

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Duke	:	
Energy Ohio, Inc., for a Waiver of	:	Case No. 21-0967-GE-WVR
Specific Sections of the Ohio	:	
Administrative Code.	:	

**COMMENTS
SUBMITTED ON BEHALF OF THE STAFF OF
THE PUBLIC UTILITIES COMMISSION OF
OHIO**

I. BACKGROUND

In Case No. 21-0967-GE-WVR, Duke Energy Ohio (“Duke” or “Applicant”) requests waivers of Ohio Administrative Code (“Ohio Adm.Code”) rules 4901:1-10-24(E), 4901:1-10-24(E)(4)(b), 4901:1-13-12(D), 4901:1-17-05(C) and 4901:1-13-14(F). Duke requests a waiver of these rules to implement Digital Delegation functionality for both gas and electric customers; refund deposit interest on an annual basis for both gas and electric customers; and to send certain required choice notifications electronically to gas customers in the manner already permitted for electric customers.

Ohio Adm.Code 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) 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 without displaying the consent language required by these rules. Digital Delegation permits a customer to electronically appoint one or more third-party delegates who will be able to access the customer's account.

Duke also requests a waiver of Ohio Adm.Code 4901:1-17-05(C), which requires interest on deposit be paid at the time the deposit is refunded or deducted from the customer's final bill. Instead, Duke asks that it be permitted to instead refund accumulated deposit interest annually, even while the Company continues to hold the deposit principal.

Finally, Duke requests a waiver of Ohio Adm.Code 4901:1-13-14(F) which requires certain notifications pertaining to enrollment with a competitive retail natural gas service provider be mailed to customers. As an alternative to mailing these notifications, Duke wants to send the notifications electronically as permitted in the corresponding electric rule, 4901:1-10-29(F).

II. COMMENTS

A. Waiver Request of 4901:1-10-24(E), 4901:1-10-24(E)(4)(b) and 4901:1-13-12(D)

Duke explains that with the access provided to third-party delegates through the Digital Delegation feature will not reveal the customer's social security number. Any Digital Delegation appointment can only be initiated and executed by the customer after

the customer has logged into his or her account, with all the security precautions inherent therein. This means that a third party will never be able to use Customer Connect to initiate a Digital Delegation appointment on behalf of a customer. For these reasons, Duke believes this waiver will not compromise customers' privacy or data security.

Customers who wish to provide access to their account using the digital delegation process will choose the level of access permitted, administrator or viewer, and determine the length of time allowed for access. After confirming the access level and timeframe for the delegate, 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 gaining access to the customer's information. 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 deactivated. The customer will be required to take action to initiate another invitation.

Duke states that the consent language in the rules in which a waiver is being requested, are 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. Duke believes these rules were not intended to protect customers from transactions they initiate themselves, as with Digital Delegation. Additionally, Duke states there is no danger with Digital Delegation that a customer's account number will be used for slamming because even an Administrator delegate will not be able to switch the customer's service. Duke believes that all utility customers with online accounts

today already have this capability by sharing their username and password with another person.

As described by Duke, Staff understands that customers will need to log into their own account to use the Digital Delegation feature, which is an added layer of protection when providing authorization. However, Staff believes that any waiver of the rule should include modified language to appear on the authorization page. The language should clearly state that the customer is providing Duke Energy authorization to allow third-party access to be an administrator or viewer of the customer account information. Staff also recommends that an email or other type of written notice be sent to the customer notifying the customer of the completion of the authorization to delegate a third party to access their account.

B. Waiver of Ohio Adm.Code 4901:1-17-05(C)

Ohio Adm.Code 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." Duke requests a waiver of this rule to instead refund accumulated deposit interest annually, even while the Company continues to hold the deposit principal. Duke states it will automatically release accumulated interest on customer deposits each year on the customer's service anniversary date as a credit on the account. Staff notes that 4901:1-17-07 of the Ohio Adm.Code rule advises that, "Each utility company holding a cash deposit shall maintain, for at least three years after the deposit is refunded or otherwise disposed of in accordance with applicable law, a record

that displays all of the following...(C) Each transaction concerning the deposit.”

Therefore, Staff is not opposed to this waiver with the understanding that the company keeps record of the interest that has been credited to the customer while the deposit is held and for three years thereafter, and the waiver is not in opposition of 4933.17 of the Ohio Revised Code.

C. Waiver of Ohio Adm.Code 4901:1-13-14(F)

Duke Energy Ohio also requests a waiver of Ohio Adm.Code 4901:1-13-14(F) to permit it to provide the required enrollment notifications electronically to gas customers in the same manner permitted for electric customers. However, the Ohio Adm.Code 4901:1-13-14(F) was recently changed and now currently reads, “...provide to the customer, by mail or email with an electronic notification of receipt.” Staff believes that Duke’s waiver request of this rule is no longer needed as the rule currently permits email notifications be sent to customers.

III. RECOMMENDATIONS

Staff supports a waiver of Ohio Adm.Code 4901:10-24(E) that requires display of the language used in Ohio Adm.Code 4901:1-10-24(E)(4)(b) with the use of the Digital Delegation process and the corresponding rule associated with natural gas in Ohio Adm.Code 4901:1-13-12(D), with added consumer protection. Staff believes that any waiver of the rule should include modified language to appear on the authorization page, which clearly states that the customer is providing Duke Energy authorization to allow a third-party access to be an administrator or viewer of the customer account information.

Staff also recommends that an email or a type of written notice be sent to the customer notifying the customer of the completion of the authorization to delegate a third-party access to their account. With those added consumer protections, Staff supports a limited waiver of 4901:10-24(E) and (E)(4)(b) and 4901:13-12(D) for the use of the Digital Delegation process. Additionally, staff supports Duke's request of a waiver for Ohio Adm.Code 4901:1-17-05(C) regarding interest on deposits. Finally, Staff does not believe that Duke's request for a waiver of Ohio Adm.Code 4901:1-13-14(F) is needed as the rule already allows for email notification.

Respectfully submitted,

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PROOF OF SERVICE

I hereby certify that a true copy of the foregoing **Comments**, submitted on behalf of the Staff of the Public Utilities Commission of Ohio, was served via regular U.S. or electronic mail upon the below parties of record, this 18th day of January 2022.

/s/ Thomas G. Lindgren

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Summary: Comments Submitted on Behalf of the Staff of the Public Utilities
Commission of Ohio electronically filed by Mrs. Kimberly M. Naeder on behalf of
PUCO