

## THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE APPLICATION OF  
DUKE ENERGY OHIO, INC. FOR  
AUTHORITY TO ADJUST RIDER PF.

CASE NO. 20-666-EL-RDR

### ENTRY

Entered in the Journal on June 29, 2021

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

{¶ 2} R.C. 4928.141 mandates that an EDU shall provide a standard service offer (SSO) of all competitive retail electric services necessary to maintain essential electric service, including a firm supply of electric generation service, to all consumers within its certified territory. The SSO may be established as a market rate offer under R.C. 4928.142 or an electric security plan (ESP) under R.C. 4928.143.

{¶ 3} On December 19, 2018, the Commission approved a stipulation and recommendation filed by Duke and other parties that, among other things, included an ESP for the period June 1, 2018, through May 31, 2024. *In re Duke Energy Ohio, Inc.*, Case No. 17-1263-EL-SSO, et al., Opinion and Order (Dec. 19, 2018). Among other things, the ESP authorized Duke to seek recovery of certain costs associated with Rider PF. Rider PF consists of three components. As relevant to this case, the second component considers, generally, the recovery of costs associated with advanced metering infrastructure and data access.

{¶ 4} On March 31, 2020, and amended on June 9, 2020, Duke filed its application for authority to adjust Rider PF and to recover costs associated with the second component of Rider PF. Duke filed testimony in support of its application on March 31, 2020, and April 1, 2020, which was amended on June 9, 2020, and supplemented on October 8, 2020.

{¶ 5} On November 17, 2020, and revised on November 20, 2020, Staff filed its review and recommendation. In response, Duke filed comments on December 17, 2020.

{¶ 6} On February 3, 2021, the attorney examiner issued an entry that set February 19, 2021 deadlines for the filing of motions to intervene and initial comments, as well as a February 26, 2021 deadline for reply comments.

{¶ 7} Thereafter, a timely motion to intervene was filed by Ohio Energy Group (OEG). No one opposed the motion and the attorney examiner finds that the motion should be granted. The attorney examiner notes that Ohio Consumers' Counsel (OCC) and Interstate Gas Supply, Inc. (IGS) were previously granted intervention.

{¶ 8} Initial comments were filed by IGS and OCC on February 19, 2021. Reply comments were filed on February 26, 2021 by Duke.

{¶ 9} On March 12, 2021, Mission:data Coalition (Mission:data) filed a motion to intervene and request for leave to intervene out of time. Mission:data asserts it meets the requirements of Ohio Adm.Code 4901-11-1(B) for intervention and that extraordinary circumstances warrant granting intervention out of time. Namely, Mission:data states that it was not until after the February 19, 2021 deadline that it learned third party data access issues may be an issue in this proceeding. According to Mission:data, based on the initial application and testimony filed in this case, as well as Staff's review and recommendation, it was not evident that third party data access was being considered in this docket.

{¶ 10} Duke opposes Mission:data's intervention and filed memorandum contra on March 26, 2021. Duke argues that Mission:data does not meet the requirements for intervention as Mission:data's inclusion will unduly delay proceedings and will not significantly contribute to the development and resolution of this case. According to Duke, comments have already been filed and re-setting the procedure schedule to accommodate Mission:data will unnecessarily delay proceedings. Further, Duke contends that Mission:data's concerns regarding third party data access are moot, as such issues have

already been addressed and implemented. Finally, Duke states extraordinary circumstances do not exist to allow Mission:data's untimely request. Duke avers that Mission:data should have known that third party data access may be a consideration in this case, as it was discussed in the ESP proceeding that authorized Rider PF.

{¶ 11} Mission:data filed a reply on April 2, 2021.

{¶ 12} The attorney examiner finds Mission:data's motion to intervene should be granted. As a procedural schedule regarding a hearing is just being established, as discussed below, Mission:data's intervention will not unduly delay proceedings. Further, Mission:data's involvement will contribute to the full development and equitable resolution of the factual issues in this case. However, as the deadlines for filing initial comments and reply comments has passed, Mission:data is precluded from filing comments.

{¶ 13} On May 26, 2021, Duke filed a request for a procedural schedule and proposed dates for, among other things, an evidentiary hearing. On May 28, 2021, OCC filed a memorandum contra Duke's motion. Therein, OCC proposed alternative dates.

{¶ 14} At this time, the attorney examiner finds that an evidentiary hearing should be scheduled for September 30, 2021, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, 11th floor, Hearing Room 11-C, Columbus, Ohio 43215-3793. Proposed stipulations should be filed by August 13, 2021. If no stipulation is submitted, intervenor testimony will be due by September 3, 2021, and Staff testimony will be due by September 10, 2021. Rebuttal testimony from Duke will be due by September 17, 2021.

{¶ 15} It is, therefore,

{¶ 16} ORDERED, That the motions to intervene filed by OEG and Mission:data be granted. It is, further,

{¶ 17} ORDERED, That the procedural schedule set forth in Paragraph 14 be adopted. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/Nicholas J. Walstra

By: Nicholas J. Walstra  
Attorney Examiner

GAP/hac

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Summary: Attorney Examiner Entry ordering that the motions to intervene filed by OEG and Mission: data be granted and that the procedural schedule set forth in Paragraph 14 be adopted electronically filed by Heather A Chilcote on behalf of Nicholas Walstra, Attorney Examiner, Public Utilities Commission