

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Duke	)	
Energy Ohio, Inc., for Approval of a	)	Case No. 21-903-GA-EXM
General Exemption of Certain Natural Gas	)	
Commodity Sales Services or Ancillary	)	
Services.	)	

In the Matter of the Application of Duke	)	Case No. 21-904-GA-ATA
Energy Ohio, Inc. for Tariff Approval.	)	

In the Matter of the Application of Duke	)	Case No. 21-905-GA-AAM
Energy Ohio, Inc., for Approval to	)	
Change Accounting Methods.	)	

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**MEMORANDUM CONTRA DUKE’S MOTION FOR CONTINUANCE OF THE  
EVIDENTIARY HEARING  
BY  
OFFICE OF THE OHIO CONSUMERS’ COUNSEL**

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On June 16, 2023, Duke Energy Ohio, Inc. (“Duke”) filed a Motion for Continuance of the evidentiary hearing in this matter, currently scheduled to begin on June 26, 2023. For further settlement discussions, Duke requests that the evidentiary hearing be continued to “no earlier than August 21, 2023.”<sup>1</sup>

The Office of the Ohio Consumers’ Counsel (“OCC”) informed Duke’s counsel of OCC’s position. OCC wants the PUCO to also key the due date for any testimony opposing the settlement to the hearing date, and not to the date that a settlement is filed (if it is filed).

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<sup>1</sup> Duke Motion, at 1.

The due date for testimony on a settlement (if any) should *not precede the hearing date by more than two weeks*. Discovery (which currently is closed) should precede the testimony and hearing due dates.

OCC does not oppose Duke's requested dates to continue the evidentiary hearing date. But the PUCO should also establish the OCC-proposed due date for testimony and a discovery opportunity in the same PUCO scheduling Entry.

Respectfully submitted,

Bruce Weston (0016973)  
Ohio Consumers' Counsel

/s/ Angela D. O'Brien  
Angela D. O'Brien (0097579)  
Counsel of Record  
Deputy Consumers' Counsel  
William J. Michael (0070921)  
Connor D. Semple (0101102)  
Assistant Consumers' Counsel

**Office of the Ohio Consumers' Counsel**

65 East State Street, Suite 700  
Columbus, Ohio 43215-4213  
Telephone: [O'Brien]: (614) 466-9531  
Telephone: [Michael]: (614) 466-1291  
Telephone: [Semple]: (614) 466-9565  
[angela.obrien@occ.ohio.gov](mailto:angela.obrien@occ.ohio.gov)  
[william.michael@occ.ohio.gov](mailto:william.michael@occ.ohio.gov)  
[connor.semple@occ.ohio.gov](mailto:connor.semple@occ.ohio.gov)  
(willing to accept service by e-mail)

## **CERTIFICATE OF SERVICE**

I hereby certify that a copy of this Memorandum Contra Duke's Motion for Continuance of the Evidentiary Hearing was served on the persons stated below via electronic transmission, this 20<sup>th</sup> day of June 2023.

*/s/ Angela D. O'Brien*

Angela D. O'Brien

Deputy Consumers' Counsel

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### **SERVICE LIST**

[robert.eubanks@ohioAGO.gov](mailto:robert.eubanks@ohioAGO.gov)  
[rhiannon.plant@ohioAGO.gov](mailto:rhiannon.plant@ohioAGO.gov)  
[mjsettineri@vorys.com](mailto:mjsettineri@vorys.com)  
[glpetrucci@vorys.com](mailto:glpetrucci@vorys.com)  
[tjwhaling@vorys.com](mailto:tjwhaling@vorys.com)  
[Michael.nugent@igs.com](mailto:Michael.nugent@igs.com)  
[joe.oliker@igs.com](mailto:joe.oliker@igs.com)  
[Evan.betterton@igs.com](mailto:Evan.betterton@igs.com)  
[Stacie.cathcart@igs.com](mailto:Stacie.cathcart@igs.com)

[Rocco.dascenzo@duke-energy.com](mailto:Rocco.dascenzo@duke-energy.com)  
[Jeanne.kingery@duke-energy.com](mailto:Jeanne.kingery@duke-energy.com)  
[Larisa.vaysman@duke-energy.com](mailto:Larisa.vaysman@duke-energy.com)  
[Elyse.akhbari@duke-energy.com](mailto:Elyse.akhbari@duke-energy.com)  
[tallexander@beneschlaw.com](mailto:tallexander@beneschlaw.com)  
[mkeaney@beneschlaw.com](mailto:mkeaney@beneschlaw.com)  
[ssiewe@beneschlaw.com](mailto:ssiewe@beneschlaw.com)  
[dparram@bricker.com](mailto:dparram@bricker.com)

Attorney Examiner:

[matthew.sandor@puco.ohio.gov](mailto:matthew.sandor@puco.ohio.gov)  
[nicholas.walstra@puco.ohio.gov](mailto:nicholas.walstra@puco.ohio.gov)

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Summary: Memorandum Memorandum Contra Duke's Motion for Continuance of the Evidentiary Hearing by Office of the Ohio Consumers' Counsel electronically filed by Ms. Alana M. Noward on behalf of O'Brien, Angela D..