BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of Duke Energy Ohio, Inc., for an Increase in Gas Rates.	Case No. 12-1685-GA-AIR
In the Matter of the Application of Duke Energy Ohio, Inc., for Tariff Approval.	Case No. 12-1686-GA-ATA
In the Matter of the Application of Duke Energy Ohio, Inc., for Approval of an Alternative Rate Plan for Gas Distribution Service.	Case No. 12-1687-GA-ALT
In the Matter of the Application of Duke Energy Ohio, Inc., for Approval to Change Accounting Methods.	Case No. 12-1688-GA-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: Stand Energy Corporation, Interstate Gas Supply, Inc., (IGS), the City of Cincinnati, Ohio Partners for Affordable Energy, Wausau Paper Towel & Tissue, LLC (motion withdrawn), The Office of the Ohio Consumers' Counsel, Cincinnati Bell Telephone Company LLC, Greater Cincinnati Health Council, The

Kroger Co., Direct Energy Services, LLC and Direct Energy Business, LLC, Ohio Manufacturers' Association, and People Working Cooperatively, Inc.

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 twelve 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, and Ohio Partners for Affordable Energy (Joint Movants), and IGS.[1] The Joint Movants and IGS 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. R.C. 4909.19(C) and O.A.C. 4901-1-28(B) mandate that all objections to staff reports of investigation be filed within thirty days of the issuance of the staff report. Further, 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

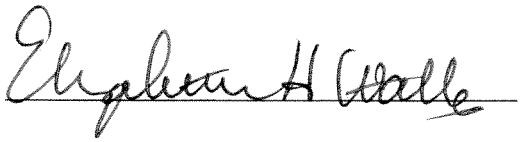
[1] Interstate Gas Supply, Inc., filed a Memorandum in Support of the Joint Motion for an Extension of Time to File Intervenor Testimony on January 15, 2013.

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.

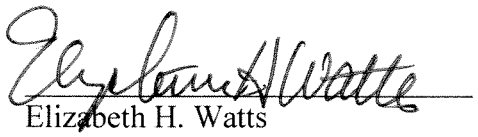
Respectfully submitted,



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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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Summary: Memorandum 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 electronically filed by Carys Cochern on behalf of Watts, Elizabeth H. Ms.