)
)
)
)
)
)

Case No. 14-1277-EL-CSS

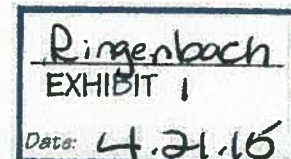
**FIRST NOTICE OF DUKE ENERGY OHIO
TO TAKE DEPOSITION *DUCES TECUM* OF
DIRECT ENERGY SERVICES, LLC**

Pursuant to Ohio Admin. Code Rule 4901-1-21(B), please take notice that Duke Energy Ohio, Inc. (Duke Energy) will take the oral deposition of Teresa Ringenbach on April 21, 2015, beginning at 3:00 PM and will continue thereafter until complete.


The deposition will take place at Direct Energy's offices located at 21 East State Street, 19th Floor, Columbus, Ohio 43215. The deposition will be taken upon oral examination (as if on cross-examination) before an officer authorized by law to take depositions.

Pursuant to Ohio Admin. Code 4901-1-21(E) and 4901-1-20, the witness is requested to produce at the time of her deposition true and accurate copies of the documents identified in Exhibit A.

The deposition will begin at 3:00 PM and continue day to day until complete. Parties are invited to attend and to cross-examine.



Respectfully submitted,

Handwritten signature of Amy B. Spiller in cursive script.

Amy B. Spiller (0049277)

Deputy General Counsel

Jeanne W. Kingery (0012172)

Associate General Counsel

DUKE ENERGY OHIO, INC.

139 East Fourth Street, ML 1303 Main

P. O. Box 960

Cincinnati, Ohio 45202

EXHIBIT A

Duke Energy Ohio hereby requests that, at the time and place set forth above in the notice of deposition, *duces tecum*, the witness shall produce true and accurate copies of the following documents:

1. Any and all documents that were reviewed by said witness for purposes of preparing their direct testimony relative to the above-captioned proceeding.
2. Any and all documents created or authored by said witness for purposes of preparing their direct testimony relative to the above-captioned proceeding.
3. Any and all documents referenced in said witness's direct testimony relative to the above-captioned proceeding.
4. Any and all documents reviewed by said witness in preparing, or otherwise assisting in the preparation of, discovery responses submitted by Direct Energy relative to the above-captioned proceeding
5. Any and all documents prepared by said witness for purposes of preparing, or otherwise assisting in the preparation of, discovery responses submitted by Direct Energy relative to the above-captioned proceeding.

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a copy of the foregoing was served on the following parties of record by electronic service, this 17th day of April, 2015.


Amy B. Spiller

Gerit F. Hull
Eckert Seamans Cherin & Mellott, LLC
1717 Pennsylvania Avenue N.W.
12th Floor
Washington, DC 20006
ghull@eckertseamans.com

Joseph M. Clark
Direct Energy
21 East State Street, 19th Floor
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This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

4/17/2015 2:40:42 PM

in

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

**Summary: Notice of Deposition First Notice of Duke Energy Ohio to Take Deposition Duces
Tecum of Direct Energy Services, LLC - Teresa Ringenbach electronically filed by Mrs. Adele
M. Frisch on behalf of Duke Energy Ohio, Inc. and Spiller, Amy B and Kingery, Jeanne W**

**Direct Energy
Case No. 14-1277-EL-CSS
Duke Energy Ohio
First Set of Discovery Requests**

DEO-INT-01-012

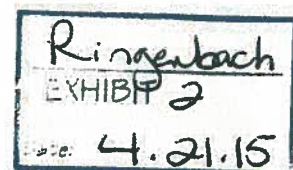
REQUEST:

Please identify all persons who "promised to provide PJM with the correct meter data and assist Direct in obtaining a resettlement," as alleged in Paragraph 14 of the PUCO Complaint.

RESPONSE:

Amy Spiller, Dana Adams, Don Wathen, and Dan Jones.

PERSON RESPONSIBLE: Teresa Ringenbach



Direct Energy
Case No. 14-1277-EL-CSS
Duke Energy Ohio
First Set of Discovery Requests

DEO-INT-01-018

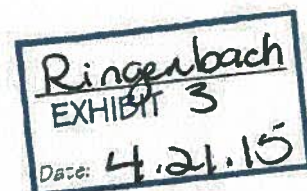
REQUEST:

Please identify each communication that Direct Energy, its attorneys, agents, representatives, and/or employees has had with PUCO Staff regarding the PUCO Complaint and the facts and circumstances giving rise to same. For purposes of this request, "identify" means to identify each person present or otherwise participating in the communication, the date on which each communication occurred, the topic(s) of discussion, the documents reviewed during each communication, the documents exchanged during each communication, and the documents generated as a result of each communication.

RESPONSE:

Objection; please see General Objections above. Without waiving said objections and to the extent discoverable and in the spirit of discovery, answering further, Teresa Ringenbach discussed the metering error dispute with PUCO Staff on various dates between January 2014 and June 2014. Ms. Ringenbach discussed the matter with Katie Stenman and Mike Fraizer. The exact dates are not known and Ms. Ringenbach did not have any e-mail correspondence with Staff or share any documents with Staff.

PERSON RESPONSIBLE: Teresa Ringenbach



From: Spiller, Amy B
Sent: Thursday, February 20, 2014 12:23 PM
To: Ringenbach, Teresa (Teresa.Ringenbach@directenergy.com)
Cc: May, Sheri h; Adams, Dana S
Subject: SunCoke Resettlement

Dear Teresa

I apologize for not responding sooner, but, as you may recall, I was out of the office through February 16.

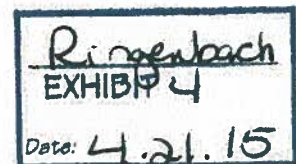
You have asked for dates on which representatives of Direct Energy and Duke Energy Ohio could meet with Staff of the PUCO to discuss resettlement. At this time, we don't believe that a meeting with Staff would be helpful as the issues invoke PJM-administered tariffs or PJM-based practices. Please allow me to elaborate.

Resettlement is addressed in PJM tariffs and manuals; it is not provided for at the state level. As I understand, the PJM Tariff allows for resettlement for up to two years. However, for those resettlements outside of 60 days, the PJM Business Practice Manual provides that suppliers must agree to the resettlement. Consistent with our prior representations, Duke Energy Ohio contacted affected suppliers and sought their agreement to a resettlement for the periods of January and February 2012. We did not receive consent from all suppliers. For those suppliers that did consent, I believe it is possible to perform a pro-rata resettlement. Although I do not have immediate access to the amount at issue in such a pro-rata resettlement, we can certainly provide that information to Direct Energy. However, we cannot compel the remaining suppliers to consent and I am not aware of any means by which Staff could do so. Consequently, we fail to see how a discussion with Staff would be efficient or of assistance.

Please let me know how Direct Energy would like to address resettlement in respect of the suppliers that did consent, so that we may proceed accordingly.

Thank you.

Amy B. Spiller
Deputy General Counsel
Duke Energy Business Services
139 E. Main Street, 1303-Main
Cincinnati, Ohio 45202
(513) 287-4359 (telephone)
(513) 287-4385 (facsimile)



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From: Caporal, Richard Jr
To: Ringenbach, Teresa; Padron, Juan; Braziel, Randall
CC: Hari, Tina; Vance, Andrew; Kennelly, Robert; Scarpignato, David
Sent: 6/6/2013 11:58:17 AM
Subject: RE: Duke issue

Great! Good luck tomorrow.

Let us know if there is anything we can do to assist.

From: Ringenbach, Teresa
Sent: Thursday, June 06, 2013 11:54 AM
To: Caporal, Richard Jr; Padron, Juan; Braziel, Randall
Cc: Hari, Tina; Vance, Andrew; Kennelly, Robert; Scarpignato, David
Subject: Re: Duke issue

Then we are on it! Bob has a powerpoint he put together for the meeting. If Duke doesn't fix ASAP after we meet we will file a complaint at PUCO.

From: Caporal, Richard Jr
Sent: Thursday, June 06, 2013 11:42 AM
To: Ringenbach, Teresa; Padron, Juan; Braziel, Randall
Cc: Hari, Tina; Vance, Andrew; Kennelly, Robert; Scarpignato, David
Subject: RE: Duke issue

I believe that is the error Randall is referencing.

From: Ringenbach, Teresa
Sent: Thursday, June 06, 2013 11:41 AM
To: Padron, Juan; Braziel, Randall; Caporal, Richard Jr
Cc: Hari, Tina; Vance, Andrew; Kennelly, Robert; Scarpignato, David
Subject: Re: Duke issue

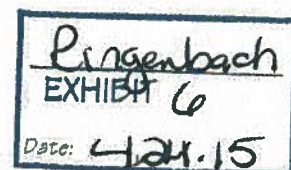
We have a meeting with Duke tomorrow at 2 EST to talk about the Suncoke settlement error. Are there more issues we should add to the meeting?

From: Padron, Juan
Sent: Thursday, June 06, 2013 09:45 AM
To: Braziel, Randall; Caporal, Richard Jr
Cc: Ringenbach, Teresa; Hari, Tina
Subject: RE: Duke issue

Teresa Ringenbach – G&RA

Tina Hari - Settlements

From: Braziel, Randall
Sent: Wednesday, May 29, 2013 2:01 PM
To: Padron, Juan
Cc: Caporal, Richard Jr
Subject: Duke issue



Juan,

Do you know who we could contact in regulatory for the issue we are seeing in the Duke utility for the extra purchases in RT?

Thanks

Randall Brazier, C.P.A.

Margin Forecasting & Analytics

12 Greenway Plaza, Suite 250

Houston, TX 77048

Direct: 713-877-3671

www.directenergy.com

From: Ringenbach, Teresa
To: Cox, Candace; _DEB Utility Operations; Vance, Andrew; Kennelly, Robert; Scherer, Janet
Sent: 7/23/2014 10:36:50 AM
Subject: Re: Direct Energy Files Complaint Against Utility Over Inaccurate Meter Data, Seeks Resettlement

Yep filed yesterday. I also met with Commissioners and staff Monday prior to filing. Now we get to fight. I expect Duke will respond this is a PJM issue.

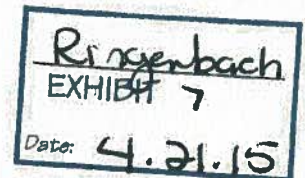
From: Cox, Candace
Sent: Wednesday, July 23, 2014 09:11 AM
To: _DEB Utility Operations; Vance, Andrew; Kennelly, Robert; Ringenbach, Teresa; Scherer, Janet
Subject: Direct Energy Files Complaint Against Utility Over Inaccurate Meter Data, Seeks Resettlement

Not sure if you saw the actual article or not.

Direct Energy Files Complaint Against Utility Over Inaccurate Meter Data, Seeks Resettlement

July 23, 2014

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Reporting by Paul Ring • ring@energychoicematters.com



Direct Energy Business has filed a complaint at the Public Utilities Commission of Ohio against Duke Energy Ohio regarding inaccurate meter data submitted by Duke to PJM.

Direct said that, for the period January 2013 through July 2013, Duke reported load data to PJM for Direct's loads that included approximately 27,000 MWh per month attributed to Direct's customer SunCoke Energy. However, under dual billing, Duke invoiced SunCoke for utility charges during the same period based on average monthly usage of approximately 4,275 MWh per month.

According to Direct, Duke corrected the meter data submitted to PJM for the months of March through July within the respective sixty-day resettlement windows. The months of January and February remain outstanding.

"Duke acknowledges that the meter data Duke provided to PJM were erroneous and that Duke's own invoices to SunCoke reflected the correct meter data. However, Duke has failed to initiate the PJM resettlement process for this customer in a timely manner for the January 2013 and February 2013 time period," Direct alleged

As a result of the errors, Direct estimates that it overpaid PJM by approximately \$7 million for this period. Direct noted that it is not permitted to withhold payments from PJM. The amount overpaid remaining after corrections for March through July is approximately \$2 million for January and February.

"Duke initially promised to provide PJM with the correct meter data and assist Direct in obtaining a resettlement by PJM for the January 2013 through July 2013 period. However, Duke has failed to diligently pursue the matter," Direct alleged

"Due to Duke's delay in resettlement, the PJM process now requires unanimous agreement of all load serving entities for PJM to resettle. Despite Duke's delay resulting in the inability to resettle within the sixty-day process, Duke's last position was that the burden falls on Direct to obtain the unanimous consent of nearly forty other retail suppliers doing business with Duke before Duke will transmit the correct meter data to PJM and initiate the resettlement process. In other words, Duke believes that Direct must convince its competitors that Direct deserves a refund, even though the metering error is plainly Duke's. Duke sent a request to market participants for consent to resettlement. The request indicated a potential cost to those participants. However when only 4 of the 39 participants responded, Duke took no further action," Direct alleged

Direct asked that PUCO direct Duke to immediately submit corrected meter data to Direct and to PJM with respect to Direct's customer loads for the January 2013 through February 2013 period, "directing Duke to initiate resettlement with PJM for that period, directing all affected CRES providers to consent to resettlement, and further directing Duke to provide Direct and PJM

with timely accurate meter data going forward."

As an alternative to resettlement, Direct proposed that PUCO direct Duke to pay restitution to Direct in the amount of approximately \$2 million, plus additional restitution in the amount of \$383 per day, from March 1, 2013 through the date Direct is made whole for excess PJM charges, either by way of refund from PJM or by restitution from Duke, to compensate Direct for Direct's cost of capital stemming from the PJM overcharges, plus Direct's attorneys' fees and related costs.

Direct also suggested that PUCO fine, "for the inadequate service that Direct experienced, in an amount up to \$10,000 for each day that Duke has provided inadequate and discriminatory service, multiplied by the number of violations that the Commission finds have occurred."

Candace Cox

Utility Operations Analyst

Direct Energy Business

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Commission of Ohio Docketing Information System on

6/12/2017 3:46:52 PM

in

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

Summary: Deposition Duke Energy submitting the deposition of Teresa Ringenbach part 2 of 2 electronically filed by Mrs. Debbie L Gates on behalf of Duke Energy Ohio Inc. and Spiller, Amy B and Watts, Elizabeth H