**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

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| In the Matter of the Application of Duke Energy Ohio, Inc., for Approval of a General Exemption of Certain Natural Gas Commodity Sales Services or Ancillary Services.  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. 21-903-GA-EXM  Case No. 21-904-GA-ATA  Case No. 21-905-GA-AAM |

**MEMORANDUM CONTRA DUKE’S MOTION FOR CONTINUANCE OF THE EVIDENTIARY HEARING**

**BY**

**OFFICE OF THE OHIO CONSUMERS’ COUNSEL**

On June 16, 2023, Duke Energy Ohio, Inc. (“Duke”) filed a Motion for Continuance of the evidentiary hearing in this matter, currently scheduled to begin on June 26, 2023. For further settlement discussions, Duke requests that the evidentiary hearing be continued to “no earlier than August 21, 2023.”[[1]](#footnote-2)

The Office of the Ohio Consumers’ Counsel (“OCC”) informed Duke’s counsel of OCC’s position. OCC wants the PUCO to also key the due date for any testimony opposing the settlement to the hearing date, and not to the date that a settlement is filed (if it is filed).

The due date for testimony on a settlement (if any) should *not precede the hearing date by more than two weeks*. Discovery (which currently is closed) should precede the testimony and hearing due dates.

OCC does not oppose Duke’s requested dates to continue the evidentiary hearing date. But the PUCO should also establish the OCC-proposed due date for testimony and a discovery opportunity in the same PUCO scheduling Entry.

Respectfully submitted,

Bruce Weston (0016973)

Ohio Consumers’ Counsel

*/s/ Angela D. O’Brien*

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(willing to accept service by e-mail)

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of this Memorandum Contra Duke’s Motion for Continuance of the Evidentiary Hearing was served on the persons stated below via electronic transmission, this 20th day of June 2023.

*/s/ Angela D. O’Brien*

Angela D. O’Brien

Deputy Consumers’ Counsel

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

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1. Duke Motion, at 1. [↑](#footnote-ref-2)