

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE APPLICATION OF
DUKE ENERGY OHIO, INC., FOR AN
INCREASE IN ITS NATURAL GAS RATES.

CASE NO. 22-507-GA-AIR

IN THE MATTER OF THE APPLICATION OF
DUKE ENERGY OHIO, INC., FOR
APPROVAL OF AN ALTERNATIVE FORM OF
REGULATION.

CASE NO. 22-508-GA-ALT

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

CASE NO. 22-509-GA-ATA

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

CASE NO. 22-510-GA-AAM

ENTRY

Entered in the Journal on October 19, 2022

I. SUMMARY

{¶ 1} The Commission accepts for filing an application for an increase in rates filed by Duke Energy Ohio, Inc., as of June 30, 2022, and directs that legal notice of the application be published in the non-legal notice section of applicable newspapers.

II. DISCUSSION

{¶ 2} Duke Energy Ohio, Inc. (Duke) is a natural gas company as defined by R.C. 4905.03(E) and a public utility as defined by R.C. 4905.02 and, as such, is subject to the jurisdiction of this Commission pursuant to R.C. 4905.04, 4905.05, and 4905.06.

{¶ 3} The fixation of rates for public utilities in the state of Ohio is governed by R.C. Chapter 4909. The statutory requirements for an application to increase a public utility's rates are enumerated in R.C. 4909.17, 4909.18, 4909.19, and 4909.43. Also, pursuant to R.C. 4901.13, 4909.04(C), and 4909.18, the Commission adopted Ohio Adm.Code 4901-7-01 and its Appendix, Standard Filing Requirements (SFR). The SFR specifies the format for filing

all information required in an application for an increase in rates and define the information that the Commission requires pursuant to R.C. 4909.18(E).

{¶ 4} Further, pursuant to R.C. 4929.05(A), a natural gas company may request approval of an alternative rate plan by filing an application to establish or change a rate under R.C. 4909.18.

{¶ 5} On May 31, 2022, Duke filed a notice of intent to file an application for an increase in rates, pursuant to R.C. 4909.43(B) and in compliance with Ohio Adm.Code 4901-7-01, Appendix A, Chapter I of the Commission's SFR. Concurrently, Duke also filed a motion to set a test period and date certain, and for a waiver of certain filing requirements. Duke filed an amended version of this motion on June 2, 2022.

{¶ 6} By Entry on June 29, 2022, the Commission granted Duke's request to use the twelve months beginning January 1, 2022, and ending December 31, 2022, as the test year for the filing, and March 31, 2022, as the date certain for determining rate base. The Commission additionally granted certain waivers of the Commission's SFR.

{¶ 7} On June 30, 2022, Duke filed its application for an increase in rates and an application for an alternative rate plan.

{¶ 8} In accordance with the SFR, Staff is to inform the applicant within 30 days of the filing of the application of an alternative rate plan as to whether the application is in technical compliance. If Staff finds the application is in compliance, the applicant is to file its response to Staff within 15 days of receiving Staff's letter. Thereafter, consistent with Ohio Adm.Code 4901:1-19-07(B), the Commission is to issue an entry within 60 days of the filing of the application indicating whether the application has complied with the filing requirements. Similar deadlines are required for alternative rate plans filed pursuant to Ohio Adm.Code 4901:1-19-07(A).

{¶ 9} On August 26, 2022, pursuant to Ohio Adm.Code 4901-1-12(C), Staff filed a motion for waiver of the deadlines described above and a request for expedited treatment.

Staff asked that the deadline be extended until September 9, 2022. Staff asserted that no party opposed the request.

{¶ 10} By Entry issued August 29, 2022, the attorney examiner granted Staff's motion and directed Staff to file its letter by September 9, 2022, and Duke to file any response it may have within 15 days of Staff's submission. The attorney examiner also noted that, since these adjusted deadlines will surpass the Commission's 60-day window to issue an entry as to whether the applications are in compliance, the Commission's opportunity to respond will be extended such that a response should be issued within 45 days after Staff issues its letter. Thereafter, consistent with the SFR and Ohio Adm.Code 4901:1-19-07(B), if the Commission does not direct otherwise, the applications will be considered in compliance with the filing requirements and as having been filed as of the date of the original docketing of the applications.

{¶ 11} On September 8, 2022, Duke filed an addendum to its application.

{¶ 12} On September 9, 2022, Staff filed correspondence in the docket, noting that Duke's application filed on June 30, 2022, is in technical compliance with the SFR for rate increases in Ohio Adm.Code 4901-7-01, Appendix A. Further, Staff states that Duke's application filed on June 30, 2022, as supplemented by an addendum filed on September 8, 2022, is in technical compliance with the SFR for alternative rate plan applications in Ohio Adm.Code 4901:1-19-06. Staff recommends that the Commission find that the applications related to Case Nos. 22-507-GA-AIR and 22-508-GA-ALT comply with the SFR and Ohio Administrative Code.

{¶ 13} Duke did not file a response to Staff's correspondence.

{¶ 14} The Commission finds that Duke's application for an increase in rates and application for an alternative rate plan meet the requirements of R.C. 4909.17 to 4909.19, the SFR, and Ohio Adm.Code 4901:1-9-06. Accordingly, the Commission finds that the applications shall be accepted as of the filing date of June 30, 2022.

{¶ 15} The Commission further finds that Duke's proposed notice for publication, set forth in the application as Schedule S-3, complies with R.C. 4909.19 and the SFR and should be approved. Duke shall begin publication of the newspaper notice, pursuant to R.C. 4909.19, within 30 days of the date of this Entry; such notice shall not appear in the legal notices section of the applicable newspaper.

III. ORDER

{¶ 16} It is, therefore,

{¶ 17} ORDERED, That Duke's applications for an increase in rates and for an alternative rate plan shall be accepted as filed as of June 30, 2022. It is, further,

{¶ 18} ORDERED, That the proposed newspaper notice submitted by Duke be approved for publication. It is, further,

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

COMMISSIONERS:

Approving:

Jenifer French, Chair

M. Beth Trombold

Lawrence K. Friedeman

Daniel R. Conway

Dennis P. Deters

MJS/dmh

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in

Case No(s). 22-0507-GA-AIR, 22-0508-GA-ALT, 22-0509-GA-ATA, 22-0510-GA-AAM

Summary: Entry accepting for filing an application for an increase in rates filed by Duke Energy Ohio, Inc., as of June 30, 2022, and directing that legal notice of the application be published in the non-legal notice section of applicable newspapers. electronically filed by Ms. Mary E. Fischer on behalf of Public Utilities Commission of Ohio