

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of Duke)
Energy Ohio, Inc. for Recovery of Program)
Costs, Lost Distribution Revenue, and) Case No. 13-753-EL-RDR
Performance Incentives Related to its)
Energy Efficiency and Demand Response)
Programs.)

ENTRY

The attorney examiner finds:

- (1) By opinion and order issued August 15, 2012, in *In the Matter of the Application of Duke Energy Ohio, Inc. for an Energy Efficiency Cost Recovery Mechanism and for Approval of Additional Programs for Inclusion in its Existing Portfolio*, Case No. 11-4393-EL-RDR, the Commission approved a stipulation entered into between Duke Energy Ohio, Inc. (Duke) and some of the parties. Specifically, *inter alia*, the Commission approved Duke's Rider Energy Efficiency and Demand Response (EE/PDR).
- (2) On March 28, 2013, Duke filed the instant case requesting Commission approval to adjust Rider EE-PDR to recover costs related to compliance with energy efficiency mandates.
- (3) By entry issued June 13, 2013, the attorney examiner established deadlines for the filing of motions to intervene, comments, and reply comments.
- (4) Motions to intervene were filed by the Ohio Consumers' Counsel (OCC) on April 29, 2013, and the Ohio Partners for Affordable Energy (OPAE) on May 3, 2013. OCC and OPAE submit that they satisfy the criteria for intervention set forth in Section 4903.221, Revised Code, and Rule 4901-1-11, Ohio Administrative Code. Moreover, OCC asserts that, as the state representative of Ohio's residential utility customers, its interest is not represented by any other entity in Ohio. OPAE offers that it advocates for affordable energy for low and moderate income Ohioans, thus, it has a real and substantial interest in this proceeding. No one filed memoranda contra the motions to intervene. Therefore, the attorney examiner finds

that the motions to intervene filed by OCC and OPAE are reasonable and should be granted.

- (5) Comments on Duke's application were filed by Staff, OCC, and OPAE. Duke filed reply comments.
- (6) After reviewing the comments and reply comments, the attorney examiner finds that it appears that not all of the issues raised in the comments have been resolved; therefore, this matter should be set for a hearing. Accordingly, the parties should adhere to the following procedural schedule:
 - (a) Monday, September 9, 2013 - Deadline for the filing of expert testimony by Staff and intervenors.
 - (b) Friday, September 13, 2013 - Deadline for the filing of supplemental testimony by Duke.
 - (c) In the event that some or all of the parties enter into a stipulation resolving some or all of the issues in this case, the parties must file such stipulation with the Commission, by 9:00 a.m. on Wednesday, September 18, 2013.
 - (d) Thursday, September 19, 2013 - The hearing shall commence at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, 11th Floor, Hearing Room A, Columbus, Ohio.
- (7) In light of the expedited timeframe for this case, the attorney examiner finds that, in the event any motion is filed in this proceeding, any memoranda contra shall be filed within five calendar days after the service of such motion, and no reply memoranda shall be permitted. Parties shall provide service of pleadings via hand delivery, facsimile, or e-mail.
- (8) In addition, the attorney examiner finds that response time for discovery shall be shortened to five calendar days. Unless otherwise agreed to by the parties, discovery requests and replies shall be served by hand delivery, facsimile, or e-mail. An attorney serving a discovery request shall attempt to contact the attorney upon whom the discovery request will be

served in advance to advise him/her that a request will be forthcoming.

It is, therefore,

ORDERED, That the motions to intervene filed by OCC and OPAC be granted. It is, further,

ORDERED, That the procedural schedule set forth in finding (6) be observed. It is, further,

ORDERED, That the parties adhere to the procedural processes established in findings (7) and (8). It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/ Christine M.T. Pirik

By: Christine M.T. Pirik
Attorney Examiner

jrj/vrm

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in

Case No(s). 13-0753-EL-RDR

Summary: Attorney Examiner Entry granting motions to intervene, establishing the procedural schedule, and setting the hearing for September 19, 2013; electronically filed by Vesta R Miller on behalf of Christine M.T. Pirik, Attorney Examiner, Public Utilities Commission of Ohio