

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of )  
Duke Energy Ohio, Inc., for an Increase ) Case No. 22-507-GA-AIR  
in Natural Gas Rates. )

In the Matter of the Application of )  
Duke Energy Ohio, Inc., for Approval ) Case No. 22-508-GA-ALT  
of an Alternative Form of Regulation. )

In the Matter of the Application of )  
Duke Energy Ohio, Inc., for Tariff ) Case No. 22-509-GA-ATA  
Approval. )

In the Matter of the Application of )  
Duke Energy Ohio, Inc., for Approval ) Case No. 22-510-GA-AAM  
to Change Accounting Methods. )

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**MOTION OF DUKE ENERGY OHIO, INC.,  
TO MODIFY THE PROCEDURAL SCHEDULE  
AND REQUEST FOR EXPEDITED RULING**

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Now comes Duke Energy Ohio, Inc. (Duke Energy Ohio or Company), by and through counsel, and hereby moves the Public Utilities Commission of Ohio (Commission), in accordance with Rule 4901-1-12(C), Ohio Administrative Code (O.A.C.), for an extension of the deadline to file testimony in the underlying matter. As the current procedural schedule dictates, the intervention deadline, Objections to the Staff Report, and supplemental testimony by Duke Energy Ohio and direct testimony by intervenors is due by no later than the date on which objections to the staff report are due, or, in this case, January 20, 2023. For the reasons outlined below, the

Company requests, and certain parties do not oppose, an extension for the filing of testimony supporting objections until February 28, 2023.<sup>1</sup>

Given the approaching nature of this deadline, the Company requests expedited treatment of this motion. For the reasons more fully set forth in the attached memorandum in support, Duke Energy Ohio respectfully requests that the Commission grant this motion on an expedited basis, pursuant to O.A.C. Rule 4901-1-12(C).

Respectfully submitted,

DUKE ENERGY OHIO, INC.

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<sup>1</sup> People Working Cooperatively (PWC), Interstate Gas Supply, Inc. (IGS), the Retail Energy Supply Association (RESA), the Staff of the Public Utilities Commission of Ohio (Staff), and the Ohio Energy Group (OEG) do not oppose the underlying motion. The Office of the Ohio Consumers' Counsel (OCC) has stated that it opposes this Motion.

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*Willing to accept service via email*

*Attorneys for Duke Energy Ohio, Inc.*

## MEMORANUDM IN SUPPORT

The procedural schedule in this proceeding is currently set to require the filing of supplemental testimony by Duke Energy Ohio and direct testimony by intervenors by no later than the date on which objections to the staff report are due—January 20, 2023. The Company proposes that this date for the filing of testimony be extended until February 28, 2023, an extension of five weeks. The current deadline for filing of objections would remain unchanged.

O.A.C. 4901-1-12(A) permits the extension of deadlines for good cause shown. Duke Energy Ohio seeks an extension of the current procedural schedule for two primary reasons: (1) the current press of regulatory activity in which the Company and several of the intervenors are involved, and (2) to allow time for meaningful settlement discussions prior to the Parties locking in their respective litigation positions via testimony.

As indicated above, a brief extension to the procedural schedule for submittal of testimony supporting objections to the Staff Report will allow parties to conduct settlement conferences in late January and early February, ahead of the revised testimony deadline, in order to determine on a timely basis if there is a possibility for settlement. If settlement discussions culminate in a stipulation and recommendation, then expert testimony in support of objections to the Staff Report and motions to strike those objections may not be necessary. More specifically, if a stipulation and recommendation is reached, parties will instead file testimony in support of the stipulation, and, if necessary, testimony opposing the stipulation. Duke Energy Ohio notes that the Commission has previously granted similar motions to provide time to engage in settlement discussions in other rate case proceedings.<sup>2</sup>

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<sup>2</sup> *In the Matter of the Application of Ohio Power Company for an Increase in Electric Distribution Rates*, Case Nos. 20-585-EL-AIR, et al., Entry at 3 (December 1, 2020); *In the Matter of the Application of Ohio Gas Company for an Increase in Gas Distribution Rates*, Case Nos. 17-1139-EL-AIR, et al., Entry at 2 (Dec. 14, 2017); *In the Matter of the Application of Duke Energy Ohio, Inc., for an Increase in its Electric*

As stated above, Duke Energy Ohio requests an extension of the due date for the filing of all testimony that is currently required to be filed with objections to the Staff Report, such that the referenced testimony would be due on February 28, 2023. Counsel has been contacted for all parties to this proceeding, and OCC is the only party that opposes this request for an extension. The Staff of the Public Utilities Commission, PWC, IGS, RESA, and OEG do not oppose. For the reasons set forth above, Duke Energy Ohio respectfully requests that the Commission expeditiously grant this motion.

Respectfully submitted,

DUKE ENERGY OHIO, INC.

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*Distribution Rates*, Case Nos. 17-32-EL-AIR, et al., Entry at 2 (Nov. 28, 2017). See also *In the Matter of the Application of Columbus Southern Power Company and Ohio Power Company, Individually and, if their Proposed Merger is Approved, as a Merged Company for an Increase in Electric Distribution Rates*, Case Nos. 11-351-EL-AIR, et al, Entry (Oct. 13, 2011) (granting a motion to extend the testimony deadline in AEP Ohio's previous distribution rate case).

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## CERTIFICATE OF SERVICE

The Public Utilities Commission of Ohio's e-filing system will electronically serve notice of the filing of this document on the parties referenced on the service list of the docket card who have electronically subscribed to the case. In addition, the undersigned hereby certifies that a copy of the foregoing document is also being served via electronic mail on the 17th day of January, 2023, upon the persons listed below.

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AAM**

Summary: Motion Motion of Duke Energy Ohio, Inc. To Modify The Procedural  
Schedule and Request For Expedited Ruling electronically filed by Mrs. Tammy M.  
Meyer on behalf of Duke Energy Ohio Inc. and D'Ascenzo, Rocco and Akhbari,  
Elyse Hanson and Kingery, Jeanne and Vaysman, Larisa and Brama, Elizabeth and  
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