

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Duke)
Energy Ohio, Inc. for a Waiver of Specific)
Sections of the Ohio Administrative Code.) Case No. 22-43-GE-WVR

**REPLY COMMENTS
OF
THE RETAIL ENERGY SUPPLY ASSOCIATION**

March 4, 2022

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I. Introduction

Duke Energy Ohio, Inc. (“Duke”) has sought waivers of tariff requirements and rules of the Public Utilities Commission of Ohio as part of its implementation of a new customer information system (“CIS”). Following a technical conference and information sessions hosted by Duke, interested persons filed comments on February 25, 2022. Those comments demonstrate that Duke’s proposed waivers will substantially disrupt activities between customers and their suppliers.¹ The CIS change also is imposing substantial costs on suppliers as they work diligently to accommodate the changes, including those that have been provided late in the process. In combination, these problems will likely lead to customer confusion and complaints during and after the transition period. Accordingly, the Commission should determine that the waivers that Duke is seeking are unreasonable and modify the request to address the legitimate concerns of suppliers and customers.²

II. Discussion

A. The Commission should issue waivers of rules applicable to suppliers necessitated by Duke’s extended delay process.

As noted by several commenters, Duke seeks extended waivers under which it will not provide any support for supplier transactions. *See, e.g.*, RESA Comments at 3-7; SFE Comments at 2-9; NRG Comments at 3-4. These delays will place suppliers in an untenable situation not of their choosing of delaying transactions and notifications. *See, e.g.*, SFE Comments at 12. It would be patently unreasonable for the Commission to apply rules to suppliers for missed deadlines or delayed

¹ Initial Comments of the Retail Energy Supply Association (Feb. 25, 2022) (“RESA Comments”); 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 (Feb. 25, 2022) (“NRG Comments”); Consumer Protection Comments by Office of the Ohio Consumers’ Counsel (Feb. 25, 2022) (“OCC Comments”); Comments of SFE Energy Ohio, Inc. and StateWise Energy Ohio, LLC (Feb. 25, 2022) (“SFE Comments”); and Initial Comments of Interstate Gas Supply, Inc. (Feb. 25, 2022) (“IGS Comments”).

² The comments expressed in this filing represent the position of RESA as an organization but may not represent the views of any particular member of the Association. Founded in 1990, RESA is a broad and diverse group of retail energy suppliers dedicated to promoting efficient, sustainable and customer-oriented competitive retail energy markets. RESA members operate throughout the United States delivering value-added electricity and natural gas service at retail to residential, commercial and industrial energy customers. More information on RESA can be found at www.resausa.org.

notifications caused by Duke's implementation process. Therefore, the Commission should waive those rules and contract requirements that would otherwise be violated because of Duke's implementation process.

B. Suppliers uniformly identified concerns from the extended delays imposed by Duke's requested waivers and provided reasonable solutions to address those concerns.

During the proposed transition period, the most serious challenge will be the extended period in which Duke will refuse to accept requests for customer assignments and terminations and a week-long suspension of all billing activities.

Individual suppliers agree with the assessment that Duke's implementation process is unreasonable. *See, e.g.*, SFE Comments at 5-9; NRG Comments at 3-4. Commenters such as RESA, moreover, have also offered responsible ways to mitigate the problems caused by Duke's proposed implementation process. NRG Comments at 3-4; RESA Comments at 9-11. In addition to RESA, IGS also offered workarounds such as a requirement that Duke queue requests for service rather than rejecting them. *See* IGS Comments at 4. Adoption of these workarounds could reduce the disruption that all parties, including Duke, anticipate.

C. The Commission should direct Duke to supply timely customer account information and permit the continued use of older customer account information until system processes by suppliers are fully implemented.

One additional significant change from current practice is Duke's introduction of new account numbers and service identifiers. This change requires suppliers to modify their information technology as well and will require suppliers to incur substantial costs. RESA Comments at 6; IGS Comments at 7. The process for implementing these changes has been complicated with Duke's unilateral decision to delay access to the new account information. RESA noted the problems associated with Duke's planned distribution of this information. RESA Comments at 6. Other suppliers did so as well. IGS Comments at 4-5; NRG Comments at 2.

Once again, suppliers have offered a solution to a problem. As supported by both IGS and NRG, the Commission should direct Duke to provide cross-reference files with legacy and new customer information. Further, the Commission should direct Duke to accommodate requests using the legacy customer information for up to ninety days. IGS Comments at 4-5; NRG Comments at 2. By providing this information in a timely way and accommodating requests based on legacy account information, suppliers will have the time they need to address the system changes they must make with less disruption to their businesses.

D. The Commission should direct Duke to prepare a broad-based communications plan so that customers understand the potential impacts of its conversion process.

Suppliers and the Ohio Consumers' Counsel identified problems with the lack of customer communications regarding the effects of the CIS changes. They requested that Duke work with the stakeholders and the Commission in order to make customers aware of the kinds of billing and other issues they are likely to see. IGS Comments at 5-6; OCC Comments at 2, 5, 6-7.

While OCC has offered a specific suggestion regarding notifications to customers who are returning to default services, its recommendation is too narrow. OCC Comments at 7. The effects of the CIS implementation plan are broad, and any customer is likely to be affected. In particular, there are hundreds of thousands of shopping customers who would be affected by the disruptions that Duke has proposed through its waivers.³ Due to the breadth of the potential problems, Duke should be taking steps now to assure that all customers understand that enrollments, terminations, transfers, billing information, and other customer service activities will be interrupted because of Duke's CIS conversion. RESA Comments at 7-9; IGS Comments at 5-6. Additionally, Duke should be directed

³ In January 2022, 61 percent of the customers in Duke's service territory (approximately 450,000) were enrolled with competitive retail electric service providers and in the second quarter of 2021 (the latest timeframe available), 42.3 percent of the customers (approximately 186,000) were enrolled with a competitive retail natural gas service provider. See the Commission's Ohio Customer Choice Activity webpage at <https://puco.ohio.gov/utilities/electricity/resources/ohio-customer-choice-activity> (accessed March 4, 2022).

to work with suppliers after the initiation of the new CIS to address issues associated with the conversion process. RESA Comments at 11-12. These steps will likely reduce customer confusion and complaints during the conversion process and after.

III. Conclusion

As demonstrated in the comments, Duke's application for waivers is unreasonable as presented because it fails to take into account the needs of suppliers and customers. Suppliers and the Ohio Consumers' Counsel have proposed several practical responses to address the deficiencies of the application. For the reasons offered by RESA and others, the Commission should modify the application so that Duke:

- Provides suppliers and customers with timely and effective information about the changes taking place;
- Adopts procedures so that enrollments are not unreasonably delayed, utility-consolidated bills are accurate, customers are billed at rates that correspond with their supply contract, and supply contracts end consistent with the terms of the supply contract; and
- Works with suppliers regarding any conversion-related issues now and after the waiver periods have ended.

Respectfully Submitted,

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CERTIFICATE OF SERVICE

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3/4/2022 4:13:51 PM

in

Case No(s). 22-0043-GE-WVR

Summary: Comments Reply Comments electronically filed by Mrs. Gretchen L.
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