

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. 10-867-GE-RDR
and Rider AU for 2009 SmartGrid Costs.)

ENTRY

The attorney examiner finds:

- (1) By opinion and order issued December 17, 2008, in *In the Matter of the Application of Duke Energy Ohio, Inc., for Approval of an Electric Security Plan*, Case No. 08-920-EL-SSO, et al. (ESP Case), the Commission approved a stipulation that, *inter alia*, provides a process for recovering costs associated with the deployment of an electric SmartGrid system through Rider Distribution Reliability - Infrastructure Modernization (Rider DR-IM). In addition, the stipulation provides that, in the second quarter of each year, Duke Energy Ohio, Inc. (Duke) shall file for approval of Rider DR-IM adjustments, subject to due process, including a hearing. Additionally, by opinion and order issued May 28, 2008, in *In the Matter of the Application of Duke Energy Ohio, Inc., for an Increase in Rates*, Case No. 07-589-GA-AIR et al. (Gas Distribution Rate Case), the Commission approved a stipulation that, *inter alia*, provided a process for filing deployment plans for the installation of an automated gas meter reading system, which would share the SmartGrid communications technology, and a method for recovering costs associated with the plans, which was designated the Rider Advanced Utility (Rider AU).
- (2) On July 26, 2010, Duke filed an application to adjust Riders DR-IM and AU for SmartGrid deployment, pursuant to the processes approved in the *Gas Distribution Rate Case* and the *ESP Case*.
- (3) By entry issued October 6, 2010, *inter alia*, the motions to intervene in this case filed by the Ohio Consumers' Counsel (OCC) and Ohio Partners for Affordable Energy (OPAE) were granted.
- (4) By entry issued December 1, 2010, the attorney examiner established a procedural schedule for the case. Pursuant to that entry, the following procedural schedule was established:

- (a) January 4, 2011 - Deadline for Duke to file supplemental testimony.
 - (b) January 24, 2011 - In the event a hearing is deemed necessary, the hearing will commence at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, 11th floor, hearing room 11-C, Columbus, Ohio 43215.
- (5) On January 3, 2011, Duke filed a motion requesting an extension of the procedural schedule. In its motion, Duke states that it has not been able to meet with the other parties to this case to discuss a potential settlement and requests additional time to be able to do so. Duke also states that its obligations in other cases before the Commission have prevented Duke from turning its full attention to this case. Accordingly, Duke requests an extension of approximately three weeks for the deadline for the filing of supplemental testimony and the hearing date. Duke also requested expedited treatment of its motion and stated that no party in the case opposes this request.
- (6) The attorney examiner notes that Duke's request for extension of the deadline for the filing of supplemental testimony was filed only one day before Duke's supplemental testimony is due, requesting a three-week extension of the deadline. Moreover, other parties have already filed testimony, with only limited extensions of those deadlines. Therefore, the attorney examiner believes that, with respect to the motion for an extension of the deadline for the filing of supplemental testimony, only a more limited extension should be granted. With respect to Duke's request for an extension of the hearing date, the attorney examiner finds that Duke's request is reasonable and should be granted. Accordingly, the attorney examiner finds that the parties should adhere to the following procedural schedule:
- (a) January 11, 2011 - Deadline for Duke to file supplemental testimony.
 - (b) February 15, 2011 - The hearing will commence at 10:00 a.m., at the offices of the Commission, 180

East Broad Street, 11th floor, hearing room 11-C,
Columbus, Ohio 43215.

It is, therefore,

ORDERED, That Duke's motion for an extension of time be granted, to the extent provided for in finding (5). It is, further,

ORDERED, That the parties adhere to the procedural schedule set forth in finding (5). It is, further,

ORDERED, That a copy of this entry be served upon all parties of record.

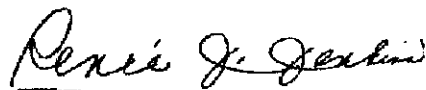
THE PUBLIC UTILITIES COMMISSION OF OHIO



By: Christine M.T. Pirik
Attorney Examiner

/vrm *PD*

Entered in the Journal **JAN 04 2011**



Renee J. Jenkins
Secretary