

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of Duke)
Energy Ohio, Inc. for an Energy)
Efficiency Cost Recovery Mechanism) Case No. 11-4393-EL-RDR
and for Approval of Additional)
Programs for Inclusion in its Existing)
Portfolio.)

ENTRY

The attorney examiner finds:

- (1) On July 20, 2011, Duke Energy Ohio, Inc. (Duke) filed an application proposing the creation of an energy efficiency/peak demand reduction rider (Rider EE/PDR) to supplant its save-a-watt rider (Rider SAW) at its expiration on December 31, 2011. As proposed, Rider EE/PDR will recover the cost of Duke's energy efficiency compliance programs and portfolio of energy efficiency and peak demand reduction programs. According to Duke, Rider EE/PDR will recover program costs associated with each program and an incentive in the form of the avoided cost benefits realized.
- (2) Duke also proposes the following three additional programs to be added to its portfolio of programs approved in *In the Matter of the Report of Duke Energy Ohio, Inc. Concerning its Energy Efficiency and Peak-Demand Reduction Programs and Portfolio Planning*, Case No. 09-1999-EL-POR: Appliance Recycling Program, Low Income Neighborhood Program, and Home Energy Solutions. Duke does not propose any modifications to any existing programs.
- (3) By entry issued July 28, 2011, the attorney examiner established the following procedural schedule:
 - (a) August 12, 2011 - Deadline for the filing of motions to intervene.
 - (b) September 14, 2011 - Deadline for the filing of comments on the application by Staff and intervenors.
 - (c) September 28, 2011 - Deadline for all parties to file reply comments.

- (4) The following parties timely filed motions to intervene in this proceeding:
- Ohio Consumers' Counsel
 - Ohio Partners for Affordable Energy
 - People Working Cooperatively, Inc.
 - The Ohio Energy Group
 - Natural Resources Defense Council
 - Environmental Law & Policy Center
 - Ohio Environmental Council
 - Bottomline Resource Technologies, LLC
 - Vectren Retail, LLC d/b/a Vectren Source

No one filed memoranda contra to these motions to intervene. The attorney examiner finds that these motions are reasonable and should be granted.

- (5) On August 22, 2011, the Sierra Club filed a request for leave to file its motion to intervene out of time and a motion to intervene in this proceeding. The Sierra Club asserts that no party will be prejudiced by its request to file out of time. Upon consideration of the Sierra Club's request to file out of time, the attorney examiner notes that no one filed memoranda contra the request; therefore, the attorney examiner finds that the request is reasonable and should be granted. Likewise, in considering the Sierra Club's motion to intervene, the attorney examiner finds that the motion is reasonable and should be granted.
- (6) On September 8, 2011, Staff filed a motion for a one-week extension of the time for parties to file initial comments and reply comments. In support of their request, Staff explains that they need more time to obtain additional information relevant to Duke's application in this case and more time to review and address the information.
- (7) The attorney examiner finds Staff's request for a one-week extension of the procedural schedule is reasonable and should be granted. Accordingly, the parties should observe the following revised procedural schedule:
- (a) September 21, 2011 - Deadline for the filing of comments on the application by Staff and intervenors.
 - (b) October 5, 2011 - Deadline for all parties to file reply comments.

It is, therefore,

ORDERED, That the motions to intervene filed by various parties be granted in accordance with finding (4). It is, further,

ORDERED, That the request for leave to file out of time and motion to intervene filed by the Sierra Club be granted in accordance with finding (5). It is, further,

ORDERED, That Staff's motion for an extension of the procedural schedule be granted and the revised procedural schedule set forth in finding (7) be observed. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

Katie L. Stenman

By: Katie L. Stenman
Attorney Examiner

JRG
/dah

Entered in the Journal

SEP 12 2011

Betty McCauley

Betty McCauley
Secretary