

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Duke	)	
Energy Ohio, Inc. for Approval of McMann	)	Case No. 19-2223-EL-UNC
Battery Storage Project.	)	

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**MOTION FOR WAIVER AND MEMORANDUM IN SUPPORT OF INTERSTATE GAS  
SUPPLY, INC.**

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Pursuant to Ohio Adm. Code 4901-1-12, Interstate Gas Supply, Inc. ("IGS" or "IGS Energy") hereby moves the Public Utilities Commission of Ohio ("PUCO" or "Commission") to waive its May 19, 2020 deadline to file comments in the above-captioned proceeding and accept IGS' Comments (Public Version), which were electronically filed less than one day later. For the reasons set forth in the accompanying Memorandum in Support, the Commission should find that good cause exists to grant IGS' motion.

Respectfully submitted,

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**MEMORANDUM IN SUPPORT OF INTERSTATE GAS SUPPLY, INC.**

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**I. INTRODUCTION**

Due to technical issues, IGS was unable to electronically file its Comments (Public Version) before 5:30 p.m. on May 19, 2020. As discussed further below, the Commission should find that good cause exists to grant IGS' waiver of the May 19 filing deadline.

**II. BACKGROUND AND ARGUMENT**

On April 7, 2020, the Commission issued an Entry that granted IGS' Motion to Intervene in the above-captioned proceeding and invited interested parties to file comments regarding Duke's application for authority to establish a battery storage pilot project. Pursuant to that Entry, the deadline to file comments was May 19, 2020.<sup>1</sup>

IGS exercised reasonable diligence to file its Comments on or before the Commission's stated deadline. Unfortunately, technical issues prevented IGS from electronically filing those Comments in the Docketing Information System ("DIS") prior to 5:30 p.m. IGS also lacked the ability to submit its Comments to the Commission by fax, because its counsel is working remotely for the duration of the public health emergency and does not have access to a fax machine. Nevertheless, IGS electronically served a

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<sup>1</sup> Entry at ¶5.

copy of its Comments (Public Version) on all parties on or before the filing deadline in accordance with Ohio Adm. Code 4901-1-05(A).<sup>2</sup> Duke Energy Ohio, Inc. also received electronic service of the confidential version of IGS' Comments on the date the filing was due.

Further, IGS worked with the Commission's Docketing Division to resolve its issue and its Comments were electronically filed in the docket less than one full day later.<sup>3</sup> No party is prejudiced by IGS' May 20, 2020 filing, given that IGS served its comments on the date the filing was due. Therefore, good cause exists to grant IGS a waiver. Accordingly, IGS respectfully requests that the Commission grant a waiver of the May 19, 2020 deadline and accept IGS' Comments (Public Version), which were electronically filed less than one day later.

### **III. CONCLUSION**

For the reasons stated herein, the Commission should find that good cause exists to grant IGS a waiver of the deadline for comments in this proceeding.

Respectfully submitted,

/s/ Michael Nugent  
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<sup>2</sup> See IGS' Attachment A.

<sup>3</sup> IGS electronically filed its Comments at 8:40 a.m. on Wednesday, May 20, 2020.

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***Attorneys for IGS Energy***

## **CERTIFICATE OF SERVICE**

I certify that this *Motion for Waiver and Memorandum in Support of Interstate Gas Supply, Inc.* was filed electronically with the Docketing Division of the Public Utilities Commission of Ohio on this 20<sup>th</sup> day of May 2020.

/s/ Michael Nugent  
Michael Nugent

## **SERVICE LIST**

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**Cc:** [Joe Olikier](#); [Bethany Allen](#)  
**Subject:** Duke Battery Storage Application / Case No. 19-2223-EL-UNC / Comments of Interstate Gas Supply, Inc.  
**Date:** Tuesday, May 19, 2020 5:30:00 PM  
**Attachments:** [IGS Comments - Duke Battery Storage Project \(Final Public Version\).pdf](#)  
[Motion for Protective Order Duke Battery Storage Case 192223.pdf](#)

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Counsel,

Attached please find the public version of the Interstate Gas Supply, Inc.'s ("IGS") comments in the above-captioned proceeding. The PUCO's electronic filing service appears to have been down since approximately 5:00 p.m. EST, so IGS was unable to file this document in the docket electronically.

IGS' Motion for Protective Order, which is intended to accompany the public version of IGS' Comments, is also attached. The Motion was electronically filed in the docket before 5:00 p.m. EST.

Sincerely,

Mike Nugent

**Michael Nugent**

Senior Regulatory Counsel

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

**Commission of Ohio Docketing Information System on**

**5/20/2020 12:57:10 PM**

**in**

**Case No(s). 19-2223-EL-UNC**

Summary: Motion for Waiver and Memorandum in Support electronically filed by Mr. Michael A Nugent on behalf of Interstate Gas Supply, Inc.