

## THE PUBLIC UTILITIES COMMISSION OF OHIO

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

CASE NO. 19-1750-EL-UNC

IN THE MATTER OF THE APPLICATION OF  
DUKE ENERGY OHIO, INC. FOR  
APPROVAL TO CHANGE ACCOUNTING  
METHODS.

CASE NO. 19-1751-GE-AAM

### ENTRY

Entered in the Journal on September 15, 2023

{¶ 1} Duke Energy Ohio, Inc. (Duke or the Company) is an electric distribution utility as defined by R.C. 4928.01(A)(6), a natural gas company as defined by R.C. 4905.03, and a public utility as defined in R.C. 4905.02, and, as such, is subject to the jurisdiction of this Commission.

{¶ 2} On September 24, 2019, Duke filed an application, pursuant to the stipulation and recommendation adopted by the Commission in *In re the Application of Duke Energy Ohio, Inc.*, Case No. 17-32-EL-AIR, et al., Opinion and Order (Dec. 19, 2018) and in accordance with R.C. 4905.13, for Commission approval to include the Company's Rider PF in its initial infrastructure modernization plan consisting of customer information system upgrades and other infrastructure investment programs (Infrastructure Modernization Plan) and for deferral authority for Operations and Maintenance (O&M) costs, incremental to amounts in base electric and natural gas rates that have been or will be incurred in relation to the Infrastructure Modernization Plan. Specifically, the Company is proposing the following four initiatives for inclusion in its Infrastructure Modernization Plan: (1) a new customer information system known as Customer Connect; (2) a new Land Mobile Radio (LMR) communication system; (3) Smart Cities Infrastructure Acceleration Program; and (4) an Electric Vehicle pilot program. In support of its request, Duke opines that the Infrastructure Modernization Plan components proposed in its application will allow

flexibility and adaptability as the Company modernizes its electric delivery, customer service, and communication infrastructure to better serve and more actively engage with its customers.

{¶ 3} With respect to its request for deferral authority, the Company states that it is requesting authority to defer the incremental O&M costs attributable to the development and implementation of Customer Connect, as of January 1, 2018, that are allocable to both electric and natural gas business operations. Additionally, the Company requests authority to defer the O&M costs attributable to the implementation of LMR for natural gas operations. As a final matter, Duke requests authority to recover carrying costs on the deferred balance, based on the Company's actual cost of long-term debt and proposes to record this cost as a regulatory asset on its balance sheet in Account 182.3, Other Regulatory Assets, in accordance with the FERC Uniform System of Accounts Prescribed for Natural Gas Companies.

{¶ 4} By Entry issued on March 11, 2020, the attorney examiner invited comments from interested stakeholders regarding Duke's application. Motions to intervene and initial comments were due by April 15, 2020, and reply comments were due by May 15, 2020.

{¶ 5} On various dates, motions to intervene were filed by Ohio Energy Group (OEG); Direct Energy Services, LLC and Direct Energy Business, LLC; Interstate Gas Supply, Inc. (IGS); Armada Power, LLC; Ohio Manufacturers' Association Energy Group (OMAEG); The Kroger Co. (Kroger); Ohio Consumers' Counsel; Environmental Law and Policy Center; ChargePoint, Inc.; IEU-Ohio (now known as Ohio Energy Leadership Council) (OELC); Ohio Environmental Council (OEC); The Ohio Hospital Association (OHA); Sierra Club; Zeco Systems, Inc. d/b/a Greenlots; Mission:data Coalition; and Natural Resources Defense Council. No memoranda contra were filed. By Entry issued August 21, 2023, the attorney examiner granted the above motions to intervene.

{¶ 6} Various parties filed initial comments on April 15, 2020, and April 16, 2020. Reply comments were filed on May 15, 2020. Duke filed revised reply comments on May 18, 2020.

{¶ 7} On February 13, 2023, Duke and IGS filed a joint motion to bifurcate supplier consolidated billing issues, requesting that these issues be addressed in a separate case docket.

{¶ 8} On August 2, 2023, Duke filed a stipulation and recommendation (Stipulation). Duke, Staff, OEG, and OELC entered into the Stipulation while OHA, Kroger, OMAEG, and OEC agreed not to oppose it.

{¶ 9} By Entry issued August 21, 2023, the attorney examiner scheduled a status conference for September 14, 2023, to discuss a potential procedural schedule, hearing date, and any other procedural issues.

{¶ 10} On August 23, 2023, OCC filed correspondence, advising that it takes no position for or against the Stipulation; however, OCC stated that, if the Stipulation is approved, it reserves the right to challenge any future cases filed by Duke related to the collection of deferred costs pertaining to Duke's Customer Connect program.

{¶ 11} On September 13, 2023, Sierra Club filed correspondence, noting that it is withdrawing as a party from this case, as well as withdrawing its pending motion for permission to appear pro hac vice for Joseph Halso filed on April 15, 2020.

{¶ 12} On the same date, Duke filed the testimony of Jay Brown in support of the Stipulation.

{¶ 13} The status conference was held at the Commission's offices, as scheduled, on September 14, 2023. Some but not all of the parties attended the status conference. The

parties and attorney examiners discussed procedural issues and decided on a hearing date of October 2, 2023.

{¶ 14} At this time, and in accordance with the discussion at the status conference, the attorney examiner finds it appropriate to set this matter for hearing. The hearing will commence on October 2, 2023, at 10:00 a.m., at the offices of the Commission, 11th Floor, Hearing Room 11-A, 180 East Broad Street, Columbus, Ohio. Also, the attorney examiner directs the parties to observe the following procedural schedule:

- a) Any additional testimony in support of the Stipulation is to be filed by September 19, 2023.
- b) All testimony in opposition to the Stipulation is to be filed by September 22, 2023.

{¶ 15} Pertaining to the joint motion of Duke and IGS to bifurcate supplier consolidated billing issues, the joint movants assert that such motion is filed in accordance with provisions set forth in the Corrected Stipulation and Recommendation filed in Case No. 21-887-EL-AIR, et al., which was later adopted by the Commission. *In re Duke Energy Ohio, Inc.*, Case No. 21-887-EL-AIR, et al., Corrected Stipulation and Recommendation (Sept. 19, 2022) at § H; Opinion and Order (Dec. 14, 2022). As such, the joint movants request that (1) any supplier consolidated billing issues in the instant proceeding be bifurcated, assigned to a new docket number, and processed as a separate case (New Docket); (2) the Commission take administrative notice of any testimony and comments on the supplier consolidated billing issue previously raised in the instant proceedings; and (3) the Commission also order that other interested parties seek to intervene in the New Docket by filing a motion for intervention not later than 30 days after the joint motion is granted.

{¶ 16} No memoranda contra were filed pertaining to the joint motion.

{¶ 17} Upon review of the joint motion, the attorney examiner finds that the joint movants have shown good cause and, as such, the motion should be granted. Accordingly, any supplier consolidated billing issues in the instant proceeding shall be bifurcated and addressed in the new case docket, Case No. 23-867-EL-UNC. The attorney examiner will issue an Entry in the New Docket which addresses the request for administrative notice and sets a deadline for the filing of motions to intervene.

{¶ 18} It is, therefore,

{¶ 19} ORDERED, That the hearing be scheduled for October 2, 2023, as stated in Paragraph 14. It is, further,

{¶ 20} ORDERED, That the parties observe the procedural schedule, as set forth in Paragraph 14. It is, further,

{¶ 21} ORDERED, That Duke and IGS's joint motion to bifurcate supplier consolidated billing issues be granted, as stated in Paragraph 17. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/Matthew J. Sandor

By: Matthew J. Sandor  
Attorney Examiner

GNS/dr

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

**9/15/2023 9:24:41 AM**

**in**

**Case No(s). 19-1750-EL-UNC, 19-1751-GE-AAM**

Summary: Attorney Examiner Entry scheduling the hearing for October 2, 2023, at 10:00 a.m., at the offices of the Commission, 11th Floor, Hearing Room 11-A, 180 East Broad Street, Columbus, Ohio; granting Duke and IGS's joint motion to bifurcate supplier consolidated billing issues; and establishing the following procedural schedule: additional testimony in support of the Stipulation to be filed by September 19, 2023 and testimony in opposition to the Stipulation to be filed by September 22, 2023 electronically filed by Debbie S. Ryan on behalf of Matthew J. Sandor, Attorney Examiner, Public Utilities Commission of Ohio.