

## THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE REVIEW OF DUKE  
ENERGY OHIO, INC.'S DISTRIBUTION  
CAPITAL INVESTMENT RIDER.

CASE NO. 19-1287-EL-RDR

### ENTRY

Entered in the Journal on October 27, 2020

{¶ 1} Duke Energy Ohio, Inc. (Duke or the Company) is an electric distribution utility (EDU) as defined in R.C. 4928.01(A)(6) and a public utility as defined in R.C. 4905.02, respectively. As such, Duke is subject to the jurisdiction of this Commission.

{¶ 2} R.C. 4928.141 provides that an electric distribution utility (EDU) shall provide consumers within its certified territory a standard service offer (SSO) of all competitive retail electric services necessary to maintain essential electric services to customers, including a firm supply of electric generation services. The SSO may be either a market rate offer in accordance with R.C. 4928.142 or an electric security plan (ESP) in accordance with R.C. 4928.143.

{¶ 3} On May 29, 2014, Duke filed its third ESP application (ESP III). On April 2, 2015, the Commission issued an Opinion and Order modifying and approving Duke's ESP III application for the period of June 1, 2015, through May 31, 2018. *In re the Application of Duke Energy Ohio for Authority to Establish a Std. Serv. Offer in the Form of an Electric Security Plan*, Case No. 14-841-EL-SSO, et al. (ESP III Case), Opinion and Order (April 2, 2015). As part of the approved ESP III, the Commission authorized the establishment of the distribution capital investment (DCI) rider to allow for the recovery of capital costs for distribution infrastructure investments. The rider is to be reviewed annually for accounting accuracy, prudence, and compliance with the Commission's Order. Further, the Commission found that a compliance audit of the DCI rider is to be completed annually to ensure conformance with the Opinion and Order.

{¶ 4} By Entry issued on May 30, 2018, in the *ESP III Case*, the Commission granted Duke's request to extend the ESP, including Rider DCI, until a new application for an ESP was approved. In doing so, the Commission initially extended the 2018 \$35 million revenue cap collection period for Rider DCI until August 1, 2018. In a Second Entry on Rehearing issued July 25, 2018, the Commission granted Duke's application for rehearing, in part, and set a monthly \$5 million cap for Rider DCI until a new ESP was approved. Thereafter, on December 19, 2018, the Commission issued an Opinion and Order modifying and approving an amended stipulation establishing ESP IV that extended Rider DCI through May 31, 2025, subject to certain conditions. *In re Duke Energy Ohio, Inc.*, Case No. 17-1263-EL-SSO, et al. (*ESP IV Case*), Opinion and Order at ¶ 113-116 (Dec. 19, 2018).

{¶ 5} On June 19, 2019, the Commission directed Staff to issue a request for proposal (RFP) to assist with the annual audit of Rider DCI. Prospective bidders were directed by the Commission to submit proposals to Staff by July 9, 2019. Bidders were directed to demonstrate their understanding of the project and the work required by showing a clear understanding of the tasks to be completed, the experience and qualifications of the personnel who will perform the work, and the anticipated breakdown of costs and timing.

{¶ 6} On July 31, 2019, the Commission issued an Entry selecting Rehmann Consulting (Rehmann) to perform the consulting activities for Duke's Rider DCI and directed Duke to enter into a contract with Rehmann for the purpose of providing payment for its auditing services. Thereafter, on December 13, 2019, Rehmann submitted its audit report.

{¶ 7} By Entry issued January 23, 2020, the attorney examiner, among other things, called for comments regarding the audit report.

{¶ 8} On February 28, 2020, initial comments were timely filed by Staff, Duke, and the Ohio Consumers Counsel (OCC).

{¶ 9} On March 20, 2020, reply comments were timely filed by Staff, Duke, and OCC.

{¶ 10} On August 25, 2020, Duke filed a Stipulation and Recommendation (Stipulation) on behalf of the Company and Staff (collectively, Signatory Parties) that purports to resolve all of the issues raised by the Signatory Parties in this case.

{¶ 11} 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. OCC states that it appreciates the efforts of Duke and Staff to negotiate a result that enabled OCC's non-opposition.

{¶ 12} By Entry issued September 24, 2020, the attorney examiner scheduled this matter for an evidentiary hearing on November 3, 2020.

{¶ 13} On October 2, 2020, Staff filed testimony in support of the Stipulation.

{¶ 14} On October 9, 2020, Staff, Duke, and OCC (Joint Movants, collectively) filed a joint motion for a modified procedural schedule and request for an expedited ruling. Specifically, Joint Movants move to modify the procedural schedule in this proceeding to admit the proposed exhibits filed in the docket as evidence without the need for a November 3, 2020 evidentiary hearing. The parties affirm that they are waiving cross-examination of any witnesses and that there are no objections to the admissibility to any proposed exhibits. Joint Movants state that this request is made to allow for judicial efficiency of the unopposed Stipulation and 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.

{¶ 15} After reviewing Joint Movants' request, the attorney examiner finds it appropriate to continue the evidentiary hearing scheduled for November 3, 2020, indefinitely to allow the Commission additional time to consider the waiver and, if necessary, the Stipulation.

{¶ 16} It is, therefore,

{¶ 17} ORDERED, That the evidentiary hearing scheduled for November 3, 2020, be continued in accordance with Paragraph 15. It is, further,

{¶ 18} ORDERED, That a copy of this Entry be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/Lauren L. Augostini

By: Lauren L. Augostini  
Attorney Examiner

GAP/hac

**This foregoing document was electronically filed with the Public Utilities**

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**Case No(s). 19-1287-EL-RDR**

Summary: Attorney Examiner Entry ordering that the evidentiary hearing scheduled for November 3, 2020, be continued in accordance with Paragraph 15 electronically filed by Heather A Chilcote on behalf of Lauren L. Augostini, Attorney Examiner, Public Utilities Commission of Ohio