

**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. 22-0043-GE-WVR**

**JOINT MOTION
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
FOR LEAVE TO FILE *INSTANTER* A JOINT RESPONSE TO
DUKE ENERGY OHIO, INC.'S SUR-REPLY COMMENTS**

The NRG Retail Companies¹ respectfully request leave to file *instanter* a joint response to Duke Energy Ohio, Inc.'s ("Duke") surreply comments filed on March 11, 2022, in this docket. Duke presents new information and positions in its surreply comments, and the NRG Retail Companies seek leave to briefly respond to them. The reasons supporting the NRG Retail Companies' motion for leave to file *instanter* a joint response to Duke's surreply comments are set forth more fully in the attached Memorandum in Support. A copy of the NRG Retail Companies' response is also attached as Exhibit A.

¹ "NRG Retail Companies" refers collectively 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.

Respectfully Submitted,

/s/ Gretchen L. Petrucci

Michael J. Settineri (0073369), Counsel of Record

Gretchen L. Petrucci (0046608)

Vorys, Sater, Seymour and Pease LLP

52 E. Gay Street

Columbus, OH 43215

Telephone 614-464-5462

msettineri@vorys.com

glpetrucci@vorys.com

Counsel for 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

**MEMORANDUM IN SUPPORT OF THE JOINT MOTION OF
DIRECT ENERGY BUSINESS LLC
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DIRECT ENERGY BUSINESS MARKETING LLC
ENERGY PLUS HOLDINGS LLC
ENERGY PLUS NATURAL GAS LLC
RELIANT ENERGY NORTHEAST LLC
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A JOINT RESPONSE TO DUKE ENERGY OHIO, INC.'S SUR-REPLY COMMENTS**

Duke requests temporary waivers of many requirements that will result in the disruption of many transactions for customers who are shopping today and who shop in the near future. The Attorney Examiner called for comments and numerous comments were filed on February 25 and March 4, 2022. On March 11, 2022, Duke filed a motion to provide additional comments (surreply comments). Duke's surreply comments, however, presented new information and positions to which the NRG Retail Companies were not previously given an opportunity to respond. This matter is important to the NRG Retail Companies and they seek the opportunity to respond to targeted sections of the surreply comments, namely: the new time period proposed for the manual workaround presented for new enrollments; call center representatives now having access to the new account numbers and new choice ID numbers; the new additional supplier information session proposal; and the claim that the CIS transition will not affect customers.

WHEREFORE, for the foregoing reasons, the NRG Retail Companies respectfully request that the Commission grant this joint motion for leave to file *instanter* their joint response to Duke's surreply comments.

Respectfully Submitted,

/s/ Gretchen L. Petrucci
Michael J. Settineri (0073369), Counsel of Record
Gretchen L. Petrucci (0046608)
Vorys, Sater, Seymour and Pease LLP
52 E. Gay Street
Columbus, OH 43215
Telephone 614-464-5462
msettineri@vorys.com
glpetrucci@vorys.com

Counsel for 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

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 18th day of March 2022 upon all persons/entities listed below:

Duke Energy Ohio, Inc. rocco.dascenzo@duke-energy.com
larisa.vaysman@duke-energy.com

Interstate Gas Supply, Inc. michael.nugent@igs.com
evan.betterton@igs.com

SFE Energy Ohio, Inc. and StateWise Energy Ohio, LLC dproano@bakerlaw.com
tathompson@bakerlaw.com

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 mjsettineri@vorys.com
glpetrucci@vorys.com

Ohio Consumers’ Counsel amy.botschner.obrien@occ.ohio.gov
ambrosia.wilson@occ.ohio.gov

Retail Energy Supply Association mjsettineri@vorys.com
glpetrucci@vorys.com
fdarr2019@gmail.com

Staff of the Public Utilities Commission of Ohio thomas.lindgren@ohioAGO.gov
sarah.feldkamp@ohioAGO.gov

/s/ Gretchen L. Petrucci

Gretchen L. Petrucci

**BEFORE
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**JOINT RESPONSE TO THE SURREPLY COMMENTS OF DUKE ENERGY OHIO, INC.
OF
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March 18, 2022

Michael J. Settineri (0073369), Counsel of Record
Gretchen L. Petrucci (0046608)
Vorys, Sater, Seymour and Pease LLP
52 E. Gay Street
Columbus, OH 43215
Telephone 614-464-5462
msettineri@vorys.com
glpetrucci@vorys.com

Counsel for 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

Last week, Duke Energy Ohio, Inc. (“Duke”) filed a motion for leave to file surreply comments as a further response to the comments filed in accordance with the schedule set in this proceeding. Duke also filed its proposed surreply comments and, importantly, they include new information and proposals that Duke did not present previously in this proceeding. The NRG Retail Companies¹ wish to respond to Duke’s surreply comments so that the Commission understands the NRG Retail Companies’ views of four proposals raised in the surreply comments. First, Duke now states it will work with suppliers seeking to enroll new customers for an undefined and unworkable period of “two billing cycles,” which is contrary to the 90-day period that Duke proposed a few days earlier in its reply comments. The Commission should require Duke to work with suppliers for a 90-day period (starting with the CIS go-live date) for new enrollments when they have the customer’s legacy account number. Second, Duke presented a new statement that its customer service representatives will have access on the CIS “go-live” date to both the new customer account numbers and the new customer choice ID numbers. This new access should be helpful for customers who reach out to Duke and need that information to fulfil their service needs.

Third, Duke now proposes to hold additional supplier information sessions between April and June 2022. The NRG Retail Companies support additional sessions because they should allow continued and consistent information to be provided to suppliers and simultaneously allow further dialogue between Duke and suppliers during the period immediately following the CIS

¹ “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.

switchover. Finally, Duke claims that customers will not notice or be affected by the CIS transition, which is wrong. CIS transition-related customer complaints are likely and are not the fault of suppliers. The Commission should require Duke to take proactive steps to help avoid CIS transition-related customer complaints from even being raised.

II. Responses to Duke’s Surreply Comments

A. Duke’s new willingness to work for “two billing cycles” with suppliers seeking to enroll new customers is an undefined and unworkable period, and inconsistent with its prior statement to work with suppliers for a defined and reasonable 90-day period.

Duke stated in its reply comments that it is willing – assuming it is given the requisite authority from the Commission – to establish a manual process for 90 days by which it would provide the new account number(s) and service ID number(s) to a supplier that provided the customer’s legacy account number, without a formal letter of authorization.² Duke said that it was not asking for that authority, but it was willing to put that workaround into effect if given the authority.³ One week later, however, Duke addressed that manual process in its surreply comments, changing it as reflected in the following excerpt from the surreply comments:⁴

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.

* * * With regard to working with CRES providers on pending enrollments under legacy account number numbers, the Company is not opposed to


² Duke Reply Comments at 14.

³ *Id.*

⁴ Duke Surreply Comments at 4 (emphasis in original).

having manual processes to address this, but only if it receives the necessary regulatory authorization as described in its Reply Comments.

Duke’s new proposition that it would work with suppliers for “two billing cycles” is problematic for multiple reasons. For instance, Duke’s has numerous billing cycles over the course of a month⁵ and it unclear which two billing cycles it is willing to follow. Also, it is unclear if the billing cycles begin on the scheduled “go-live” date for the new CIS, if the two billing cycles are the same for all suppliers, or if they are back-to-back billing cycles. It is also unclear if Duke is refusing to work with suppliers for a new customer enrollment if the customer’s billing cycle differs from the two billing cycles it proposes. A final example of the problems with a billing cycle timeframe is that Duke is planning to have unique billing cycles in April and different ones in May 2022 because of the CIS implementation. Specifically, Duke has informed suppliers that it will have 20 billing cycles in April 2022 but then have “normal” billing cycles in May 2022:⁶

Billing Cycle Timeline (March – May) 

SUN	MON	TUE	WED	THU	FRI	SAT
MAR 27	28	29	30	31	APR 1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
MAY 1 ★ Normal Billing Resumes for 20 Cycles	2	3	4	5	6	7

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⁵ Pursuant to Duke’s website, it has 21 bill cycles. See 2022 Meter Reading Schedule at <https://www.duke-energy.com/partner-with-us/retail-electric-and-gas-sup/electric/meter-reading-schedule?jur=OH01> (accessed March 17, 2022).

⁶ Duke Supplier Information Session, Presentations at 13 (February 2022).

As a result, Duke has not demonstrated what the “two billing cycles” timeframe means or how it is an appropriate timeframe for the workaround involved. Therefore, it would be unreasonable for the Commission to adopt Duke’s proposed “two billing cycle” timeframe.

The Commission, however, has before it a 90-day timeframe for this workaround – Duke presented it in its reply comments.⁷ A 90-day timeframe (starting with the “go-live” date) will be a simple and known timeframe. As such, it will be administratively easier to manage than the “two billing cycle” timeframe. It also would allow this workaround to be in place for a reasonable timeframe in the event that there are any issues with the CIS transition. Additionally, a 90-day timeframe for this workaround is consistent with the 90-day grace period proposal from the NRG Retail Companies, and is the same timeframe that other utilities have allowed when they implemented similar system switches.⁸ The Commission should authorize and require Duke to provide the new account number(s) and service ID number(s) to suppliers that provide the legacy account numbers, without requiring a formal letter of authorization process, so that new enrollments for competitive retail electric and natural gas services can be submitted. In addition, the Commission should require this workaround for 90 days starting with the CIS go-live date.

B. Duke providing its customer service representatives with access to both the new customer account numbers and the new customer choice ID numbers is appropriate.

Duke has discussed the visibility of the new account numbers and choice ID numbers multiple times since it filed its waiver application. Duke is not planning to provide its customers with their new account numbers and choice ID numbers until it issues post-conversion bills. Duke

⁷ Duke Reply Comments at 14.

⁸ NRG Retail Companies’ Initial Comments at 2, 7.

informed suppliers, however, that customers could get their new account numbers (but not the choice ID numbers) by contacting the call center.⁹ Duke informed one supplier that the choice ID numbers will not be visible to the call center representatives.¹⁰ In its surreply comments, however, Duke has changed course, stating that the call center representatives will now have access to both the account numbers and the choice ID numbers.¹¹ The NRG Retail Companies support the representatives having access to the new numbers so that they may assist all customers while this transition takes place. Since this has been a changing position for Duke, the Commission should avoid another change by requiring Duke to provide its customer service representatives with both the account numbers and the choice ID numbers and require that access to start on the same date that Duke makes the cross-reference lists¹² available, which Duke plans to be the day before the CIS go-live date.¹³

C. Duke's new willingness to commit to additional supplier information sessions between April and June 2022 is a positive improvement.

Duke stated in its surreply comments that it wishes "to preserve flexibility for the Company in how to best work with Suppliers."¹⁴ It does not want to be ordered to have meetings

⁹ Duke's February 23, 2022 Frequently Asked Questions at 18.

¹⁰ IGS Reply Comments at 3, fn. 9.

¹¹ Duke Surreply Comments at 9.

¹² The cross-reference lists will contain the customers' old account numbers, new account numbers and new service identifiers. Duke's February 23, 2022 Frequently Asked Questions at 27 (Question/Answer 1, under "Post Go-Live").

¹³ The NRG Retail Companies proposed that those lists be provided to suppliers sooner (five business days in advance of the go-live date) and again urges the Commission to adopt that timing. NRG Retail Companies' Initial Comments at 7.

¹⁴ Duke Surreply Comments at 8.

with suppliers, but is willing to commit to what it believes is reasonable.¹⁵ Duke then described that commitment to be:¹⁶

- Two information sessions in April 2022
- One information session in May 2022
- One information session in June 2022

The NRG Retail Companies support these additional information sessions. It would also be reasonable for the Commission to require them – to ensure that Duke provides continued and consistent information to suppliers and simultaneously allow further dialogue between Duke and suppliers during the period immediately following the CIS switchover.

D. The Commission should require Duke to take proactive steps to avoid customer complaints that are likely because customers will be directly affected by the CIS transition, through no fault of suppliers.

Duke boldly claims in its surreply comments that “the majority of the Company’s customers are not going to notice or be impacted by the brief suspension of certain functions during the conversion, especially if they do not use the website.”¹⁷ The NRG Retail Companies strongly disagree with Duke’s claim and the CIS transition’s impact on the customer bills amply illustrates how Duke is wrong.¹⁸

Duke admits that, as a result of its proposals, its bills to shopping customers will lack supplier charges for a billing period and that those missing charges will be added to the next bill.¹⁹

¹⁵ *Id.* at 9.

¹⁶ *Id.*

¹⁷ Duke Surreply Comments at 7.

¹⁸ It is also obvious that customers will be affected in other ways, including for example if a promised price adjustment is delayed, or if their supply contract termination is delayed because of other suspensions that Duke is planning because of the CIS transition.

¹⁹ *Id.* at 8.

It is obvious, therefore, that *shopping customers will be directly affected* because customers will be required to pay more than they otherwise would have to pay on the subsequent bills – solely because of the CIS transition. Moreover, this is not a billing disruption for a few customers. As the NRG Retail Companies noted in their initial comments,²⁰ hundreds of thousands of Duke customers are shopping and Duke’s suspension of billing transaction processing will affect them all. Duke’s claim in its surreply comments, therefore, is at best naïve or at worst disingenuous. The Commission should not be fooled.

It is for these reasons that the NRG Retail Companies previously stated and continue to hold serious concerns about customer complaints resulting from the CIS transition. To be clear, the NRG Retail Companies were not proposing that suppliers have amnesty from rule violations that arise for reasons unrelated to the CIS transition. However, customers will be negatively affected by the CIS transition and for reasons that are not the fault of suppliers. Duke’s denial of the impact of the CIS transition on customers and its proposal in its surreply comments to simply address complaints individually as they arise²¹ miss the point. The Commission should not only recognize this shortcoming, it should reject Duke’s “deal with it later” approach. The Commission should require Duke to take proactive steps to help avoid CIS transition-related customer complaints from even being raised, and also foster positive customer conversations and engagements with suppliers and Duke Energy.²²

²⁰ NRG Retail Companies’ Initial Comments at 8.

²¹ Duke Surreply Comments at 9-10.

²² See NRG Retail Companies’ Reply Comments at 3.

III. Conclusion

Duke's transition to a new CIS will disrupt the competitive retail energy market in Duke's service territory – putting a temporary stop to key transactions for suppliers and customers. Duke included new information and new proposals in its surreply comments. Two of them would be improvements. The NRG Retail Companies support (a) Duke giving its customer service representatives access to the new account numbers and new customer service IDs; and (b) additional information sessions with suppliers being held in April-June 2022. Duke, however, should be required to work with suppliers for a 90-day period (starting with the CIS go-live date) for new enrollments when they have the customer's legacy account number. Additionally, the Commission should require Duke to take proactive steps to help avoid CIS transition-related customer complaints from even being raised.

Respectfully Submitted,

/s/ Gretchen L. Petrucci

Michael J. Settineri (0073369), Counsel of Record

Gretchen L. Petrucci (0046608)

Vorys, Sater, Seymour and Pease LLP

52 E. Gay Street

Columbus, OH 43215

Telephone 614-464-5462

msettineri@vorys.com

glpetrucci@vorys.com

Counsel for 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

CERTIFICATE OF SERVICE

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Duke Energy Ohio, Inc.	rocco.dascenzo@duke-energy.com larisa.vaysman@duke-energy.com
Interstate Gas Supply, Inc.	michael.nugent@igs.com evan.betterton@igs.com
SFE Energy Ohio, Inc. and StateWise Energy Ohio, LLC	dproano@bakerlaw.com tathompson@bakerlaw.com
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	mjsettineri@vorys.com glpetrucci@vorys.com
Ohio Consumers' Counsel	amy.botschner.obrien@occ.ohio.gov ambrosia.wilson@occ.ohio.gov
Retail Energy Supply Association	mjsettineri@vorys.com glpetrucci@vorys.com fdarr2019@gmail.com
Staff of the Public Utilities Commission of Ohio	thomas.lindgren@ohioAGO.gov sarah.feldkamp@ohioAGO.gov

/s/ Gretchen L. Petrucci

Gretchen L. Petrucci

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

3/18/2022 4:53:44 PM

in

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

Summary: Motion Joint Motion for Leave to File Instantly a Joint Response to Duke Energy Ohio, Inc.'s Sur-Reply Comments electronically filed by Mrs. Gretchen L. Petrucci on behalf of Direct Energy Business LLC and Direct Energy Services LLC and Direct Energy Business Marketing LLC and Energy Plus Holdings LLC and Energy Plus Natural Gas LLC and Reliant Energy Northeast LLC and Stream Ohio Gas & Electric, LLC and XOOM Energy Ohio, LLC