

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 December 22, 2022

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

{¶ 2} 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). These Standard Filing Requirements specify 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).

{¶ 3} 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.

{¶ 4} On May 31, 2022, Duke filed notice of its intent to file an application for an increase in rates, in accordance with Ohio Adm.Code 4901-7-01, Appendix A, Chapter I(B), and an application for approval of an alternative rate plan, pursuant to Ohio Adm.Code 4901:1-19-06(A).

{¶ 5} Also, on May 31, 2022, as amended on June 2, 2022, Duke filed a motion to establish a test year and date certain and for waiver of certain filing requirements pursuant to R.C. 4909.15(C), Ohio Adm.Code 4901-7-01, and 4901:1-19-02(D), respectively. By Entry issued June 29, 2022, the Commission approved the test year and date certain and granted the requested waiver of specified Standard Filing Requirements.

{¶ 6} On June 30, 2022, as amended on September 8, 2022, Duke filed a combined application to increase rates and charges and for approval of an alternative rate plan pursuant to R.C. 4909.18 and R.C. 4929.05, respectively.

{¶ 7} On September 9, 2022, Staff filed a letter stating that Duke's application complies with the Standard Filing Requirements found in Ohio Adm.Code 4901-7-01, Appendix A, and Ohio Adm.Code 4901:1-19-06.

{¶ 8} By Entry dated October 19, 2022, the Commission found that Duke's application for an increase in rates and for an alternative rate plan be accepted for filing as of June 30, 2022.

{¶ 9} Staff conducted an investigation of the facts, exhibits, and matters relating to Duke's applications. On December 21, 2022, Staff filed a comprehensive written report of its investigation (Staff Report) in the above-captioned case dockets.

{¶ 10} Pursuant to R.C. 4909.19 and Ohio Adm.Code 4901-1-28(B), with regard to any application for an increase in rates under R.C. 4909.18, all objections to a Staff Report must be filed within 30 days after the filing of such report. All objections must be specific; any objection that lacks the specificity required to convey what is actually being placed at issue will be stricken pursuant to Ohio Adm.Code 4901-1-28(B). Similarly, in alternative rate plan proceedings, objections to a Staff Report must be filed within 30 days after the filing of the report, must be specific, and must explain how the objected-to portions of the Staff Report and/or application are unjust and unreasonable. Ohio Adm.Code 4901:1-19-07(F).

{¶ 11} Motions to strike objections should be filed by January 30, 2023, and memoranda contra motions to strike objections should be filed by February 6, 2023. Unless an objection is struck or withdrawn, each objection must be discussed in the initial post-hearing brief of the objecting party. If the objection is not discussed in the initial brief, the objection will be deemed withdrawn without further action.

{¶ 12} Motions to intervene should be filed by January 20, 2023.

{¶ 13} Pre-filed testimony should be filed pursuant to Ohio Adm.Code 4901-1-29.

{¶ 14} A prehearing conference will be held on February 16, 2023, at 10:00 a.m. in Hearing Room 11-A at the offices of the Commission, 180 East Broad Street, 11th Floor, Columbus, Ohio 43215-3793. The purpose of the conference will be to discuss procedural aspects of the case and to provide an opportunity for the parties to conduct settlement discussions.

{¶ 15} The evidentiary hearing will commence on March 28, 2023, at 10:00 a.m., in Hearing Room 11-A at the offices of the Commission, 180 East Broad Street, 11th Floor, Columbus, Ohio 43215-3793. The parties should register at the lobby desk and then proceed to the 11th floor to participate in the hearing.

{¶ 16} Any accommodations necessary to ensure availability of social distancing and plexiglass dividers should be made in advance of the hearing. As pandemic restrictions are evolving, additional instructions regarding further safety requirements or accommodations for the hearing room will be forthcoming, either posted on the Commission's website or communicated to the parties.

{¶ 17} The local public hearings will be scheduled, and publication required, by subsequent entry.

{¶ 18} It is, therefore,

{¶ 19} ORDERED, That the prehearing conference in these cases be scheduled for February 16, 2023, as stated in Paragraph 14. It is, further,

{¶ 20} ORDERED, That the evidentiary hearing in these cases be scheduled for March 28, 2023, as stated in Paragraph 15. It is, further,

{¶ 21} ORDERED, That all interested persons comply with the time frames established in Paragraphs 10, 11, 12, and 13. It is, further,

{¶ 22} 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

MLW/dmh

**This foregoing document was electronically filed with the Public Utilities
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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: Attorney Examiner Entry ordering that a prehearing conference will be held on February 16, 2023 at 10:00 a.m. at the offices of the Commission, 11th Floor, in Hearing Room 11-A and the evidentiary hearing will commence on March 28, 2023, at 10:00 a.m. at the offices of the Commission, 11th Floor, in Hearing Room 11-A electronically filed by Ms. Donielle M. Hunter on behalf of Matthew J. Sandor, Attorney Examiner, Public Utilities Commission of Ohio