

**BEFORE THE  
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	)	Case No. 18-1830-GA-UNC

Jobs Act of 2017	)	
In the Matter of the Application of	)	
Duke Energy Ohio, Inc. for Approval	)	Case No. 18-1831-GA-ATA
of Tariff Amendments	)	
	)	
In the Matter of the Application of	)	
Duke Energy Ohio, Inc. for an	)	Case No. 19-174-GA-RDR
Adjustment to Rider MGP Rates	)	
	)	
In the Matter of the Application of	)	
Duke Energy Ohio, Inc. for Tariff	)	Case No. 19-175-GA-ATA
Approval	)	
	)	
In the Matter of the Application of	)	
Duke Energy Ohio, Inc. for Authority	)	Case No. 19-1085-GA-AAM
to Defer Environmental	)	
Investigation and Remediation Costs	)	
	)	
In the Matter of the Application of	)	
Duke Energy Ohio, Inc. for Tariff	)	Case No. 19-1086-GA-UNC
Approval	)	
	)	
In the Matter of the Application of	)	
Duke Energy Ohio, Inc. for an	)	Case No. 20-53-GA-RDR
Adjustment to Rider MGP Rates	)	
	)	
In the Matter of the Application of	)	
Duke Energy Ohio, Inc. for Tariff	)	Case No. 20-54-GA-ATA
Approval	)	

---

**DUKE ENERGY OHIO, INC.’S MEMORANDUM IN OPPOSITION TO RETAIL  
ENERGY SUPPLY ASSOCIATION’S MOTION TO MOVE HEARING DATE**

---

Since this Motion<sup>1</sup> was filed, Duke Energy Ohio, Inc. (“Duke Energy Ohio”) has been willing to accommodate RESA’s request to modify the hearing date to accommodate counsel’s travel schedule. Duke Energy Ohio merely asked that: (1) any modification maintain no less than

---

<sup>1</sup> Retail Energy Supply Association (“RESA”)’s Motion to Move Hearing Date and Request for Expedited Ruling filed on October 27, 2021 (the “Motion”).

the current one-week period between intervenor testimony and the hearing date; and (2) the hearing date be moved forward rather than backward.

Duke Energy Ohio is requesting at least a week after intervenor testimony to prepare for the hearing due to the practical realities of scheduling depositions. There is no shorter period which allows the depositions to take place and the transcripts received back from the reporter prior to the hearing.

Duke Energy Ohio requested that the hearing not be delayed for similarly practical reasons. Duke Energy Ohio anticipates that this proceeding will result in credits to natural gas customers. Recent increases in natural gas prices make it even more important that those credits be provided to customers this winter when it matters to them the most. A delay would also further call into question the anticipated November of 2022 transition from the GCR to the Standard Service Offer (SSO). Duke Energy Ohio's GCR contracts are coming to an end in November of 2022 and therefore, it is important that the Commission decision in this proceeding be issued quickly so that the transition to an SSO (including auctions) can take place in a timely manner without harming to customers.

Despite Duke Energy Ohio's willingness to be flexible, RESA and IGS Energy have thus far refused to agree to any modification of the deadline for intervenor testimony which is currently set for November 15, 2021. RESA and IGS cannot ask Duke Energy Ohio to modify a hearing in a manner which would prejudice Duke Energy Ohio's ability to prepare for that hearing. Accordingly, Duke Energy Ohio requests that the current case schedule be maintained.

Nonetheless, if the schedule is modified, Duke Energy Ohio requests that the hearing take place earlier as initially suggested by RESA, not later, and on a date between November 15-18. Moreover, so as not to prejudice Duke Energy Ohio and its preparation of its case, the current

timing between the hearing date and the remainder of the case, specifically, the filing date for intervenor testimony be moved up as well. For example, if the hearing is scheduled for November 18th, then intervenor testimony should be due by no later than November 11th. This is reasonable insofar as it is Intervenor RESA that is requesting the adjustment to the hearing date.

If, however, the hearing is moved later, to the week of November 29th over Duke Energy Ohio's objection, then Duke Energy Ohio respectfully requests that the hearing commence after November 29th. On November 29th witnesses and counsel for Duke Energy Ohio will be unavailable due to preexisting travel commitments made under the prior hearing schedule. Additionally, if the hearing is moved later than the current November 22<sup>nd</sup> date, Duke Energy Ohio requests that no other changes to the procedural schedule occur. Discovery should not be extended, and the current intervenor testimony due date must be maintained. This will allow depositions to take place under a more reasonable time frame while still being completed prior to hearing.

Respectfully submitted,

/s/ N. Trevor Alexander

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

Deputy General Counsel

Jeanne W. Kingery (0012172)

Associate General Counsel

Larisa M. Vaysman (0090290)

Senior Counsel

Duke Energy Business Services LLC

139 E. Fourth Street, 1303-Main

P.O. Box 961

Cincinnati, Ohio 45201-0960

(513) 287-4320 (telephone)

Rocco.D'Ascenzo@duke-energy.com

Jeanne.Kingery@duke-energy.com

Larisa.Vaysman@duke-energy.com

N. Trevor Alexander (0080713)

Kari D. Hehmeyer (0096284)

Sarah G. Siewe (0100690)

**BENESCH, FRIEDLANDER, COPLAN &  
ARONOFF LLP**

41 South High Street, Suite 2600

Columbus, Ohio 43215-6164

Telephone: 614.223.9300

Facsimile: 614.223.9330

Email: talexander@beneschlaw.com

ssiewe@beneschlaw.com

khehmeyer@beneschlaw.com

*Attorneys for Duke Energy Ohio, Inc.*

### **CERTIFICATE OF SERVICE**

I certify that the foregoing Memorandum in Opposition was filed electronically through the Docketing Information System of the Public Utilities Commission of Ohio on this 1st day of November, 2021. The PUCO's e-filing system will electronically serve notice of the filing of this document on counsel for all parties.

/s/ N. Trevor Alexander

N. Trevor Alexander (0080713)

*Attorney for Duke Energy Ohio, Inc.*

**This foregoing document was electronically filed with the Public Utilities  
Commission of Ohio Docketing Information System on**

**11/1/2021 4:41:31 PM**

**in**

**Case No(s). 14-0375-GA-RDR, 14-0376-GA-ATA, 15-0452-GA-RDR, 15-0453-  
GA-ATA, 16-0542-GA-RDR, 16-0543-GA-ATA, 17-0596-GA-RDR, 17-0597-GA-  
ATA, 18-0283-GA-RDR, 18-0284-GA-ATA, 18-1830-GA-UNC, 18-1831-GA-ATA,  
19-0174-GA-RDR, 19-0175-GA-ATA, 19-1085-GA-AAM, 19-1086-GA-UNC, 20-  
0053-GA-RDR, 20-0054-GA-ATA**

Summary: Memorandum in Opposition to Retail Energy Supply Association's  
Motion to Move Hearing Date electronically filed by Sarah Siewe on behalf of Duke  
Energy Ohio, Inc.