

**BEFORE THE PUBLIC  
UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Duke Energy )  
Ohio, Inc., for Authority to Adjust its Power ) Case No. 19-1750-EL-UNC  
Forward Rider. )

In the Matter of the Application of Duke Energy )  
Ohio, Inc., for Approval to Change Accounting ) Case No. 19-1751-GE-AAM  
Methods. )

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**DUKE ENERGY OHIO, INC.'S MOTION FOR LEAVE TO FILE  
CORRECTED REPLY COMMENTS OUT-OF-TIME AND REQUEST FOR  
EXPEDITED RULING**

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Pursuant to Ohio Adm. Code 4901-1-12 and 4901-1-13(A), Duke Energy Ohio, Inc. (Duke Energy Ohio) respectfully requests leave to file corrected reply comments on its Application to adjust its Power Forward Rider (Rider PF) in the above-captioned proceeding one day out-of-time for good cause shown. Further, Duke Energy Ohio requests that the Motion be granted on an expedited basis pursuant to Ohio Adm. Code 4901-1-12(C) so the corrected reply comments are part of the record as the case proceeds forward. Duke Energy Ohio cannot certify that no party to this proceeding objects to an expedited ruling. The reasons for granting Duke Energy Ohio's Motion are set forth in the attached Memorandum in Support.

A memorandum in support is attached.

Respectfully submitted,

/s/Larisa M. Vaysman

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## MEMORANDUM IN SUPPORT

### I. INTRODUCTION

Duke Energy Ohio respectfully requests leave to file its corrected reply comments on its Application to adjust Rider PF one day out-of-time. Pursuant to the Entry issued on March 11, 2020<sup>1</sup>, Duke Energy Ohio's reply comments on its Application to adjust Rider PF were due to be filed on May 15, 2020. The Company filed its reply comments timely on May 15, 2020 (as reflected in the docket), but inadvertently omitted a one-page attachment. When the Company realized the omission, it corrected its filing by adding the one-page attachment. No other changes were made.

The Company attempted to re-file its corrected reply comments immediately. Due to COVID-19 and remote working requirements, a remote server connection error occurred that delayed the processing of the corrected filing by a few minutes, causing the corrected reply comments to not be uploaded to the Commission's electronic docketing system until 5:33 p.m. on May 15, 2020. Because the filing of the corrected reply comments was completed three minutes after the 5:30 p.m. deadline, Duke Energy Ohio's corrected reply comments were deemed to be filed one day out-of-time. Given the brief delay in the second corrected filing due to the remote server connection error, no parties to this proceeding will be prejudiced as a result of the late filing. Indeed, Duke Energy Ohio served its corrected reply comments on all the parties on the due date of May 15, 2020. As such, there will not be any undue delay to this proceeding and allowing Duke Energy Ohio to file its corrected reply comments one day out-of-time will not result in any harm or burden to the parties to this proceeding. Motions for out-of-

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<sup>1</sup> Entry at ¶4 (March 11, 2020).

time filings are routinely granted by the Commission for good cause shown absent a showing of prejudice.<sup>2</sup>

Therefore, for the reasons provided herein, Duke Energy Ohio respectfully requests the Motion for Leave to file its corrected reply comments in this proceeding to be granted on an expedited basis under Ohio Adm. Code 4901-1-12(C) and that the Commission accept Duke Energy Ohio's corrected reply comments as filed in the Commission's electronic docketing system on May 18, 2020 so as to allow the corrected reply comments to be part of the record as the case proceeds forward. Duke Energy Ohio cannot certify that no party to this proceeding objects to an expedited ruling.

Respectfully submitted,

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<sup>2</sup> Rule 4901-1-13(A), Ohio Administrative Code, states that "[e]xcept as otherwise provided by law, and notwithstanding any other provision in this chapter, continuances of public hearings and extensions of time to file pleadings or other papers may be granted upon motion of any party for good cause shown, or upon motion of the commission, the legal director, the deputy legal director, or an attorney examiner."

## **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was served via electronic delivery this 18<sup>th</sup> day of May, 2020 to the following:

/s/Larisa M. Vaysman  
Larisa M. Vaysman

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Summary: Motion Duke Energy Ohio, Inc.'s Motion for Leave to File Corrected Reply  
Comments Out-of Time and Request for Ruling electronically filed by Mrs. Debbie L Gates on  
behalf of Duke Energy Ohio Inc. and Vaysman, Larisa and D'Ascenzo, Rocco O. Mr. and  
Kingery, Jeanne W