

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Report of Duke)
Energy Ohio, Inc. Concerning Its) Case No. 11-2515-EL-ACP
Advanced and Renewable Energy)
Baseline and Benchmarks.)

In the Matter of the Report of Duke)
Energy Ohio, Inc. Concerning its Ten) Case No. 11-2516-EL-ACP
Year Advanced Energy and Renewable)
Energy Benchmark Compliance Plan.)

**MOTION FOR CONTINUANCE
AND
REQUEST FOR EXPEDITED RULING
BY
THE OFFICE OF THE OHIO CONSUMERS' COUNSEL**

The Office of the Ohio Consumers' Counsel ("OCC") respectfully requests that the hearing, currently scheduled in this proceeding for April 10, 2012, be continued to commence on Thursday, April 26, 2012.¹ OCC also requests an expedited ruling on this Motion, pursuant to Ohio Adm. Code 4901-1-12(C). Counsel for OCC has communicated with the other parties to this proceeding and can certify that no party objects to the issuance of a ruling without the opportunity to file a memoranda contra.

¹ Pursuant to Rule 4901-1-13(A) of the Ohio Administrative Code.

Respectfully submitted,

BRUCE J. WESTON

/s/ Kyle L. Kern

Terry L. Etter, Counsel of Record

Kyle L. Kern

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MEMORANDUM IN SUPPORT

Ohio Adm. Code 4901-1-13(A) allows for continuances and extensions of time to be granted for good cause shown. In addition, Ohio Adm. Code 4901-1-12(C) provides that a party may request an expedited ruling on its motion and that an immediate ruling may be issued if the moving party certifies that no party objects to the issuance of such a ruling. For the following reasons, there is good cause to grant this Motion on an expedited basis.

On March 22, 2012, the attorney examiner issued an Entry establishing a procedural schedule for this proceeding. Pursuant to this Entry, the hearing is currently scheduled for Tuesday, April 10, 2012. Due to unforeseen personal circumstances, counsel for OCC who has conducted this case will be unavailable to attend the currently scheduled hearing on April 10, 2012.

OCC requests an expedited ruling on this Motion. Counsel for OCC has contacted all parties (Duke Energy Ohio, Inc., Commission Staff and the Ohio Environmental Counsel) to this proceeding and can certify that the parties do not object to the issuance of a ruling on this Motion without the filing of memoranda contra. Also, these parties support the granting of this Motion.

Accordingly, OCC respectfully requests the granting of this Motion for the good cause shown and requests an expedited ruling for the reasons stated.

Respectfully submitted,

BRUCE J. WESTON

/s/ Kyle L. Kern

Terry L. Etter, Counsel of Record
Assistant Consumers' Counsel
Kyle L. Kern
Assistant Consumers' Counsel

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing pleading has been served upon the below-named persons via electronic service, this 3rd day of April, 2012.

/s/ Kyle L. Kern

Kyle L. Kern
Assistant Consumers' Counsel

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Case No(s). 11-2515-EL-ACP, 11-2516-EL-ACP

Summary: Motion Motion for Continuance and Request for Expedited Ruling by the Office of the Ohio Consumers' Counsel electronically filed by Ms. Deb J. Bingham on behalf of Kern, Kyle L.