**THE PUBLIC UTILITIES COMMISSION OF OHIO**

| | |
|---|---|
| **IN THE MATTER OF THE APPLICATION OF DUKE ENERGY OHIO, INC., FOR AN INCREASE IN ELECTRIC DISTRIBUTION RATES.** | **CASE NO. 17-32-EL-AIR** |
| **IN THE MATTER OF THE APPLICATION OF DUKE ENERGY OHIO, INC., FOR TARIFF APPROVAL.** | **CASE NO. 17-33-EL-ATA** |
| **IN THE MATTER OF THE APPLICATION OF DUKE ENERGY OHIO, INC., FOR APPROVAL TO CHANGE ACCOUNTING METHODS.** | **CASE NO. 17-34-EL-AAM** |
| **IN THE MATTER OF THE APPLICATION OF DUKE ENERGY OHIO, INC., FOR APPROVAL TO MODIFY RIDER PSR.** | **CASE NO. 17-872-EL-RDR** |
| **IN THE MATTER OF THE APPLICATION OF DUKE ENERGY OHIO, INC., FOR APPROVAL TO AMEND RIDER PSR.** | **CASE NO. 17-873-EL-ATA** |
| **IN THE MATTER OF THE APPLICATION OF DUKE ENERGY OHIO, INC., FOR APPROVAL TO CHANGE ACCOUNTING METHODS.** | **CASE NO. 17-874-EL-AAM** |
| **IN THE MATTER OF APPLICATION OF DUKE ENERGY OHIO, INC., FOR AUTHORITY TO ESTABLISH A STANDARD SERVICE OFFER PURSUANT TO R.C. 4928.143 IN THE FORM OF AN ELECTRIC SECURITY PLAN, ACCOUNTING MODIFICATIONS, AND TARIFFS FOR GENERATION SERVICE.** | **CASE NO. 17-1263-EL-SSO** |
| **IN THE MATTER OF APPLICATION OF DUKE ENERGY OHIO, INC. FOR AUTHORITY TO AMEND ITS CERTIFIED SUPPLIER TARIFF, P.U.C.O. NO. 20.** | **CASE NO. 17-1264-EL-ATA** |
| **IN THE MATTER OF THE APPLICATION OF DUKE ENERGY OHIO, INC., FOR AUTHORITY TO DEFER VEGETATION MANAGEMENT COSTS.** | **CASE NO. 17-1265-EL-AAM** |

**IN THE MATTER OF THE APPLICATION OF DUKE ENERGY OHIO, INC., TO ESTABLISH MINIMUM RELIABILITY PERFORMANCE STANDARDS PURSUANT TO OHIO ADM.CODE CHAPTER 4901:1-10.**

**CASE NO. 16-1602-EL-ESS**

**ENTRY**

Entered in the Journal on May 23, 2018

**{¶ 1}** Duke Energy Ohio, Inc. (Duke or the Company) is an electric distribution utility (EDU) as defined in R.C. 4928.01(A)(6) and a public utility as defined in R.C. 4905.02, and, as such, is subject to the jurisdiction of this Commission.

**{¶ 2}** On April 13, 2018, Duke and certain parties filed a stipulation and recommendation (Stipulation) that purports to resolve issues in four pending cases. The cases included in the Stipulation are:

- *In the Matter of the Application of Duke Energy Ohio, Inc., for an Increase in Electric Distribution Rates*, Case 17-32-EL-AIR, et al. (Rate Case);
- *In the Matter of the Application of Duke Energy Ohio, Inc., for Approval to Modify Rider PSR*, Case No. 17-872-EL-RDR, et al. (PSR Case);
- *In the Matter of the Application of Duke Energy Ohio, Inc., for Authority to Establish a Standard Service Offer*, Case No. 17-1263-EL-SSO, et al. (ESP Case); and
- *In the Matter of the Application of Duke Energy Ohio, Inc., to Establish Minimum Reliability Performance Standards*, Case No. 16-1602-EL-ESS (Standards Case).

The parties that signed the Stipulation are: Duke, Staff, the City of Cincinnati, Ohio Partners for Affordable Energy, Ohio Energy Group, Ohio Hospital Association, and

People Working Cooperatively, Inc. Non-opposing signatories are the Kroger Company, Industrial Energy Users-Ohio, Ohio Manufacturers' Association Energy Group, and Wal-Mart Stores East LP and Sam's East, Inc.

**{¶ 3}** On May 9, 2018, the attorney examiner granted Duke's motion to consolidate the cases and set forth a procedural schedule.

**{¶ 4}** On May 15, 2018, Staff filed a motion for extension of the procedural schedule, along with request for expedited treatment. According to Staff, the Signatory and non-opposing parties to the Stipulation do not object to this request. Staff states that its request is due to limited resources as it is currently preparing for litigation in another case. Staff argues an extension of the procedural schedule will help Staff to focus its resources more effectively. Additionally, Staff requests that the procedural schedule be modified so that Staff testimony responding to objections to the Staff Report be due after Intervenor testimony because having access to testimony supporting objections to the Staff report would allow Staff to respond fully to the objections. Staff's request for an extension of the current procedural schedule is as follows:

- Testimony in support of the Stipulation, with the exception of Staff, and Duke testimony supporting Rate Case objections to be filed June 6, 2018.
- Intervenor testimony in opposition to the Stipulation and intervener testimony supporting Rate Case objections to be filed by June 20, 2018.
- Staff testimony in Support of the Stipulation and Staff Testimony responding to Objections to the Staff Report to be filed by July 2, 2018.

**{¶ 5}** On May 22, 2018, the Environmental Law & Policy Center, Environmental Defense Fund, Natural Resources Defense Council, Ohio Environmental Council, Sierra, Club, the Office of the Ohio Consumers' Counsel, and Interstate Gas Supply, Inc. (collectively, non-settling parties) filed a memorandum contra Staff's request for an

extension of the procedural schedule. The non-settling parties argue that Staff's request to extend the deadline for signatory and non-opposing parties would unreasonably prejudice the non-settling parties. The non-settling parties contend that Staff's motion would compress the time period for non-settling parties to evaluate testimony in support of the settlement by 11 days because there is no related extension of the deadline for non-settling parties to file testimony or of the date for the evidentiary hearing. They argue this extension will not provide sufficient time for discovery, depositions, and trial preparation. Additionally, the non-settling parties argue that Staff's request to file all testimony after non-settling parties' testimony would effectively give Staff the opportunity to file rebuttal testimony, which would prejudice the non-settling parties since they would not have the ability to respond to Staff's positions in their own testimony. Further, the non-settling parties contend that it is the Commission practice for the Staff to file its testimony in support of a settlement simultaneously with other settling parties. Accordingly, the non-settling parties suggest an extension of all of the original deadlines by two weeks.

**{¶ 6}** Upon consideration of Staff's motion and the concerns set forth in the non-settlings parties' response, the attorney examiner finds the procedural schedule should revised as follows:

- Testimony in support of the Stipulation and Duke testimony supporting Rate Case objections should be filed June 6, 2018.
- Staff testimony in support of the Stipulation should be filed by June 25, 2018.
- Intervenor testimony should be filed by June 25, 2018.
- Staff testimony responding to Objections to the Staff Report should to be filed by July 2, 2018.

**{¶ 7}** The prehearing conference and the evidentiary hearing will remain as scheduled for June 26, 2018, and July 9, 2018, respectively.

**{¶ 8}** It is, therefore,

**{¶ 9}** ORDERED, That the procedural schedule set forth in Paragraph 6 be adopted. It is, further,

**{¶ 10}** ORDERED, That a copy of this Entry be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/Stacie Cathcart

By: Stacie E. Cathcart
Attorney Examiner

JRJ/sc

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

**Commission of Ohio Docketing Information System on**

**5/23/2018 3:05:49 PM**

**in**

**Case No(s). 17-0032-EL-AIR, 17-0033-EL-ATA, 17-0034-EL-AAM, 17-0872-EL-RDR, 17-0874-EL-AAM,**

Summary: Attorney Examiner Entry setting a procedural schedule in accordance with Paragraph 6 - electronically filed by Sandra Coffey on behalf of Stacie Cathcart, Attorney Examiner, Public Utilities Commission of Ohio