

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of Duke Energy Ohio, Inc., for an Increase in 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
)	

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

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, supplemental testimony by Duke Energy Ohio and direct testimony by intervenors is due by April 11, 2023. For the reasons outlined below, the Company requests, and the intervening parties and Staff do not oppose, an extension for the filing of testimony supporting objections, until April 21, 2023.¹ It

¹ The Office of the Ohio Consumers' Counsel (OCC), 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.

should be noted that the parties to the underlying matter seek to maintain the May 23, 2023 hearing date for this case.

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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MEMORANDUM 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 April 11, 2023. The Company proposes that this date for the filing of testimony be extended until April 21, 2023, an extension of approximately ten days. The Company has reached out to all intervening parties and Staff regarding this change, and none of the parties oppose this Motion. Moreover, the parties do not seek to extend or change the currently set hearing date of May 23, 2023.

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 one primary reason: to allow the continuation of meaningful settlement discussions prior to the Parties locking in their respective litigation positions via testimony. The intervening parties and the Company have met many times in previous weeks and months, and additional time in which to attempt to reach concurrence among the parties would be beneficial to the status of the underlying case.

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 remaining settlement conferences and hopefully reach a deal in principle between some or all parties. 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 prior to the May 23, 2023 hearing date. 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.²

² *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 (Dec. 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 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*

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 on April 11, 2023, such that the referenced testimony would be due instead on April 21, 2023. Likewise, the parties endeavor, with only a ten day extension, to maintain the currently set May 23, 2023 hearing date in this case. Counsel has been contacted for all parties to this proceeding, and the parties do not oppose this request for an extension. For the reasons set forth above, Duke Energy Ohio respectfully requests that the Commission expeditiously grant this motion.

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).

Respectfully submitted,

DUKE ENERGY OHIO, INC.

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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 6th day of April, 2023, upon the persons listed below.

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

Summary: Motion Unopposed Motion of Duke Energy Ohio, Inc., to Modify the Procedural Schedule and Request for Expedited Ruling electronically filed by Ms. Emily Olive on behalf of Duke Energy Ohio and D'Ascenzo, Rocco O. Mr. and Kingery, Jeanne W. Ms. and Vaysman, Larisa M. Ms. and Akhbari, Elyse H. Ms. and Brama, Elizabeth M. Ms. and Verhalen, Kodi J. Ms..