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BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of Duke Energy) Ohio for Authority to Establish a Standard) Service Offer Pursuant to Section 4928.143,) Revised Code, in the Form of an Electric) Security Plan, Accounting Modifications and) Tariffs for Generation Service.)	Case No. 11-3549-EL-SSO
In the Matter of the Application of Duke Energy) Ohio for Authority to Amend its Certified) Supplier Tariff, P.U.C.O. No. 20.)	Case No. 11-3550-EL-ATA
In the Matter of the Application of Duke Energy) Ohio for Authority to Amend its Corporate) Separation Plan.)	Case No. 11-3551-EL-UNC

JOINT MOTION FOR EXTENSION OF TIME

On June 20, 2011, Duke Energy Ohio, Inc. ("Duke") filed an Application seeking approval of a standard service offer in the form of an approximately 10 year electric security plan ("ESP"), several tariff and accounting changes, and a new corporate separation plan. The ESP includes a competitive bid process ("CBP") for the procurement of energy, with the first auction proposed to be conducted no later than December 1, 2011, for delivery on January 1, 2012. On June 21, 2011, the attorney examiner issued an entry setting forth the procedural schedule ("Entry") in the above-captioned proceedings.

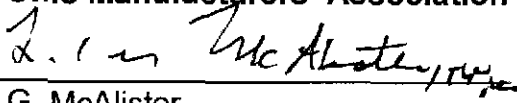
Constellation NewEnergy, Inc; Constellation Energy Commodities Group, Inc.; Exelon Generation Company LLC, the COMPETE Coalition, the Retail Energy Suppliers Association and PJM Power Providers Group, the Ohio Manufacturers'

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Association, City of Cincinnati, the Ohio Energy Group, The Kroger Company, the Office of the Ohio Consumers' Counsel, and the Industrial Energy Users-Ohio, (collectively "Joint Movants") hereby jointly and respectfully request the Public Utilities Commission of Ohio ("Commission") to extend the procedural schedule as set forth in the Entry by two (2) months. For these reasons set forth in the Memorandum in Support attached hereto and incorporated herein, the Joint Movants respectfully request that the Commission grant its motion to extend the procedural schedule.

Respectfully submitted on behalf of

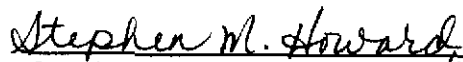
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**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Duke Energy)	
Ohio for Authority to Establish a Standard)	
Service Offer Pursuant to Section 4928.143,)	
Revised Code, in the Form of an Electric)	Case No. 11-3549-EL-SSO
Security Plan, Accounting Modifications and)	
Tariffs for Generation Service.)	
In the Matter of the Application of Duke Energy)	
Ohio for Authority to Amend its Certified)	
Supplier Tariff, P.U.C.O. No. 20.)	Case No. 11-3550-EL-ATA
In the Matter of the Application of Duke Energy)	
Ohio for Authority to Amend its Corporate)	
Separation Plan.)	Case No. 11-3551-EL-UNC

MEMORANDUM IN SUPPORT

Ohio Administrative Code ("OAC") Rule 4901-1-13(A) allows the Commission to grant continuances and extensions of time to file pleadings and other papers for good cause shown. For the reasons set forth below, the Joint Movants establish good cause for pushing the procedural schedule back by two (2) months to allow the Commission Staff and interested parties sufficient time to review and analyze Duke's ESP proposal.

The attorney examiner's June 21, 2011 entry ("Entry") set forth the following procedural schedule in the above-captioned proceedings: intervenor testimony is due on September 7, 2011; the discovery cutoff is September 9, 2011; and the evidentiary hearing is to begin on September 20, 2011. It must be presumed that the reason the Entry set a truncated procedural schedule, including shortened times for

discovery, was because Duke is seeking to procure the energy portion of its SSO supply through an auction currently proposed for early December in order to implement its proposed ESP by January 1, 2012.

However, Section 4928.143(a), Revised Code, provides a 275 day timeframe for Commission's consideration of an ESP proposal, such as the one filed by Duke Duke in the above-captioned proceedings. Based upon the June 20, 2011 filing date of Duke's ESP application, a Commission decision does not need to be rendered until March 21, 2012. This ESP application raises a host of novel issues such that even a full, 275 day review would be an aggressive timeframe for the Commission to reach a thoughtful decision, let alone the expedited timeframe reflected in the Entry.

Moreover, there are no compelling reasons why this procedural schedule could not be delayed, particularly when faced with an ESP that could remain in place for up to 10 years, and calls for a return to monopoly-based capacity pricing on an expedited timeframe. In anticipation of Duke's response, the Joint Movants understand that Duke would like to have new standard service offer pricing in place on January 1, 2011. However, R.C. 4928.141(A) states:

[o]nly a standard service offer authorized in accordance with section 4928.142 or 4928.143 of the Revised Code, shall serve as the utility's standard service offer for the purpose of compliance with this section; and that standard service offer shall serve as the utility's default standard service offer for the purpose of section 4928.14 of the Revised Code.

Thus, Ohio law simply provides that Duke's current ESP plan will continue in effect if Duke does not obtain approval for an alternative plan by January 1, 2012. The continuation of the current plan is a superior option to a rushed, ill-considered replacement.

Further, it should be noted that Duke controlled of the timing, as only the electric distribution utility can file an application, and Section 4928.143, Revised Code, provide the Commission with 275 days to make its decision. Finally, Duke is not asking for an extension of its current ESP or modifications to that plan. The three volume, thousand page application presents an approach that is not used in Ohio. Given the amount of money involved, the potential for significant increases in generation costs to all classes of retail customers (whether they buy standard service or shop), and the impact on the development of a robust wholesale and retail market, more time is required to complete discovery and to fully flesh out the impacts of this Application. In light of these facts, it is not in the public interest to impose an expedited schedule on the parties. The General Assembly established a review time of 275 days precisely to provide for reasoned review by the numerous interest groups affected by an ESP.

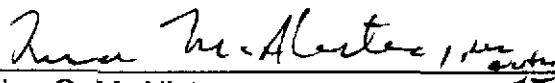
Accordingly, the Joint Movants propose the following procedural schedule to allow the parties time to prepare testimony, and otherwise adequately review the ESP filing:

- Intervenor Testimony due November 7, 2011
- Discovery Cutoff – November 9, 2011
- Evidentiary hearing begins – November 21, 2011

WHEREFORE, the Joint Movants respectfully request that its motion for an extension of time be granted.

Respectfully submitted on behalf of

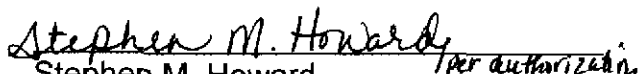
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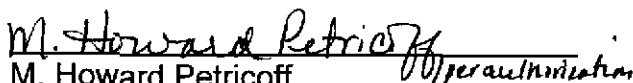
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Motion Extension of Time was served upon the parties of record listed below this 17th day of August 2011 *via* electronic mail.



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