

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of)	
Duke Energy Ohio, Inc., for an)	Case No. 21-887-EL-AIR
Increase in Electric Distribution Rates.)	

In the Matter of the Application of)	
Duke Energy Ohio, Inc., for Tariff)	Case No. 21-888-EL-ATA
Approval.)	

In the Matter of the Application of)	
Duke Energy Ohio, Inc., for Approval)	Case No. 21-889-EL-AAM
To Change Accounting Methods.)	

**MOTION TO ALLOW DUKE’S CONSUMERS TO PARTICIPATE VIRTUALLY
IN THE PUCO’S LOCAL PUBLIC HEARINGS ON DUKE’S PROPOSED RATE
INCREASE
AND
REQUEST FOR EXPEDITED RULING
BY
OFFICE OF THE OHIO CONSUMERS’ COUNSEL**

It is important that the public have their voices heard by their state government (the PUCO). As required by R.C. 4903.083, consumers are to be invited to participate in the PUCO’s rate increase process by having local public hearings.

The state, country, and world are emerging from a once-in-a-century pandemic. Many are still concerned about being in public gatherings. The Attorney Examiner has not yet set the dates for the in-person local public hearings in Duke’s service area required by R.C. 4903.083. OCC respectfully requests that in addition to the in-person public hearing(s), yet to be scheduled, consumers should have the option to participate in virtual public hearings as well.

Ohio consumers should be given this courtesy and consideration for their safety by the PUCO. Consumers should be allowed to provide oral testimony remotely. The

PUCO has conducted numerous evidentiary hearings remotely during the pandemic, including public hearings in rate cases.¹ Consumers wishing to safely appear at local public hearings deserve the same consideration.

The Office of the Ohio Consumers' Counsel ("OCC") is concerned that some consumers may still feel at risk coming out of the coronavirus pandemic and appearing in person at what might be a crowded local public hearing to voice their concerns about Duke's request to significantly increase the rates that they pay. OCC is also concerned that with the current price of gasoline approaching and exceeding \$5/gallon in some areas,² low income consumers may not be able to afford to travel to attend an in person hearing. Accordingly, OCC requests that the PUCO webcast the local public hearing(s) once they are scheduled. OCC further requests that the PUCO set two additional virtual public hearings where consumers may remotely testify regarding Duke's proposed rate increase (via WebEx, Microsoft Teams, Zoom, or a similar platform). Allowing remote testimony would help satisfy the intent of R.C. 4903.083, which is for the PUCO to provide a legal process for consumers to be heard on important utility issues.

Further, under O.A.C. 4901-1-12(C), OCC asks that the PUCO issue an expedited ruling so that there is plenty of time to accommodate the virtual hearings. The reasons for this motion are explained more fully in the attached memorandum in support.

¹ See e.g. *In the Matter of the Application of the Dayton Power & Light Company to Increase its Rates for Electric Distribution*, Case No. 20-1651-EL-AIR et al.; and *In the Matter of the Application of Ohio Power Company for an Increase in Electric Distribution Rates*, Case No. 20-585-EL-AIR.

² Jennifer Baker, *Gas prices soar over \$5 a gallon in parts of Greater Cincinnati*, Fox19 (Published June 6, 2022, at 6:45am, Updated June 6, 2022, at 7:04 am), <https://www.fox19.com/2022/06/06/gas-prices-soar-over-5-gallon-parts-cincinnati-area/>.

Respectfully submitted,

Bruce Weston (0016973)
Ohio Consumers' Counsel

/s/ Angela D. O'Brien
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**MEMORANDUM IN SUPPORT
BY
OFFICE OF THE OHIO CONSUMERS' COUNSEL**

R.C. 4903.083 requires the PUCO to hold at least one local public hearing in a base distribution rate case so that consumers have an opportunity to directly interact with the PUCO and share their opinions regarding the utility's proposal. Here, the opportunity for consumers to be heard is particularly important, given that Duke has asked for a \$53.7 million rate increase³ – which consumers will pay.

OCC is concerned that consumer participation could be negatively impacted given continuing concerns among Ohioans about attending public gatherings in person. Although we seem to be emerging from the coronavirus pandemic, consumers may still face the potential risk from exposure to the coronavirus, that may cause hospitalizations, and deaths. Additionally, OCC is concerned that with the current price of gasoline

³ Application at Schedule E-4, pages 1-2.

approaching and exceeding \$5/gallon in some areas,⁴ low income consumers in Duke's service territory may not be able to afford to travel to attend an in person hearing.

Ohio consumer witnesses should be given the courtesy and consideration for their safety by the PUCO. Virtual public hearings are also beneficial for consumers who may have limited transportation options or other reasons that affect their ability to travel (such as the surging price of gas). The PUCO has conducted numerous evidentiary hearings remotely during the pandemic, and consumers wishing to safely appear at local public hearings deserve the same consideration. Very recently, in-person evidentiary hearings involving Duke had to be continued and conducted virtually due to a COVID-19 exposure.⁵ The PUCO also held virtual public hearings in AEP's and DP&L's most recent rate cases.⁶ Consumers should be allowed to provide oral testimony remotely in this case as well.

It is true that consumers have other ways to express their opinions regarding the case. They can call the PUCO, write the PUCO by mail, or submit comments on the PUCO's website. But these are not a substitute for personally appearing before PUCO commissioners and attorney examiners to present testimony. Requiring consumers to appear in person without any remote option, is unreasonable under the current circumstances. This is especially so where many remote business practices continue as a courtesy to protect people's health.

⁴ Jennifer Baker, *Gas prices soar over \$5 a gallon in parts of Greater Cincinnati*, Fox19 (Published June 6, 2022, at 6:45am, Updated June 6, 2022, at 7:04 am), <https://www.fox19.com/2022/06/06/gas-prices-soar-over-5-gallon-parts-cincinnati-area/>.

⁵ See *In the Matter of the Review of the Reconciliation Rider of Duke Energy Ohio, Inc.*, Case No. 20-167-EL-RDR, May 25, 2022 Tr. Vol. I, at 6:7-11.

⁶ See *supra* note 1.

Finally, because the Attorney Examiner will likely be scheduling the local public hearing(s) very soon—there is good cause to grant this motion on an expedited basis under O.A.C. 4901-1-12(C). OCC cannot certify that no party opposes the request for expedited treatment.

For the reasons set forth herein, OCC respectfully requests that the PUCO grant this motion.

Respectfully submitted,

Bruce Weston (0016973)
Ohio Consumers' Counsel

/s/ Angela D. O'Brien
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CERTIFICATE OF SERVICE

I hereby certify that a copy of this Motion was served on the persons stated below via electronic transmission, this 9th day of June 2022.

/s/ Angela D. O'Brien
Angela D. O'Brien
Assistant Consumers' Counsel

The PUCO's e-filing system will electronically serve notice of the filing of this document on the following parties:

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Summary: Motion Motion to Allow Duke's Consumers to Participate Virtually in the PUCO's Local Public Hearings on Duke's Proposed Rate Increase and Request for Expedited Ruling by Office of The Ohio Consumers' Counsel electronically filed by Mrs. Tracy J. Greene on behalf of O'Brien, Angela D