

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Duke )  
Energy Ohio, Inc. to Adjust Rider DR-IM ) Case No. 12-1811-GE-RDR  
and Rider AU for 2011 SmartGrid Costs )

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**MEMORANDUM CONTRA MOTION FOR EXTENSION OF TIME**

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Duke Energy Ohio, Inc., (Duke Energy Ohio or Company) filed an application initiating this proceeding on July 20, 2012. The Office of the Ohio Consumers' Counsel (OCC) and Ohio Partners for Affordable Energy (OPAE) intervened in the proceeding on July 11, and July 16, respectively. Thereafter, the attorney examiner established a procedural schedule that required the Staff of the Public Utilities Commission of Ohio, (Staff) and the interveners to file comments on the Company's application by October 15, 2012.

During the last three months, the Staff and OCC have engaged in detailed and exhaustive discovery. In most cases, Staff has requested that its questions be responded to within ten days and the Company has complied with that expedited response time in an effort to keep the proceeding moving efficiently. Now, at the eleventh hour, Staff has requested an extension of the procedural schedule for more than five weeks with very little justification for such a request. In its motion, Staff notes that the interveners do not oppose the request, but Staff was silent with respect to the Company's position. Duke Energy Ohio opposes the request. The brief mention that Staff has "other obligations" accompanied by the request for greater than five weeks is troubling. From time to time,

there arises a need for extensions of procedural schedules. If this is one of them, it is certainly not demonstrated by the motion that was filed. Nor is there any explanation for such a lengthy extension.

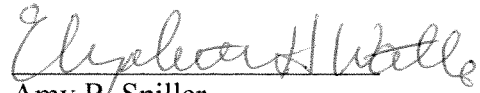
While the Company is cognizant of, and sympathetic to Staff's multiple obligations and case load, five weeks is excessive. If an extension is to be granted, Duke Energy Ohio requests that the procedural schedule be extended as follows:

October 26	Staff Report
November 8	Reply Comments
November 16	Intervenor & Staff Testimony
November 21	Duke Supplemental Testimony
December 3	Hearing

Additionally, if the procedural schedule is extended, Duke Energy Ohio requests that the original date for comments be established as an end date for the discovery process. Duke Energy Ohio is likewise involved in prosecuting multiple cases before the Commission at this time and is engaged in producing discovery on multiple fronts. The parties in this proceeding have had more than ample time to engage in discovery and have taken good advantage of those months to do so. Discovery should be at an end so that the case may proceed efficiently to resolution or hearing.

Duke Energy Ohio respectfully requests that the Commission maintain the existing procedural schedule established for this matter at the end of July and establish an end date for discovery. In the alternative, the Company requests that the proposed schedule above be adopted.

Respectfully submitted,

A handwritten signature in cursive script that reads "Elizabeth H. Watts".

Amy B. Spiller

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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, or electronic mail, on this 8<sup>th</sup> day of October 2012, to the following parties.

  
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