

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Duke )  
Energy Ohio, Inc., for an Adjustment to Rider ) Case No. 14-0375-GA-RDR  
MGP Rates. )

In the Matter of the Application of Duke ) Case No. 14-0376-GA-ATA  
Energy Ohio, Inc., for Tariff Approval. )

In the Matter of the Application of Duke )  
Energy Ohio, Inc., for an Adjustment to Rider ) Case No. 15-0452-GA-RDR  
MGP Rates. )

In the Matter of the Application of Duke ) Case No. 15-0453-GA-ATA  
Energy Ohio, Inc., for Tariff Approval. )

In the Matter of the Application of Duke )  
Energy Ohio, Inc., for an Adjustment to Rider ) Case No. 16-0542-GA-RDR  
MGP Rates. )

In the Matter of the Application of Duke ) Case No. 16-0543-GA-ATA  
Energy Ohio, Inc., for Tariff Approval. )

In the Matter of the Application of Duke )  
Energy Ohio, Inc., for an Adjustment to Rider ) Case No. 17-0596-GA-RDR  
MGP Rates. )

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MGP Rates. )

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Energy Ohio, Inc., for Implementation of the ) Case No. 18-1830-GA-UNC  
Tax Cuts and Jobs Act of 2017. )

In the Matter of the Application of Duke )  
Energy Ohio, Inc., for Approval of Tariff ) Case No. 18-1831-GA-UNC  
Amendments. )

In the Matter of the Application of Duke )  
Energy Ohio, Inc., for an Adjustment to Rider ) Case No. 19-0174-GA-RDR  
MGP Rates. )

In the Matter of the Application of Duke ) Case No. 19-0175-GA-ATA  
Energy Ohio, Inc., for Tariff Approval. )

In the Matter of the Application of Duke )  
Energy Ohio, Inc., for Authority to Defer ) Case No. 19-1085-GA-AAM  
Environmental Investigation and Remediation )  
Costs. )

In the Matter of the Application of Duke ) Case No. 19-1086-GA-UNC  
Energy Ohio, Inc., for Tariff Approval. )

In the Matter of the Application of Duke )  
Energy Ohio, Inc., for an Adjustment to Rider ) Case No. 20-0053-GA-RDR  
MGP Rates. )

In the Matter of the Application of Duke ) Case No. 20-0054-GA-ATA  
Energy Ohio, Inc., for Tariff Approval. )

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**MOTION OF APPLICANT DUKE ENERGY OHIO, INC.,  
FOR PROTECTIVE ORDER CONFIRMING THAT  
RESPONSE IS NOT REQUIRED TO CERTAIN DISCOVERY AND  
REQUEST FOR EXPEDITED TREATMENT**

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Pursuant to Rule 4901-1-24 of the Ohio Administrative Code, Respondent Duke Energy Ohio, Inc., (Duke Energy Ohio or Company) respectfully requests a Protective Order confirming that the Company is not required to respond to certain discovery by Interstate Gas Supply, Inc. (IGS) in this matter, which is outside the scope explicitly delineated in this case in

the Entry issued on October 15, 2021 (October 15 Entry). Despite the unambiguous direction in the Commission's October 15 Entry limiting the intervention of IGS and the Retail Electric Supply Association (RESA) "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,"<sup>1</sup> IGS has served discovery upon the Company that far exceeds the scope of the issues permitted by the Commission's granting of limited intervention. The grounds for this motion are more fully set forth in the attached Memorandum in Support. Pursuant to Rules 4901-1-24(B)(2) and (B)(3), a copy of an affidavit of counsel setting forth the efforts that have been made to resolve any differences is attached as Exhibit A, IGS's First Set of Interrogatories, and Requests for Production of Documents, dated October 19, 2021, is attached as Exhibit A-1 to the Affidavit, and a copy of emails exchanged between Company and IGS counsel is attached as Exhibit A-2 to the Affidavit.

Duke Energy Ohio respectfully asks for expedited treatment under O.A.C. 4901-1-12(C).

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<sup>1</sup> October 15, 2021 Entry at 13.

Respectfully submitted,

DUKE ENERGY OHIO, INC.

/s/ Larisa M. Vaysman

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*Attorneys for Duke Energy Ohio, Inc.*

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**MEMORANDUM IN SUPPORT OF RESPONDENT DUKE ENERGY OHIO, INC.’S  
MOTION FOR PROTECTIVE ORDER CONFIRMING THAT  
RESPONSE IS NOT REQUIRED TO CERTAIN DISCOVERY AND  
REQUEST FOR EXPEDITED TREATMENT**

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On August 31, 2021, over seven years since the first case in this consolidated docket was filed and nearly a year after an extensive hearing with many witnesses and vigorous cross-examinations, Duke Energy Ohio, Inc. (Duke Energy Ohio or Company) filed a Stipulation to resolve this case. The Stipulation is unopposed by all parties that took part in those proceedings.

On September 17, 2021, Interstate Gas Supply, Inc. (IGS) filed a motion to intervene in this case alleging concerns with three issues that, in IGS’s opinion, impact the competitive market. In an Entry issued on October 15, 2021 (October 15 Entry), the attorney examiner granted the motion “on a limited basis.”<sup>2</sup> Specifically, the attorney examiner ordered that “IGS[’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.”<sup>3</sup> Thus, any discovery issued by IGS should have been limited to these three topics.

However, in its initial set of discovery to Duke Energy Ohio, issued on October 19, 2021, and attached as Exhibit A-1 to Exhibit A (the affidavit of Company counsel), IGS went well outside the permitted scope and declined to withdraw the interrogatories in question when requested to do so by Company counsel (see Exhibit A and Exhibit A-2 attached). Thus, the Company requests a protective order to confirm that it need not respond to certain interrogatories that exceed the scope of the limited intervention granted by the Commission and direct IGS to abide by the Commission’s prior directive, as listed below.

- INT 1-3, regarding Duke Energy Ohio Witness Spiller’s testimony that the Stipulation supports Duke’s financial health and mitigates against cost increases for customers;
- INT 1-4, regarding allocation of insurance proceeds;
- INT 1-5, regarding allocation of insurance proceeds;
- INT 1-9, regarding the process that culminated in the Stipulation;

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<sup>2</sup> October 15 Entry, p. 13.

<sup>3</sup> *Id.*

- INT 1-10, regarding a hypothetical Commission decision on the Stipulation;
- INT 1-14, regarding Duke Energy Ohio Witness Spiller's testimony that the Stipulation does not violate any important regulatory principle or practice; and
- INT 1-18, regarding Duke Energy Ohio Witness Lawler's testimony that the Stipulation supports Duke's financial health and mitigates cost increases for customers;
- INT 1-19, regarding procedural history of these proceedings.

While the above-listed interrogatories are not the only ones that Duke Energy Ohio considers to be objectionable, they are especially inappropriate given the directive of the attorney examiner setting very specific conditions on IGS's intervention. First, the disposition of insurance proceeds (INTS 1-4 and 1-5) from MGP remediation efforts has been at issue in this consolidated docket for years. It was in no way unforeseen that the fate of the insurance proceeds would be determined in these consolidated cases and anyone who wished to have a say regarding that determination could and should have intervened earlier. The insurance proceeds have nothing to do with the GCR-to-SSO transition, price-to-compare, or shadow billing issues. Second, it was clearly foreseeable, given the amounts in dispute, for many years in this case that the Company's financial health would be affected by the outcome (INT 1-3 and INT 1-18). The limited scope of IGS's intervention does not include the issue of the Company's financial health. Third, the process leading up to the Stipulation, the validity of the Stipulation, and future hypothetical Commission orders regarding the Stipulation (INTS 1-9 1-19, 1-14, and 1-10, respectively) are not one of the three issues within the scope permitted by the attorney examiner.

Consistent with the requirement of O.A.C. 4901-1-24(B) and as described in an affidavit of counsel attached to this Motion as Exhibit A, the Company first sought relief directly from IGS, identifying the requests that are beyond the scope of the Commission's October 15



Entry and requested that they be withdrawn. As described in Exhibit A, and evidenced by Exhibit A-2, IGS has declined to withdraw them.<sup>4</sup> Given the October 15 Entry also ordered expedited discovery, the Company seeks Commission intervention so as not to create any further delays in resolution of these proceedings that are being caused by IGS's attempts to delve into issues beyond the scope of their limited intervention.

Duke Energy Ohio respectfully requests confirmation that it need not respond to the above interrogatories, pursuant to O.A.C. 4901-1-24. In seeking this relief, Duke Energy Ohio expressly states that this motion not intended to address the validity of any discovery request not mentioned above. The omission of a request from this motion does not mean that Duke Energy Ohio finds the request to be proper.

For the reasons stated herein, Duke Energy Ohio respectfully requests that the Commission issue an order providing that Duke Energy Ohio need not respond at all to the above-listed interrogatories, *i.e.*, that discovery may not be had on these matters. The Company seeks an expedited ruling on this motion, as the responses to IGS's discovery are due very soon, on October 26. The Company is not able to certify that no party has any objection to the issuance of such a ruling.

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<sup>4</sup> This Motion includes one additional interrogatory that was overlooked in Company counsel's email request to IGS, INT 1-18.

Respectfully submitted,

DUKE ENERGY OHIO, INC.

/s/ Larisa M. Vaysman

Rocco O. D'Ascenzo (0077651) (Counsel of Record)

Deputy General Counsel

Jeanne W. Kingery (0012172)

Associate General Counsel

Larisa M. Vaysman (0090290)

Senior Counsel

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[Larisa.Vaysman@duke-energy.com](mailto:Larisa.Vaysman@duke-energy.com)

*Attorneys for Duke Energy Ohio, Inc.*

## **CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing Motion was served on the following parties this 22nd day of October 2021, by regular U.S. Mail, overnight delivery, or electronic delivery.

/s/ Larisa M. Vaysman  
Larisa M. Vaysman

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In the Matter of the Application of Duke Energy Ohio, Inc. for Tariff Approval.	)	Case No. 20-0054-GA-ATA
	)	

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**INTERSTATE GAS SUPPLY INC.'S FIRST SET OF DISCOVERY REQUESTS TO  
DUKE ENERGY OHIO, INC.**

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IGS Energy  
6100 Emerald Parkway  
Dublin, Ohio 43016  
Telephone: (614) 659-5000  
Facsimile: (614) 659-5073

***Attorneys for IGS Energy***

Interstate Gas Supply, Inc., d/b/a IGS Energy, hereby submits its first set of discovery requests to Duke Energy Ohio, Inc. ("Duke"), pursuant to Rule 4901-1-16, Ohio Administrative Code ("OAC"), Rule 4901-1-17, OAC, and Rule 4901-1-20, OAC. Please submit all responses to:

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IGS Energy  
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### **DIRECTIONS**

Please ensure that any responses comply with the directions provided below.

#### **A. Definitions**

The following definitions apply:

1. "Document" or "Documentation" when used in this discovery request, is used in its customary broad sense and means all originals of any nature whatsoever, identical copies, and all non-identical copies thereof, pertaining to any medium upon which intelligence or information is recorded in your possession, custody, or control regardless of where located; including any kind of printed, recorded, written, graphic, or photographic matter and things similar to any of the foregoing, regardless of their author or origin. The term specifically includes, without limiting the generality of the following: punch cards,

printout sheets, movie film, slides, PowerPoint slides, phonograph records, photographs, memoranda, ledgers, work sheets, books, magazines, notebooks, diaries, calendars, appointment books, registers, charts, tables, papers, agreements, contracts, purchase orders, checks and drafts, acknowledgments, invoices, authorizations, budgets, analysis, projections, transcripts, electronic mail, minutes of meetings of any kind, telegrams, drafts, instructions, announcements, schedules, price lists, electronic copies, reports, studies, statistics, forecasts, decisions, and orders, intra-office and inter-office communications, correspondence, financial data, summaries or records of conversations or interviews, statements, returns, diaries, work papers, maps, graphs, sketches, summaries or reports of investigations or negotiations, opinions or reports of consultants, brochures, bulletins, pamphlets, articles, advertisements, circulars, press releases, graphic records or representations/publications of any kind (including microfilm, videotape and records, however produced or reproduced), electronic, mechanical and electrical records of any kind and computer produced interpretations thereof (including, without limitation, tapes, tape cassettes, disks and records), other data compilations (including source codes, object codes, program documentation, computer programs, computer printouts, cards, tapes, disks and recordings used in automated data processing together with the programming instructions and other material necessary to translate, understand or use the same), all drafts, prints, issues, alterations, modifications, changes, amendments, and mechanical or electric sound recordings and transcripts to the foregoing. A request or discovery concerning documents addressing, relating or referring to or discussing a specified matter encompasses documents having a factual, contextual, or logical nexus to the matter, as well as documents making explicit or implicit

reference thereto in the body of the documents. Originals and duplicates of the same document need not be separately identified or produced; however, drafts of a document or documents differing from one another by initials, interlineations, notations, erasures, file stamps, and the like shall be deemed to be distinct documents requiring separate identification or production. Copies of documents shall be legible.

2. "Communication" shall mean any transmission of information by oral, graphic, written, pictorial, electronic or otherwise perceptible means, including, but not limited to, telephone conversations, letters, telegrams, and personal conversations. A request seeking the identity of a communication addressing, relating or referring to, or discussing a specified matter encompasses documents having factual, contextual, or logical nexus to the matter, as well as communications in which explicit or implicit reference is made to the matter in the course of the communication.

3. "Person" includes any firm, corporation, joint venture, association, entity or group of persons unless the context clearly indicates that only an individual person is referred to.

4. Singular/Plural words expressing the singular number shall be deemed to also express the plural number; those expressing the masculine gender shall be deemed to express the feminine and neuter genders; those expressing the past tense shall be deemed to also express the present tense; and vice versa.

5. "IGS" means Interstate Gas Supply, Inc. and its affiliate IGS Energy.

6. "Duke" means Duke Energy Ohio, Inc.

7. The terms "PUCO" and "Commission" refer to the Public Utilities Commission of Ohio, including its Commissioners, personnel (including Persons working for the PUCO Staff as well as in the Public Utilities Section of the Ohio Attorney General's Office), and offices.



8. "Stipulation" refers to the Stipulation and Recommendation filed in the above-captioned proceedings by Duke Energy Ohio, Inc. on August 31, 2021.

**B. Instructions for Answering**

1. Where an interrogatory calls for an answer in multiple parts, each part should be separate in the answer so that the answer is clearly understandable.
2. Answer each interrogatory separately and fully in writing under oath, unless it is objected to. Clearly state objections. Answers must be signed by the person making them, and objections must be signed by the attorney asserting the objection.
3. If any answer requires more space than provided, continue the answer on the reverse side of the page or on an added page.
4. You are under a continuing duty to supplement your responses with respect to any question directly addressed to the identity and location of persons having knowledge of discoverable matters, the identity of any person expected to be called as a witness at trial, and the subject matter on which he or she is expected to testify and to correct any response which you know or later learn is incorrect or incomplete.
5. "You" and "your" or "yourself" refer to the party requested to respond to discovery or to produce documents and any present or former director, officer, agent, contractor, consultant, advisor, employee, partner, or joint venture of such party.
6. "Identify," or "state the identity of," or "identified" means:
  - A. When used in reference to an individual, to state his full name and present or last known position and business affiliation;

B. When used in reference to a commercial or governmental entity, to state its full name, type of entity (e.g., corporation, partnership, single proprietorship), and its present or last known address;

C. When used in reference to a communication, to state the type of communication (i.e., letter, personal conversation, etc.), the date thereof, and the parties thereto and, in the case of a conversation, to state the substance, place, and approximate time thereof, and identity of other persons in the presence of each party thereto.

### **INTERROGATORIES**

The following interrogatories are propounded upon Duke in accordance with Ohio Adm. Code 4901-1-16(D)(5); therefore, IGS is specifically requesting that all responses be supplemented with subsequently acquired information at the time such information is made available.

INT 1-1: On page 13 of her Direct Testimony, Witness Spiller states: “The Stipulation also makes provision for . . . the production of aggregate data to aid in informed decision making.” Assuming this statement refers to the shadow billing commitment included in Paragraph 25 of the Stipulation, please describe in detail how the production of aggregate shadow billing data to the Ohio Consumers’ Counsel aids in informed decision making.

### **RESPONSE:**

INT 1-2: On page 14 of her Direct Testimony, Witness Spiller states: “The Stipulation also supports the expansion of the competitive natural gas market as [Duke] will seek authority to transition from the current gas-cost recovery (GCR) process to a standard service offer (SSO) through which natural gas supply would be competitively procured.” Regarding this statement:

- a. Please describe how Duke's transition from a GCR to an SSO supports the expansion of the competitive natural gas market.
- b. Please indicate whether the SSO as proposed under Paragraph 22 of the Stipulation would be procured through a wholesale auction.
- c. If your answer to 1-2(b) is "Yes", please indicate whether Duke envisions auction winners to have the ability to also provide competitive retail natural gas service to customers.

**RESPONSE:**

INT 1-3: On page 14 of her Direct Testimony, Witness Spiller states that the "Stipulation supports [Duke's] financial health, which is fundamental to maintaining good credit standings and ultimately mitigating against abrupt cost increases for customers." Regarding this statement:

- a. Please identify how the Stipulation's commitments concerning shadow billing (Paragraph 25), the transition from a GCR to an SSO (Paragraph 22), and the inclusion of a price-to-compare statement on customer bills (Paragraph 24) supports Duke's financial health.
- b. Please identify how customers may face "abrupt cost increases" if Duke does not maintain good credit standings.

**RESPONSE:**

INT 1-4 On Page 19 of her Direct Testimony, Witness Spiller states that \$3,309,458 in Insurance Proceeds will be allocated to provide bill assistance for qualifying senior and low-income residential natural gas customers who

have been adversely affected by the COVID epidemic. Regarding this statement:

- a. Please explain why the Stipulation allocates approximately 77% of Duke's remaining insurance proceeds toward bill assistance for senior and low-income residential natural gas customers and not all residential customers in the Duke service territory.
- b. Please identify the qualifying criteria for a senior or low-income residential customer to receive these bill assistance benefits.

**RESPONSE:**

INT 1-5 On Page 20 of her Direct Testimony, Witness Spiller states that \$1 million in Insurance Proceeds will be directed "entirely to non-residential customers" as a bill credit. Regarding this statement:

- a. Please explain why Duke's remaining insurance proceeds are directed entirely to non-residential customers.
- b. Please explain whether Duke will apply the bill credit to non-residential customers in a manner consistent with how the charges are billed. If not, please explain the bill crediting methodology that Duke intends to apply.

**RESPONSE:**

INT 1-6 On Page 20 of her Direct Testimony, Witness Spiller states that the Stipulation "will require [Duke] to transition to a competitive auction to procure supply, in the format of an SSO that is similar to how [Duke]

procures competitive retail electric service for its non-shopping electric customers.” Regarding this statement:

- a. You would agree that Ohio’s natural gas and electric markets have different statutory structures?
- b. You would agree that R.C. 4929.04 authorizes Duke to file an application with the PUCO seeking, in part, to receive an exemption from providing commodity sales service to customers?
- c. You would agree that R.C. 4929.02 expressly provides that it is the policy of the state of Ohio to promote the provision of natural gas services and goods in a manner that achieves effective competition and transactions between willing buyers and sellers?

**RESPONSE:**

INT 1-7      On Page 21 of her Direct Testimony, Witness Spiller states that the “Signatory Parties agree that [Duke] is entitled to recover all costs associated with the transition to, and implementation of, an auction format.”

Regarding this statement:

- a. Please identify any and all costs that Duke believes will be associated with the transition to, and implementation of, an auction format.
- b. Please provide an estimate of those costs and break out each cost separately.

**RESPONSE:**

INT 1-8      On Page 21 of her Direct Testimony, Witness Spiller states that as a result of the Stipulation, “natural gas customers will be given additional information related to choice and the competitive market . . . .” Regarding this statement:

- a. Please identify the “additional information” that natural gas customers will receive and the processes (e.g. direct mail; email; bill messaging; bill inserts; etc.) that Duke plans to use to distribute that information to customers.
- b. Please define “choice” as Witness Spiller used it in the statement quoted above.
- c. Please define “competitive market” as Witness Spiller used it in the statement quote above.
- d. Please identify any and all costs associated with providing the “additional information related to choice and the competitive market” to customers and explain how Duke plans to recover those costs.

**RESPONSE:**

INT 1-9      On Page 22 of her Direct Testimony, Witness Spiller states that the “process that culminated in the Stipulation addressed all of the issues raised by the signatory parties in these proceedings, with those issues being thoroughly reviewed, discussed, and, to the extent agreement could be reached, resolved during negotiations. Despite the divergent interests among them, all parties had an opportunity to express their opinions in the negotiating

process.” Regarding this statement, you would agree that no competitive retail natural gas supplier was represented and/or participated in the negotiation process that culminated in the Stipulation?

**RESPONSE:**

INT 1-10 To the extent that the PUCO removed the competitive market-related commitments included in Paragraphs 22, 24, and 25 of the Stipulation but approved all other elements of the agreement, would Duke withdraw from the Stipulation?

**RESPONSE:**

INT 1-11 Please indicate whether any of the applications that Duke filed in the above-captioned cases seek approval for Duke to transition from a GCR to an SSO.

**RESPONSE:**

INT 1-12 Please indicate whether any of the applications that Duke filed in above-captioned cases seek approval for Duke to include a price-to-compare statement on customer bills?

**RESPONSE:**

INT 1-13 Please indicate whether any of the applications that Duke filed in the above-captioned cases seek approval for Duke to provide aggregate shadow billing data to the Ohio Consumers' Counsel or any other party.

**RESPONSE:**

INT 1-14 On Page 22 of her Direct Testimony, Witness Spiller indicates that the Stipulation does not violate any important regulatory principle or practice.

Regarding this statement, please indicate whether Commission Orders constitute a “regulatory principle or practice” as those terms are used by Witness Spiller in her testimony. If not, please explain why.

**RESPONSE:**

INT 1-15 On Page 23 of her Direct Testimony, Witness Spiller states that the Stipulation “advances important regulatory policies including enhancing the competitive natural gas market and providing more information to customers regarding their natural gas service and related choices.”

Regarding this statement:

- a. Please describe how the Stipulation enhances the competitive natural gas market.
- b. Please describe how the Stipulation will provide more information to customer regarding their natural gas service and related choices.

**RESPONSE:**

INT 1-16 Please identify whether the Stipulation promotes “an expeditious transition to the provision of natural gas services and goods in a manner that achieves effective competition and transactions between willing buyers and willing sellers to reduce or eliminate the need for regulation of natural gas services and goods under Chapters 4905.and 4909. of the Revised Code[.]” If so, please explain how it satisfies the policies set forth in R.C. 4929.02(A)(7).

**RESPONSE:**



INT 1-17 On Page 8 of her Supplemental Testimony, Witness Lawler states that the “Stipulation enhances the competitive natural gas market by moving [Duke] to a natural gas standard service offer (SSO) auction and transitions away from the current gas-cost recovery (GCR) process.” Regarding this statement, please describe how Duke’s transition to an SSO enhances the competitive natural gas market.

**RESPONSE:**

INT 1-18 On Page 8 of her Supplemental Testimony, Witness Lawler states that the “Stipulation will support [Duke’s] financial health in a manner that provides certainty and cost recovery all the while [sic] reducing natural gas rates for customers” Regarding this statement, please describe how Stipulation will support Duke’s financial health and provide certainty.

**RESPONSE:**

INT 1-19 The Stipulation states at pp 6-7 that “the above-styled proceedings have been subject to discovery, with all parties afforded due process, and involve disputed issues that create significant risks and uncertainty of ongoing litigation and expense, including appeals, absent a comprehensive resolution, and a full settlement of these issues will mitigate risks of ongoing litigation and expenses.” Regarding this statement:

- a. You would agree that IGS has not been afforded the right to contest every matter in the Stipulation?
- b. You would agree that the Stipulation appears to be contested?

- c. You would agree that you cannot predict whether this case will  
be appealed?

**RESPONSE:**

**REQUEST FOR PRODUCTION OF DOCUMENTS**

The following request for production of documents is propounded upon Duke in accordance with Ohio Adm. Code 4901-1-20.

RPD 1-1      Please provide any documents that Duke identified, utilized, or relied upon  
in response to interrogatories INT 1-1 to 1-19.

## **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing First Set of Discovery Requests to Duke Energy Ohio, Inc. submitted on behalf of Interstate Gas Supply, Inc. was served electronically upon the following Parties of Record this 19<sup>th</sup> day of October 2021.

**/s/ Michael A. Nugent**

Michael A. Nugent  
Attorney for Interstate Gas Supply, Inc.

## **SERVICE LIST**

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**AFFIDAVIT  
OF  
LARISA M. VAYSMAN**

COMES NOW Larisa M. Vaysman being duly sworn, deposes and says:

1. My name is Larisa M. Vaysman. I am employed by Duke Energy Business Services, Inc. as Senior Counsel.

2. This Affidavit will be filed with the Ohio Public Utilities Commission in support of the accompanying Motion for Protective Order Confirming That Response Is Not Required To Certain Discovery And Request For Expedited Treatment.

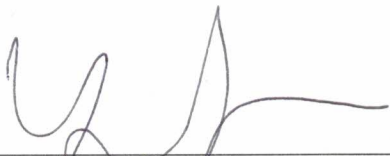
3. On October 19, 2021, Interstate Gas Services, Inc. (IGS) served upon Duke Energy Ohio, Inc. (Duke Energy Ohio or the Company) a set of discovery requests (IGS Discovery Set), attached to this Affidavit as Exhibit A-1.

4. As Senior Counsel, I sent counsel for IGS an e-mail on October 20, 2021, requesting that certain of the discovery requests in the IGS Discovery Set be withdrawn, due to being outside the scope of permitted discovery in this case, pursuant to the Entry issued on October 15, 2021.

5. Counsel for IGS responded on October 21, 2021, declining to withdraw the interrogatories listed. The e-mail thread containing my email request and IGS counsel's response are attached to this Affidavit as Exhibit A-2.

6. The information contained within the filing 'Memorandum In Support Of Respondent Duke Energy Ohio, Inc.'s Motion for Protective Order Confirming That Response Is Not Required To Certain Discovery And Request Of Expedited Treatment' is true and accurate to the best of my knowledge.

FURTHER AFFIANT SAITH NOT.

  
\_\_\_\_\_  
Larisa M. Vaysman

State of Ohio            )  
                                  )       SS:  
County of Hamilton    )

Subscribed to and sworn to before me this 22 day of October 2021.



ANDREA L. BURNS, Attorney at Law  
Notary Public, State of Ohio  
My Commission has no expiration date.  
Section 147.03

  
\_\_\_\_\_  
Notary Public

**From:** [Michael Nugent](#)  
**To:** [Vaysman, Larisa](#)  
**Cc:** [D'Ascenzo, Rocco](#); [Kingery, Jeanne W.](#); [Joe Olikier](#); [Evan Betterton](#)  
**Subject:** RE: [EXTERNAL] IGS's First Set of Discovery Requests to Duke / Case Nos. 20-0054 et al.  
**Date:** Thursday, October 21, 2021 3:49:05 PM

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Larisa,

Thank you for your email.

Ohio Adm. Code 4901-1-16(B) expressly provides that any party to a commission proceeding may obtain discovery of *any* matter, not privileged, which is relevant to the subject matter of the proceeding. IGS is a party to this case, which now seeks to determine whether the Stipulation that Duke filed on August 31, 2021, satisfies the Commission's three-prong test. IGS's first set of discovery seeks meaningful responses to questions that will assist IGS in evaluating whether the Stipulation satisfies the three-prong test.

Regardless of whether Duke believes the information sought would be inadmissible at hearing, the interrogatories identified in your email below are reasonably calculated to lead to the discovery of admissible evidence and, therefore, are discoverable.

For that reason, IGS respectfully declines your request to withdraw the interrogatories listed.

Sincerely,

Mike Nugent

---

**From:** Vaysman, Larisa <Larisa.Vaysman@duke-energy.com>  
**Sent:** Wednesday, October 20, 2021 9:29 AM  
**To:** Michael Nugent <Michael.Nugent@igs.com>  
**Cc:** D'Ascenzo, Rocco <Rocco.D'Ascenzo@duke-energy.com>; Kingery, Jeanne W. <Jeanne.Kingery@duke-energy.com>; Joe Olikier <Joe.Olikier@igs.com>; Evan Betterton <Evan.Betterton@igs.com>  
**Subject:** RE: [EXTERNAL] IGS's First Set of Discovery Requests to Duke / Case Nos. 20-0054 et al.

**[External Email]-**

Mike,

Pursuant to Paragraph 32 of the Entry issued in this case on October 15, 2021, IGS's interest in this case is "limited to the three areas . . . , 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."

In the discovery set you issued to Duke yesterday, several interrogatories are very obviously outside

the scope that was ordered, including but not limited to:

- Interrogatories 1-3, 1-4, 1-5, 1-18 – the disposition of insurance proceeds and the impact of the cost recovery authorized by the Stipulation on the Company's financial health are clearly outside the three areas listed above.
- Interrogatory 1-9, 1-10, 1-14, and 1-19 – questions about procedure in this case and the legality of the Stipulation as a whole are also clearly outside the three areas specifically listed above.

We respectfully request that you withdraw the above-listed interrogatories. While some of the other interrogatories are also objectionable, and Duke will indeed make those objections in its responses, the ones listed above are particularly inappropriate due to their subject matter being so clearly outside the scope of what was permitted in the October 15 Entry.

Best regards,  
Larisa

Larisa M. Vaysman  
Senior Counsel  
Duke Energy Business Services LLC  
139 East Fourth Street/ 1312-Main  
Cincinnati, OH 45202  
phone: 513-287-4010  
mobile: 617-921-4044  
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**From:** Michael Nugent <[Michael.Nugent@igs.com](mailto:Michael.Nugent@igs.com)>

**Sent:** Tuesday, October 19, 2021 5:06 PM

**To:** D'Ascenzo, Rocco <[Rocco.D'Ascenzo@duke-energy.com](mailto:Rocco.D'Ascenzo@duke-energy.com)>; Kingery, Jeanne W. <[Jeanne.Kingery@duke-energy.com](mailto:Jeanne.Kingery@duke-energy.com)>; Vaysman, Larisa <[Larisa.Vaysman@duke-energy.com](mailto:Larisa.Vaysman@duke-energy.com)>

**Cc:** Joe Olier <[Joe.Olier@igs.com](mailto:Joe.Olier@igs.com)>; Evan Betterton <[Evan.Betterton@igs.com](mailto:Evan.Betterton@igs.com)>; [Werner.margard@ohioago.gov](mailto:Werner.margard@ohioago.gov); [William.Michael@occ.ohio.gov](mailto:William.Michael@occ.ohio.gov); [Amy.botschner.obrien@occ.ohio.gov](mailto:Amy.botschner.obrien@occ.ohio.gov); [Christopher.Healey@occ.ohio.gov](mailto:Christopher.Healey@occ.ohio.gov); [jkylercohn@BKLlawfirm.com](mailto:jkylercohn@BKLlawfirm.com); [mkurtz@BKLlawfirm.com](mailto:mkurtz@BKLlawfirm.com); [kboehm@BKLlawfirm.com](mailto:kboehm@BKLlawfirm.com); [bojko@carpenterlipps.com](mailto:bojko@carpenterlipps.com); Angela Paul Whitfield <[paul@CarpenterLipps.com](mailto:paul@CarpenterLipps.com)>; [RDove@keglerbrown.com](mailto:RDove@keglerbrown.com); Settineri, Michael J. <[mjsettineri@vorys.com](mailto:mjsettineri@vorys.com)>; Petrucci, Gretchen L. <[glpetrucci@vorys.com](mailto:glpetrucci@vorys.com)>

**Subject:** [EXTERNAL] IGS's First Set of Discovery Requests to Duke / Case Nos. 20-0054 et al.

**\*\*\* CAUTION! EXTERNAL SENDER \*\*\* STOP. ASSESS. VERIFY!!** Were you expecting this email? Are grammar and spelling correct? Does the content make sense? Can you verify the sender? If suspicious report it, then do not click links, open attachments or enter your ID or password.

Counsel,

Attached is Interstate Gas Supply, Inc.'s First Set of Interrogatories and Request for Production of Documents to Duke Energy Ohio, Inc. in the above-captioned cases.

Mike Nugent

**Michael Nugent**  
Senior Counsel, Regulatory

**o** 614.659.5065  
**m** 614.284.5310

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**Commission of Ohio Docketing Information System on**

**10/22/2021 4:16:07 PM**

**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: Motion Motion of Applicant Duke Energy Ohio For Protective Order Confirming That Response Is Not Required To Certain Discovery And Request For Expedited Treatment electronically filed by Mrs. Tammy M. Meyer on behalf of Duke Energy Ohio Inc. and D'Ascenzo, Rocco and Vaysman, Larisa and Kingery, Jeanne W.