

BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of Duke)	
Energy Ohio, Inc. to Adjust Rider DR-IM)	Case No. 12-1811-GE-RDR
and Rider AU for 2011 SmartGrid Costs.)	
)	

**STAFF’S REPLY TO MEMORANDUM CONTRA MOTION FOR EXTENSION
OF TIME**

In an Entry issued on July 30, 2012, the Attorney Examiner established a procedural schedule for this case. Under this schedule, initial comments on Duke’s application are due on October 15, 2012 and reply comments are due on October 29, 2012. In a motion filed on October 5, 2012, the Staff requested that the due date for initial comments be extended to November 21, 2012 and that the due date for reply comments be extended to December 5, 2012. As noted in the motion, all interveners have agreed to the extension. Duke then filed a memorandum contra Staff’s motion, arguing that there is very little justification for Staff’s request.

In reply to Duke, Staff is troubled to have to clarify the meaning of “other obligations” in its original request to extend the procedural schedule, but given the pointedly adversarial nature of Duke’s Memorandum Contra, feels compelled to do so. Staff now points out that there is one Smart Grid rider audit team. Until June 13, 2012, members of that team were actively engaged in Duke’s mid-deployment review and annual audit. In addition to that, between June 20, 2012 and October 3, 2012, that team was actively engaged in three simultaneous audits of smart grid programs (excluding

Duke's mid-deployment review and audit). As of the date of this writing, assuming no rehearing is requested in the recently decided case, that team is still engaged in two simultaneous smart grid rider cases. Both of the aforementioned rider cases proceeding in parallel with the instant case were filed months prior to the instant filing.

In addition to that, some members of the smart grid rider audit team also serve on the Staff team for Duke's currently pending rate cases (Case Nos. 12-1682-EL-AIR and 12-1685-GA-AIR). There are extensive interactions between the riders at issue in this proceeding (Rider DR-IM and Rider AU) and Duke's pending rate cases. Duke is proposing to roll current Smart Grid costs into base rates for gas yet continue Rider AU for future costs associated with Smart Grid. This interplay requires the Staff members assigned to this case to confer frequently with the rate case team in order to ensure proper and consistent treatment of these costs. Ascertaining which costs from specific time periods should be recovered in base rates vs. which costs for complementary periods should be recovered via Rider AU requires coordination that proceeds at the slower of progress in the instant case or Case No. 12-1685-GA-AIR. This complexity, which Duke completely ignores in its memorandum contra, amply justifies Staff's request for an extension of time.

Duke also requests that the Commission establish a cut-off date for discovery. While Staff takes no position as to discovery by other parties, Staff notes that it has authority to compel the production of records by a public utility pursuant to R.C. 4903.03. This authority is not limited by the discovery rules or any procedural schedules. Nevertheless, Staff is cognizant of the burden of responding to data requests while

preparing for a hearing and will attempt to give Duke ample time to comply with any requests for information needed to complete Staff's investigation.

For the foregoing reasons, the Commission should grant Staff's original request for an extension of time and not Duke's suggested compromise.

Respectfully submitted,

Michael DeWine
Attorney General

William L. Wright
Section Chief

/s/Thomas G. Lindgren
Thomas G. Lindgren
Assistant Attorney General
Public Utilities Commission of Ohio
180 East Broad Street, 6th Floor
Columbus, Ohio 43215
(614) 466-4395
FAX: (614) 644-8768
thomas.lindgren@puc.state.oh.us

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing **Reply** was served by electronic mail upon all parties of record, this 10th day of October, 2012.

/s/Thomas G. Lindgren

Thomas G. Lindgren

Assistant Attorney General

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

10/10/2012 5:05:39 PM

in

Case No(s). 12-1811-GE-RDR

Summary: Reply Staff's Reply to Memorandum Contra Motion For Extension of Time electronically filed by Mrs. Tonnetta Y Scott on behalf of PUCO