

**BEFORE THE
PUBLIC UTILITIES COMMISSION OF OHIO**

IN THE MATTER OF THE OVEC GENERATION)	
PURCHASE RIDER AUDITS REQUIRED BY R.C.)	
4928.148 FOR DUKE ENERGY OHIO, INC., THE)	
DAYTON POWER & LIGHT COMPANY, AND)	CASE NO. 21-0477-EL-RDR
AEP OHIO.)	

**CITIZENS' UTILITY BOARD OF OHIO & UNION OF CONCERNED SCIENTISTS
JOINT CORRESPONDENCE IN SUPPORT OF OHIO CONSUMERS' COUNSEL
INTERLOCUTORY APPEAL**

On April 12, 2023, the Office of Ohio Consumers' Counsel ("the OCC") filed an Interlocutory Appeal, Request for Certification to the PUCO Commissioners, and Application for review ("Interlocutory Appeal") in the above captioned proceeding. Filing pursuant to O.A.C. 4901-1-15, the OCC asks that the ruling by Attorney Examiner Davis on April 7, 2023 ordering only comments and reply comments be modified to allow an evidentiary hearing with ample discovery under R.C. 4903.082. Citizens' Utility Board of Ohio ("CUB") and Union of Concerned Scientists ("UCS") agree wholeheartedly with the OCC, and hereby submit this correspondence in support of the Interlocutory Appeal, and its conclusion that an evidentiary hearing is warranted. As intervenor in this case, CUB and UCS believe that breaking so sharply from with past precedent in a case that combines three utilities, covers over 2 million residential consumers, and represents one of the most insidious parts of H.B. 6 is highly inappropriate. Intervening parties representing residential, small business, big manufacturers, and environmental interests throughout Ohio stand to pay millions of dollars to subsidize the OVEC coal plants and the health and environmental impacts, and thus must be provided full due process in this proceeding to defend those interests.

As recent as in the 2018 and 2019 audits of the same OVEC subsidies for AEP and Duke
*See In the Matter of the Review of the Power Purchase Agreement Rider of the Ohio Power
Company for 2018 and 2019*, Case Nos. 18-1004-EL-RDR & 18-1759-EL-RDR (Oct. 5, 2021)
and *See also In the Matter of the Review of the Reconciliation Rider of Duke Energy Ohio, Inc.*,
Case No. 20-167-ELRDR, (Aug. 25, 2021), the Commission has seen it essential to hold
evidentiary hearings to allow a full and thorough analysis of the prudence of utility costs as it
relates to these coal plants. In the entry in this case setting only dates for comments, however,
neglected to provide any reasoning for deviating from the process used in the most recent cases
covering these very plants. We contend there is *no* reason for deviating from this precedent, and
in fact, the complexities of the present case (ex. the fact that this case covers three utilities and
the new LGR required under the corrupt HB6) necessitate a full evidentiary hearing process.

The three utilities who are the subject of the audits in this proceeding bear the burden of
defending the prudence of their costs incurred. CUB and UCS (as well as our fellow intervenors
and PUCO Staff, we presume) intend to provide expert witness testimony to analyze the costs
and the impact of certain decisions of the utilities. Therefore, CUB and UCS support the OCC's
Interlocutory Appeal, and urge the Commission to ensure a full procedural schedule in this case
that allows for ample discovery and an evidentiary hearing so that all parties may present and/or
defend their interests and ultimately the interests of the public.

April 14, 2023

Respectfully Submitted,

/s/ Trent Dougherty

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CERTIFICATE OF SERVICE

I hereby certify that a copy of this filing will be electronically served via the Public Utility Commission of Ohio's e-filing system on all parties referenced in the service list of the docket.

/s/ Trent Dougherty
Trent Dougherty

**This foregoing document was electronically filed with the Public Utilities
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4/14/2023 3:16:04 PM

in

Case No(s). 21-0477-EL-RDR

Summary: Correspondence Correspondence in Support of The OCC's Interlocutory Appeal by Citizens Utility Board of Ohio and Union of Concerned Scientists electronically filed by Mr. Trent A. Dougherty on behalf of Citizens Utility Board of Ohio and Union of Concerned Scientists.