

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Duke Energy Ohio, Inc., for an Increase in Electric Distribution Rates.	)	Case No. 17-32-EL-AIR
	)	
In the Matter of the Application of Duke Energy Ohio, Inc., for Tariff Approval.	)	Case No. 17-33-EL-ATA
	)	
In the Matter of the Application of Duke Energy Ohio, Inc., for Approval to Change Accounting Methods.	)	Case No. 17-34-EL-AAM
	)	
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
	)	
In the Matter of the Application of Duke Energy Ohio, Inc., for Authority to 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.	)	Case No. 17-1263-EL-SSO
	)	
In the Matter of the Application of Duke Energy Ohio, Inc., for Authority to Amend its Certified Supplier Tariff, P.U.C.O. No. 20.	)	Case No. 17-1264-EL-ATA
	)	
In the Matter of the Application of Duke Energy Ohio, Inc., for Authority to Defer Vegetation Management Costs.	)	Case No. 17-1265-EL-AAM
	)	

In the Matter of the Application of Duke )  
Energy Ohio, Inc., to Establish ) Case No. 16-1602-EL-ESS  
Minimum Reliability Performance )  
Standards Pursuant to Chapter 4901:1- )  
10, Ohio Administrative Code.

---

**MOTION FOR THE EXTENSION OF THE PROCEDURAL SCHEDULE AND  
REQUEST FOR EXPEDITED TREATMENT  
SUBMITTED ON BEHALF OF THE STAFF OF  
THE PUBLIC UTILITIES 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 May 9, 2018 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). Staff has contacted all parties regarding this motion. The Signatory and non-opposing parties to the Stipulation, filed on April 13, 2018, do not object to this requested extension and request for expedited treatment. Some parties, however, do object to this requested extension and the request for expedited treatment. 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](mailto: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 May 9, 2018, the Commission granted a motion consolidate these cases and adopted a new procedural schedule for the filing of testimony as follows:

1. Testimony in support of the Stipulation and Company testimony supporting Rate Case objections is to be filed May 25, 2018.
2. Staff testimony responding to Objections to the Staff Report is to be filed by May 25, 2018.
3. Intervenor testimony is to be filed by June 20, 2018.

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 in support of the Stipulation, with the exception of Staff, and Company testimony supporting Rate Case objections is to be filed June 6, 2018.
2. Intervenor testimony in opposition to the Stipulation and intervenor testimony supporting Rate Case objections is to be filed by June 20, 2018.
3. Staff testimony in Support of the Stipulation and Staff Testimony

responding to Objections to the Staff Report is to be filed by July 2, 2018.

Staff respectfully requests an extension as described above due to Staff's limited resources at the time. Staff is currently preparing for litigation in another case, which is set for hearing at the beginning of June. An extension of the schedule in this case will help Staff to focus its resources more effectively.

Additionally, Staff is requesting that the procedural schedule be modified so that Staff testimony responding to objections to the Staff Report be due after Intervenor testimony. Having access to testimony supporting objections to the Staff Report would allow Staff to respond fully to the objections.

Staff also requests that the Commission grant its motion on an expedited basis pursuant to O.A.C. 4901-1-12(C). Staff has contacted all parties regarding this motion. The Signatory and non-opposing parties to the Stipulation, filed on April 13, 2018, do not object to this requested extension and request for expedited treatment. Some parties, however, do object to this requested extension and the request for expedited treatment. Accordingly, Staff respectfully requests an expedited ruling for 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](mailto:steven.beeler@ohioattorneygeneral.gov)

## CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the Motion for Extension and request for Expedited Treatment has been served upon the below-named counsel via electronic mail this 15<sup>th</sup> day of May, 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](mailto: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@BKLawfirm.com

jkylercohn@BKLawfirm.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](mailto:dstinson@bricker.com)

#### **COUNSEL FOR THE OFFICE OF THE OHIO CONSUMERS' COUNSEL**

**Kimberly W. Bojko**  
(Counsel of Record)  
Carpenter Lipps & Leland LLP  
280 Plaza, Suite 1300  
280 North High Street  
Columbus, OH 43215  
Bojko@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.**

**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  
mleppa@theOEC.org

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

**Joseph Olikier**  
(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**

**5/15/2018 2:30:17 PM**

**in**

**Case No(s). 17-0032-EL-AIR, 17-0033-EL-ATA, 17-0034-EL-AAM, 17-0872-EL-RDR, 17-0873-EL-ATA, 1**

Summary: Motion for the Extension of the Procedural Schedule and Request for Expedited Treatment electronically filed by Ms. Tonnetta Scott on behalf of PUC