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Senior Paralegal

11-4393-EL-RDR

**VIA OVERNIGHT MAIL**

November 15, 2011

Public Utilities Commission of Ohio  
Docketing Division  
13<sup>th</sup> Floor  
180 East Broad Street  
Columbus, OH 43215-3716

Re: Case No. 11-4393-EL-RDR

Dear Sir or Madam:

Enclosed please find an original and 12 copies of the *Motion to Change Procedural Schedule and Request for Expedited Ruling by Duke Energy Ohio, Inc.* in the above-referenced cases. **Please note that this Motion sent in by facsimile to be filed on November 15, 2011.**

Please return two file-stamped copies to me in the overnight mail envelope provided.

Sincerely,

Dianne B. Kuhnell  
Senior Paralegal

cc: All parties of record

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11-4393-EL-RDR

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

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

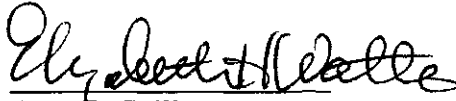
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**MOTION TO CHANGE PROCEDURAL SCHEDULE  
AND  
REQUEST FOR EXPEDITED RULING  
BY  
DUKE ENERGY OHIO, INC.**

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On July 20, 2011, Duke Energy Ohio, Inc. (Duke Energy Ohio) filed an Application seeking approval of an energy efficiency cost recovery mechanism and for approval of additional programs for inclusion in its existing portfolio of energy efficiency and peak demand reduction programs. On November 14, 2011, The Office of the Ohio Consumers' Counsel (OCC) submitted a motion for extension of time and request for expedited ruling related to the due date for testimony by intervening parties in this proceeding. The Commission ruled upon OCC's motion yesterday, November 14, 2011. For reasons set forth more fully herein, and pursuant to Ohio Administrative Code 4901-1-13, Duke Energy Ohio requests that the Commission grant additional changes to the procedural schedule on an expedited basis. The reasons for this motion are set forth in the attached Memorandum in Support.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Amy B. Spiller", written over a horizontal line.

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Elizabeth H. Watts (Counsel of Record)  
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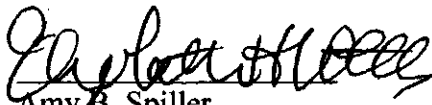
## **MEMORANDUM IN SUPPORT**

The Parties in this matter submitted initial comments and reply comments on September 2, 2011 and October 5, 2011 respectively. Subsequent to the filing of the comments the parties sought to reach agreement on the issues raised in the comments filed. The discussions have met with some degree of success and it is anticipated that some of the parties may be able to reach an accord. In order to facilitate this process, the OCC submitted a motion to extend the filing date for the filing of Intervenor testimony on November 14, 2011. Unfortunately, in doing so, OCC did not provide for further procedural logistics in the event that all parties do not reach an agreed resolution of the issues. Thus, OCC's motion proposed to have the intervenor testimony due on the same day as the Company's testimony. The Commission granted OCC's motion. However, as the Company must review the intervenor testimony prior to filing its own, this presents a logistical predicament. Also, given the limited number of issues raised in the docket, and the Company's desire to have a cost recovery mechanism in place as of January 1, 2012 to replace its existing Rider SAW, the Company does not request or need any continuation of the hearing date. To resolve this predicament, the Company requests that Intervenors file testimony at the end of the week, November 18, 2011 and the Company would then file its testimony on November 22, 2011. Thereafter, the hearing could then proceed as scheduled on November 29, 2011.

Ohio Administrative Code Rule 4901-1-12(C) permits a party to request that the Commission consider a motion on an expedited basis. Accordingly, Duke Energy Ohio requests that the Commission grant this motion on an expedited basis. The other parties to this case have been contacted and the Staff of the Public Utilities Commission, The Natural Resources Defense Council, Ohio Partners for Affordable Energy, People Working Cooperatively, Vectren Source LLC, The Environmental Law and Policy Center, Ohio Energy Group, the Ohio Environmental Counsel, the Sierra Club, and the Office of the Ohio Consumers' Counsel, (all parties) agree to the procedural schedule proposed herein.

For the reasons set forth above, Duke Energy Ohio respectfully requests that the Commission grant its motion to change the procedural schedule such that Intervenor testimony will be due on November 18, 2011, Company testimony will be due on November 22, 2011, and the hearing will commence as previously scheduled on November 29, 2011.

Respectfully submitted,

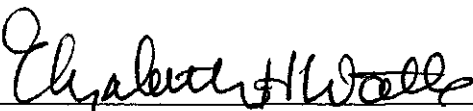


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## CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing has been served upon the following parties via electronic mail, regular mail, or hand delivery on this, the 15th day of November, 2011.

  
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