

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of Duke)
Energy Ohio, Inc. for an Adjustment to) Case No. 12-3028-GA-RDR
Rider AMRP Rates to Recover Costs)
Incurred in 2012.)

In the Matter of the Application of Duke) Case No. 12-3029-GA-ATA
Energy Ohio, Inc. for Tariff Approval.)

ENTRY

The attorney examiner finds:

- (1) By opinion and order issued May 28, 2008, in *In the Matter of the Application of Duke Energy Ohio, Inc. for an Increase in Rates*, Case No. 07-589-GA-AIR, *et al.*, the Commission approved a stipulation that, *inter alia*, provided a process for adjustments to the Accelerated Main Replacement Program (AMRP) rider (Rider AMRP) of Duke Energy Ohio, Inc. (Duke) to be recovered through a separate charge (AMRP cost recovery charge). The opinion and order contemplated periodic filings of applications and adjustments of the rate under the AMRP cost recovery charge.
- (2) On November 30, 2012, Duke filed its application supporting a rate adjustment for the AMRP cost recovery charge to recover costs incurred during 2012.
- (3) By entry issued March 1, 2013, the attorney examiner established the procedural schedule in these matters and determined that, in the event all of the issues are not resolved or the parties enter into a stipulation, a hearing shall commence on April 4, 2013, at the offices of the Commission.
- (4) By entry issued April 3, 2013, the attorney examiner granted the motion for a one-week continuance of the procedural schedule filed by Staff, Duke, and the Office of the Ohio Consumers' Counsel (OCC).

- (5) On April 8, 2013, all of the parties to this case filed a joint stipulation and recommendation purporting to resolve all of the issues in these cases.
- (6) On April 9, 2013, Duke filed a second motion to continue the hearing in these cases stating that OCC and Staff do not oppose the motion. In support of its motion, Duke states that its counsel is unable to attend the hearing on April 11, 2013, due to other commitments related to other proceedings presently pending before the Commission. Therefore, Duke requests that the hearing be rescheduled to either April 15 or 16, 2013.
- (7) Upon consideration of Duke's second motion for continuance, the attorney examiner finds that the motion should be denied. While the attorney examiner understands that there are multiple cases pending at the Commission which require Duke's attention, given the fact that the process in these cases requires a Commission order before the end of April, further continuance of the hearing is not reasonable, especially in light of the fact that the parties have submitted a stipulation that purportedly resolves all issues in the cases. Accordingly, the hearing in these cases will commence, as rescheduled, on April 11, 2013, at 10:00 a.m. at the offices of the Commission.

It is, therefore,

ORDERED, That Duke's second motion for continuance of the hearing is denied. It is, further,

ORDERED, That a copy of this entry be served upon all parties and interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/ Kerry K. Sheets

By: Kerry K. Sheets
Attorney Examiner

jrj/vrm

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

4/10/2013 2:13:21 PM

in

Case No(s). 12-3028-GA-RDR, 12-3029-GA-ATA

Summary: Attorney Examiner Entry denying Duke Energy Ohio, Inc.'s second motion for a continuance of the hearing; electronically filed by Vesta R Miller on behalf of Kerry K. Sheets, Attorney Examiner, Public Utilities Commission of Ohio