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BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

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In the Matter of the Application of Duke Energy)
Ohio for Authority to Establish a Standard)
Service Offer Pursuant to Section 4928.143,) Case No. 11-3549-EL-SSO
Revised Code, in the Form of an Electric)
Security Plan, Accounting Modifications and)
Tariffs for Generation Service.)

In the Matter of the Application of Duke Energy)
Ohio for Authority to Amend its Certified) Case No. 11-3550-EL-ATA
Supplier Tariff, P.U.C.O. No. 20.)

In the Matter of the Application of Duke Energy)
Ohio for Authority to Amend its Corporate) Case No. 11-3551-EL-UNC
Separation Plan.)

JOINT MOTION FOR EXTENSION OF TIME

On June 20, 2011, Duke Energy Ohio, Inc. ("Duke") filed an Application seeking approval of a standard service offer in the form of an approximately 10 year electric security plan ("ESP"), several tariff and accounting changes, and a new corporate separation plan. The ESP includes a competitive bid process ("CBP") for the procurement of energy, with the first auction proposed to be conducted no later than December 1, 2011, for delivery on January 1, 2012. On June 21, 2011, the attorney examiner issued an entry setting forth the procedural schedule ("Entry") in the above-captioned proceedings.

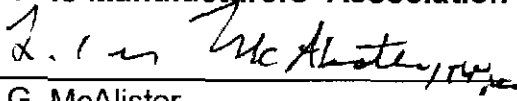
Constellation NewEnergy, Inc; Constellation Energy Commodities Group, Inc.; Exelon Generation Company LLC, the COMPETE Coalition, the Retail Energy Suppliers Association and PJM Power Providers Group, the Ohio Manufacturers'

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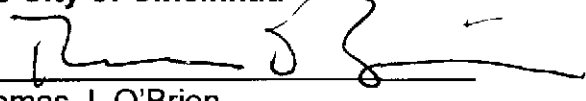
Association, City of Cincinnati, the Ohio Energy Group, The Kroger Company, the Office of the Ohio Consumers' Counsel, and the Industrial Energy Users-Ohio, (collectively "Joint Movants") hereby jointly and respectfully request the Public Utilities Commission of Ohio ("Commission") to extend the procedural schedule as set forth in the Entry by two (2) months. For these reasons set forth in the Memorandum in Support attached hereto and incorporated herein, the Joint Movants respectfully request that the Commission grant its motion to extend the procedural schedule.

Respectfully submitted on behalf of

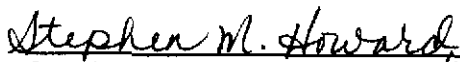
The Ohio Manufacturers' Association


Lisa G. McAlister
Matthew W. Warnock
Bricker & Eckler LLP
100 South Third Street
Columbus, OH 43215-4291
Telephone: (614) 227-2300
Facsimile: (614) 227-2390
E-mail: lmcalister@bricker.com
mwarnock@bricker.com


The City of Cincinnati


Thomas J. O'Brien
Bricker & Eckler LLP
100 South Third Street
Columbus, OH 43215-4291
Telephone: (614) 227-2335
Facsimile: (614) 227-2390
E-mail: tobrien@bricker.com

PJM Power Providers


Stephen M. Howard *per authorization*
Vorys, Sater, Seymour & Pease LLP
52 East Gay Street
PO Box 1008
Columbus, OH 43216-1008
Telephone: (614) 464-5401
Facsimile: (614) 464-6350
E-mail: smhoward@vorys.com

Exelon Generation Company LLC


M. Howard Petricoff *per authorization*
Vorys, Sater, Seymour & Pease LLP
52 East Gay Street
PO Box 1008
Columbus, OH 43216-1008
Telephone: (614) 464-5414
Facsimile: (614) 464-6350
E-mail: mhpetricoff@vorys.com

**Constellation NewEnergy, Inc. and
Constellation Energy Commodities**

M. Howard Petricoff /per authorization
M. Howard Petricoff
Michael J. Settineri
Vorys, Sater, Seymour & Pease LLP
52 East Gay Street
PO Box 1008
Columbus, OH 43216-1008
Telephone: (614) 464-5414
Facsimile: (614) 464-6350
E-mail: mhpetricoff@vorys.com
mjsettineri@vorys.com

Retail Energy Supply Association

M. Howard Petricoff /per authorization
M. Howard Petricoff
Lija Kalpes Clark
Vorys, Sater, Seymour & Pease LLP
52 East Gay Street
PO Box 1008
Columbus, OH 43216-1008
Telephone: (614) 464-5414
Facsimile: (614) 464-6350
E-mail: mhpetricoff@vorys.com

The Kroger Company

Mark Yurick /per authorization
Mark Yurick
Zachary Kravitz
Chester Wilcos & Saxbe
65 East State Street, Suite 1000
Columbus, Ohio 43215
Email: jbetine@cwsllaw.com
myurick@cwsllaw.com
zkravitz@cwsllaw.com

COMPETE Coalition

M. Howard Petricoff /per authorization
M. Howard Petricoff
Michael J. Settineri
Vorys, Sater, Seymour & Pease LLP
52 East Gay Street
PO Box 1008
Columbus, OH 43216-1008
Telephone: (614) 464-5414
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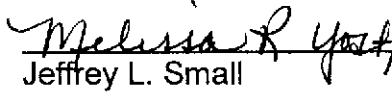
Industrial Energy Users-Ohio

Joseph E. Olikier /per authorization
Samuel C. Randazzo
Frank P. Darr
Joseph E. Olikier
McNees Wallace & Nurick LLC
21 East State Street, 17th Floor
Columbus, OH 43215
Telephone: (614) 469-8000
Facsimile: (614) 469-4653
Email: sam@mwncmh.com
fdarr@mwncmh.com
joliker@mwncmh.com

Ohio Energy Group

David F. Boehm /per authorization
David F. Boehm
Michael Kurtz
Boehm, Kurtz & Lowry
36 East Seventh Street, Suite 1510
Cincinnati, Ohio 45202
Email: dboehm@BKLawfirm.com
mkurtz@BKLawfirm.com

Office of the Ohio Consumers' Counsel


Jeffrey L. Small *per authorization*

Joseph P. Serio

Melissa R. Yost

Assistant Consumers' Counsel

Office of the Ohio Consumers' Counsel

10 West Broad Street, Suite 1800

Columbus, Ohio 43215-3485

Telephone: (Small) (614) 466-1292

(Serio) (614) 466-9565

(Yost) (614) 466-1291

Email: small@occ.state.oh.us

serio@occ.state.oh.us

yost@occ.sate.oh.us

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MEMORANDUM IN SUPPORT

Ohio Administrative Code ("OAC") Rule 4901-1-13(A) allows the Commission to grant continuances and extensions of time to file pleadings and other papers for good cause shown. For the reasons set forth below, the Joint Movants establish good cause for pushing the procedural schedule back by two (2) months to allow the Commission Staff and interested parties sufficient time to review and analyze Duke's ESP proposal.

The attorney examiner's June 21, 2011 entry ("Entry") set forth the following procedural schedule in the above-captioned proceedings: intervenor testimony is due on September 7, 2011; the discovery cutoff is September 9, 2011; and the evidentiary hearing is to begin on September 20, 2011. It must be presumed that the reason the Entry set a truncated procedural schedule, including shortened times for

discovery, was because Duke is seeking to procure the energy portion of its SSO supply through an auction currently proposed for early December in order to implement its proposed ESP by January 1, 2012.

However, Section 4928.143(a), Revised Code, provides a 275 day timeframe for Commission's consideration of an ESP proposal, such as the one filed by Duke in the above-captioned proceedings. Based upon the June 20, 2011 filing date of Duke's ESP application, a Commission decision does not need to be rendered until March 21, 2012. This ESP application raises a host of novel issues such that even a full, 275 day review would be an aggressive timeframe for the Commission to reach a thoughtful decision, let alone the expedited timeframe reflected in the Entry.

Moreover, there are no compelling reasons why this procedural schedule could not be delayed, particularly when faced with an ESP that could remain in place for up to 10 years, and calls for a return to monopoly-based capacity pricing on an expedited timeframe. In anticipation of Duke's response, the Joint Movants understand that Duke would like to have new standard service offer pricing in place on January 1, 2011. However, R.C. 4928.141(A) states:

[o]nly a standard service offer authorized in accordance with section 4928.142 or 4928.143 of the Revised Code, shall serve as the utility's standard service offer for the purpose of compliance with this section; and that standard service offer shall serve as the utility's default standard service offer for the purpose of section 4928.14 of the Revised Code.

Thus, Ohio law simply provides that Duke's current ESP plan will continue in effect if Duke does not obtain approval for an alternative plan by January 1, 2012. The continuation of the current plan is a superior option to a rushed, ill-considered replacement.

Further, it should be noted that Duke controlled of the timing, as only the electric distribution utility can file an application, and Section 4928.143, Revised Code, provide the Commission with 275 days to make its decision. Finally, Duke is not asking for an extension of its current ESP or modifications to that plan. The three volume, thousand page application presents an approach that is not used in Ohio. Given the amount of money involved, the potential for significant increases in generation costs to all classes of retail customers (whether they buy standard service or shop), and the impact on the development of a robust wholesale and retail market, more time is required to complete discovery and to fully flesh out the impacts of this Application. In light of these facts, it is not in the public interest to impose an expedited schedule on the parties. The General Assembly established a review time of 275 days precisely to provide for reasoned review by the numerous interest groups affected by an ESP.

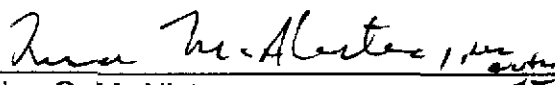
Accordingly, the Joint Movants propose the following procedural schedule to allow the parties time to prepare testimony, and otherwise adequately review the ESP filing:

- Intervenor Testimony due November 7, 2011
- Discovery Cutoff – November 9, 2011
- Evidentiary hearing begins – November 21, 2011

WHEREFORE, the Joint Movants respectfully request that its motion for an extension of time be granted.

Respectfully submitted on behalf of

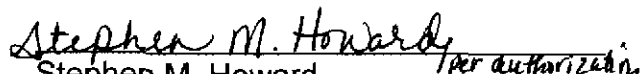
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Lisa G. McAlister
Matthew W. Warnock
Bricker & Eckler LLP
100 South Third Street
Columbus, OH 43215-4291
Telephone: (614) 227-2300
Facsimile: (614) 227-2390
E-mail: lmcalister@bricker.com
mwarnock@bricker.com


The City of Cincinnati


Thomas J. O'Brien
Bricker & Eckler LLP
100 South Third Street
Columbus, OH 43215-4291
Telephone: (614) 227-2335
Facsimile: (614) 227-2390
E-mail: tobrien@bricker.com

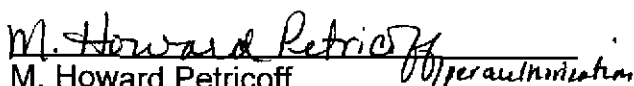
PJM Power Providers


Stephen M. Howard
Vorys, Sater, Seymour & Pease LLP
52 East Gay Street
PO Box 1008
Columbus, OH 43216-1008
Telephone: (614) 464-5401
Facsimile: (614) 464-6350
E-mail: smhoward@vorys.com


Exelon Generation Company LLC


M. Howard Petricoff
Vorys, Sater, Seymour & Pease LLP
52 East Gay Street
PO Box 1008
Columbus, OH 43216-1008
Telephone: (614) 464-5414
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Constellation Energy Commodities**


M. Howard Petricoff
Michael J. Settineri
Vorys, Sater, Seymour & Pease LLP
52 East Gay Street
PO Box 1008
Columbus, OH 43216-1008
Telephone: (614) 464-5414
Facsimile: (614) 464-6350
E-mail: mhpetricoff@vorys.com
mjsettineri@vorys.com

COMPETE Coalition


M. Howard Petricoff
Michael J. Settineri
Vorys, Sater, Seymour & Pease LLP
52 East Gay Street
PO Box 1008
Columbus, OH 43216-1008
Telephone: (614) 464-5414
Facsimile: (614) 464-6350
E-mail: mhpetricoff@vorys.com
mjsettineri@vorys.com

Retail Energy Supply Association

M. Howard Petricoff *per authorization*
M. Howard Petricoff
Lija Kalpes Clark
Vorys, Sater, Seymour & Pease LLP
52 East Gay Street
PO Box 1008
Columbus, OH 43216-1008
Telephone: (614) 464-5414
Facsimile: (614) 464-6350
E-mail: mhpetricoff@vorys.com

The Kroger Company

Mark Yurick *per authorization*
Mark Yurick
Zachary Kravitz
Chester Wilcos & Saxbe
65 East State Street, Suite 1000
Columbus, Ohio 43215
Email: jbetine@cwsllaw.com
myurick@cwsllaw.com
zkravitz@cwsllaw.com

Office of the Ohio Consumers' Counsel

Melissa R. Yost *per authorization*
Jeffrey L. Small
Joseph P. Serio
Melissa R. Yost
Assistant Consumers' Counsel
Office of the Ohio Consumers' Counsel
10 West Broad Street, Suite 1800
Columbus, Ohio 43215-3485
Telephone: (Small) (614) 466-1292
(Serio) (614) 466-9565
(Yost) (614) 466-1291
Email: small@occ.state.oh.us
serio@occ.state.oh.us
yost@occ.sate.oh.us

Industrial Energy Users-Ohio


Joseph E. Olikier *per authorization*
Samuel C. Randazzo
Frank P. Darr
Joseph E. Olikier
McNees Wallace & Nurick LLC
21 East State Street, 17th Floor
Columbus, OH 43215
Telephone: (614) 469-8000
Facsimile: (614) 469-4653
Email: sam@mwncmh.com
fdarr@mwncmh.com
joliker@mwncmh.com

Ohio Energy Group

David F. Boehm *per authorization*
David F. Boehm
Michael Kurtz
Boehm, Kurtz & Lowry
36 East Seventh Street, Suite 1510
Cincinnati, Ohio 45202
Email: dboehm@BKLLawfirm.com
mkurtz@BKLLawfirm.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Motion Extension of Time was served upon the parties of record listed below this 17th day of August 2011 *via* electronic mail.



Thomas J. O'Brien

Amy B. Spiller
Elizabeth H. Watts
Rocco O. D'Ascenzo
Duke Energy Ohio, Inc.
139 East Fourth Street, 1303-Main
PO Box 961
Cincinnati, OH 45201-0960

John Jones
Assistant Attorney General
Public Utilities Section
180 East Broad Street, 6th Floor
Columbus, Ohio 43215

Colleen L. Mooney
231 West Lima Street
Findlay, Ohio 45839

Trent A. Dougherty
Nolan Moser
E. Camille Yancey
1207 Grandview Avenue, Suite 201
Columbus, Ohio 43212-3449

Tara C. Santarelli
Environmental Law & Policy Center
1207 Grandview Ave., Suite 201
Columbus, OH 43212

Mary W. Christensen
Christensen & Christensen LLP
8760 Orion Place, Suite 300
Columbus, OH 43240

David I. Fein
Vice President, Energy Policy – Midwest
Constellation Energy Group, Inc.
550 West Washington Blvd., Suite 300
Chicago, IL 60661

Cynthia Fonner Brady
Senior Counsel
Constellation Energy Resources, LLC
550 W. Washington St., Suite 300
Chicago, IL 60661

Matthew J. Satterwhite
Erin C. Miller
AEP Service Corporation
1 Riverside Plaza, 29th Floor
Columbus, OH 43215

Mark A. Hayden
FirstEnergy Service Company
76 South Main Street
Akron, Ohio 44308

David A. Kutik
Jones Day
North Point
901 Lakeside Avenue
Cleveland, OH 44114

Allison E. Haedt
Jones Day
325 John H. McConnell Blvd.
Suite 600
Columbus, OH 43215-2673

James F. Lang
Laura C. McBride
N. Trevor Alexander
Calfee, Halter & Griswold LLP
1400 KeyBank Center
800 Superior Ave.
Cleveland, OH 44114

Ann M. Vogel
AEP Service Corporation
1 Riverside Plaza, 29th Floor
Columbus, OH 43215

Gregory J. Poulos
EnerNOC, Inc.
101 Federal Street, Suite 1100
Boston, MA 02110

Laura Chappelle
Chappelle Consulting
4218 Jacob Meadow
Okemos, MI 48864

Teresa Ringenbach
Direct Energy, LLC
9605 El Camino Lane
Plain City, OH 43064

Joseph M. Clark
Vecten Retail, LLC d/b/a Vectren Source
6641 North High Street, Suite 200
Worthington, OH 43085

Glen Thomas
GT Power Group
1060 First Ave., Suite 400
King of Prussia, PA 19406

Dane Stinson
Bailey Cavalieri LLC
10 West Broad Street, Suite 2100
Columbus, Ohio 43215

William L. Massey
Covington & Burling, LLP
1201 Pennsylvania Avenue, NW
Washington, DC 20004

Kevin J. Osterkamp
Roetzel & Andress, LPA
155 E. Broad Street, 12th Floor
Columbus, Ohio 43215

Barth E. Royer
Bell & Royer Co., LPA
33 South Grant Avenue
Columbus, OH 43215-3927

Rick D. Chamberlain
Behrens, Wheeler & Chamberlain
6 N.E. 63rd Street, Suite 400
Oklahoma City, Oklahoma 73105

Gary A. Jeffries
Dominion Resources Services, Inc.
501 Martindale Street, Suite 400
Pittsburg, PA 15212-5817

Matthew R. Cox
McDonald Hopkins LLC
600 Superior Avenue, East, Suite 2100
Cleveland, OH 44114