

BEFORE THE
PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of)	
Duke Energy Ohio, Inc. for a)	
Waiver to File a New Energy)	Case No. 16-0576-EL-WVR
Efficiency and Peak Demand)	
Reduction Portfolio Application.)	

**APPLICATION OF DUKE ENERGY OHIO, INC.,
FOR A WAIVER AND REQUEST FOR EXPEDITED RULING**

Pursuant to Rule 4901:1-39-02(B), Ohio Administrative Code (O.A.C.), Duke Energy Ohio, Inc., (Duke Energy Ohio or the Company) respectfully requests a limited waiver of Rule 4901:1-39-04(A), O.A.C., that would enable the Company to delay filing an energy efficiency program portfolio until October 15, 2016. The Public Utilities Commission of Ohio (Commission) has authority to grant such a waiver pursuant to Rule 4901:1-39-02(B), for good cause shown.

There are presently pending a number of energy efficiency-related cases before the Commission that could impact the design of the Company's proposed portfolio. Likewise, there are matters pending before the Ohio General Assembly that could impact the proposed portfolio. Senate Bill 310, enacted in 2014, created an Energy Mandates Study Committee to evaluate energy policy for the state of Ohio. The Energy Mandates Study Committee issued a report in September of 2015, recommending, *inter alia*, that the existing freeze of the mandates continue indefinitely. The General Assembly has not yet acted upon this recommendation. Granting the Company's request for waiver will ensure that its portfolio plan is consistent with any actions taken by the Commission or General Assembly. Finally, given that Section 7(B) of Senate Bill 310 prohibits

the Commission from taking any action with regard any portfolio plan or application regarding a portfolio plan prior to January 1, 2017, the requested waiver will not impact the Commission review of the Company's application to establish a portfolio plan for 2017 and beyond.

For the reasons stated above, Duke Energy Ohio respectfully requests a waiver of Rule 4901:1-39-04(A), O.A.C. As Rule 4901:1-39-04(A) requires electric distribution utilities to file proposed portfolios on or before April 15, Duke Energy Ohio respectfully requests that the Commission expedite its ruling.

Respectfully submitted,
DUKE ENERGY OHIO, INC.

A handwritten signature in black ink, reading "Elizabeth H. Watts" with a stylized flourish at the end.

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Case No(s). 16-0576-EL-WVR

Summary: Application Application of Duke Energy Ohio, Inc., For a Waiver and Request for Expedited Ruling electronically filed by Dianne Kuhnell on behalf of Duke Energy Ohio, Inc. and Spiller, Amy B. and Watts, Elizabeth H.