

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of)	
Duke Energy Ohio, Inc., for a Waiver to)	Case No. 16-576-EL-POR
File a New Energy Efficiency and Peak)	
Demand Reduction Portfolio Application)	

**DUKE ENERGY OHIO, INC.'S MEMORANDUM CONTRA
MOTION FOR CONTINUANCE AND REQUEST FOR EXPEDITED
CONSIDERATION SUBMITTED ON BEHALF OF THE STAFF OF THE PUBLIC
UTILITIES COMMISSION OF OHIO**

Duke Energy Ohio, Inc., (Duke Energy Ohio or the Company) submitted an application in this proceeding on June 15, 2016. On September 29, 2016, the Staff of the Public Utilities Commission of Ohio (Staff) filed a motion to indefinitely continue hearings to allow the parties more time to discuss settlement in Case No.16-743-EL-POR. In this case, there was no procedural schedule established. Thereafter, the Attorney Examiner convened a teleconference where Staff, parties and all of the electric distribution utility representatives discussed coordination of their respective portfolio proceedings. At that time, it was agreed that Duke Energy Ohio's hearing would begin on November 28, 2016. On November 10, 2016, Staff, along with other parties submitted a motion to again extend the procedural schedule, requesting a hearing on December 12, 2016. The Company opposed this motion and specifically noted that December 12, was not an available date. In response, the Attorney Examiner scheduled hearing for December 5, 2016. While that date is aggressive, it is likely close to being the last possible time within which it might be possible to have a portfolio approved before the end of the year.

Now, for a third time, Staff and some of the parties once again seek to delay hearing. Staff mentions the need to attend other hearings. However, at least one hearing scheduled to begin on December 5, the Dayton Power & Light Company (DP&L), electric security plan proceeding, is likely to continue for at least three weeks. So moving Duke Energy Ohio's portfolio case one week is unlikely to alleviate this scheduling issue. Also, the scheduling of the DP&L case has been known to all parties since October 4, 2016, so this scheduling concern is not a new development.

For these reasons, Duke Energy Ohio respectfully requests that the Commission deny the Motion of the Movants to extend the procedural schedule as currently proposed. The hearing should proceed as currently scheduled. If settlement is to occur, it will occur prior to the hearing date. As there are yet two weeks remaining, settlement is very possible to the extent parties wish to take advantage of such a resolution.

Respectfully submitted,

DUKE ENERGY OHIO, INC.

/s/ Elizabeth H. Watts

Amy B. Spiller

Deputy General Counsel

Elizabeth H. Watts

Associate General Counsel

Duke Energy Business Services LLC

139 East Fourth Street

1303-Main

Cincinnati Ohio 45202

513-287-4359 (telephone)

513-287-4385 (facsimile)

amy.spiller@duke-energy.com (e-mail)

elizabeth.watts@duke-energy.com

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing was delivered by U.S. mail (postage prepaid), personal delivery, or electronic mail, on this 18th day of November, 2016, to the following parties.

/s/ Elizabeth H. Watts

Elizabeth H. Watts

Bojko@carpenterlipps.com Ghiloni@carpenterlipps.com paul@carpenterlipps.com mfleisher@elpc.org fdarr@mwncmh.com mpritchard@mwncmh.com joliker@igsenergy.com Natalia.messenger@ohioattorneygeneral.gov John.Jones@ohioattorneygeneral.gov	cmooney@ohiopartners.org tdougherty@theOEC.org jfinnigan@edf.org rick.sites@ohiohospitals.org mwarnock@bricker.com dborchers@bricker.com Dstinson@bricker.com
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------