

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Review of	)	
Duke Energy Ohio, Inc.'s	)	Case No. 20-1205-EL-RDR
Distribution Capital Investment Rider.	)	

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**JOINT MOTION TO MODIFY THE PROCEDURAL SCHEDULE  
AND REQUEST FOR EXPEDITED RULING**

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The Staff of the Public Utilities Commission of Ohio (Staff), Duke Energy Ohio, Inc. (Duke Energy Ohio or the Company), and the Office of the Ohio Consumers' Counsel (OCC) (collectively, Joint Movants or Signatory Parties), pursuant to Ohio Adm. Code 4901-1-12, respectfully request the Public Utilities Commission of Ohio (Commission) to modify the procedural schedule in this proceeding to admit the evidence without the need for the February 18, 2022, hearing, and also request an expedited ruling on this motion (Motion).

Joint Movants make this request to allow for the Commission's efficient consideration of an unopposed Stipulation and Recommendation (Stipulation), filed in this proceeding on January 14, 2022, and signed by *all* three of the Joint Movants. There are no additional parties in this proceeding. All of the Joint Movants support the proposed modified procedural schedule and the expedited ruling.

By Entry dated December 22, 2021, the attorney examiner set the procedural schedule as follows:

- (a) Proposed stipulations should be filed by January 14, 2022;
- (b) If no stipulation is submitted, testimony on behalf of Duke should be filed by January 25, 2022;
- (c) Testimony on behalf of Staff and intervenors should be filed by February 1, 2022;
- (d) The hearing will commence via Webex on February 16, 2022, at 10:00 a.m.

The procedural schedule did not provide a deadline for testimony in support of a stipulation, in the event a stipulation was filed.<sup>1</sup> On February 7, 2022 the pre-filed direct testimony of Jay P. Brown was filed in support of the Stipulation. No testimony was filed on behalf of OCC or Staff.

Given the unanimous agreement to the Stipulation in this case, unanimous agreement as to what should constitute the record in this case, and the lack of any additional intervenors, the Signatory Parties jointly move that the evidence be admitted into the record without the need for a hearing. Specifically, Joint Movants propose that following exhibits be admitted into the record:

Joint Exhibit 1 - Stipulation filed on January 14, 2022.

Company Exhibit 1 - Testimony of Jay P. Brown in Support of the Stipulation filed on February 7, 2022.

Staff Exhibit 1 - Compliance Audit of the July 1, 2019 to June 30, 2020 Distribution Capital Investment Rider (Rider DCI) Duke Energy Ohio filed by Staff on January 8, 2021, and prepared by Rehmann Consulting (Audit Report).

Joint Movants waive cross examination of Company witness Brown, and waive objections to the admissibility of the Stipulation, Mr. Brown's Testimony in Support of the Stipulation, and the Audit Report. Joint Movants also waive written and oral motions to strike prefiled testimony and the Stipulation. Joint Movants also request that an expedited ruling be issued pursuant to O.A.C. 4901-1-12(C). All Joint Movants support this modification of the procedural schedule and the request for an expedited ruling.

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<sup>1</sup> The January 25, 2022 deadline for "testimony on behalf of Duke" was only "[i]f no stipulation is submitted." Entry, p. 5 (December 22, 2021).

Respectfully submitted,

**Duke Energy Ohio, Inc.**

By: /s/ Larisa M. Vaysman

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Willing to accept service via email

*Attorneys for Duke Energy Ohio, Inc.*

**The Staff of the Public Utilities Commission of Ohio**

By: /s/ Kyle L. Kern

[per email authorization LMV 2/11/2022]

**The Office of the Ohio Consumers' Counsel**

By: /s/ Amy Botschner O'Brien

[per email authorization LMV 2/11/2022]

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**Case No(s). 20-1205-EL-RDR**

Summary: Motion Duke Energy Ohio, Inc.'s Joint Motion to Modify the Procedural  
Schedule & Request for Expedited Ruling electronically filed by Mrs. Debbie L.  
Gates on behalf of Duke Energy Ohio Inc. and D'Ascenzo, Rocco O. Mr. and  
Vaysman, Larisa