

FILE

BEFORE

RECEIVED-DOCKETING DIV

THE PUBLIC UTILITIES COMMISSION OF OHIO 2009 MAR 25 PM 4:16

In the Matter of the Application of Duke)
Energy Ohio, Inc. for an Increase in Electric) Case No. 08-709-EL-AIR
Distribution Rates)
In the Matter of the Application of Duke)
Energy Ohio, Inc. for Tariff Approval) Case No. 08-710-EL-ATA
In the Matter of the Application of Duke)
Energy Ohio, Inc. for Approval to) Case No. 08-710-EL-AAM
Change Accounting Methods)
In the Matter of the Application of Duke) Case No. 06-718-EL-ATA
Energy Ohio, Inc. for Approval of its Rider)
BDP, Backup Delivery Point Rider

**MOTION OF THE STAFF OF THE PUBLIC UTILITIES COMMISSION
OF OHIO FOR AN EXTENSION OF TIME FOR FILING ITS
TESTIMONY**

The Staff of the Public Utilities Commission of Ohio moves for a four day extension of the time for filing its testimony. The Staff must file its testimony by the end of the day on March 26, 2009 currently. Through this motion, Staff seeks an extension of that time to file its testimony until the end of the day on March 30, 2009. Staff makes this motion to free more time to devote to a potential settlement of this case.

Staff also moves for an immediate ruling on this motion without the filing of memoranda because of: the immediacy of the deadline for filing Staff testimony; the short, four day, extension requested; and the lack of prejudice

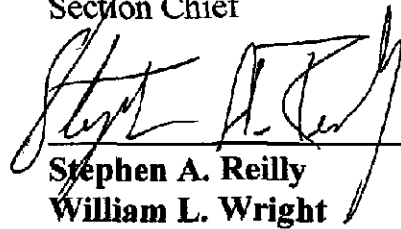
This is to certify that the images appearing are an
accurate and complete reproduction of a case file
document delivered in the regular course of business.
Technician SMA Date Processed MAR 25 2009

associated with the motion as explained in more detail in the accompanying memorandum.

Respectfully submitted,

Richard Cordray
Ohio Attorney General

Duane W. Luckey
Section Chief



Handwritten signatures of Stephen A. Reilly and William L. Wright.

Stephen A. Reilly
William L. Wright
Assistant Attorneys General
180 East Broad Street
Columbus, Ohio 43215
(614) 466-4396
FAX: (614) 644-8764
Stephen.reilly@puc.state.oh.us
William.wright@puc.state.oh.us

On behalf of the Staff of the
Public Utilities Commission of Ohio

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. 08-709-EL-AIR
)	
In the Matter of the Application of Duke Energy Ohio, Inc. for Tariff Approval)	Case No. 08-710-EL-ATA
)	
In the Matter of the Application of Duke Energy Ohio, Inc. for Approval to Change Accounting Methods)	Case No. 08-710-EL-AAM
)	
In the Matter of the Application of Duke Energy Ohio, Inc. for Approval of its Rider BDP, Backup Delivery Point Rider)	Case No. 06-718-EL-ATA

MEMORANDUM IN SUPPORT

Staff moves for a short, four day, extension of the time to file its testimony. The extension is short and it will not delay the hearing. Staff's testimony will be filed before the hearing commences and well before Staff presents witnesses. Staff, typically, presents its case last. The Ohio Cable Telecommunications Association represented at the pre-hearing that it could not present its witnesses before the middle of April because of scheduling difficulties. For that reason alone, weeks will pass between the time Staff files its testimony and the presentation of Staff witnesses if this case does not settle. Accordingly, the parties have weeks to review Staff's testimony and prepare to cross-examine Staff witnesses if the extension is granted. For that reason, the extension will not delay

or prejudice the presentation of any parties' case or cross-examination of Staff's witnesses. In short, the extension will not delay the hearing or prejudice any party.

The extension may result in the benefits associated with settlement. While no one can predict the future with total accuracy, this extension improves the likelihood of settlement. It allows Staff more time to devote to a potential settlement; a settlement that would provide a reasonable and beneficial result to this case without the time and expense of a hearing. Accordingly, Staff's motion, if granted, may result in benefits in this case without any detriments. For this reason, the motion should be granted.

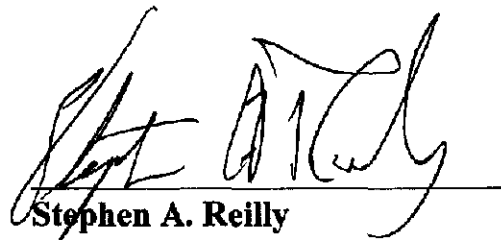
The Commission's rules allow this motion to be granted immediately. Ohio Administrative Code Section 4901-1-12 (C) allows "an immediate ruling ... without the filing of memoranda" where, as here, "the motion requests an extension of time to file ... papers [such as written direct testimony] of five days or less." Ohio Admin. Code 4901-1-12 (C). Staff seeks a four day extension only. Under this rule, an immediate ruling may issue without further memorandum. Such a ruling should be issued because of the immediacy of the deadline for filing Staff's testimony.

For the foregoing reasons, Staff requests its motion be granted immediately.

Respectfully submitted,

Richard Cordray
Ohio Attorney General

Duane W. Luckey
Section Chief



Stephen A. Reilly

William L. Wright

Assistant Attorneys General

180 East Broad Street

Columbus, Ohio 43215

(614) 466-4396

FAX: (614) 644-8764


Stephen.reilly@puc.state.oh.us

William.wright@puc.state.oh.us

On behalf of the Staff of the
Public Utilities Commission of Ohio

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Motion of the Staff of the Public Utilities Commission of Ohio for an Extension of Time for Filing its Testimony and the Memorandum in Support was served via electronic mail and regular U.S. mail, postage prepaid upon the following parties of record this 25th day of March, 2009



Stephen A. Reilly
Assistant Attorney General

Duke Energy Ohio, Inc. Elizabeth H. Watts 2500 Atrium II, 139 East Fourth Street P.O. Box 960 Cincinnati, Ohio 45201-0960 Elizabeth.watts@duke.energy.com	TW Telecom of Ohio LLC Pamela Sherwood 4625 W. 8 th Street, Suite 500 Indianapolis, IN 46268 Pamela.sherwood@telecom.com
Ohio Consumers' Counsel Ann M. Hotz, Counsel of Record 10 W. Broad Street Suite 1800 Columbus, OH 43215-3420 hotz@occ.state.oh.us	Greater Cincinnati Health Council Douglas E. Hart 441 Vine Street Suite 4192 Cincinnati, OH 45202-2852 dhart@douglasshart.com
Boehm, Kurtz & Lowry David Boehm/Michael Kurtz 36 East 7 th Street URS Building Suite 1510 Cincinnati, OH 45202-4454 dboehm@BKLawfirm.com	Vorys, Sater, Seymour & Pease Steven M. Howard 52 E. Gay Street P.O. Box 1008 Columbus, OH 43215-3108 smhoward@vorys.com

<p>Chester, Willcox & Saxbe LLP John W. Bentine/Mark Yurick 65 E. State Street Suite 1000 Columbus, OH 43215-4216 myurick@cwsllaw.com</p>	<p>People Working Cooperatively, Inc. Mary W. Christensen, Esq. 100 E. Campus View Blvd. Columbus, OH 43235-4679 mchristensen@columbuslaw.org</p>
<p>Bricker & Eckler, LLP Sally Bloomfield/Thomas O'Brien 100 S. Third Street Columbus, OH 43215-4236 tobrien@bricker.com</p>	<p>Ohio Partners for Affordable Energy David Rinebolt/Colleen Mooney 231 West Lima Street Findaly, OH 45840-3033 drinebolt@aol.com cmooney@columbus.rr.com</p>
<p>Albert Lane 7200 Fair Oaks Dr. Cincinnati, OH 45237 AELMICTEN@aol.com</p>	