# BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of Duke

Energy Ohio, Inc., for Authority to : Case No. 17-1263-EL-SSO

Establish a Standard Service Offer :

Pursuant to Section 4928.143, Revised : Code, in the Form of an Electric Security : Plan, Accounting Modifications and : Tariffs for Generation Service. :

In the Matter of the Application of Duke

Energy Ohio, Inc., for Authority to : Case No. 17-1264-EL-ATA

Amend its Certified Supplier Tariff, :

P.U.C.O. No. 20.

In the Matter of the Application of Duke

Energy Ohio, Inc., for Authority to Defer : Case No. 17-1265-EL-AAM

Vegetation Management Costs. :

# UNOPPOSED MOTION FOR THE EXTENSION OF THE PROCEDURAL SCHEDULE AND REQUEST FOR EXPEDITED TREATMENT SUBMITTED ON BEHALF OF THE STAFF OF THE PUBLIC UTLITIES COMMISSION OF OHIO

The Staff of the Public Utilities Commission of Ohio ("Staff"), pursuant to Rules 4901-1-12 and 4901-1-13 of the Ohio Administrative Code (O.A.C.), respectfully requests an extension of the procedural schedule reflected in the December 18, 2017 Attorney Examiner Entry. Staff also requests that the Commission grant its motion on an expedited basis pursuant to O.A.C. 4901-1-12(C) and certifies that no party objects to the issuance of an immediate ruling or to the requested extension. The reasons for this motion are set forth more fully in the attached memorandum.

#### Respectfully submitted,

#### **Mike DeWine**

Attorney General

#### William L. Wright

**Section Chief** 

#### /s/ Steven L. Beeler

#### Steven L. Beeler

Assistant Attorney General Public Utilities Section 30 East Broad Street, 16<sup>th</sup> Floor Columbus, OH 43215 (614) 466-4397

FAX: (614) 644-8764

steven.beeler@ohioattorneygeneral.gov

#### MEMORANDUM IN SUPPORT

On June 1, 2017, Duke submitted an application for approval of a proposed electric security plan for its standard service offer of electric generation supply, in the above-captioned proceeding. By entry dated December 18, 2017, the Commission adopted a new procedural schedule for the filing of testimony and an evidentiary hearing as follows:

- 1. Testimony on behalf of intervenors is to be filed by January 5, 2018.
- 2. Testimony on behalf of Staff is to be filed by January 10, 2018.
- 3. The evidentiary hearing is to begin on January 16, 2018 at 10:00 a.m.

For the reasons set forth below, Staff requests an extension of the current procedural schedule which would amend the procedural schedule as follows:

- 1. Testimony on behalf of intervenors is to be filed by February 2, 2018.
- 2. Testimony on behalf of Staff is to be filed by February 7, 2018.
- 3. The evidentiary hearing is to begin on February 12, 2018 at 10:00 a.m.

All of the parties have met to discuss settlement. Staff respectfully requests an extension as described above in order to facilitate continuing settlement discussions and further explore whether a partial or complete settlement may be reached. If a partial or complete Stipulation and Recommendation ("Stipulation") is filed by two or more parties before February 12, 2018, then Staff requests that the Attorney Examiner further modify

the above procedural schedule at that time in order to accommodate the preparation of testimony in support of the Stipulation, possible preparation of testimony in opposition to the Stipulation, and the parties' preparation for hearing. If for some reason no Stipulation is filed prior to the rescheduled hearing date, the evidentiary hearing will commence with the first witness on February 12, 2018.

O.A.C. 4901-1-12(C) allows a party to request that the Commission consider a motion on an expedited basis. No party opposes the motion for extension and request for immediate ruling. Accordingly, Staff respectfully requests an expedited ruling for the extension of the procedural schedule.

Respectfully submitted,

Mike DeWine

Attorney General

William L. Wright

**Section Chief** 

/s/ Steven L. Beeler

Steven L. Beeler

Assistant Attorney General Public Utilities Section 30 East Broad Street, 16<sup>th</sup> Floor Columbus, OH 43215

(614) 466-4397

FAX: (614) 644-8764

steven.beeler@ohioattorneygeneral.gov

#### CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the Motion for Extension has been served upon the below-named counsel via electronic mail, this 3<sup>rd</sup> day of January, 2018.

#### /s/ Steven L. Beeler

#### Steven L. Beeler

#### **Parties of Record:**

Amy B. Spiller

(Counsel of Record)
Deputy General Counsel
Jeanne W. Kingery
Elizabeth H. Watts
Rocco D'Ascenzo

Associate General Counsel 139 East Fourth Street, 1303-Main PO Box 961 Cincinnati, OH 45201-0960 Amy.spiller@duke-energy.com Jeanne.kingery@duke-energy.com

Elizabeth.watts@duke-energy.com Rocco.d'ascenzo@duke-energy.com

COUNSEL FOR DUKE ENERGY OHIO, INC.

Frank P. Darr (Counsel of Record) Matthew R. Pritchard MCNEES WALLACE & NURICK LLC

21 East State Street, 17TH Floor Columbus, OH 43215 Telephone: (614) 469-8000 Telecopier: (614) 469-4653 fdarr@mwncmh.com

mpritchard@mwncmh.com

COUNSEL FOR INDUSTRIAL ENERGY USERS-OHIO

Michael L. Kurtz Jody Kyler Cohn Boehm, Kurtz & Lowry 36 East Seventh Street, Suite 1510 Cincinnati, OH 45202 mkurtz@BKLlawfirm.com jkylercohn@BKLlawfirm.com

# COUNSEL FOR THE OHIO ENERGY GROUP

William J. Michael (Counsel of Record) Kevin Moore

Assistant Consumers' Counsel
Office of the Ohio Consumers' Counsel
10 West Broad Street, Suite 1800
Columbus, OH 43215-3485
William.michael@occ.ohio.gov
Kevin.moore@occ.ohio.gov

**Dane Stinson** 

Bricker & Eckler LLP 100 South Third Street Columbus, OH 43215 dstinson@bricker.com

COUNSEL FOR THE OFFICE OF THE OHIO CONSUMERS' COUNSEL

#### Kimberly W. Bojko (Reg. No.

0069402)

(Counsel of Record)

James D. Perko, Jr. (Reg. No.

0093312)

Carpenter Lipps & Leland LLP

280 Plaza, Suite 1300

280 North High Street

Columbus, OH 43215

Bojko@carpenterlipps.com

Perko@carpenterlipps.com

#### COUNSEL FOR THE OHIO MANUFACTURERS' ASSOCIATION ENERGY GROUP

#### Colleen L. Mooney

Ohio Partners for Affordable Energy P.O. Box 12451 Columbus, OH 43212-2451 cmooney@ohiopartners.org

#### COUNSEL FOR THE OHIO PARTNERS FOR AFFORDABLE ENERGY

#### **Madeline Fleisher**

Environmental Law & Policy Center 21 W. Broad St., Suite 500 Columbus, OH 43215 mfleisher@elpc.org

#### COUNSEL FOR ENVIRONMENTAL LAW & POLICY CENTER

#### Carrie M. Harris

Spilman Thomas & Battle, PLLC 110 Oakwood Drive, Suite 500 Winston-Salem, NC 27130 charris@spilmanlaw.com

#### **Derrick Price Williamson**

Spilman Thomas & Battle, PLLC 1100 Bent Creek Blvd., Suite 101 Mechanicsburg, PA 17050 dwilliamson@spilmanlaw.com

#### Lara R. Brandfass

Spilman Thomas & Battle, PLLC 300 Kanawha Boulevard, East P.O. Box 273 Charleston, WV 25321-0273 lbrandfass@spilmanlaw.com

#### COUNSEL FOR WAL-MART STORES EAST, LP AND SAM'S EAST, INC.

#### Angela Paul Whitfield

Carpenter Lipps & Leland LLP 280 North High Street, Suite 1300 Columbus, OH 43215 paul@carpenterlipps.com

# COUNSEL FOR THE KROGER CO.

#### Richard L. Sites

Regulatory Counsel Ohio Hospital Association 155 East Broad Street, 3rd Floor Columbus, OH 43215-3620 Rick.sites@ohiohospitals.org

#### Dylan F. Borchers Devin D. Parram

Bricker & Eckler LLP 100 South Third Street Columbus, OH 43215-4291 dborchers@bricker.com dparram@bricker.com

### COUNSEL FOR THE OHIO HOSPITAL ASSOCIATION

#### Elyse Akhbari

(Counsel of Record) Bricker & Eckler LLP 100 South Third Street Columbus, OH 43215-4291 eakhbari@bricker.com

# COUNSEL FOR PEOPLE WORKING COOPERATIVELY, INC.

#### **Trent Dougherty**

(Counsel of Record)

#### Miranda Leppla

1145 Chesapeake Avenue, Suite I Columbus, OH 43212-3449 tdougherty@theOEC.org mleppla@theOEC.org

#### COUNSEL FOR THE OHIO ENVIRONMENTAL COUNCIL AND ENVIRONMENTAL DEFENSE FUND

#### Joseph Oliker

(Counsel of Record)

#### **Michael Nugent**

IGS Energy 6100 Emerald Parkway Dublin, OH 43016 joliker@igsenergy.com mnugent@igsenergy.com

#### **COUNSEL FOR IGS ENERGY**

Steven D. Lesser
James F. Lang
N. Trevor Alexander
Mark T. Keaney
Calfee, Halter & Griswold LLP
41 South High Street,1200 Huntington
Center
Columbus, OH 43215
slesser@calfee.com
jlang@calfee.com
talexander@calfee.com
mkeaney@calfee.com

# COUNSEL FOR THE CITY OF CINCINNATI

Michael D. Dortch
Richard R. Parsons
Justin M. Dortch
Kravitz, Brown & Dortch, LLC
65 East State Street, Suite 200
Columbus, OH 43215
mdortch@kravitzllc.com
rparsons@kravitzllc.com
jdortch@kravitzllc.com

# COUNSEL FOR CALPINE ENERGY SOLUTIONS, LLC

Mark A. Whitt
Andrew J. Campbell
Rebekah J. Glover
Whitt Sturtevant LLP
The KeyBank Building, Suite 1590
88 East Broad Street
Columbus, OH 43215
whitt@whitt-sturtevant.com
campbell@whitt-sturtevant.com
glover@whitt-sturtevant.com

COUNSEL FOR RETAIL ENERGY SUPPLY ASSOCIATION & DIRECT ENERGY SERVICES, LLC, DIRECT ENERGY BUSINESS, LLC AND DIRECT ENERGY BUSINESS MARKETING, LLC=

#### Michael J. Settineri

Special Assistant Attorney General Vorys, Sater, Seymour and Pease LLP 52 East Gay Street PO Box 1008 Columbus, OH 43216-1008 mjsettineri@vorys.com

#### ON BEHALF OF MIAMI UNIVERSITY AND THE UNIVERSITY OF CINCINNATI

Michael J. Settineri (Counsel of Record) Gretchen L. Petrucci Vorys, Sater, Seymour and Pease LLP 52 East Gay Street PO Box 1008 Columbus, OH 43216-1008 mjsettineri@vorys.com glpetrucci@vorys.com

ON BEHALF OF CONSTELLATION NEWENERGY, INC. AND EXELON GENERATION COMPANY, LLC

Richard C. Sahli Tony Mendoza Richard Sahli Law Office, LLC 981 Pinewood Lane Columbus, Ohio 43230-3662 rsahli@columbus.rr.com Tony.mendoza@sierraclub.org

ON BEHALF OF THE SIERRA CLUB

#### Nicholas Walstra Stacie Cathcart

Legal Department
Public Utilities Commission of Ohio
180 East Broad Street, 12th Floor
Columbus, OH 43215
Stacie.Cathcart@ puco.ohio.gov
Nicholas.Walstra@puco.ohio.gov

#### **ATTORNEY EXAMINERS**

This foregoing document was electronically filed with the Public Utilities

**Commission of Ohio Docketing Information System on** 

1/3/2018 1:46:33 PM

in

Case No(s). 17-1263-EL-SSO, 17-1264-EL-ATA, 17-1265-EL-AAM

Summary: Motion Unopposed Motion for the Extension of the Procedural Schedule and Request for Expedited Treatment electronically filed by Mrs. Tonnetta Y Scott on behalf of PUCO