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May 2, 2018

Ms. Barcy McNeal
Administration Docketing
Public Utilities Commission of Ohio
180 East Broad Street, 11th Floor
Columbus, Ohio 43215-3793

Re: Ohio Administrative Code Rule 4901-1-21(N): Filing of Deposition Transcripts of Teresa Ringenbach

Dear Ms. McNeal:

Pursuant to Ohio Administrative Code Rule 4901-1-21(N), The Cleveland Electric Illuminating Company and Ohio Edison Company attach for filing with the Commission the deposition transcript of Teresa Ringenbach.

Very truly yours,



Mark T. Keaney

BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

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Case No. 14-1277-EL-CSS

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In the Matter of Complaint of Direct Energy
Business, LLC,

Complainant,

vs.

Duke Energy Ohio, Inc.,

Respondent.

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Deposition of: TERESA RINGENBACH

Date and Time: Tuesday, April 21, 2015
3:26 p.m.

Place: Direct Energy
21 East State Street
19th Floor
Columbus, Ohio

Reporter: Julieanna Hennebert, RPR, RMR
Notary Public - State of Ohio

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1 APPEARANCES:

2 On behalf of Complainant:

3 MR. GERIT F. HULL
4 Eckert, Seamans, Cherin & Mellott, LLC
5 1717 Pennsylvania Avenue NW
6 12th Floor
7 Washington, DC 20006
8 202.659.6657

7 MR. JOSEPH M. CLARK
8 Direct Energy
9 21 East State Street
10 19th Floor
11 Columbus, Ohio 43215
12 614.220.4369

11 On behalf of Respondent:

12 MS. AMY B. SPILLER
13 Duke Energy Corporation
14 139 East Fourth Street
15 Cincinnati, Ohio 45201-0960
16 513.419.5908

15 Also Present:

16 Ms. Jennifer Seamon (via phone).

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INDEX

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TERESA RINGENBACH

Examination by Ms. Spiller

PAGE

4

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RINGENBACH EXHIBITS

NUMBER	DESCRIPTION	IDENTIFIED
1	Notice of Deposition	4
2	Discovery Request DEO-INT-01-012	61
3	Discovery Request DEO-INT-01-018	62
4	2.20.2014 Email	62
5	6.10.2013 Email Thread	63
6	May-June Email Thread	64
7	7.23.2014 Email Thread	66

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1 TERESA RINGENBACH,
2 being by me first duly sworn, as hereinafter
3 certified, deposes and says as follows:

4 EXAMINATION

5 BY MS. SPILLER

6 Q. Good afternoon, Ms. Ringenbach.

7 A. Hello.

8 Q. Could you state your name for the record
9 please?

10 A. Teresa Ringenbach.

11 Q. And I know we have been through this
12 deposition process before and not too terribly long
13 ago, so the same process we will follow this
14 afternoon as we have in the past.

15 Just a couple of reminders: If through
16 this process you need to take a break, let me know
17 and I will absolutely accommodate you.

18 We do have a little background noise with
19 the wind but I'm hoping it's not too disruptive in
20 terms of our conversation this afternoon. But if I
21 should ask you something and you don't understand or
22 you can't hear me, just let me know and I'll rephrase
23 it for you.

24 A. Okay.

25 (RINGENBACH EXHIBIT 1 WAS MARKED.)

1 **Q.** And, Ms. Ringenbach, for sake of
2 completeness of this transcript can you identify
3 yourself for the record please?

4 **A.** Yes. My name is Teresa Ringenbach. I'm
5 the Senior Manager of Government and Regulatory
6 Affairs for the Midwest for Direct Energy.

7 You need my address?

8 **Q.** No, that's fine. You're located here in
9 Columbus, Ohio, correct?

10 **A.** Yes.

11 **Q.** And how long have you been the senior
12 manager for governmental and regulatory affairs for
13 the midwest?

14 **A.** Senior manager I think we're going on two
15 years now.

16 **Q.** And in your position as a senior manager
17 for government and regulatory affairs for the midwest
18 what are your responsibilities?

19 **A.** So I'm responsible for the regulatory
20 environment and any governmental advocacy in the
21 states of Illinois, Michigan, Ohio, Indiana,
22 Kentucky, and pretty much anything that's north and
23 west before you hit Colorado, to the extent we have
24 services business there.

25 **Q.** And does that involve the state level and

1 the federal level?

2 A. No, it's only state level.

3 Q. And how long have you been employed by
4 Direct Energy or -- Direct Energy Business or an
5 affiliate company?

6 A. Since 2009.

7 Q. And you have before you, Ms. Ringenbach,
8 what's been identified as Ringenbach Deposition
9 Exhibit No. 1, which is a notice of deposition for
10 your deposition this afternoon. Have you seen that
11 document before today?

12 A. Yes.

13 Q. Do you have any documents with you?

14 A. I have my testimony.

15 Q. Did you bring any other documents in
16 response to the notice of deposition?

17 A. No.

18 Q. Having seen the notice of deposition
19 before today, did you understand that you had been
20 asked by Duke Energy Ohio to bring certain documents
21 to your deposition?

22 A. That was used to prepare my testimony,
23 yes.

24 Q. And were there any documents that were
25 used to prepare your testimony?

1 **A.** No. I think the only other addition was
2 the -- did we have an attachment with it? I don't
3 think I have it on mine.

4 MR. CLARK: I don't think so.

5 **A.** I think it went to Bob I'm thinking of.
6 No, everything that's with it is what was used.

7 **Q.** And you do not have with you any discovery
8 requests that you may have answered or assisted in
9 answering in connection with this complaint
10 proceeding, correct?

11 **A.** No.

12 **Q.** You said "no," but you don't have any
13 documents, right?

14 **A.** I don't have the documents.

15 **Q.** And what did you do to prepare for today's
16 deposition?

17 **A.** I read the testimony of Abbott, Duke
18 discovery responses to Direct Energy, and reviewed my
19 testimony and Bob Kennelly's testimony.

20 **Q.** Did you review any of Direct Energy's
21 responses to the discovery propounded upon it by Duke
22 Energy Ohio?

23 **A.** In preparation for today?

24 **Q.** Yes.

25 **A.** No.

1 **Q.** And prior to being a senior manager of
2 government and regulatory affairs for Direct Energy,
3 what was your most recent prior position?

4 **A.** I handled the government and regulatory
5 affairs for Integrys Energy Corporation at the state
6 level and MISO also fell under me under that company.

7 **Q.** So you joined Direct Energy from Integrys.

8 **A.** Yes.

9 **Q.** And since joining Direct Energy in 2009
10 what other positions have you held with Direct, if
11 any, other than senior manager of government and
12 regulatory affairs?

13 **A.** I came into Direct as a manager and was
14 promoted to senior manager.

15 **Q.** And you've not been involved,
16 Ms. Ringenbach, in IT system operations for Direct
17 Energy, correct?

18 **A.** For Direct Energy as the government and
19 regulatory affairs person I have been involved with
20 operational compliance in the past. So knowing the
21 systems enough and working with operations on how to
22 make sure that we're complying with the state tariffs
23 or state regulations to the extent that they need to
24 be informed and we need to have the collaborative to
25 work through changes or how we're doing that, yes.

1 **Q.** Okay. And so you are aware that Duke
2 Energy Ohio has currently had a certified supplier
3 tariff, correct?

4 **A.** Yes.

5 **Q.** And do you know when that tariff was last
6 revised?

7 **A.** Not off the top of my head.

8 **Q.** Do you recall Duke Energy Ohio's certified
9 supplier tariff being a part of its ESP2 application
10 which was filed under Case No. 11-3549?

11 **A.** I believe there was stuff related to it
12 but I'm not sure exactly what was in there. I think
13 every ESP there's something that may change things in
14 the certified supplier handbook but I can't pinpoint
15 specifically what it would be.

16 **Q.** And Direct Energy was a party to Duke
17 Energy Ohio's ESP2 proceeding, correct?

18 **A.** Yes.

19 **Q.** Do you recall whether Direct Energy signed
20 the stipulation that was entered into in that ESP2
21 proceeding?

22 **A.** I believe we did.

23 **Q.** So if there are changes in a distribution
24 utility company's certified supplier tariff, how does
25 Direct Energy ensure adherence to those changes?

1 **A.** So it depends on what the change is. If
2 it's operational, there's a notice that goes out to
3 Ops: Here's what's changing, here is when it will
4 change, and then we work with them to determine what
5 if anything needs to happen on their end.

6 **Q.** Okay.

7 **A.** If it's something that's more compliance
8 or marketing related, we will deal with that group.
9 If it's things such as changes to like a -- not that
10 Duke had this anytime recently, but let's use AEP,
11 they're having a NITS writer that's going to be
12 implemented which take things out of our pricing.

13 In that situation we work with our
14 Procurement and Pricing group to make sure that those
15 changes happen all the way down to the Billing group
16 to make sure that billing changes go into place.

17 So depending on what the change is and
18 what's happening, it will impact the group that we
19 work with.

20 **Q.** And what sorts of issues would be
21 considered operational issues?

22 **A.** So operational issues would be anything
23 that involves a change in billing, a change in if you
24 went from rate ready to bill ready, that sort of
25 thing. Things that may need to be noticed or put on

1 bills now that didn't have to in the past. Senate
2 Bill 310 had some provisions, so that be would an
3 operational change.

4 I'm just trying to distinguish between the
5 utility level and the RTO level.

6 Metering, different meter bill dates,
7 changes in any EDI protocols that may need to happen
8 that are unique to Duke outside of the normal EDI
9 working group things. Basically anything that
10 touches the system itself I guess would be probably
11 the catchall for Ops.

12 And then procurement and settlement issues
13 typically go through two separate groups. So there's
14 the Pricing and Procurement group and then
15 Settlements and Scheduling are a separate group. I
16 believe those two are still separate. We just made a
17 bunch of changes to how those groups work.

18 Q. And so if there are changes in a certified
19 supplier tariff that implicate your Procurement
20 group, how does Direct Energy ensure adherence to
21 those changes?

22 A. So it comes through my group first or if
23 it's not a true change to the tariff like if it
24 didn't happen through a case, something that Duke is
25 just messaging out, it goes to a general Direct

1 Energy email list that Duke has.

2 So it will go through that group and then
3 typically we are sort of the facilitators so we make
4 sure that the right people have seen it, are they
5 acting on it, and then from there it goes into some
6 sort of -- depending on how big of an issue it is, it
7 will go into a project management situation and we
8 sort of step back and let the Business handle it.

9 Q. And then if there are changes in a
10 certified supplier tariff that affects settlement
11 issues, what's the process at Direct for ensuring
12 that your Scheduling and Settlement groups comply or
13 adhere to those changes?

14 A. So depending on how big of a change it is,
15 we alert them to it, we sort of check the box
16 somebody's working on this, yes. And then from there
17 my group sits back and lets whatever group is
18 responsible for it take care of it and they typically
19 tell us this has been completed.

20 If it's a bigger issue, it will be
21 assigned a project manager and then the project
22 manager will facilitate who needs to be involved and
23 we'll work it through to the end.

24 Q. And so with respect to changes to the
25 certified supplier tariff of Duke Energy Ohio that

1 the Commission approved in November of 2011 relative
2 to the ESP2 proceeding, you would have been
3 responsible for communicating those changes?

4 A. Yes.

5 Q. And do you recall communicating those
6 changes?

7 A. I don't recall those specific ones but
8 generally when there's a change like that, it goes to
9 my Ohio electric distribution list and I would have
10 sent it out in that manner.

11 Q. And when's the last time, Ms. Ringenbach,
12 that you read Duke Energy Ohio's certified supplier
13 tariff?

14 A. Cover to cover?

15 Q. Uh-huh.

16 A. I don't know. I usually read the bits and
17 pieces that I need to read at that time.

18 Q. And you reviewed it for purposes of your
19 drafting your testimony in this case, correct?

20 A. I reviewed the settlement and metering
21 portions of it.

22 Q. Why did you review just those portions?

23 A. Because those seem to be the portions that
24 applied to what was happening with the SunCoke
25 complaint.

1 **Q.** Did anyone direct your attention to just
2 those two provisions?

3 **A.** No.

4 **Q.** And what does it mean under the certified
5 supplier tariff to be a meter data management agent?

6 **A.** It basically means that you take the data
7 that came from the utility and you are passing that
8 on to PJM. It's almost like a middleman in a way.

9 **Q.** And you're passing that information on to
10 PJM on behalf of whom?

11 **A.** On behalf of the supplier. Well, I guess
12 the load serving entity or transmission scheduling
13 agent.

14 **Q.** Is there a difference between the load
15 serving entity and the transmission scheduling agent?

16 **A.** There can be. I think not for Direct
17 there isn't but I think for some suppliers there is,
18 there is a difference.

19 **Q.** And you certainly know that Duke Energy
20 Ohio moved to PJM effective January 1 of 2012, right?

21 **A.** Yes.

22 **Q.** It's been an issue on some various
23 regulatory proceedings in which we've both been
24 involved, right?

25 **A.** Yes.

1 **Q.** And at the at the time that Duke Energy
2 Ohio transitioned to PJM, Direct Energy was serving
3 retail customers in the Duke Energy Ohio service
4 territory, correct?

5 **A.** Yes.

6 **Q.** Do you know what processes needed to be
7 completed in respect of Duke Energy Ohio
8 transitioning to PJM and Direct Energy customers sort
9 of going along with that transition?

10 **A.** At a very high level.

11 **Q.** Okay.

12 **A.** I can't say that I was involved with
13 everything. I mean, obviously the first step would
14 have been making sure that we were registered for
15 that zone of PJM and then I know there's paperwork
16 that went with it but I couldn't tell you
17 specifically what all was involved.

18 **Q.** And so you would not personally have been
19 responsible for reviewing any contracts or
20 confirmations that needed to be executed as between
21 Direct Energy and Duke Energy Ohio, correct?

22 **A.** Yes, that's correct.

23 **Q.** Do you know what a "buyer unilateral
24 confirmation" is within the PJM world?

25 **A.** I believe, this is just very high level,

1 that it basically means that we're just agreeing to
2 whatever our data was put out there. And that it's
3 basically up to us to doublecheck it but in general
4 we're accepting whatever was put out there.

5 Q. What is the basis of your belief in that
6 regard?

7 A. Just our PJM guy before he recently left
8 had explained it to me that way.

9 Q. When did he do that?

10 A. Month ago.

11 Q. Was there a particular reason that you had
12 the conversation with him about the buyer unilateral
13 confirmation?

14 A. No. Just in general sometimes I would
15 call him up because he was the PJM expert and he
16 would just explain random PJM things to me.

17 Q. And so if there is a buyer unilateral
18 confirmation, it's your understanding that Direct
19 Energy is relying upon that information and also has
20 I guess the obligation to review it as well.

21 A. Yes.

22 Q. Do you know if Direct Energy and Duke
23 Energy Ohio entered into a buyer unilateral
24 confirmation?

25 A. I do not.

1 **Q.** And you are not responsible in your
2 position for reviewing PJM invoices, are you?

3 **A.** No.

4 **Q.** Are you involved, Ms. Ringenbach, on
5 behalf of Direct Energy in reviewing information that
6 may be submitted to PJM with respect to Direct
7 Energy's load ratio share in the Duke Energy Ohio
8 zone?

9 **A.** No.

10 **Q.** What groups are involved in that process
11 within Direct Energy?

12 **A.** We call them different things now.

13 **Q.** Okay.

14 **A.** It used to be Direct Energy Upstream group
15 and now I forget what they're called separately now.
16 But basically there is a Procurement and Settlements
17 group that deals with that and they all have random
18 funky names now that I can't remember. I just know
19 the people.

20 **Q.** And when you say an "upstream group," what
21 do you mean by that?

22 **A.** So everything that was above the retail
23 level where you're actually sort of at that point
24 delivering to the customer used to be part of a group
25 that we called Direct Energy Upstream. That group

1 has now been split apart and moved into different
2 areas.

3 So some of it went to our parent company
4 that dealt -- where like if it -- we owned oil sands
5 and did E and P on the gas side. All of that's been
6 moved over to our parent company, Centrica,
7 scheduling behind the RTOs, procurement, entering
8 into the PPEs, all that has now been moved into
9 another group.

10 So, and then there's like the Pricing
11 group that works with them. So it's a weird mix of
12 things since we bought Hess and they all have
13 different names now but I'm going to call them
14 Settlements and Pricing.

15 Q. Do you know what information is available
16 to the Settlements and Pricing group that concerns
17 the load data provided on the PJM tools?

18 A. I believe they have reporting that they
19 can get out of PJM that comes to them.

20 Q. Do you know how detailed that reporting
21 is?

22 A. I do not. I can't say that I've seen it.

23 Q. Have you ever had reason to access PJM's
24 eSchedule tool or any of its predecessor tools?

25 A. Yes, but not with Direct Energy.

1 **Q.** So you're familiar with that tool.

2 **A.** If you go back to 2005, yes.

3 **Q.** And it may have been called InSchedule at
4 that time?

5 **A.** Yes. It was part of Integrys at the time
6 entering PJM states so as part of my role at Integrys
7 I had to help register them with PJM. So that was
8 the extent of my experience with that tool.

9 **Q.** So you knew it existed.

10 **A.** Yes.

11 **Q.** Do you know what information's accessible
12 to a retail supplier through that tool?

13 **A.** At that point, honestly, everything I
14 dealt with had more to do with how to set yourselves
15 up as a load serving entity and not really the
16 details behind once you're up and running what you
17 get out of it.

18 **Q.** And in your position you're not the
19 interface for Direct Energy with Duke Energy Ohio's
20 certified supplier business center, are you?

21 **A.** In some respects I am, but in general on
22 the day-to-day operations EDI, no, that's not me.

23 **Q.** And that would be the Utility Controls
24 group.

25 **A.** Yes.

1 **Q.** And you're not an attorney, correct?

2 **A.** Not an attorney.

3 **Q.** And in your testimony, Ms. Ringenbach, you
4 indicate that the purpose of your testimony, and this
5 is on the top of page 5, you indicate that the
6 purpose of your testimony is to explain the solutions
7 available to the Commission.

8 What causes you to believe that the Ohio
9 Commission needs assistance in understanding the
10 scope of the remedies that it may authorize in this
11 case?

12 **A.** I think this case is somewhat unique in
13 that while the issue led to a settlements problem
14 where we were overcharged by PJM, the actual issue
15 itself had more to do with things that happened
16 before the information hit RMC MDMA, which just
17 happens to be Duke.

18 So I think there was as we move through
19 this we originally tried to deal with it as a
20 settlement issue even though it really wasn't. And I
21 wanted to make sure that the Commission understood
22 that should they choose to treat it as a settlement
23 issue, that's one option. But given that it truly
24 isn't ultimately caused by some issue at PJM and it's
25 really a state level issue, what the other options

1 are for the Commission.

2 Q. This issue arose out of invoices that came
3 to Direct Energy by PJM, correct?

4 A. No, this issue arose because there were
5 meters that Duke knew needed to be netted out and was
6 doing when they were using their own MDMA for full
7 service set customer but when the customer switched
8 over, for whatever reason the information was not
9 provided to our MDMA and at that point the MDMA
10 provided incorrect information for settlement
11 purposes to PJM and then we got incorrect invoices.

12 But that's not the root cause. The root
13 cause was there was something that happened somewhere
14 at Duke before the information came to our MDMA that
15 did not allow our MDMA to properly net the meters, to
16 know to properly net the meters and provide accurate
17 information to PJM.

18 Q. Who's Direct Energy's MDMA?

19 A. Duke.

20 Q. And the "MDMA" is meter data management
21 agent.

22 A. Yes.

23 Q. But you're saying this doesn't concern a
24 meter data management agent issue.

25 A. Yes.

1 **Q.** Is that correct?

2 **A.** Yes.

3 **Q.** So is there a metering error?

4 **A.** We believe that it's not necessarily the
5 meters themselves were wrong but that because both
6 meters need to be netted and that information needed
7 to be provided to the MDMA, who just happened to be
8 Duke, because that's the way the tariff is written,
9 that that error happened outside of our MDMA. And
10 that the information should have been provided to our
11 MDMA that the meters were to be netted.

12 MS. SPILLER: Can you read that answer
13 back?

14 (Record read.)

15 **Q.** So you think it's just coincidental that
16 Duke is the meter data management agent?

17 **A.** I don't think I used the word
18 "coincidental" but I think there are other areas
19 where you could use a different MDMA, just Duke
20 requires that they be the MDMA when you enroll to be
21 a supplier behind that utility.

22 **Q.** And Direct Energy knew that because that's
23 what the certified supplier tariff provided, correct?

24 **A.** Yes.

25 **Q.** So Direct Energy also knew that there was

1 exculpatory language with respect to Duke Energy
2 Ohio's data management responsibilities, correct?

3 A. Yes.

4 Q. And Direct Energy also knew that estimated
5 information could be used for purposes of meter data
6 management agent responsibilities, correct?

7 A. Yes.

8 Q. And Direct Energy also knew that it was
9 responsible for understanding the processes related
10 to meter data management agents.

11 A. Yes.

12 Q. And Direct Energy knew all of those things
13 when it enrolled SunCoke as a customer for generation
14 supply beginning in January of 2013, correct?

15 A. Yes.

16 Q. But you're saying this case isn't about
17 meter data management agent responsibilities and the
18 information that went to PJM, correct?

19 A. Yes.

20 Q. Is that correct?

21 A. Yes.

22 Q. You think there's something else that
23 happens at the state level.

24 A. I think that Duke managed to handle
25 settlements properly when SunCoke was their full Duke

1 customer and Duke uses themselves as the MDMA.

2 But when Direct Energy took on that
3 customer, somewhere between the group that was
4 pulling in the meter information and giving it to our
5 MDMA there was a gap there where somebody forgot to
6 tell them or they didn't realize or something
7 happened where suddenly they didn't know to net the
8 meter's information for purposes of our settlement.
9 And that's where the error occurred.

10 Q. And what ability, Ms. Ringenbach, did
11 Direct Energy have to review the settlement data that
12 came from PJM?

13 A. So they regularly reviewed it and they
14 discovered the error in March, which means that we
15 had two months of data to see oh, there's something
16 off here. And then reached out to Duke.

17 Q. So this is a new date for me, March.
18 March of 2013 is when you say Direct Energy
19 discovered something.

20 A. Yeah. I believe that's when our group
21 first sent an email to Duke.

22 Q. And "our group" is?

23 A. The group that was reviewing, I don't know
24 if it was the Settlement group or Andy's group, I'd
25 have to good look at the email.

1 Q. And has that email to your knowledge been
2 introduced in discovery?

3 A. I believe it was.

4 Q. And you believe that is an email in which
5 Direct Energy identified -- or, what do you believe
6 was identified in that March 2013 email?

7 A. I'd have to review the email but I think
8 that's the email where we first said there's
9 something off here and what's going on. And that's
10 what started the whole process of trying to figure
11 out what's happening all the way through to our
12 in-person meeting that happened in June.

13 Q. So if Direct Energy identified
14 something -- and you don't know what the something
15 is.

16 A. I'd have to review the email.

17 Q. Okay. And again, you don't have any
18 emails with you today.

19 A. No.

20 Q. If there's something -- they said that
21 something was off in March of 2013, why is Mr.
22 Kennelly not involved until May 6 of 2013?

23 A. I'm not sure when Bob started with the
24 company. So I'd have go back and look at who was
25 dealing with it before it reached Bob.

1 **Q.** Let's assume that Mr. Kennelly started in
2 January of 2013. Why would he not be involved until
3 May 6th of 2013?

4 **A.** I don't know.

5 **Q.** And if Mr. Vance has testified that he
6 communicated with Duke Energy because of missing
7 meter read data, does that at all refresh your
8 recollection as to the conversations that occurred in
9 the March 2013 timeframe?

10 **A.** I'd have to go back and look.

11 **Q.** Okay. When did you first become involved
12 in this situation?

13 **A.** Subject to me checking the emails, I think
14 they brought it to me in May.

15 **Q.** Who brought it to you?

16 **A.** Andy. Sorry, Andy Vance.

17 **Q.** And why did Andy bring it to your
18 attention?

19 **A.** Because in general when they need to
20 escalate things beyond just the normal relationships
21 with the utilities, they bring it to my group.

22 **Q.** Why did this particular issue need to be
23 escalated to your attention?

24 **A.** My understanding is they didn't feel like
25 they were getting a response from Duke.

1 **Q.** And so, Ms. Ringenbach, is it fair to say
2 that as we sit here today, absent having emails in
3 front of you, you don't have any other -- you won't
4 have a good recollection of the specifics of
5 communications when they occurred and what they
6 concerned?

7 **A.** To get down into like the dates, the
8 details, no. I can generally speak to them.

9 **MR. HULL:** Can we go off the record for a
10 minute?

11 (Discussion off the record.)

12 **MS. SPILLER:** Let's go on the record.

13 **MR. HULL:** I guess before we get started
14 I'd just like the record to reflect that we offered
15 to gather the requested information and Duke's
16 counsel declined.

17 **MS. SPILLER:** Well, let me just confirm
18 that off the record you offered to print everything
19 out, which is much more of a global offer than what
20 was specifically identified in Ms. Ringenbach's
21 notice of deposition.

22 **MR. HULL:** I think we were a little bit
23 more flexible than that and would have made other
24 arrangements. We could pop this CD ROM into this
25 disk drive and find anything you wanted.

1 MS. SPILLER: But what I'm asking for in
2 the notice of deposition is information that
3 Ms. Ringenbach reviewed for purposes of answering
4 discovery or assisting in answering discovery.

5 MR. HULL: And any of those emails would
6 be contained on this and the corresponding
7 confidential CD ROM that is sitting here in this disk
8 drive. So we're happy to put this laptop with this
9 digital data in front of her and have her refer to
10 any one of these emails that you are interested in.

11 MS. SPILLER: And I'm happy to sit here
12 and do that if she wants and go through every single
13 email as well because I don't know what she reviewed.

14 MR. HULL: Do you know exactly what you
15 wrote --

16 A. I can tell you right now for purposes of
17 discovery, I didn't review the email at all. I went
18 through and pulled anything that had anything to do
19 with SunCoke, I didn't even read them all, and I
20 saved them all and sent them to Joe. For purposes of
21 my testimony I didn't review a single one of those.

22 Your questions are based on my
23 recollection of what happened, so in terms of what
24 you asked for, I didn't look at the emails. I left
25 that to Bob's testimony completely.

1 And when asked do you have any emails
2 however many months ago, I just did a key word
3 search and then from there went to like the similar
4 subject and pulled them all out and handed them over
5 to Joe.

6 **Q.** (By Ms. Spiller) So let's just go about it
7 this way: Is it your testimony, Ms. Ringenbach, that
8 you did not review any documents whatsoever for
9 purposes of preparing your direct testimony in this
10 case?

11 **A.** I can say I reviewed the MDMA agreement
12 and the Abbott testimony.

13 **Q.** And you do not have either of those with
14 you today.

15 **A.** No. I can go grab them off my desk
16 though.

17 **Q.** And the MDMA agreement is what?

18 **A.** The, I guess it's the meter data
19 management agent tariff, not the agreement.

20 **Q.** Those are the only two documents that you
21 reviewed.

22 **A.** Yes.

23 **Q.** And other than your direct testimony, did
24 you create any documents for purposes of preparing
25 your direct testimony in this case?

1 **A.** No.

2 **Q.** And you do not have before you any
3 documents that are actually referenced in your direct
4 testimony, do you?

5 **A.** No.

6 **Q.** And you authored discovery responses or
7 you're identified as the responsible person for
8 certain of Direct Energy's discovery responses in
9 this case, correct?

10 **A.** Yes.

11 **Q.** Do you have with you any of the discovery
12 responses that you are identified as the responsible
13 person for?

14 **A.** No. I think my name was added simply
15 because I was asked to give anything I had dealing
16 with SunCoke and I just handed it over.

17 **Q.** Did you review any documents for purposes
18 of preparing discovery responses in this case?

19 **A.** I don't believe that I did. I pretty much
20 just gave it all to Joe.

21 **Q.** Did you review any documents for purposes
22 of assisting in the preparation of discovery
23 responses for which other individuals are identified
24 as the responsible person?

25 **A.** I think, I mean, at some point I would

1 have read something but I don't think it was as part
2 of developing anybody else's testimony.

3 Q. What about discovery responses?

4 A. From Duke?

5 Q. Or Direct Energy -- from Direct Energy.

6 A. From Direct Energy? No. To the extent
7 Joe said do you have something, I would just hand it
8 over.

9 Q. And you are not here offering any opinion
10 as to what's within the jurisdiction of the PUCO
11 versus what's within the jurisdiction of the FERC,
12 correct?

13 A. No. My testimony is solely about where we
14 believe that the error occurred versus is it a PJM
15 error.

16 Q. And you would certainly agree with me that
17 the determination of jurisdiction belongs to the
18 PUCO.

19 A. Yes.

20 Q. Do you know whether the PUCO can award
21 attorneys' fees?

22 A. I do not.

23 Q. Do you know whether the PUCO can award
24 monetary damages to a competitive retail electric
25 service provider?

1 **A.** We believe that they can.

2 **Q.** Do you know whether they can?

3 **A.** It is my understanding that they can.

4 **Q.** And what is your understanding based upon?

5 **A.** My attorneys telling me.

6 **Q.** You have no other independent basis for
7 that?

8 **A.** No.

9 **Q.** Are you aware of any circumstances here in
10 Ohio where the PUCO has awarded attorneys -- I'm
11 sorry, has awarded monetary damages to a competitive
12 retail electric service provider?

13 **A.** I am not aware.

14 **Q.** Are you aware of any circumstances where
15 the PUCO has awarded attorneys' fees?

16 **A.** No.

17 **Q.** And so you were engaged in this matter
18 because Andy Vance had escalated issues to you,
19 correct?

20 **A.** Yes.

21 **Q.** And what did you do in response to that?

22 **A.** So at that time we were already talking to
23 Duke on another issue, so I incorporated this into
24 that discussion, reached out to Duke, basically laid
25 out both items, and then my recollection is at that

1 time we were already trying to plan a meeting to get
2 together and talk through everything, so we rolled
3 all the issues to one meeting.

4 Q. And that other issue had to do with
5 declarations of authority, correct?

6 A. I don't know if it was declarations of
7 authority or I think it had something to do with
8 there was a credit that Duke believed should belong
9 to Duke and Direct felt should belong to Direct and
10 it was a specific PJM line item and just had to sort
11 out who it belonged to, and I think we resolved that
12 but that was the issue.

13 Q. Do you recall whether Direct Energy
14 resisted changing the billing line item transfers
15 reflected in the declaration of authority?

16 A. Yes, Direct did.

17 Q. And that particular billing line item
18 transfer process affects not just Direct Energy but
19 all other suppliers in Duke Energy Ohio territory,
20 correct?

21 A. To the extent that all other suppliers had
22 to have a similar declaration because I think it was
23 left off of something somewhere, yes.

24 Q. Do you believe that suppliers in Duke
25 Energy Ohio's territory had different billing line

1 item transfers or is there a uniform process for all
2 of them?

3 A. So regarding that nonbypassable rider,
4 it's the same line items for everyone.

5 Q. And so while some suppliers committed to
6 making the change to the billing line item transfer,
7 Direct Energy was not initially inclined to do so,
8 correct?

9 A. So Direct Energy was not initially
10 inclined to include a new line item that they felt at
11 that time did not belong, but I think after talking
12 through it with Duke, it was decided that given there
13 was some other line item that was already included,
14 it was appropriate to include it.

15 Q. And you were not responsible on behalf of
16 Direct Energy in evaluating and understanding the
17 particular issues between Direct and Duke Energy,
18 correct? You weren't doing the analysis, correct?

19 A. No. My job is to take the information
20 back to the Business. They do the analysis and then
21 they give me my marching orders on what position to
22 take.

23 Q. But here the Business had already been
24 working the issues, correct?

25 A. I'm sorry, are you talking about the line

1 item issue or --

2 Q. I'm sorry. With respect to the issues
3 between Direct and Duke Energy concerning SunCoke,
4 it's not -- it wasn't your position or your
5 responsibilities to investigate those issues,
6 correct?

7 A. Correct.

8 Q. Other folks did that for Direct Energy,
9 correct?

10 A. They investigate the issue and then
11 this -- if they need to escalate it to the higher
12 level, they bring it our group.

13 Q. And they brought you in to do what, to
14 help facilitate a conversation with Duke Energy Ohio?

15 A. Yes.

16 Q. And so your understanding of the issues as
17 between Direct Energy and Duke Energy Ohio that
18 concerns SunCoke, your understanding is preliminarily
19 based upon what Direct Energy folks tell you,
20 correct?

21 A. Yes.

22 Q. And prior to having the meeting with Duke
23 Energy Ohio in early June of 2013, what was your
24 understanding of the issue that concerned SunCoke?

25 A. So my understanding of the issue at that

1 time was that the billing information that we were
2 getting and what we were using to bill SunCoke was
3 incorrect and that that information was also leading
4 to incorrect settlement information with PJM.

5 Q. So immediately before the June 2013
6 meeting you believed that SunCoke had been billed
7 incorrectly since January of 2013?

8 A. So, no. The information we were getting
9 to bill them was incorrect, the information Duke was
10 giving us to bill off of was incorrect, and that the
11 settlement information was incorrect.

12 At that point I believe we had actually
13 stopped billing SunCoke until we could get correct
14 information to correctly bill that customer.

15 Q. But so do you believe SunCoke was billed
16 incorrectly in January of 2013?

17 A. Yes, it's my understanding they were.

18 Q. Do you believe that SunCoke was billed
19 incorrectly by Direct Energy in February of 2013?

20 A. I believe February was also billed
21 incorrectly.

22 Q. Do you believe SunCoke was billed
23 incorrectly by Direct Energy in March of 2013?

24 A. I believe March is when we actually
25 stopped billing them until we could get correct data.

1 **Q.** And PJM is the entity that bills Direct
2 Energy for charges related to Direct Energy flowed
3 ratio share, correct?

4 **A.** Yes.

5 **Q.** And then Direct Energy remits those
6 dollars to PJM, correct?

7 **A.** Yes.

8 **Q.** And you would agree with me that PJM is
9 responsible for PJM settlements? I mean, they
10 administer the peak settlement process, correct?

11 **A.** PJM does, yes.

12 **Q.** What is your understanding of the PJM
13 settlement process, Ms. Ringenbach?

14 **A.** So my understanding is you can do weekly
15 estimates and then at the end of the month there's
16 sort of a version of a resettlement which is
17 basically just trueing things up to the actual. And
18 then after that if there's anything else that needs
19 to change, you can do it within 60 days.

20 And that you have to get any, I'm just
21 going say impacted party, so basically the other LSEs
22 during that time period all have to agree to
23 something outside of the 60 days. I think that can
24 go up to two years.

25 **Q.** And what is your understanding based on?

1 **A.** It is based on the information that was
2 provided by PJM through some conversations that we've
3 had with them. And then also through just before he
4 left, our PJM guy actually does like a PJM 101 with
5 everyone and he sends out regular reports of what's
6 happening there. So it's based on that.

7 **Q.** Who was your PJM guy?

8 **A.** It was David Scarpignato. Everybody calls
9 him Scarp. I probably just butchered his name.

10 **Q.** So he was a gentleman that joined and was
11 leaving in June, correct?

12 **A.** Yes.

13 **Q.** Do you know of Settlement C to be the
14 process pursuant to which all affected LSEs need to
15 consent?

16 **A.** That's my understanding.

17 **Q.** Do you know if the PJM Settlement C
18 process is discussed in PJM's tariff?

19 **A.** I believe it's a more informal process. I
20 don't think it's formally in the tariff. But I'd
21 have to look.

22 **Q.** Do you think it's informally in the
23 tariff?

24 **A.** I haven't read the PJM OATT so I'd have to
25 really go back and check. I generally know that the

1 Settlement C process has been used in other ways
2 after our conversations with PJM, but have I read it
3 in their tariff? No.

4 Q. Have you read it in their operating
5 agreement?

6 A. I have not read their operating agreement.

7 Q. Have you read it in the reliability
8 assurance agreement?

9 A. Possibly, like, years and years ago.

10 Q. Have you read it in any PJM manuals?

11 A. No.

12 Q. Ms. Ringenbach, will you turn to page 6 of
13 your testimony, please? The question and answer,
14 it's your question 9 that begins on line 11. Is this
15 your interpretation of Duke Energy Ohio's certified
16 supplier tariff, and specifically the provision
17 concerning meter data management agent
18 responsibility?

19 A. Yes.

20 Q. Did anyone assist you in forming this
21 opinion or interpretation?

22 A. No. This is mine.

23 Q. Do you believe that the PUCO needs
24 assistance in interpreting the tariffs that it has
25 approved?

1 **A.** I believe that the PUCO may not fully
2 understand how the tariffs that they approved
3 function in real day-to-day activity.

4 **Q.** So tell me about the conversation that you
5 had with the PUCO Commissioners concerning this
6 dispute between Duke Energy Ohio and Direct.

7 **A.** So it's basically centered on where we
8 think the line is between what really occurred and
9 whether or not this is a FERC issue. So going down
10 to the level of we believe that this has more to do
11 with just how metered information is sent over to our
12 meter data management agent and then sent to PJM and
13 not that this is some sort of PJM settlement issue.

14 **Q.** Which Commissioners have you shared that
15 belief with?

16 **A.** So I've definitely talked to Commissioner
17 Lesser, who is no longer there. I definitely talked
18 to Commissioner Hague, Trombold. I think I've talked
19 to Johnson when he came on. Most of these meetings
20 were combined with just other general Direct Energy
21 things.

22 I don't think I talked to Slaby.

23 **Q.** And was anyone with you from Direct Energy
24 during these conversations?

25 **A.** Probably not. I don't think so.

1 **Q.** And who else was in the meeting with
2 Commissioner Lesser?

3 **A.** I think that was just me.

4 **Q.** And what was Commissioner Lesser's
5 response?

6 **A.** I don't remember at the time. We talked
7 about so many other things.

8 **Q.** And you don't have any notes of that
9 conversation?

10 **A.** No.

11 **Q.** And who was in the meeting with
12 Commissioner Haque?

13 **A.** I think that one just might have been me
14 too.

15 **Q.** No one from his staff?

16 **A.** Oh, their aides probably for both of them
17 were probably in the room.

18 **Q.** Do you know whether they were or you're
19 just assuming that they were?

20 **A.** I'm just assuming.

21 **Q.** What was Commissioner Haque's response?

22 **A.** I don't know. It was a long time ago.

23 **Q.** When was the conversation?

24 **A.** Probably more than a year ago. It was
25 definitely well before anything was filed in this.

1 Q. And what about Commissioner Trombold?

2 A. Probably her aide was there.

3 Q. Anyone else from Direct Energy?

4 A. Probably not. Like I said, this wasn't --
5 I mean, the meetings generally were general Direct
6 Energy issues and not just specifically to this.

7 Q. And what about Commissioner Johnson?

8 A. Commissioner Johnson, then-Chairman
9 Johnson at that time I can tell you it would have
10 probably been Tom Pappas was our lobbyist. I think
11 Nick DeAngelo would may have been there too, he's our
12 other lobbyist. Katie Stenman was likely there at
13 the time. And I think Mike Fraizer might have still
14 been at the Commission at that time. Because again,
15 that was -- this was part of a broader meet-and-greet
16 conversation and not just specific to this issue.

17 Q. And what was the response from
18 then-Chairman Johnson?

19 A. I don't think he responded to this.

20 Q. And what about Katie Stenman?

21 A. I think Katie at the time understood the
22 issue but it was more in line with just a heads up,
23 we might be filing a complaint and not any sort of
24 opinion or anything.

25 Q. How many conversations have you had with

1 Katie Stenman about this complaint?

2 A. About this complaint? I don't know, maybe
3 two.

4 Q. Was the second conversation just between
5 you and Katie?

6 A. I think the first conversation was
7 probably just between me and Katie and the second one
8 was probably the one where Johnson was there too.

9 Q. Do you have any notes from those
10 conversations?

11 A. No.

12 Q. Have you had any conversations with Katie
13 after the complaint was filed?

14 A. Probably only associated with trying to
15 get everybody together for the settlement and giving
16 her a heads up that we were going to have a
17 settlement discussion.

18 Q. She would have seen that from the docket
19 though, right?

20 A. Possibly.

21 Q. Have you had any conversations with Angela
22 Hawkins?

23 A. Not about this.

24 Q. What about Mike Fraizer, how many
25 conversations have you had with him?

1 **A.** Regarding this case?

2 **Q.** Uh-huh.

3 **A.** Probably with Mike maybe two also.

4 **Q.** Okay.

5 **A.** I think the second one probably would have
6 been the one where he was in with Chairman Johnson.

7 **Q.** And what was Mike's reaction?

8 **A.** Just to nod his head and thanks for
9 letting us know.

10 **Q.** Are you aware, Ms. Ringenbach, of any
11 system limitations that would have prevented Direct
12 Energy from comparing the load data posted by PJM in
13 the InSchedule tool to the historical usage data on
14 SunCoke that was in Direct Energy's possession?

15 **A.** No.

16 **Q.** And you have been involved in
17 conversations with representatives from PJM, correct?

18 **A.** Yes.

19 **Q.** Their legal counsel, correct?

20 **A.** I believe that was who was on the phone.

21 **Q.** Can you tell me about those conversations?

22 **A.** It was a general -- it was a
23 question-and-answer session on if the Commission
24 could -- did order all the impacted LSEs to comply,
25 how could PJM use that information to basically force

1 the resettlement.

2 And the initial conversation was: Never
3 quite done that. And I believe there was another
4 case that was going on at that time, I can't remember
5 the state, but basically never really done it, it's
6 unclear.

7 And then I think the next conversation
8 that came through on that was we'd probably have to
9 take that -- Direct would have to take that order to
10 FERC to enforce the resettlement with PJM.

11 So where we finally ended up with PJM was
12 having the Commission order mandating everyone to
13 resettlement would be something that would be great
14 because it would give PJM something to point to but
15 we'd still have to have FERC issue another order to
16 have PJM actually do it.

17 Q. And did PJM say they would not oppose
18 Direct Energy in filing at the FERC?

19 A. I don't remember.

20 Q. Did PJM say that FERC needs the initial
21 order from the Ohio Commission before FERC could rule
22 on a complaint filed by Direct Energy?

23 A. I believe PJM said it would be helpful but
24 I don't recall them actually saying it would be
25 mandatory.

1 **Q.** Has Direct Energy considered filing a
2 complaint at the FERC?

3 **A.** We have.

4 **Q.** Why haven't they?

5 **A.** Because we didn't believe it was a FERC
6 issue.

7 **Q.** Who's got the money that was paid by
8 Direct Energy?

9 **A.** That's the question we don't have an
10 answer to.

11 **Q.** So you don't know.

12 **A.** No.

13 **Q.** So if Direct Energy doesn't believe this
14 to be a FERC issue, why call in Margie Phillips, the
15 head of your federal regulatory and governmental
16 affairs?

17 **A.** Because we were still looking for a simple
18 solution to resolve this that we could bring to Duke.

19 **Q.** Why have the conversations with PJM?

20 **A.** To see if there was another option.

21 **Q.** And based upon the conversations with PJM
22 do you believe that there are other options available
23 to Direct Energy?

24 **A.** I believe that there are other options
25 that are not simple if we still wanted to try the

1 settlement path. But we still don't believe that the
2 error is a resettlement issue, we just believe that's
3 one solution.

4 Q. So what are your concerns about attempting
5 resettlement again?

6 A. The ultimate concern with resettlement is
7 that there won't be a response from all the FTs.

8 Q. But you do understand, Ms. Ringenbach,
9 that for the resettlement to occur, other affected
10 load serving entities need to consent?

11 A. Yes.

12 Q. And that's the first -- let me back up.
13 In your first conversations with PJM did
14 they confirm for you that load -- affected load
15 serving entities needed to consent?

16 A. Yes.

17 Q. And what is your understanding of an
18 affected load serving entity?

19 A. So it's the load serving entity itself or
20 their transition scheduling agent can be an LSE for a
21 CRES provider. But my understanding is also the CRES
22 provider still controls their transmission scheduling
23 agent and LSE.

24 So at the end of the day what we're saying
25 here is no matter where that level occurs, ultimately

1 it is a CRES provider who can direct them to respond
2 to the resettlement request. And that's what we're
3 asking the Commission to do.

4 Q. But what's an affected load serving
5 entity?

6 A. I believe it's anyone who has sold power
7 into the Duke zone at that time.

8 Q. And so other suppliers would have been
9 affected how? Or in what way?

10 A. In this situation it's unclear because it
11 appears that there was actually some sort of the
12 amount that we were told to pay in our settlement was
13 not the power that was actually delivered had it been
14 netted properly.

15 So it's not as though somehow there was
16 all this extra power and it went to somebody else.
17 And I think that's the ultimate question is whether
18 or not those other entities really were affected.
19 But because they sold power, it appears that we need
20 their consent.

21 Q. So why would PJM say that you needed
22 consent from affected load serving entities?

23 A. I don't know. That was -- and we've
24 actually tried to get to that and we were told -- I
25 should say Scarp told me that he tried to get to that

1 and PJM basically said that information is
2 confidential; whether their impact was zero or
3 millions of dollars, we don't know.

4 Q. But if Duke Energy Ohio had obtained
5 affirmative consent from the over 40 or 50 suppliers
6 that were active in its territory in January and
7 February -- January and February of 2013, if it had
8 obtained that affirmative consent from every
9 supplier, what would have been the next step in the
10 process?

11 A. If I'm understanding, the next step would
12 be PJM would work for whatever resettlement process
13 needs to happen and those suppliers would get some
14 form of revised invoice.

15 Q. So PJM would have revised invoices that it
16 sent to this group of affected suppliers, correct?

17 A. Yes.

18 Q. And so in mid-2013 was it your
19 understanding, Ms. Ringenbach, that all affected
20 suppliers needed to consent to Resettlement C?

21 A. Yes.

22 Q. And you understand that Duke Energy Ohio
23 issued a request seeking that consent in September of
24 2013 on Direct Energy's behalf, correct?

25 A. Yes.

1 Q. And do you know how many suppliers
2 responded?

3 A. I'd have to look. I think it was four.
4 But I'd have to check it.

5 Q. Is there anything in Duke Energy Ohio's
6 current certified supplier tariff that would allow it
7 or enable it to compel certified suppliers'
8 participation in Resettlement C?

9 A. No.

10 Q. Is there anything in the PJM manual that
11 would enable Duke Energy Ohio on behalf of Direct
12 Energy to compel suppliers to affirmatively
13 participate in the Resettlement C process?

14 A. That's a long question.

15 Q. Sure.

16 A. Is there anything in there in the PJM
17 tariff that would allow Duke to mandate response?
18 No.

19 Q. Is there anything in any PJM agreement,
20 tariff, or manual that would authorize Duke Energy
21 Ohio to mandate load serving entities' participation
22 in Settlement C?

23 A. My understanding there's not.

24 Q. And so the one option that you understood
25 in 2013 was all affected suppliers affirmatively

1 consenting to participating in Resettlement C,
2 correct?

3 A. Yes.

4 Q. And that understanding was affirmed by
5 PJM, correct?

6 A. Yes.

7 Q. And then Direct Energy has had subsequent
8 conversations with PJM concerning the resettlement
9 process, correct?

10 A. Yes.

11 Q. And it's your understanding -- strike
12 that.

13 You were involved in those conversations,
14 correct?

15 A. Yes.

16 Q. And it's your understanding that Direct
17 Energy has the option of going to FERC and would it
18 be a complaint that's filed?

19 A. I believe it's a complaint.

20 Q. And the FERC could actually authorize or
21 instruct the affected load serving entity to
22 participate in the resettlement.

23 A. Yes.

24 Q. And that effort or that complaint would be
25 assisted if the --

1 **A.** On that I believe that FERC would require
2 PJM to resettlement 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 resettlement.

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 _____, _____.


--|--


CERTIFICATE

State of Ohio)
County of Franklin) SS:

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)

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CERTIFICATE OF SERVICE

I certify that the foregoing was filed electronically through the Docketing Information System of the Public Utilities Commission of Ohio on this 2nd day of May, 2018. The PUCO's e-filing system will electronically serve notice of the filing of this document on counsel for all parties.

/s/ Mark T. Keaney
One of Attorneys for The Cleveland Electric
Illuminating Company and Ohio Edison
Company

This foregoing document was electronically filed with the Public Utilities

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in

Case No(s). 17-0791-EL-CSS, 17-1967-EL-CSS

Summary: Transcript Deposition Transcript of Teresa Ringenbach in Case No. 14-1277-EL-CSS Filed Pursuant to Rule 4901-1-21(N) of the Ohio Administrative Code electronically filed by Mr. Mark T Keaney on behalf of The Cleveland Electric Illuminating Company and Ohio Edison Company