

## THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE APPLICATION OF  
DUKE ENERGY OHIO, INC., FOR APPROVAL  
OF A GENERAL EXEMPTION OF CERTAIN  
NATURAL GAS COMMODITY SALES  
SERVICES OR ANCILLARY SERVICES.

CASE No. 21-903-GA-EXM

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

CASE No. 21-904-GA-ATA

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

CASE No. 21-905-GA-AAM

### ENTRY

Entered in the Journal on September 16, 2022

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

{¶ 2} R.C. 4929.04 permits a natural gas company to request an exemption from certain provisions of the Ohio Revised Code, governing the company's commodity sales services and ancillary services. Further, Ohio Adm.Code 4901:1-19-03 governs the filing requirements for exemption applications filed pursuant to R.C. 4929.04.

{¶ 3} On April 20, 2022, the Commission approved the Stipulation and Recommendation (Stipulation) filed in Case No. 14-375-GA-RDR, et al., *In re the Application of Duke Energy Ohio, Inc.*, Case No. 14-375-GA-RDR, et al., Opinion and Order (Apr. 20, 2022). The Stipulation, among other things, required Duke to file an application to transition from its gas cost recovery process to a natural gas auction in the form of a standard service offer (SSO) and also required such application to consist of certain components, as outlined in the Stipulation.

{¶ 4} On April 27, 2022, Duke filed an application pursuant to R.C. 4929.04, Ohio Adm.Code 4901:1-19-03, and the Stipulation for approval of a general exemption of certain natural gas commodity sales services or ancillary services contained in the Ohio Revised Code. Additionally, Duke requests approval of several proposed riders pursuant to R.C. 4929.11, specifically SSO Rider, SSO Rate, SSO Cost Reconciliation Rider (Rider SSOCR), SSO Service, and Auction Transition Cost Rider (Rider ATC). Further, Duke requests approval of all applicable accounting authority necessary to implement Rider SSOCR and Rider ATC pursuant to R.C. 4905.13. Duke also requests approval of a bill format change, pursuant to Ohio Adm.Code 4901:1-13-11(D), for natural gas customers to include a price-to-compare message, which it believes is consistent with the existing message for electric customers.

{¶ 5} On June 14, 2022, Commission Staff filed correspondence within which it stated that Duke's application is in compliance with the filing requirements of Ohio Adm.Code 4901:1-19-03. By Entry issued on June 16, 2022, the attorney examiner accepted Duke's application as filed.

{¶ 6} On June 16, 2022, the attorney examiner issued an Entry directing motions to intervene to be filed by July 8, 2022; discovery requests (except as to notices of deposition) be sent by August 17, 2022; Staff and intervenor direct testimony be filed by September 7, 2022; and the evidentiary hearing be held on September 20, 2022.

{¶ 7} Interstate Gas Supply, Inc. (IGS), Retail Energy Supply Association (RESA), Spire Marketing, Inc. (Spire), and Ohio Consumers' Counsel (OCC) filed motions to intervene on April 26, 2022, May 5, 2022, May 23, 2022, and June 29, 2022, respectively. No memoranda contra these motions were filed. The attorney examiner finds these motions reasonable and, therefore, grants the motions to intervene filed by IGS, RESA, Spire, and OCC.

{¶ 8} On August 2, 2022, the attorney examiner granted Duke's June 30, 2022 motion for a continuance of the evidentiary hearing. The evidentiary hearing was rescheduled for

September 27, 2022, to be held at the Commission's offices. The attorney examiner also found it reasonable to keep the remainder of the procedural schedule unchanged.

{¶ 9} By Entry issued August 29, 2022, the attorney examiner directed Duke to publish legal notice of the application and hearing in a newspaper of general circulation in all of the affected service territory once a week for two consecutive weeks prior to the scheduled date of the hearing.

{¶ 10} On September 7, 2022, direct testimony was prefiled by IGS, RESA, OCC, and Staff.

{¶ 11} On September 15, 2022, Duke filed an unopposed motion for continuance of the evidentiary hearing and a request for expedited ruling. In its motion, Duke requests an extension of the evidentiary hearing to November 9, 2022. Duke asserts that good cause exists to the grant its request for an extension to facilitate settlement discussions that could lead to settlement on some or all of the issues and to accommodate witness availability issues caused by a medical issue. Duke states that one of its witnesses is unavailable due to a medical issue until September 27, 2022, which would prevent the deposition of that witness prior to hearing for reasons outside of the parties' control. Additionally, Duke states that, in compliance with the August 29, 2022 Entry, it began publishing notice of its application and the hearing in newspapers of general circulation with the intention of publishing second notices between September 21-25, 2022. Since the public has already been notified about the September 27, 2022 hearing date, Duke requests that the Commission call the hearing on September 27, 2022 and then immediately continue the hearing to November 9, 2022. Duke also certifies that no party indicated its opposition to the proposed continuance and to the request for an expedited ruling.

{¶ 12} Upon review of the filing, the attorney examiner finds that good cause has been stated and grants the motion. Considering Duke has begun publishing notice of the September 27, 2022 evidentiary hearing date, the attorney examiner finds it appropriate to still call the September 27, 2022 evidentiary hearing but then continue it to November 9,

2022. The evidentiary hearing will be reconvened on November 9, 2022, at 10:00 a.m. in Hearing Room 11-A at the offices of the Commission, 180 East Broad Street, 11th Floor, Columbus, Ohio 43215.

{¶ 13} It is, therefore,

{¶ 14} ORDERED, That the motions to intervene filed by IGS, RESA, Spire, and OCC be granted, consistent with Paragraph 7. It is, further,

{¶ 15} ORDERED, That the September 27, 2022 evidentiary hearing be converted to a call and continue hearing and that the hearing reconvene on November 9, 2022, as stated in Paragraph 12. It is, further,

{¶ 16} 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

NJW/dmh

**This foregoing document was electronically filed with the Public Utilities  
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**Case No(s). 21-0903-GA-EXM, 21-0904-GA-ATA, 21-0905-GA-AAM**

Summary: Attorney Examiner Entry ordering that the motions to intervene filed by IGS, RESA, Spire, and OCC be granted, consistent with Paragraph 7; that the September 27, 2022 evidentiary hearing be converted to a call and continue hearing and that the hearing reconvene on November 9, 2022, at 10:00 a.m. in Hearing Room 11-A at the offices of the Commission electronically filed by Ms. Donielle M. Hunter on behalf of Matthew J. Sandor, Attorney Examiner, Public Utilities Commission of Ohio