

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

**IN THE MATTER OF THE APPLICATION OF
DUKE ENERGY OHIO, INC. FOR
IMPLEMENTATION OF THE TAX CUTS AND
JOBS ACT OF 2017.**

CASE No. 18-1830-GA-UNC

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

CASE No. 18-1831-GA-ATA

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

CASE No. 19-174-GA-RDR

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

CASE No. 19-175-GA-ATA

**IN THE MATTER OF THE APPLICATION OF
DUKE ENERGY OHIO, INC. FOR
AUTHORITY TO DEFER ENVIRONMENTAL
INVESTIGATION AND REMEDIATION
COSTS.**

CASE No. 19-1085-GA-AAM

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

CASE No. 19-1086-GA-UNC

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

CASE No. 20-53-GA-RDR

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

CASE No. 20-54-GA-ATA

ENTRY

Entered in the Journal on October 15, 2021

I. SUMMARY

{¶ 1} In this Entry, the attorney examiner grants the motions to intervene filed by Interstate Gas Supply, Inc. and Retail Energy Supply Association on a limited basis and establishes a procedural schedule.

II. DISCUSSION

{¶ 2} 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.

A. *Manufactured Gas Plant Proceedings*

{¶ 3} 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.

{¶ 4} 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., Opinion and Order (Nov. 13, 2013) at 70-74.¹

{¶ 5} 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, amounting to \$8,346,698 (2013 *Rider MGP Adjustment*).

¹ 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, 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, amounting to \$686,031 (*2014 Rider MGP Adjustment*).

{¶ 7} 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, amounting to \$1,061,056 (*2015 Rider MGP Adjustment*).

{¶ 8} 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, amounting to \$1,296,160 (*2016 Rider MGP Adjustment*).

{¶ 9} 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, amounting to \$14,652,068 (*2017 Rider MGP Adjustment*). On that same date, Duke also filed a motion to consolidate the *2013-2017 Rider MGP Adjustments*.

{¶ 10} By Entry issued on June 28, 2018, the attorney examiner granted the motion to consolidate the *2013-2017 Rider MGP Adjustments* and set a comment period.

{¶ 11} Staff, as directed by the June 28, 2018 Entry, filed its review and recommendations in relation to the *2013-2017 Rider MGP Adjustments* on September 28, 2018. Among other recommendations, Staff ultimately proposed to reduce the Company's requested recovery amounts for years 2013-2017 by \$11,867,900.00.

{¶ 12} On March 29, 2019, Duke filed an application in Case Nos. 19-174-GA-RDR and 19-175-GA-ATA, seeking approval to adjust its Rider MGP to recover costs incurred during 2018 for environmental investigation and remediation of the MGP sites pursuant to Ohio and federal environmental laws, amounting to \$19,804,031 (*2018 Rider MGP Adjustment*).

{¶ 13} On July 12, 2019, Staff filed its review and recommendations in the *2018 Rider MGP Adjustment*. Staff, again, proposed to reduce the requested recovery amount by \$11,366,243, in addition to other recommendations, such as netting the recommended disallowances against insurance proceeds.

{¶ 14} By Entry issued August 13, 2019, the attorney examiner consolidated the *2018 Rider MGP Adjustment* with the other ten rate adjustment cases and established a procedural schedule.² The procedural schedule also set a deadline for intervention in the *2018 Rider MGP Adjustment* of September 13, 2019. By Entry issued September 4, 2019, the evidentiary hearing was rescheduled to commence on November 18, 2019, at the offices of the Commission. The hearing was held as scheduled and post-hearing briefs were submitted by the parties.

{¶ 15} Additionally, in Case Nos. 19-1085-GA-AAM and 19-1086-GA-UNC, Duke had filed an application seeking authorization to extend its deferral and collection of MGP investigation and remediation costs from customers beyond December 31, 2019. By Entry issued August 13, 2019, the attorney examiner set September 13, 2019, as the intervention deadline and established a comment period. Initial comments were received September 13, 2019, and reply comments were received October 2, 2019.

² The August 13, 2019 Entry consolidated the following cases: Case Nos. 14-375-GA-RDR, 14-376-GA-ATA, 15-452-GA-RDR, 15-453-GA-ATA, 16-542-GA-RDR, 16-543-GA-ATA, 17-596-GA-RDR, 17-597-GA-ATA, 18-283-GA-RDR, 18-284-GA-ATA, 19-174-GA-RDR, and 19-175-GA-ATA.

B. *Duke TCJA Proceedings*

{¶ 16} On December 21, 2018, in response to the passage of the 2017 Tax Cuts and Jobs Act (TCJA), Duke filed its application in Case No. 18-1830-GA-UNC, et al., to establish its natural gas TCJA rider (Rider GTCJA) to address the impacts of the reduction in the corporate income tax rate from 35 percent to 21 percent for its natural gas operations, including a reduction of the federal income tax rate and creation of excess accumulated deferred income taxes, ultimately reducing natural gas bills for customers. A hearing was scheduled and held on August 7, 2019, and post-hearing briefs were submitted by the parties.

C. *Stipulation and Subsequent Motions to Intervene*

{¶ 17} On August 31, 2021, Duke, the Ohio Consumers' Counsel (OCC), Ohio Energy Group (OEG), and Staff filed a Stipulation, which they claim resolves all the issues raised by the signatory parties in the *Duke MGP Proceedings* and the *Duke TCJA Proceedings*, in addition to affording various customer protections and benefits. The Stipulation also provides a commitment to transition from Duke's gas cost recovery (GCR) mechanism to a standard service offer (SSO) competitive auction format for natural gas supply, a requirement for Duke to provide OCC, upon request, shadow billing information for natural gas customers in a format to be mutually agreed upon by Duke and OCC, and a new bill format proposal to include an SSO price-to-compare message on natural gas bills. The signatory parties aver that the Ohio Manufacturers' Association Energy Group, The Kroger Co., and Ohio Partners for Affordable Energy have agreed not to oppose the Stipulation. Duke also filed proposed tariffs, as well as the direct testimony of Amy Spiller and the supplemental testimony of Sarah Lawler in support of the Stipulation.

{¶ 18} Thereafter, on September 17, 2021, and September 29, 2021, respectively, Interstate Gas Supply, Inc. (IGS) and Retail Energy Supply Association (RESA) filed motions for leave to intervene in the above-captioned proceedings. In their motions, both IGS and RESA claim that the Stipulation seeks to resolve wholly unrelated matters that will directly

impact the competitive market and its participants, specifically noting Duke's commitment to transition from the GCR mechanism to an SSO competitive auction format for natural gas supply, the SSO price-to-compare message on natural gas bills, and the commitment to provide OCC aggregate shadow billing data on an ongoing basis. IGS and RESA both contend that no other party currently involved in these proceedings represents their interests and the outcome of the proceedings will impact IGS and RESA's existing and potential business interests in the Duke service territory, as well as the operation of the Choice program. IGS and RESA further submit that their participation in these proceedings will not cause undue delay, as no procedural schedule to consider the Stipulation has been issued yet, will not prejudice any other party, and will contribute to the just and expeditious resolution of the issues and concerns raised in these proceedings. IGS and RESA acknowledge the fact that deadlines for intervention were not set in four of the proceedings, contending that should be enough to warrant intervention in those cases.³ For the remaining cases, IGS and RESA claim that, given good cause and the extraordinary circumstances present, the intervention standard for leave to intervene out of time is, nonetheless, satisfied. IGS and RESA stress that they had no prior reason to intervene in these proceedings and, only now with the filing of the Stipulation and its inclusion of the GCR and SSO processes, bill formats, and shadow billing, were they made aware that such issues would arise in these proceedings.

{¶ 19} Moreover, IGS adds that consolidation is a prerequisite to consideration of the Stipulation as filed, and if a procedural schedule is set, the Commission should proceed cautiously to provide interested parties with sufficient opportunity and due process to conduct discovery, prepare testimony, and hold a hearing.

{¶ 20} Memoranda contra the motions for leave to intervene were timely filed by Duke, OCC, and OEG. Duke, OEG, and OCC assert that granting intervention to IGS and RESA will incontrovertibly delay the proceedings and, thus, the provision of all the

³ Case Nos. 18-1830-GA-UNC, 18-1831-GA-ATA, 20-53-GA-RDR, 20-54-GA-ATA.

customer benefits associated with the Stipulation, including a one-time bill credit to typical residential customers currently estimated at \$107.00. Furthermore, Duke contends that IGS and RESA's real interests lie in the future proceedings where the substantive issues they are concerned about will be addressed, rather than these proceedings that simply indicate an application will be filed in the future to exit the GCR mechanism and move to a competitive auction.

{¶ 21} Speaking to the Commission's intervention standard, and the nature of these movants' interest, Duke argues that, other than the aggregate shadow billing data to be provided to OCC, the market-related commitments contained in the Stipulation and that IGS and RESA cite to in their respective motions, would not be implemented without a separate Commission proceeding on the merits of the proposal to move to an SSO. Duke and OCC also assert that the Stipulation does not go as far as some past agreements for shadow billing, emphasizing that the Stipulation would only result in Duke providing such information to OCC, and would not be placed on customers' bills; therefore, this provision could not adversely affect IGS or RESA. As such, Duke and OEG assert IGS and RESA have failed to demonstrate how the Stipulation would impact their interests. Duke further notes that the real matters at issue in these proceedings deal with the rate recovery issues regarding the MGP sites, as well as the impact of the TCJA, and if these movants had an interest in either of those two areas, they could, and should, have moved to intervene long before now. As for IGS and RESA's assertions that they would not delay the outcome of these proceedings, Duke notes that the Stipulation is currently unopposed and allowing intervention of these two movants would certainly delay the Commission's decision.

{¶ 22} OCC and OEG add that IGS and RESA have an opportunity to be heard regarding the SSO-related issues, as Duke has filed its required notice of intent to file an application for the transition to an SSO and to hold stakeholder meetings.⁴ According to

⁴ *In re the Application of Duke Energy Ohio, Inc., for Approval of a General Exemption of Certain Natural Gas Commodity Sales Services*, Case No. 21-903-GA-EXM.

OCC, IGS and RESA have already filed a motion to intervene in that proceeding. OEG argues that case would be the more appropriate forum for IGS and RESA to raise their concerns. Additionally, OCC notes that Duke has already begun to hold the SSO stakeholder meetings, to which IGS and RESA were invited to participate.

{¶ 23} Alternatively, if the motions to intervene are granted, OCC requests that the Commission limit the intervention request to those narrow issues in the Stipulation related to competitive markets. OCC adds that a formal consolidation is not required to proceed with establishing a procedural schedule to consider the Stipulation, and IGS' proposed schedule would unduly delay the proceedings.

{¶ 24} On October 12, 2021, IGS and RESA filed replies in support of their respective motions for leave to intervene that, primarily, reiterated their earlier arguments warranting intervention. In response to the arguments raised by Duke in its memorandum contra, IGS and RESA argue that the Stipulation contains critical components of the structure of Duke's EXM application, without any input from competitive market participants. In fact, IGS contends that, by linking that application to these proceedings, IGS has an interest in the outcome in these cases simply because that application will not be filed if the Stipulation is rejected by the Commission. Further, IGS and RESA claim they have a clear interest in ensuring that OCC does not circumvent Commission precedent rejecting OCC's attempts to receive shadow billing data through these cases, especially when the Stipulation specifically notes that the aggregated information is not to be considered confidential and the Commission precedent recognizes that such information is not a transparent way to compare competitive offers. IGS and RESA also contend that their positions are relevant to determining whether the Stipulation satisfies the Commission's three-prong test, noting that the entire competitive market community was excluded from negotiations that ultimately set the terms of the Stipulation. While IGS and RESA claim that it is disingenuous of these parties to assert the movants will unduly delay the proceedings, they conclude their respective replies by stating that, rather than being granted limited participation, they

should be afforded the opportunity to review the Stipulation as a package, without limitation, to determine whether the agreement benefits ratepayers and the public interest.

{¶ 25} It is the Commission's responsibility to ensure the expeditious and orderly conduct of its hearings. R.C. 4901.13 permits the Commission to adopt rules to govern its proceedings and to "regulate the mode and manner" of its hearings, and the Commission is empowered to determine whether the interest of a party is sufficient to warrant the grant of a petition to intervene. *Dworken v. Pub. Util. Comm.*, 133 Ohio St. 208, 12 N.E.2d 490 (1938).

{¶ 26} An attorney examiner may grant intervention, pursuant to Ohio Adm.Code 4901-1-11(A), only when "the person has a real and substantial interest in the proceeding, and the person is so situated that the disposition of the proceeding may, as a practical matter, impair or impede his or her ability to protect that interest, unless the person's interest is adequately represented by existing parties." Ohio Adm.Code 4901-1-11(B) provides that, in deciding whether to permit timely intervention, an attorney examiner may consider: the nature and extent of the prospective intervenor's interest; the legal position advanced by the prospective intervenor and its probable relation to the merits of the case; whether the intervention by the prospective intervenor will unduly prolong or delay the proceedings; whether the prospective intervenor will significantly contribute to full development and equitable resolution of the factual issues; and the extent to which the person's interest is represented by existing parties. Ohio Adm.Code 4901-1-11(D) also states that an attorney examiner may grant limited intervention for the purpose of participating with respect to one or more specific issues.

{¶ 27} However, as noted in the motions, R.C. 4903.221 states that the Commission may, in its discretion, grant a motion to intervene filed after a specified deadline for intervention has passed for "good cause shown." Accordingly, Ohio Adm.Code 4901-1-11(F) provides that an untimely motion to intervene will only be granted under "extraordinary circumstances."

{¶ 28} The attorney examiner notes that the Commission has frequently denied untimely motions to intervene where no extraordinary circumstances were present. *See, e.g., In re Ohio Power Co.*, Case No. 10-2376-EL-UNC, et al., Opinion and Order (Dec. 14, 2011) at 9; *In re Ohio Edison Co., The Cleveland Elec. Illum. Co., and The Toledo Edison Co.*, Case No. 11-5201-EL-RDR, Opinion and Order (Aug. 7, 2013) at 7-8; *see also In re Greenwich Windpark*, Case No. 13-990-EL-BGN, Opinion, Order, and Certificate (Aug. 25, 2014) at 3-4 (where the Ohio Power Siting Board denied an untimely motion to intervene). In these cases, IGS and RESA have filed their motions for leave to intervene approximately two years after the September 13, 2019 intervention deadline in the majority of the *Duke MGP Proceedings* and the hearing held in the *Duke TCJA Proceedings*.

{¶ 29} Upon review of the motions and memoranda contra, there is no question that IGS and RESA have also failed to satisfy the Commission's timely intervention standard for the four cases for which no intervention deadline was set or, more generally, for the primary issues raised during the *Duke MGP Proceedings* and the *Duke TCJA Proceedings*. IGS and RESA even seem to admit as much in their respective motions. As such, the intervention request comes down to whether they have shown the filing of the Stipulation constitutes extraordinary circumstances warranting their intervention at this very late stage of the proceedings.

{¶ 30} IGS and RESA attempt to justify their untimely intervention motions by claiming that the filing of the Stipulation presented for the first time the specific provisions for Commission review of the various competitive market related issues. In cases where a stipulation is filed following the deadline for motions to intervene, the Commission has established that the filing of a stipulation that may resolve issues differently than initially proposed or that expands the issues does not, alone, constitute extraordinary circumstances warranting untimely intervention. *See In re Dayton Power & Light Co.*, Case No. 02-2779-EL-ATA (*DP&L Case*), Opinion and Order (Sept. 2, 2003) at 8-9. In its analysis in the *DP&L Case*, the Commission reasoned that it should be no surprise to anyone that a case may be resolved

by the proposal of a stipulation, which often will encompass a variety of issues, and the mere fact that a stipulation may resolve issues differently than initially proposed does not afford a party the right to intervene beyond the deadline. In that particular case, the Commission did permit untimely intervention based upon the fact that the late intervenor did not receive notice of certain procedures required by a proposed rule relating to the end of the market development period. In making its finding, the Commission emphasized that intervention was permitted not because the issues in the proceeding were expanded by the stipulation, but because the intervenor did not receive the notice of certain procedures specific to that case. *DP&L Case* at 9. Contrarily, in Case No. 14-1297-EL-SSO, the Commission denied the untimely motion for limited intervention filed by PJM Interconnection, Inc. (PJM), reasoning that PJM should have been on notice that the third supplemental stipulation filed in that case would address Commission oversight of FirstEnergy's actions in bidding into the PJM market, as it was proposed in FirstEnergy's initial application and supported by filed testimony. The attorney examiner further noted that, even if the third supplemental stipulation could have been considered to expand the issues in the proceeding, Commission precedent would hold that to be insufficient grounds to find extraordinary circumstances for late intervention. *In re Ohio Edison Co., The Cleveland Elec. Illum. Co., and The Toledo Edison Co.*, Case No. 14-1297-EL-SSO, Entry (Jan. 13, 2016) at ¶ 17.

{¶ 31} The circumstances presented in these cases appear to more closely align with the circumstances found in the *DP&L Case*. IGS and RESA received no notice that the Stipulation could include provisions related to the competitive market. Those provisions do not represent a mere expansion of the existing issues involved or an alternative proposal to resolve the issues in the *Duke MGP Proceedings* or *Duke TCJA Proceedings*; rather, the attorney examiner agrees they represent wholly unrelated matters for the Commission's, and other interested parties', consideration. Consistent with Commission precedent, however, the dispositive issue is determining whether IGS and RESA should have been on notice that these three provisions could be raised in these proceedings or appear in the

resulting Stipulation. The attorney examiner finds that they could not have, based on the proceedings up to the filing of the Stipulation.

{¶ 32} Be that as it may, the attorney examiner continues to find that IGS and RESA's interests in these proceedings are limited to the three areas discussed in their motions for leave to intervene, namely Duke's commitment to transition from the GCR mechanism to an SSO competitive auction format for natural gas supply, the proposed SSO price-to-compare message on natural gas bills, and the commitment to provide OCC aggregate shadow billing data on an ongoing basis.⁵ To the extent that future proceedings are the more appropriate forum for IGS and RESA to raise their concerns, that can be addressed during discovery and/or during the hearing. However, upon being granted limited intervention, IGS and RESA are entitled to inquire into these specific provisions of the Stipulation and any potential adverse impact they may have upon the competitive market in Duke's service territory, even if Duke, OCC, and OEG believe there will be no such adverse impact. As such, based on the very unique circumstances presented in these cases, the attorney examiner finds that the motions to intervene filed by IGS and RESA should be granted on a limited basis to address the proposed provisions related to the competitive market, as noted above.

{¶ 33} In their motions for leave to intervene, both IGS and RESA have indicated they will not unduly burden the proceedings, and upon being granted limited intervention, the attorney examiner will heavily scrutinize any requests from IGS or RESA that are perceived to unnecessarily delay the outcome of these proceedings.⁶ Further, the attorney examiner also agrees with OCC that formal consolidation is not required before the Commission may consider a stipulation that purports to resolve several cases, although the Commission will

⁵ The provisions at issue can be found in Sections B and C of the Stipulation, or pages 16-19.

⁶ Although Duke, OEG, and OCC are concerned that granting IGS and RESA intervention at this point will unduly delay the outcome of these proceedings, the attorney examiner notes that the Stipulation itself was filed approximately two years following the hearings held in the *Duke MGP Proceedings* and the *Duke TCJA Proceedings*.

sometimes do so in an effort to promote administrative efficiencies. With that being said, at this time, the attorney examiner finds it appropriate to set the following procedural schedule for the above-captioned proceedings to consider the Stipulation:

- a. Written discovery requests, except notices of deposition, should be completed by November 1, 2021.
- b. Intervenor testimony should be filed by November 15, 2021.
- c. An evidentiary hearing shall commence on November 22, 2021, at 10:00 a.m. ET, via remote hearing technology. Instructions for participation in the evidentiary hearing shall be emailed to counsel prior to hearing. Individuals interested in observing the evidentiary hearing as a non-party can access the evidentiary hearing using the link <https://bit.ly/14-375-EVH>, and entering the password PUCO, or by calling 1-408-418-9388, and entering code 2344 552 9795.

{¶ 34} Any exhibits intended to be used on direct and cross-examination should be marked and exchanged by the parties and provided to the attorney examiner by electronic means no later than 5:00 p.m. on November 18, 2021. The parties are not required to re-file or exchange information that is already filed in the case dockets.

{¶ 35} Finally, given the limited scope of discovery left to be conducted in these proceedings, the attorney examiner finds that an expedited discovery response time of seven calendar days should be established.

III. ORDER

{¶ 36} It is, therefore,

{¶ 37} ORDERED, That the motions to intervene filed by IGS and RESA be granted on a limited basis, consistent with this Entry. It is, further,

{¶ 38} ORDERED, That the parties adhere to the procedural schedule set forth in Paragraph 33. It is, further,

{¶ 39} 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

SJP/kck

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Summary: Attorney Examiner Entry granting the motions to intervene filed by IGS and RESA on a limited basis, consistent with this Entry and ordering that the parties adhere to the procedural schedule set forth in Paragraph 33.

electronically filed by Kelli C. King on behalf of Megan J. Addison, Attorney Examiner, Public Utilities Commission of Ohio