

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE APPLICATION OF
DUKE ENERGY OHIO, INC. FOR TARIFF
APPROVAL REGARDING CUSTOMER
ENERGY USAGE DATA.

CASE NO. 14-2209-EL-ATA

ENTRY

Entered in the Journal on April 22, 2020

I. SUMMARY

{¶ 1} The Commission finds this case should be closed of record.

II. PROCEDURAL HISTORY

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

{¶ 3} On December 16, 2014, Duke filed an application requesting approval of tariff language regarding customer energy usage data (CEUD). Duke explains this application is being filed pursuant to Commission orders from Case No. 12-3151-EL-COI, which required Duke to submit an amended tariff specifying the terms, conditions, and charges associated with providing interval CEUD. In this application, Duke proposes to amend its tariff to provide details related to exactly what certified retail electric service (CRES) providers may request, how such data will be provided, and at what cost.

{¶ 4} By Entry on December 16, 2015, the Commission granted the motions to intervene by IGS Energy, the Ohio Consumers' Counsel (OCC), Ohio Partners for Affordable Energy (OPAE), Retail Energy Supply Association, Direct Energy Business, LLC and Direct Energy Services, LLC, the Environmental Defense Fund, and Ohio Environmental Council.

{¶ 5} Also on December 16, 2015, the Commission issued a procedural schedule. The schedule required Duke to file testimony by January 22, 2016, intervenors to file

testimony by February 5, 2016, and a hearing to begin February 17, 2016. Since that time, the attorney examiner granted several requests to continue the procedural schedule.

{¶ 6} On May 4, 2017, OCC and OPAE filed a joint motion to suspend the procedural schedule. OCC and OPAE contend that many of the issues being discussed in this case overlap with issues in Duke's distribution rate case, Case No. 17-32-EL-AIR, et al (*Duke Rate Case*). According to OCC and OPAE, the rate case is a better forum to resolve many of the issues and it would be unnecessarily duplicative to deal with the issues in this case at this time. Thus, OCC and OPAE requested the case be held in abeyance until the rate case is resolved. The attorney examiner granted the motion on May 5, 2017, and, accordingly the procedural schedule was suspended.

{¶ 7} Subsequently, on December 19, 2018, the Commission issued an Opinion and Order in the *Duke Rate Case*, approving a stipulation between Duke and other parties. The order was affirmed in a Second Entry on Rehearing issued July 17, 2019.

{¶ 8} On October 31, 2019, the attorney examiner issued an Entry seeking comments as to whether the issues in this proceeding are now moot, as they are addressed in the *Duke Rate Case* or another forum, or if this matter should be set for hearing.

{¶ 9} In response, comments were filed by Duke, OCC, and Staff on December 6, 2019.

III. DISCUSSION

{¶ 10} In their comments, Duke, OCC, and Staff all agree that this case should be closed of record. According to Duke, many of the issues in this proceeding were addressed in the *Duke Rate Case*. Duke explains that, in the *Duke Rate Case*, the Commission approved Rider PF which allows cost recovery for advanced metering infrastructure and permits broader access to CEUD. OCC expresses similar sentiments and notes that the issues that have not been completely resolved will be addressed in Duke's pending infrastructure modernization case, Case No. 19-1750-EL-UNC. In sum,

the parties agree that the issues in this case either have already been resolved or are addressed in other proceedings. They thus conclude that this case can be closed.

{¶ 11} Upon review, the Commission agrees that the issues in this proceeding either have been addressed or will be addressed in other cases. Accordingly, we find that that this proceeding is moot and should be closed of record.

IV. ORDER

{¶ 12} It is, therefore,

{¶ 13} ORDERED, That this case be closed of record. It is, further,

{¶ 14} ORDERED, That a copy of this Entry be served upon all parties of record.

COMMISSIONERS:

Approving:

Sam Randazzo, Chairman

M. Beth Trombold

Daniel R. Conway

Dennis P. Deters

Recusal:

Lawrence K. Friedeman

NJW/hac

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

Summary: Entry ordering this case should be closed of record electronically filed by Heather A Chilcote on behalf of Public Utilities Commission of Ohio