

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE REGULATION OF
THE PURCHASED GAS ADJUSTMENT
CLAUSE CONTAINED WITHIN THE RATE
SCHEDULES OF DUKE ENERGY OHIO, INC.

CASE NO. 21-218-GA-GCR

IN THE MATTER OF THE UNCOLLECTIBLE
EXPENSE RIDER OF DUKE ENERGY OHIO,
INC.

CASE NO. 21-318-GA-UEX

IN THE MATTER OF THE PERCENTAGE OF
INCOME PAYMENT PLAN RIDER OF DUKE
ENERGY OHIO, INC.

CASE NO. 21-418-GA-PIP

ENTRY

Entered in the Journal on January 26, 2022

{¶ 1} Duke Energy Ohio, Inc. (Duke or the Company) is a natural gas company, as defined by R.C. 4905.03, and a public utility, as defined by R.C. 4905.02, and, as such, is subject to the jurisdiction of this Commission.

{¶ 2} R.C. 4905.302 and Ohio Adm.Code 4901:1-14-07 provide that the Commission shall conduct, or cause to be conducted, periodic audits of each gas or natural gas company under the Commission's jurisdiction. Such audits shall review each company's compliance with the gas cost recovery mechanism (GCR) as delineated in Ohio Adm.Code Chapter 4901:1-14.

{¶ 3} Ohio Adm.Code 4901:1-14-08 provides that the Commission shall hold a public hearing at least 60 days after the filing of each GCR audit report required under Ohio Adm.Code 4901:1-14-07. Ohio Adm.Code 4901:1-14-08(C) specifies the requirement for notice of a GCR hearing, which each company should cause to be published between 15 and 30 days prior to the date set for its hearing. The notice may be provided by a publication of a display ad in a newspaper (in a section other than the legal notice section), bill message, bill insert, or direct mailing to the customers.

{¶ 4} On December 21, 2005, the Commission authorized Duke to establish an uncollectible expense (UEX) rider. *In re The Cincinnati Gas & Elec. Co.*, Case No. 05-732-ELMER, et al., Finding and Order (Dec. 21, 2005). In accordance with the Commission's previous directives, Duke's independent financial auditor is to audit the UEX rider in conjunction with Duke's GCR audit. *In re Duke Energy Ohio, Inc.*, Case No. 10-726-GA-UEX, Finding and Order (June 23, 2010).

{¶ 5} Furthermore, the Commission authorized Duke to recover percentage of income payment plan (PIPP) arrearages associated with providing natural gas service through its PIPP rider. *In re Review of PIP Plan Riders*, Case No. 88-1115-GE-PIP, et al., Finding and Order (Dec. 2, 1993).

{¶ 6} By Entries issued March 10, 2021, the Commission initiated these proceedings; found that Duke's PIPP rider should be audited in the course of the Company's GCR and UEX audits; established the financial audit periods for the GCR mechanism and UEX and PIPP riders; set the due date by which the financial audit reports must be filed; directed that a management/performance audit of Duke's compliance with the provisions of Ohio Adm.Code Chapter 4901:1-14 be conducted; and provided instructions for Duke's selected auditor. The March 10, 2021 Entries also scheduled these matters for a public hearing to be held on January 11, 2022, and directed Duke to publish notice of the hearing pursuant to Ohio Adm.Code 4901:1-14-08(C). More specifically, the Entries established the due date for the filing of the audit reports as November 12, 2021. A draft audit report for the management/performance audit was due to Staff by October 29, 2021.

{¶ 7} By Entry issued April 21, 2021, the Commission selected Exeter Associates, Inc. (Exeter) as the management/performance auditor.

{¶ 8} By Entry issued October 29, 2021, Staff's motion to extend the due date for the submission of the draft and final management/performance audit reports and to reschedule the hearing was granted, such that the draft and final management/performance audit reports were due on December 1, 2021, and December 17, 2021, respectively, and the hearing

was rescheduled to commence on February 17, 2022. In all other respects, the procedural schedule and associated directives established in the Entries issued March 10, 2021, remained in effect, including that Duke file its testimony at least 16 days prior to the hearing, and any other party file its direct testimony at least seven days prior to the hearing. Entry (Mar. 10, 2021) at ¶ 11. Accordingly, Duke's testimony is due on February 1, 2022, and any other party's testimony is due on February 10, 2022.

{¶ 9} On November 12, 2021, the GCR audit report was filed in Case No. 21-218-GA-GCR (*GCR Case*), the UEX audit report was filed in Case No. 21-318-GA-UEX (*UEX Case*), and the PIPP audit report was filed in Case No. 21-418-GA-PIP.

{¶ 10} In response to the UEX audit report recommendations, on December 1, 2021, Duke filed a second amended UEX application, work papers, and tariff sheets in the *UEX Case*.

{¶ 11} On December 17, 2021, consistent with the revised procedural schedule, the auditor filed the management/performance audit report in the *GCR Case*.

{¶ 12} On January 25, 2022, in the above-noted cases, Duke filed a motion to modify the procedural schedule and a request for expedited ruling. Duke notes that, pursuant to the current procedural schedule, the Company's testimony is due by February 1, 2022. To facilitate additional time for the parties to engage in settlement discussions, Duke requests that the deadlines to file testimony be extended such that the Company's testimony is due February 11, 2022, and any other party's testimony is due February 21, 2022. While Duke also proposes that the evidentiary hearing be rescheduled for February 28, 2022, the Company states that its request presumes that the hearing for any public testimony would remain unchanged. Further, Duke declares that no party opposes the request for an extension of the procedural schedule or the issuance of an expedited ruling.

{¶ 13} The attorney examiner finds Duke's unopposed motion to extend the due date to file testimony and to call and continue the evidentiary hearing, to be reasonable and,

therefore, the motion should be granted. Accordingly, the Company's testimony shall be due by February 11, 2022. However, February 21, 2022, is a state holiday; therefore, the testimony of any other party is due by February 22, 2022. Further, to facilitate the public testimony of interested persons, the evidentiary hearing will be called, as currently scheduled on February 17, 2022, at 10:00 a.m., and then reconvene on February 28, 2022, via Webex. In all other respects, the directives of the March 10, 2021 Entries shall remain in effect.

{¶ 14} As previously noted, the hearing shall be conducted via Webex, which will enable the parties and interested persons to participate by telephone and/or video on the internet. Access information for the hearing will be provided to counsel for parties at their electronic mail address of record.

{¶ 15} Interested persons that wish to provide testimony must register with the Commission before 12:00 p.m., on February 15, 2022, at <https://puco.ohio.gov/wps/portal/gov/puco/events/case-no-21-218-ga-gcr-evh> or by calling the Commission at 1-800-686-7826. Interested individuals will be required to provide their full name, home address, telephone number, and electronic mail address, if available; state that they wish to register for the public hearing in Case No. 21-218-GA-GCR, et al.; specify whether they plan to join the Webex event by internet or by telephone; and indicate whether they intend to offer testimony. Individuals that plan to attend the Webex event through internet access must have a computer or smart device with a microphone and speakers, an electronic mail address, and reliable internet service. Interested individuals who wish to attend the public hearing remotely and not offer testimony can do so by registering and indicating they do not intend to provide testimony or by calling 1-408-418-9388 and entering access code 2330 373 2656. Any person interested in observing the hearing as a nonparty can access the hearing using the link <https://bit.ly/21-218-EVH> and entering the password PUCO, or by calling 1-408-418-9388, and entering access code/event number 2330 373 2656. The purpose of the evidentiary hearing is for Duke, Staff, and intervenors to provide evidence regarding the audits.

{¶ 16} On the day of the hearing, individuals who have registered to testify will be asked to speak beginning shortly after 10:00 a.m., so all those who have registered to testify should be prepared to speak at that time. For individuals who are speaking by telephone, the Commission's staff will contact those individuals by telephone when it is time for their testimony and connect them to the hearing. If access or other issues are experienced during the hearing, individuals should immediately use the chat function within Webex or contact the Commission's legal department at 1-614-466-6843 for assistance.

{¶ 17} If individuals wish to supplement their testimony with an exhibit for the Commission's consideration, a copy of the document, along with a reference to the case numbers, must be provided to the Commission by February 24, 2022, by electronic mail to ContactThePUCO@puco.ohio.gov or by mail to Public Utilities Commission of Ohio, 180 East Broad Street, Columbus, Ohio 43215.

{¶ 18} Public comments can be provided in writing on the Commission's web site at <https://puco.ohio.gov/wps/portal/gov/puco/helpcenter/contactus>, by electronic mail to ContactThePUCO@puco.ohio.gov, or by mail to Public Utilities Commission of Ohio, 180 East Broad Street, Columbus, Ohio 43215. Written comments should reference the case numbers for these matters.

{¶ 19} It is, therefore,

{¶ 20} ORDERED, That Duke's motion for an extension of the procedural schedule be granted, as discussed in Paragraph 13. It is, further,

{¶ 21} ORDERED, That the hearing in these matters be called on February 17, 2022, at 10:00 a.m., as currently scheduled, and then continued to reconvene on February 28, 2022, at 10:00 a.m., via remote access technology, as discussed in Paragraph 13. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/ Greta See

By: Greta See
Attorney Examiner

NJW/hac

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in

Case No(s). 21-0218-GA-GCR, 21-0318-GA-UEX, 21-0418-GA-PIP

Summary: Attorney Examiner Entry ordering that Duke's motion for an extension of the procedural schedule be granted, as discussed in Paragraph 13 and that the hearing in these matters be called on February 17, 2022, at 10:00 a.m., as currently scheduled, and then continued to reconvene on February 28, 2022, at 10:00 a.m., via remote access technology, as discussed in Paragraph 13 electronically filed by Heather A. Chilcote on behalf of Greta See, Attorney Examiner, Public Utilities Commission