

**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. 14-375-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., 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

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**MOTION TO CONSOLIDATE CASES  
SUBMITTED BY DUKE ENERGY OHIO, INC.**

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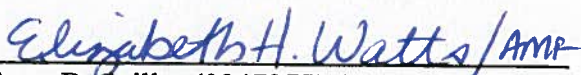
Now comes Duke Energy Ohio, Inc., (Duke Energy Ohio) and hereby respectfully moves for an order consolidating the eight above-captioned cases, all of which concern the adjustment of rates charged through Duke Energy Ohio's Manufactured Gas Plant Rider (Rider MGP), in order to recover remediation costs incurred subsequent to the Commission's initial approval of said rider. Duke Energy Ohio submits that consolidation is appropriate as there are common

issues between the proceedings and consolidation will enable the efficient administration of these related matters. On March 31, 2015, Duke Energy Ohio filed a Motion to Consolidate the 2014 and 2015 cases (Motion) and on March 31, 2016, Duke Energy Ohio filed a Motion in its 2016 case but the Public Utilities Commission of Ohio (Commission) has not yet ruled on those Motions. Furthermore, to date, no procedural schedule has been issued in the 2014, 2015 and 2016 proceedings, and the Commission has not acted to approve or deny the Applications therein.

For the foregoing reasons, as well as the reasons more fully explained in the accompanying Memorandum in Support, the Commission should grant Duke Energy Ohio's Motion to Consolidate Cases.

Respectfully submitted,

DUKE ENERGY OHIO, INC.

  
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## **MEMORANDUM IN SUPPORT**

### **I. PROCEDURAL BACKGROUND**

On November 13, 2013, the Commission approved Rider MGP and the recovery, by Duke Energy Ohio, of costs incurred through 2012 for the remediation of two former manufactured gas plant (MGP) sites.<sup>1</sup> In approving this recovery, the Commission further authorized Duke Energy Ohio to continue to defer MGP-related costs and instructed it to file, on an annual basis, an application to update Rider MGP to reflect costs incurred during the prior year, with the first such filing to occur on March 31, 2014.<sup>2</sup>

Consistent with the Commission's Order, Duke Energy Ohio initiated its first Rider MGP update in respect of remediation costs incurred in 2013 on March 31, 2014, through Case Nos. 14-375-GA-RDR and 14-376-GA-ATA (2014 Rider Update). The 2014 Rider Update Application remains pending and no procedural schedule has been issued in those proceedings. Also, on March 31, 2015, Duke Energy Ohio filed its Rider MGP update in respect of remediation costs incurred in 2014, through Case Nos. 15-452-GA-RDR and 15-453-GA-ATA (2015 Rider Update). The 2015 Rider Update Application remains pending and no procedural schedule has been issued in those proceedings. Additionally, on March 31, 2016, Duke Energy Ohio filed its Rider MGP update in respect of remediation costs incurred in 2015, through Case Nos. 16-452-GA-RDR and 16-453-GA-ATA (2016 Rider Update). The 2016 Rider Update Application remains pending and no procedural schedule has been issued in those proceedings.

Contemporaneously with the filing of this Motion to Consolidate Cases, Duke Energy Ohio has filed its Application in Case Nos. 17-596-GA-RDR and 17-597-GA-ATA to update Rider MPG to recover remediation costs incurred in 2016 (2017 Rider Update).

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<sup>1</sup> *In the Matter of the Application of Duke Energy Ohio, Inc. for an Increase in its Natural Gas Distribution Rates*, Case No. 12-1685-GA-AIR, *et al.*, Opinion and Order (November 13, 2013).

<sup>2</sup> *Id.* at pg. 70.

## **II. CONSOLIDATION OF THE PROCEEDINGS IS CONSISTENT WITH COMMISSION PRECEDENT**

The Commission has historically recognized the benefit of consolidating cases where there are common issues and efficiencies to be gained.<sup>3</sup> Consolidation has further been found to be warranted in a demonstrated absence of prejudice and to avoid redundancy.<sup>4</sup>

Here, consolidation of the 2014 Rider Update, 2015 Rider Update, 2016 Rider Update and 2017 Rider Update satisfies the relevant criteria and, as such, the proceedings should be combined. Indeed, each proceeding concerns the recovery of costs associated with the remediation of the same two properties, with anticipated examination of the reasonableness and prudence of all such costs. Further, no party will be prejudiced by consolidation as no procedural schedules have been issued and thus no deadlines have expired. Moreover, intervenors will be afforded ample opportunity to engage in the proceedings, after their consolidation. Efficiencies will be achieved upon consolidation, as is apparent from the common witnesses involved in the proceedings and the consequent ability to combine resources for purposes of bringing the proceedings to conclusion. In this regard, it is further evident that redundancy can be eliminated to the extent common issues exist in the 2014 Rider Update, 2015 Rider Update, 2016 Rider Update, and 2017 Rider Update, again allowing for efficiencies to be achieved.

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<sup>3</sup> *In the Matter of the Inquiry into the 1989 Long-Term Forecast Report of the Ohio Gas Company*, Case No. 89-0874-GA-GCR, *et al.*, Opinion and Order (June 26, 1989) (“[C]onsolidation of the hearings is appropriate because common issues exist between these proceedings and the consolidation will enhance the efficiency of the proceedings...”).

<sup>4</sup> *In the Matter of the Application of Duke Energy Ohio, Inc. for an Increase in Electric Rates*, Case No. 08-0709-EL-AIR, *et al.*, Entry (September 12, 2008) (“[N]o party would be prejudiced by this action.... [C]onsolidation...would be reasonable, in the interests of efficiency and the elimination of redundancy.”).

### III. CONCLUSION

For the reasons set forth herein, Duke Energy Ohio respectfully requests that the Commission issue an order consolidating the 2014 Rider Update, the 2015 Rider Update and the 2016 Rider Update with the 2017 Rider Update.

Respectfully submitted,

DUKE ENERGY OHIO, INC.

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**CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing Motion to Consolidate Cases was served via electronic mail or ordinary mail on the following parties this 31<sup>st</sup> day of March 2017.

  
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Summary: Motion Motion to Consolidate Cases Submitted by Duke Energy Ohio, Inc.  
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