**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

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| --- | --- | --- |
| In the Matter of the Application of Duke Energy Ohio, Inc., for an Increase in Natural Gas Rates.  In the Matter of the Application of Duke Energy Ohio, Inc., for Approval of an Alternative Form of Regulation.  In the Matter of the Application of Duke Energy Ohio, Inc., for Tariff Approval.  In the Matter of the Application of Duke Energy Ohio, Inc., for Approval to Change Accounting Methods. | )  )  )  )  )  )  )  )  )  )  )  ) | Case No. 22-507-GA-AIR  Case No. 22-508-GA-ALT  Case No. 22-509-GA-ATA  Case No. 22-510-GA-AAM |

**MOTION FOR LEAVE TO FILE A MEMORANDUM CONTRA THE MOTION TO STRIKE OF DUKE ENERGY OHIO, INC.**

**BY**

**OFFICE OF THE OHIO CONSUMERS’ COUNSEL**

The Office of the Ohio Consumers’ Counsel (“OCC”) hereby moves the Public Utilities Commission of Ohio (“PUCO”) for leave to file a Memorandum Contra the Motion to Strike of Duke Energy Ohio, Inc. (“Duke”) less than three hours out of time. Under O.A.C. 4901-1-12 and 4901-1-13, the PUCO rules provide for an extension of time to file pleadings for good cause shown. There is good cause to grant OCC leave to file the Memorandum Contra less than three hours out of time. No party will be prejudiced by OCC’s filing out of time.

On January 30, 2023, Duke filed a Motion to Strike portions of OCC’s consumer protection objections to the PUCO Staff Report. Under the schedule set by the Attorney

Examiners in a December 22, 2022 Entry, OCC’s Memoranda Contra Duke’s Motion to Strike was due to be filed February 6, 2023.[[1]](#footnote-2)

Good cause exists to permit OCC to file its Memoranda Contra less than three hours out of time. The press of OCC’s consumer advocacy in other matters and the holidays’ intervention between the Entry and February 6 stressed OCC’s limited resources. Further, as OCC is filing its Memorandum Contra the same day it was due, but won’t appear on the PUCO docket until the next business day, no party will be prejudiced by granting the requested less than one business day extension.

The grounds for this Motion are more fully described in the accompanying Memorandum in Support.

Respectfully submitted,

Bruce Weston (0016973)

Ohio Consumers’ Counsel

*/s/ William J. Michael*

William J. Michael (0070921)

Counsel of Record

Ambrosia E. Wilson (0096598)

Connor D. Semple (0101102)

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(willing to accept service by e-mail)

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

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| In the Matter of the Application of Duke Energy Ohio, Inc., for an Increase in Natural Gas Rates.  In the Matter of the Application of Duke Energy Ohio, Inc., for Approval of an Alternative Form of Regulation.  In the Matter of the Application of Duke Energy Ohio, Inc., for Tariff Approval.  In the Matter of the Application of Duke Energy Ohio, Inc., for Approval to Change Accounting Methods. | )  )  )  )  )  )  )  )  )  )  )  ) | Case No. 22-507-GA-AIR  Case No. 22-508-GA-ALT  Case No. 22-509-GA-ATA  Case No. 22-510-GA-AAM |

**MEMORANDUM IN SUPPORT**

OCC seeks the PUCO’s permission to file, less than one business day out of time, its Memorandum Contra Duke’s Motion to Strike. Under the procedural schedule set by the Attorney Examiners in the December 22 Entry, OCC’s Memoranda Contra Duke’s Motion to Strike was due to be filed February 6, 2023.[[2]](#footnote-3) OCC seeks permission to file the Memorandum Contra on February 6, 2023, three hours after it was due to be docketed with the PUCO.

There is good cause to permit OCC to file its Memorandum Contra less than one business day out of time. The press of OCC’s consumer advocacy in other matters and the holidays’ intervention between the Entry and February 6 stressed OCC’s limited resources. Further, as OCC is filing its Memorandum Contra the same business day mere hours after PUCO docketing closed for the day. No party will be prejudiced by granting the requested less than one business day extension.

For the reasons discussed above, good cause exists to permit OCC to file its Memoranda Contra mere hours out of time. OCC respectfully requests that the PUCO find good cause and accept OCC’s Memorandum Contra Duke’s Motion to Strike less than one business day out of time.

Respectfully submitted,

Bruce Weston (0016973)

Ohio Consumers’ Counsel

*/s/ William J. Michael*

William J. Michael (0070921)

Counsel of Record

Ambrosia E. Wilson (0096598)

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(willing to accept service by e-mail)

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Motion for Leave to File a Memorandum Contra has been served electronically upon those persons listed below this 6th day of February 2023.

*/s/ William J. Michael*

William J. Michael

Assistant Consumers’ Counsel

The PUCO’s e-filing system will electronically serve notice of the filing of this document on the following parties:

**SERVICE LIST**

|  |  |
| --- | --- |
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1. Entry (December 22, 2022) at ¶ 11. [↑](#footnote-ref-2)
2. Entry (December 22, 2022) at ¶ 11. [↑](#footnote-ref-3)