

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Duke)
Energy Ohio, Inc., for an Increase in its) Case No. 12-1685-GA-AIR
Natural Gas Distribution Rates.)

In the Matter of the Application of Duke) Case No. 12-1686-GA-ATA
Energy Ohio, Inc., for Tariff Approval.)

In the Matter of the Application of Duke)
Energy Ohio, Inc. for Approval of an) Case No. 12-1687-GA-ALT
Alternative Rate Plan for Gas)
Distribution Service.)

In the Matter of the Application of Duke)
Energy Ohio, Inc., for Approval to) Case No. 12-1688-GA-AAM
Change Accounting Methods.)

**DUKE ENERGY OHIO, INC.'S MOTION TO FILE
MEMORANDUM CONTRA INSTANTER**

Now comes Duke Energy Ohio, Inc., and hereby respectfully moves for leave to file its Memorandum Contra Motion to Consolidate of Ohio Power Company, Instanter.

Reasons for this motion are set forth more fully below.

Respectfully submitted,
DUKE ENERGY OHIO, INC.



Amy B. Spiller (0047277)
Deputy General Counsel
Associate General Counsel
Elizabeth H. Watts (0031092)
Associate General Counsel
Duke Energy Business Services LLC
139 East Fourth Street
Cincinnati, Ohio 45202
513-287-4359 (telephone)
513-287-4385 (facsimile)

MEMORANDUM IN SUPPORT

Duke Energy Ohio, Inc., (Duke Energy Ohio) respectfully requests that it be permitted to file a Memorandum Contra the Joint Application for Rehearing by The Office of the Ohio Consumers' Counsel, The Kroger Company, The Ohio Manufacturers' Association and Ohio Partners for Affordable Energy. Due to inadvertent error, Duke Energy Ohio mistakenly neglected to file within the time set forth in Rule 4901-1-35. Duke Energy Ohio respectfully states that good cause exists for the Commission to consider this Memorandum Contra as timely filed.

Permitting the late filing of this Memorandum will not prejudice any of the Parties to this proceeding or cause undue delay. Accordingly, Duke Energy Ohio respectfully submits that the Commission should grant its Motion to File Memorandum Contra Instanter.

Permitting the late filing of this Memorandum will not prejudice any of the Parties to this proceeding or cause undue delay. Accordingly, Duke Energy Ohio respectfully submits that the Commission should grant its Motion to File Memorandum Contra Instanter.

Respectfully submitted,



Amy B. Spiller (0047277)
Deputy General Counsel
Associate General Counsel
Elizabeth H. Watts (0031092)
Associate General Counsel
Duke Energy Business Services LLC
139 East Fourth Street
Cincinnati, Ohio 45202
513-287-4359 (telephone)
513-287-4385 (facsimile)

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Duke Energy Ohio's Motion to File Memorandum Contra Instante has been served, via electronic service, to the parties of Record this 2nd day of April, 2014.



Elizabeth H. Watts

Thomas J. O'Brien
Bricker & Eckler LLP
100 South Third Street
Columbus, Ohio 43215
tobrien@bricker.com

Counsel for the City of Cincinnati

A. Brian McIntosh
McIntosh & McIntosh
1136 Saint Gregory Street
Suite 100
Cincinnati, Ohio 45202
brian@mcintoshlaw.com

Counsel for Stand Energy Corporation

Joseph P. Serio, Counsel of Record
Larry S. Sauer
Assistant Consumers' Counsel
Office of the Ohio Consumers' Counsel
10 West Broad Street, Suite 1800
Columbus, Ohio 43215-3485
serio@occ.state.oh.us
sauer@occ.state.oh.us

Vincent Parisi
Matthew White
Interstate Gas Supply, Inc.
6100 Emerald Parkway
Dublin, Ohio 43016
vparisi@igsenergy.com
mswhite@igsenergy.com

Attorneys for Interstate Gas Supply, Inc.

Colleen L. Mooney
Ohio Partners for Affordable Energy
231 West Lima St.
Findlay, OH 45839-1793
Cmooney2@columbus.rr.com

Counsel for OP&E

Douglas E. Hart
441 Vine Street, Suite 4192
Cincinnati, OH 45202
dhart@douglasshart.com

**Attorney for The Greater
Cincinnati Health Council and the
Cincinnati Bell Telephone Company**

**Attorneys for the Ohio Consumers'
Counsel**

Thomas McNamee
Devin Parram
Assistant Attorneys General
Public Utilities Section
180 East Broad St., 6th Floor
Columbus, Ohio 43215
Thomas.mcnamee@puc.state.oh.us
Devin.parram@puc.state.oh.us

Kimberly W. Bojko
Mallory M. Mohler
Carpenter Lipps & Leland LLP
280 North High Street #1300
Columbus, OH 43215
Bojko@carpenterlipps.com
Mohler@carpenterlipps.com

Counsel for Staff of the Commission

Edmund J. Berger
6035 Red Winesap Way
Dublin, OH 43016
berger@occ.state.oh.us

Attorneys for The Kroger Co.

Robert A. Brundrett
33 N. High Street
Columbus, Ohio 43215

**Attorney for the Ohio Consumers'
Counsel**

Joseph M. Clark
21 East State Street, Suite 1900
Columbus, OH 43215
joseph.clark@directenergy.com

**Attorneys for Ohio Manufacturers'
Association**

M. Howard Petricoff, Trial Counsel
Stephen M. Howard
52 East Gay Street
P. O. Box 1008
Columbus, Ohio 43216-1008
mhpeticoff@vorys.com
smhoward@vorys.com

**Attorney for Direct Energy Services,
LLC, and Direct Energy Business, LLC**

Andrew J. Sonderman
Kegler, Brown, Hill & Ritter LPA
Capitol Square, Suite 1800
65 East State Street
Columbus, Ohio 43215
asonderman@keglerbrown.com

Attorneys for Interstate Gas Supply, Inc.

**Attorney for People Working
Cooperatively, Inc.**

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

4/2/2014 3:32:35 PM

in

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

Summary: Motion Duke Energy Ohio, Inc.'s Motion to File Memorandum Contra Instanter electronically filed by Carys Cochern on behalf of Watts, Elizabeth H. Ms.