

**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. 22-0043-GE-WVR
Sections of the Ohio Administrative Code)	

**JOINT INITIAL COMMENTS
OF
DIRECT ENERGY BUSINESS LLC
DIRECT ENERGY SERVICES LLC
DIRECT ENERGY BUSINESS MARKETING LLC
ENERGY PLUS HOLDINGS LLC
ENERGY PLUS NATURAL GAS LLC
RELIANT ENERGY NORTHEAST LLC
STREAM OHIO GAS & ELECTRIC, LLC
AND
XOOM ENERGY OHIO, LLC**

I. INTRODUCTION

Duke Energy Ohio, Inc.’s (“Duke Energy”) switch to a new customer information system (“CIS”) may offer benefits in the future but the transition will unreasonably harm the competitive energy market – suppliers and customers – in significant ways. The NRG Retail Companies¹ serve customers in Duke Energy’s territory and submit these initial comments to urge the Public Utilities Commission of Ohio to require targeted changes and interim measures so that Duke Energy’s transition to a new CIS does not cause unwarranted and negative repercussions. Without these targeted changes and interim measures, Duke Energy will prevent suppliers and customers from participating in its competitive market.

¹ For purposes of these Initial Comments, “NRG Retail Companies” refers to Direct Energy Business LLC; Direct Energy Services LLC; Direct Energy Business Marketing LLC; Energy Plus Holdings LLC; Energy Plus Natural Gas LLC; Reliant Energy Northeast LLC; Stream Ohio Gas & Electric, LLC; and XOOM Energy Ohio, LLC

The NRG Retail Companies have been involved with similar utility system conversions and Duke Energy's conversion process is concerning – the impact of the following will unreasonably interrupt the NRG Retail Companies' market activities in Duke Energy's service territory:

- (a) Duke Energy's proposed waivers for a lengthy blackout period,²
- (b) The extensive system changes needed on the part of the NRG Retail Companies³ to interface with Duke Energy's new CIS,
- (c) Duke Energy's delayed sharing of its new account numbers and identifiers, and
- (d) The short amount of time before the new mandates are triggered under the CIS.

The Commission should mitigate the negative impacts by requiring Duke Energy to shorten its lengthy "black-out" period during which Duke Energy will either reject or stop accepting supplier transactions and its supplier portal will be unavailable. The Commission should also require Duke Energy to provide suppliers in advance of the system change-over with the "cross-reference list" (containing the customers' old account numbers, new account numbers and new service identifiers) and to implement a 90-day post-conversion grace period during which Duke Energy will accept supplier transactions, including enrollment requests, based on the

² Duke Energy's waiver application indicates that the blackout period is March 18 to April 6, 2022 – starting when it will reject supplier transactions and including a seven-day cutover period during which it will not receive supplier transactions. Waiver Application at 1, 8-11. Duke Energy's subsequent communications with suppliers, however, state a slightly shorter blackout period – the period begins March 19 and ends on April 5, 2022 (the new CIS will be available on April 6, 2022). Duke Energy has not explained if the waiver application contained a mistake or if Duke Energy has since made a change in the blackout period. Nonetheless, the blackout period is still lengthy.

³ The NRG Retail Companies anticipate that the other suppliers in Duke Energy's service territory also have to implement their own internal system changes to interface Duke Energy's new CIS.

customer's old account number. These changes will go a long way to allow a smooth transition, without the attendant disruptions that Duke Energy's process will otherwise cause.

II. COMMENTS

A. The Commission should adjust Duke Energy's proposed waivers and lengthy blackout period, which unreasonably prevent suppliers from engaging in competitive retail energy market activities.

If Duke Energy's waiver requests are granted as proposed, Duke Energy will suspend nearly all shopping-related transactions for weeks – stopping key activities for competitive retail electric service ("CRES") and competitive retail natural gas service ("CRNGS"). In particular, suppliers will not be able to enroll new customers,⁴ implement price changes,⁵ provide billing information so that customer bills are accurate⁶ or terminate/drop customers⁷ because Duke Energy will not carry out its responsibilities. Duke Energy also is unwilling to receive any supplier transactions for the six-day cross-over period. Duke Energy is proposing a nearly complete shut down because of this CIS conversion. Duke Energy's proposal is anti-competitive and the utility should not be excused from its statutory and regulatory responsibilities.

It is noteworthy that Duke Energy has not explained in detail or otherwise justified the requested time periods for the blackout period or associated waivers. Duke Energy's application said that its CIS conversion will impact its processes, but that is not enough. Waiver Application at 1. Duke Energy has the responsibility to justify its requests but it has not provided appropriate details for the Commission to fully evaluate the requests nor accept the blackout period or

⁴ Waiver Application at 8.

⁵ Waiver Application at 9-10.

⁶ Waiver Application at 10-11.

⁷ Waiver Application at 8.

associated waivers including time periods.

The NRG Retail Companies understand that a conversion of this type can necessitate a blackout period. In other situations, utilities have had successful shorter blackout periods and conducted them over a weekend so that the interruption would have less of an impact on the market. Duke Energy's proposal – the multiple waiver requests that include the blackout period – however, does not appear to appropriately take these interests into consideration. Duke Energy's proposal will have a negative harmful effect. A shorter, more reasonable blackout period (and associated revision of the waiver time periods) would balance the parties' interests. The NRG Retail Companies recommend that the Commission require April 1 through April 4, 2022.

- B. The Commission should require Duke Energy to share its new account numbers and service identifiers sooner and implement a grace period, without which suppliers will be delayed and existing and new shopping customers will have unfavorable experiences in participating in competitive retail energy market activities.**

As part of the CIS conversion, Duke Energy is revising all customer account numbers (format and numbering) and also requiring suppliers to use new service identifiers for market transactions such as enrollments. Duke Energy will provide suppliers with a cross-reference list containing their customers' new numbers on April 5,⁸ the day before Duke Energy is requiring suppliers to use them for supplier transactions. Duke Energy has clarified that all supplier transactions must include the new identifiers beginning on April 6, 2022, and those without the

⁸ During at least one information session with suppliers, Duke Energy stated that the cross-reference list would be provided in the afternoon of April 5, 2022. Duke Energy's FAQ issued February 23, 2022 at page 27 question 1 (Post Go-Live) indicates that Duke Energy is expecting to provide the cross-reference list by noon on April 5, 2022. Either way, suppliers will have little time to work with the lists.

service identifiers will be rejected.⁹ The extremely short time frame to process the numbers and the mandated immediate use of the service identifiers is grossly unfair to suppliers. Suppliers are not being given enough time to implement their own system changes to accommodate the new numbers and also populate their systems with the many new numbers. This will result in delays for supplier transactions and an unfavorable experience for existing customers served by CRES and CRNGS suppliers as well as customers wishing to shop, through no fault of the supplier.

For new customer enrollments, Duke Energy's original position – all service identifiers must be provided – changed on February 23, 2022. Now, Duke Energy apparently is willing to allow an enrollment transaction and manually complete it even if one service identifier is missing, but at least one valid service identifier must be provided.¹⁰ However, Duke Energy's revised position presumes that every new enrollment involves multiple service identifiers. What if the customer with an electric service identifier and a natural gas service identifier only wishes to enroll in a CRES offer? This could arise since not all suppliers offer both CRES and CRNGS, and not all customers wish to enroll in both services. What if the customer is a one-commodity-only customer (some of Duke Energy's customers are gas-only customers and some are electric-only customers)? Duke Energy's position appears to be that, starting on April 6, 2022, a service identifier must be provided for a new enrollment involving any of the above scenarios, or it will be rejected. However, Duke is willing to provide greater flexibility in other new enrollment circumstances. It is unclear how this is fair.

Additionally, Duke Energy's unwieldy mandate is unfair because Duke Energy is not

⁹ Duke Energy FAQ issued February 23, 2022 at page 19 question 5.

¹⁰ Duke Energy FAQ issued February 23, 2022 at page 14-15 question 2.

providing the account numbers and service identifiers to customers until they receive their post-conversion bills, which could be weeks later depending on the customer's billing cycle. This delay in providing the key enrollment numbers imposes an unfair hurdle because customers will not have ready access to their new account numbers and service identifiers. Duke Energy may contend that work-arounds exist – (a) customers may be able to call Duke Energy or look up that information on their own, which places the burden on customers; or (b) suppliers who supply a letter of authorization (“LOA”) can look up the information through Duke Energy's upcoming new supplier portal (searching by the service address, meter number or account identifier).¹¹ In reality, these are not viable work-arounds. First, Duke Energy can provide customers with their account and service identifier information well before their next bills, instead of imposing burdens on customers. Second, Duke Energy has acknowledged to suppliers that a search in the new supplier portal by address requires a perfect match in the house number, city and zip code fields, but, based on the dress rehearsals, house number data may appear in a different field and either generate a mismatch or prevent the look-up. Thus, this work-around would require suppliers to rely on imperfect data or not work. Third, Duke Energy has acknowledged that the new supplier portal only allows suppliers to look up information via a “one account at a time” functionality.¹² Therefore, by also not timely providing the new numbers to customers, Duke Energy is preventing suppliers from effectively soliciting and enrolling new customers and neither of those work-arounds resolves the issue.

The Commission should require effective work-arounds to prevent the problems that

¹¹ Duke Energy FAQ issued February 23, 2022 at page 19 question 4.

¹² Duke Energy FAQ issued February 23, 2022 at page 23 question 2.

Duke Energy is creating. Duke Energy should be required to provide the cross-reference list to suppliers 5 business days prior to the date in which the new CIS goes live. This will provide a reasonable period of time for suppliers to input the numbers no matter the size of the supplier or its customer base (assuming all operational changes are in place in the suppliers' systems). Additionally, a 90-day grace period during which the old account numbers can continue to be used as the basis for the supplier transactions, including new enrollments, will allow not only Duke Energy to effectuate its transition but also allow all suppliers time to complete their own changes without being harmed. The grace period will also benefit customers because their service-related requests will not have to be delayed resulting in better engagements with suppliers and Duke Energy. As a point of reference, Con Edison and Rockland utility companies in New York voluntarily offered a 90-day grace period for Energy Services Companies to use legacy accounts numbers for all inbound EDI transactions as part of the implementation of a new customer care and billing system.¹³

III. CONCLUSION

Duke Energy's waiver requests and its blackout period will put the market on hold. This is an unreasonable and unwarranted effect of Duke Energy implementing a new CIS. The NRG Retail Companies, like other suppliers, have been learning about the new CIS and certain details that Duke Energy disclosed about the system change require extensive work for suppliers. There is a serious risk that suppliers will not be able to interface when Duke Energy's new CIS "goes live" because of the many changes that must be implemented to their own systems (necessary

¹³ Con Edison and Rockland's Oracle Customer Care & Billing (CC&B) Implementation, EDI Vendors & ESCOs, September 13, 2021.

for transacting business with Duke Energy). Duke Energy's delayed dissemination of the new account numbers and service identifiers adds additional, needless hurdles to this transition process. The collective impact from these CIS conversion-related changes is an immediate and significant "hit" to a successful competitive market in Ohio.¹⁴ The Commission, however, can require the targeted changes and work-arounds recommended by the NRG Retail Companies to vastly improve this transition process without risking harm to suppliers, customers or the market. The NRG Retail Companies urge the Commission to adopt their reasonable proposed changes and work-arounds as set forth in these Initial Comments.

Respectfully Submitted,

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¹⁴ The Commission's website indicates that in January 2022, 61 percent of the customers (approximately 450,000) were shopping for CRES in Duke's service territory and in the second quarter of 2021 (the latest timeframe reported), 42.3 percent of the customers (approximately 186,000) were shopping for CRNGS in Duke's service territory. See the Commission's Ohio Customer Choice Activity webpage at <https://puco.ohio.gov/utilities/electricity/resources/ohio-customer-choice-activity> (accessed February 23, 2022).

CERTIFICATE OF SERVICE

The Public Utilities Commission of Ohio's e-filing system will electronically serve notice of the filing of this document on the parties referenced on the service list of the docket card who have electronically subscribed to the case. In addition, the undersigned certifies that a courtesy copy of the foregoing document is also being served (via electronic mail) on the 25th day of February 2022 upon all persons/entities listed below:

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