#### BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of Duke Energy Ohio, Inc., for an Increase in its Natural Gas Distribution 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

#### JOINT MOTION TO CONTINUE HEARING

Now come Duke Energy Ohio, Inc., (Duke Energy Ohio), the Office of the Ohio Consumers' Counsel, Ohio Partners for Affordable Energy, Greater Cincinnati Health Council, The Kroger Company, Direct Energy Services, Ohio Manufacturers' Association, IGS Energy, People Working Cooperatively, Cincinnati Bell, the City of Cincinnati, and the Staff of the Commission (Joint Movants)<sup>1</sup>, in accordance with Rule 4901-1-13, Ohio Administrative Code (O.A.C.), and hereby submit to the Public Utilities Commission of Ohio (Commission) a Joint Motion to Continue the Hearing in the above-captioned cases. Joint Movants further request an expedited ruling from the Commission on this issue. The potential length of the public hearing scheduled for Duke Energy Ohio's electric distribution rate case and the scheduled start date for Duke Energy Ohio's capacity case are likely to provide fewer days for the completion of the gas

<sup>&</sup>lt;sup>1</sup> Stand Energy neither supports nor objects to the Joint Motion to Continue Hearing.

distribution rate case, which presently has no explicitly defined start date, than will be necessary for its completion. Accordingly, for the reasons set forth in the accompanying memorandum in support, Joint Movants request that the Commission continue the public hearing in this matter until April 29, 2013. Joint Movants further respectfully request that the Commission approve this motion in an expedited fashion.

Respectfully submitted on behalf of the Joint Movants,

#### **DUKE ENERGY OHIO, INC.**

Elzabeth H Watte

Amy B. Spiller (0047277) Deputy General Counsel Rocco D'Ascenzo (0077651) Associate General Counsel Jeanne Kingery (0012172) Associate General Counsel Elizabeth Watts (0031092) Associate General Counsel Duke Energy Business Services, LLC 139 East Fourth Street 1303-Main Cincinnati, Ohio 45202 (Telephone) 513-287-4359 (Facsimile) 513-287-438

## BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of Duke Energy Ohio, Inc., for an Increase in its Natural Gas Distribution 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

# MEMORANDUM IN SUPPORT OF JOINT MOVANTS' MOTION TO CONTINUE HEARING

Pursuant to an Entry dated January 18, 2013, an amended procedural schedule was

adopted in the above-captioned cases (gas rate cases). The procedural schedule set the following

time table for the hearings in the Duke Energy Ohio electric rate cases (Case Nos. 12-1682-EL-

AIR, 12-1683-EL-ATA, and 12-1684-EL-AAM) and gas rate cases:

(g) March 25, 2013 - The evidentiary hearing for the electric rate case will begin at 10:00 a.m. in Hearing Room 11-A, at the offices of the Commission, 180 East Broad Street, Columbus, Ohio 43215.

(h) The evidentiary hearing for the gas rate case will commence no later than one business day after the conclusion of the electric rate case at 10:00 a.m. in Hearing Room 11-A, at the offices of the Commission, 180 East Broad Street, Columbus, Ohio 43215.

In addition to the electric and gas rate cases, Duke Energy Ohio's capacity case, Case No. 12-2400-EL-UNC (capacity case), is currently underway. The hearing in the capacity case is presently scheduled to begin on April 15, 2013.

Because of the numerous issues involved in the electric and gas rate cases and the capacity case, there is a significant possibility that the hearing dates, as presently scheduled, will overlap. Given this possibility, and the significant strain on the resources of all parties involved in these cases and the Commission due to the sequential hearings scheduled in these matters, the Joint Movants respectfully request that the hearing in the gas rate cases be continued until April 29, 2013. The Joint Movants believe that this firm date will provide all parties with the amount of time necessary to complete the hearings in the electric rate cases and the capacity case, and proceed appropriately with the gas rate cases.

In view of these circumstances, and the quickly approaching hearing dates in the electric and gas rate cases, the Joint Movants respectfully request that the Commission approve the attached Motion to Continue on an expedited basis, as permitted by Rule 4901-1-12(C), O.A.C.

Respectfully submitted on behalf of the Joint Movants,

**DUKE ENERGY OHIO, INC.** 

Elzabeth H Watte

Amy B. Spiller (0047277) Deputy General Counsel Rocco D'Ascenzo (0077651) Associate General Counsel Jeanne Kingery (0012172) Associate General Counsel Elizabeth Watts (0031092) Associate General Counsel

Duke Energy Business Services, LLC 139 East Fourth Street 1303-Main Cincinnati, Ohio 45202 (Telephone) 513-287-4359 (Facsimile) 513-287-4385

## CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing document was served this 20th day of March, 2013, by U.S. mail, postage prepaid, or by electronic mail upon the persons listed below.

Elzabeth H Watte

Elizabeth H. Watts

Thomas J. O'Brien Bricker & Eckler LLP 100 South Third Street Columbus, Ohio 43215 tobrien@bricker.com

**Counsel for the City of Cincinnati** 

Vincent Parisi Matthew White Interstate Gas Supply, Inc. 6100 Emerald Parkway Dublin, Ohio 43016 vparisi@igsenergy.com mswhite@igsenergy.com

## Attorneys for Interstate Gas Supply, Inc.

A. Brian McIntosh McIntosh & McIntosh 1136 Saint Gregory Street Suite 100 Cincinnati, Ohio 45202 brian@mcintoshlaw.com

#### **Counsel for Stand Energy Corporation**

Joseph P. Serio, Counsel of Record Larry S. Sauer Assistant Consumers' Counsel Office of the Ohio Consumers' Counsel 10 West Broad Street, Suite 1800 Columbus, Ohio 43215-3485 serio@occ.state.oh.us sauer@occ.state.oh.us

## Attorneys for the Ohio Consumers' Counsel

Thomas McNamee Devin Parram Assistant Attorneys General Public Utilities Section 180 East Broad St., 6<sup>th</sup> Floor Columbus, Ohio 43215 Thomas.mcnamee@puc.state.oh.us Devin.parram@puc.state.oh.us

#### **Counsel for Staff of the Commission**

Edmund J. Berger 6035 Red Winesap Way Dublin, Ohio 43016 berger@occ.state.oh.us

Attorney for the Ohio Consumers' Counsel

Joseph M. Clark 21 East State Street, Suite 1900 Colleen L. Mooney Ohio Partners for Affordable Energy 231 West Lima St. Findlay, Ohio 45839-1793 Cmooney2@columbus.rr.com

#### **Counsel for OPAE**

Douglas E. Hart 441 Vine Street, Suite 4192 Cincinnati, Ohio 45202 dhart@douglasehart.com

## Attorney for The Greater Cincinnati Health Council and the Cincinnati Bell Telephone Company

Kimberly W. Bojko Mallory M. Mohler Carpenter Lipps & Leland LLP 280 North High Street #1300 Columbus, Ohio 43215 Bojko@carpenterlipps.com Mohler@carpenterlipps.com

#### Attorneys for The Kroger Co.

J. Thomas Siwo Matthew W.Warnock Bricker & Eckler LLP 100 South Third Street Columbus, Ohio 43215-4291 tsiwo@bricker.com mwarnock@bricker.com

# Attorneys for Ohio Manufacturers' Association

M. Howard Petricoff, Trial Counsel Stephen M. Howard Columbus, Ohio 43215 joseph.clark@directenergy.com

# Attorney for Direct Energy Services, LLC and Direct Energy Business, LLC

52 East Gay Street P. 0. Box 1008 Columbus, Ohio 43216-1008 mhpetricoff@vorys.com smhoward@vorys.com

# Attorneys for Interstate Gas Supply, Inc.

Andrew J. Sonderman Kegler, Brown, Hill & Ritter LPA Capitol Square, Suite 1800 65 E. State Street Columbus, Ohio 43215

Attorney for People Working Cooperatively, INC.

# This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

3/20/2013 4:12:17 PM

in

# Case No(s). 12-1685-GA-AIR, 12-1686-GA-ATA, 12-1687-GA-ALT, 12-1688-GA-AAM

Summary: Motion Joint Motion to Continue Hearing electronically filed by Carys Cochern on behalf of Watts, Elizabeth H. Ms.