

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Duke)
Energy Ohio, Inc., for a Waiver of Specific) Case No. 21-967-GE-WVR
Sections of the Ohio Administrative Code.)

APPLICATION FOR WAIVER OF DUKE ENERGY OHIO, INC.

I. INTRODUCTION

Duke Energy Ohio, Inc., (Duke Energy Ohio or the Company) is an electric utility as defined in R.C. 4905.02(1) and a natural gas company within the meaning of 4905.03(A)(6), Revised Code, and, as such, is a public utility subject to the jurisdiction of the Public Utilities Commission of Ohio (Commission). Duke Energy Ohio seeks a waiver of Rules 4901:1-10-24(E), Rule 4901:1-13-12(D), Rule 4901:1-17-05(C), and Rule 4901:1-13-14(F), of the Ohio Administrative Code which specify requirements for electric and gas utility customer billing, payments, and customer communications. Beginning in April 2022, Duke Energy Ohio's current customer information system (CIS) will be replaced by its new CIS, Customer Connect, which will improve the customer experience in many ways.¹ The Company believes that the waivers requested below will permit it to provide an even more optimal customer experience.

For the reasons set forth below, Duke Energy Ohio respectfully requests that the Public Utilities Commission of Ohio (Commission) grant a waiver of these requirements and authorize the Company to:

¹ See generally, *In the Matter of the Application of Duke Energy Ohio, Inc., for Authority to Adjust its Power Forward Rider*, Case NO. 19-1750-EL-UNC *et. al.*, (Application pg. 7)(September 24, 2019); describing the Company's new Customer Connect System and need to replace its existing CIS; Id. Direct Testimony of Retha Hunsicker, pp. 12-17.

- implement Digital Delegation functionality for both gas and electric customers;
- refund deposit interest on an annual basis as detailed below for both gas and electric customers;
- send certain required choice notifications electronically to gas customers in the manner already permitted for electric customers.

II. DISCUSSION

A. **Duke Energy Ohio Requests Waiver of Rules 4901:1-10-24(E) And 4901:1-10-24(E)(4)(b) In Order To Implement Digital Delegation Functionality To Improve Convenience For Customers.**

Rule 4901:1-10-24(E) requires an electric utility to display the language provided in 4901:1-10-24(E)(4)(b) in order to obtain electronic consent to permit a third party to access a customer's account number and "residential customer energy usage data that is more granular than the monthly historical consumption data provided on the customer pre-enrollment list." Similarly, Rule 4901:1-13-12(D) similarly requires a natural gas company to display specific language in order to obtain consent to permit a third party to access a customer's account number. Duke Energy Ohio requests a waiver of these rules to permit it to enable the newly available Digital Delegation functionality in Customer Connect—which permits a customer to electronically appoint one or more third-party delegates who will be able to access the customer's account—without displaying the consent language required by these two rules.

Neither the security and integrity of customer data nor the intent of these two rules will be compromised by this waiver, as evidenced by the detailed description of how Digital Delegation will work below. First, the access provided to delegates with Digital Delegation will not reveal the customer's social security number. Second, any Digital Delegation appointment will only be able to be initiated and executed by the customer *after* the customer has logged into his or her account, with all the security precautions inherent therein. In other words, a third party will never be able

to use Customer Connect to initiate a Digital Delegation appointment by a customer. For these reasons, the Company believes this waiver will not compromise customers' privacy or data security.

Digital Delegation will allow customers to have more control over their account by designating individuals to conduct specific transactions on their behalf and/or access their account information through the Company's authenticated website. Customers will find this beneficial in a number of scenarios, including parent-child relationships, spouses, roommates, and instances of extended military service. With Digital Delegation customers will have complete control over the process and will only initiate delegation after authenticating through the Company's website.

Customers who wish to provide access to their account using the digital delegation process will themselves determine the level of access permitted, administrator or viewer, and determine the timeframe allowed for access. The customer will be the one to initiate an email invitation to the delegate. When initiating the email invitation process customers will be presented with a role comparison view to help them determine the type of access they want to provide. The table below will provide a comparison between the Administrator and Viewer roles.

Task	Administrator	Viewer
View Bills	✓	✓
Pay Bills	✓	
View Energy Usage	✓	✓
Report Outages	✓	✓
Enroll in Billing and Payment Programs	✓	
Rate Comparison	✓	
Service Request	✓	

This role comparison view will also provide information about the permissions associated with each role, if the customer hovers over each capability. The following information about each capability will be provided:

- **View Bills** – View account status and a PDF of the current bill, plus 24 months² of past billing activity. Bills may include personal information, usage details, payment history and other charges and fees.
- **Pay Bills** – An invited user can make payments with their own bank account or card. Your personal payment information will never be shared.
- **View Energy Usage** – View up to 24 months of energy usage data, including hour to yearly time intervals. History will provide details, such as billed dollar amounts and billed usage.³
- **Report Outages** – An invited user can report an outage, view current outages and set up their own alerts. Your personal contact information will never be shown.
- **Enroll in Billing and Payment Programs** – An invited user can only enroll in Auto Pay, Pick Your Due Date, and Budget Billing. Your personal payment methods will never be shared.

² Although 24 months of past billing activity will eventually be available through this capability, only 13 months will be available immediately after conversion to Customer Connect.

³ Id.

- **Rate Comparison** – An invited user can view current monthly or annual rate details and compare them to alternate rates but cannot change your rate.
- **Service Request** – An invited user will be able to stop active service on the account, view the status and details of service requests, but cannot start service on your behalf.

After confirming the access level and timeframe to delegate access, the customer will initiate the email invitation to the desired delegate. Once the delegate receives the email invitation, he/she must accept by clicking a link before access to the customer's information is granted. The email invitation will remain open for 21 days for the delegate to act, with reminder emails at 7 days, 14 days, and 21 days. If no action is taken, the invitation is cancelled and the link provided deactivated, and the customer will be required to take action to initiate an invitation again.

Through the authenticated Duke Energy website, customers will also have the ability to manage account permissions and delegates through a Manage Users page where they will be able to see any user with delegation permission, the role assigned, the status of the permission (active, pending, expired, etc.) and the end date of the permission for that user. From this page customers have the ability to edit roles assigned to the delegate, edit expiration dates and delete delegates. They will also have the ability to re-initiate an email invitation if the delegate failed to take action when previously initiated.

Allowing customers to utilize Digital Delegations without the consent language will not compromise their account integrity, but will rather improve it over the situation that exists today. First, the consent language in the two rules whose waiver is being requested was intended for a third party to present to a customer when the *third party is soliciting* access to customer

information and *initiating* a process to obtain the customer's consent. It was not intended to protect customers from transactions they initiate themselves, as with Digital Delegation. Additionally, there is no danger with Digital Delegation that a customer's account number will be used for slamming⁴ because even an Administrator delegate will not be able to switch the customer's service.

Second, all utility customers with online accounts today already have the capability, in practice, to grant access to their online account to whomever they choose without viewing any consent language, simply by sharing their username and password with that person. When customers do so (which some do), they are much less protected than with Digital Delegation: they receive no information about which capabilities they are delegating, there is no limit on the time frame, there is no "Manage Users" page to tell a customer whom he has already granted permissions, and the recipient has full access to all of the customer's powers. For example, a delegate appointed under Digital Delegation, even as an Administrator (the maximum role) will not be able to change the customer's rate, enroll with a new supplier, change the customer's account password, or start service at an additional location. Using the Digital Delegation function, instead of the unofficial delegation method of sharing account information, will provide customers with both more information and protection. Accordingly, the Company respectfully requests waiver of the gas and electric rules described above.

B. Duke Energy Ohio Requests Waiver Of Rule 4901:1-17-05(C) In Order To Refund Accrued Deposit Interest Annually To Residential Customers.

Rule 4901:1-17-05(C) states regarding residential customers' deposits that "[i]nterest shall be paid to the customer when the deposit is refunded or deducted from the customer's final bill."

⁴ See O.A.C. 4901:1-10-01(AA), defining "slamming" as "the transfer of or requesting the transfer of a customer's competitive electric service to another provider without obtaining the customer's consent").

The combination of “shall” and “when” in the rule suggests to the Company that the rule does not leave discretion to refund interest at earlier times.⁵ The Company requests waiver of this rule in order to be permitted to instead refund accumulated deposit interest annually, even while the Company continues to hold the deposit principal.

With Customer Connect, the Company will automatically release accumulated interest on customer deposits each year on the customer’s service anniversary date as a credit on the account. The credit will be visible to the customer on the next bill rendered after the credit is applied to the account. Granting this waiver will benefit customers and help reduce arrearages.

C. Duke Energy Ohio Requests Waiver Of Rule 4901:1-13-14(F) To Permit The Company To Provide The Required Notifications Electronically To Gas Customers In The Same Manner Permitted Already For Electric Customers.

Rule 4901:1-13-14(F) requires that natural gas companies “mail” or provide “by mail” certain notifications pertaining to enrollment with a supplier and makes no provision for such notifications to be sent electronically. Rule 4901:1-10-29(F), which governs the same notifications for electric customers, does permit, as an alternative to mailing, such notifications to be sent via “email with an electronic notification of receipt.” The Company respectfully requests waiver of Rule 4901:1-13-14(F), in order to be permitted to send notifications in this manner to gas customers as well.

With the design of Customer Connect, the Company intends to leverage the preferred channel of communication for its customers. This would include sending Supplier-related

⁵ The administration of deposits and deposit interest for non-residential customers is governed by Rules 4901:1-10-14 (electric non-residential), and 4901:1-13-08 (small commercial gas). The Company understands these rules to require periodic review of the customer’s deposit at certain times for potential refunding of the deposit and accrued interest, but does not read them to preclude refunding part or all of the accrued deposit interest at other, additional times. Thus, the Company does not believe that a waiver of these rules is required in order to refund non-residential customers’ accumulated deposit interest annually.

communications, such as enrollment and drop communications, electronically to those customers who have provided an email address. Once the email is sent, the Company will receive notification of whether the delivery was successful or unsuccessful. If the email delivery is unsuccessful, an automated process will send the communication to the customer the next business day via the mail (United States Postal Service). If the notification confirms that email delivery was successful, then no further action will be taken.

Providing these communications electronically, where possible, will be especially beneficial to customers due to the time sensitive nature of the enrollment and drop communications. Under O.A.C. 4901:1-13-14(F)(3), gas customers have only seven business days from the postmark date on the notice to initiate rescission or to notify the utility that the transfer of service was unwanted and sending these communications through traditional mail service reduces the time customers have to act. Leveraging the email address provided by the customer allows the customer to receive these communications instantly. Finally, one of the Company's goals with Customer Connect is to enhance the customer experience and allowing this capability for both electric and gas customers will lessen confusion for combination customers who may otherwise receive Supplier-related communications both by email and traditional mail service. Based on the benefits to customers and for the sake of consistency, Duke Energy Ohio respectfully requests a waiver of Rule 4901:1-13-14(F) as described above.

III. CONCLUSION

For the above reasons, Duke Energy Ohio respectfully requests that the Commission approve this Application for a waiver of the above-described rules and issue an entry consistent with this filing.

Respectfully submitted,

DUKE ENERGY OHIO, INC.

/s/ Rocco O. D'Ascenzo

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Summary: Application Application for Waiver of Duke Energy Ohio, Inc. electronically filed by Mrs. Debbie L Gates on behalf of Duke Energy Ohio Inc. and D'Ascenzo, Rocco O. Mr. and Vaysman, Larisa