

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 April 11, 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} On various dates, motions to intervene were filed by the Ohio Consumers' Counsel, Interstate Gas Supply, Inc., Ohio Energy Group, Retail Energy Supply Association, and People Working Cooperatively, Inc. No memoranda contra these motions were filed. By Entry dated February 24, 2023, the attorney examiner granted the motions to intervene.

{¶ 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} 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.

{¶ 13} By Entry issued February 24, 2023, the attorney examiner granted the motion, wherein the March 28, 2023 evidentiary hearing was converted to call-and-continue hearing, the evidentiary hearing was rescheduled for May 23, 2023, and the testimony deadline was extended to April 11, 2023.

{¶ 14} On April 6, 2023, Duke filed an unopposed motion to modify the procedural schedule and a request for expedited ruling. In its motion, Duke requests an extension of the testimony filing deadline to April 21, 2023, to allow parties to conduct remaining settlement conferences such that a potential deal in principle between some or all of the parties can be reached regarding the issues in the case. Duke notes that the parties currently do not request an extension of the May 23, 2023 hearing date. Further, Duke certifies that all parties have been contacted regarding this motion and that no party opposes this request for an extension.

{¶ 15} Upon review, the attorney examiner finds that good cause has been shown and that the unopposed motion to modify the procedural schedule should be granted. Therefore, the testimony filing deadline is extended to April 21, 2023. Further, the attorney examiner notes that May 23, 2023 hearing date remains unchanged.

{¶ 16} It is, therefore,

{¶ 17} ORDERED, That Duke's unopposed motion to modify the procedural schedule should be granted. It is, further,

{¶ 18} ORDERED, That the deadline to file testimony be extended to April 21, 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

PAS/dmh

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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 Duke's unopposed motion to modify the procedural schedule should be granted and that the deadline to file testimony be extended to April 21, 2023 electronically filed by Ms. Donielle M. Hunter on behalf of Matthew J. Sandor, Attorney Examiner, Public Utilities Commission of Ohio.