

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Duke Energy )  
Ohio, Inc. to Adjust Rider AU for 2016 Grid ) Case No. 17-690-GA-RDR  
Modernization Costs. )

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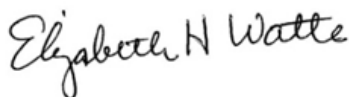
**MOTION TO STRIKE COMMENTS OF THE OFFICE OF THE OHIO CONSUMERS'  
COUNSEL BY DUKE ENERGY OHIO, INC.**

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Duke Energy Ohio, Inc., (Duke Energy Ohio) hereby moves the Public Utilities Commission of Ohio (Commission), to strike the comments submitted by the Office of the Ohio Consumers' Counsel in this proceeding as they are irrelevant to the matters under consideration. The reasons for this motion are set forth in the accompanying Memorandum in Support.

Respectfully submitted,

DUKE ENERGY OHIO, INC.



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## **MEMORANDUM IN SUPPORT**

This case is about recovering costs for the approved deployment of grid modernization in Duke Energy Ohio, Inc.'s, (Duke Energy Ohio) service territory during 2016. In support of its application, Duke Energy Ohio provided the testimony of Peggy A. Laub that provides details regarding expenditures and the revenue requirement for said deployment. Staff reviewed the Company's application and has found that it appropriately includes only costs incurred as a result of serving retail customers and recommended that it be approved and effective on a bills-rendered basis.<sup>1</sup> This is the 8<sup>th</sup> year in which the Company has filed such a rider.

Despite the many years of history with respect to these rider filings, The Office of the Ohio Consumers Counsel (OCC) intentionally disregards the purpose of the docket and instead uses it as a bully pulpit from which to raise unrelated issues about unrelated matters about which it has no understanding nor any record support. The OCC performed no discovery in this case. The OCC instead raises issues from Duke Energy Ohio's pending base *electric* rate proceeding that have no bearing on this case. For these reasons, OCC's comments in this case should be entirely stricken.

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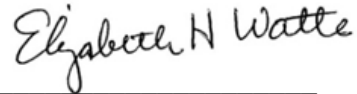
<sup>1</sup> Staff's Review and Recommendations, (July 5, 2017) at p.2.

Notably, OCC begins its discussion on page one with reference to a “separate docket” and then proceeds to do nothing but discuss the unrelated rate case for the entire balance of its comments. As demonstrated in the Company’s reply comments filed today, many of OCC’s comments are factually incorrect. In addition to the fact that OCC’s claims are unsupported, they are also entirely irrelevant and misdirected in this proceeding. The question posed by the Company’s application here is whether or not the costs incurred in deployment of gas grid modernization for 2016 were prudently incurred. The Staff has reviewed these costs and determined that they were appropriate. OCC has done no review of these costs. Instead, OCC gratuitously generates comments related to unrelated matters that were not developed or addressed in any manner in this docket. OCC’s comments must be stricken as irrelevant and inappropriate.

Moreover, this is a gas rider case. As such, matters raised in the Company’s base electric rate case are very tangentially related. Because the matters raised by OCC are more appropriately addressed in an entirely separate docket, and because they are irrelevant to the matters under consideration in this docket, OCC’s comments in this proceeding should be stricken. Accordingly, Duke Energy Ohio respectfully requests that the Commission reject OCC’s effort to misdirect its attention to matters in other dockets and strike OCC’s comments.

Respectfully submitted,

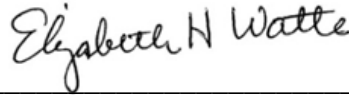
DUKE ENERGY OHIO, INC.

A handwritten signature in black ink that reads "Elizabeth H. Watts". The signature is written in a cursive style with a horizontal line underneath it.

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CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing was delivered by U.S. mail (postage prepaid), personal delivery, or electronic mail, on this 11th day of August, 2017, to the following parties.



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**Case No(s). 17-0690-GA-RDR**

Summary: Motion to Strike Comments of OCC electronically filed by Carys Cochern on behalf of Watts, Elizabeth H. Ms.