

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 February 24, 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). 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.

{¶ 3} 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). 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.

{¶ 4} 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.

{¶ 5} 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. 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.

{¶ 6} The Ohio Consumers' Counsel (OCC) filed a motion to intervene on June 14, 2022. Interstate Gas Supply, Inc. (IGS) filed a motion to intervene on July 6, 2022. Ohio Energy Group (OEG) filed a motion to intervene on August 3, 2022. Retail Energy Supply Association (RESA) filed a motion to intervene on November 28, 2022. People Working Cooperatively, Inc. (PWC) filed a motion to intervene on November 29, 2022. No memoranda contra these motions were filed. The attorney examiner finds that these motions to intervene are reasonable and, therefore, should be granted.

{¶ 7} 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).

{¶ 8} 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).

{¶ 9} 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 requires that direct testimony should be filed no later than the date objections to the Staff Report are due.

{¶ 10} On January 17, 2023, Duke filed a motion to extend the deadline for filing testimony. OCC filed a memorandum contra the request on January 19, 2023. By Entry issued on January 20, 2023, the attorney examiner granted the motion to extend the deadline for filing testimony, extending the filing deadline to February 24, 2023, and advising that the remaining procedural deadlines remained unchanged.

{¶ 11} On January 20, 2023, objections to the Staff Report were filed by various parties.

{¶ 12} By Entry issued on February 16, 2023, the attorney examiner scheduled local public hearings and directed Duke to publish notice of such hearings. The notice also included information about the evidentiary hearing.

{¶ 13} On February 23, 2023, RESA filed a motion for an extension of the deadline to file testimony, an extension of the hearing date, and a request for expedited ruling. RESA requests an extension for the above deadline and hearing date to allow additional time for settlement discussions, while also preparing for litigation. RESA states that the parties have met and discussed settlement and have a settlement conference scheduled for February 24, 2023. If a stipulation is reached, RESA asserts that parties would file testimony in support of the stipulation and, if necessary, testimony opposing it. RESA affirms that Duke, Staff, IGS, PWC, and OEG do not oppose the motion or request for expedited ruling, though indicates that OCC had not responded to RESA's inquiry by the time that it filed its motion.

{¶ 14} Upon review of the expedited motion and considering the imminent testimony filing deadline, the attorney examiner finds that good cause has been demonstrated and, therefore, it should be granted. The attorney examiner finds it appropriate to still call the March 28, 2023 evidentiary hearing as previously scheduled but then continue the hearing. The attorney examiner directs that the evidentiary hearing will reconvene on May 23, 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. Accordingly, testimony will be due by April 11, 2023.

{¶ 15} It is, therefore,

{¶ 16} ORDERED, That the motions to intervene filed by OCC, IGS, OEG, RESA, and PWC should be granted. It is, further,

{¶ 17} ORDERED, That the March 28, 2023 evidentiary hearing be converted to a call and continue and that the hearing reconvene on May 23, 2023, as stated in Paragraph 13. It is, further,

{¶ 18} ORDERED, That the deadline to file testimony be extended to April 11, 2023. It is, further,

{¶ 19} 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

JSA/dr

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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 that the motions to intervene filed by OCC, IGS, OEG, RESA, and PWC should be granted; that the March 28, 2023 evidentiary hearing be converted to a call and continue and that the hearing reconvene on May 23, 2023, at 10:00 am at the offices of the Commission, Hearing Room 11-A, 11th Floor, 180 East Broad Street, Columbus, Ohio; and that the deadline to file testimony be extended to April 11, 2023 electronically filed by Debbie S. Ryan on behalf of Matthew J. Sandor, Attorney Examiner, Public Utilities Commission of Ohio