

**BEFORE THE PUBLIC
UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Duke)
Energy Ohio, Inc. to File for Tariff)
Approval)

Case No. 14-2209-EL-ATA

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

Now comes Duke Energy Ohio, Inc., (Duke Energy Ohio), and hereby respectfully moves the Public Utilities Commission of Ohio (Commission) for leave to file the memorandum contra to the motion to compel protective agreement filed in the case, Instanter.

Interstate Gas Supply, Inc. (IGS Energy) filed a Motion to Compel Protective Agreement and Request for Expedited Treatment on September 15, 2016 and due to the request for expedited treatment, memorandum contra from the parties to that motion would be due in seven days per O.A.C 4901-1-12(C). Due to inadvertent error, Duke Energy Ohio is filing its memorandum contra on September 23, 2016, concurrently with this motion.

A memorandum in support is attached.

Respectfully submitted,



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MEMORANDUM IN SUPPORT

I. INTRODUCTION:

On September 15, 2016, IGS Energy filed a Motion to Compel Protective Agreement and Request for Expedited Treatment. Pursuant to O.A.C. 4901-1-12 (C): any party may file memorandum contra to a motion requesting expedited treatment within seven days after the service of the motion.

II. DISCUSSION:

Duke Energy Ohio respectfully submits that good cause exists for this Commission to consider its memorandum contra motion to compel protective order filed concurrently herein on September 23, 2016, as filed timely and allow the memorandum contra to be considered in the disposition of this case in advance of the consideration for expedited treatment.

Permitting the late filing of the memorandum contra will not prejudice Parties or cause any delay. Duke Energy Ohio filed a Motion for an Extension of the Procedural Schedule on September 22, 2016 and requested expedited treatment of the motion due to the procedural schedule deadlines set on August 12, 2016, so there will be no delay to the Commission in their consideration of the motions in that regard.

III. CONCLUSION

Due to inadvertent error, Duke Energy Ohio did not file its memorandum contra to the motion to compel protective agreement reply comments by September 23, 2016. Accordingly, the Commission should grant Duke Energy Ohio's Motion for Leave to File Memorandum Contra Motion to Compel, Instantly.

Respectfully submitted,

Elizabeth H. Watts/over

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served via electronic delivery this 23rd

day of September, 2016 to the following:


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

Summary: Motion Duke Energy Ohio, Inc.'s Motion for Leave to File Memorandum Contra Motion to Compel, Instantly electronically filed by Dianne Kuhnell on behalf of Duke Energy Ohio, Inc. and Spiller, Amy B. and Watts, Elizabeth H.