

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

**IN THE MATTER OF THE APPLICATION OF  
DUKE ENERGY OHIO, INC. FOR AN  
ADJUSTMENT TO RIDER MGP RATES.**

**CASE No. 14-375-GA-RDR**

**IN THE MATTER OF THE APPLICATION OF  
DUKE ENERGY OHIO, INC. FOR TARIFF  
APPROVAL.**

**CASE No. 14-376-GA-ATA**

**IN THE MATTER OF THE APPLICATION OF  
DUKE ENERGY OHIO, INC. FOR AN  
ADJUSTMENT TO RIDER MGP RATES.**

**CASE No. 15-452-GA-RDR**

**IN THE MATTER OF THE APPLICATION OF  
DUKE ENERGY OHIO, INC. FOR TARIFF  
APPROVAL.**

**CASE No. 15-453-GA-ATA**

**IN THE MATTER OF THE APPLICATION OF  
DUKE ENERGY OHIO, INC. FOR AN  
ADJUSTMENT TO RIDER MGP RATES.**

**CASE No. 16-542-GA-RDR**

**IN THE MATTER OF THE APPLICATION OF  
DUKE ENERGY OHIO, INC. FOR TARIFF  
APPROVAL.**

**CASE No. 16-543-GA-ATA**

**IN THE MATTER OF THE APPLICATION OF  
DUKE ENERGY OHIO, INC. FOR AN  
ADJUSTMENT TO RIDER MGP RATES.**

**CASE No. 17-596-GA-RDR**

**IN THE MATTER OF THE APPLICATION OF  
DUKE ENERGY OHIO, INC. FOR TARIFF  
APPROVAL.**

**CASE No. 17-597-GA-ATA**

**IN THE MATTER OF THE APPLICATION OF  
DUKE ENERGY OHIO, INC. FOR AN  
ADJUSTMENT TO RIDER MGP RATES.**

**CASE No. 18-283-GA-RDR**

**IN THE MATTER OF THE APPLICATION OF  
DUKE ENERGY OHIO, INC. FOR TARIFF  
APPROVAL.**

**CASE No. 18-284-GA-ATA**

**ENTRY**

Entered in the Journal on June 28, 2018

{¶ 1} Duke Energy Ohio, Inc. (Duke or the Company) is a natural gas company, as defined by R.C. 4905.03, and a public utility, as defined by R.C. 4905.02, and, as such, is subject to the jurisdiction of this Commission, pursuant to R.C. 4905.04, 4905.05, and 4905.06.

{¶ 2} On November 12, 2009, the Commission authorized Duke to defer environmental investigation and remediation costs related to two former manufactured gas plant (MGP) sites in Ohio for potential recovery of reasonable and prudent costs in a future base rate proceeding. *In re Duke Energy Ohio, Inc.*, Case No. 09-712-GA-AAM, Finding and Order (Nov. 12, 2009) at 4.

{¶ 3} On November 13, 2013, the Commission authorized the recovery of such environmental investigation and remediation costs as had been incurred by the Company between 2008 and 2012. The Commission authorized Duke to recover and continue deferring environmental investigation and remediation costs, indicating further that the Company would be able to recover those costs which were prudently incurred through Rider MGP. *In re Duke Energy Ohio, Inc.*, Case No. 12-1685-GA-AIR, et al. (*Duke Rate Case*), Opinion and Order (Nov. 13, 2013) at 70-74.<sup>1</sup>

{¶ 4} On March 31, 2014, Duke filed an application in Case Nos. 14-375-GA-RDR and 14-376-GA-ATA, seeking approval to adjust its Rider MGP to recover costs incurred during 2013 for environmental investigation and remediation of the MGP sites pursuant to Ohio and federal environmental laws (*2013 Rider MGP Adjustment*).

{¶ 5} On March 31, 2015, Duke filed an application in Case Nos. 15-452-GA-RDR and 15-453-GA-ATA, seeking approval to adjust its Rider MGP to recover costs incurred during 2014 for environmental investigation and remediation of the MGP sites pursuant to Ohio and federal environmental laws (*2014 Rider MGP Adjustment*).

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<sup>1</sup> The Supreme Court of Ohio affirmed the Commission's decision authorizing Duke to recover and continue deferring environmental investigation and remediation costs associated with the MGP sites. *In re Application of Duke Energy Ohio, Inc.*, 150 Ohio St.3d 437, 2017-Ohio-5536, 82 N.E.3d 1148.

{¶ 6} On March 31, 2016, Duke filed an application in Case Nos. 16-542-GA-RDR and 16-543-GA-ATA, seeking approval to adjust its Rider MGP to recover costs incurred during 2015 for environmental investigation and remediation of the MGP sites pursuant to Ohio and federal environmental laws (*2015 Rider MGP Adjustment*).

{¶ 7} On March 31, 2017, Duke filed an application in Case Nos. 17-596-GA-RDR and 17-597-GA-ATA, seeking approval to adjust its Rider MGP to recover costs incurred during 2016 for environmental investigation and remediation of the MGP sites pursuant to Ohio and federal environmental laws (*2016 Rider MGP Adjustment*).

{¶ 8} On March 28, 2018, Duke filed an application in Case Nos. 18-283-GA-RDR and 18-284-GA-ATA, seeking approval to adjust its Rider MGP to recover costs incurred during 2017 for environmental investigation and remediation of the MGP sites pursuant to Ohio and federal environmental laws (*2017 Rider MGP Adjustment*). On that same date, Duke also filed a motion to consolidate the above-captioned cases, noting that all of these cases concern the adjustment of rates charged through Duke's Rider MGP and the recovery of environmental investigation and remediation costs incurred subsequent to the Commission's approval of the rider. Duke also claims that consolidation will promote efficiency in the resolution of these cases, adding that no party will be prejudiced as the attorney examiner has not issued any procedural schedules for these proceedings. No memoranda contra the motion to consolidate were filed.

{¶ 9} The attorney examiner finds that the motion to consolidate these ten cases is reasonable and should be granted. Further, the attorney examiner finds that, at this time, it is appropriate to establish the following procedural schedule for these proceedings:

- a. Motions to intervene in these proceedings should be filed by August 31, 2018.
- b. Initial comments regarding Duke's applications should be filed by September 28, 2018.

- c. Reply comments regarding Duke's applications should be filed by October 26, 2018.

{¶ 10} It is, therefore,

{¶ 11} ORDERED, That Duke's March 28, 2018 motion to consolidate the above-captioned cases filed in the *2017 Rider MGP Adjustment* be granted. It is, further,

{¶ 12} ORDERED, That the motions to consolidate filed in the *2014 Rider MGP Adjustment*, the *2015 Rider MGP Adjustment*, and the *2016 Rider MGP Adjustment* be denied as moot. It is, further,

{¶ 13} ORDERED, That parties adhere to the procedural schedule set forth in Paragraph 9. It is, further,

{¶ 14} ORDERED, That a copy of this Entry be served upon each party of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/ Megan J. Addison

By: Megan J. Addison  
Attorney Examiner

NJW/mef

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

**Commission of Ohio Docketing Information System on**

**6/28/2018 11:05:19 AM**

**in**

**Case No(s). 14-0375-GA-RDR, 14-0376-GA-ATA, 15-0452-GA-RDR, 15-0453-GA-ATA, 16-0542-GA-RD**

Summary: Attorney Examiner Entry granting a motion to consolidate and setting the procedural schedule. electronically filed by Ms. Mary E Fischer on behalf of Megan J. Addison, Attorney Examiner, Public Utilities Commission of Ohio