

**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 SUR-SURREPLY COMMENTS OF DUKE ENERGY OHIO, INC.

Duke Energy Ohio, Inc., (Duke Energy Ohio or Company) hereby tenders its Proposed Sur-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, 2022.² Duke Energy Ohio, Staff of the Commission (Staff), IGS, RESA, and NRG Retail Companies filed

¹ Application for Waiver (January 19, 2022).

² 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).

their Reply Comments on March 4, 2022.³ On March 11, 2022, the Company filed a Motion for Leave to File Surreply Comments and a copy of the Proposed Surreply Comments.⁴ The NRG Retail Companies, and (jointly) IGS and RESA filed for Leave to File *Instantly* a Joint Reply to Duke Energy Ohio's Sur-reply Comments on March 17, 2022 and March 18, respectively, addressing matters discussed in the Company's Proposed Surreply Comments.⁵

The Company now submits its Proposed Sur-Surreply Comments to clarify a few points raised by the NRG Retail Companies and IGS and RESA in their respective Joint Reply filings.⁶

I. DISCUSSION

A. The Company Does Not Oppose Either A 90-Day Or A Two-Bill-Cycle Grace Period, As Long As The Commission Issues The Appropriate Authorizations.

The Company has said it does not oppose a requested 90-day grace period for manually providing Choice Service IDs in exchange for legacy account numbers, as long as the Commission provided the appropriate authorizations, as detailed in the Company's Reply Comments.⁷ In its Proposed Surreply Comments, the Company stated it did not oppose Staff's recommendation of a grace period of two billing cycles.⁸ Based on the most recent March 17 and March 18 filings, the Company realizes that it may have inadvertently created confusion and

³ 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); Reply Comments of Duke Energy Ohio, Inc. (March 4, 2022) (Duke Reply Comments).

⁴ Motion of Duke Energy Ohio, Inc. For Leave to File Surreply Comments; Proposed Surreply Comments of Duke Energy Ohio, Inc. (March 11, 2018) (Duke Motion and Duke Proposed Surreply Comments).

⁵ Joint Motion of 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 (March 17, 2022) (RESA and IGS Motion); 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, Xoom Energy Ohio LLC for Leave to File *Instantly* a Joint Response to Duke Energy Ohio, Inc.'s Sur-Reply Comments (March 18, 2022) (NRG Retail Companies Motion).

⁶ Where the instant Proposed Sur-Surreply Comments do not address a matter, agreement should not be inferred.

⁷ Duke Reply Comments, pp. 13-14.

⁸ Duke Proposed Surreply Comments, pg. 4.

wishes to clarify: Duke Energy Ohio does not oppose either a 90-day grace period or a two-bill-cycle grace period, as long as the appropriate Commission authorizations are in place, as detailed in its Reply Comments. The Company is neutral as between the 90-day and 2-bill-cycle options.

B. NRG Retail Companies Misunderstand How Billing Transaction Processing Will Be Impacted; The Number Of Customers Receiving Bills Without Supplier Charges Is Expected To Be Small.

NRG Retail Companies are mistaken when they say that “all” of Duke Energy Ohio’s shopping customers will be affected by the Company’s temporary suspension of billing transactions.⁹ The only shopping customers who *may* be impacted by supplier charges not being present on the bill will be bill-ready billing customers in two billing cycles for the month of March – cycles 20 and 21. This total number is less than 11,000. And even for this subset of customers, they will only be impacted if their suppliers do not submit charges by 5:00 p.m. on March 30, 2022, for usage sent on March 28 and March 29. In the Company’s experience, over 80% of bill-ready-billing charges are submitted by suppliers within one day, which leads the Company to estimate that less than 2,200 customers should be impacted. The Company therefore does not believe it would be efficient to send communications out to over 740,000 customers to address this issue; such communications would likely generate more confusion than clarity.

C. Duke Energy Ohio Does Not Have A Live Chat Feature And Does Not Plan To Use Its Interactive Voice Response System (IVR) To Distribute Choice Service IDs.

RESA and IGS request “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.”¹⁰ First, the Company does not have a live chat feature in its

⁹ NRG Retail Companies Motion, Exhibit A, pg. 8.

¹⁰ RESA and IGS Motion, Exhibit A, pg. 5.

MyAccount portal. Second, the Company does not plan to provide Choice Service IDs to customers via IVR. Accordingly, the Company opposes this request.

II. CONCLUSION

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

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Proposed Sur-Surreply Comments of Duke Energy Ohio, Inc. was served on the following parties this 22nd 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

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Summary: Comments Proposed Sur-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