

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of Duke Energy)
Ohio, Inc., for Recovery of Program Costs, Lost)
Distribution Revenue and Performance Incentives) Case No. 17-781-EL-RDR
Related to its Energy Efficiency and Demand)
Response Programs.)

**DUKE ENERGY OHIO, INC.'S MEMO CONTRA
THE OFFICE OF THE OHIO CONSUMERS' COUNSEL
MOTION FOR PROCEDURAL SCHEDULE**

Duke Energy Ohio, Inc., (Duke Energy Ohio or Company) submitted its application in this proceeding on March 31, 2017. On April 6, 2017, the Office of the Ohio Consumers' Counsel (OCC), moved to intervene and on May 1, 2017, the OCC submitted a motion for an entirely different procedural schedule. OCC's motion to intervene has not yet been granted. Duke Energy Ohio responds herein to the Motion for Procedural Schedule by the Office of the Ohio Consumers' Counsel.

The Company's application recites the history of Duke Energy Ohio's compliance with the energy efficiency and peak demand reduction rules promulgated by the Public Utilities Commission of Ohio (Commission). Beginning with 2009 and thereafter, the Company has managed a complex and cost-effective portfolio in compliance with the State's energy mandates. Subsequent to the enactment of SB221, the Commission established rules designed, inter alia, to implement electric utility programs that will encourage innovation and market access for cost-effective energy efficiency. The Commission's rules provide that an electric utility may request recovery of an approved rate adjustment mechanism that is subject to an annual reconciliation.¹

¹ Rule 4901:1-39-07(A), O.A.C.

Duke Energy Ohio submitted its annual true-up application in this proceeding pursuant to its currently existing and approved portfolio and cost recovery mechanism. OCC requests that the Commission not approve the Company's application in this proceeding until it approves the Company's pending application for approval of a new portfolio and cost recovery mechanism. In making this request, OCC assumes it will prevail.

The Company filed the required annual true-up consistent with the Commission's rules. If the Commission were to order as OCC has requested, the result would be that the Company would then need to revise the entire cost review and make changes to each program contained therein. The next true-up application filed in 2018 will take into account the Commission's ruling on the pending portfolio and cost recovery mechanism nonetheless as needed for 2017. OCC's request would improperly burden the Company with redundant and unnecessary administrative work that provides no benefit.

Moreover, the delay requested, based upon rulings in other cases, provides no procedural advantage. The Commission's ruling will be subject to rehearing and even potential appeal. Given the potential for additional procedural delay, there is no benefit to holding this case in abeyance.

OCC's request is self-serving and unduly burdensome. Not only does it provide no benefit, it sets up the possibility of an enormous amount of additional work for the Company and for the Commission. OCC's motion should be denied.

Respectfully submitted,

DUKE ENERGY OHIO, INC.

/s/ Elizabeth H. Watts

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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 16th day of May, 2017, to the following parties.

/s/ Elizabeth H. Watts

Elizabeth H. Watts

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