

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Review of the)
Reconciliation Rider of Duke Energy Ohio,) Case No. 20-167-EL-RDR
Inc.)

**MOTION FOR LEAVE TO FILE TESTIMONY OUT-OF-TIME
AND REQUEST FOR EXPEDITED RULING
OF
THE OHIO MANUFACTURERS' ASSOCIATION ENERGY GROUP**

Pursuant to Ohio Adm. Code 4901-1-12 and 4901-1-13(A), the Ohio Manufacturers' Association Energy Group (OMAEG) respectfully requests leave to file testimony concerning the 2019 audit of Duke Energy Ohio, Inc.'s (Duke) Price Stabilization Rider (Rider PSR) in the above-captioned proceeding one day out-of-time for good cause shown. Further, OMAEG requests that the Motion be granted on an expedited basis pursuant to Ohio Adm. Code 4901-1-12(C) so that the testimony is part of the record as the case proceeds forward. OMAEG cannot certify that no party to this proceeding objects to the motion or an expedited ruling. The reasons for granting OMAEG's Motion for good cause shown are set forth in the attached Memorandum in Support.

Respectfully submitted,

/s/ Kimberly W. Bojko

Kimberly W. Bojko (0069402)
Counsel of Record
Thomas V. Donadio (0100027)
Carpenter Lipps & Leland LLP
280 Plaza, Suite 1300
280 North High Street
Columbus, Ohio 43215
(614) 365-4100
bojko@carpenterlipps.com
(willing to accept service by e-mail)
Counsel for OMAEG

**BEFORE
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Reconciliation Rider of Duke Energy Ohio,) Case No. 20-167-EL-RDR
Inc.)

MEMORANDUM IN SUPPORT

OMAEG respectfully requests leave to file its testimony regarding the 2019 audit of Duke's Rider PSR one day out-of-time, and corresponding Motion for Protective Order. Pursuant to the Entry issued on August 25, 2021,¹ OMAEG's testimony was due to be filed on October 26, 2021. In accordance with the Entry, OMAEG attempted to file several documents in the case on October 26, 2021. But due to a remote server connection error that apparently occurred during the filing of the related documents, the Motion for Protective Order shows that it was filed, but it appears on the Commission's docketing system as an unreadable document.² And the processing of the electronic filing of the testimony appears to then have been momentarily delayed, causing the testimony to not be uploaded to the Commission's electronic docketing system until 5:31 p.m. on October 26, 2021. Because the filing of the testimony was not officially accepted until one minute after the 5:30 p.m. deadline, OMAEG's testimony is deemed to be filed one day out-of-time.

Given the brief delay in the filing of the testimony due to the remote server connection error that created an interruption and other technical errors and given that the related motion is a formality, no parties to this proceeding will be prejudiced as a result of the late filings. Indeed, OMAEG served its testimony and the related Motion for Protective Order on all the parties on the due date of October

¹ Entry at ¶ 13.

² See Attachment A.

26, 2021. As such, there will not be any undue delay to this proceeding and allowing OMAEG to file its testimony one day out-of-time will not result in any harm or burden to the parties to this proceeding. Motions for out-of-time filings are routinely granted by the Commission for good cause shown absent a showing of prejudice.³

Therefore, for the reasons provided herein and for good cause shown, OMAEG respectfully requests that the Commission grant this Motion for Leave to file its testimony (as well as to re-file a readable version of its Motion for Protective Order) in the above-captioned proceeding on an expedited basis under Ohio Adm. Code 4901-1-12(C). OMAEG also respectfully requests that the Commission deem OMAEG's testimony as timely filed in the Commission's electronic docketing system on October 26, 2021 so as to allow the testimony to be part of the record as the case proceeds forward. OMAEG cannot certify that no party to this proceeding objects to the motion or an expedited ruling.

Respectfully submitted,

/s/ Kimberly W. Bojko

Kimberly W. Bojko (0069402)
Counsel of Record
Carpenter Lipps & Leland L.L.P.
280 Plaza, Suite 1300
280 North High Street
Columbus, Ohio 43215
(614) 365-4100
bojko@carpenterlipps.com
(willing to accept service by e-mail)
Counsel for OMAEG

³ Ohio Adm. Code 4901-1-13(A) 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

The Public Utilities Commission of Ohio's e-filing system will electronically serve notice of the filing of this document on the parties referenced on the service list of the docket card who have electronically subscribed to the case. In addition, the undersigned hereby certifies that a copy of the foregoing document also is being served via electronic mail on October 26, 2021 upon the parties listed below.

/s/ Kimberly W. Bojko
Kimberly W. Bojko

*Counsel for Ohio Manufacturers' Association
Energy Group*

thomas.lindgren@ohioattorneygeneral.gov
kyle.kern@ohioattorneygeneral.gov
rocco.dascenzo@duke-energy.com
jeanne.kingery@duke-energy.com
larisa.vaysman@duke-energy.com
angela.obrien@occ.ohio.gov
john.finnigan@occ.ohio.gov
paul@carpenterlipps.com
mkurtz@BKLawfirm.com
kboehm@BKLawfirm.com
jkylersohn@BKLawfirm.com
stnourse@aep.com
rdove@keglerbrown.com

Attorney Examiners:

lauren.augostini@puco.ohio.gov
nicholas.walstra@puco.ohio.gov

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10/26/2021 5:28:43 PM

in

Case No(s). 20-0167-EL-RDR

Summary: Motion for Protective Order electronically filed by Mrs. Kimberly W. Bojko
on behalf of OMA Energy Group

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

Case No(s). 20-0167-EL-RDR

Summary: Motion for Leave to File Testimony Out-Of-Time and Request for Expedited Ruling electronically filed by Mrs. Kimberly W. Bojko on behalf of OMA Energy Group