

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Duke)
Energy Ohio, Inc., for a Waiver of Rule) Case No.19-1587-EL-WVR
4901:1-39-04.)

**MOTION OF DUKE ENERGY OHIO, INC. FOR WAIVER
AND REQUEST FOR EXPEDITED RULING**

Pursuant to Rule 4901:1-39-02(B), Ohio Administrative Code (O.A.C.), Duke Energy Ohio, Inc., (Duke Energy Ohio or the Company) respectfully requests a waiver of Rule 4901:1-39-04(A), O.A.C., to submit a new energy efficiency and peak demand reduction portfolio. The Public Utilities Commission of Ohio (Commission) has authority to grant such a waiver pursuant to Rule 4901:1-39-02(B), for good cause shown. Duke Energy Ohio further requests that the Commission grant this application on an expedited basis so that the Company can remain in compliance with the Commission's regulations and orders. Reasons for this request are set forth more fully in the accompanying memorandum in support.

As there are no parties that have intervened in this docket, the Company has not sought approval as required under Rule 4901-1-12(C).

On behalf of Duke Energy Ohio, Inc.
Respectfully submitted,

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MEMORANDUM IN SUPPORT

Duke Energy Ohio is presently managing energy efficiency and peak demand reduction programs that were approved by the Public Utilities Commission of Ohio (Commission) in Case No.16-576-EL-POR on September 27, 2017. The portfolio of programs was modified and approved for 2017 through 2019. Accordingly, on April 15, 2019, Duke Energy Ohio was due to file for approval of a new portfolio in 2019 to allow it to become effective as the previous portfolio expired. However, in January of 2018, the Commission issued a Finding and Order adopting new rules for the management of energy efficiency programs. Among the new rules adopted was one that directed electric distribution utilities to file for approval of energy efficiency portfolios on September 1, annually. For these reasons, the Company sought approval to file its portfolio in September in accordance with the newly enacted rules. The Company's request was granted on March 6, 2019.¹

In August, the Ohio General Assembly enacted Am.Sub.H.B.6 (HB6), which will become effective on October 22, 2019. HB6 directs the Commission to extend existing energy efficiency and peak demand reduction portfolios, with a proportional budget increase, through December 31, 2020. Therefore, if Duke Energy Ohio filed a request for approval of a new portfolio, such request would become moot in October when HB6 becomes effective.

For these reasons, Duke Energy Ohio respectfully requests that the Commission grant a waiver to Duke Energy Ohio to allow the Company to file an application for approval of a portfolio in January 1, 2020, to the extent such application is necessary.

Further, Duke Energy Ohio respectfully requests that the Commission grant this application on an expedited basis to allow necessary time to remain in compliance. No parties object to the filing of this request since there are no parties that have intervened.

¹*In the Matter of the Application of Duke Energy Ohio, Inc. for a Waiver of Rule 4901:1-39-04*, Case No.19-0165-EL-WVR, Entry (March 6, 2019).

On behalf of Duke Energy Ohio, Inc.
Respectfully submitted,

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