

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

|   |   |                         |
|---|---|-------------------------|
| In the Matter of the Regulation of the      | ) |                         |
| Purchased Gas Adjustment Clauses            | ) |                         |
| Contained within the Rate Schedules of      | ) | Case No. 17-218- GA-GCR |
| Duke Energy Ohio, Inc. and Related Matters. | ) |                         |

|   |   |                         |
|---|---|-------------------------|
| In the Matter of the Audit of the       | ) |                         |
| Uncollectible Expense Rider of Duke     | ) | Case No. 17-318- GA-UEX |
| Energy Ohio, Inc., and Related Matters. | ) |                         |

|   |   |                         |
|---|---|-------------------------|
| In the Matter of the Application of       | ) |                         |
| Duke Energy Ohio, Inc. for Approval of an | ) |                         |
| Adjustment to its Interim and Temporary   | ) | Case No. 17-418- GA-PIP |
| PIPP Plan Rider Case.                     | ) |                         |

---

**MOTION FOR WAIVER BY  
DUKE ENERGY OHIO, INC.**

---

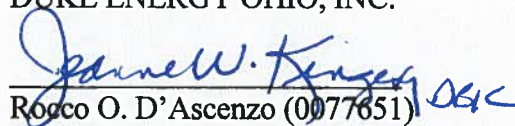
Comes now Duke Energy Ohio, Inc., (Duke Energy Ohio) by and through counsel, and pursuant to O.A.C. 4901-1-12, hereby moves the Public Utilities Commission of Ohio (Commission) for a waiver of the requirement of its Entry<sup>1</sup> requiring the legal notice of publication to be published in a section other than the legal notices section of the newspaper, no later than a specified date. The reasons therefore are set forth in the attached Memorandum in Support.

---

<sup>1</sup> Entry, April 12, 2017, at pg. 3.

Respectfully submitted,

DUKE ENERGY OHIO, INC.

Handwritten signature of Jeanne W. Kingery in blue ink, with the initials "JWK" visible at the end.

Rocco O. D'Ascenzo (0077651)

Associate General Counsel

Jeanne W. Kingery (0012172) (Counsel of Record)

Associate General Counsel

Duke Energy Business Services LLC

139 East Fourth Street 1303-Main

Cincinnati Ohio 45202

614-222-1334 (telephone)

614-222-1337 (facsimile)

[jeanne.kingery@duke-energy.com](mailto:jeanne.kingery@duke-energy.com)

[rocco.dascenzo@duke-energy.com](mailto:rocco.dascenzo@duke-energy.com)

## MEMORANDUM

Pursuant to Rules 4901-1-12 and 4901:1-14-02, Ohio Administrative Code (O.A.C.), Duke Energy Ohio, Inc., (Duke Energy Ohio or the Company) respectfully requests a waiver of O.A.C. 4901:1-14-08(C), as well as the Commission Entry issued in conjunction therewith. This rule requires a natural gas utility such as Duke Energy Ohio to publish notice of a gas cost recovery audit hearing between 15 and 30 days prior to the date set for its hearing. Specifically, O.A.C. 4901:1-14-08(C) provides that:

The gas or natural gas company shall publish notice of the hearing required under paragraph (A) of this rule throughout its service area at least fifteen and not more than thirty days prior to the scheduled date of hearing by:

- (1) Display ad in a newspaper or newspapers of general circulation;
- (2) Bill message on or bill insert included with the customer bills; or
- (3) Separate direct mailing to customers.<sup>2</sup>

The Commission's Entry establishing the procedural schedule for these cases required the Company to publish the notice described in O.A.C. 4901:1-14-08(C) and to do so in a section of the newspaper other than the legal notices section.<sup>3</sup>

Duke Energy Ohio requested that the newspapers in its service area publish the legal notice within the stated time frame and in a general news section. Unfortunately, one of the newspapers did publish in a timely manner but in the legal classified section, not the general news section. The legal notice is being re-published on either January 25 or 26, 2017, in the general news section. However, this re-publication will not be timely for January 30, 2017, hearing.

---

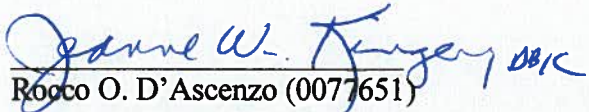
<sup>2</sup> O.A.C. 4901:1-14-08(C).

<sup>3</sup> Entry, April 12, 2017, at pg. 3.

For the reasons stated above, Duke Energy Ohio respectfully requests a waiver of a portion of the rule and Entry<sup>4</sup> that, taken together, require publication at least 15 days prior to the hearing, in a newspaper section other than the legal notices section.

Respectfully submitted,

DUKE ENERGY OHIO, INC.

  
Rocco O. D'Ascenzo (0077651)  
Associate General Counsel  
Jeanne W. Kingery (0012172) (Counsel of Record)  
Associate General Counsel  
Duke Energy Business Services LLC  
139 East Fourth Street  
1303-Main  
Cincinnati Ohio 45202  
614-222-1334 (telephone)  
614-222-1337 (facsimile)  
[jeanne.kingery@duke-energy.com](mailto:jeanne.kingery@duke-energy.com) (e-mail)  
[rocco.dascenzo@duke-energy.com](mailto:rocco.dascenzo@duke-energy.com)

---

<sup>4</sup> *Id.*

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Motion for Waiver was served on the following parties this 23<sup>rd</sup> day of January, 2018, by regular mail or electronic delivery.

  
Jeanne W. Kingery

Thomas Lindgren  
Assistant Attorneys General  
Public Utilities Section  
30 East Broad St., 16<sup>th</sup> Floor  
Columbus, Ohio 43215  
[Thomas.lindgren@ohioattorneygeneral.gov](mailto:Thomas.lindgren@ohioattorneygeneral.gov)

**Counsel for Staff of the Commission**

**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

**1/23/2018 3:27:22 PM**

**in**

**Case No(s). 17-0218-GA-GCR, 17-0318-GA-UEX, 17-0418-GA-PIP**

Summary: Motion Motion for Waiver by Duke Energy Ohio, Inc. electronically filed by Mrs. Adele M. Frisch on behalf of Duke Energy Ohio, Inc. and Kingery, Jeanne W and D'Ascenzo, Rocco O and Watts, Elizabeth H