

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Duke Energy Ohio, Inc., for Approval to Modify Rider PSR.)	
)	
)	Case No. 17-872-EL-RDR

In the Matter of the Application of Duke Energy Ohio, Inc., for Approval to Amend Rider PSR.)	
)	
)	Case No. 17-873-EL-ATA

In the Matter of the Application of Duke Energy Ohio, Inc., for Approval to Change Accounting Methods.)	
)	
)	Case No. 17-874-EL-AAM

**MOTION OF INDUSTRIAL ENERGY USERS-OHIO, THE OFFICE OF THE OHIO
CONSUMERS' COUNSEL, OHIO PARTNERS FOR AFFORDABLE ENERGY, THE
KROGER CO., OHIO MANUFACTURERS' ASSOCIATION ENERGY GROUP, AND
DUKE ENERGY OHIO, INC. FOR AN ORDER EXTENDING THE TIME TO FILE
PLEADINGS
AND
MEMORANDUM IN SUPPORT**

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MAY 17, 2017

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Duke Energy Ohio, Inc., for Approval to Modify Rider PSR.)	Case No. 17-872-EL-RDR
In the Matter of the Application of Duke Energy Ohio, Inc., for Approval to Amend Rider PSR.)	Case No. 17-873-EL-ATA
In the Matter of the Application of Duke Energy Ohio, Inc., for Approval to Change Accounting Methods.)	Case No. 17-874-EL-AAM

MOTION OF INDUSTRIAL ENERGY USERS-OHIO, THE OFFICE OF THE OHIO CONSUMERS' COUNSEL, OHIO PARTNERS FOR AFFORDABLE ENERGY, THE KROGER CO., OHIO MANUFACTURERS' ASSOCIATION ENERGY GROUP, AND DUKE ENERGY OHIO, INC. FOR AN ORDER EXTENDING THE TIME TO FILE PLEADINGS

Under Rules 4901-1-12 and 4901-1-13 of the Ohio Administrative Code, Industrial Energy Users-Ohio ("IEU-Ohio"), the Office of the Ohio Consumers' Counsel ("OCC"), Ohio Partners for Affordable Energy ("OPAE"), The Kroger Co. ("Kroger"), Ohio Manufacturers' Association Energy Group ("OMAEG"), and Duke Energy Ohio, Inc. ("Duke") ("Joint Movants") move for an order extending the filing dates for Duke's memorandum contra to the motions to dismiss or in the alternative to stay the proceeding filed on May 9, 2017 and the other parties' reply. Joint Movants agree that the date for filing the memorandum contra should be extended to June 14, 2017 and that the date for filing the reply should be extended to June 28, 2017. The reasons supporting this joint motion are set out in the accompanying Memorandum in Support.

Additionally, Joint Movants seek an expedited ruling on the motion. All parties that have sought intervention were contacted by email on May 16, 2017, and none has expressed opposition to a ruling without filing memoranda.

Respectfully submitted,

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ON BEHALF OF DUKE ENERGY OHIO, INC.

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)	

**MEMORANDUM IN SUPPORT OF MOTION FOR AN ORDER EXTENDING THE TIME TO
FILE PLEADINGS**

Under Rule 4901-1-13, a party may seek an order extending the time to file pleadings for good cause shown. Under Rule 4901-1-12(C), a party may seek an expedited ruling on a motion. If an expedited ruling is sought, the examiner may issue an order granting the extension exceeding five days in an expedited ruling without the filing of memoranda if no party objects.

On May 9, 2017, IEU-Ohio, OCC, OPAC, Kroger, and OMAEG filed motions to dismiss or in the alternative to stay the proceeding. Under Commission rules, Duke's memorandum contra should be filed by May 24, 2017. If Duke filed its memorandum contra on May 24, the reply from the parties that filed the motions would be due on May 31, 2017.

These filing dates place the parties under a substantial burden. Each of the parties is engaged in several other matters before the Commission including active rate cases, electric security plan cases, and a power siting matter. To complicate matters, the

Memorial Day weekend falls in the middle of the period during which the reply would be prepared. There is not a scheduling order in the case, and an extension of the filing dates would not affect other parties' rights to pursue case preparation in this case. Because the parties are under considerable time pressure and other parties would not be adversely affected, good cause exists to grant this motion to extend the filing dates for the memorandum contra and the reply.

The Joint Movants have agreed to and recommend the following filing dates. They propose that Duke's memorandum contra would be due on June 14, 2017 and the reply would be due on June 28, 2017.

In compliance with Rule 4901-1-12(C), counsel for IEU-Ohio has contacted the other parties that have sought to intervene. No party has objected to a ruling without the filing of a memorandum.¹

For the reasons stated above, the Joint Movants' motion to extend the dates to file the memorandum contra and reply to June 14, 2017 and June 28, 2017, respectively, should be granted in an expedited ruling.

Respectfully submitted,

/s/ Frank P. Darr

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¹ All but the City of Cincinnati provided a response that they did not object. At the time that this motion was filed, the City of Cincinnati had not responded.

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CERTIFICATE OF SERVICE

In accordance with Rule 4901-1-05, Ohio Administrative Code, the PUCO's e-filing system will electronically serve notice of the filing of this document upon the following parties. In addition, I hereby certify that a service copy of the foregoing of *Industrial Energy Users-Ohio* was sent by, or on behalf of, the undersigned counsel for IEU-Ohio to the following parties of record this 17th day of May 2017, *via* electronic transmission.

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ON BEHALF OF THE CITY OF CINCINNATI

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Case No(s). 17-0872-EL-RDR, 17-0873-EL-ATA, 17-0874-EL-AAM

Summary: Motion Joint Movants' Motion for an Order Extending the Time to File Pleadings and Memorandum in Support electronically filed by Ms. Vicki L. Leach-Payne on behalf of Darr, Frank P. Mr.