

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Duke)	
Energy Ohio, Inc. for Recovery of)	
Program Costs, Lost Distribution)	Case No. 18-0397-EL-RDR
Revenues, and Performance Incentives)	
Related to its Energy Efficiency and)	
Demand Response Programs.)	

**REPLY COMMENTS REGARDING DUKE’S CHARGES
TO CUSTOMERS FOR UTILITY ENERGY EFFICIENCY PROGRAMS
BY
THE OFFICE OF THE OHIO CONSUMERS’ COUNSEL**

The Attorney Examiner set deadlines for initial comments (June 27, 2019) and reply comments (July 11, 2019).¹ The Office of the Ohio Consumers’ Counsel (“OCC”) was the only party to file initial comments. Nonetheless, OCC files these reply comments for the limited purpose of identifying additional relevant authority that was issued after the filing of OCC’s initial comments.

In OCC’s initial comments (filed June 27, 2019), OCC cited the Public Utilities Commission of Ohio’s (“PUCO”) May 15, 2019 Finding and Order in Case Nos. 16-664-EL-RDR and 17-781-EL-RDR.² At the time of OCC’s initial comments, that order remained subject to an application for rehearing filed by Duke.³ Subsequently, on July 2, 2019, the PUCO denied Duke’s application for rehearing by operation of law.⁴

¹ Entry (May 2, 2019).

² See OCC Initial Comments at 4.

³ Case Nos. 16-664-EL-RDR, 17-781-EL-RDR, Application for Rehearing of Duke Energy Ohio, Inc. (June 14, 2019).

⁴ See <https://www.puco.ohio.gov/media-room/puco-webcast/?recordID=760>.

In its initial comments, OCC encouraged the PUCO to rule that Duke cannot charge customers for expenses unrelated to energy efficiency, including incentive compensation tied to Duke's financial performance, meals and entertainment for Duke employees, baseball sponsorships, and employee cell phone bill.⁵ The PUCO should consider its July 2 ruling as relevant precedent, further supporting OCC's initial comments.

Respectfully submitted,

Bruce Weston (0016973)
Ohio Consumers' Counsel

/s/ Christopher Healey
Christopher Healey (0086027)
Counsel of Record
Amy Botschner-O'Brien (0074423)
Assistant Consumers' Counsel

Office of the Ohio Consumers' Counsel
65 East State Street, 7th Floor
Columbus, Ohio 43215
Telephone [Healey]: (614) 466-9571
Telephone [Botschner]: (614) 466-9575
christopher.healey@occ.ohio.gov
amy.botschner.obrien@occ.ohio.gov
(willing to accept service by e-mail)

⁵ OCC Initial Comments at 6-7.

CERTIFICATE OF SERVICE

I hereby certify that a copy of these Reply Comments was served on the persons stated below via electronic transmission, this 11th day of July 2019.

/s/ Christopher Healey
Christopher Healey
Assistant Consumers' Counsel

SERVICE LIST

John.jones@ohioattorneygeneral.gov
Robert.eubanks@ohioattorneygeneral.gov
mfleisher@elpc.org
mleppla@theoec.org
tdougherty@theoec.org
cmooney@opae.org

Rocco.DAscenzo@duke-energy.com
Elizabeth.Watts@duke-energy.com
fdarr@mwncmh.com
mpritchard@mwncmh.com
bojko@carpenterlipps.com
dressel@carpenerlipps.com

Attorney Examiners:

Stacie.cathcart@puc.state.oh.us
Nicholas.walstra@puc.state.oh.us

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Summary: Comments Reply Comments Regarding Duke's Charges to Customers for Utility Energy Efficiency Programs by the Office of the Ohio Consumers' Counsel electronically filed by Ms. Deb J. Bingham on behalf of Healey, Christopher Mr.