

Subs 4 U LLC
7245 Clubhouse Court
West Chester, OH 45069

V.

Respondent.

Case No. 12-1951-GA-CSS

MEMORANDUM OF LAW

By Entry dated July 25, 2012, this matter was set for a settlement conference at the Commission for August 23rd at 10:00 a.m. Duke Energy Ohio is already scheduled to attend a settlement conference at the Commission in another matter (Case #12-1938-EL-CSS) on August 21st at 10:00 a.m. It would be both efficient and economical for the Company if the settlement conference in this matter could be rescheduled for the afternoon on August 21st, thereby saving the Company considerable time and expense.

On August 6th counsel for Duke Energy Ohio spoke with Complainant by telephone to discuss the case and a request to reschedule the settlement conference. Complainant agreed with Duke Energy Ohio's request and confirmed that it is willing and able to attend the settlement conference on August 21st at 1:00 p.m. In addition, the parties agreed to communicate in advance thereof to ascertain if there is a way to resolve this case without having to participate in a formal settlement conference at the Commission.

WHEREFORE, Respondent Duke Energy Ohio requests that the Commission reschedule the settlement conference in this matter to August 21, 2012, at 1:00 p.m., as agreed by both parties, and waive the normal briefing schedule on motions filed with the Commission.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Answer was served via regular US Mail, postage prepaid, this 6th day of August, 2012 upon the following:

Subs 4 U LLC
7245 Clubhouse Court
West Chester, OH 45069



Robert A. McMahon