

Attorney Examiner solicited comments regarding whether the issues in Duke Energy Ohio's CEUD tariff application, Case No. 14-2209-EL-ATA, are now moot as they were addressed in the rate proceeding or another forum. Duke Energy Ohio sets for the below the reasons why the issues raised in this proceeding are moot.

II. COMMENTS

In Case No. 12-3151-EL-COI, the Commission's stated purpose was to initiate an investigation regarding the health, strength and vitality of Ohio's retail electric service market and actions that the Commission might take to enhance such quality.² Subsequent to opening this investigation, the Commission engaged in holding workshops and receiving comments to inform and facilitate a competitive retail electric service market.

Two years later, the Commission issued a Finding and Order establishing the Market Development Working Group (MDWG) to assist in standardizing practices, processes and market rules, to streamline policies and increase competition, cost efficiency and potential savings for customers.³ In this same order, the Commission addressed the recommendation by Staff that electric distribution utilities that have deployed automated metering infrastructure (AMI) be directed to file amendments to their tariffs to specify the terms, conditions and charges associated with providing CEUD to CRES providers. Duke Energy Ohio filed an application in this docket to respond to the directive from the Commission. Matters in the docket were not resolved due to numerous intervening matters and the initiation of the Commission's PowerForward forum where additional comments and discussions were held regarding technological and regulatory innovation that could serve to enhance the consumer electricity experience.

² *In the Matter of the Commission's Investigation of Ohio's Retail Electric Service Market, Case No.12-3151-EL-COI*, Entry, (December 12, 2012) at pg.2.

³ *Id.* at pg.6

In 2017, Duke Energy Ohio filed generation and distribution rate cases that were consolidated into one proceeding.⁴ The consolidated cases were resolved through a Stipulation and Recommendation that was adopted and approved by the Commission in December of 2019.⁵ The Stipulation in that proceeding included specific provisions that established a PowerForward Rider (Rider PF) with three components. Component two of Rider PF was designed for the recovery of costs associated with AMI and data access, including the provision of interval CEUD to customers, CRES providers and third parties; the enablement of PJM settlement data transfer enhancements, as detailed in the Stipulation's Attachment F; and the communication infrastructure needed to support the AMI transition, but excluding the costs of the smart meters themselves.⁶ As highlighted by the Commission in its Opinion and Order approving the Stipulation, Rider PF will improve AMI to enable CRES providers access to CEUD. This will allow CRES providers to offer more innovative and beneficial products to shopping customers. As the Staff noted, access to CEUD will give customers more control over services they consume.⁷

The terms of the Stipulation as approved by the Commission provide closure to the more limited issues that were raised in this docket and go much further in providing access as requested by the various parties in the rate proceedings. The Commission's original stated purpose in initiating the Retail Energy Market Investigation has progressed over these past seven years and the limited filing of a tariff, as requested in this proceeding, is no longer helpful. Accordingly, this docket has become moot.

⁴ *In the Matter of the Application of Duke Energy Ohio, Inc., for an Increase in Electric Distribution Rates*, Case No.17-32-EL-AIR, *et seq.*

⁵ *Id.*

⁶ *Id.*, *Stipulation and Recommendation*, April 13, 2019, at pg.16

⁷ *Id.* at pg.60.

III. CONCLUSION

For the reasons set forth above, Duke Energy Ohio respectfully submits that matters raised in this proceeding are moot and this case should be closed.

Respectfully submitted,

/s/ Elizabeth H. Watts

Rocco O. D'Ascenzo

Deputy General Counsel

Elizabeth H. Watts

Associate General Counsel

139 E. Fourth Street, 1303-Main

Cincinnati, Ohio 45202

(513) 287-4359 (telephone)

(513) 287-4385 (facsimile)

Rocco.D'Ascenzo@duke-energy.com

Elizabeth.Watts@duke-energy.com

Attorneys for Duke Energy Ohio, Inc.

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and accurate copy of the foregoing was served on the following parties of record by first class, U.S. mail, postage prepaid or electronic mail delivery this 6th day of December, 2019.

/s/ Elizabeth H. Watts
Elizabeth H. Watts

John H. Jones
Natalia Messenger
Assistant Attorneys General
Public Utilities Section
30 East Broad St., 16th Floor
Columbus, Ohio 43215
John.Jones@ohioattorneygeneral.gov
Natalia.Messenger@ohioattorneygeneral.gov

Christopher Healey
Office of the Ohio Consumers' Counsel
65 East State Street, 7th Floor
Columbus, Ohio 43215-4203
Christopher.Healey@occ.ohio.gov

Joseph Olikier
IGS Energy
6100 Emerald Parkway
Dublin, Ohio 43016
joliker@igsenergy.com

Colleen Mooney
Ohio Partners for Affordable Energy
P.O. Box 12451
Columbus, Ohio 43212
cmooney@ohiopartners.org

Mark Whitt
Andrew J. Campbell
Lucas A. Fykes
Whitt Sturtevant LLP
88 East Broad Street, Suite 1590
Columbus, Ohio 43215
whitt@whitt-sturtevant.com
campbell@whitt-sturtevant.com
fykes@whitt-sturtevant.com

Trent Dougherty
1145 Chesapeake Avenue, Suite I
Columbus, Ohio 43212
tdougherty@theOEC.org

Michael J. Settineri
Vorys, Sater, Seymour, and Pease, LLP
52 East Gay Street
P.O. Box 1008
Columbus, Ohio 43216-1008
mjsettineri@vorys.com

John Finnigan
Environmental Defense Fund
128 Winding Brook Lane
Terrace Park, Ohio 45174
jfinnigan@edf.org

Cynthia F. Brady
Assistant General Counsel
Exelon Business Services Company
4300 Winfield Road
Warrenville, IL 60555
Cynthia.brady@exeloncorp.com

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

12/6/2019 11:52:49 AM

in

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

Summary: Comments of Duke Energy Ohio, Inc. electronically filed by Carys Cochern on behalf of Duke Energy