

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of)	
Duke Energy Ohio, Inc. for an)	Case No.12-1685-GA-AIR
Increase in Gas Rates.)	
In the Matter of the Application of)	Case No. 12-1686-GA-ATA
Duke Energy Ohio, Inc., for Tariff)	
Approval.)	
In the Matter of the Application of)	Case No. 12-1687-GA-ALT
Duke Energy Ohio, Inc. for Approval)	
of an Alternative Rate Plan for Gas)	
Distribution Service.)	
In the Matter of the Application of)	Case No. 12-1688-GA-AAM
Duke Energy Ohio, Inc., for Approval)	
to Change Accounting Methods.)	

**JOINT MOTION FOR AN EXTENSION OF TIME TO FILE TESTIMONY
AND
REQUEST FOR EXPEDITED RULING
BY
THE OFFICE OF THE OHIO CONSUMERS' COUNSEL, THE CITY OF
CINCINNATI, KROGER COMPANY, AND
OHIO PARTNERS FOR AFFORDABLE ENERGY**

The Office of the Ohio Consumers' Counsel ("OCC"), the City of Cincinnati ("City"), the Kroger Company ("Kroger"), and Ohio Partners for Affordable Energy ("OPAE") (collectively, "Joint Movants") , move¹ the Public Utilities Commission of Ohio ("PUCO" or "Commission") for an extension of time for the filing of intervenor testimony.² Specifically, Joint Movants request that the due date for intervenor testimony

¹ Ohio Adm. Code 4901-1-12 and 4901-1-13(A).

² Id.

be extended twenty-one days, from February 4, 2013, to February 25, 2013.³ Joint Movants also seek an expedited ruling under Ohio Adm. Code 4901-1-12(C). The reasons supporting these requests, along with an explanation of the need to determine the filing date on an expedited basis, are set forth in the attached Memorandum in Support.

Respectfully submitted,

BRUCE J. WESTON
OHIO CONSUMERS' COUNSEL

/s/ Larry S. Sauer

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³ OCC, Kroger, OP&E, and the City of Cincinnati are simultaneously also filing a Motion for an Extension of Time and Request for Expedited Consideration in the Duke Electric Rate Case, Case No. 12-1682-EL-AIR et al., requesting a 15-day extension for the filing of testimony.

/s/ Colleen L. Mooney

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**MEMORANDUM IN SUPPORT OF THE JOINT MOTION
FOR AN EXTENSION OF TIME TO FILE TESTIMONY
AND REQUEST FOR EXPEDITED RULING**

I. INTRODUCTION

On June 7, 2012, the Duke Energy Ohio, Inc. (“Duke” or the “Utility”) filed a Notice of Intent that opened this proceeding. Duke subsequently filed an Application on July 9, 2012, that, among other matters, sought an increase in distribution rates. On January 4, 2013, the PUCO Staff filed its Report of Investigation (“Staff Report”) in this proceeding and in the Duke electric distribution rate case (Case Nos. 12-1682-EL-AIR, et al).⁴ As such, February 4, 2013⁵ is the deadline for filing direct expert testimony in this

⁴ On January 4, 2013, the PUCO Staff Report was also filed in the Duke electric distribution rate case (Case Nos. 12-1682-EL-AIR, et al).

⁵ The PUCO established a procedural schedule in its January 10, 2013 Entry, setting February 4, 2013 as the due date for testimony in both this proceeding and in the Duke electric rate case.

proceeding and in the electric distribution rate case, in accordance with the Commission's procedural rules.⁶

II. APPLICABLE PROCEDURAL RULES

Ohio Adm. Code 4901-1-13(A) specifically permits parties to move for extensions of time to file testimony. That rule provides for the granting of such motions for "good cause shown."

Ohio Adm. Code 4901-1-12(C) allows parties to request an expedited ruling on their motions. The rule also notes that if the moving party must certify that it has contacted all the other parties and that all the parties do not object to the granting of the motion without the filing of memorandum contra, the Commission or the Attorney Examiner may issue an immediate ruling.

III. ARGUMENT

Pursuant to Ohio Adm. Code 4901-1-13(A), OCC seeks an extension of time to file intervenor testimony twenty-one days later than currently scheduled. This extension of time would change the due date for written testimony from February 4, 2013 to February 25, 2013.

The extension is requested because testimony and objections in both the Duke gas and electric distribution rate cases are currently due on the same day. In this regard, parties must review the Staff Reports in both Duke rate proceedings, develop objections and draft testimony in support of the objections to be filed concurrently in both proceedings. Joint

⁶ Ohio Adm. Code 4901-1-29(A)(1)(b).

Movants have witnesses who are involved in preparing testimony and objections in both proceedings.

The extension requested will not cause undue delay, and should not work to prejudice any party. Any delay from this request should be evaluated compared to the benefit of permitting all parties ample time to address the many important issues in the Duke Gas and Electric Rate cases. For these reasons, the Commission should grant OCC's Motion for an Extension of Time to File Testimony ("Motion").

Finally, because the date for filing testimony in both cases is less than a month away, Joint Movants ask for an expedited ruling on this Motion. Joint Movants have contacted all the parties to this case, pursuant to Ohio Adm. Code 4901-1-12(C), to inquire if they object to the issuance of a ruling on an expedited basis. However, at the time of filing, Joint Movants cannot certify that no party objects to an expedited ruling. Joint Movants request a ruling on this Motion in the shortest period of time possible for the purposes of permitting all parties to plan their schedules.

IV. CONCLUSION

Joint Movants have shown good cause for the Commission to extend the deadline to file intervenor testimony in this proceeding by twenty-one days, and the Commission should thus grant this Motion. For the benefit of all parties in this proceeding, the Commission should grant this Motion as soon as possible.

Respectfully submitted,

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⁷ Mr. Berger is representing OCC in PUCO Case No. 12-1685-GA-AIR.

CERTIFICATE OF SERVICE

It is hereby certified that a true copy of the foregoing *Motion for Extension of Time to File Testimony and Request for Expedited Ruling by the Office of the Ohio Consumers' Counsel*, was served by electronic service to all parties this 11th day of January, 2013.

/s/ Larry S. Sauer

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This foregoing document was electronically filed with the Public Utilities

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1/11/2013 5:08:22 PM

in

Case No(s). 12-1685-GA-AIR, 12-1686-GA-ATA, 12-1687-GA-ALT, 12-1688-GA-AAM

Summary: Motion Joint Motion for an Extension of Time to File Testimony and Request for Expedited Ruling by the Office of the Ohio Consumers' Counsel, The City of Cincinnati, Kroger Company, and Ohio Partners for Affordable Energy electronically filed by Patti Mallarnee on behalf of Sauer, Larry S.