

BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

JJS3 Foundation dba)	
Neusole Glassworks)	
937 Windsor Ave.)	
Cincinnati, OH 45206)	
)	
Complainant,)	Case No. 13-1803-GA-CSS
)	
v.)	
)	
Duke Energy Ohio, Inc.)	
)	
Respondent.)	

**RESPONDENT DUKE ENERGY OHIO, INC.'S
EMERGENCY MOTION TO CONTINUE SETTLEMENT CONFERENCE**

Respondent Duke Energy Ohio, Inc. respectfully moves the Commission to continue the settlement conference scheduled for Monday, December 9, 2013, at 10:30 a.m.

Respondent presents this motion on an emergency basis given the date and schedule. In addition, Respondent's attorney confirmed with Complainant's attorney that Complainant does not oppose this motion. A memorandum in support of this motion is attached.

Respectfully Submitted,

/s/ Robert A. McMahon
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Attorney for Respondent,
Duke Energy Ohio, Inc.

MEMORANDUM IN SUPPORT

By entry dated November 6, 2013, this case was scheduled for a settlement conference on December 9, 2013, pursuant to a request for a continuance filed by Complainant and approved by Respondent. Discovery has taken longer than anticipated as the parties are still conducting written discovery in an effort to fully investigate the facts and exchange relevant documents and information so that the parties may have a substantive settlement conference. Both parties have needed additional time to respond to each other's detailed discovery requests, to wit: to date Respondent has not received copies of Complainant's responsive documents for discovery requests served on October 11, 2013, and Respondent is still working on fully responding to discovery requests served by Complainant on November 8, 2013.

The request to continue the settlement conference is not being filed for purposes of delay. Rather, the parties have not had ample time to complete written discovery and both parties believe that discovery is necessary to enable to them to have a productive settlement conference.

Respondent seeks a continuance of the settlement hearing to a date convenient to all parties and their counsel during January 2014 and requests that the Commission contact the parties' counsel in advance before rescheduling the settlement conference. Both parties have to coordinate among several company representatives and attorneys. Therefore, it is not possible at this time to suggest a new date because the parties are not familiar with the Commission's calendar and dates available to the attorney examiner conducting the settlement conference.

WHEREFORE, Respondent Duke Energy Ohio, Inc. requests that the Commission vacate the settlement conference scheduled for December 9, 2013, and set this matter for a

settlement conference during January 2014 on a date mutually convenient to the Commission, Complainant and Respondent.

Respectfully Submitted,

/s/ Robert A. McMahon

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Attorney for Respondent,

Duke Energy Ohio, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing discovery requests were served via regular US Mail, postage prepaid, on the 3rd day of December, 2013, upon the following:

Brian R. Redden, Esq.

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/s/ Robert A. McMahon

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

12/4/2013 11:33:14 AM

in

Case No(s). 13-1803-GA-CSS

Summary: Motion Emergency Motion to Continue Hearing electronically filed by Mr. Robert A. McMahon on behalf of Duke Energy Ohio, Inc.