

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Duke)
Energy Ohio, Inc. for Tariff Approval) Case No. 14-2209-EL-ATA
Regarding Customer Energy Usage Data.)

**COMMENTS
BY
THE OFFICE OF THE OHIO CONSUMERS' COUNSEL**

The Public Utilities Commission of Ohio (“PUCO”) held this case in abeyance because the issue raised in this case (sharing customer energy usage data with marketers) was also being addressed in Duke’s distribution rate case, Case No. 17-32-EL-AIR.¹ That rate case was ultimately combined with several other cases, including Duke’s electric security plan case and its Ohio Valley Electric Corporation subsidy case (collectively, the “Combined Cases”). The current case (Case No. 14-2209-EL-ATA) was not part of that consolidation.

The PUCO has now asked parties to provide comments on whether the above-captioned case is moot.² The Office of the Ohio Consumers’ Counsel (“OCC”) respectfully submits that this case is moot in light of the resolution of the Combined Cases and Duke’s recently-filed grid modernization case.

First, the approved settlement in the Combined Cases provides for the creation of a PowerForward rider (“Rider PF”). One part of Rider PF is for “the recovery of costs associated with advanced metering infrastructure (AMI) and data access, including the provision of internal customer energy usage data (CEUD) to customers, [electric

¹ See Entry (Nov. 1, 2019).

² *Id.*

Marketers], and third parties; [and] the enablement of PJM settlement data transfer enhancements.”³ This is the same issue that would otherwise have been addressed in the above-captioned case.

Second, Duke recently filed an application for a new “infrastructure modernization plan.”⁴ Under this plan, Duke states that it will “provide the platform for the Company to better engage with its customers and enable customers and [electric Marketers] to receive and use the granular data that is capable of collection through advanced metering infrastructure.”⁵ Again, these are the same issues that would otherwise have been addressed in the above-captioned case.

Any and all issues that might be addressed in the above-captioned case have either (i) already been addressed in the Combined Cases or (ii) can be addressed in Duke’s pending infrastructure modernization case, where the costs and benefits of Duke’s proposed Customer Information System and other smart grid investments will be fully explored. Thus, the above-captioned case is moot and should be closed.

³ Case No. 17-32-EL-AIR, Stipulation and Recommendation at 16-17 (Apr. 13, 2018).

⁴ Case No. 19-1750-EL-UNC.

⁵ Case No. 19-1750-EL-UNC, Application at 2-3.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Comments was served via electronic transmission upon the parties this 6th day of December 2019.

/s/ Christopher Healey
Christopher Healey
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The PUCO's e-filing system will electronically serve notice of the filing of this document on the following parties:

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Summary: Comments Comments by the Office of the Ohio Consumers' Counsel electronically filed by Ms. Deb J. Bingham on behalf of Healey, Christopher Mr.