

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of)	
Duke Energy Ohio, Inc., for a Waiver to)	Case No. 16-576-EL-WVR
File a New Energy Efficiency and Peak)	
Demand Reduction Portfolio Application)	

**DUKE ENERGY OHIO, INC.'S MEMORANDUM CONTRA
THE JOINT MOTION TO EXTEND PROCEDURAL SCHEDULE AND REQUEST FOR
EXPEDITED TREATMENT SUBMITTED ON BEHALF OF THE STAFF OF THE
PUBLIC UTILITIES COMMISSION, NATURAL RESOURCES DEFENSE COUNCIL,
OHIO ENVIRONMENTAL COUNCIL, AND ENVIRONMENTAL LAW AND POLICY
CENTER**

Duke Energy Ohio, Inc., (Duke Energy Ohio or the Company) submitted an application in this proceeding on June 15, 2016. The Company began responding to discovery from some of the parties as early as July, 2016. A procedural schedule was entered for this case along with the other electric distribution utility (EDU's) energy efficiency portfolio cases was issued on October 26, 2016. Along with creating a series of testimony and hearing dates for this as well as all four EDUs, the Attorney Examiner directed that all discovery be expedited and responded to within ten days. Since that time Duke Energy Ohio had responded to all outstanding discovery from several of the intervenors in this proceeding, in some cases in less than ten days.

Duke Energy Ohio's hearing was scheduled to proceed on November 28, 2016, the Monday after the Thanksgiving holiday. In order to prepare for that hearing, testimony by intervenors was to be filed on November 14, 2016. Despite these clearly scheduled dates and the discussion that was conducted via telephone with all interested parties, the Staff of the Public Utilities Commission of Ohio, the Natural Resources Defense Council, Ohio Environmental Law & Policy Council, and the Ohio Environmental Council, (collectively hereinafter Movants) seek a change to the previously agreed to dates.

Notably, movants seek more time to engage in settlement discussions. However, Movants have had at least six months within which to engage in discovery and at least that long to discuss at least preliminary issues with the Company and other parties, and yet no Movant opted to do so. Additionally, although it is always gratifying to know that intervenors are optimistic about discussing a resolution of issues, discussions to date have not held much promise. The Company remains hopeful, but is also prepared to move forward with hearing as necessary.

If settlement is possible, it can most certainly continue even after testimony is filed. It should not be unusual for Movants to prepare testimony while also discussing settlement. Given the extremely tight time frame for conducting a hearing prior to the end of the year such that the Company can begin the new year with programs in place, it is not fair to all participants to now propose changes.

The Company is in limbo. There are no approved programs to begin the compliance year 2016 and yet the Company will be required to meet mandatory compliance standards. Given these tenuous circumstances, the Commissions must maintain the current schedule and proceed with hearing on November 28th, with testimony from intervenors on the 14th as already agreed by all the parties.

For these reasons, Duke Energy Ohio respectfully requests that the Commission deny the Motion of the Movants to extend the procedural schedule.

Respectfully submitted,

DUKE ENERGY OHIO, INC.

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CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing was delivered by U.S. mail (postage prepaid), personal delivery, or electronic mail, on this 10th day of November, 2016, to the following parties.

Elizabeth H. Watts

Elizabeth H. Watts

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Summary: Motion DUKE ENERGY OHIO, INC.'S MEMORANDUM CONTRA THE JOINT MOTION TO EXTEND PROCEDURAL SCHEDULE AND REQUEST FOR EXPEDITED TREATMENT SUBMITTED ON BEHALF OF THE STAFF OF THE PUBLIC UTILITIES COMMISSION, NATURAL RESOURCES DEFENSE COUNCIL, OHIO ENVIRONMENTAL COUNCIL, AND ENVIRONMENTAL LAW AND POLICY CENTER electronically filed by Carys Cochern on behalf of Watts, Elizabeth H. Ms.