BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of Duke Energy Ohio, Inc., for an Increase in Electric Distribution Rates.	)))	Case No. 12-1682-EL-AIR
In the Matter of the Application of Duke Energy Ohio, Inc., for Tariff Approval.	)))	Case No. 12-1683-EL-ATA
In the Matter of the Application of Duke Energy Ohio, Inc., for Approval to Change Accounting Methods.	)))	Case No. 12-1684-EL-AAM

DUKE ENERGY OHIO, INC.'S MEMORANDUM CONTRA MOTION FOR AN EXTENSION OF TIME TO FILE TESTIMONY AND REQUEST FOR EXPEDITED RULING BY THE OFFICE OF THE OHIO CONSUMERS' COUNSEL, THE CITY OF CINCINNATI, KROGER COMPANY AND OHIO PARTNERS FOR AFFORDABLE ENERGY

Duke Energy Ohio, Inc., (Duke Energy Ohio or Company) initiated these proceedings with the filing of a Notice of Intent on June 7, 2012. The Application was submitted on July 9, 2012. Since the Application was filed, the following parties have moved to intervene in this proceeding: tw telecom of ohio llc, Ohio Energy Group, Interstate Gas Supply, Inc., the City of Cincinnati, Ohio Partners for Affordable Energy, The Office of the Ohio Consumers' Counsel, Cincinnati Bell Telephone Company LLC, Cincinnati Bell Wireless LLC, CyrusOne, Inc. Greater Cincinnati Health Council, The Kroger Co., Ohio Manufacturers' Association, People Working Cooperatively, Inc., Ohio Environmental Council, and the Natural Resources Defense Council.

On January 10, 2013, the Attorney Examiner issued a procedural schedule setting forth dates for, *inter alia*, the filing of objections, testimony, a prehearing conference and a hearing. As noted by the Attorney Examiner, Duke Energy Ohio presently has two rate cases pending before the Public Utilities Commission of Ohio (Commission). Some of the witnesses will testify in both cases and it is therefore necessary to schedule the cases to accommodate these witnesses. Accordingly, the Attorney Examiner has issued a common schedule for both cases.

Five of the fourteen parties intervening in these proceedings now request an extension of time within which to file testimony. The parties seeking the extension are the Office of the Ohio Consumers' Counsel, The Kroger Company, the City of Cincinnati, Interstate Gas Supply, Inc., and Ohio Partners for Affordable Energy (Joint Movants). The Joint Movants complain that testimony and objections are both due on the same day in both cases and that more time is therefore required to prepare.

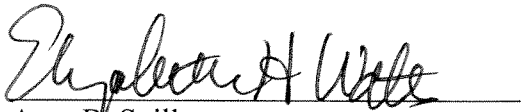
Duke Energy Ohio opposes this motion. Joint Movants overlooked the fact that O.A.C.4901-1-29 states that all direct expert testimony to be offered by any party in a general rate proceeding shall be filed no later than the deadline for filing objections. These are not new rules. Parties have been complying with these rules for many years, and thus, the need to prepare and file testimony and objections at the same time should have been anticipated since the filing of the Company's initial notice in June of 2012.

Should the Attorney Examiners in these proceedings find any part of the Joint Movants' argument persuasive, it is imperative that any extension ordered be made applicable to all parties including the Company. Unless all testimony is due at the same time, Duke Energy Ohio will be placed at a disadvantage. Not only would the Company

have less time than other parties to prepare its testimony, but such other parties would be in a position to read, analyze, and respond to the Company's supplemental testimony in their direct testimony. Moreover, if testimony is to follow objections by one week, Duke Energy Ohio reserves the right to move to strike any pre-filed testimony that exceeds the scope of supporting each Party's specific objections.

Duke Energy Ohio also does not agree that a three-week extension is a reasonable request, as such a schedule would not afford the parties adequate time to conduct depositions of witnesses in advance of the hearing. If any extension for the filing of testimony must be granted, the Company requests that the extension be no longer than one week (seven days). The extension must be clear that it is for testimony only and that it is not for the filing of objections to the Staff Report, which pursuant to R.C. 4909.19(C), must be filed within thirty days after the Staff Report. Moreover, Duke Energy Ohio objects to any extension or delay in the start date of the hearing in these proceedings.

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing document was served this 16th day of January, 2013, by U.S. mail, postage prepaid, or by electronic mail upon the persons listed below.



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