

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, and supporting testimony, 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.
- (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 (09-1999): 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, *inter alia*, established deadlines for the filing of comments and reply comments. Comments on the application were filed by Staff, Ohio Partners for Affordable Energy (OPAE), People Working Cooperatively, Inc., and the Ohio Consumer and Environmental Advocates (OCEA), which is composed of the Natural Resource Defense Council, Ohio Consumers' Counsel, the Ohio Environmental Counsel, and the Sierra Club. Reply comments were filed by Duke, OCEA, OPAE, and the Ohio Energy Group.
- (4) After reviewing the comments and reply comments, the attorney examiner finds that it appears that not all of the issues raised in the

comments have been resolved; therefore, this matter should be set for a hearing. Accordingly, the parties should adhere to the following procedural schedule:

- (a) Tuesday November 15, 2011 - Deadline for the filing of expert testimony by Staff and intervenors.
 - (b) Tuesday, November 22, 2011 - Deadline for the filing of supplemental testimony by Duke.
 - (c) In the event that some or all of the parties enter into a stipulation resolving some or all of the issues in this case, the parties must file such stipulation with the Commission, by 9:00 a.m. on November 28, 2011.
 - (d) Tuesday, November 29, 2011 - The hearing shall commence at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, 11th Floor, Hearing Room C, Columbus, Ohio.
- (5) In light of the expedited timeframe for this case, the attorney examiner finds that, in the event any motion is filed in this proceeding, any memoranda contra shall be filed within five calendar days after the service of such motion, and reply memoranda to any memorandum contra shall be filed within three calendar days. Parties shall provide service of pleadings via hand delivery, facsimile, or e-mail.
- (6) In addition, the attorney examiner finds that response time for discovery shall be shortened to seven calendar days. Unless otherwise agreed to by the parties, discovery requests and replies shall be served by hand delivery, facsimile, or e-mail. An attorney serving a discovery request shall attempt to contact the attorney upon whom the discovery request will be served in advance to advise him/her that a request will be forthcoming.

It is, therefore,

ORDERED, That the procedural schedule set forth in finding (4) be observed. It is, further,

ORDERED, That the parties adhere to the processes established in findings (5) and (6). 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

grt
/dah

Entered in the Journal

OCT 07 2011

Betty McCauley
Betty McCauley
Secretary