

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Duke	)	
Energy Ohio, Inc., for a Waiver of Specific	)	Case No. 21-1100-EL-WVR
Sections of the Ohio Administrative Code.	)	

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**MOTION OF DUKE ENERGY OHIO, INC.  
FOR A CHANGE TO THE PROCEDURAL SCHEDULE**

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Duke Energy Ohio, Inc., (Duke Energy Ohio or the Company) hereby moves the Public Utilities Commission of Ohio (Commission), in accordance with Rule 4901-1-12, Ohio Administrative Code (O.A.C.), for leave to file limited reply comments to the comments filed by the Retail Energy Supply Association (RESA) and Interstate Gas Supply, Inc. (IGS) in this proceeding.

The comments filed by RESA and IGS contain two crucial misunderstandings that the Company believes it important to correct, in the interest of this case being resolved on a full and complete record: (1) to clarify that the recent rule revision pertaining to non-jurisdictional charges does not force utilities to place non-jurisdictional charges on the bill or require any technical justification for refraining from doing so; and (2) to correct IGS's misunderstanding of the Company's current technical capabilities. This Motion is accompanied by a Memorandum in Support and also by a copy of the Proposed Reply Comments, which the Company respectfully requests the Commission to consider.

Respectfully submitted,

DUKE ENERGY OHIO, INC.

/s/ Larisa M. Vaysman

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## MEMORANDUM IN SUPPORT

In this proceeding, Duke Energy Ohio seeks, among other things, a temporary waiver of Rule 4901:1-10-33(A) of the Ohio Administrative Code, which concerns the potential placement of charges for non-jurisdictional services on the consolidated bill. The Company's Application for a 12-month waiver for complying with this rule revision was filed on November 1, 2021. IGS, RESA, and the Office of the Ohio Consumers' Counsel (OCC) intervened in this case and filed initial comments on January 6, 2022. The procedural schedule in this proceeding did not provide for the filing of any reply comments.

In their initial comments, IGS, RESA, and OCC made many arguments with which the Company disagrees, but out of respect for the initial procedural schedule set out,<sup>1</sup> the Company does not seek to reply to all or even most arguments. Rather, the Company seeks to submit limited reply comments on only two points where it believes the IGS and RESA comments are mistaken and where their mistake rests on both misapprehension of the Commission's relevant orders in the applicable rule review proceeding and a misapprehension of the Company's current technical capabilities. The Company has good cause to address these points at this time, because they were made in IGS and RESA's initial comments.

The Company believes that it is crucial to clarify that—as described in the Proposed Reply Comments filed with this Motion—it **does not** currently have the technical capabilities to place CRES provider charges on the consolidated electric bill and that it did not specifically seek to make such a factual demonstration regarding its technical capabilities in its Application because it was proposing to fully comply with the revised rule by removing all non-jurisdictional charges from the bill. Although the Company believes that the question of technical capabilities need not

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<sup>1</sup> The limiting of the Company's Proposed Reply Comments to these two points should not be construed as agreement with any other arguments made by any party to this case.

be reached in this case, the Company believes this additional information is necessary for full and fair consideration of IGS's and RESA's arguments.

Accordingly, the Company respectfully requests that the Commission consider its Proposed Reply Comments in this case.

Respectfully submitted,

DUKE ENERGY OHIO, INC.

/s/ Larisa M. Vaysman

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### CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing document was served this 21<sup>st</sup> day of January 2022, by U.S. mail, postage prepaid, or by electronic mail upon the parties listed below.

/s/ Larisa M. Vaysman

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**Case No(s). 21-1100-EL-WVR**

Summary: Motion Motion of Duke Energy Ohio, Inc. for a Change to the Procedural Schedule electronically filed by Dianne Kuhnell on behalf of Duke Energy Ohio, Inc. and Rocco D'Ascenzo and Kingery, Jeanne W. and Vaysman, Larisa M.