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**Via E-file**

March 20, 2018

Public Utilities Commission of Ohio  
PUCO Docketing  
180 E. Broad Street, 10th Floor  
Columbus, Ohio 43215

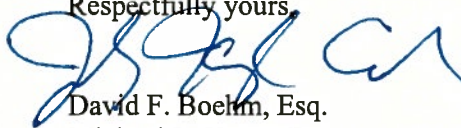
**In re: Case Nos. 14-841-EL-SSO; 14-842-EL-ATA**

Dear Sir/Madam:

Please find attached the REPLY OF THE OHIO ENERGY GROUP e-filed today in the above-referenced matters.

Copies have been served on all parties on the attached certificate of service. Please place this document of file.

Respectfully yours,

A handwritten signature in blue ink, appearing to read 'D. Boehm', with a stylized flourish at the end.

David F. Boehm, Esq.  
Michael L. Kurtz, Esq.  
Kurt J. Boehm, Esq.  
Jody Kyler Cohn, Esq.  
**BOEHM, KURTZ & LOWRY**

MLKkew  
Encl.

**BEFORE THE  
PUBLIC UTILITIES COMMISSION OF OHIO**

<b>In The Matter Of The Application Of Duke Energy Ohio, Inc. For</b>	<b>:</b>	<b>Case No. 14-841-EL-SSO</b>
<b>Authority To Establish A Standard Service Offer Pursuant To Section</b>	<b>:</b>	
<b>4928.143, Revised Code, In The Form Of An Electric Security Plan,</b>	<b>:</b>	
<b>Accounting Modifications And Tariffs For Generation Service.</b>	<b>:</b>	
	<b>:</b>	
<b>In The Matter Of The Application Of Duke Energy Ohio, Inc. For</b>	<b>:</b>	<b>Case No. 14-842-EL-ATA</b>
<b>Authority To Amend Its Certified Supplier Tariff, P.U.C.O. No. 20.</b>	<b>:</b>	

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**REPLY  
OF THE OHIO ENERGY GROUP**

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The Ohio Energy Group (“OEG”) submits this Reply to the Memorandum Contra filed by the Office of the Ohio Consumers’ Counsel (“OCC”) on March 19, 2018. In its Reply, OCC claims that OEG’s Memorandum in Support is not permitted under the Commission’s rules and should be stricken. The Commission should reject OCC’s request.

While it is true that OEG’s pleading does not advocate for rejection of Duke’s request (and is perhaps misleadingly titled a “*memorandum in support*”), the pleading also does not advocate for approval of that request. Rather, the substance of OEG’s filing is neutral, simply highlighting an important and necessary clarification that the Commission should make if it approves the Company’s request. OEG merely asks that if the Commission is inclined to approve Duke’s request, then any continuation order should also explicitly state that *all* provisions, terms, and conditions of the Company’s current ESP, including the large customer interruptible load program, will continue through whatever time period the Commission deems appropriate.

OCC points to no Commission rule barring OEG from filing such a pleading. Further, the two cases that OCC cites in supports of its claims are inapplicable to the current circumstance since neither addressed the propriety of a memorandum filed in response to a motion. And in both matters, the offending pleading was advocating for much more than simple clarification. Accordingly, OCC has presented no valid reason for the Commission to strike OEG’s pleading.

OEG also notes that OCC's Memorandum Contra appears untimely. Pursuant to the Attorney Examiner's June 6, 2014 Entry in this proceeding, "*in the event any motion is made in these proceedings, any memoranda contra shall be filed within **five** calendar days after the service of such motion...*"<sup>1</sup> Duke filed its Motion on March 9, 2018. But OCC did not file its Memorandum Contra until March 19, 2018 – ten days later. Consequently, in reality, it is likely OCC whose pleading should be stricken as procedurally improper.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Michael L. Kurtz", is written over a horizontal line.

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March 20, 2018

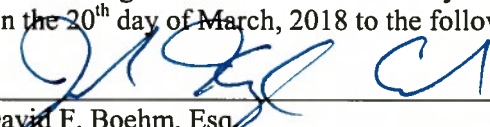
**COUNSEL FOR THE OHIO ENERGY GROUP**

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<sup>1</sup> Entry at 2 (emphasis added).

## CERTIFICATE OF SERVICE

In accordance with Rule 4901-1-05, Ohio Administrative Code, the PUCO's e-filing system will electronically serve notice of the filing of this document on the parties referenced on the service list of the docket card who have electronically subscribed to this case. In addition, the undersigned certifies that a courtesy copy of the foregoing document is also being served (via electronic mail) on the 20<sup>th</sup> day of March, 2018 to the following:

  
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**This foregoing document was electronically filed with the Public Utilities**

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**3/20/2018 5:00:16 PM**

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**Case No(s). 14-0841-EL-SSO, 14-0842-EL-ATA**

Summary: Reply Ohio Energy Group (OEG) Reply to Memorandum Contra electronically filed by Mr. Michael L. Kurtz on behalf of Ohio Energy Group