

BEFORE 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. 14-0375-GA-RDR |
| In the Matter of the Application of Duke Energy Ohio, Inc. for Tariff Approval. |)) | Case No. 14-0376-GA-ATA |
| In the Matter of the Application of Duke Energy Ohio, Inc. for an Adjustment to Rider MGP Rates. |))) | Case No. 15-0452-GA-RDR |
| In the Matter of the Application of Duke Energy Ohio, Inc. for Tariff Approval. |)) | Case No. 15-0453-GA-ATA |
| In the Matter of the Application of Duke Energy Ohio, Inc. for an Adjustment to Rider MGP Rates. |))) | Case No. 16-0542-GA-RDR |
| In the Matter of the Application of Duke Energy Ohio, Inc. for Tariff Approval. |)) | Case No. 16-0543-GA-ATA |
| In the Matter of the Application of Duke Energy Ohio, Inc. for an Adjustment to Rider MGP Rates. |))) | Case No. 17-0596-GA-RDR |
| In the Matter of the Application of Duke Energy Ohio, Inc. for Tariff Approval. |)) | Case No. 17-0597-GA-ATA |
| In the Matter of the Application of Duke Energy Ohio, Inc. for an Adjustment to Rider MGP Rates. |))) | Case No. 18-0283-GA-RDR |
| In the Matter of the Application of Duke Energy Ohio, Inc. for Tariff Approval. |)) | Case No. 18-0284-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. 19-0174-GA-RDR |
| |) | |
| In the Matter of the Application of Duke Energy Ohio, Inc. for Tariff Approval. |) | Case No. 19-0175-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. 20-0053-GA-RDR |
| |) | |
| In the Matter of the Application of Duke Energy Ohio, Inc. for Tariff Approval. |) | Case No. 20-0054-GA-ATA |
| |) | |

**JOINT MOTION OF THE RETAIL ENERGY SUPPLY ASSOCIATION AND
INTERSTATE GAS SUPPLY, INC. TO REOPEN THE HEARING RECORD TO
SUBMIT A STIPULATED FACT**

Pursuant to Ohio Adm. Code 4901-1-34, the Retail Energy Supply Association (“RESA”)¹ and Interstate Gas Supply, Inc. (“IGS”) hereby submit this Joint Motion to Reopen the Hearing Record (this “Motion”) to allow for a stipulation to correct an exhibit that contains an error. As further discussed in the attached memorandum in support, after the hearing and based on information received from the Commission’s Staff, an exhibit (Duke Exhibit 8) showing choice

¹ The comments expressed by RESA in this filing represent the positions of RESA as an organization but may not represent the views of any particular member of the Association. Founded in 1990, RESA is a broad and diverse group of retail energy suppliers dedicated to promoting efficient, sustainable and customer-oriented competitive retail energy markets. RESA members operate throughout the United States delivering value-added electricity and natural gas service at retail to residential, commercial and industrial energy customers. More information on RESA can be found at www.resausa.org.

shopping percentages in the DEO territory incorrectly failed to include a clarifier that the percentages included standard choice offer customers.

RESA and IGS seek to correct the error in the document by entering into the record a simple stipulation as follows: “*The choice statistics for Dominion East Ohio Gas shown on Duke Ex. 8 include both Choice customers and SCO customers.*” As RESA and IGS have included a communication from Staff with attachments to support this Motion, RESA and IGS are also willing to stipulate to including the communication with attachments into the record if the Attorney Examiners wish. Otherwise, the above stipulated fact will suffice.

Good cause exists for granting this Motion. RESA and IGS were unable to confirm with Commission Staff that the disclaimer was missing from the document until after the hearing and no hearing is required to admit the stipulation. There also is no need to conduct any additional post-hearing briefing as none of the parties referenced Duke Exhibit 8 in their initial and reply briefs. Importantly, the stipulation will correct the error on the Commission document and ensure the record is accurate.

RESA and IGS previously requested that the parties to this proceeding agree to a similar stipulation but some parties either objected or did not respond to RESA’s and IGS’ request.

Respectfully Submitted,

/s/ Michael J. Settineri

Michael J. Settineri (0073369), Counsel of Record

Elia O. Woyt (0074109)

Gretchen L. Petrucci (0046608)

Anna Sanyal (0089269)

Vorys, Sater, Seymour and Pease LLP

52 E. Gay Street

Columbus, OH 43215

Telephone 614-464-5462

Facsimile 614-719-5146

msettineri@vorys.com

eowoyt@vorys.com

glpetrucci@vorys.com
aasanyal@vorys.com

Counsel for the Retail Energy Supply Association

/s/ Michael Nugent per authorization (mjs)
Michael Nugent (0090408)
Counsel of Record
Email: michael.nugent@igs.com
Joseph Olikier (0086088)
Email: joe.oliker@igs.com
Evan Betterton (100089)
Email: evan.betterton@igs.com
IGS Energy
6100 Emerald Parkway
Dublin, Ohio 43016
Telephone: (614) 659-5000
Facsimile: (614) 659-5073
Counsel for Interstate Gas Supply, Inc.

MEMORANDUM IN SUPPORT

During the cross-examination of RESA/IGS Witness James L. Crist, Duke Energy Ohio, Inc. (“Duke Energy” or “Duke”) marked Duke Exhibit 8, which on its face indicated the percentage of customers that were shopping for natural gas as of the second quarter of 2012.² After RESA and IGS witness Jim Crist questioned the accuracy of the data on Duke Exhibit 8 with respect to Dominion East Ohio Gas, RESA’s and IGS’ counsel previewed the possibility of a motion being filed to the extent an error is discovered after the hearing with respect to the shopping statistics in Duke Exhibit No. 8.³ Duke Exhibit 8 is part of the hearing record.⁴

After the hearing, on December 1, 2021, RESA and IGS discovered based on information provided by Staff that the information contained in Duke Exhibit 8 was not correct. Specifically, as shown in the e-mail correspondence with Staff and the attachments to that correspondence (December 2011 Choice Program enrollment information and December 2012 Choice Program enrollment information) attached hereto as Exhibit A, Duke Exhibit 8 should have a disclaimer on the document that the DEO percentages/numbers shown on the document include both Choice and SCO customers (not just Choice customers). RESA and IGS discussed this issue with the other parties during the briefing in this proceeding, but with no success on a stipulated resolution.

The error in Duke Exhibit 8 is evident as the December 2011 Choice Program enrollment information for DEO included a disclaimer that “* Includes both Choice and SCO (Standard Choice Offer) customers”. The December 2011 document, which is available on the Commission’s website, includes the disclaimer and has percentages similar to that shown on Duke

² Tr. at 302:4 to 303:20. The sheet is available on the Commission’s website at <https://app.powerbigov.us/view?r=eyJrIjojOGJjOTA2MjYtNzZmNi00Y2RhLTljZjEtZTU3Zjg5ZDZhMDgyIiwidCI6IjUwZjhmY2M0LTk0ZDgtNGYwNy04NGViLTM2ZWQ1N2M3YzhhMiJ9>.

³ Tr. at 339:4-12.

⁴ Tr. at 87:18-20.

Exhibit 8 – but the disclaimer does not appear on Duke Exhibit 8, which reflects 2012 second quarter statistics.⁵ Further establishing the error (which is yet to be corrected on the Commission’s website), the December 2012 Choice Program document for the fourth quarter of 2012 received from the Commission’s Staff after the hearing shows a changed format and clearly identifies that the data was changed to be limited to choice customers only (and not SCO customers).⁶

Regardless that no party cited to Duke Exhibit 8 in its briefs, it is imperative that the record in this proceeding not be tainted by a Commission document that contains an error. RESA and IGS seek to enter into the record a simple stipulation as follows: “*The choice statistics for Dominion East Ohio Gas shown on Duke Ex. 8 include both Choice customers and SCO customers.*” If the Commission so desires, RESA and IGS are willing to stipulate to the admission of the two documents and emails from Staff attached hereto as Exhibit A as RESA/IGS Ex. 4, but that likely is not necessary, especially if no party disputes that Duke Exhibit 8 contains an error.

Procedurally, the Attorney Examiners may reopen the record to admit the stipulated fact. Ohio Adm.Code 4901-1-34(A) states that “[t]he commission...may, upon [its] own motion or upon motion of any person for good cause shown, reopen a proceeding at any time prior to the issuance of a final order.” Further, “[i]f the purpose is to permit the presentation of additional evidence, the motion shall specifically describe the nature and purpose of such evidence, and shall set forth facts showing why such evidence could not, with reasonable diligence, have been presented earlier in the proceeding.” Ohio Adm. Code 4901-1-34(B).

Good cause exists to reopen the record to admit the stipulation. The additional evidence could not, with reasonable diligence, have been presented earlier in the proceeding. The hearing

⁵ <https://puco.ohio.gov/static/industry-information/statistical-reports/ohio-customer-choice-activity/natural-gas-choice-activity/2011+Natural+Gas+Customer+Choice+Program.pdf>.

⁶ While Staff provided this document to IGS counsel, RESA and IGS could not locate this document on the Commission website.

started and concluded on one day and Duke Exhibit 8 was marked and admitted into the record on that day. It was after the hearing closed that Staff provided documents to IGS' attorney on December 1, 2021, that established the error – the missing disclaimer that the DEO numbers included both Choice and SCO customers. Further supporting good cause is that neither RESA nor IGS seek to supplement any briefing in this matter or seek to hold an additional hearing. Rather, RESA and IGS simply seek to ensure that an error in a Commission-prepared document in the record is corrected via a stipulated fact.

In conclusion, for good cause shown, RESA and IGS respectfully request that the Attorney Examiners reopen the record to include the stipulated fact in the record. If necessary, RESA and IGS would also stipulate to the admission of the correspondence and documents attached hereto as Exhibit A into the record.

Respectfully Submitted,

/s/ Michael J. Settineri

Michael J. Settineri (0073369), Counsel of Record

Elia O. Woyt (0074109)

Gretchen L. Petrucci (0046608)

Anna Sanyal (0089269)

Vorys, Sater, Seymour and Pease LLP

52 E. Gay Street

Columbus, OH 43215

Telephone 614-464-5462

Facsimile 614-719-5146

msettineri@vorys.com

eowoyt@vorys.com

glpetrucci@vorys.com

aasanyal@vorys.com

Counsel for the Retail Energy Supply Association

/s/ Michael Nugent per authorization (mjs)

Michael Nugent (0090408)

Counsel of Record

Email: michael.nugent@igs.com

Joseph Olikier (0086088)

Email: joe.oliker@igs.com

Evan Betterton (100089)

Email: evan.betterton@igs.com

IGS Energy

6100 Emerald Parkway

Dublin, Ohio 43016

Telephone: (614) 659-5000

Facsimile: (614) 659-5073

Counsel for Interstate Gas Supply, Inc.

CERTIFICATE OF SERVICE

The Public Utilities Commission of Ohio's e-filing system will electronically serve notice of the filing of this document on the parties referenced on the service list of the docket card who have electronically subscribed to the case. In addition, the undersigned certifies that a courtesy copy of the foregoing document is also being sent (via electronic mail) on the 5th day of February 2022 on all persons/entities listed below:

| | |
|--------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Duke Energy Ohio, Inc. | rocco.dascenzo@duke-energy.com jeanne.kingery@duke-energy.com larisa.vaysman@duke-energy.com talexander@beneschlaw.com mkeaney@beneschlaw.com khehmeyer@beneschlaw.com ssiewe@beneschlaw.com |
| Staff of the Public Utilities Commission of Ohio | werner.margard@ohioAGO.gov |
| Ohio Consumers' Counsel | larry.sauer@occ.ohio.gov william.michael@occ.ohio.gov amy.botschner.obrien@occ.ohio.gov |
| Ohio Energy Group | jkylercohn@bkllawfirm.com kboehm@bkllawfirm.com mkurtz@bkllawfirm.com |
| Ohio Partners for Affordable Energy | rdove@keglerbrown.com |
| The Kroger Co. | paul@carpenterlipps.com |
| Ohio Manufacturers Association Energy Group | bojko@carpenterlipps.com donadio@carpenterlipps.com |
| Interstate Gas Supply, Inc. | michael.nugent@igs.com evan.betterton@igs.com joe.oliker@igs.com |

/s/ Gretchen L. Petrucci
Gretchen L. Petrucci

Exhibit A

From: [Joe Oliker](#)
To: [Michael Nugent](#)
Subject: FW: DEO shopping numbers
Date: Friday, February 4, 2022 3:12:09 PM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[GAS Choice Enrollment -- Website 2012 \(003\).pdf](#)
[GAS Choice Enrollment -- Website Dec. 2011 \(002\).pdf](#)

From: Barbara.Bossart@puco.ohio.gov <Barbara.Bossart@puco.ohio.gov>
Sent: Wednesday, December 1, 2021 8:54 AM
To: Joe Oliker <Joe.Oliker@igs.com>
Cc: james.schweitzer@puco.ohio.gov; Megan.DeLisi@puco.ohio.gov
Subject: RE: DEO shopping numbers

[External Email]-

Joe,

Sorry for the delay. We needed to find the information and make sure we went through proper channels before sending. Attached is what would have been published for December 2012 and December 2011, so you can see the different information associated with the data. Let me know if this is what you needed.

Barb

Barbara Bossart
Chief, Reliability and Service Analysis Division
Service Monitoring and Enforcement Department
614-466-0793

www.PUCO.ohio.gov



From: Joe Oliker <Joe.Oliker@igs.com>
Sent: Tuesday, November 23, 2021 9:54 AM
To: PUCO MarketMonitoring <MarketMonitoring@puco.ohio.gov>
Cc: Bossart, Barbara <Barbara.Bossart@puco.ohio.gov>
Subject: FW: DEO shopping numbers

Hi,

After talking with Barb, it is my understanding that there is a version of the attached 2012 exhibit

that contains a footnote identifying that the DEO choice statistics include SCO volumes. Does the market monitoring division have a copy of this slide? Thank you so much.

From: Joe Oliker

Sent: Thursday, November 18, 2021 7:23 PM

To: Barbara.Bossart@puco.ohio.gov; Tamara.Turkenton@puco.ohio.gov

Cc: Chris Kennedy <kennedy@whitt-sturtevant.com>; Andrew.J.Campbell@dominionenergy.com

Subject: DEO shopping numbers

Can someone please provide some clarity regarding the DEO shopping numbers from 2012 on the Commission's website? We believe they are wrong. Please see the attached which does not reflect a drop in shopping statistics after 2012. This is creating a problem with developing a record. One of these is wrong.

Joseph Oliker

Associate General Counsel

o 614.659.5069

m 518.225.9114

6100 Emerald Parkway, Dublin, OH 43016



igs.com | Let's go green for good.

Confidentiality Notice: The information contained in this email may be confidential and/or legally privileged. It has been sent for the sole use of the intended recipient(s). If you are not the intended recipient or authorized to receive information for the recipient, you are hereby notified that any review, use, disclosure, distribution, copying, printing, or action taken in reliance on the contents of this e-mail is strictly prohibited. If you have received this communication in error, please contact the sender by reply email and destroy all copies of the original message.

CAUTION: This is an external email and may not be safe. If the email looks suspicious, please do not click links or open attachments and forward the email to csc@ohio.gov or click the Phish Alert Button if available.

Natural Gas Customer Choice Programs in Ohio

Customer Enrollment Levels

As of December, 2012

| Residential Customer Enrollment | | | | |
|---------------------------------|-----------------------|------------|-----------|----------------------------|
| Customer Choice Program | Residential Customers | | | Percent Enrolled in CHOICE |
| | CHOICE | NON-CHOICE | TOTAL | |
| Columbia Gas of Ohio | 501,791 | 794,928 | 1,296,719 | 38.7% |
| Duke Energy of Ohio | 177,647 | 205,021 | 382,668 | 46.4% |
| Dominion East Ohio Gas | 792,422 | 311,931 | 1,104,353 | 71.8% |
| Vectren Energy Delivery of Ohio | 126,993 | 161,913 | 288,906 | 44.0% |

| Commercial / Industrial Customer Enrollment | | | | |
|---------------------------------------------|-----------------------------------|------------|---------|----------------------------|
| Customer Choice Program | Commercial / Industrial Customers | | | Percent Enrolled in CHOICE |
| | CHOICE | NON-CHOICE | TOTAL | |
| Columbia Gas of Ohio | 56,072 | 54,633 | 110,705 | 50.6% |
| Duke Energy of Ohio | 16,909 | 21,853 | 38,762 | 43.6% |
| Dominion East Ohio Gas | 64,063 | 20,732 | 84,795 | 75.6% |
| Vectren Energy Delivery of Ohio | 10,815 | 13,596 | 24,411 | 44.3% |

| Total Customer Enrollment | | | | |
|---------------------------------|-----------------|------------|-----------|----------------------------|
| Customer Choice Program | Total Customers | | | Percent Enrolled in CHOICE |
| | CHOICE | NON-CHOICE | TOTAL | |
| Columbia Gas of Ohio | 557,863 | 849,561 | 1,407,424 | 39.6% |
| Duke Energy of Ohio | 194,556 | 226,874 | 421,430 | 46.2% |
| Dominion East Ohio Gas | 856,485 | 332,663 | 1,189,148 | 72.0% |
| Vectren Energy Delivery of Ohio | 137,808 | 175,509 | 313,317 | 44.0% |

CHOICE Customers

CHOICE customers include:

- Customers who have individually signed a contract or agreement with a Competitive Retail Natural Gas Supplier, and purchase gas commodity from that competitive supplier under the terms and conditions of the agreement or contract.
- Customers who are part of a gas aggregation group purchasing gas commodity from a Competitive Retail Natural Gas Supplier

NON-CHOICE Customers

NON-CHOICE customers purchase natural gas under arrangements made by the local distribution company.

TOTAL Customers

TOTAL Customers is the sum of CHOICE and NON-CHOICE customers.

Percent Enrolled in CHOICE

Number of CHOICE customers divided by TOTAL Customers.

Note: CHOICE-ineligible customers (such as Percentage of Income Payment Plan (PIPP) customers) are included in both the "NON-CHOICE" and the "TOTAL" columns.

Natural Gas Customer Choice Programs in Ohio
Customer Enrollment Levels
As of December, 2011

| Residential Customer Enrollment | | | |
|----------------------------------------|------------------------------|-----------------|-------------------------------------|
| Customer Choice Program | Residential Customers | | Residential Percent Enrolled |
| | Enrolled | Eligible | |
| Columbia Gas of Ohio | 493,353 | of 1,215,874 | 40.6% |
| Duke Energy of Ohio | 122,146 | of 369,850 | 33.0% |
| Dominion East Ohio Gas | * 858,312 | of 1,002,856 | 85.6% |
| Vectren Energy Delivery of Ohio | * 262,912 | of 265,146 | 99.2% |

| Commercial / Industrial Customer Enrollment | | | |
|----------------------------------------------------|------------------------------------------|-----------------|------------------------------------|
| Customer Choice Program | Commercial / Industrial Customers | | Commercial Percent Enrolled |
| | Enrolled | Eligible | |
| Columbia Gas of Ohio | 54,859 | of 107,259 | 51.1% |
| Duke Energy of Ohio | 13,353 | of 29,796 | 44.8% |
| Dominion East Ohio Gas | * 77,787 | of 82,570 | 94.2% |
| Vectren Energy Delivery of Ohio | * 23,452 | of 23,512 | 99.7% |

| Total Customer Enrollment | | | |
|----------------------------------|------------------------|-----------------|-------------------------------|
| Customer Choice Program | Total Customers | | Total Percent Enrolled |
| | Enrolled | Eligible | |
| Columbia Gas of Ohio | 548,212 | of 1,323,133 | 41.4% |
| Duke Energy of Ohio | 135,499 | of 399,646 | 33.9% |
| Dominion East Ohio Gas | * 936,099 | of 1,085,426 | 86.2% |
| Vectren Energy Delivery of Ohio | * 286,364 | of 288,658 | 99.2% |

Note: The number of eligible and enrolled customers above excludes PIPP customers.

* Includes both CHOICE and SCO (Standard Choice Offer) customers

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

2/5/2022 1:50:45 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: Motion -- Joint Motion to Reopen the Hearing Record to Submit a Stipulated Fact electronically filed by Mr. Michael J. Settineri on behalf of Retail Energy Supply Association and Interstate Gas Supply, Inc.