

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Duke : Case No. 13-2417-GA-UNC
Energy Ohio, Inc., for Approval to :
Implement a Capital Expenditure :
Program. :

In the Matter of the Application of Duke : Case No. 13-2418-GA-AAM
Energy Ohio, Inc. for Approval to Change :
Accounting Methods. :

**MOTION FOR LEAVE TO FILE
INSTANTER MEMORANDUM CONTRA
MOTION FOR CLARIFICATION BY DUKE ENERGY OHIO
SUBMITTED ON BEHALF OF THE STAFF OF
THE PUBLIC UTILITIES COMMISSION OF OHIO**

The Staff of the Public Utilities Commission of Ohio (Staff) moves for leave to file *instanter* its memorandum contra to Duke Energy Ohio, Inc. (Duke) motion for clarification filed on October 12, 2017. Staff's Memorandum Contra is being filed simultaneously with this motion. A memorandum is provided below supporting good cause for granting Staff's motion.

Respectfully submitted,

Michael DeWine
Ohio Attorney General

William L. Wright
Section Chief

/s/ John J. Kones

John H. Jones
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**On behalf of the Staff of the
Public Utilities Commission of Ohio**

MEMORANDUM IN SUPPORT

On October 12, 2017, Duke filed a motion for clarification of the Public Utilities Commission of Ohio (Commission) Finding and Order that was issued in the above captioned cases three years ago on October 1, 2014, approving Duke's Capital Expenditure Program (CEP). Under Ohio Adm. Code 4901-1-12(B), any party may file a memorandum contra within fifteen days after service of the motion. The undersigned, who is counsel of record for Staff, did not receive service of Duke's motion for clarification. Instead, Duke's motion was served on the Chief of the Attorney General's Public Utilities Section. The undersigned learned about Duke's motion for clarification just today.

Duke will not be prejudiced by Staff's motion for leave to file its memorandum contra because there is no pending procedural schedule and the clarification Duke seeks of a Commission Order issued three years ago in these cases should be filed in a different docket where the Commission addressed Duke's authority on replacement and ownership of service lines, as discussed more fully in Staff's memorandum contra.

CONCLUSION

For the foregoing reasons, Staff respectfully requests that the Commission grant its motion for leave to file instanter its memorandum contra Duke's motion for clarification.

Respectfully submitted,

Michael DeWine
Ohio Attorney General

William L. Wright
Section Chief

/s/ John J/ Kones

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

PROOF OF SERVICE

I hereby certify that a true copy of the foregoing **Motion for Leave to File Instanter its Memorandum Contra Motion for Clarification by Duke Energy Ohio, Inc.**, submitted on behalf of the Staff of the Public Utilities Commission of Ohio, was served via electronic mail upon the following Parties of Record, this 30th day of October, 2017.

/s/ John J. Kones

John H. Jones
Assistant Attorney General

Parties of Record:

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in

Case No(s). 13-2418-GA-AAM

Summary: Motion for Leave to File Instanter Memorandum Contra. Filed in 13-2417 on 10/30/17. electronically filed by Mrs. Tonnetta Y Scott on behalf of PUCO