

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Duke Energy Ohio, Inc., for an Increase in 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
)	

**MOTION FOR AN EXTENSION OF TIME
AND
REQUEST FOR AN EXPEDITED RULING**

The Retail Energy Supply Association (“RESA”)¹ moves, pursuant to Rule 4901-1-12(C), Ohio Administrative Code (“O.A.C.”), for an extension of the deadline to file testimony and an extension of the hearing date in these proceedings. Per the current procedural schedule, supplemental testimony by Duke Energy Ohio, Inc. (“Duke”) and direct testimony by intervenors is due by February 24, 2023, and the evidentiary hearing is scheduled to begin on March 28, 2023. For the reasons outlined below, RESA requests an extension for the filing of testimony supporting objections until March 17, 2023, and an extension of the hearing date to April 18, 2023, or a later date that accommodates the Attorney Examiner’s schedule. RESA counsel represents that Duke;

¹ The statements 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.

the Staff of the Public Utilities Commission of Ohio (“Staff”); Interstate Gas Supply, Inc. (“IGS”); People Working Cooperatively (“PWC”); and the Ohio Energy Group (“OEG”) do not oppose the extension motion. The Office of the Ohio Consumers’ Counsel (“OCC”) has not responded to RESA’s inquiry as of the time of this filing.

Given the approaching testimony deadline, RESA requests expedited treatment of this motion. For the reasons more fully set forth in the attached memorandum in support, RESA respectfully requests that the Commission grant this motion on an expedited basis, pursuant to O.A.C. 4901-1-12(C).

Respectfully submitted,

/s/ Michael J. Settineri
Michael J. Settineri (0073369), Counsel of Record
Gretchen L. Petrucci (0046608)
Vorys, Sater, Seymour and Pease LLP
52 East Gay Street Columbus, OH 43215
614-464-5462 614-464-5407
mjsettineri@vorys.com
glpetrucci@vorys.com

Counsel for the Retail Energy Supply Association

MEMORANUDM IN SUPPORT

Per the current procedural schedule in these proceedings, the deadline for filing supplemental testimony by Duke Energy Ohio and direct testimony by intervenors is February 24, 2023, and the evidentiary hearing is scheduled to start on March 28, 2023. RESA proposes that these dates be extended – testimony by three weeks to March 17, 2023, and the evidentiary hearing by three weeks to April 18, 2023, or a later date that accommodates the Attorney Examiner’s schedule.

O.A.C. 4901-1-12(A) permits the extension of deadlines for good cause shown. RESA submits that good cause exists. RESA seeks an extension of these two dates primarily to allow additional time for settlement discussions and to avoid the need for all the parties to simultaneously engage in settlement discussions while also preparing for litigation. The parties have met and discussed settlement, and the requested additional time will allow the parties to continue their discussions productively. Indeed, a settlement conference has been scheduled for tomorrow, February 24th, the same day that testimony is currently due. In addition, if settlement discussions result in a stipulation and recommendation, expert testimony in support of objections to the Staff Report and motions to strike those objections may not be necessary because the parties will instead file testimony in support of the stipulation, and, if necessary, testimony opposing the stipulation.

The Commission has granted similar extension motions to provide time to engage in settlement discussions in other rate case proceedings. *See e.g., In the Matter of the Application of Ohio Power Company for an Increase in Electric Distribution Rates*, Case Nos. 20-585-EL-AIR, et al., Entry at 3 (December 1, 2020); *In the Matter of the Application of Ohio Gas Company for an Increase in Gas Distribution Rates*, Case Nos. 17-1139-EL-AIR, et al., Entry at 2 (December 14, 2017); *In the Matter of the Application of Duke Energy Ohio, Inc., for an Increase in its Electric Distribution Rates*, Case Nos. 17-32-EL-AIR, et al., Entry at 2 (November 28, 2017).

Accordingly, RESA requests a three-week extension to March 17, 2023 of the due date for the filing of all testimony that is currently due to be filed on February 24, 2023. RESA also requests an extension of the start of the evidentiary hearing to April 18, 2023, or a later date that accommodates the Attorney Examiner's schedule. If publication of the evidentiary hearing date has occurred, the hearing could be called on March 28, 2023, and continued to the date set. Counsel for all parties have been contacted – Duke, Staff, IGS, PWC and OEG do not oppose the motion or request for expedited ruling. OCC has not responded to RESA's inquiry. For the reasons set forth above, RESA respectfully requests that the Commission expeditiously grant this motion.

Respectfully submitted,

/s/ Michael J. Settineri
Michael J. Settineri (0073369), Counsel of Record
Gretchen L. Petrucci (0046608)
Vorys, Sater, Seymour and Pease LLP
52 East Gay Street Columbus, OH 43215
614-464-5462 614-464-5407
mjsettineri@vorys.com
glpetrucci@vorys.com

Counsel for the Retail Energy Supply Association

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 certifies that a courtesy copy of the foregoing document is also being served (via electronic mail) on this 23rd day of February 2023 upon all persons listed below:

Duke Energy Ohio, Inc.

rocco.dascenzo@duke-energy.com
jeanne.kingery@duke-energy.com
larisa.vaysman@duke-energy.com
elyse.akhbari@duke-energy.com
ebrama@taftlaw.com
kverhalen@taftlaw.com

Interstate Gas Supply, Inc.

michael.nugent@igs.com
evan.betterton@igs.com
stacie.cathcart@igs.com

Ohio Consumers' Counsel

william.michael@occ.ohio.gov
ambrosia.wilson@occ.ohio.gov
connor.semple@occ.ohio.gov

Ohio Energy Group

mkurtz@BKLawfirm.com
kboehm@BKLawfirm.com
jkylercohn@BKLawfirm.com

People Working Cooperatively, Inc.

cpirik@dickinsonwright.com
todonnell@dickinsonwright.com
mmcdonnell@dickinsonwright.com

Staff of the Public Utilities Commission of Ohio

thomas.lindgren@OhioAGO.gov
robert.eubanks@OhioAGO.gov

/s/ Michael J. Settineri
Michael J. Settineri

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**Case No(s). 22-0508-GA-ALT, 22-0509-GA-ATA, 22-0510-GA-AAM, 22-0507-GA-
AIR**

Summary: Motion for an Extension of Time and Request for Expedited Ruling
electronically filed by Mr. Michael J. Settineri on behalf of Retail Energy Supply
Association