

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Review of Duke :
Energy Ohio, Inc.'s Distribution Capital : Case No. 19-1287-EL-RDR
Investment Rider. :

**JOINT MOTION FOR A MODIFIED PROCEDURAL SCHEDULE AND
REQUEST FOR EXPEDITED RULING**

The Staff of the Public Utilities Commission of Ohio (Staff), Duke Energy Ohio Inc. (Duke or the Company), and the Ohio Consumers' Counsel (OCC) (collectively, Joint Movants), pursuant to Ohio Adm.Code 4901-1-12, respectfully request the Public Utilities Commission of Ohio (Commission) to modify the procedural schedule in this proceeding to admit the evidence without the need for the November 3, 2020 hearing. Joint Movants make this request to allow for the Commission's efficient consideration of an unopposed Stipulation and Recommendation (Stipulation) in compliance with the Governor's Executive Order 2020-01D declaring a state of emergency in Ohio in response to COVID-19 and the passage of Am. Sub. H.B. 197. Joint Movants also request that an expedited ruling be issued pursuant to Ohio Adm.Code 4901-1-12(C). None of the parties to this proceeding objects to the modified procedural schedule or the expedited ruling.

On August 25, 2020, Duke filed the Stipulation on behalf of the Company and Staff (collectively, Signatory Parties) that purports to resolve all of the issues raised in this case. On August 26, 2020, OCC filed a correspondence regarding the Stipulation stating that it neither supports nor opposes the Stipulation reached during the Signatory

Parties' negotiation process in which OCC was a full participant. OCC, a non-opposing party, stated that it appreciates the efforts of Duke and Staff to negotiate a result that enabled OCC's non-opposition. By Entry dated September 24, 2020, the attorney examiner set the procedural schedule with the Testimony in support of the Stipulation due by October 2, 2020 and the evidentiary hearing to be held November 3, 2020, at 10:00 a.m. On October 2, 2020 the pre-filed direct testimony of Doris McCarter was filed in support of the Stipulation.

In consideration of the Governor's Executive Order 2020-01D declaring a state of emergency in Ohio in response to COVID-19 and the passage of Am. Sub. H.B. 197, the Signatory Parties and the Non-Opposing Party jointly move that the evidence be admitted into the record without the need for a hearing. Specifically, Joint Movants propose that following exhibits be admitted into the record:

- Joint Exhibit 1 Stipulation filed on August 25, 2020.
- Staff Exhibit 1 Testimony of Doris McCarter in Support of the Stipulation filed on October 2, 2020.
- Staff Exhibit 2 Compliance Audit of the July 1, 2018 to June 30, 2019 Distribution Capital Investment Rider (Rider DCI) Duke Energy Ohio filed by Staff on December 13, 2019 and prepared by Rehmann Consulting (Audit Report).

Joint Movants waive cross examination of Staff witness McCarter, and waive objections to the admissibility of the Stipulation, Ms. McCarter's Testimony in Support of the Stipulation, and the Audit Report. Joint Movants also waive written and oral

motions to strike prefiled testimony and the Stipulation. Joint Movants believe that their proposal will provide due process for all the parties during the state of emergency in Ohio, while allowing this case to proceed forward without the need for a hearing. Joint Movants also request that an expedited ruling be issued pursuant to O.A.C. 4901-1-12(C). None of the party's objects to modifying the procedural schedule or an expedited ruling.

Respectfully submitted,

The Staff of the Public Utilities Commission of Ohio

By: /s/ Steven L. Beeler

Duke Energy Ohio, Inc.

By: /s/ Larisa M. Vaysman
[per email authorization 10/9/2020]

The Ohio Consumers' Counsel

By: /s/ Ambrosia E. Wilson
[per email authorization 10/9/2020]

PROOF OF SERVICE

I hereby certify that a true copy of the foregoing **Joint Motion for a Modified Procedural Schedule** was served via electronic mail upon the following Parties of Record, this 9th day of October, 2020.

/s/ Steven L. Beeler

Steven L. Beeler

Assistant Attorney General

Parties of Record:

Ambrosia Logsdon

Assistant Consumers' Counsel
Office of the Ohio Consumers' Counsel
65 East State Street, 7th Floor
Columbus, Ohio 43215
ambrosia.logsdon@occ.ohio.gov

Larisa M. Vaysman

Rocco D'Ascenzo

Duke Energy Business Services LLC
155 East Broad St., 20th Floor
Columbus, OH 43215
larisa.vaysman@duke-energy.com
rocco.dascenzo@duke-energy.com

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Summary: Motion Joint Motion for a Modified Procedural Schedule and Request for Expedited Ruling electronically filed by Mrs. Kimberly M Naeder on behalf of PUCO