

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of Citizens)	
Against Clear Cutting, et al.)	
)	
Complainants,)	
)	
v.)	Case No. 17-2344-EL-CSS
)	
Duke Energy Ohio, Inc.,)	
)	
Respondent.)	

JOINT MOTION FOR CONTINUANCE

Pursuant to Ohio Adm. Code 4901-12 and 4901-1-13, the parties hereby request that the February 2, 2018 testimony deadline and February 26, 2018 hearing date established in the above-captioned proceeding by the January 25, 2018 Entry be continued until April 3, 2018 and April 17-19 and April 23-27, 2018, respectively. The parties further request that the Public Utilities Commission of Ohio (Commission) grant this joint motion on an expedited basis pursuant to Ohio Adm. Code 4901-1-12(C). The parties do not object to an immediate ruling on this joint motion or to the requested extension. As explained more fully in the attached memorandum in support, good cause exists for granting this joint motion for a continuance.

Respectfully submitted,

/s/ Kimberly W. Bojko

Kimberly W. Bojko (0069402)

Brian W. Dressel (0097163)

Stephen E. Dutton (0096064)

Carpenter Lipps& Leland LLP

280 Plaza, Suite 1300

280 North High Street

Columbus, Ohio 43215

Telephone: 614.365.4100

bojko@carpenterlipps.com

dressel@carpenterlipps.com

dutton@carpenterlipps.com

/s/ Elizabeth H. Watts

Elizabeth H. Watts (0031092)

Associate General Counsel

Duke Energy Business Services, Inc.

139 Fourth Street, 1303-Main

P.O. Box 960

Cincinnati, Ohio 45202

Telephone: 513.287.4359

Elizabeth.Watts@duke-energy.com

Robert A. McMahon (0064319)

Eberly McMahon Copetas LLC

2321 Kemper Lane, Suite 100

Cincinnati, Ohio 45206

Telephone: 513.533.3441

bcmahon@emclawyers.com

February 7, 2018

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of Citizens)	
Against Clear Cutting, et al.)	
)	
Complainants,)	
)	
v.)	Case No. 17-2344-EL-CSS
)	
Duke Energy Ohio, Inc.,)	
)	
Respondent.)	

MEMORANDUM IN SUPPORT

On January 5, 2018, Complainants filed a Second Amended Complaint in this case,¹ which was accepted by Entry on January 25, 2018.² By the same Entry, the Commission set the following procedural schedule:

1. Testimony on behalf of all parties is to be filed by February 12, 2018.
2. The evidentiary hearing is to commence on February 26, 2018.

For the reasons set forth below, the parties jointly request an extension of the current procedural schedule, which would amend the procedural schedule as follows:

1. Testimony on behalf of all parties is to be filed by April 3, 2018.
2. The evidentiary hearing is to commence on April 17, 2018, continuing on April 18 and 19, 2018 and April 23 through 27, 2018.

¹ See Motion to Amend the Amended Complaint and Expedited Request to Extend Stay, Attachment (January 5, 2018).

² See Entry at ¶ 11 (January 25, 2018).

Discovery is ongoing in this matter and the parties have also had preliminary settlement discussions. This extension is necessary, however, to allow the parties adequate time to complete discovery, continue settlement discussions, and prepare for hearing. Ohio Adm. Code 4901-1-13 allows the Commission to grant continuances of hearings and extensions of time to file testimony upon motion and for good cause shown. Good cause exists to grant a continuance here in order to afford the parties additional time to prepare their cases, as well as engage in settlement discussions.

Additionally, the parties ask the Commission to consider this joint motion on an expedited basis, as authorized by Ohio Adm. Code 4901-1-12(C). No party opposes the joint motion or the request for an expedited ruling.

Respectfully submitted,

/s/ Kimberly W. Bojko
Kimberly W. Bojko (0069402)
Brian W. Dressel (0097163)
Stephen E. Dutton (0096064)
Carpenter Lipps & Leland LLP
280 Plaza, Suite 1300
280 North High Street
Columbus, Ohio 43215
Telephone: 614.365.4100
bojko@carpenterlipps.com
dressel@carpenterlipps.com
dutton@carpenterlipps.com

/s/ Elizabeth H. Watts
Elizabeth H. Watts (0031092)
Associate General Counsel
Duke Energy Business Services, Inc.
139 Fourth Street, 1303-Main
P.O. Box 960
Cincinnati, Ohio 45202
Telephone: 513.287.4359
Elizabeth.Watts@duke-energy.com

Robert A. McMahon (0064319)
Eberly McMahon Copetas LLC

2321 Kemper Lane, Suite 100
Cincinnati, Ohio 45206
Telephone: 513.533.3441
bmcmaahon@emclawyers.com

February 7, 2018

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing was served on February 7, 2018 by electronic mail upon all parties of record.

/s/ Kimberly W. Bojko
Kimberly W. Bojko

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

2/7/2018 11:49:00 AM

in

Case No(s). 17-2344-EL-CSS

Summary: Motion Joint Motion for Continuance electronically filed by Mr. Brian W Dressel on behalf of Complainants