

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of Duke Energy Ohio, Inc. for an Adjustment to Rider MGP Rates.	) ) )	Case No. 14-0375-GA-RDR
In the Matter of the Application of Duke Energy Ohio, Inc. for Tariff Approval.	) )	Case No. 14-0376-GA-ATA
In the Matter of the Application of Duke Energy Ohio, Inc. for an Adjustment to Rider MGP Rates.	) ) )	Case No. 15-0452-GA-RDR
In the Matter of the Application of Duke Energy Ohio, Inc. for Tariff Approval.	) )	Case No. 15-0453-GA-ATA
In the Matter of the Application of Duke Energy Ohio, Inc. for an Adjustment to Rider MGP Rates.	) ) )	Case No. 16-0542-GA-RDR
In the Matter of the Application of Duke Energy Ohio, Inc. for Tariff Approval.	) )	Case No. 16-0543-GA-ATA
In the Matter of the Application of Duke Energy Ohio, Inc. for an Adjustment to Rider MGP Rates.	) ) )	Case No. 17-0596-GA-RDR
In the Matter of the Application of Duke Energy Ohio, Inc. for Tariff Approval.	) )	Case No. 17-0597-GA-ATA
In the Matter of the Application of Duke Energy Ohio, Inc. for an Adjustment to Rider MGP Rates.	) ) )	Case No. 18-0283-GA-RDR
In the Matter of the Application of Duke Energy Ohio, Inc. for Tariff Approval.	) )	Case No. 18-0284-GA-ATA
In the Matter of the Application of Duke Energy Ohio, Inc. for Implementation of the Tax Cuts and Jobs Act of 2017.	) ) )	Case No. 18-1830-GA-UNC
In the Matter of the Application of Duke Energy Ohio, Inc. for Approval of Tariff Amendments.	) ) )	Case No. 18-1831-GA-ATA

In the Matter of the Application of Duke Energy Ohio, Inc. for an Adjustment to Rider MGP Rates.	) ) )	Case No. 19-0174-GA-RDR
In the Matter of the Application of Duke Energy Ohio, Inc. for Tariff Approval.	) )	Case No. 19-0175-GA-ATA
In the Matter of the Application of Duke Energy Ohio, Inc. for Authority to Defer Environmental Investigation and Remediation Costs.	) ) ) )	Case No. 19-1085-GA-AAM
In the Matter of the Application of Duke Energy Ohio, Inc. for Tariff Approval.	) )	Case No. 19-1086-GA-UNC
In the Matter of the Application of Duke Energy Ohio, Inc. for an Adjustment to Rider MGP Rates.	) ) )	Case No. 20-0053-GA-RDR
In the Matter of the Application of Duke Energy Ohio, Inc. for Tariff Approval.	) )	Case No. 20-0054-GA-ATA

JOINT MOTION OF THE RETAIL ENERGY SUPPLY ASSOCIATION AND INTERSTATE GAS SUPPLY, INC. TO REOPEN THE HEARING RECORD TO SUBMIT A STIPULATED FACT

Pursuant to Ohio Adm. Code 4901-1-34, the Retail Energy Supply Association (“RESA”)¹ and Interstate Gas Supply, Inc. (“IGS”) hereby submit this Joint Motion to Reopen the Hearing Record (this “Motion”) to allow for a stipulation to correct an exhibit that contains an error. As further discussed in the attached memorandum in support, after the hearing and based on information received from the Commission’s Staff, an exhibit (Duke Exhibit 8) showing choice

¹ The comments expressed by RESA in this filing represent the positions of RESA as an organization but may not represent the views of any particular member of the Association. Founded in 1990, RESA is a broad and diverse group of retail energy suppliers dedicated to promoting efficient, sustainable and customer-oriented competitive retail energy markets. RESA members operate throughout the United States delivering value-added electricity and natural gas service at retail to residential, commercial and industrial energy customers. More information on RESA can be found at www.resausa.org.

shopping percentages in the DEO territory incorrectly failed to include a clarifier that the percentages included standard choice offer customers.

RESA and IGS seek to correct the error in the document by entering into the record a simple stipulation as follows: “*The choice statistics for Dominion East Ohio Gas shown on Duke Ex. 8 include both Choice customers and SCO customers.*” As RESA and IGS have included a communication from Staff with attachments to support this Motion, RESA and IGS are also willing to stipulate to including the communication with attachments into the record if the Attorney Examiners wish. Otherwise, the above stipulated fact will suffice.

Good cause exists for granting this Motion. RESA and IGS were unable to confirm with Commission Staff that the disclaimer was missing from the document until after the hearing and no hearing is required to admit the stipulation. There also is no need to conduct any additional post-hearing briefing as none of the parties referenced Duke Exhibit 8 in their initial and reply briefs. Importantly, the stipulation will correct the error on the Commission document and ensure the record is accurate.

RESA and IGS previously requested that the parties to this proceeding agree to a similar stipulation but some parties either objected or did not respond to RESA’s and IGS’ request.

Respectfully Submitted,

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Counsel for Interstate Gas Supply, Inc.

MEMORANDUM IN SUPPORT

During the cross-examination of RESA/IGS Witness James L. Crist, Duke Energy Ohio, Inc. (“Duke Energy” or “Duke”) marked Duke Exhibit 8, which on its face indicated the percentage of customers that were shopping for natural gas as of the second quarter of 2012.² After RESA and IGS witness Jim Crist questioned the accuracy of the data on Duke Exhibit 8 with respect to Dominion East Ohio Gas, RESA’s and IGS’ counsel previewed the possibility of a motion being filed to the extent an error is discovered after the hearing with respect to the shopping statistics in Duke Exhibit No. 8.³ Duke Exhibit 8 is part of the hearing record.⁴

After the hearing, on December 1, 2021, RESA and IGS discovered based on information provided by Staff that the information contained in Duke Exhibit 8 was not correct. Specifically, as shown in the e-mail correspondence with Staff and the attachments to that correspondence (December 2011 Choice Program enrollment information and December 2012 Choice Program enrollment information) attached hereto as Exhibit A, Duke Exhibit 8 should have a disclaimer on the document that the DEO percentages/numbers shown on the document include both Choice and SCO customers (not just Choice customers). RESA and IGS discussed this issue with the other parties during the briefing in this proceeding, but with no success on a stipulated resolution.

The error in Duke Exhibit 8 is evident as the December 2011 Choice Program enrollment information for DEO included a disclaimer that “* Includes both Choice and SCO (Standard Choice Offer) customers”. The December 2011 document, which is available on the Commission’s website, includes the disclaimer and has percentages similar to that shown on Duke

² Tr. at 302:4 to 303:20. The sheet is available on the Commission’s website at <https://app.powerbigov.us/view?r=eyJrIjoiOGJjOTA2MjYtNzZmNi00Y2RhLTljZjEtZTU3Zjg5ZDZhMDgyIiwidCI6IjUwZjhmY2M0LTk0ZDgtNGYwNy04NGViLTM2ZWQ1N2M3YzhhMiJ9> .

³ Tr. at 339:4-12.

⁴ Tr. at 87:18-20.

Exhibit 8 – but the disclaimer does not appear on Duke Exhibit 8, which reflects 2012 second quarter statistics.⁵ Further establishing the error (which is yet to be corrected on the Commission’s website), the December 2012 Choice Program document for the fourth quarter of 2012 received from the Commission’s Staff after the hearing shows a changed format and clearly identifies that the data was changed to be limited to choice customers only (and not SCO customers).⁶

Regardless that no party cited to Duke Exhibit 8 in its briefs, it is imperative that the record in this proceeding not be tainted by a Commission document that contains an error. RESA and IGS seek to enter into the record a simple stipulation as follows: “*The choice statistics for Dominion East Ohio Gas shown on Duke Ex. 8 include both Choice customers and SCO customers.*” If the Commission so desires, RESA and IGS are willing to stipulate to the admission of the two documents and emails from Staff attached hereto as Exhibit A as RESA/IGS Ex. 4, but that likely is not necessary, especially if no party disputes that Duke Exhibit 8 contains an error.

Procedurally, the Attorney Examiners may reopen the record to admit the stipulated fact. Ohio Adm.Code 4901-1-34(A) states that “[t]he commission...may, upon [its] own motion or upon motion of any person for good cause shown, reopen a proceeding at any time prior to the issuance of a final order.” Further, “[i]f the purpose is to permit the presentation of additional evidence, the motion shall specifically describe the nature and purpose of such evidence, and shall set forth facts showing why such evidence could not, with reasonable diligence, have been presented earlier in the proceeding.” Ohio Adm. Code 4901-1-34(B).

Good cause exists to reopen the record to admit the stipulation. The additional evidence could not, with reasonable diligence, have been presented earlier in the proceeding. The hearing

⁵ <https://puco.ohio.gov/static/industry-information/statistical-reports/ohio-customer-choice-activity/natural-gas-choice-activity/2011+Natural+Gas+Customer+Choice+Program.pdf>.

⁶ While Staff provided this document to IGS counsel, RESA and IGS could not locate this document on the Commission website.

started and concluded on one day and Duke Exhibit 8 was marked and admitted into the record on that day. It was after the hearing closed that Staff provided documents to IGS' attorney on December 1, 2021, that established the error – the missing disclaimer that the DEO numbers included both Choice and SCO customers. Further supporting good cause is that neither RESA nor IGS seek to supplement any briefing in this matter or seek to hold an additional hearing. Rather, RESA and IGS simply seek to ensure that an error in a Commission-prepared document in the record is corrected via a stipulated fact.

In conclusion, for good cause shown, RESA and IGS respectfully request that the Attorney Examiners reopen the record to include the stipulated fact in the record. If necessary, RESA and IGS would also stipulate to the admission of the correspondence and documents attached hereto as Exhibit A into the record.

Respectfully Submitted,

/s/ Michael J. Settineri
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Counsel for Interstate Gas Supply, Inc.

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 certifies that a courtesy copy of the foregoing document is also being sent (via electronic mail) on the 5th day of February 2022 on all persons/entities listed below:

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/s/ Gretchen L. Petrucci
Gretchen L. Petrucci

Exhibit A

From: [Joe Oliker](#)
To: [Michael Nugent](#)
Subject: FW: DEO shopping numbers
Date: Friday, February 4, 2022 3:12:09 PM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[GAS Choice Enrollment -- Website 2012 \(003\).pdf](#)
[GAS Choice Enrollment -- Website Dec. 2011 \(002\).pdf](#)

From: Barbara.Bossart@puco.ohio.gov <Barbara.Bossart@puco.ohio.gov>
Sent: Wednesday, December 1, 2021 8:54 AM
To: Joe Oliker <Joe.Oliker@igs.com>
Cc: james.schweitzer@puco.ohio.gov; Megan.DeLisi@puco.ohio.gov
Subject: RE: DEO shopping numbers

[External Email]-

Joe,

Sorry for the delay. We needed to find the information and make sure we went through proper channels before sending. Attached is what would have been published for December 2012 and December 2011, so you can see the different information associated with the data. Let me know if this is what you needed.

Barb

Barbara Bossart
Chief, Reliability and Service Analysis Division
Service Monitoring and Enforcement Department
614-466-0793

www.PUCO.ohio.gov



From: Joe Oliker <Joe.Oliker@igs.com>
Sent: Tuesday, November 23, 2021 9:54 AM
To: PUCO MarketMonitoring <MarketMonitoring@puco.ohio.gov>
Cc: Bossart, Barbara <Barbara.Bossart@puco.ohio.gov>
Subject: FW: DEO shopping numbers

Hi,

After talking with Barb, it is my understanding that there is a version of the attached 2012 exhibit

that contains a footnote identifying that the DEO choice statistics include SCO volumes. Does the market monitoring division have a copy of this slide? Thank you so much.

From: Joe Oliker

Sent: Thursday, November 18, 2021 7:23 PM

To: Barbara.Bossart@puco.ohio.gov; Tamara.Turkenton@puco.ohio.gov

Cc: Chris Kennedy <kennedy@whitt-sturtevant.com>; Andrew.J.Campbell@dominionenergy.com

Subject: DEO shopping numbers

Can someone please provide some clarity regarding the DEO shopping numbers from 2012 on the Commission's website? We believe they are wrong. Please see the attached which does not reflect a drop in shopping statistics after 2012. This is creating a problem with developing a record. One of these is wrong.

Joseph Oliker

Associate General Counsel

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Natural Gas Customer Choice Programs in Ohio
Customer Enrollment Levels
As of December, 2012

Residential Customer Enrollment				
Customer Choice Program	Residential Customers			Percent Enrolled in CHOICE
	CHOICE	NON-CHOICE	TOTAL	
Columbia Gas of Ohio	501,791	794,928	1,296,719	38.7%
Duke Energy of Ohio	177,647	205,021	382,668	46.4%
Dominion East Ohio Gas	792,422	311,931	1,104,353	71.8%
Vectren Energy Delivery of Ohio	126,993	161,913	288,906	44.0%

Commercial / Industrial Customer Enrollment				
Customer Choice Program	Commercial / Industrial Customers			Percent Enrolled in CHOICE
	CHOICE	NON-CHOICE	TOTAL	
Columbia Gas of Ohio	56,072	54,633	110,705	50.6%
Duke Energy of Ohio	16,909	21,853	38,762	43.6%
Dominion East Ohio Gas	64,063	20,732	84,795	75.6%
Vectren Energy Delivery of Ohio	10,815	13,596	24,411	44.3%

Total Customer Enrollment				
Customer Choice Program	Total Customers			Percent Enrolled in CHOICE
	CHOICE	NON-CHOICE	TOTAL	
Columbia Gas of Ohio	557,863	849,561	1,407,424	39.6%
Duke Energy of Ohio	194,556	226,874	421,430	46.2%
Dominion East Ohio Gas	856,485	332,663	1,189,148	72.0%
Vectren Energy Delivery of Ohio	137,808	175,509	313,317	44.0%

CHOICE Customers

CHOICE customers include:

- Customers who have individually signed a contract or agreement with a Competitive Retail Natural Gas Supplier, and purchase gas commodity from that competitive supplier under the terms and conditions of the agreement or contract.
- Customers who are part of a gas aggregation group purchasing gas commodity from a Competitive Retail Natural Gas Supplier

NON-CHOICE Customers

NON-CHOICE customers purchase natural gas under arrangements made by the local distribution company.

TOTAL Customers

TOTAL Customers is the sum of CHOICE and NON-CHOICE customers.

Percent Enrolled in CHOICE

Number of CHOICE customers divided by TOTAL Customers.

Note: CHOICE-ineligible customers (such as Percentage of Income Payment Plan (PIPP) customers) are included in both the "NON-CHOICE" and the "TOTAL" columns.

Natural Gas Customer Choice Programs in Ohio
Customer Enrollment Levels
As of December, 2011

Residential Customer Enrollment			
Customer Choice Program	Residential Customers		Residential Percent Enrolled
	Enrolled	Eligible	
Columbia Gas of Ohio	493,353	of 1,215,874	40.6%
Duke Energy of Ohio	122,146	of 369,850	33.0%
Dominion East Ohio Gas	* 858,312	of 1,002,856	85.6%
Vectren Energy Delivery of Ohio	* 262,912	of 265,146	99.2%

Commercial / Industrial Customer Enrollment			
Customer Choice Program	Commercial / Industrial Customers		Commercial Percent Enrolled
	Enrolled	Eligible	
Columbia Gas of Ohio	54,859	of 107,259	51.1%
Duke Energy of Ohio	13,353	of 29,796	44.8%
Dominion East Ohio Gas	* 77,787	of 82,570	94.2%
Vectren Energy Delivery of Ohio	* 23,452	of 23,512	99.7%

Total Customer Enrollment			
Customer Choice Program	Total Customers		Total Percent Enrolled
	Enrolled	Eligible	
Columbia Gas of Ohio	548,212	of 1,323,133	41.4%
Duke Energy of Ohio	135,499	of 399,646	33.9%
Dominion East Ohio Gas	* 936,099	of 1,085,426	86.2%
Vectren Energy Delivery of Ohio	* 286,364	of 288,658	99.2%

Note: The number of eligible and enrolled customers above excludes PIPP customers.

* Includes both CHOICE and SCO (Standard Choice Offer) customers

**This foregoing document was electronically filed with the Public Utilities
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19-0174-GA-RDR, 19-0175-GA-ATA, 19-1085-GA-AAM, 19-1086-GA-UNC, 20-
0053-GA-RDR, 20-0054-GA-ATA**

Summary: Motion -- Joint Motion to Reopen the Hearing Record to Submit a
Stipulated Fact electronically filed by Mr. Michael J. Settineri on behalf of Retail
Energy Supply Association and Interstate Gas Supply, Inc.