

FILE

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

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PUCO

In the Matter of the Investigation into)
the Development of the Significantly)
Excessive Earnings Test Pursuant to S.B.) Case No. 09-786-EL-UNC
221 for Electric Utilities.)

MOTION TO EXTEND DEADLINE
AND
REQUEST FOR EXPEDITED TREATMENT

Comes now Duke Energy Ohio, Inc. (Duke Energy Ohio or Company) and hereby moves the Public Utilities Commission of Ohio (Commission) for an extension of the submission deadline for applications to administer the Significantly Excessive Earnings Test (SEET) under Section 4928.143(F), Revised Code, and Rule 4901:1-35-10, Ohio Administrative Code (O.A.C.). Specifically, the Company respectfully requests that such deadline be set for twenty-one days after final resolution of all issues raised in any applications for rehearing filed in response to the Commission's Finding and Order issued in this docket on June 30, 2010.

In light of the short time prior to the July 15, 2010, deadline established by the Commission in that Finding and Order, Duke Energy Ohio also requests an expedited ruling on this motion, pursuant to paragraph (C) of Rule 4901-1-12, O.A.C.

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In support of this Motion and the request for an expedited ruling, Duke Energy Ohio tenders the following Memorandum.

MEMORANDUM IN SUPPORT

Duke Energy Ohio submitted its Application for the administration of the SEET on May 14, 2010, pursuant to the filing deadline in Rule 4901:1-35-10, O.A.C.¹ (See *In the Matter of the Application of Duke Energy Ohio for Administration of the Significantly Excessive Earnings Test Under Section 4928.143(F), Revised Code, and Rule 4901:1-35-10, Ohio Administrative Code*, Case No. 10-656-EL-UNC (May 14, 2010).) Subsequently, on June 30, 2010, the Commission issued a Finding and Order in the above-captioned matter, identifying the protocol and considerations relevant to the SEET. In so doing, the Commission ordered all electric utilities to file their proposed SEET applications, in accordance with the Commission's directives, by July 15, 2010. (See Finding and Order, page 32 (June 30, 2010).) This filing deadline precedes the deadline by which applications for rehearing of the Finding and Order may be filed. As Duke Energy Ohio anticipates filing such an application for rehearing, it now seeks to extend the July 15 filing deadline. Absent such an extension, the Company will be required to respond to the Commission's Finding and Order of June 30 by preparing and submitting an amended application, addressing matters that, in its opinion, warrant further consideration and, perhaps, revision or clarification. The Stipulation and Recommendation approved in Case No. 08-920-EL-SSO made provision for the

¹ Although the Commission had granted electric distribution utilities a limited waiver of that deadline, Duke Energy Ohio explained in its Application that it did not believe that the rationale for that waiver applied to Duke Energy Ohio. Therefore, it filed its Application pursuant to the schedule set forth in the rule.

administration of the SEET to Duke Energy Ohio. The Company believes that, in order for it to determine which commitments and requirements concerning the SEET are currently applicable to it and to appropriately comply with those requirements, further clarification of the Commission's June 30, 2010, Finding and Order is necessary.

Duke Energy Ohio respectfully proposes that its amended application concerning the administration of the SEET be filed no later than twenty-one days after final resolution of all applications for rehearing and the issues identified therein. Such a deadline is generally consistent with that contemplated by the Commission in its Finding and Order, with the Commission providing electric utility companies with fifteen days in which to make their filings. Furthermore, a twenty-one day period provides the Company with reasonably sufficient time to compile all information that it may need to satisfy the Commission's directives, including those that may be revised or clarified pursuant to applications for rehearing.

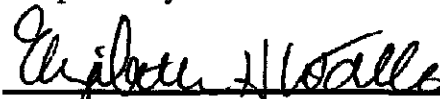
In light of the July 15, 2010, filing deadline, Duke Energy Ohio respectfully requests expedited treatment of its motion to extend the deadline. This expedited treatment is necessary to ensure that the Company is not in violation of a Commission order while it pursues an application for rehearing.

Counsel for Duke Energy Ohio has contacted counsel for the parties of record herein regarding its requests that form the basis for this Motion. Counsel for the Ohio Energy Group, the Ohio Hospital Association, and American Electric Power do not

oppose the Company's requests. Counsel for other parties of record did not have an opportunity to respond prior to the filing of this Motion.

WHEREFORE, for the reasons stated herein, Duke Energy Ohio respectfully requests that this Commission issue an Order, on an expedited basis, extending the deadline by which it must submit an amended application relative to the administration of the significantly excessive earnings test.

Respectfully submitted,



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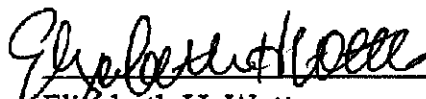
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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was served on the following parties, this 6th day of July 2010, via electronic mail and regular mail delivery, postage prepaid.


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