

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Duke	)	
Energy Ohio, Inc. for Approval of its	)	Case No. 16-576-EL-POR
Energy Efficiency and Peak Demand	)	
Reduction Portfolio of Programs.	)	

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**MOTION TO SUSPEND PROCEDURAL SCHEDULE AND REQUEST FOR  
EXPEDITED RULING  
BY  
THE OFFICE OF THE OHIO CONSUMERS' COUNSEL  
AND  
STAFF OF THE PUBLIC UTILITIES COMMISSION OF OHIO**

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The Office of the Ohio Consumers' Counsel ("OCC") and the Staff of the Public Utilities Commission of Ohio ("Staff") request that the Public Utilities Commission of Ohio continue indefinitely the procedural schedule in this case involving Duke Energy and its customers. The continuance should allow for a pre-hearing conference on December 27, 2016 at 2:00 pm with the Attorney Examiner to set a procedural schedule. The reasons for this motion are stated in the following memorandum in support.

Respectfully submitted,

BRUCE WESTON (0016973)  
OHIO CONSUMERS' COUNSEL

/s/ Christopher Healey  
Christopher Healey (0086027)  
Counsel of Record

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*/s/ John H. Jones*

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On behalf of the Staff of  
The Public Utilities Commission of Ohio

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On November 22, 2016, the Attorney Examiner entered an order setting the following procedural schedule:

- Intervenor Testimony due December 27, 2016
- PUCO Staff Testimony due December 30, 2016
- Hearing: January 9, 2017.

This schedule was set based on potential full litigation of Duke's energy efficiency portfolio application. Subsequently, on December 22, 2016, Duke filed a Stipulation and Recommendation (the "Stipulation"). The Stipulation was signed by the following parties: Duke, Ohio Hospital Association, Environmental Law & Policy Center, Environmental Defense Fund, Ohio Environmental Council, Natural Resources Defense Council, and IGS Energy, Inc. The following parties did not sign the Stipulation: PUCO Staff, Ohio Consumers' Counsel, The Kroger Co., Ohio Manufacturers' Association, Ohio Partners for Affordable Energy, and Industrial Energy Users-Ohio.

No signatory party filed testimony in support of the stipulation, which is required by Ohio Administrative Code 4901-1-39(D). Under the current procedural schedule,

intervenor testimony is due December 27, 2016. It is unreasonable for parties that will recommend that the PUCO reject the Stipulation to be required to file testimony with respect to the Stipulation on December 27. The Stipulation was filed after 5:00 pm on December 22. December 25 is Christmas. December 26 is a federal and state holiday. Parties that oppose the stipulation need an opportunity to review the Stipulation, serve discovery, and review any testimony that might be filed in support of the Stipulation.

In recent cases involving FirstEnergy (Case No. 16-743-EL-POR) and Dayton Power & Light (Case No. 16-649-EL-POR), the Attorney Examiner continued the procedural schedule following the filing of a stipulation and held a teleconference with all parties to discuss a reasonable procedural schedule. OCC and the PUCO Staff ask that the Attorney Examiner do the same here. All parties deserve a fair and reasonable opportunity for adequate process before filing their testimony.

Ohio Admin. Code 4901-1-12(C) allows a party to request that the PUCO consider a motion on an expedited basis. Ohio Admin. Code 4901-1-12(F) is also satisfied here because a ruling granting this motion will not adversely affect a substantial right of any party. OCC and the PUCO Staff respectfully request an expedited ruling that the procedural schedule be continued indefinitely as requested in this motion. OCC and the PUCO Staff are informed that Duke opposes the request to continue the procedural schedule. OCC and the PUCO Staff are unable to certify that no party objects to the issuance of an expedited ruling. But OCC and the PUCO Staff are informed that the following parties do not oppose the request to continue the procedural schedule or the request for an expedited ruling: The Kroger Co., Ohio Manufacturers' Association, and Ohio Partners for Affordable Energy.

OCC and the PUCO Staff respectfully request that the Attorney Examiner  
(i) continue indefinitely the current procedural schedule and (ii) schedule a pre-hearing  
conference on December 27, 2016 at 2:00 pm with all parties to discuss a new procedural  
schedule in light of the Stipulation.

Respectfully submitted,

BRUCE WESTON (0016973)  
OHIO CONSUMERS' COUNSEL

/s/ Christopher Healey

Christopher Healey (0086027)  
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On behalf of the Staff of  
The Public Utilities Commission of Ohio

## **CERTIFICATE OF SERVICE**

I hereby certify that a copy of this Motion was served on the persons stated below  
via electric transmission this 23rd day of December 2016.

/s/ Christopher Healey  
Christopher Healey  
Assistant Consumers' Counsel

## **SERVICE LIST**

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Summary: Motion Motion to Suspend Procedural Schedule and Request for Expedited Ruling by the Office of the Ohio Consumers' Counsel and Staff of the Public Utilities Commission of Ohio electronically filed by Ms. Deb J. Bingham on behalf of Healey, Christopher Mr.