

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Duke)
Energy Ohio, Inc. for Tariff Approval) Case No. 14-2209-EL-ATA
Regarding Customer Energy Usage Data.)

**MOTION FOR CONTINUANCE AND EXTENSION OF TIME
BY**

**THE OFFICE OF THE OHIO CONSUMERS' COUNSEL, DUKE ENERGY
OHIO, INC., THE STAFF OF THE PUBLIC UTILITIES COMMISSION OF
OHIO, IGS ENERGY, INC., OHIO PARTNERS FOR AFFORDABLE ENERGY,
THE ENVIRONMENTAL DEFENSE FUND, DIRECT ENERGY, AND THE
RETAIL ENERGY SUPPLY ASSOCIATION**

The Office of the Ohio Consumers' Counsel ("OCC"), Duke Energy Ohio, Inc., ("Duke") the Staff of the Public Utilities Commission, IGS Energy, Inc., Ohio Partners for Affordable Energy, the Environmental Defense Fund, Direct Energy, and the Retail Energy Supply Association ("Parties") move the Public Utilities Commission of Ohio ("PUCO"), the legal director, the deputy legal director, or the Attorney Examiner for a continuance of the hearing currently set for September 20, 2016.¹ The Parties request a continuance, whereby the hearing will commence on November 1, 2016, instead of September 20, 2016. Additionally, consistent with the request to continue the hearing, the Parties request that testimony filing dates be extended accordingly, and Duke's testimony be filed, on or before October 4, 2016 and intervenor testimony be filed on or before October 14, 2016.

¹ This motion is made pursuant to Ohio Adm. Code 4901-1-12 and 4901-1-13.

The Parties' motion should be granted for good cause shown, as fully explained in the following memorandum.

Respectfully submitted,

BRUCE J. WESTON (0016973)
OHIO CONSUMERS' COUNSEL

/s/ Jodi Bair
Jodi Bair, Counsel of Record
(0062921)

Office of the Ohio Consumers' Counsel
10 West Broad Street, Suite 1800
Columbus, Ohio 43215-3485
Telephone [Bair]: (614) 466-9559
Jodi.bair@occ.ohio.gov
(will accept service via email)

/s/ Amy B. Spiller
Amy B. Spiller
Elizabeth H. Watts
Duke Energy Ohio
155 East Broad Street, 21st Floor
Columbus, Ohio 43215
Amy.Spiller@duke-energy.com
Elizabeth.Watts@duke-energy.com

/s/ Colleen L. Mooney
Colleen L. Mooney
Ohio Partners for Affordable Energy
P.O. Box 12451
Columbus, Ohio 43212-2451
Telephone: (614) 488-5739
cmooney@ohiopartners.org

Michael DeWine
Ohio Attorney General

William L. Wright
Section Chief

/s/ John H. Jones

John H. Jones

Natalia V. Messenger

Assistant Attorney General

Public Utilities Section

30 East Broad Street, 16th Floor

Columbus, OH 43215-3793

John.jones@ohioattorneygeneral.gov

Natalia.messenger@ohioattorneygeneral.gov

*On behalf of the Staff of
The Public Utilities Commission of Ohio*

/s/ Mark A. Whitt

Mark A. Whitt

Andrew J. Campbell

Rebekah J. Glover

Whitt Sturtevant LLP

88 East Broad St., Ste. 1590

Columbus, Ohio 43215

Whitt@whitt-sturtevant.com

Campbell@whitt-sturtevant.com

glover@whitt-sturtevant.com

*Attorneys for Direct Energy Services, LLC
And Direct Energy Business, LLC*

/s/ Joseph Olikier

Joseph Olikier

IGS Energy

6100 Emerald Parkway

Dublin, Ohio 43016

joliker@igsenergy.com

/s/ Michael J. Settineri

Michael J. Settineri

Gretchen Petrucci

Vorys, Sater, Seymour and Pease LLP

52 East Gay Street

Columbus, Ohio 43216-1008

Tel. (614) 464-5462

mjsettineri@vorys.com

glpetrucci@vorys.com

Attorneys for Retail Energy Supply

Association

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Duke)
Energy Ohio, Inc. for Tariff Approval) Case No. 14-2209-EL-ATA
Regarding Customer Energy Usage Data.)

MEMORANDUM IN SUPPORT

Under the PUCO's rules continuances and extensions of time may be granted upon motion of any party "for good cause shown."² The Parties Motion and Memorandum meet this standard as explained below.

In its Entry dated July 26, 2016, the Attorney Examiner issued an Entry establishing a procedural schedule that included a date for Duke's pre-filed testimony (September 6, 2016), a date for intervenor testimony (September 13, 2016) and a date for an evidentiary hearing (September 20, 2016).

Unfortunately, the procedural schedule directly conflicts with the availability of some of the Parties' witnesses and a later hearing date will provide more time to adequately prepare for the hearing, and to accommodate witness availability. All Parties are in agreement that November 1, 2106 would be a better date to begin the hearing and suggest that the PUCO adopt the procedural schedule set forth in this Motion.

Ohio Admin Code 4901-1-13(A) provides for extensions upon a showing of good cause, and the circumstances of this motion show good cause. To provide a procedural schedule accommodating all witnesses and also assure adequate preparation for the

² Ohio Adm. Code 4901-1-13(A); see also Ohio Admin. Code 4901-1-12(A) generally permitting motions to be filed, accompanied by memorandum in support.

hearing, a continuance is needed, with a suggested Duke testimony filing date of October 4, 2016, October 14, 2016 for intervenor testimony, and a hearing date of November 1, 2016.

Respectfully submitted,

BRUCE J. WESTON (0016973)
OHIO CONSUMERS' COUNSEL

/s/ Jodi Bair

Jodi Bair, Counsel of Record
(0062921)

Office of the Ohio Consumers' Counsel

10 West Broad Street, Suite 1800
Columbus, Ohio 43215-3485
Telephone [Bair]: (614) 466-9559
Jodi.bair@occ.ohio.gov
(will accept service via email)

/s/ Amy B. Spiller

Amy B. Spiller
Elizabeth H. Watts
Duke Energy Ohio
155 East Broad Street, 21st Floor
Columbus, Ohio 43215
Amy.Spiller@duke-energy.com
Elizabeth.Watts@duke-energy.com

/s/Colleen L. Mooney

Colleen L. Mooney
Ohio Partners for Affordable Energy
P.O. Box 12451
Columbus, Ohio 43212-2451
Telephone: (614) 488-5739
cmooney@ohiopartners.org

Michael DeWine
Ohio Attorney General

William L. Wright
Section Chief

/s/ John H. Jones

John H. Jones

Natalia V. Messenger

Assistant Attorney General

Public Utilities Section

30 East Broad Street, 16th Floor

Columbus, OH 43215-3793

John.jones@ohioattorneygeneral.gov

Natalia.messenger@ohioattorneygeneral.gov

*On behalf of the Staff of
The Public Utilities Commission of Ohio*

/s/ Mark A. Whitt

Mark A. Whitt

Andrew J. Campbell

Rebekah J. Glover

Whitt Sturtevant LLP

88 East Broad St., Ste. 1590

Columbus, Ohio 43215

Whitt@whitt-sturtevant.com

Campbell@whitt-sturtevant.com

glover@whitt-sturtevant.com

*Attorneys for Direct Energy Services, LLC
And Direct Energy Business, LLC*

/s/ Joseph Olikier

Joseph Olikier

IGS Energy

6100 Emerald Parkway

Dublin, Ohio 43016

joliker@igsenergy.com

/s/ Michael J. Settineri

Michael J. Settineri

Gretchen Petrucci

Vorys, Sater, Seymour and Pease LLP

52 East Gay Street

Columbus, Ohio 43216-1008

Tel. (614) 464-5462

mjsettineri@vorys.com

glpetrucci@vorys.com

Attorneys for Retail Energy Supply

Association

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 transmission this 8th day of August, 2016.

/s/ Jodi Bair
Jodi Bair
Assistant Consumers' Counsel

SERVICE LIST

cmooney@ohiopartners.org
joliker@igsenergy.com
mswhite@igsenergy.com
trent@theoec.org
mjsettineri@vorys.com
glpetrucci@vorys.com
wasieck@vorys.com

Amy.spiller@duke-energy.com
Elizabeth.Watts@duke-energy.com
whitt@whitt-sturtevant.com
Campbell@whitt-sturtevant.com
glover@whitt-sturtevant.com

John.jones@ohioattorneygeneral.gov
Natalia.messenger@ohioattorneygeneral.gov

Nicholas.walstra@puc.state.oh.us

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

8/8/2016 10:51:58 AM

in

Case No(s). 14-2209-EL-ATA

Summary: Motion Motion for Continuance and Extension of Time by the Office of the Ohio Consumers' Counsel, Duke Energy Ohio, Inc., the Staff of the Public Utilities Commission of Ohio, IGS Energy, Inc., Ohio Partners for Affordable Energy, the Environmental Defense Fund, Direct Energy, and the Retail Energy Supply Association electronically filed by Ms. Deb J. Bingham on behalf of Bair, Jodi Ms.