

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

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|-------------------------------------------|---|------------------------|
| In the Matter of the Commission's |) | |
| Review of its Rules for Electrical Safety |) | |
| and Service Standards Contained in |) | Case No. 22-872-EL-ORD |
| Chapter 4901:1-10 of the Ohio |) | |
| Administrative Code. | | |

INITIAL COMMENTS OF DUKE ENERGY OHIO, INC.

I. INTRODUCTION

On November 2, 2022, the Public Utilities Commission of Ohio (Commission) issued an Entry commencing review of the rules in O.A.C. Chapter 4901:1-10 (1-10), relating to electrical safety and service standards, in accordance with R.C. 121.951(A)(1), which requires state agencies to reduce their total number of regulatory restrictions. That same Entry called for comments on Staff of the Public Utilities Commission of Ohio's (Staff's) proposed changes to that chapter, with due dates of November 21, 2022, for initial comments, and November 30, 2022, for reply comments. Additionally, the Entry specifically instructed that, "[i]f any stakeholders recommend keeping a restriction that is proposed to be removed, the stakeholder should recommend two other restrictions that should be removed in its place."¹ In accordance with the Commission's schedule and the aforementioned instruction, Duke Energy Ohio, Inc., (Duke Energy Ohio) respectfully submits its initial comments.

¹ Entry, pg. 2 (November 2, 2022).

II. DUKE ENERGY OHIO'S COMMENTS ON SELECTED PROVISIONS.

A. Rule 10-05² Metering.

1. *The Company proposes an additional revision to compensate for the proposed deletion of the tamper exclusion in 10-05(F)(5)(c).*

Staff proposes to completely delete the language excluding tamper situations from the requirements of 10-05(F)(5).³ This means that utilities would be obligated to provide the same free testing and other generous treatment to customers who made their meters inaccurate by tamper as to customers whose meters were inaccurate through no fault of their own. As drafted, this could be interpreted to include in the requirements of 10-05(F)(5) even cases where a customer physically destroys the meter and makes it inoperable for measuring kwh/kw registration. As proposed, this rule change could be interpreted to absolve the tamperer of costs associated with the tamper and reduce any disincentive not to tamper.

In order to preserve the substance of this exception without adding an additional restriction, Duke Energy Ohio proposes the following language be added to 10-05(F)(5) after the proposed deletion is made:

(5) If the accuracy of the meter is found to be outside the tolerances specified in this rule and such inaccuracy is not caused by tamper or unauthorized reconnection, the electric utility:...

This will preserve the equitable balance from the current version of the rule.

B. Rule 10-09 Minimum Customer Service Levels

1. *The Company proposes a revision to compensate for the proposed deletion of Section 10-09(A)(4).*

Staff has proposed to delete the following exception from Rule 10-09(A):

² For purposes of readability, rule and chapter numbers will be designated without reference to the agency or division number. In addition, where Staff's proposed revisions result in numbering changes, the proposed numbering is used for reference purposes, unless specifically otherwise noted.

³ Attachment A, p. 9.

(4) If the electric utility fails to complete the requested service installation or upgrade as set forth in paragraph (A)(1) or (A)(2) of this rule, as a result of a military action, war, insurrection, riot or strike, or as a result of a lack of access to the premises when necessary, then such failure shall not be included in the monthly percentage calculations for this rule. Each electric utility must justify and document in its records each instance where it relies on any of the exceptions listed in this paragraph.

Duke Energy Ohio believes that it is important for the rules to continue to exclude instances involving a lack of access to the premises from the monthly percentage calculations referenced above. Unlike war, insurrection, etc., lack of access to premises is a common occurrence and it is not fair to penalize utilities for poor customer service in cases when they are prevented from installing or upgrading service by a lack of access.

To compensate for this deletion, Duke Energy Ohio proposes the following edits to Sections 10-09(A)(1) and (A)(2):

(A) On a calendar monthly basis, each electric utility shall complete the installation of new service or upgrade of service as follows:

(1) Excluding instances where the utility can document a lack of access to the premises, nNinety-nine per cent of new service installations requiring no construction of electric facilities shall:

...

(2) Excluding instances where the utility can document a lack of access to the premises, nNinety per cent of service upgrades and new service installations that require construction of electric facilities (including the setting of the meter) and that are not primary line extensions shall:

....

Duke Energy Ohio believes that these edits will preserve fairness in calculating the utility's customer service levels and that the proposed edits will also cover, if applicable, the less frequent occurrences such as war, insurrection, etc., insofar as such occurrences might result in a lack of access.

C. Rule 10-22 Electric utility customer billing and payments

- 1. The Company proposes a revision to Section 10-22(B)(8) to give the Commission discretion to accommodate scenarios where certain billing determinants may not be applicable.*

Duke Energy Ohio proposes the following edits to Section 10-22(B)(8) to account for the scenario where intervals are used to bill the customer and therefore scalar meter readings are no longer applicable:

(8) The billing determinants applicable, unless otherwise approved by the Commission in a bill format filing under Section 4901:1-10-22(D):

- (a) Beginning meter reading(s)
- (b) Ending meter reading(s).
- (c) Demand meter reading(s).
- (d) Multiplier(s).
- (e) Consumption(s) for each pricing period.
- (f) Demand(s).

The Company understands that there are different views regarding the usefulness and applicability of beginning and ending meter readings, even in contexts where such meter readings are not, in fact, a billing determinant, *i.e.*, are not used to calculate the customer's bill. Thus, the Company does not suggest a broad exclusion of meter readings from the bills of customers billed based on intervals, but merely the above wording to give the Commission discretion to consider the specifics of each utility's billing and metering functions case-by-case. A similar suggestion is made below for the consolidated billing requirements in Rule 10-33.

D. Rule 10-33 Consolidated Billing

- 1. The Company opposes the deletion of Section 10-33(G)(1), which is needed to ensure that suitable billing data is provided by suppliers participating in consolidated billing.*

Staff is recommending to delete Section 10-33(G)(1), which provides that "The non-billing CRES provider shall furnish the applicable required bill content information to the billing party in a timely manner and in a mutually agreed upon electronic format for inclusion in the consolidated

customer bill.”⁴ The Company is concerned that this deletion could be interpreted to permit CRES providers to provide bill content information in any format and on any timetable. Such an interpretation, in turn, could severely compromise utilities’ ability to produce timely and accurate consolidated bills. Thus, Duke Energy Ohio opposes the deletion of this provision.

In accordance with the November 2, 2022, Entry,⁵ the Company recommends that instead of this restriction being deleted, the following two restrictions be removed in its place:

- Section 10-11(B)(4), which states that “No proposal for [a method to calculate circuit performance] shall be effective until it is either accepted by the director or, in the event of a hearing, approved by the commission.” This section may be deleted as redundant, because subsections (B)(2) and (B)(3) make sufficiently clear that a method must be accepted by the director or subjected to Commission review.
- Section 10-11(E), which states that “Each electric utility shall submit the reports required by this rule, on electronic media, in a format prescribed by the commission or its staff.”

This subsection could be deleted, and its goal still achieved by incorporating the following language into Section 10-11(C)(1):

Each electric utility shall submit, no later than ninety calendar days after the end of its reporting period, on electronic media, in a format prescribed by the commission or its staff, a report to the director of the service monitoring and enforcement department that identifies the worst performing eight per cent of the electric utility's distribution circuits during the previous twelve-month reporting period.

⁴ Attachment A, pg. 82-83.

⁵ Entry, pg. 2 (November 2, 2022) (“If any stakeholders recommend keeping a restriction that is proposed to be removed, the stakeholder should recommend two other restrictions that should be removed in its place.”).

2. *The Company proposes a revision to Section 10-33(C)(5) to give the Commission discretion to accommodate scenarios where certain billing determinants may not be applicable.*

For the reasons already given in Section II.C.1 *supra*, Duke Energy Ohio proposes a similar revision to Section 10-33(C)(5):

(5) Applicable billing determinants, unless otherwise approved by the Commission in a bill format filing under Section 4901:1-10-33(F): beginning meter read, ending meter read, demand meter read, multipliers, consumption, and demand.

This revision will give the Commission discretion to determine bill determinant applicability on a case-by-case basis as part of the bill format approval process.

III. CONCLUSION

Duke Energy Ohio appreciates the opportunity to provide its initial comments to the Commission and respectfully requests that the Commission revise the proposed rules in accordance with the suggestions herein.

Respectfully submitted,

DUKE ENERGY OHIO, INC.

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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 hereby certifies that a copy of the foregoing document is also being served via electronic mail on the 21st day of November, 2022, upon the persons listed below.

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Summary: Comments Initial 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 and Akhbari, Elyse Hanson