

THE PUBLIC UTILITIES COMMISSION OF OHIO

**IN THE MATTER OF THE APPLICATION OF
DUKE ENERGY OHIO, INC., FOR AN
INCREASE IN ITS ELECTRIC
DISTRIBUTION RATES.**

CASE NO. 21-887-EL-AIR

**IN THE MATTER OF THE APPLICATION OF
DUKE ENERGY OHIO, INC., FOR TARIFF
APPROVAL.**

CASE NO. 21-888-EL-ATA

**IN THE MATTER OF THE APPLICATION OF
DUKE ENERGY OHIO, INC., FOR
APPROVAL TO CHANGE ACCOUNTING
METHODS.**

CASE NO. 21-889-EL-AAM

ENTRY

Entered in the Journal on August 26, 2022

{¶ 1} Duke Energy Ohio, Inc. (Duke) is an electric light company and public utility as defined by R.C. 4905.03(C) and R.C. 4905.02, respectively. As such, Duke is subject to the Commission's jurisdiction pursuant to R.C. 4905.04, 4905.05, and 4905.06.

{¶ 2} On October 1, 2021, Duke filed an application for an increase in electric distribution rates, for approval of tariff modifications, and for approval to changes in certain accounting methods.

{¶ 3} The Commission has caused an investigation to be made of the facts set forth in the rate increase application by Duke, the exhibits attached thereto, and other matters connected with the application.

{¶ 4} On May 19, 2022, Staff filed a written report of its investigation (Staff Report). Copies of the Staff Report were mailed to Duke and other persons deemed to be interested in the case.

{¶ 5} By Entry issued May 20, 2022, the attorney examiner set forth the procedural schedule for this matter whereby all objections to the Staff Report were to be filed within 30 days after the filing of the Staff Report; motions to strike objections were to be filed by June

30, 2022; memoranda contra motions to strike objections were to be filed by July 8, 2022; motions to intervene were to be filed by June 21, 2022; pre-filed testimony was to be filed pursuant to Ohio Adm.Code 4901-1-29; the prehearing conference was scheduled for June 28, 2022; and, the evidentiary hearing was scheduled to commence on August 9, 2022.

{¶ 6} On May 27, 2022, Duke filed an unopposed motion to modify the procedural schedule and a request for expedited ruling, noting the current press of regulatory activity for the parties involved and potential conflicts of several intervenors with the current hearing date as reasons for the continuance request.

{¶ 7} By Entry issued June 9, 2022, the attorney examiner granted Duke's motion and directed all pre-filed testimony in this proceeding to be filed by July 8, 2022. The attorney examiner also noted that the remainder of the procedural schedule would remain the same and that the potential for a new evidentiary hearing date would be discussed at the June 28, 2022 prehearing conference.

{¶ 8} The prehearing conference was held, as scheduled, on June 28, 2022, at the Commission's offices. Among other things, the parties and attorney examiners discussed a new hearing date, a new deadline for Duke to file supplemental testimony and for Staff and intervenors to file testimony, and the potential for a rebuttal testimony deadline.

{¶ 9} By Entry issued June 30, 2022, the attorney examiner rescheduled the hearing to commence on September 19, 2022; set August 18, 2022, as the deadline for Duke to file supplemental testimony and for Staff and intervenors to file testimony; and, set September 1, 2022, as the deadline for any party to file rebuttal testimony.

{¶ 10} On August 9, 2022, Duke filed an unopposed motion to modify the procedural schedule and a request for expedited ruling. In support of its motion, Duke stated that it desires more time to continue settlement discussions and that it believes modifying the procedural schedule will ease the time burden associated with the current testimony deadlines, providing more time to engage in these discussions. Duke requested that the

deadline for intervenors to file testimony be extended to August 26, 2022, and the deadline for any party to file rebuttal testimony be extended to September 9, 2022. According to Duke, it would still file its supplemental testimony by August 18, 2022. Duke asserted that no parties objected to the additional time requested or the request for expedited treatment.

{¶ 11} By Entry issued on August 10, 2022, the attorney examiner granted Duke's motion. A new procedural schedule was adopted wherein Duke's supplemental testimony is due August 18, 2022, intervenor testimony is due August 26, 2022, and any rebuttal testimony is due by September 9, 2022.

{¶ 12} On August 11, 2022, Staff filed a motion requesting a deadline for Staff testimony. Staff requested a deadline of September 12, 2022.

{¶ 13} By Entry issued August 12, 2022, the attorney examiner granted the motion, directing Staff to file all direct testimony by September 12, 2022.

{¶ 14} On August 25, 2022, Duke filed a motion to modify the procedural schedule and a request for expedited ruling. Duke is requesting that the August 26, 2022 deadline for intervenors to file direct testimony be extended to August 31, 2022, to allow the parties additional time to engage in settlement discussions. Duke states that it is not requesting any other changes to the procedural schedule and intends to proceed with the evidentiary hearing scheduled to commence on September 19, 2022. Duke avers that no party opposes the above request.

{¶ 15} Upon review of the filing, the attorney examiner finds the motion reasonable and, therefore, grants it. Accordingly, the deadline for intervenors to file direct testimony shall be August 31, 2022. The remainder of the procedural schedule shall remain unchanged.

{¶ 16} It is, therefore,

{¶ 17} ORDERED, That Duke's unopposed motion to modify the procedural schedule be granted. It is, further,

{¶ 18} ORDERED, That the procedural schedule be modified, consistent with Paragraph 15. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/ Matthew J. Sandor

By: Matthew J. Sandor
Attorney Examiner

MJA/mef

**This foregoing document was electronically filed with the Public Utilities
Commission of Ohio Docketing Information System on**

8/26/2022 9:26:14 AM

in

Case No(s). 21-0887-EL-AIR, 21-0888-EL-ATA, 21-0889-EL-AAM

Summary: Attorney Examiner Entry granting the motion to modify the procedural schedule and setting the deadline for intervenors to file testimony as August 31, 2022, accordingly electronically filed by Ms. Mary E. Fischer on behalf of Matthew J. Sandor, Attorney Examiner, Public Utilities Commission of Ohio