

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE SELF-
COMPLAINT OF DUKE ENERGY OHIO,
INC., CONCERNING THE MANAGEMENT
OF FUNDS RELATED TO ENERGY
EFFICIENCY PROGRAMS AND REBATE
PAYMENTS.

CASE NO. 18-492-EL-SLF

ENTRY

Entered in the Journal on January 29, 2020

I. SUMMARY

{¶ 1} The Commission grants Duke Energy Ohio, Inc.'s motion to dismiss its self-complaint and dismisses this case.

II. DISCUSSION

{¶ 2} Pursuant to R.C. 4905.26, the Commission has authority to consider a written complaint filed by a public utility as to any matter affecting the public utility's own product or service.

{¶ 3} Duke Energy Ohio, Inc. (Duke or Complainant) is a public utility, as defined in R.C. 4905.02, and, as such, is subject to the jurisdiction of this Commission.

{¶ 4} On March 26, 2018, Duke filed a self-complaint pursuant to R.C. 4905.26, concerning an issue with a participant enrolled in its Duke Energy SmartSaver Incentive Program (SmartSaver), which allows a program participant who installs energy efficient, program-eligible fixtures and technologies at the participant's commercial property to earn rebate payments from Duke as long as the participant submits proper documentation to Duke verifying installation. According to Duke, at some time in 2016, one of Duke's SmartSaver program participants, Green Power Alternatives, LLC (Green Power), submitted approximately 13 invoices for rebate payments. Of the 13 invoices, eight were denied due to information obtained by Duke confirming that Green Power did not purchase or pay for the installed lighting fixtures, and five invoices were never paid because Green Power did not submit to Duke the required proof of payment. At some point in 2016, Green

Power assigned its rights to collect some or all of the rebate payments to Sunbelt Finance, LLC, (Sunbelt), and, now, Sunbelt seeks payment of \$201,000 in rebates that it claims it is owed due to the assignment agreement. Although Duke informed Sunbelt that Sunbelt is not entitled to the rebate payments because it failed to demonstrate compliance with the SmartSaver program, Sunbelt still demands payment of the rebate. Since the rebate payments comprise program costs that are included for cost recovery in Duke's annual energy efficiency cost recovery proceedings, Duke claims that payment of the requested rebates would constitute payment by Duke customers. As such, Duke claims that these rebate payments could be disallowed in the Commission's audit since an insufficient record exists demonstrating compliance with the SmartSaver program. Therefore, Duke requested that Commission Staff review the facts set forth in its self-complaint; that Staff file a report indicating whether or not Staff believes such rebates are payable to Sunbelt; and, that the Commission issue an Opinion and Order directing that Duke pay the rebate requested by Sunbelt or directing that such rebate is not owed to Sunbelt pursuant to the terms of the Commission-approved energy efficiency program.

{¶ 5} On October 25, 2019, Duke filed a motion to dismiss its self-complaint as the matter and all issues raised in the self-complaint have been resolved.

{¶ 6} The Commission finds Duke's motion to dismiss its self-complaint to be reasonable. Accordingly, the motion should be granted and this case dismissed and closed of record.

III. ORDER

{¶ 7} It is, therefore,

{¶ 8} ORDERED, That Duke's motion to dismiss its self-complaint be granted and this case be dismissed and closed of record. It is, further,

{¶ 9} ORDERED, That a copy of this Entry be served upon the parties and all interested persons of record.

COMMISSIONERS:

Approving:

Sam Randazzo, Chairman

M. Beth Trombold

Lawrence K. Friedeman

Dennis P. Deters

MJS/mef

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Summary: Entry that the Commission grants Duke Energy Ohio, Inc.'s motion to dismiss its self-complaint and dismisses this case. electronically filed by Docketing Staff on behalf of Docketing