

**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. 21-1100-EL-WVR  
Sections of the Ohio Administrative Code.     )

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**APPLICATION FOR WAIVER OF DUKE ENERGY OHIO, INC.**

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**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 4901:1-10-33(A), 4901:1-10-22(B)(16), 4901:1-10-33(C)(9), 4901:1-10-22(C), and Rule 4901:1-10-01(T), of the Ohio Administrative Code which discuss the potential placement of charges for non-jurisdictional services on the consolidated bill, require utilities to maintain an online calculator showing “each and every rate or charge,” and modify the threshold calculation for a major event day (MED).

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:

- Receive an additional twelve months from the Commission’s approval of this waiver to comply with the newly added provision in Rule 4901:1-10-33(A), which states “[a]n electric utility cannot discriminate or unduly restrict a customer’s CRES provider from including non-jurisdictional charges on a consolidated electric bill” and accompanying revisions to Rules 4901:1-10-22(B)(16) and 4901:1-10-33(C)(9), by removing all non-jurisdictional charges from the bill;
- implement a phased implementation of the online rate calculators to comply with Rule 4901:1-10-22(C), with online calculators provided for Rates RS, RSLI, CUR, DS, DM, DP, and TS immediately, and calculators for remaining rates to be

implemented subsequently or not implemented as detailed below; and

- to continue to calculate the major event day threshold in a manner consistent with its standards—*i.e.*, without the modification in the revised Rule 4901:1-10-01(T)—until 2025, after which new standards will be set under the new methodology.

## II. DISCUSSION

### A. Duke Energy Ohio Requests Temporary Waiver of Rules 4901:1-10-22(B)(16), 4901:1-10-33(A), and 4901:1-10-33(C)(9), Until Twelve Months From Approval of This Waiver To Permit Adequate Time To Remove Non-Jurisdictional Charges From Customer Bills.

Rule 4901:1-10-33(A), which states “[a]n electric utility cannot discriminate or unduly restrict a customer[’]s CRES provider from including non-jurisdictional charges on a consolidated electric bill,” was added specifically to “directly address[] the situation where an EDU consistently enters into a contract only with the EDU’s affiliate regarding placement of only that affiliate’s non-jurisdictional service charges on the EDU’s bill at the exclusion of all potential providers.”<sup>1</sup> The Commission itself clarified that this provision “does nothing more than prohibit undue or unreasonable prejudice or disadvantage, as already required in R.C. 4905.35(A), *in a specific context*,” and that “the need for this specified requirement [was] to address circumstances similar to those described in Paragraph 213 of the Finding and Order [which discusses the placement of only affiliate charges].”<sup>2</sup> Furthermore, the Commission explicitly stated in its initial order that “this provision *does not force* the EDU to place the customer’s CRES provider’s non-jurisdictional service on the consolidated bill,” but rather “strikes a middle ground whereby fairness to the CRES provider is accounted for as is the EDU’s freedom to contract is respected.”<sup>3</sup>

Accordingly, Duke Energy Ohio will comply with this provision by ending the existing

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<sup>1</sup> Finding & Order, p. 79 (February 26, 2020).

<sup>2</sup> Rehearing Order, p. 32 (January 27, 2021) (emphasis added).

<sup>3</sup> Finding & Order, p. 85 (February 26, 2020) (emphasis added).

placement of its affiliate's non-jurisdictional charges on its electric bills,<sup>4</sup> thereby eliminating any possibility of "prejudice or disadvantage" and also any need to address the "specific context" to which the rule applies (which will no longer exist). This solution will be simple, fair, and easy for customers to understand.

Duke Energy Ohio will need some additional time to effectuate such compliance, due to the imminent transition to its new customer information system (CIS or Customer Connect) and also due to the technical requirements of implementation. Accordingly, Duke Energy Ohio requests a temporary waiver for a 12-month period, to run from the date of the order approving this waiver application.

**B. Duke Energy Ohio Requests Waiver Of Rule 4901:1-10-22(C) To Implement The Required Rate Calculators In Phases.**

Rule 4901:1-10-22(C) states "Each electric utility shall publish and maintain an online active bill calculator that shows each and every rate or charge and permits customers to enter their billing determinates to determine the accuracy of their bill." Duke Energy Ohio has calculators for the following rates, residential and non-residential respectively:<sup>5</sup>

- Rate RS & RSLI
- Rate CUR
- Rate DS
- Rate DM
- Rate DP
- Rate TS

Combined, these rates account for the vast majority of Duke Energy Ohio's approximately 740,000 electric customers. Regarding the remaining rates, Duke Energy Ohio requests a waiver to proceed

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<sup>4</sup> Currently, Duke Energy Ohio allows its affiliate Duke Energy One to place only one non-jurisdictional charge on customer bills, for a service called Strike Stop. This program appears on the bills of less than 12,000 (less than two percent) of the Company's approximately 740,000 electric customers.

<sup>5</sup> Publicly available at: <https://www.duke-energy.com/home/billing/reading-your-bill/calculators>

as detailed below.

*1. Duke Energy Ohio requests a waiver for additional time to implement two additional calculators.*

There are two calculators for the implementation of which Duke Energy Ohio would like to request additional time: RS3P and RS-PIP. Only a few hundred customers use the RS3P rate, but, given some additional time, the Company can implement a calculator for it using existing residential calculators as a starting point. The RS-PIP calculator would not reflect a tariffed rate, but rather would calculate the charges accumulated by Percentage of Income Payment Plan (PIPP) customers, whose generation costs per kWh are different from the costs of customers receiving the standard service offer. The RS-PIP calculator would not attempt to calculate each customer's PIPP installment amount or credits, but would provide the customer with the total charges assessed on the month's usage *before* the PIPP program reduces the amount the customer must actually pay.

Duke Energy Ohio respectfully requests an additional six months from the filing of this waiver request to implement these two calculators.

*2. Duke Energy Ohio requests a waiver to forego implementation of calculators entirely for certain rates.*

For certain rates, the Company requests that it be permitted to forego calculators entirely and permanently where the impracticality or great complexity of attempting to develop a calculator is not justified:

- Lighting Service and Pole Attachments – the Company will not publish calculators for any lighting service or pole attachment rates. Such calculators would be impractical and were not the intent of the rule update.
- Unmetered fixed-load rates, such as GS-FL and SFL-ADPL – these rates do not depend on customer usage and the customers are business-savvy commercial entities.

- Electric Space Heating Rates, such as ORH and EH – the number of customers impacted is only approximately 400-500, the calculators would be complex to program and confusing for customers to use.
- Time-of-day rates, such as Rate TD and Rate RTP – these rates serve less than 30 customers total and would be impossible to program.

**C. Duke Energy Ohio Requests A Temporary Waiver Of Rule 4901:1-10-01(T) To Ensure Its Calculations Will Be Consistent With Its Reliability Standards Through 2025.**

The update to Rule 4901:1-10-01(T) deleted the following verbiage from the definition of a “major event”: “The computation for a major event requires the exclusion of transmission outages.”<sup>6</sup> The effect of this change is to require utilities to *include* transmission outages when computing the major event day (MED) threshold. The Commission instructed utilities to “file a standards’ case within six months of this Order, *unless an EDU already has scheduled such a filing.*”<sup>7</sup> The Company’s reliability standards are currently set by Commission order through 2025,<sup>8</sup> which effectively means a future filing is scheduled and therefore the Company is not required to refile at this time.

Because the standards through 2025 were set under the previous version of the rule, where calculations excluded transmission outages, the Company believes it would be consistent to continue to exclude transmission outages from the MED threshold calculation until new standards are set (*i.e.*, 2026 and going forward). Accordingly, the Company requests a waiver to continue to calculate the MED threshold pursuant to the previous version of the rule (*i.e.*, with transmission

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<sup>6</sup> Opinion and Order, Attachment A, p. 2 (February 26, 2020).

<sup>7</sup> Opinion and Order, p. 7 (emphasis added).

<sup>8</sup> *In the Matter of the Application of Duke Energy Ohio, Inc. for an Increase in its Electric Distribution Rates*, 17-32-El-AIR, *et al.*, Opinion and Order, pp. 40-41 (December 19, 2018).

outages excluded).

### III. CONCLUSION

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

Respectfully submitted,

DUKE ENERGY OHIO, INC.

/s/ Larisa M. Vaysman

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Summary: Application APPLICATION FOR WAIVER OF DUKE ENERGY OHIO,  
INC. electronically filed by Dianne Kuhnell on behalf of Rocco D'Ascenzo and Duke  
Energy Ohio, Inc. and Vaysman, Larisa M.