

**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. 22-43-GE-WVR
Sections of the Ohio Administrative Code.)	

**JOINT MOTION OF
THE RETAIL ENERGY SUPPLY ASSOCIATION
AND
INTERSTATE GAS SUPPLY, INC.
FOR LEAVE TO FILE *INSTANTER* A JOINT REPLY TO
DUKE ENERGY OHIO, INC.'S SUR-REPLY COMMENTS**

The Retail Energy Supply Association (“RESA”)¹ and Interstate Gas Supply, Inc. (“IGS”) (collectively, “Joint Movants”) respectfully request leave to file *instanter* a joint reply to Duke Energy Ohio, Inc.’s (“Duke”) sur-reply comments filed on March 11, 2022, in this docket. Duke presents new facts and positions in its sur-reply comments for the first time, and the Joint Movants seek leave to briefly respond to them. The reasons supporting RESA’s motion for leave to file *instanter* a reply to Duke’s sur-reply comments are set forth more fully in the attached Memorandum in Support. A copy of the Joint Movants’ reply is also attached as Exhibit A.

¹ 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.

Respectfully Submitted,

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**MEMORANDUM IN SUPPORT OF THE
JOINT MOTION OF
THE RETAIL ENERGY SUPPLY ASSOCIATION
AND
INTERSTATE GAS SUPPLY, INC.
FOR LEAVE TO FILE *INSTANTER* A JOINT REPLY TO
DUKE ENERGY OHIO, INC.'S SUR-REPLY COMMENTS**

Duke Energy Ohio, Inc. filed an application in January 2022 asking for waivers of several requirements for Duke to interact and coordinate with competitive retail energy suppliers in its service territory. Parties filed initial and reply comments on February 25 and March 4, 2022, in accordance with the expedited schedule set by the Attorney Examiner. On March 11, 2022, however, Duke filed a motion for leave to file sur-reply comments. Duke also filed its proposed sur-reply comments in which Duke presents new facts and positions, including the following:

- Duke stated that, if permitted or ordered, it is willing to manually work for two billing cycles with a supplier who has a customer's legacy account numbers to give a supplier that customer's new account and service ID numbers so that the supplier can complete the new customer enrollment using the new numbers.² This is different from the 90-day period Duke stated one week earlier in its March 4, 2022 reply comments.³
- Duke stated that its customer service representatives in the Call Center will now be able to give customers both the customer's new account number and new service ID numbers after the go-live date,⁴ which has been a changing position from Duke.⁵

² Duke Sur-reply Comments at 4.

³ Duke Reply Comments at 12-13.

⁴ Duke Sur-reply Comments at 9.

⁵ Contrast with Duke's February 23, 2022 Frequently Asked Questions document at 18 ("[C]ustomers may contact Duke Energy's customer service for their new account number beginning April 6") and IGS Reply Comments at 3, fn. 9 (Duke confirmed on March 2, 2022 that "Choice Service ID information will not be visible to Duke's customer service representatives until the first bill is issued to customers post-conversion").

RESA and IGS did not previously have an opportunity to consider or comment on Duke's new facts and positions. RESA and IGS have promptly prepared this joint motion and the attached joint reply and there will not be any undue delay caused by granting the Joint Movants' motion for leave. Rather, the Commission will benefit from understanding the positions of suppliers on these matters and the joint reply will better inform the Commission for its consideration of the application and issues in this proceeding.

Accordingly, the Joint Movants respectfully request that the Commission grant this motion for leave to file *instantly* their joint reply to Duke's sur-reply comments.

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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 sent (via electronic mail) on the 17th day of March 2022 on all persons/entities listed below:

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**JOINT REPLY OF THE RETAIL ENERGY SUPPLY ASSOCIATION¹ AND
INTERSTATE GAS SUPPLY, INC.
TO THE
SUR-REPLY COMMENTS OF DUKE ENERGY OHIO, INC.**

March 17, 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”). Under an Entry, interested parties filed initial and reply comments on February 25 and March 4, 2022, respectively. The Commission Staff also filed reply comments on March 4. Duke has sought to file a sur-reply to address the reply comments of the Staff and suppliers on March 11, 2022. Proposed Surreply Comments of Duke Energy Ohio, Inc. (Mar. 11, 2022) (“Duke Sur-Reply Comments”).

Duke presents two new problems in the sur-reply. First, Duke seeks to shorten the time – from 90 to 60 days – that it is willing, if ordered, to permit competitive suppliers to use legacy customer account numbers to obtain for new enrollments the new account and service identification numbers that Duke will create under the new CIS. Second, Duke proposes to provide the new account numbers and customer identifiers through a customer-initiated request to a Duke customer service representative, a process that burdens customers to affirmatively obtain their own account information when seeking to enroll with a supplier. It is also unclear from Duke’s sur-reply if the representatives will provide customers with their new account and customer identifiers via Duke’s live chat in the customers’ My Account portal. The Commission should not permit Duke to narrow its interactions with suppliers and customers in these ways during the transition period following the implementation of the new CIS.

II. Discussion

- A. The Commission should direct Duke to accept for 90 days enrollment applications related to competitive services when the supplier provides legacy customer account numbers. Further, the Commission should**

grant the necessary waivers of Commission Rules 4901:1-10-24(E)(1) and (4) and 4901:1-13-12-(D)(1) and (3).²

Duke's new CIS introduces 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. Initial Comments of the Retail Energy Supply Association at 6 (Feb. 25, 2022) ("RESA Comments"); Initial Comments of Interstate Gas Supply, Inc. at 7 (Feb. 25, 2022) ("IGS Comments"). The process for implementing these changes has been complicated with Duke's unilateral decision to limit its ability to accommodate legacy account information and limit the distribution of the new account numbers and identifiers. RESA Comments at 6; IGS Comments at 4-5.

In Duke's reply comments, it stated that its current plan was to provide suppliers with lists that include their customers' legacy account numbers, Choice Service identification numbers, service addresses, and meter numbers. Duke Reply Comments at 13. It also offered to provide a manual process by which Duke would provide new identification numbers to suppliers that provided legacy account numbers without a formal letter of authorization if the Commission approved the waiver of the applicable rules for 90 days. However, Duke was not requesting the waiver. *Id.* at 14.

In its sur-reply, Duke appears to revise its position to limit the use of a manual process to 60 days and again refuses to seek the necessary waivers of Commission rules applicable to the release of customer information. According to Duke, it "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

² Commission Rules 4901:1-10-24(E)(1) and (4) and 4901:1-13-12-(D)(1) and (3) do not allow the utility to disclose the customer account number without proof of the customer's consent on a specified consent form.

waiver.” Duke Sur-Reply Comments at 4 (emphasis added). Thus, what was a 90-day offer appears to be revised to a 60-day offer, conditioned on Commission approval of waivers Duke is not seeking.

As all parties agree, implementation of the new CIS will take time and there will be mistakes. In particular, Duke’s approach to implementing its new CIS has introduced complications that undermine customer choice and impose on suppliers requirements to adapt their systems. To minimize the potential mistakes, Duke should be directed to accept and manually process service applications with legacy numbers for 90 days. Further, the Commission should grant the necessary waivers of Commission Rules 4901:1-10-24(E)(1) and (4) and 4901:1-13-12-(D)(1) and (3).

B. The Commission should direct Duke to provide account numbers and customer identification information without burdening customers and clarify that Duke’s representatives will provide customers with their new account numbers and customer identifiers via Duke’s live chat in the customers’ My Account portal.

In its sur-reply, Duke states that its customer representatives will be able to provide customers with their new account numbers and customer identification numbers after the new CIS is working. Duke Sur-Reply Comments at 9. This process is necessitated because Duke is not providing customers their new account numbers and customer identification numbers until it issues post-conversion customer bills. Suppliers seeking to enroll new customers will not be able to access the information because the supplier portal is also undergoing a separate transition and because Duke is offering to issue cross-reference lists to a supplier of only the supplier’s existing customers. *See* Duke Reply Comments at 13. To avoid delays in new enrollments, suppliers and customers should be able to secure the account numbers and customer information appropriately without burdening customers to contact Duke’s customer service representatives by phone and

endure long hold/wait times. Alternatively, Duke should clarify that customers can also retrieve that information either by contacting Duke's automated customer service line or by using the live chat feature in the customers' MyAccount portal. This would provide a seamless way for the customers to receive the information needed to complete the new enrollments, avoiding the burdens of calls to the call center.

Removing barriers that Duke's conversion process will impose of customer choice is important. Under the approach recommended by Duke, suppliers, at least until the customer receives a bill with the new account information, are hamstrung if a customer is forced to secure account information through a call to a Duke customer representative. This limited access can be avoided if suppliers can also access the customer account information that should be available when the new CIS becomes active. Duke customer service representatives should be able to provide the Choice Service ID and account number through live chat in the customer's My Account portal. This information should also be available to the customer through Duke's automated customer service telephone line. The ability for Duke to share this information either electronically or through an automated process would alleviate the burden of long hold/wait times often associated with contacting a live customer service representative by phone, and would provide a seamless way for the customers to receive the information necessary to complete an enrollment.

III. Conclusion

All parties agree that Duke CIS transition is and will be difficult, but there are solutions that the Commission should order to make the transition more effective for suppliers and customers. First, it should direct Duke to accept applications related to competitive services that provide legacy customer account numbers for 90 days. Further, the Commission should grant the necessary waivers of Commission Rules 4901:1-10-24(E)(1) and (4) and 4901:1-13-12-(D)(1) and

(3). Second, the Commission should direct Duke to provide customer account numbers and account identification information without placing the burden on enrolling customers to call Duke.

Customers should be able to access the information through Duke's interactive chat.

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Summary: Motion Joint Motion of the Retail Energy Supply Association and Interstate Gas Supply, Inc. for Leave to File Instantly a Joint Reply to Duke Energy Ohio, Inc.'s Sur-Reply Comments electronically filed by Frank P. Darr on behalf of Retail Energy Supply Association and Interstate Gas Supply, Inc.