

CARPENTER LIPPS & LELAND LLP

TELEPHONE: (614) 365-4100

180 NORTH LASALLE STREET
SUITE 2640
CHICAGO, ILLINOIS 60601
TELEPHONE (312) 777-4300

1025 CONNECTICUT AVENUE N.W.
SUITE 1000
WASHINGTON, DC 20036-5417
TELEPHONE (202) 365-2808

ATTORNEYS AT LAW

280 PLAZA, SUITE 1300
280 NORTH HIGH STREET
COLUMBUS, OHIO 43215

WWW.CARPENTERLIPPS.COM

WRITER'S DIRECT NUMBER

(614) 365-4112

paul@carpenterlipps.com

December 9, 2021

Attorney Examiner Megan Addison
Attorney Examiner Lauren Augostini
Attorney Examiner Matthew Sandor
Attorney Examiner Nicholas Walstra
Public Utilities Commission of Ohio
180 East Broad Street, 11th Floor
Columbus, Ohio 43215
Via Electronic Mail

RE: *In the Matter of the Application of Duke Energy Ohio, Inc. For an
Adjustment to Rider MGP Rates, Case Nos. 14-375-GA-RDR, et al.*

Dear Attorney Examiners,

On August 31, 2021, a Stipulation and Recommendation (Stipulation) was filed in the above-captioned proceeding, seeking to resolve numerous Duke Energy Ohio, Inc. (Duke) Manufactured Gas Plant (MGP) and Federal Income Tax (FIT) cases.¹ On November 18, 2021, an evidentiary hearing was held concerning the Stipulation and the three narrow issues raised by the Retail Energy Supply Association (RESA) and Interstate Gas Supply, Inc. (IGS).² Subsequently, parties were directed to file initial post-hearing briefs and reply post-hearing briefs by December 9, 2021 and December 23, 2021, respectively.³

Please be advised that The Kroger Co. (Kroger) has elected to not file an initial post-hearing brief in the above-captioned proceeding regarding the three narrow issues raised at hearing and hereby expressly reserves its right to file a post-hearing reply brief addressing opposition to the Stipulation filed in the above-captioned proceeding or Kroger's agreement to not oppose the Stipulation.⁴

¹ The Stipulation was joined by Duke, the Commission Staff, the Office of the Ohio Consumers' Counsel (OCC), and Ohio Energy Group (OEG) as Signatory Parties while Kroger, the Ohio Manufacturers' Association Energy Group (OMAEG), and Ohio Partners For Affordable Energy (OPAE) agreed to not oppose the Stipulation.

² Entry at ¶20, ¶30 (November 10, 2021).

³ Tr. at 341 (November 18, 2021).

Please do not hesitate to contact me with any questions.

Respectfully Submitted,

/s/ Angela Paul Whitfield
Angela Paul Whitfield (0068774)

Counsel for The Kroger Co.

cc: Parties of Record

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Commission of Ohio Docketing Information System on**

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in

**Case No(s). 14-0375-GA-RDR, 15-0452-GA-RDR, 16-0542-GA-RDR, 17-0596-
GA-RDR, 18-0283-GA-RDR, 19-0174-GA-RDR, 20-0053-GA-RDR, 14-0376-GA-
ATA, 15-0453-GA-ATA, 16-0543-GA-ATA, 17-0597-GA-ATA, 18-0284-GA-ATA,
19-0175-GA-ATA, 19-1086-GA-UNC, 20-0054-GA-ATA, 18-1830-GA-UNC, 18-
1831-GA-ATA, 19-1085-GA-AAM**

**Summary: Correspondence of The Kroger Co. Declining to File an Initial Post-
Hearing Brief electronically filed by Mrs. Angela Whitfield on behalf of The Kroger
Co.**