

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 January 20, 2023

{¶ 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).

{¶ 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. Similarly, in alternative rate plan proceedings, objections to a Staff Report must be filed within 30 days after the filing of the report. Ohio Adm.Code 4901:1-19-07(F).

{¶ 11} On December 22, 2022, the attorney examiner established a procedural schedule. Among other directives, pre-filed testimony was to be filed consistent with Ohio Adm.Code 4901-1-29, which states direct testimony should be filed no later than the date objections to the Staff Report are due.

{¶ 12} On January 17, 2023, Duke filed a motion to extend the deadline for filing testimony in support of objections. Duke contends that parties are currently involved with other regulatory litigation and also could benefit from additional time to negotiate a potential settlement in these matters. According to Duke, all parties associated with this proceeding are in support of the request, except for Ohio Consumers' Counsel (OCC). Duke asks that the deadline for filing testimony be extended to February 28, 2023.

{¶ 13} OCC filed a memorandum contra the request on January 19, 2023. OCC asserts good cause does not exist to warrant granting an extension of the deadline. As described by OCC, delaying the filing of testimony will hinder negotiations, as it is important to know the positions of each party. Further, OCC states the proposed February 28, 2023 deadline leaves insufficient time to prepare for the scheduled hearing on March 28, 2023. OCC submits it does not object to a more modest extension of the deadline to January 25, 2023.

{¶ 14} Upon review, the attorney examiner finds good cause exists to extend the deadline for filing testimony. Accordingly, testimony will be due by February 24, 2023. Otherwise, the schedule established in the December 22, 2022 Entry will remain the same, including the current deadline for the filing of objections to the Staff Report.

{¶ 15} It is, therefore,

{¶ 16} ORDERED, That the deadline to file testimony be extended to February 24, 2023. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/Nicholas J. Walstra

By: Nicholas J. Walstra
Attorney Examiner

MJA/hac

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**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 the deadline to file testimony be extended to February 24, 2023 electronically filed by Heather A. Chilcote on behalf of Nicholas Walstra, Attorney Examiner, Public Utilities Commission