

# THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE APPLICATION OF  
DUKE ENERGY OHIO, INC. FOR A WAIVER  
OF OHIO ADM.CODE 4901:1-39-04.

CASE NO. 19-165-EL-WVR

## ENTRY

Entered in the Journal on March 6, 2019

{¶ 1} Duke Energy Ohio, Inc. (Duke) is a public utility, pursuant to R.C. 4905.02, and is, therefore, subject to the jurisdiction of this Commission.

{¶ 2} Pursuant to Ohio Adm.Code 4901:1-39-04, electric utilities are required to submit an application for new energy efficiency and peak demand (EE/PDR) portfolio plans by April 15, 2019.

{¶ 3} On December 19, 2018, the Commission issued a Finding and Order adopting proposed amendments to Ohio Adm.Code Chapters 4901:1-39 and 4901:1-40 regarding the Commission's rules for energy efficiency and renewable energy portfolio standards. The rules have not taken effect yet and remain subject to finalization.

{¶ 4} On January 23, 2019, Duke filed a motion for a waiver pursuant to Ohio Adm.Code 4901:1-39-02(B) and an expedited ruling pursuant to Ohio Adm.Code 4901-1-12(C). In the motion, Duke explains that its current EE/PDR portfolio plan was approved in September 2017 for a period that includes 2017 through 2019, and a new application is due on April 15 of this year. Duke further explains that the proposed Ohio Adm.Code 4901:1-39-04, which is subject to finalization, contemplates the filing of EE/PDR portfolio plans on September 1 annually. As a result, Duke states that the most expedient way for it to move forward is to file the plan on September 1, 2019, pursuant to the new rules. If the new rules are not yet final, Duke states that it can be ready to submit a portfolio plan at that time should the Commission deem it prudent.

{¶ 5} Upon review, the attorney examiner finds that Duke's request is reasonable and that Duke should be afforded additional time to file its EE/PDR portfolio plan.

Accordingly, the attorney examiner waives Duke's April 15, 2019 deadline for the filing of its EE/PDR portfolio plan. Duke should file its portfolio plan on September 1, 2019.

{¶ 6} It is, therefore,

{¶ 7} ORDERED, That Duke's motion for a waiver of the due date to file its EE/PDR portfolio plan be granted and the plan be due on September 1, 2019. It is, further,

{¶ 8} ORDERED, That a copy of this Entry be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/ Anna Sanyal

By: Anna Sanyal  
Attorney Examiner

JRJ/mef

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

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Summary: Attorney Examiner Entry granting motion for waiver and setting a new due date of 9/1/19 for energy efficiency and peak demand portfolio plans electronically filed by Ms. Mary E Fischer on behalf of Anna Sanyal, Attorney Examiner, Public Utilities Commission