

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Duke Energy Ohio, Inc., for an Adjustment to Rider MGP Rates.	)	Case No. 14-375-GA-RDR
	)	
In the Matter of the Application of Duke Energy Ohio, Inc., for Tariff Approval	)	Case No. 14-376-GA-ATA
	)	
In the Matter of the Application of Duke Energy Ohio, Inc., for an Adjustment to Rider MGP Rates.	)	Case No. 15-452-GA-RDR
	)	
In the Matter of the Application of Duke Energy Ohio, Inc., for Tariff Approval	)	Case No. 15-453-GA-ATA
	)	
In the Matter of the Application of Duke Energy Ohio, Inc., for an Adjustment to Rider MGP Rates.	)	Case No. 16-542-GA-RDR
	)	
In the Matter of the Application of Duke Energy Ohio, Inc., for Tariff Approval	)	Case No. 16-543-GA-ATA
	)	
In the Matter of the Application of Duke Energy Ohio, Inc., for an Adjustment to Rider MGP Rates.	)	Case No. 17-596-GA-RDR
	)	
In the Matter of the Application of Duke Energy Ohio, Inc., for Tariff Approval	)	Case No. 17-597-GA-ATA
	)	
In the Matter of the Application of Duke Energy Ohio, Inc., for an Adjustment to Rider MGP Rates.	)	Case No. 18-283-GA-RDR
	)	
In the Matter of the Application of Duke Energy Ohio, Inc., for Tariff Approval	)	Case No. 18-284-GA-ATA
	)	

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**MOTION TO MODIFY PROCEDURAL SCHEDULE AND REQUEST FOR  
EXPEDITED TREATMENT**

**BY  
THE OFFICE OF THE OHIO CONSUMERS' COUNSEL**

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The Office of the Ohio Consumers' Counsel ("OCC") respectfully requests that the Attorney Examiner modify the current procedural schedule to allow reply comments to be filed on October 30, 2018. The reason for this slight extension is that OCC has served discovery requests on Duke Energy, and Duke has asked OCC for additional time to respond to those discovery requests.

OCC contacted all parties to this case (Duke, the PUCO Staff, Kroger, Ohio Manufacturers' Association Energy Group, Ohio Energy Group, and Ohio Partners for Affordable Energy), and all parties have responded that they do not oppose this request.

The PUCO should grant this motion under Ohio Adm. Code 4901-1-12(C) on an expedited basis for the reasons set forth in the attached memorandum in support.

Respectfully submitted,

Bruce Weston (0016973)  
Ohio Consumers' Counsel

/s/ Christopher Healey

Christopher Healey (0086027)  
Counsel of Record  
Bryce McKenney (0088203)  
Assistant Consumers' Counsel

**Office of the Ohio Consumers' Counsel**  
65 East State Street, 7th Floor  
Columbus, Ohio 43215  
Telephone [Healey]: (614) 466-9571  
Telephone [McKenney]: (614) 466-9585  
christopher.healey@occ.ohio.gov  
bryce.mckenney@occ.ohio.gov  
(willing to accept service by e-mail)

**BEFORE  
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**MEMORANDUM IN SUPPORT OF MOTION FOR EVIDENTIARY HEARING  
BY  
THE OFFICE OF THE OHIO CONSUMERS' COUNSEL**

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Under the current procedural schedule, reply comments are due October 26, 2018.<sup>1</sup> On October 2, 2018, OCC served interrogatories and requests for production of documents on Duke. Under Ohio Adm. Code 4901-19 and 4901-1-20, Duke's response to those discovery requests would be due October 22, 2018. On October 19, 2018, Duke contacted OCC to ask for a two business day extension to respond by October 24, 2018.

In an effort to cooperate with Duke's request and to allow parties time to review the discovery responses before filing reply comments, OCC proposed that the deadline for reply comments also be extended two business days from October 26, 2018 to October 30, 2018. OCC contacted all parties to these cases (Duke, the PUCO Staff, Kroger, Ohio Manufacturers' Association Energy Group, Ohio Energy Group, and Ohio Partners for Affordable Energy), and all parties have informed OCC that they do not oppose this request.<sup>2</sup>

Accordingly, OCC requests that the Attorney Examiner grant this motion on an expedited basis and set a new reply deadline of October 30, 2018.

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<sup>1</sup> Entry ¶ 9 (June 28, 2018).

<sup>2</sup> See email communications, attached hereto as Exhibit 1.

Respectfully submitted,

Bruce Weston (0016973)  
Ohio Consumers' Counsel

/s/ Christopher Healey

Christopher Healey (0086027)  
Counsel of Record  
Bryce McKenney (0088203)  
Assistant Consumers' Counsel

**Office of the Ohio Consumers' Counsel**

65 East State Street, 7th Floor  
Columbus, Ohio 43215  
Telephone [Healey]: (614) 466-9571  
Telephone [McKenney]: (614) 466-9585  
christopher.healey@occ.ohio.gov  
bryce.mckenney@occ.ohio.gov  
(willing to accept service by e-mail)

### **CERTIFICATE OF SERVICE**

I hereby certify that a copy of this Motion to Modify Procedural Schedule was served on the persons stated below via electric transmission this 23rd day of October 2018.

/s/ Christopher Healey  
Christopher Healey  
Counsel of Record

### **SERVICE LIST**

<a href="mailto:Thomas.mcnamee@ohioattorneygeneral.gov">Thomas.mcnamee@ohioattorneygeneral.gov</a>	<a href="mailto:Elizabeth.Watts@duke-energy.com">Elizabeth.Watts@duke-energy.com</a>
<a href="mailto:cmooney@ohiopartners.org">cmooney@ohiopartners.org</a>	<a href="mailto:Jeanne.kingery@duke-energy.com">Jeanne.kingery@duke-energy.com</a>
<a href="mailto:dboehm@bkllawfirm.com">dboehm@bkllawfirm.com</a>	<a href="mailto:rocco.dascenzo@duke-energy.com">rocco.dascenzo@duke-energy.com</a>
<a href="mailto:mkurtz@bkllawfirm.com">mkurtz@bkllawfirm.com</a>	<a href="mailto:bojko@carpenterlipps.com">bojko@carpenterlipps.com</a>
<a href="mailto:jkylercohn@bkllawfirm.com">jkylercohn@bkllawfirm.com</a>	<a href="mailto:perko@carpenterlipps.com">perko@carpenterlipps.com</a>
	<a href="mailto:paul@carpenterlipps.com">paul@carpenterlipps.com</a>

Attorney Examiner:  
[Megan.addison@puc.state.oh.us](mailto:Megan.addison@puc.state.oh.us)

## Healey, Christopher

---

**From:** Angela Paul Whitfield <paul@CarpenterLipps.com>  
**Sent:** Friday, October 19, 2018 4:06 PM  
**To:** Healey, Christopher  
**Subject:** Re: MGP Cases - Extension of Reply Deadline (14-375, etc.)

Yes.

Sent from my iPhone

On Oct 19, 2018, at 3:35 PM, "[Christopher.Healey@occ.ohio.gov](mailto:Christopher.Healey@occ.ohio.gov)" <[Christopher.Healey@occ.ohio.gov](mailto:Christopher.Healey@occ.ohio.gov)> wrote:

Angie,

Looks like I got your email wrong the first time. Please see below.

Thank you,  
Chris

---

**From:** Healey, Christopher  
**Sent:** Friday, October 19, 2018 3:34 PM  
**To:** 'Colleen Mooney' <[cmooney@ohiopartners.org](mailto:cmooney@ohiopartners.org)>; Kim Bojko <[bojko@carpenterlipps.com](mailto:bojko@carpenterlipps.com)>; 'paul@carpenterlipss.com' <[paul@carpenterlipss.com](mailto:paul@carpenterlipss.com)>; Mike Kurtz ([mkurtz@bkllawfirm.com](mailto:mkurtz@bkllawfirm.com)) <[mkurtz@bkllawfirm.com](mailto:mkurtz@bkllawfirm.com)>; [dboehm@BKLawfirm.com](mailto:dboehm@BKLawfirm.com); 'Jody Kyler Cohn' ([jkylercohn@bkllawfirm.com](mailto:jkylercohn@bkllawfirm.com)) <[jkylercohn@bkllawfirm.com](mailto:jkylercohn@bkllawfirm.com)>  
**Cc:** 'Elizabeth Watts' <[elizabeth.watts@duke-energy.com](mailto:elizabeth.watts@duke-energy.com)>; McNamee, Thomas <[thomas.mcnamee@ohioattorneygeneral.gov](mailto:thomas.mcnamee@ohioattorneygeneral.gov)>; Mckenney, Bryce <[Bryce.McKenney@occ.ohio.gov](mailto:Bryce.McKenney@occ.ohio.gov)>  
**Subject:** FW: MGP Cases - Extension of Reply Deadline (14-375, etc.)

Parties,

Per the below, OCC is seeking a brief extension on the reply deadline (from the 26th to 30th) to accommodate Duke's request for more time to respond to OCC discovery. Duke and Staff have agreed, per the below. Will you agree to this as well?

Thank you,  
Chris

---

**From:** Thomas W. McNamee <[thomas.mcnamee@ohioattorneygeneral.gov](mailto:thomas.mcnamee@ohioattorneygeneral.gov)>  
**Sent:** Friday, October 19, 2018 3:20 PM  
**To:** Healey, Christopher <[Christopher.Healey@occ.ohio.gov](mailto:Christopher.Healey@occ.ohio.gov)>  
**Cc:** 'Elizabeth Watts' <[Elizabeth.Watts@duke-energy.com](mailto:Elizabeth.Watts@duke-energy.com)>; Mckenney, Bryce <[Bryce.McKenney@occ.ohio.gov](mailto:Bryce.McKenney@occ.ohio.gov)>  
**Subject:** RE: MGP Cases - Extension of Reply Deadline (14-375, etc.)

If it's okay with Duke, it's okay with us as well. T

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**From:** [Christopher.Healey@occ.ohio.gov](mailto:Christopher.Healey@occ.ohio.gov) [<mailto:Christopher.Healey@occ.ohio.gov>]  
**Sent:** Friday, October 19, 2018 3:17 PM  
**To:** Thomas W. McNamee <[thomas.mcnamee@ohioattorneygeneral.gov](mailto:thomas.mcnamee@ohioattorneygeneral.gov)>  
**Cc:** 'Elizabeth Watts' <[Elizabeth.Watts@duke-energy.com](mailto:Elizabeth.Watts@duke-energy.com)>;  
[Bryce.McKenney@occ.ohio.gov](mailto:Bryce.McKenney@occ.ohio.gov)  
**Subject:** MGP Cases - Extension of Reply Deadline (14-375, etc.)  
**Importance:** High

Tom,

To allow Duke more time to respond to OCC's discovery, OCC would like a brief extension on the reply comment deadline. It is currently the 26th, and we are proposing the 30th. Duke is ok with this proposal (see below). Will Staff agree to this as well?

Thank you,  
Chris

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**From:** Watts, Elizabeth H <[Elizabeth.Watts@duke-energy.com](mailto:Elizabeth.Watts@duke-energy.com)>  
**Sent:** Friday, October 19, 2018 3:12 PM  
**To:** Healey, Christopher <[Christopher.Healey@occ.ohio.gov](mailto:Christopher.Healey@occ.ohio.gov)>  
**Cc:** Kuhnell, Dianne B <[Dianne.Kuhnell@duke-energy.com](mailto:Dianne.Kuhnell@duke-energy.com)>; Mckenney, Bryce <[Bryce.McKenney@occ.ohio.gov](mailto:Bryce.McKenney@occ.ohio.gov)>  
**Subject:** RE: MGP Combined Cases

Chris:

Extending reply comments to 30<sup>th</sup> would be ok with us.

Elizabeth

---

**From:** [Christopher.Healey@occ.ohio.gov](mailto:Christopher.Healey@occ.ohio.gov) [<mailto:Christopher.Healey@occ.ohio.gov>]  
**Sent:** Friday, October 19, 2018 2:55 PM  
**To:** Watts, Elizabeth H  
**Cc:** Kuhnell, Dianne B; [Bryce.McKenney@occ.ohio.gov](mailto:Bryce.McKenney@occ.ohio.gov)  
**Subject:** RE: MGP Combined Cases

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Elizabeth,

As you know, reply comments are due next Friday (the 26th). I can't agree to a delay in the discovery until Wednesday the 24th unless Duke (and Staff) will agree to a corresponding extension on the deadline for reply comments to October 30.



Let me know if that would work for you.

Thank you,  
Chris

---

**From:** Watts, Elizabeth H <[Elizabeth.Watts@duke-energy.com](mailto:Elizabeth.Watts@duke-energy.com)>  
**Sent:** Friday, October 19, 2018 2:46 PM  
**To:** Healey, Christopher <[Christopher.Healey@occ.ohio.gov](mailto:Christopher.Healey@occ.ohio.gov)>;  
Mckenney, Bryce <[Bryce.McKenney@occ.ohio.gov](mailto:Bryce.McKenney@occ.ohio.gov)>  
**Cc:** Kuhnell, Dianne B <[Dianne.Kuhnell@duke-energy.com](mailto:Dianne.Kuhnell@duke-energy.com)>  
**Subject:** MGP Combined Cases

Chris/Bryce:

I was away on vacation this past week and am playing catch-up with work. We have discovery in the MGP cases due to OCC on Monday. Would you allow us an extra couple of days to respond? We can provide responses by Wednesday if that is alright with you? Please advise asap.

Elizabeth

**Elizabeth H. Watts**

Associate General Counsel | **Duke Energy Business Services**  
155 East Broad Street, Columbus, Ohio 43215  
614-222-1331 Direct - 614-202-2509 Cell  
<image001.jpg>

**Healey, Christopher**

---

**From:** Jody Kyler Cohn <jkylercohn@bkllawfirm.com>  
**Sent:** Friday, October 19, 2018 4:46 PM  
**To:** Kimberly W. Bojko; Healey, Christopher; 'Colleen Mooney'; paul@carpenterlipss.com; Michael Kurtz; David Boehm  
**Cc:** 'Elizabeth Watts'; McNamee, Thomas; Mckenney, Bryce  
**Subject:** Re: MGP Cases - Extension of Reply Deadline (14-375, etc.)

OEG agrees.

Thanks,

Jody

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

**From:** "Kimberly W. Bojko" <bojko@CarpenterLipps.com>  
**Date:** 10/19/18 4:34 PM (GMT-05:00)  
**To:** "'Christopher.Healey@occ.ohio.gov'" <Christopher.Healey@occ.ohio.gov>, 'Colleen Mooney' <cmooney@ohiopartners.org>, paul@carpenterlipss.com, Michael Kurtz <mkurtz@bkllawfirm.com>, David Boehm <dboehm@bkllawfirm.com>, Jody Kyler Cohn <jkylercohn@bkllawfirm.com>  
**Cc:** 'Elizabeth Watts' <Elizabeth.Watts@duke-energy.com>, thomas.mcnamee@ohioattorneygeneral.gov, Bryce.McKenney@occ.ohio.gov  
**Subject:** RE: MGP Cases - Extension of Reply Deadline (14-375, etc.)

OMAEg agrees.

Thanks,  
Kim

**Kimberly W. Bojko**  
CARPENTER LIPPS & LELAND LLP  
Columbus ▪ New York ▪ Chicago  
280 Plaza, Suite 1300  
280 N. High Street  
Columbus, OH 43215  
(614) 365-4124  
[bojko@carpenterlipps.com](mailto:bojko@carpenterlipps.com)

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**From:** Christopher.Healey@occ.ohio.gov <Christopher.Healey@occ.ohio.gov>  
**Sent:** Friday, October 19, 2018 3:34 PM  
**To:** 'Colleen Mooney' <cmooney@ohiopartners.org>; Kimberly W. Bojko <bojko@CarpenterLipps.com>; paul@carpenterlipss.com; Mike Kurtz (mkurtz@bkllawfirm.com) <mkurtz@bkllawfirm.com>; dboehm@BKLLawfirm.com; 'Jody Kyler Cohn' (jkylercohn@bkllawfirm.com) <jkylercohn@bkllawfirm.com>  
**Cc:** 'Elizabeth Watts' <Elizabeth.Watts@duke-energy.com>; thomas.mcnamee@ohioattorneygeneral.gov; Bryce.McKenney@occ.ohio.gov  
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Elizabeth

### **Elizabeth H. Watts**

Associate General Counsel | **Duke Energy Business Services**  
155 East Broad Street, Columbus, Ohio 43215  
614-222-1331 Direct - 614-202-2509 Cell



## Healey, Christopher

---

**From:** Colleen Mooney <cmooney@opae.org>  
**Sent:** Friday, October 19, 2018 3:45 PM  
**To:** Healey, Christopher; 'Colleen Mooney'; 'Kim Bojko'; paul@carpenterlipss.com; 'Mike Kurtz'; dboehm@BKLawfirm.com; 'Jody Kyler Cohn'  
**Cc:** 'Elizabeth Watts'; McNamee, Thomas; Mckenney, Bryce  
**Subject:** RE: MGP Cases - Extension of Reply Deadline (14-375, etc.)

OPAE Agrees.

---

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**To:** 'Colleen Mooney' <cmooney@ohiopartners.org>; Kim Bojko <bojko@carpenterlipps.com>; paul@carpenterlipss.com; Mike Kurtz (mkurtz@bkllawfirm.com) <mkurtz@bkllawfirm.com>; dboehm@BKLawfirm.com; 'Jody Kyler Cohn' (jkylercohn@bkllawfirm.com) <jkylercohn@bkllawfirm.com>  
**Cc:** 'Elizabeth Watts' <Elizabeth.Watts@duke-energy.com>; thomas.mcnamee@ohioattorneygeneral.gov; Bryce.McKenney@occ.ohio.gov  
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**Subject:** RE: MGP Cases - Extension of Reply Deadline (14-375, etc.)

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**Cc:** 'Elizabeth Watts' <[Elizabeth.Watts@duke-energy.com](mailto:Elizabeth.Watts@duke-energy.com)>; [Bryce.McKenney@occ.ohio.gov](mailto:Bryce.McKenney@occ.ohio.gov)  
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Chris

---

**From:** Watts, Elizabeth H <[Elizabeth.Watts@duke-energy.com](mailto:Elizabeth.Watts@duke-energy.com)>  
**Sent:** Friday, October 19, 2018 2:46 PM  
**To:** Healey, Christopher <[Christopher.Healey@occ.ohio.gov](mailto:Christopher.Healey@occ.ohio.gov)>; Mckenney, Bryce <[Bryce.McKenney@occ.ohio.gov](mailto:Bryce.McKenney@occ.ohio.gov)>  
**Cc:** Kuhnell, Dianne B <[Dianne.Kuhnell@duke-energy.com](mailto:Dianne.Kuhnell@duke-energy.com)>  
**Subject:** MGP Combined Cases

Chris/Bryce:

I was away on vacation this past week and am playing catch-up with work. We have discovery in the MGP cases due to OCC on Monday. Would you allow us an extra couple of days to

respond? We can provide responses by Wednesday if that is alright with you? Please advise asap.

Elizabeth

**Elizabeth H. Watts**

Associate General Counsel | **Duke Energy Business Services**  
155 East Broad Street, Columbus, Ohio 43215  
614-222-1331 Direct - 614-202-2509 Cell





## Healey, Christopher

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**From:** Thomas W. McNamee <thomas.mcnamee@ohioattorneygeneral.gov>  
**Sent:** Friday, October 19, 2018 3:20 PM  
**To:** Healey, Christopher  
**Cc:** 'Elizabeth Watts'; Mckenney, Bryce  
**Subject:** RE: MGP Cases - Extension of Reply Deadline (14-375, etc.)

If it's okay with Duke, it's okay with us as well. T

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**From:** Christopher.Healey@occ.ohio.gov [mailto:Christopher.Healey@occ.ohio.gov]  
**Sent:** Friday, October 19, 2018 3:17 PM  
**To:** Thomas W. McNamee <thomas.mcnamee@ohioattorneygeneral.gov>  
**Cc:** 'Elizabeth Watts' <Elizabeth.Watts@duke-energy.com>; Bryce.McKenney@occ.ohio.gov  
**Subject:** MGP Cases - Extension of Reply Deadline (14-375, etc.)  
**Importance:** High

Tom,

To allow Duke more time to respond to OCC's discovery, OCC would like a brief extension on the reply comment deadline. It is currently the 26th, and we are proposing the 30th. Duke is ok with this proposal (see below). Will Staff agree to this as well?

Thank you,  
Chris

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**From:** Watts, Elizabeth H <[Elizabeth.Watts@duke-energy.com](mailto:Elizabeth.Watts@duke-energy.com)>  
**Sent:** Friday, October 19, 2018 3:12 PM  
**To:** Healey, Christopher <[Christopher.Healey@occ.ohio.gov](mailto:Christopher.Healey@occ.ohio.gov)>  
**Cc:** Kuhnell, Dianne B <[Dianne.Kuhnell@duke-energy.com](mailto:Dianne.Kuhnell@duke-energy.com)>; Mckenney, Bryce <[Bryce.McKenney@occ.ohio.gov](mailto:Bryce.McKenney@occ.ohio.gov)>  
**Subject:** RE: MGP Combined Cases

Chris:

Extending reply comments to 30<sup>th</sup> would be ok with us.

Elizabeth

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**From:** [Christopher.Healey@occ.ohio.gov](mailto:Christopher.Healey@occ.ohio.gov) [mailto:Christopher.Healey@occ.ohio.gov]  
**Sent:** Friday, October 19, 2018 2:55 PM  
**To:** Watts, Elizabeth H  
**Cc:** Kuhnell, Dianne B; [Bryce.McKenney@occ.ohio.gov](mailto:Bryce.McKenney@occ.ohio.gov)  
**Subject:** RE: MGP Combined Cases

\*\*\* Exercise caution. This is an EXTERNAL email. DO NOT

open attachments or click links from unknown senders or unexpected email. \*\*\*

Elizabeth,

As you know, reply comments are due next Friday (the 26th). I can't agree to a delay in the discovery until Wednesday the 24th unless Duke (and Staff) will agree to a corresponding extension on the deadline for reply comments to October 30.

Let me know if that would work for you.

Thank you,  
Chris

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**From:** Watts, Elizabeth H <[Elizabeth.Watts@duke-energy.com](mailto:Elizabeth.Watts@duke-energy.com)>  
**Sent:** Friday, October 19, 2018 2:46 PM  
**To:** Healey, Christopher <[Christopher.Healey@occ.ohio.gov](mailto:Christopher.Healey@occ.ohio.gov)>; Mckenney, Bryce <[Bryce.McKenney@occ.ohio.gov](mailto:Bryce.McKenney@occ.ohio.gov)>  
**Cc:** Kuhnell, Dianne B <[Dianne.Kuhnell@duke-energy.com](mailto:Dianne.Kuhnell@duke-energy.com)>  
**Subject:** MGP Combined Cases

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Elizabeth

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

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**in**

**Case No(s). 14-0375-GA-RDR, 14-0376-GA-ATA, 15-0452-GA-RDR, 15-0453-GA-ATA, 16-0542-GA-RD**

Summary: Motion Motion to Modify Procedural Schedule and Request for Expedited Treatment by the Office of the Ohio Consumers' Counsel electronically filed by Ms. Deb J. Bingham on behalf of Healey, Christopher Mr.