

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. FOR 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
IN THE MATTER OF THE APPLICATION OF DUKE ENERGY OHIO, INC. FOR AN ADJUSTMENT TO RIDER MGP RATES.	CASE No. 18-283-GA-RDR
IN THE MATTER OF THE APPLICATION OF DUKE ENERGY OHIO, INC. FOR TARIFF APPROVAL.	CASE No. 18-284-GA-ATA

ENTRY

Entered in the Journal on October 25, 2018

{¶ 1} Duke Energy Ohio, Inc. (Duke or the Company) is a natural gas company, as defined by R.C. 4905.03, and a public utility, as defined by R.C. 4905.02, and, as such, is subject to the jurisdiction of this Commission, pursuant to R.C. 4905.04, 4905.05, and 4905.06.

{¶ 2} On November 12, 2009, the Commission authorized Duke to defer environmental investigation and remediation costs related to two former manufactured gas plant (MGP) sites in Ohio for potential recovery of reasonable and prudent costs in a future base rate proceeding. *In re Duke Energy Ohio, Inc.*, Case No. 09-712-GA-AAM, Finding and Order (Nov. 12, 2009) at 4.

{¶ 3} On November 13, 2013, the Commission authorized the recovery of such environmental investigation and remediation costs as had been incurred by the Company between 2008 and 2012. The Commission authorized Duke to recover and continue deferring environmental investigation and remediation costs, indicating further that the Company would be able to recover those costs which were prudently incurred through Rider MGP. *In re Duke Energy Ohio, Inc.*, Case No. 12-1685-GA-AIR, et al., Opinion and Order (Nov. 13, 2013) at 70-74.¹

{¶ 4} On March 31, 2014, Duke filed an application in Case Nos. 14-375-GA-RDR and 14-376-GA-ATA, seeking approval to adjust its Rider MGP to recover costs incurred during 2013 for environmental investigation and remediation of the MGP sites pursuant to Ohio and federal environmental laws.

{¶ 5} On March 31, 2015, Duke filed an application in Case Nos. 15-452-GA-RDR and 15-453-GA-ATA, seeking approval to adjust its Rider MGP to recover costs incurred during 2014 for environmental investigation and remediation of the MGP sites pursuant to Ohio and federal environmental laws.

¹ The Supreme Court of Ohio affirmed the Commission's decision authorizing Duke to recover and continue deferring environmental investigation and remediation costs associated with the MGP sites. *In re Application of Duke Energy Ohio, Inc.*, 150 Ohio St.3d 437, 2017-Ohio-5536, 82 N.E.3d 1148.

{¶ 6} On March 31, 2016, Duke filed an application in Case Nos. 16-542-GA-RDR and 16-543-GA-ATA, seeking approval to adjust its Rider MGP to recover costs incurred during 2015 for environmental investigation and remediation of the MGP sites pursuant to Ohio and federal environmental laws.

{¶ 7} On March 31, 2017, Duke filed an application in Case Nos. 17-596-GA-RDR and 17-597-GA-ATA, seeking approval to adjust its Rider MGP to recover costs incurred during 2016 for environmental investigation and remediation of the MGP sites pursuant to Ohio and federal environmental laws.

{¶ 8} On March 28, 2018, Duke filed an application in Case Nos. 18-283-GA-RDR and 18-284-GA-ATA, seeking approval to adjust its Rider MGP to recover costs incurred during 2017 for environmental investigation and remediation of the MGP sites pursuant to Ohio and federal environmental laws. On that same date, Duke also filed a motion to consolidate the above-captioned cases.

{¶ 9} By Entry issued on June 28, 2018, the attorney examiner granted the motion to consolidate these ten cases and set a comment period that required initial and reply comments to be filed by September 28, 2018, and October 26, 2018, respectively.

{¶ 10} On October 23, 2018, the Ohio Consumers' Counsel (OCC) filed a motion to modify the procedural schedule, in which OCC requests a slight extension for reply comments to be filed. In support of its motion, OCC states that it has served discovery on Duke, for which Duke has requested additional time to respond. As such, OCC requests that reply comments be filed on October 30, 2018, to allow parties sufficient time to review the discovery responses before filing reply comments. Furthermore, OCC notes that it has contacted all parties to these cases and claims no parties oppose its motion for an extension, and, therefore, requests that the attorney examiner grant this motion on an expedited basis in accordance with Ohio Adm.Code 4901-1-12(C).

{¶ 11} Upon review, the attorney examiner finds that OCC's request for a brief extension of the filing deadline for reply comments is reasonable and should be granted. Accordingly, reply comments should be filed by October 30, 2018.

{¶ 12} It is, therefore,

{¶ 13} ORDERED, That OCC's motion for an extension of the filing deadline for reply comments be granted. It is, further,

{¶ 14} ORDERED, That all reply comments be filed by October 30, 2018. It is, further,

{¶ 15} ORDERED, That a copy of this Entry be served upon each party of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/ Megan J. Addison

By: Megan J. Addison
Attorney Examiner

SJP/mef

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in

Case No(s). 14-0375-GA-RDR, 14-0376-GA-ATA, 15-0452-GA-RDR, 15-0453-GA-ATA, 16-0542-GA-RD

Summary: Attorney Examiner Entry granting the motion for an extension and requiring reply comments to be filed by 10/30/18 electronically filed by Ms. Mary E Fischer on behalf of Megan J. Addison, Attorney Examiner, Public Utilities Commission of Ohio