

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

**In the Matter of the Application of Duke)
Energy Ohio, Inc., for Approval of a)
General Exemption of Certain Natural Gas) Case No. 21-0903-GA-EXM
Commodity Sales Services or Ancillary)
Services)**

**In the Matter of the Application of Duke) Case No. 21-0904-GA-ATA
Energy Ohio, Inc., for Tariff Approval)**

**In the Matter of the Application of Duke)
Energy Ohio, Inc., for Approval to Change) Case No. 21-0905-GA-EXM
Accounting Methods)**

**THE RETAIL ENERGY SUPPLY ASSOCIATION’S
MEMORANDUM CONTRA DUKE ENERGY OHIO, INC.’S
MOTION FOR CONTINUANCE OF THE EVIDENTIARY HEARING**

The Retail Energy Supply Association (“RESA”)¹ submits this Memorandum Contra to Duke Energy Ohio, Inc.’s (“Duke Energy”) June 30, 2022 Motion for Continuance of the Evidentiary Hearing. Duke has requested that the hearing in these proceedings start on September 27, 2022, instead of September 20, 2022, because of the press of other regulatory matters at the Public Utilities Commission of Ohio. Duke’s motion recognizes the current deadlines for discovery requests (August 17, 2022) and testimony from Staff and intervenors (September 7, 2022), but its motion would keep them intact while the hearing date is extended to accommodate Duke (because of regulatory activity involving another Duke case).

¹ The comments expressed in this filing represent the position of RESA as an organization but may not represent the views of any particular member of the Association. Founded in 1990, RESA is a broad and diverse group of retail energy suppliers dedicated to promoting efficient, sustainable and customer-oriented competitive retail energy markets. RESA members operate throughout the United States delivering value-added electricity and natural gas service at retail to residential, commercial and industrial energy customers. More information on RESA can be found at www.resausa.org.

Duke's motion should only be granted if the discovery cut-off and testimony deadlines are similarly adjusted so that there is no unfair advantage inadvertently given to Duke and so that all parties are fairly treated under an extension of case deadlines. If the hearing date is extended, the discovery cut-off would end up being an unusually lengthy five and one-half weeks before hearing. In addition, the deadlines for intervenor and Staff testimony would be nearly three weeks before hearing giving Duke additional time to review the testimony and to conduct depositions. These intervals would be lengthier than what the Attorney Examiner established in his June 16, 2022 Entry and if granted, inadvertently provide Duke with a procedural advantage unless all deadlines are extended.

Accordingly, Duke's motion to extend the hearing date should only be granted if the discovery cut-off and testimony deadlines are similarly adjusted. This will avoid any preferential treatment inadvertently being given to Duke through the procedural schedule, will not harm Duke or any other party, and will more reasonably accommodate all parties in these proceedings. RESA also notes that shifting all deadlines will move the filing of testimony from September 7 (two days after the Labor Day holiday) to the next week (September 12).

Respectfully Submitted,

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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 in the service list of the docket card who have electronically subscribed to these cases. In addition, the undersigned certifies that a courtesy copy of the foregoing document is also being served upon the persons below via electronic mail this 15th day of July, 2022.

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Summary: Memorandum Contra Duke Energy Ohio, Inc.'s Motion for Continuance of the Evidentiary Hearing electronically filed by Mrs. Gretchen L. Petrucci on behalf of Retail Energy Supply Association