

**BEFORE THE**  
**PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of	)	
Duke Energy Ohio, Inc. for a	)	Case No. 16-1017-EL-WVR
Waiver.	)	

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**APPLICATION FOR WAIVER  
OF DUKE ENERGY OHIO, INC.**

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Pursuant to Rule 4901:1-39-02(B), Ohio Administrative Code (O.A.C.), Duke Energy Ohio, Inc. (Duke Energy Ohio or Company) respectfully requests a limited waiver of Rule 4901:1-39-04(A), O.A.C., that would enable the Company to delay filing only the market potential study portion of its energy efficiency program portfolio until October 15, 2016. The Public Utilities Commission of Ohio (Commission) has authority to grant such a waiver pursuant to Rule 4901:1-39-02(B), for good cause shown.

On March 16, 2016, pursuant to Rule 4901:1-39-02(B), Ohio Administrative Code (O.A.C.), Duke Energy Ohio requested a limited waiver of O.A.C.4901:1-39-04(A) that would enable the Company to delay filing an energy efficiency program portfolio until October 15, 2016.<sup>1</sup> On April 7, 2016, the Commission granted a waiver for filing the portfolio until June 15, 2016. In granting the waiver, the Commission explicitly noted that it believed a sixty-day extension was adequate “notwithstanding that such plans remain subject to legislative changes in EE/PDR mandates, and may require modification to comply with future changes in the law or rules.”

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<sup>1</sup> *In the Matter of the Application of Duke Energy Ohio, Inc. for a Waiver to File a New Energy Efficiency and Peak Demand Reduction Portfolio Application*, Case No. 16-576-EL-WVR, (March 16, 2016).

Rule 4901:1-39-03 states:

“Prior to proposing its comprehensive energy efficiency and peak-demand program portfolio plan, an electric utility shall conduct an assessment of potential energy savings and peak-demand reduction from adoption of energy efficiency and demand response measures within its certified territory, which will be included in the electric utility’s program portfolio filing pursuant to rule 4901:1-39-04 of the Administrative Code.”

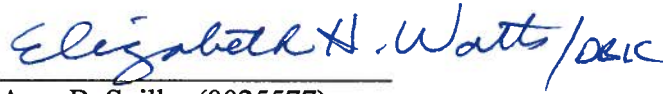
In anticipation of filing its next portfolio plan, Duke Energy Ohio engaged the services of Forefront Economics Inc., to perform a market assessment. Forefront Economics Inc. will deliver a completed market assessment in August of this year.

Duke Energy Ohio will file a portfolio of programs, including energy efficiency and peak demand reduction programs as directed by the Commission on or before June 1, 2016. However, the Company will not have a market assessment available to provide until August. For this reason, Duke Energy Ohio respectfully requests that the Commission grant the Company until August to submit the assessment study that is required by the Commission’s rule. Once the market assessment is complete, the Company will file an amendment of its proposed portfolio as needed to integrate its programs with the findings of the market assessment study

For the reasons set forth above, Duke Energy Ohio respectfully requests that the Commission grant this waiver and permit the Company to provide its assessment study subsequent to the filing of its proposed portfolio of energy efficiency and peak demand reduction programs.

Respectfully submitted,

DUKE ENERGY OHIO, INC.

A handwritten signature in blue ink that reads "Elizabeth H. Watts" followed by a stylized flourish or initials.

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**Case No(s). 16-1017-EL-WVR**

Summary: Application Application for Waiver of Duke Energy Ohio, Inc. electronically filed by Dianne Kuhnell on behalf of Duke Energy Ohio, Inc. and Spiller, Amy B. and Watts, Elizabeth H.