

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of Duke)
Energy Ohio, Inc. for Approval to Continue) Case No. 14-1580-EL-RDR
its Cost Recovery Mechanism for Energy)
Efficiency Programs Through 2016.)

ENTRY

The attorney examiner finds:

- (1) By Opinion and Order issued August 15, 2012, in *In re Duke Energy Ohio, Inc.*, Case No. 11-4393-EL-RDR, the Commission approved a stipulation entered into between Duke Energy Ohio, Inc. (Duke or Company) and some of the parties. Specifically, among other things, the Commission approved a cost recovery mechanism that Duke would use for the recovery of program costs, lost distribution revenue, and performance incentives related to Duke's energy efficiency and demand response programs. The stipulation provided for a review of the effectiveness of the incentive mechanism prior to the last year of Duke's portfolio plan. Thus, as the incentive mechanism is due to expire at the end of 2015, it was to be reevaluated no sooner than the third quarter of 2014.
- (2) By Opinion and Order issued December 4, 2013, in *In re Duke Energy Ohio, Inc.*, Case No. 13-431-EL-POR (2013 POR Case), the Commission approved a stipulation that, among other things, provided for the parties to reach an agreement for implementing an incentive mechanism for the year 2016 and then jointly file a mechanism to seek Commission approval in 2015, for use in 2016.
- (3) On September 9, 2014, Duke filed the instant application requesting approval to continue its cost recovery mechanism for energy efficiency programs through 2016. In support of its application, Duke states that the parties in the 2013 POR Case have not reached an agreement for a mechanism to be used in 2016, even though the majority of the parties are in agreement with continuing the existing cost recovery mechanism. Therefore, in accordance with the stipulation in the 2013 POR Case, Duke requests the Commission approve the continuation

of the existing cost recovery and incentive mechanism through the end of 2016.

- (4) By Entry issued October 22, 2014, the attorney examiner set a procedural schedule in this case with November 21, 2014, as the deadline for motions to intervene; December 5, 2014, as the deadline to file comments; and January 9, 2015, as the deadline to file reply comments.
- (5) Motions to intervene were filed by Ohio Partners for Affordable Energy (OPAE), Ohio Consumers' Counsel (OCC), Industrial Energy Users-Ohio (IEU), Ohio Manufacturers' Association (OMA), People Working Cooperatively, Inc. (PWC), Ohio Energy Group (OEG), the Kroger Co. (Kroger), Ohio Environmental Council (OEC), Natural Resources Defense Council (NRDC), and the Environmental Law & Policy Center (ELPC).

No one filed memoranda contra to these motions to intervene. The attorney examiner finds that the motions are reasonable and should be granted.

- (6) Gov.Bar R. XII(2)(A) provides rules governing eligibility to practice pro hac vice in Ohio. Pursuant to Gov.Bar R. XII(2)(A)(6), motions for admission pro hac vice must be accompanied by a certificate of pro hac vice registration furnished by the Supreme Court Office of Attorney Services.
- (7) Motions to practice pro hac vice and certificates of pro hac vice registrations were filed on behalf of David C. Rinebolt, Samantha Williams, and Justin Vickers.

No one filed memoranda contra to these motions. The attorney examiner finds that the motions for admission pro hac vice should be granted.

- (8) Comments were filed by IEU, OEG, Kroger, OPAE, OMA, and, collectively, by NRDC, ELPC, and OEC.

Reply comments were filed by Staff, PWC, IEU, OEG, Duke, OCC, NRDC, Kroger, and OMA.
- (9) The attorney examiner finds that this case should be scheduled for a hearing beginning June 9, 2015, at 10:00 a.m., at the offices

of the Commission, 180 East Broad Street, Hearing Room 11-A, 11th floor, Columbus, Ohio 43215-3793.

- (10) All discovery requests should be conducted in accordance with Ohio Adm. Codes 4901-1-16 and 4901-1-24.
- (11) Any party intending to present direct, expert testimony should comply with Ohio Adm. Code 4901-1-29(A)(1)(h), which requires that all such testimony to be offered in this type of proceeding be filed and served upon all parties no later than seven days prior to the commencement of the hearing.

It is, therefore,

ORDERED, That the motions to intervene filed by OPAC, OCC, IEU, OMA, PWC, OEG, Kroger, OEC, NRDC, and ELPC be granted. It is, further,

ORDERED, That the motions to practice pro hac vice filed on behalf of David C. Rinebolt, Samantha Williams, and Justin Vickers be granted. It is, further,

ORDERED, That a hearing be held June 9, 2015, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, 11th floor, Hearing Room 11-A, Columbus, Ohio 43215-3793. It is, further,

ORDERED, That a copy of this Entry be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/ Nicholas Walstra

By: Nicholas Walstra
Attorney Examiner

jrj/vrm

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in

Case No(s). 14-1580-EL-RDR

Summary: Attorney Examiner Entry scheduling a hearing for June 9, 2015, at 10:00 a.m.; electronically filed by Vesta R Miller on behalf of Nicholas Walstra, Attorney Examiner, Public Utilities Commission of Ohio