

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of Duke)	
Energy Ohio for Authority to Establish a)	
Standard Service Offer Pursuant to Section)	
4928.143, Revised Code, in the Form of)	Case No. 14-841-EL-SSO
an Electric Security Plan, Accounting)	
Modifications and Tariffs for Generation)	
Service.)	

In the Matter of the Application of Duke)	
Energy Ohio for Authority to Amend its)	Case No. 14-842-EL-ATA
Certified Supplier Tariff, P.U.C.O. No. 20.)	

**DUKE ENERGY OHIO'S MEMORANDUM CONTRA
JOINT MOTION FOR A PREHEARING CONFERENCE TO ADDRESS
PENDING MOTIONS AND REQUEST FOR EXPEDITED RULING**

Pursuant to the provisions of O.A.C. 4901-1-12(C), Duke Energy Ohio, Inc., (Duke Energy Ohio or Company) hereby files its memorandum contra (Memorandum Contra) a Joint Motion for a Prehearing Conference to Address Pending Motions and Request for Expedited Ruling (Joint Motion), filed with the Public Utilities Commission of Ohio (Commission) on July 28, 2014, by the several of the intervenors in these proceedings (Joint Movants).¹

While Duke Energy Ohio is ready to participate in a prehearing conference, should the Commission determine that such a conference is necessary, Duke Energy Ohio

¹ The Joint Movants comprise the City of Cincinnati, Constellation NewEnergy Inc., Environmental Law and Policy Center, Exelon Generation Company LLC, Industrial Energy Users-Ohio, Interstate Gas Supply, Inc., the Kroger Company, Natural Resources Defense Council, the Office of the Ohio Consumers' Counsel (OCC), Ohio Environmental Council, Ohio Partners for Affordable Energy, People Working Cooperatively, Retail Energy Supply Association, and Sierra Club.

disagrees with the rationale for the Joint Motion and with the requested prehearing conference date.

Joint Movants seek to force the Commission to rule on all pending motions on Joint Movants' schedule, rather than allowing the Commission to proceed as it deems appropriate. Although the Commission is indisputably aware of the motions in question, as well as their content, Joint Movants have chosen to detail all of those filings yet again. This approach is a waste of the Commission's valuable time and resources.

Joint Movants, in attempting to support this tactic, also misstate reality in their attempt to summarize the arguments in pending motions. Most egregious is their false assertion that Duke Energy Ohio "has refused to provide most intervenors with information that it alone has determined deserves confidential treatment. The PUCO's rules were promulgated to prevent such actions."² The truth is that:

- Duke Energy Ohio has refused to release its proprietary information under contractual terms that experience has shown to be ineffective in preventing misuse of such information.
- OCC has refused even to consider signing a confidentiality agreement that differs from the version previously used.
- Negotiations over the terms of a confidentiality agreement continued with another party, with both sides compromising to reach a reasonable outcome.
- Without an effective confidentiality agreement, the information that Duke Energy Ohio believes to be proprietary cannot be released.

² Joint Motion, pg. 3.

- As of the filing of the Joint Motion, only three of the fourteen movants had even requested a confidentiality agreement with the Company.³ The circumstances involving OCC with regard to terms of a confidentiality agreement are well known and will not be restated here. The only other movants to have sought a confidentiality agreement have yet to provide substantive comments.
- As of the filing of this Joint Motion, only five of the fourteen movants had tendered discovery upon Duke Energy Ohio and thus have affirmatively sought any information, whether confidential or public, that would assist them in evaluating the Company's application from the perspective of their individual business interests.

It is not, as Joint Movants assert, that Duke Energy Ohio refuses to provide the agreement. Rather, of those few Joint Movants that have even broached the subject of a confidentiality agreement, they either refuse to compromise or have not followed up with the Company, and it is under these circumstances that Duke Energy Ohio refuses to release its confidential information publicly.

Duke Energy Ohio does not disagree that a prehearing conference is one method by which the Commission could decide these issues. However, it seems unlikely, after the plethora of motions that have been filed, that any more argument is necessary. The more typical written order would suffice.

If the Commission does wish to schedule a prehearing conference, sufficient notice would be necessary in order to ensure that all interested parties have the

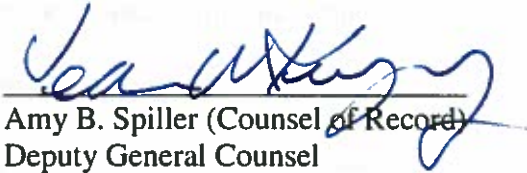
³ As the Company had standard confidentiality agreements available at the technical conference, additional Movants may have also picked up copies. However, no other Movants have discussed the matter with Company counsel.

opportunity to have counsel present. Joint Movants have asked the Commission to schedule such a conference for the week of July 28, 2014. As the Motion was only filed on July 28, 2014, this is an astonishing request. Given such short notice, many of Duke Energy Ohio's necessary participants would not be available.

Duke Energy Ohio respectfully submits that the Commission should deny the Joint Motion.

Respectfully submitted,

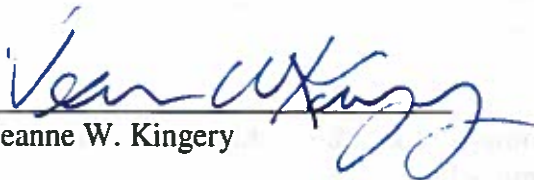
DUKE ENERGY OHIO, INC.

A handwritten signature in blue ink, appearing to read "Amy B. Spiller", is written over a horizontal line.

Amy B. Spiller (Counsel of Record)
Deputy General Counsel
Rocco O. D'Ascenzo
Associate General Counsel
Jeanne W. Kingery
Associate General Counsel
Elizabeth H. Watts
Associate General Counsel
139 E. Fourth Street, 1303-Main
P.O. Box 961
Cincinnati, Ohio 45201-0960
(513) 287-4359 (telephone)
(513) 287-4385 (facsimile)
Amy.Spiller@duke-energy.com (e-mail)

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing was delivered by U.S. mail (postage prepaid), personal, or electronic mail, on this 30th day of July, 2014, to the parties listed below.


Jeanne W. Kingery

Steven Beeler
Thomas Lindgren
Ryan O'Rourke
Assistant Attorneys General
Public Utilities Section
180 East Broad St., 6th Floor
Columbus, Ohio 43215
Steven.beeler@puc.state.oh.us
Thomas.lindgren@puc.state.oh.us
Ryan.orourke@puc.state.oh.us

Counsel for Staff of the Commission

Kevin R. Schmidt
88 East Broad Street, Suite 1770
Columbus, Ohio 43215
schmidt@sppgrp.com

**Counsel for the Energy Professionals
of Ohio**

David F. Boehm
Michael L. Kurtz
Jody M. Kyler Cohn
Boehm, Kurtz & Lowry
36 East Seventh Street, Suite 1510
Cincinnati, Ohio 45202
dboehm@BKLawfirm.com
mkurtz@BKLawfirm.com
jkylercohn@BKLawfirm.com

Counsel for the Ohio Energy Group

Mark A. Hayden
Jacob A. McDermott
Scott J. Casto
FirstEnergy Service Company
76 South Main Street
Akron, Ohio 44308
haydenm@firstenergycorp.com
jmcdermott@firstenergycorp.com
scasto@firstenergycorp.com

**Counsel for FirstEnergy Solutions
Corp.**

Maureen R. Grady
Joseph P. Serio
Edmund "Tad" Berger
Office of the Ohio Consumers' Counsel
10 West Broad Street, Suite 1800
Columbus, Ohio 43215-3485
Maureen.grady@occ.ohio.gov
Joseph.serio@occ.ohio.gov
Edmund.berger@occ.ohio.gov

Counsel for the Ohio Consumers' Counsel

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

Counsel for the Ohio Manufacturers' Association

Joseph M. Clark
Direct Energy
21 East State Street, 19th Floor
Columbus, Ohio 43215
joseph.clark@directenergy.com

Counsel for Direct Energy Services, LLC and Direct Energy Business, LLC

Judi L. Sobecki
The Dayton Power and Light Company
1065 Woodman Drive
Dayton, Ohio 45432
Judi.sobecki@aes.com

Counsel for The Dayton Power and Light Company

Joseph Olier
Matthew White
6100 Emerald Parkway
Dublin, Ohio 43016
joliker@igsenergy.com
mswhite@igsenergy.com

Counsel for Interstate Gas Supply, Inc.

Gerit F. Hull
Eckert Seamans Cherin & Mellot, LLC
1717 Pennsylvania Avenue, N.W.
12th Floor
Washington, DC 20006
ghull@eckertseamans.com

Counsel for Direct Energy Services, LLC and Direct Energy Business, LLC

Samuel C. Randazzo
Frank P. Darr
Matthew R. Pritchard
McNees Wallace & Nurick LLC
21 East State Street, 17th Floor
Columbus, Ohio 43215
sam@mwncmh.com
fdarr@mwncmh.com
mpritchard@mwncmh.com

**Counsel for Industrial Energy Users-
Ohio**

Trent Dougherty
1207 Grandview Avenue, Suite 201
Columbus, Ohio 43212-3449
tdougherty@theOEC.org

**Counsel for the Ohio Environmental
Council**

Andrew J. Sonderman
Margeaux Kimbrough
Kegler Brown Hill & Ritter LPA
Capitol Square, Suite 1800
65 East State Street
Columbus, Ohio 43215-4294
asonderman@keglerbrown.com
mkimbrough@keglerbrown.com

**Counsel for People Working
Cooperatively, Inc.**

Colleen L. Mooney
Cathryn N. Loucas
Ohio Partners for Affordable Energy
231 West Lima Street
Findlay, Ohio 45839-1793
cmooney@ohiopartners.org
cloucas@ohiopartners.org

**Counsel for Ohio Partners for
Affordable Energy**

Steven T. Nourse
Matthew J. Satterwhite
Yazen Alami
American Electric Power Service
Corporation
1 Riverside Plaza 29th Floor
Columbus, Ohio 43215
stnourse@aep.com
mjsatterwhite@aep.com
yalami@aep.com

Counsel for Ohio Power Company

Christopher J. Allwein
Todd M. Williams
Williams Allwein and Moser, LLC
1500 West Third Avenue, Suite 330
Columbus, Ohio 43212
callwein@wamenergylaw.com
toddm@wamenergylaw.com

Counsel for the Sierra Club

Rebecca L. Hussey
Carpenter Lipps & Leland LLP
280 Plaza, Suite 1300
280 North High Street
Columbus, Ohio 43215
Hussey@carpenterlipps.com

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

Counsel for The Kroger Company

M. Howard Petricoff
Michael J. Settineri
Gretchen L. Petrucci
Vorys, Sater, Seymour, and Pease, LLP
52 East Gay Street
P.O.Box 1008
Columbus, Ohio 43216-1008
mhpetricoff@vorys.com
mjsettineri@vorys.com
glpetrucci@vorys.com

Counsel for The Greater Cincinnati Health Council

Cynthia Fonner Brady
Exelon Business Services Company
4300 Winfield Road
Warrenville, Illinois 60555
Cynthia.brady@constellation.com

Counsel for Constellation NewEnergy, Inc. and Exelon Generation Company, LLC

David I. Fein
Vice President, State Government
Affairs - East
Exelon Corporation
10 South Dearborn Street, 47th Floor
Chicago, Illinois 60603
David.fein@exeloncorp.com

For Constellation NewEnergy, Inc.

Lael Campbell
Exelon
101 Constitution Avenue, NW
Washington, DC 2001
Lael.Campbell@constellation.com

For Exelon Corporation

For Constellation NewEnergy, Inc.

M. Howard Petricoff
Special Assistant Attorney General
Vorys, Sater, Seymour, and Pease, LLP
52 East Gay Street
P.O. Box 1008
Columbus, Ohio 43216-1008
mhpetricoff@vorys.com

M. Howard Petricoff
Michael J. Settineri
Gretchen L. Petrucci
Vorys, Sater, Seymour, and Pease, LLP
52 East Gay Street
P.O.Box 1008
Columbus, Ohio 43216-1008
mhpetricoff@vorys.com
mjsettineri@vorys.com
glpetrucci@vorys.com

**Counsel for Miami University and the
University of Cincinnati**

Nicholas McDaniel
Environmental Law & Policy Center
1207 Grandview Ave., Suite 201
Columbus, Ohio 43212
NMcDaniel@elpc.org

**Counsel for the Retail Energy Supply
Association**

Gregory J. Poulos
EnerNOC, Inc.
471 E. Broad Street, Suite 1520
Columbus, Ohio 43215
gpoulos@enernoc.com

**Counsel for the Environmental Law &
Policy Center**

Samantha Williams
Natural Resources Defense Council
20 N. Wacker Drive, Suite 1600
Chicago, Illinois 60606
swilliams@nrdc.org

Counsel for EnerNOC, Inc.

Thomas J. O'Brien
Bricker & Eckler LLP
100 South Third Street
Columbus, Ohio 43215-4291
tobrien@bricker.com

**Counsel for the Natural Resources
Defense Council**

Counsel for the City of Cincinnati

Rick D. Chamberlain
Behrens, Wheeler, & Chamberlain
6 N.E. 63rd Street, Suite 400
Oklahoma City, OK 73105
rchamberlain@okenergylaw.com

Donald L. Mason
Michael R. Traven
Roetzel & Andress, LPA
155 E. Broad Street, 12th Floor
Columbus, Ohio 43215
dmason@ralaw.com
mtraven@ralaw.com

**Counsel for Wal-Mart Stores East, LP
and Sam's East, Inc.**

**Counsel for Wal-Mart Stores East, LP
and Sam's East, Inc.**

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Summary: Memorandum Memorandum Contra Joint Motion for Prehearing Conference
electronically filed by Jeanne W Kingery on behalf of Duke Energy Ohio