

**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.)

PROPOSED SURREPLY COMMENTS OF DUKE ENERGY OHIO, INC.,

Duke Energy Ohio, Inc., (Duke Energy Ohio or Company) hereby tenders its Proposed Surreply Comments regarding its Application for Waiver (Application) in this proceeding, which was filed with the Public Utilities Commission of Ohio (Commission) on January 19, 2022.¹

Subsequent to the filing of the Application, intervening parties submitted comments on the Application. The Office of the Consumers' Counsel (OCC), Interstate Gas Supply, Inc. (IGS), SFE Energy, Inc. and StateWise Energy Ohio LLC (SFE Energy), Retail Energy Supply Association (RESA) and 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 (collectively NRG Retail Companies) filed their Initial Comments on February 25, 2022. Duke

¹ Consumer Protection Comments by Office of the Ohio Consumers' Counsel (February 25, 2022), Initial Comments of Interstate Gas Supply, Inc. (February 25, 2022), Initial Comments of The Retail Energy Supply Association (February 25, 2022), Comments of SFE Energy Ohio, Inc. and Statewise Energy Ohio, LLC (February 25, 2022) and 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, Xoom Energy Ohio LLC (February 25, 2022).

Energy Ohio, Staff of the Commission (Staff), IGS, RESA, and NRG Retail Companies filed their Reply Comments on March 4, 2022.²

The Company now submits its Proposed Surreply Comments, primarily to respond to the Staff Reply Comments—as Staff had not commented previously in this proceeding—and also to respond to a few reply comments by other parties. Where these Proposed Surreply Comments do not address a matter discussed in an intervenor’s reply comments, agreement should not be inferred. Insofar as many of intervenors’ reply comments reiterate issues raised in their initial comments, the Company’s Reply Comments address those issues.

I. DISCUSSION

A. It Is Reasonable To Resume Late Payment Charges At The Same Time Disconnections For Nonpayment Are Resumed.

Staff recommends that late payment fees “should not be charged until after disconnections resume,”³ but the Company believes its current plan to resume the assessment of both late payment charges and disconnections for nonpayment (DNP) on July 1 is reasonable. For customers who are at risk of being subject to DNP or late payment charges, the Company will give them notice beforehand as described in Section I.B below.

Insofar as there is concern about arrearages, the Company does not expect customers to accumulate very large arrearages during this four-month period of DNP suspension. Not only is the period shorter than that of the Company’s COVID-related DNP suspension, but this DNP

² Staff’s Reply Comments Submitted on Behalf of the Staff of the Public Utilities Commission of Ohio (March 4, 2022) (Staff Reply Comments); Reply Comments of The Retail Supply Association (March 4, 2022) (RESA Reply Comments); Joint Reply 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, Xoom Energy Ohio LLC (March 4, 2022) (NRG Retail Companies Reply Comments); and Reply Comments of Interstate Gas Supply, Inc. (March 4, 2022) (IGS Reply Comments).

³ Staff Reply Comments, pg. 3.

suspension was not actively publicized and customers have been receiving disconnect notices and will continue to receive them through March 31. And even during the resumption of normal activities after the lengthier and more publicized COVID-related DNP suspension, the Company received authorization to resume late payment charges *before* the resumption of DNP.⁴ Thus, the Company believes that resuming both on July 1, 2022, is reasonable here.

B. The Company Will Notify Customers When Payment Plans And Budget Billing Enrollment Become Available And Late Payment Charges And DNPs Resume.

Staff recommends that customers “should be provided notice when late payment fees and budget billing will resume, and when payment arrangements become available,”⁵ and the Company intends to provide such notice. First, any customers who call and express interest in budget billing or payment plans during the time that enrollments are suspended may request to be notified, after system stabilization, by email that enrollments are available again. Second, DNP notifications on bills will resume June 1, so customers will be notified that they are at risk. Finally, the Company proposes to notify customers via a bill message in June that late payment charges and DNPs will be resuming on July 1 and encouraging them to enroll in plans where appropriate. The Company is open to working with Staff to finalize the text of the bill message.

C. The Company Will Continue To Reconnect Customers With Active Accounts Previously Disconnected For Nonpayment During Conversion.

Staff recommends that the Company “reconnect any consumers who contact Duke to restore service, regardless of whether Duke can process the consumer’s payment.”⁶ Insofar as the concern here appears to be for existing customers who have been subject to DNP prior to the

⁴ See Case No. 20-599-GE-UNC, Supplemental Finding and Order, pg. 5-7 (July 29, 2020).

⁵ Staff Reply Comments, pg. 3.

⁶ Staff Reply Comments, pg. 3.

beginning of the DNP suspension on March 1, the Company expects that all such customers will have been reconnected by March 31. If any have not, they will still be able to pursue reconnection; the Company plans to continue processing requests for reconnection from customers with active accounts who have been subject to DNP throughout the conversion period. The Company expects such processing to be timely, as long as no new installation is required.

D. The Company Is Willing To Manually Work With Suppliers Using Legacy Account Numbers For Two Billing Cycles After Conversion, If It Can Do So In A Manner That Complies With Applicable Laws And Regulations Or The Commission Grants Any Necessary Waivers.

Staff states that “CRES providers should only be giv[en] a cross-reference [list] of their Choice customers,” and recommends that the Company “work with suppliers” on pending enrollments with legacy account numbers for at least two billing cycles after the enrollment.⁷ The Company plans to only give each CRES provider a cross-reference list of its own current customers, which is consistent with Staff’s comment. With regard to working with CRES providers on pending enrollments under legacy account numbers, the Company is not opposed to having manual processes to address this, but only if it receives the necessary regulatory authorization as described in its Reply Comments.⁸

E. The Company Is Not Opposed To Providing Staff With Updates and Sharing Copies Of Applicable Planned Communications Informationally, But It Would Be Unduly Burdensome And Constraining To Require All Communications To Undergo Commission Review And Approval Or To Be Provided By A Certain Date.

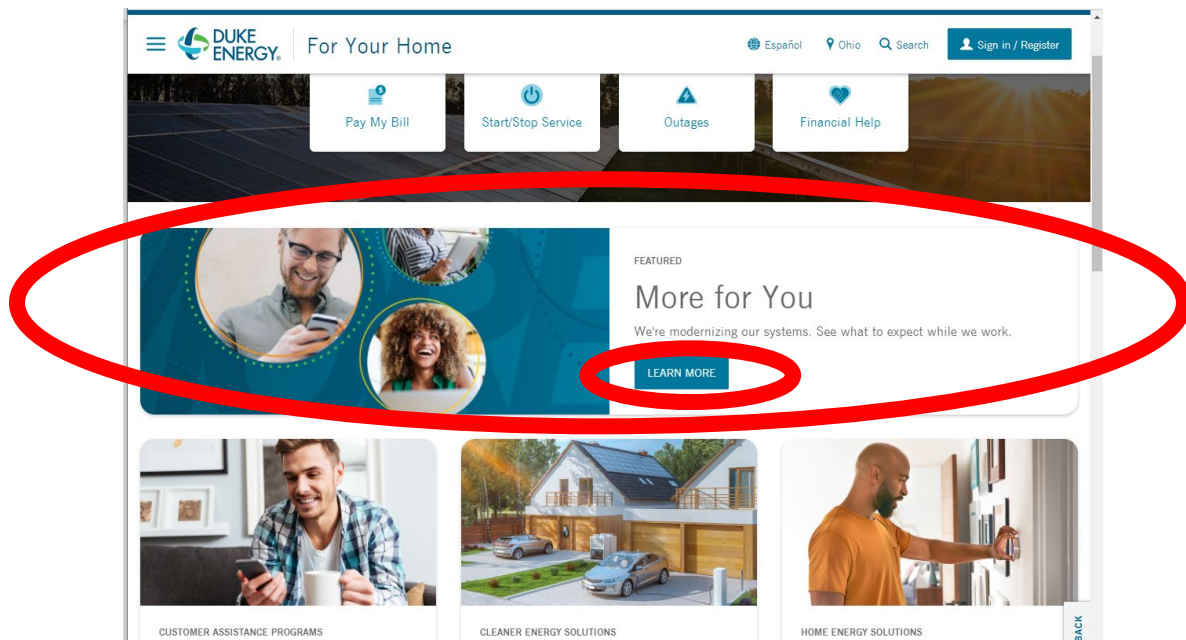
Staff states it is “not opposed to Duke developing a comprehensive plan that includes communications to consumers and employees on how inquiries will be handled” and agrees with

⁷ Staff Comments, pg. 4-5.

⁸ Duke Energy Ohio Reply Comments, pg.14.

IGS's request to distribute all customer communications by March 15, 2022.⁹ IGS goes further, and requests that the Company be required to submit communications for review and approval to the Commission.¹⁰ The Company is open to sharing communications materials for informational purposes, but believes that imposing unnecessarily burdensome requirements will merely slow it down and hamper its ability to respond quickly to evolving circumstances during and immediately after the conversion process.

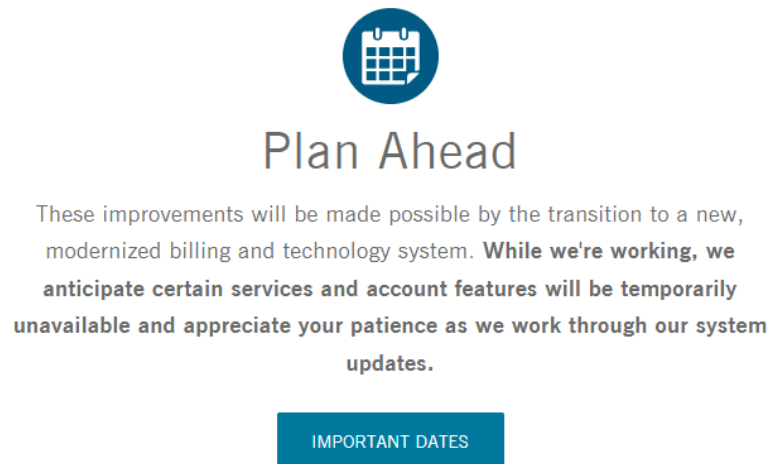
The Company has, all along, been preparing its employees and suppliers for the transition with both written communications and events such as information sessions. Furthermore, the Company is informing customers about the transition, with the top story on its homepage in Ohio (which will remain the top until conversion), <https://www.duke-energy.com/home>:



⁹ Staff Reply Comments, pg. 5.

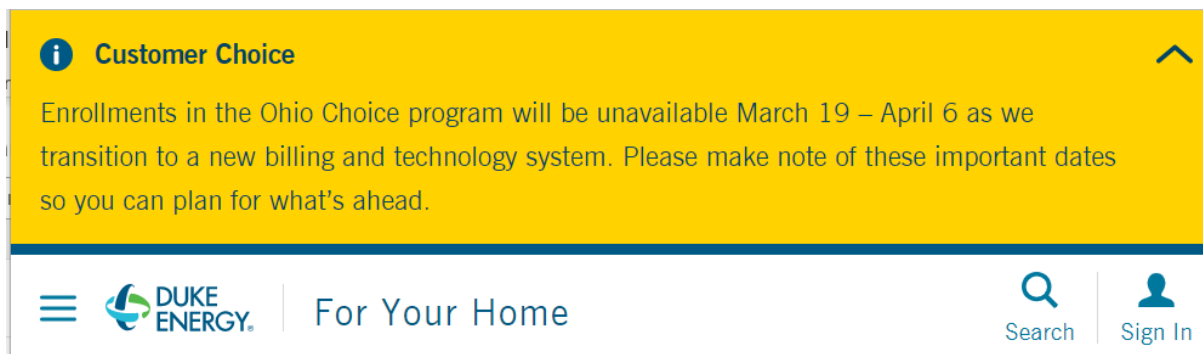
¹⁰ IGS Reply Comments, pg. 5-6.

Clicking on “Learn More” brings the customer to a page containing the following:



The IMPORTANT DATES page, in turn, contains a more detailed overview of the conversion timelines, which is attached hereto as Appendix A.¹¹

With regard to choice specifically, the informational banner on the Company’s Choice website, is already up:



As discussed in its Reply Comments, the Company seeks to strike a balance between informing customers of information that is likely to be relevant to them and unnecessarily confusing customers with information that is unlikely to be applicable to them. While the NRG Companies suggest issuing notices to “all customers whose service-related transactions will be

¹¹ Also available at: <https://www.duke-energy.com/info/under-construction>.

affected,”¹² the Company has no way of identifying such customers in advance for purposes of a targeted campaign. This is not true only of Choice – in fact, the majority of the Company’s customers are not going to notice or be impacted by the brief suspensions of certain functions during the conversion, especially if they do not use the website. Furthermore, the Company needs to preserve the ability to prepare and issue communications, if necessary, after March 16, as questions or issues may arise at any time prior to, during, or after conversion. For this reason, the Company believes that providing information via its website is most likely to inform customers most likely to be impacted while not unnecessarily confusing or alarming customers who will not be impacted.

Regarding Staff’s request for status updates beginning March 15, the Company is willing to provide bi-weekly written updates to Staff on significant issues “resulting from the waivers and conversion, along with any additional action that Duke will need to take to complete the conversion or assist consumers.”¹³ Also, as requested, the Company is willing to submit to Staff weekly written status updates on any significant billing errors, along with corrective actions.¹⁴

F. The Company Cannot Shorten The Period Of Time That Billing Transaction Processing Is Suspended.

Staff summarizes RESA’s suggestion that the Company “shorten the period of time when billing transaction processing is suspended” and “be required to implement measures so that its utility consolidated bills will be accurate,” then “adds” the above-discussed request for weekly status updates.¹⁵ The Company does not read the Staff as endorsing the request to shorten the period of transaction unavailability or a requirement for the Company to create substitute

¹² NRG Retail Companies Reply Comments, pg. 3.

¹³ Staff Reply Comments, pg. 5.

¹⁴ Staff Reply Comments, pg. 5-6.

¹⁵ Staff Reply Comments, pg. 5-6.

processes to effectively make those transactions available via another path, but merely as requesting updates. Nonetheless, the Company reiterates, as discussed in its Reply Comments, that it would be imprudent to attempt to shorten the period of unavailability. And the billing transactions in question are automated, so the Company will not have any means by which to “collect” the information during the applicable period. Finally, the suspensions of billing transactions will not result in any inaccurate bills in the sense that a customer will be overbilled or underbilled, but only in bills that lack supplier charges for the billing period and which will be added on the next bill.

**G. The Company Has Been And Will Continue To Work With Suppliers,
And Is Willing To Commit To Schedule Two Supplier Information
Sessions In April, One In May, And One In June, As Detailed Below.**

Staff agrees that the Company “should be required to convene regular, ongoing meetings with suppliers and provide dedicated Duke contacts to work through issues,”¹⁶ but it is important to preserve flexibility for the Company in how to best work with Suppliers. First, as detailed in the Company’s Reply Comments, the Company already has contacts regularly available to suppliers and has been working with suppliers extensively on this conversion.¹⁷ The Company will continue to do this and will also have a Hypercare team with dedicated staff for choice issues available after conversion.¹⁸ There is no benefit in ordering meetings—which require considerable preparation by the Company’s internal experts—at arbitrary intervals and eliminating the Company’s flexibility to meet and communicate as the need arises.

¹⁶ Staff Reply Comments, pg. 6.

¹⁷ Duke Energy Ohio Reply Comments, pg. 11-12.

¹⁸ *Id.*, pg. 12.

Given the high level of interest in such meetings and to avoid completely arbitrary timelines, the Company is willing to commit to what it believes to be a reasonable meeting schedule and timeline: two supplier information sessions in April, one supplier information session in May, and one supplier information session in June. Staff and OCC would be welcome to attend. However, the Company believes a broad requirement to “convene regular, ongoing meetings” would be vague and unduly burdensome and opposes such a requirement.

H. Customers Will Be Able To Obtain Their Choice Service IDs From The Call Center As Of April 6.

IGS expresses concern that “Duke does not plan to disclose the new account numbers and Choice Service IDs to customers until they receive their post-conversion bills,”¹⁹ but the Company has taken steps to address this since the March 2 email that IGS cites. Now, the Company’s customer service representatives *will* be able to provide customers with their new account numbers and Choice Service IDs after go-live if/when customers call in to request them and can provide the necessary security verifications.

I. Customer Complaints, If Any, Must Be Investigated Factually On A Case-By-Case Basis.

IGS and the NRG Retail Companies both raise the issue of customers complaints that may arise during and after the conversion period,²⁰ and the Company does not believe that any blanket change in the handling of customer complaints is necessary or appropriate. Each case will have its own facts and circumstances and will have to be evaluated based on those. Suppliers and the Company are both governed by applicable laws, regulations, and tariffs, as well as Commission orders (including waivers).

¹⁹ IGS Reply Comments, pg. 3.

²⁰ IGS Reply Comments, pg. 2; NRG Retail Companies, pg. 3-4.

The Company's conversion from the legacy CIS to Customer Connect is a matter of public record and also a matter of fact, and the order in this docket will be available to be cited as necessary in any future matters before the Commission. However, the Company does not believe that it is appropriate to "insulate suppliers from any violations that may arise while suppliers and their customers await the completion of Duke's conversion," ahead of time, as IGS requests.²¹ In some cases that arise over the next few months, conversion-related facts may be relevant and in other cases they may not. The Commission must have the opportunity to evaluate which is which. There is no basis to issue a blanket order that would preclude the Commission from performing its usual role as arbiter of the facts and applicable law.

II. CONCLUSION

The Company respectfully requests that its Application be approved in accordance with its Reply Comments and these Proposed Surreply Comments.

Respectfully submitted,

/s/ Larisa M. Vaysman

Rocco O. D'Ascenzo (0077651)

Deputy General Counsel

(Counsel of Record)

Larisa M. Vaysman (0090290)

Senior Counsel

Duke Energy Business Services, Inc.

139 East Fourth Street, ML 1301

Cincinnati, Ohio 45202

Phone: 513-287-4320

Rocco.D'Ascenzo@duke-energy.com

Larisa.Vaysman@duke-energy.com

²¹ IGS Reply Comments, pg. 6-7.

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Proposed Surreply Comments of Duke Energy Ohio, Inc. was served on the following parties this 11th day of March 2022 by regular U. S. Mail, overnight delivery or electronic delivery.

/s/ Larisa M. Vaysman
Larisa M. Vaysman

Thomas.lindgren@OhioAGO.gov
Sarah.feldkamp@OhioAGO.gov
joe.oliker@igs.com
michael.nugent@igs.com
Evan.betterton@igs.com

Amy.botschner-obrien@occ.ohio.gov
Ambrosia.wilson@occ.ohio.gov
dproano@bakerlaw.com
tathompson@bakerlaw.com
mjsettineri@vorys.com
gpetrucci@vorys.com

Changes are coming to improve your experience.

Here's what to expect.

In early April, we're implementing a new, modernized [billing and technology system](#) that will offer you better flexibility and new options.

During the transition, certain services and account features will be temporarily unavailable. We encourage you to make note of the dates listed below and plan accordingly.

[Business customers can learn more here.](#)



What's Ahead

Feb. 17 – April 6: New program enrollments unavailable

Over this time period, enrollment in select billing & payment programs will be unavailable. [Learn more](#) about which programs will be paused, and when.

If your program-of-interest is paused, we encourage you to check back after April 6 for updates or speak with a representative at [800.544.6900](tel:800.544.6900) to request notification by text or email once enrollments are available.

March 28 – April 6: Registration and online Start/Stop service requests unavailable

During this time, you will be unable to:

- Register for a new online profile or manage your existing profile (add/delete users or edit email addresses within My Account).
- Submit Start/Stop service requests online. While we will be able to assist you by phone, to avoid longer-than-normal wait times, we recommend you submit requests before March 28, if possible, or wait until system updates are complete on April 6.

March 29 – April 6: Limited access to online features

Access to your online account will be unavailable. This includes, but is not limited to:

- Viewing account details and monthly billing statements.
- Making a one-time payment using your bank account within My Account. While you can still make a credit/debit card payment, or an eCheck payment using [Speedpay®](#), it will not be applied to your Duke Energy account until our work is completed on April 6. As a result, digital payment confirmations may be delayed until after this date.
- Getting updated account balances online or through our automated phone system that reflect any payments made during this time period.
- "Sign In" capabilities to My Account from April 3 – 6.

Please note that no late fees will be assessed during this time. Customers with payments due during this period will incur no credit penalties for waiting until after April 6 to submit their online payment to avoid convenience fees through Speedpay.



Most aspects of the system transition are expected to be complete on April 6; however, we do anticipate longer-than-normal call wait times and intermittent issues on our website and mobile app until we have systems performing at optimal levels later in the month.

Thank you for your patience as we work to improve your experience.

**This foregoing document was electronically filed with the Public Utilities
Commission of Ohio Docketing Information System on**

3/11/2022 5:06:03 PM

in

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

Summary: Reply Proposed Surreply Comments of Duke Energy Ohio, Inc.
electronically filed by Mrs. Tammy M. Meyer on behalf of Duke Energy Ohio Inc.
and D'Ascenzo, Rocco and Vaysman, Larisa and Kingery, Jeanne W. and Akhbari,
Elyse Hanson