

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

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

In the Matter of the Application of Duke)
Energy Ohio, Inc. for Approval of an) Case No. 22-508-GA-ALT
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 to Change) Case No. 22-510-GA-AAM
Accounting Methods.)

**MEMORANDUM CONTRA MOTION OF DUKE ENERGY OHIO, INC. TO
MODIFY THE PROCEDURAL SCHEDULE AND REQUEST FOR
EXPEDITED RULING
BY
OFFICE OF THE OHIO CONSUMERS' COUNSEL**

I. INTRODUCTION

As energy prices soar, Duke Energy Ohio, Inc. (“Duke”) is asking the PUCO to increase charges to consumers by \$48,745,468.¹ This would raise the amount that consumers pay for natural gas distribution service by approximately ten percent.² Under Duke’s Application, residential consumers could pay up to \$431.52 more in base rates.³

¹ PUCO Staff Report of Investigation (“Staff Report”), at 7, Schedule A-1.

² *Id.*

³ Case No. 22-507, Application, Schedule E-5 (showing dollar increases of \$0.67 to \$35.96 per month, per consumer, depending on usage).

This includes \$43.29 per month in fixed monthly charges, even if the consumer uses no gas at all in a certain month.⁴

Duke now asks the PUCO to modify the existing procedural schedule to delay the filing of intervenor testimony until February 28, 2023.⁵ For the reasons provided below, Duke's request should be denied. The PUCO should instead require parties to file testimony by January 25, 2023.

II. RECOMMENDATION

Duke has not shown "good cause" to delay filing of intervenor testimony, as O.A.C. 4901-1-12(A) requires for extension of deadlines. Duke contends that extending the deadline for testimony will "allow time for meaningful settlement discussions."⁶ To the contrary, delaying intervenor testimony by five additional weeks impedes potential settlement. Negotiating a resolution to this case requires parties to communicate about their interests openly, honestly, and without delay. The PUCO can facilitate this by requiring parties to file testimony that articulates in detail their positions on Duke's proposed rate hike.

Duke's proposal also risks that the parties will not have enough information to negotiate effectively until it is too late. The evidentiary hearing in this case is set for March 28, 2023.⁷ If the PUCO grants Duke's motion, parties would have barely one month between filing of testimony and hearing. By February 26, parties will have no

⁴ Staff Report at 35.

⁵ Duke's Motion to Modify the Procedural Schedule and Request for Expedited Ruling, at 2.

⁶ Duke's Motion to Modify the Procedural Schedule and Request for Expedited Ruling, at 4.

⁷ Case No. 22-507-GA-AIR, Entry (Dec. 22, 2023) at 3.

choice but to begin hearing preparation. This will make it harder to find time to effectively negotiate a settlement.

OCC has devoted considerable resources to meeting the PUCO's deadline for testimony and is prepared to file. To compromise, OCC proposes the PUCO modify the procedural schedule to move the deadline for intervenor testimony to January 25, 2023. This allows parties an additional week to prepare testimony without unnecessarily delaying this case and decreasing the chances that parties negotiate a resolution.

III. CONCLUSION

The PUCO should reject Duke's request to delay the filing of intervenor testimony until February 28, 2023. To allow parties adequate time to promptly negotiate a settlement to this case, the PUCO should require testimony to be filed by January 25, 2023.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of this Memorandum Contra Duke Energy Ohio, Inc.'s Motion to Modify the Procedural Schedule and Request for Expedited Ruling was served on the persons stated below via electronic transmission, this 19th day of January, 2023.

/s/ William J. Michael

William J. Michael

Assistant Consumers' Counsel

The PUCO's e-filing system will electronically serve notice of the filing of this document on the following parties:

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

Summary: Memorandum Memorandum Contra Motion of Duke Energy Ohio, Inc. to Modify the Procedural Schedule and Request for Expedited Ruling by Office of the Ohio Consumers' Counsel electronically filed by Mrs. Tracy J. Greene on behalf of Michael, William J.