**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

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| In the Matter of the Application of Duke Energy Ohio, Inc. for Recovery of Program Costs, Lost Distribution Revenue and Performance Incentives Related to tis Energy Efficiency and Demand Response Programs. | :  :  :  :  :  : | Case Nos. 14-457-EL-RDR  15-534-EL-RDR |

**JOINT MOTION FOR EXTENSION OF TIME**

**AND**

**TO CLARIFY SCOPE OF HEARING ON STIPULATION,**

**AND**

**REQUEST FOR EXPEDITED TREATMENT**

All of the Parties to these proceedings respectfully request a 14-day extension of the procedural schedule that was set by an Entry in these dockets on January 21, 2016. Movants also request a clarification of the scope of the hearing on the joint stipulation and recommendation that was filed in these cases on January 6, 2016. The reasons for this motion are set forth more fully in the attached memorandum.

Respectfully submitted,

**Michael DeWine**

Ohio Attorney General

/s/ John H. Jones

**John H. Jones**

**Natalia Messenger**

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**On behalf of the Staff of**

**The Public Utilities Commission of Ohio**

**MEMORANDUM IN SUPPORT**

On January 6, 2016, Staff of the Public Utilities Commission of Ohio (“Staff”) and Duke Energy Ohio, Inc. (“Duke”) filed a joint Stipulation and Recommendation (“Stipu­lation”) that addressed all of the issues in Case No. 14-457-EL-RDR and only the shared savings mechanism issue in Case No. 15-534-EL-RDR. On January 21, 2016, the Attorney Examiner issued an Entry that set forth a pro­cedural schedule with the follow­ing deadlines: (a) February 5, 2016, for filing testimony in support of the Stipulation; (b) February 19, 2016, for filing testimony in opposition to the Stipulation; and (c) February 25, 2016, for holding the evidentiary hearing. However, the Entry is unclear as to whether the scope of the hearing covers only the issues addressed in the Stipulation or all issues pending before the Commission in both cases.

The Parties[[1]](#footnote-1) have agreed to entertain further settlement discussions in an effort to reach a unified settlement on the same issues addressed in the Stipulation filed on January 6, 2016, in these cases. Accordingly, the Parties request a 14-day extension that would amend the procedural schedule as follows:

1. February 19, 2016, for filing testimony in support of the Stipulation;
2. March 4, 2016, for filing testimony in opposition to the Stipulation;
3. March 10, 2016, for holding the evidentiary hearing.

The Parties also seek to have clarified in the amended procedural schedule entry the scope of the hearing on the Stipulation. The Parties agree the hearing should be lim­ited to program costs, lost distribution revenue, and the shared savings mechanism issues in Case No. 14-457-EL-RDR and only the shared savings mechanism issue in 15-534-EL-RDR. The Stipulation leaves out and undisturbed Duke’s pending application for program costs and lost distribution revenues in Case No. 15-534-EL-RDR.

The Parties request that the shared savings mechanism issue be bifurcated from the remaining cost recovery and lost distribution issues in Case No. 15-534-EL-RDR. Under the Parties’ proposal, those two remaining issues would not be included in the scope of the hearing on the Stipulation but, instead, receive a separate procedural schedule for the parties and the Commission to address those issues in the docket of Case No. 15-534-EL-RDR.

Ohio Adm. Code 4901-1-12(C) allows a party to request that the Commission con­sider a motion on an expedited basis. Accordingly, the Parties respectfully request an expedited ruling that the procedural schedule be extended by 14 days and that the scope of the hearing be limited to the issues addressed in the Stipulation. The undersigned has received authorization from Duke and all of the intervening parties to sign and file this joint motion on their behalf. The Parties respectfully request that the Commission approve this motion to extend the procedural schedule and clarify the scope of the hear­ing on the Stipulation.

Respectfully submitted,

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| **On behalf of Duke Energy Ohio, Inc.**:  /s/ John H. Jones (*per email authorization*)  **Amy B. Spiller**  **Elizabeth H. Watts**  Duke Energy Business Services, LLC  139 E. Fourth Street, 1303 Main  Cincinnati, Ohio 45202  [amy.spiller@duke-energy.com](mailto:amy.spiller@duke-energy.com)  [elizabeth.watts@duke-energy.com](mailto:elizabeth.watts@duke-energy.com)  **On behalf of the Office of the Ohio Consumers’ Counsel**:  /s/ John H. Jones (*per email authorization*)  **Terry L. Etter**  **Kyle L. Kern**  Assistant Consumers’ Counsel  Office of the Ohio Consumers’ Counsel  10 West Broad Street, Suite 1800  Columbus, OH 43215-3485  [terry.etter@occ.ohio.gov](mailto:terry.etter@occ.ohio.gov)  [kyle.kern@occ.ohio.gov](mailto:kyle.kern@occ.ohio.gov)  **On behalf of the Ohio Partners for Affordable Energy**:  /s/ John H. Jones (*per email authorization*)  **Colleen L. Mooney**  Ohio Partners for Affordable Energy  231 West Lima Street  P.O. Box 1793  Findlay, OH 45839-1793  [cmooney@ohiopartners.org](mailto:cmooney@ohiopartners.org)  **On behalf of the Environmental Law & Policy Center**:  /s/ John H. Jones (*per email authorization*)  **Madeline Fleisher**  Environmental Law & Policy Center  21 West Broad Street, Suite 500  Columbus, OH 43215  [mfleisher@elpc.org](mailto:mfleisher@elpc.org) | **On behalf of the Staff of the Public Utilities Commission of Ohio**:  /s/ John H. Jones  **John H. Jones**  **Natalia Messenger**  Assistant Attorneys General  Public Utilities Section  180 East Broad Street, 6th floor  Columbus, OH 43215-3793  [john.jones@puc.state.oh.us](mailto:john.jones@puc.state.oh.us)  [natalia.messenger@puc.state.oh.us](mailto:natalia.messenger@puc.state.oh.us)  **On behalf of Ohio Manufacturers’ Association**:  /s/ John H. Jones (*per email authorization*)  **Kimberly W. Bojko**  Carpenter Lipps & Leland  280 North High Street, Suite 1300  Columbus, OH 43215  [bojko@carpenterlipps.com](mailto:bojko@carpenterlipps.com)  **On behalf of Kroger Co.**:  /s/ John H. Jones (*per email authorization*)  **Joel E. Sechler**  Carpenter Lipps & Leland  280 North High Street, Suite 1300  Columbus, OH 43215  [sechler@carpenterlipps.com](mailto:sechler@carpenterlipps.com)  **On behalf of Ohio Energy Group**:  /s/ John H. Jones (*per email authorization*)  **David F. Boehm**  Boehm Kurtz & Lowry  36 East Seventh Street, Suite 1510  Cincinnati, OH 45202  [dboehm@bkllawfirm.com](mailto:dboehm@bkllawfirm.com) |

1. Parties include: Staff, Duke, and all intervening parties. [↑](#footnote-ref-1)