

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)	Case No. 11-3549-EL-SSO
an Electric Security Plan, Accounting)	
Modifications and Tariffs for Generation)	
Service.)	

In the Matter of the Application of Duke)	
Energy Ohio for Authority to Amend its)	Case No. 11-3550-EL-ATA
Certified Supplier Tariff, P.U.C.O. No. 20.)	

In the Matter of the Application of Duke)	
Energy Ohio for Authority to Amend its)	Case No. 11-3551-EL-UNC
Corporate Separation Plan.)	

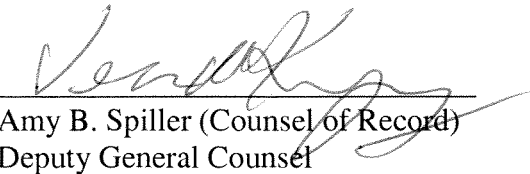
**MOTION OF DUKE ENERGY OHIO, INC.,
TO ADMIT AN AMENDMENT TO THE STIPULATION
AS JOINT EXHIBIT 1.1
AND REQUEST FOR EXPEDITED TREATMENT**

Comes now Duke Energy Ohio, Inc., (Duke Energy Ohio or Company), by and through counsel, and hereby respectfully requests that the Public Utilities Commission of Ohio (Commission) accept for introduction into the record Joint Exhibit 1.1, a copy of which is attached hereto. Said Joint Exhibit 1.1 serves to correct a typographical error in one paragraph of the Stipulation and Recommendation (Stipulation) filed on October 24, 2011, and admitted into evidence during the November 3, 2011, hearing of the captioned proceedings. Further, Duke

Energy Ohio respectfully requests that the Commission rule on the within motion on an expedited basis.

Duke Energy Ohio offers the following memorandum in support of its request.

DUKE ENERGY OHIO, INC.



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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
)	

MEMORANDUM IN SUPPORT

On October 24, 2011, the signatory parties filed a Stipulation serving to resolve all issues in respect of Duke Energy Ohio’s next standard service offer, which will take the form of an electric security plan. Section IV.A. of the Stipulation addresses the interaction between the Company and competitive retail electric service (CRES) providers insofar as capacity is concerned. Importantly, Section IV.A. begins with the following agreement: “...the Parties agree that Duke Energy Ohio shall supply capacity resources to PJM [Interconnection, LLC (PJM)], which, in turn, will charge for capacity resources to all CRES providers... .” This agreement is consistent with the methodology detailed in Section II.B., regarding the entity that will charge wholesale suppliers for capacity; namely, PJM.

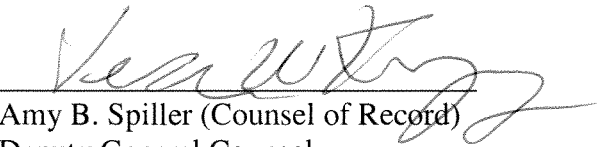
Due to an inadvertent typographical error, Section IV.A. of the Stipulation further provides that, “[t]he Parties further agree that, during the term of the ESP, Duke Energy Ohio shall charge CRES providers for capacity as determined by the PJM RTO... .” This statement is incorrect in that, as noted earlier in Section IV.A., PJM is the agreed-upon entity that will charge CRES providers for capacity resources. To avoid any confusion or subsequent requests for clarification of the Stipulation upon its approval, Duke Energy Ohio now seeks submission, into evidence and for Commission review, a revised Section IV.A. of the Stipulation. The revision is only intended to substitute “PJM” for “Duke Energy Ohio” in the second sentence of this Section.

The Company requests expedited treatment of the within motion, pursuant to paragraph (C) of O.A.C. Rule 4901-1-12. Consistent with its intention to conduct a wholesale auction in December 2011 – as agreed in the Stipulation – Duke Energy Ohio desires to have the typographical error addressed as soon as the Commission’s business may allow.

Duke Energy Ohio contacted counsel for each party in these proceedings, including those that did not sign the Stipulation. Said request was two-fold: to seek agreement on the proposed revision to Section IV.A. and to seek agreement on the request for expedited treatment. As of the filing of this motion, all signatory parties have responded affirmatively to the Company’s request. Of the three non-signatory parties, one supports the proposed revision and request for expedited treatment and the other two do not object to the request for expedited treatment.

WHEREFORE, for the reasons set forth herein, Duke Energy Ohio, Inc., respectfully requests that the Commission accept for submission, into the record, Joint Exhibit 1.1, a copy of which is attached hereto, and that the Commission rule on said request in an expedited manner.

DUKE ENERGY OHIO, INC.



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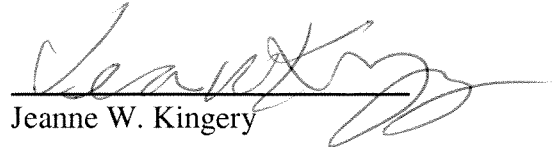
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IV. CAPACITY FOR SHOPPING CUSTOMERS

- A. Consistent with Section II.B., above, the Parties agree that Duke Energy Ohio shall supply capacity resources to PJM, which, in turn, will charge for capacity resources to all CRES providers in its service territory for the term of the ESP, with the exception of those CRES providers that have opted out of Duke Energy Ohio's FRR plan, for the period during which they opted out. The Parties further agree that, during the term of the ESP, ~~Duke Energy Ohio~~ PJM shall charge CRES providers for capacity as determined by the PJM RTO, which is the FZCP in the unconstrained RTO region, for the applicable time periods of its ESP. When computing the capacity allocations for PJM, Duke Energy Ohio shall use an allocation formula in common use in PJM.

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing was delivered via U.S. mail (postage prepaid), personal, or electronic mail delivery on this the 16th day of November, 2011, to the following:


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Summary: Motion Motion of Duke Energy Ohio Inc. to Admit an Amendment to the Stipulation as Joint Exhibit 1.1 and Request for Expedited Treatment electronically filed by Carys Cochern on behalf of Ms. Jeanne W Kingery