

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of)
Duke Energy Ohio, Inc. for an) Case No. 08-709-EL-AIR
Increase in Electric Distribution)
Rates.)

In the Matter of the Application of)
Duke Energy Ohio, Inc. for Tariff) Case No. 08-710-EL-ATA
Approval.)

In the Matter of the Application of)
Duke Energy Ohio, Inc. for) Case No. 08-711-EL-AAM
Approval to Change Accounting)
Methods.)

ENTRY

The Commission finds:

- (1) Duke Energy Ohio, Inc. (Duke or Applicant) is an electric company as defined by Section 4905.03(A)(4), Revised Code, and public utility as defined by Section 4905.02, Revised Code. The Applicant is, therefore, subject to the jurisdiction of this Commission pursuant to Sections 4905.04, 4905.05, and 4905.06, Revised Code.
- (2) The notice of intent to file an application for an increase in rates was received on June 25, 2008, pursuant to Section 4909.43(B), Revised Code, and determined to be in compliance with Rule 4901-7-01, Ohio Administrative Code (O.A.C.), Appendix A, Paragraphs (A) and (B). (Appendix A, to Rule 4901-7-01, O.A.C. may be referred to in this entry as the standard filing requirements).
- (3) Duke's application for an increase in rates is governed by and must meet the requirements of Sections 4909.17 to 4909.19 and 4909.42, Revised Code.
- (4) Section 4909.15(C), Revised Code, provides that, unless otherwise ordered by the Commission, the test period for determining the cost of service shall be the twelve-month period beginning six months prior to the date the application is filed and ending six months subsequent to that date and that in no event shall the test

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period end more than nine months subsequent to the date the application is filed. This section also requires that the date certain be no later than the date of filing. The Applicant moves that the test period begin January 1, 2008 and end December 31, 2008, and that the date certain be March 31, 2008. Applicant's proposed test period and date certain should be approved.

- (5) Duke has requested a waiver from the standard filing requirements as to the filing of detailed information regarding the costs in its rate base and operating income relating to any supply-side or demand-side projects or programs from the Applicant's latest Commission-approved IRP. The Applicant contends that these requirements are moot as they have been repealed.
- (6) Duke has also requested a waiver from the standard filing requirements related to the Applicant's generation, transmission, and fuel supply. The Applicant submits it intends to request an increase in distribution rates only, not in rates associated with generation, including fuel or transmission. As such, Duke believes the information related to generation is not relevant to their requested distribution rate increase. So in the interest of administrative economy, waivers are requested from the below listed standard filing requirements:

Schedule B-8	Generation Data
Schedule S-2	Capital Expenditures (generation related)
Schedule S2.1	Mix of generation, mix of fuel
Appendix A, Chapter II, Section B(H)	Electric Generation and Reserve Margin, Steam Heating, Water, and Gas Data
Schedule D-5, page 4 of 4	Rate of Return Measures, Other Financial and Operating Data - Mix of fuel
Supplemental Information, Chapter II, (C)(23)	Fuel stock component listed in Schedule B-5.1

Supplemental Information,
Chapter II, (C)(28)

Copy of yearly kWh generated
by unit or by station and
purchased power received and
delivered by type of transaction
for the test year

Supplemental Information,
Chapter II, (C)(29)

Monthly expense data by
accounts for fuel in accounts
501, 518, 547, and purchased
power in account 555

Because Duke's application is to increase rates for distribution service, the waiver requests are reasonable and should be granted.

- (7) For the same reasons as noted in Number 5 above, the Applicant requests a waiver from the requirement to file detailed information regarding their Integrated Resource Plan (IRP) as specified in Appendix A, Chapter II(B)(9)(g). Since the Commission has repealed its IRP implementation filing requirements, the request is reasonable and, therefore, should be granted as requested.
- (8) Duke has requested a waiver from the standard filing requirements that instruct the Applicant to file total system maps. The Applicant contends that filing the system maps unnecessarily creates a system security issue, which Duke wants to avoid. The Applicant has stated the system maps would be made available for review by Staff in the Applicant's offices, in lieu of filing a copy of the maps with the forthcoming rate case application. Duke's request for waiver on this issue is reasonable and should be approved.
- (9) A waiver of the standard filing requirements related to providing information regarding federal and state tax returns as contained in Appendix A, Chapter II(C)(37 & (44) is also requested by Duke. The Applicant has expressed concern regarding the confidentiality and the proprietary information contained in these documents. The Applicant proposes to make the information available for review at Duke's business offices. This request is reasonable and should be granted, as requested.

- (10) The granting of these waivers does not preclude the Staff from obtaining the information waived through data request if it is subsequently deemed necessary to complete the Staff's investigation effectively and efficiently.

It is, therefore,

ORDERED, That the test period of the Applicant, Duke Energy Ohio, Inc., shall begin January 1, 2008, and end December 31, 2008, and that the date certain shall be March 31, 2008. It is, further,

ORDERED, That the appropriate method for making any changes to the date certain or test period shall be the filing of a new notice of intent to file an application for an increase in rates and withdrawal of the pending application. It is, further,


ORDERED, That the requests for waivers made by Duke are granted as set forth above. It is, further,

ORDERED, That a copy of this Entry be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO


Alan R. Schriber, Chairman


Paul A. Centolella


Ronda Hartman Fergus

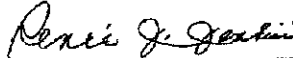

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Entered in the Journal

JUL 23 2008



Renee J. Jenkins
Secretary