

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Duke)
Energy Ohio, Inc., to Adjust and Set Rider) Case No. 23-0126-EL-RDR
DSR.)
) Case No. 23-281-EL-ATA
In the Matter of the Application of Duke)
Energy Ohio, Inc., for Approval of Tariff)
Amendments.)

**MOTION OF DUKE ENERGY OHIO, INC. FOR LEAVE
TO FILE SURREPLY COMMENTS**

Duke Energy Ohio, Inc., (Duke Energy Ohio or the Company) hereby moves the Public Utilities Commission of Ohio (Commission), in accordance with Rule 4901-1-12 Ohio Administrative Code (O.A.C.), for leave to file surreply comments, in response to the reply comments filed by the Ohio Consumers' Counsel (OCC) on September 22, 2023 (OCC Reply Comments). Because OCC did not file initial comments in this case, choosing only to file reply comments, the Company did not have an opportunity to respond to OCC's concerns in its reply comments and requires the opportunity to very briefly respond to correct certain factual inaccuracies advanced by OCC.

The Company's Proposed Surreply Comments, which accompany this Motion, offer additional factual information, particularly to address OCC's inaccurate statements regarding what qualifies as a major event day for the purposes of Rider DSR. The Company believes such clarification will be helpful to the Commission's decision making. This Motion is accompanied by a Memorandum in Support and also by a copy of the Proposed Surreply Comments, which the Company respectfully requests the Commission to consider.

Respectfully submitted,

DUKE ENERGY OHIO, INC.

/s/ Elyse H. Akhbari

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MEMORANDUM IN SUPPORT

In this proceeding, Duke Energy Ohio filed an application with the Commission to refund or recover the accumulated balance of the deferred storm cost deferral in its annual rider filing (Rider DSR). Rider DSR is designed to recover annual incremental major storm expense, as compared to the amount recovered in base rates. It is a nonbypassable rider that is designed to either refund or collect amounts as compared to that which is recovered in base rates. The underlying Application covers incremental major storm expense for calendar year 2022. Rider DSR was originally approved by the Commission in the Company's ESP III, Case Nos. 14-841-EL-SSO, *et al.*

The Company's Application was filed on March 29, 2023. The Staff of the Public Utilities Commission of Ohio (Staff) filed its Review and Recommendations on September 27, 2023 (Staff Review). On September 15, 2023, Duke Energy Ohio filed initial comments (Duke Energy Ohio Comments). The Company was the only party to this proceeding to file initial comments regarding the Staff Review. On September 22, 2023, after declining to file initial comments, OCC filed reply comments to those filed by the Company. The Company's Proposed Surreply Comments address certain factual inaccuracies contained in OCC's reply comments and represent the first opportunity that the Company has had to respond to OCC's comments related to the Staff Review. Namely, the Company seeks to address the concerns of OCC regarding the contents of the Company's Rule 10 Report and the definition of major event day, which the Company did not have an opportunity to do earlier as OCC did not raise these issues in initial comments. The Company believes its factual clarifications will be helpful to the Commission and provide additional factual information for the Commission's consideration. Accordingly, the Company respectfully requests that the Commission consider its Proposed Surreply Comments in this case, filed simultaneously with this Motion.

Respectfully submitted,

DUKE ENERGY OHIO, INC.

/s/ Elyse H. Akhbari

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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 25th day of September 2023, upon the persons listed below.

/s/ Elyse H. Akhbari

Elyse H. Akhbari

The PUCO's e-filing system will electronically serve notice of the filing of this document on the following parties:

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Case No(s). 23-0126-EL-RDR, 23-0281-EL-ATA

Summary: Motion MOTION OF DUKE ENERGY OHIO, INC. FOR LEAVE TO FILE
SURREPLY COMMENTS electronically filed by Mrs. Debbie L. Gates on behalf of
Duke Energy Ohio Inc. and D'Ascenzo, Rocco O. Mr. and Akhbari, Elyse and
Kingery, Jeanne W and Vaysman, Larisa.