

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE APPLICATION OF
DUKE ENERGY OHIO, INC., FOR APPROVAL
OF A GENERAL EXEMPTION OF CERTAIN
NATURAL GAS COMMODITY SALES
SERVICES OR ANCILLARY SERVICES.

CASE NO. 21-903-GA-EXM

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

CASE NO. 21-904-GA-ATA

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

CASE NO. 21-905-GA-AAM

ENTRY

Entered in the Journal on February 6, 2023

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

{¶ 2} R.C. 4929.04 permits a natural gas company to request an exemption from certain provisions of the Ohio Revised Code, governing the company's commodity sales services and ancillary services. Further, Ohio Adm.Code 4901:1-19-03 governs the filing requirements for exemption applications filed pursuant to R.C. 4929.04.

{¶ 3} On April 20, 2022, the Commission approved the Stipulation and Recommendation (Stipulation) filed in Case No. 14-375-GA-RDR, et al., *In re the Application of Duke Energy Ohio, Inc.*, Case No. 14-375-GA-RDR, et al., Opinion and Order (Apr. 20, 2022). The Stipulation, among other things, required Duke to file an application to transition from its gas cost recovery process to a natural gas auction in the form of a standard service offer (SSO) and also required such application to consist of certain components, as outlined in the Stipulation.

{¶ 4} On April 27, 2022, Duke filed an application pursuant to R.C. 4929.04, Ohio Adm.Code 4901:1-19-03, and the Stipulation for approval of a general exemption of certain

natural gas commodity sales services or ancillary services contained in the Ohio Revised Code. Additionally, Duke requests approval of several proposed riders pursuant to R.C. 4929.11, specifically SSO Rider, SSO Rate, SSO Cost Reconciliation Rider (Rider SSOCR), SSO Service, and Auction Transition Cost Rider (Rider ATC). Further, Duke requests approval of all applicable accounting authority necessary to implement Rider SSOCR and Rider ATC pursuant to R.C. 4905.13. Duke also requests approval of a bill format change, pursuant to Ohio Adm.Code 4901:1-13-11(D), for natural gas customers to include a price-to-compare message, which it believes is consistent with the existing message for electric customers.

{¶ 5} On June 14, 2022, Commission Staff filed correspondence within which it stated that Duke's application is in compliance with the filing requirements of Ohio Adm.Code 4901:1-19-03. By Entry issued on June 16, 2022, the attorney examiner accepted Duke's application as filed.

{¶ 6} On June 16, 2022, the attorney examiner issued an Entry directing motions to intervene to be filed by July 8, 2022; discovery requests (except as to notices of deposition) be sent by August 17, 2022; Staff and intervenor direct testimony be filed by September 7, 2022; and the evidentiary hearing be held on September 20, 2022.

{¶ 7} Interstate Gas Supply, Inc. (IGS), Retail Energy Supply Association (RESA), Spire Marketing, Inc., and Ohio Consumers' Counsel (OCC) filed motions to intervene on April 26, 2022, May 5, 2022, May 23, 2022, and June 29, 2022, respectively. No memoranda contra these motions were filed. The attorney examiner granted the above motions to intervene by Entry issued September 16, 2022.

{¶ 8} On August 2, 2022, the attorney examiner granted Duke's June 30, 2022 motion for a continuance of the evidentiary hearing, rescheduling the hearing for September 27, 2022. The attorney examiner also found it reasonable to keep the remainder of the procedural schedule unchanged.

{¶ 9} On September 7, 2022, direct testimony was prefiled by IGS, RESA, OCC, and Staff.

{¶ 10} On September 15, 2022, November 2, 2022, and December 2, 2022, the attorney examiner issued Entries granting motions for continuance of the evidentiary hearing filed by Duke, with the most recent Entry rescheduling the evidentiary hearing for February 21, 2023.

{¶ 11} On February 2, 2023, Staff filed a motion for continuance of the evidentiary hearing and a request for expedited ruling. In its motion, Staff requests an extension of the evidentiary hearing to a date convenient to the attorney examiners but, in any event, no earlier than March 14, 2023. Staff asserts that good cause exists to grant its request for an extension since the parties have had productive settlement talks and that such an extension would facilitate further settlement discussions which could lead to a resolution of the issues in the case. Staff certifies that no party objects to the motion or to expedited consideration.

{¶ 12} Upon review of the filing, the attorney examiner finds that good cause has been stated and grants the motion. The evidentiary hearing will be continued from February 21, 2023, and rescheduled to reconvene on May 9, 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. In order to expedite this proceeding, if a stipulation is filed that is signed in one respect or another by all of the parties, then the attorney examiner may reschedule the hearing for a date earlier than May 9, 2023.

{¶ 13} It is, therefore,

{¶ 14} ORDERED, That Duke's motion for continuance of the evidentiary hearing be granted and that the hearing reconvene on May 9, 2023, as stated in Paragraph 12. It is, further,

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

/s/ Matthew J. Sandor

By: Matthew J. Sandor
Attorney Examiner

JRJ/dmh

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in

Case No(s). 21-0903-GA-EXM, 21-0904-GA-ATA, 21-0905-GA-AAM

Summary: Attorney Examiner Entry that the evidentiary hearing will be continued from February 21, 2023, and rescheduled to reconvene on May 9, 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 electronically filed by Ms. Donielle M. Hunter on behalf of Matthew J. Sandor, Attorney Examiner, Public Utilities Commission of Ohio