

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of Duke)
Energy Ohio, Inc., for the Establishment of) Case No. 12-2400-EL-UNC
a Charge Pursuant to Section 4909.18,)
Revised Code.)

In the Matter of the Application of Duke)
Energy Ohio, Inc., for Approval to Change) Case No. 12-2401-EL-AAM
Accounting Methods.)

In the Matter of the Application of Duke)
Energy Ohio, Inc., for the Approval of a) Case No. 12-2402-EL-ATA
Tariff for a New Service.)

ENTRY

The attorney examiner finds:

- (1) On August 29, 2012, Duke Energy Ohio, Inc., (Duke) filed an application in these cases that, *inter alia*, seeks to establish the amount of a cost-based charge for the provision of capacity services, modify its accounting practices to establish a deferral to account for the difference between the amounts being recovered by Duke for the provision of capacity and Duke's cost of providing capacity, and implement a new tariff for future recovery of those deferred amounts.
- (2) On March 7, 2013, a prehearing conference, which was transcribed, was held in these cases. At the prehearing conference, the attorney examiner granted Staff's motion for an extension for the filing of its testimony in these cases until April 2, 2013.
- (3) On March 26, 2013, Staff filed a motion requesting an additional one-week extension, to April 9, 2013, for the filing of its testimony. In support of its motion, Staff explains that it recently retained a consultant; therefore, in order to complete a thorough analysis of the application in these cases, the additional week is necessary. No one filed memorandum contra this motion.

- (4) Upon consideration of Staff's request for an extension to file its testimony on April 9, 2013, the attorney examiner finds that it is reasonable and should be granted.
- (5) On March 29, 2013, the Ohio Consumers' Counsel, Ohio Energy Group, and Industrial Energy Users-Ohio (joint movants) filed a motion for continuance of the hearing. Joint movants state that, while they do not oppose Staff's request for extension, should the extension be granted, the hearing should, likewise, be extended one week from April 15, 2013, to April 22, 2013. In support of their motion, joint movants note that, given the magnitude of Duke's proposed increase, it is not unreasonable to allow additional time for parties to prepare for hearing. Furthermore, postponing the hearing an additional week will give parties time to assess and respond to Staff's testimony. Moreover, joint movants infer that, since there continues to be an abundance of activity in these proceedings, as well as other proceedings pending before the Commission, the additional hearing preparation time would be helpful.
- (6) With the determination herein that Staff's motion for extension to file its testimony should be granted, as it stands now, Staff's testimony will be filed on April 9, 2013, and the hearing will commence six days later on April 15, 2013. Given the process that has already occurred in these dockets, commencing with Duke's filing of the application seven months ago, followed by the filing of comments and reply comments on the application by numerous parties, as well as Staff, the attorney examiner believes that all parties have been afforded sufficient time to prepare for hearing. Accordingly, the attorney examiner finds that joint movants' motion for a one-week extension of the hearing date should be denied, and the hearing should commence, as scheduled, on April 15, 2013.

ORDERED, That Staff's motion for an extension, to April 9, 2013, to file its testimony is granted. It is, further,

ORDERED, That joint movants' motion for a one-week extension of the hearing date is denied. It is, further,

ORDERED, That a copy of this entry be served upon all parties of record in these cases.

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/Christine M.T. Pirik

By: Christine M.T. Pirik
Attorney Examiner

JRJ/sc

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

4/1/2013 11:02:48 AM

in

Case No(s). 12-2400-EL-UNC, 12-2401-EL-AAM, 12-2402-EL-ATA

Summary: Attorney Examiner Entry grants Staff's motion for an extension to 04/09/2013 to file its testimony and denies joint movants' motion for a one-week extension of the hearing date. - electronically filed by Sandra Coffey on behalf of Christine M.T. Pirik, Attorney Examiner, Public Utilities Commission of Ohio