

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Amendment of the)	
Rules in Ohio Adm.Code Chapter 4901:1-)	Case No. 21-0010-GA-ORD
43 Regarding Recovery of Infrastructure)	
Development Costs.		

REPLY COMMENTS OF DUKE ENERGY OHIO, INC.

Comes now Duke Energy Ohio, Inc., (Duke Energy Ohio or Company) and respectfully submits its reply comments regarding proposed changes to administrative rules addressing gas infrastructure development costs as issued by the Public Utilities Commission of Ohio (Commission) on March 10, 2021. On April 19, 2021, initial comments were filed by the Office of the Ohio Consumers' Counsel (OCC Comments), and the East Ohio Gas Company, d/b/a Dominion Energy Ohio, Vectren Energy Delivery of Ohio d/b/a CenterPoint Energy Ohio and Columbia Gas of Ohio (collectively - the Companies; filing Jointly).¹ The Company submits the below comments in reply.

The Commission Should Reject OCC's Proposals To Eliminate Or Extend The Existing 75-Day Auto-Approval Period In O.A.C. 4901:1-43-04(D) And To Eliminate Or Extend The Existing 45-Day Period For Intervention and Comments In O.A.C. 4901:1-43-04(E)(2).

OCC's proposals to eliminate or extend the current 75-day and 45-day auto-approval periods in O.A.C. 4901:1-43-04(D) and 4901:1-43-04(E)(2) respectively are unnecessary to enable "meaningful review," or to "protect consumers from unjust and unreasonable rates," and would needlessly delay rate recovery.²

¹ Initial Comments of the Office of the Ohio Consumer Counsel (April 19, 2021); Comments of East Ohio Gas Company, d/b/a Dominion of Ohio, Vectren Energy Delivery of Ohio, d/b/a/ CenterPoint Energy Ohio and Columbia Gas of Ohio (filing Jointly) (April 19, 2021).

² See OCC Comments, pp. 3-4.

Regarding the 75-day auto-approval period, the existing rules already permit this period to be “suspended by the commission for good cause shown.”³ OCC argues that 75 days is not sufficient for “thorough discovery” of whether the “charges are reasonable,” but the current rules do not require discovery to be cut off in 75 days in all cases; they only require that “good cause” exist to prolong the deadline. The existing amount of time for discovery should be sufficient to identify “good cause” to justify suspension of the schedule.

Similarly, the 45-day intervention and comment deadline provides adequate time to evaluate the proposed rates and identify “good cause,” if any exists, to suspend the automatic approval or to seek waiver of Rule 4901:1-43-04(E)(2). And, because the Commission retains the ability under the rules, to suspend automatic approval for good cause, there is also no need under such circumstances for an expedited discovery schedule.⁴

Finally, if the Commission finds good cause to suspend the approval schedule, the current rules empower the Commission to make “reconciliation adjustments following any hearing, if necessary.”⁵ Thus, the current rules already provide protection to customers from any imprudent charges. For these reasons, OCC’s proposals should be rejected.

The Commission Should Reject OCC’s Recommendation to Reject Staff’s Proposed Deletion.

OCC acknowledges that the estimated state and local taxable base increase for an economic development project “may not be known at the time a utility files for approval,” but insists on its inclusion as a requirement nonetheless, stating that “the utility can seek a waiver.”⁶ However, it

³ O.A.C. 4901:1-43-04(D).

⁴ See OCC Comments, p. 5.

⁵ O.A.C. 4901:1-43-04(D)

⁶ OCC Comments, p. 2.

will not be efficient to require, in the rule, an item which will be waived more often than not. Thus, OCC's recommendation to keep this requirement should be rejected.

Conclusion

For the reasons stated above, Duke Energy Ohio respectfully suggests that the Commission reject OCC's above-described recommendations.

Respectfully submitted,

DUKE ENERGY OHIO, INC.

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served on the following counsel of record by electronic service on this 3rd day of May, 2021.

/s/ Larisa M. Vaysman

Larisa M. Vaysman

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Summary: Reply Reply Comments of Duke Energy Ohio, Inc. electronically filed by Mrs. Tammy M Meyer on behalf of Duke Energy Ohio Inc. and D'Ascenzo, Rocco and Vaysman, Larisa