

## BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

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

## PROCEEDINGS

Before Jeanne W. Kingery and Scott E. Farkas, Hearing  
Examiners, at the Public Utilities Commission of Ohio,  
180 East Broad Street, Room 11-C, Columbus, Ohio,  
called at 10:00 a.m. on Wednesday, June 17, 2009.

6-19-09

Transcript docketed electronically

PUCO

2009 JUN 19 PM 3:11

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**PUCO EXHIBIT FILING**

Date of Hearing: 6/17/09

Case No. 08-709-EL-AIR

PUCO Case Caption: \_\_\_\_\_

In the Matter of the Application of  
Duke Energy Ohio, Inc., for an  
Increase in Electric Distribution Rates

List of exhibits being filed:

Joint Ex. 2  
Duke Ex. 20 & 21  
Lane Ex. 4 & 7

Reporter's Signature: \_\_\_\_\_

Date Submitted: \_\_\_\_\_

JOINT EX. 2

DUKE ENERGY OHIO, INC.  
CASE NO. 05-708-EL-AIR  
OVERALL FINANCIAL SUMMARY  
FOR THE TWELVE MONTHS ENDED DECEMBER 31, 2008

SCHEDULE A-1  
PAGE 1 OF 1

LINE NO.	DESCRIPTION	APPLICANT FILING	STAFF REPORT MID-POINT	OCC	SETTLEMENT <sup>(a)</sup>
1	Rate Base	\$ 878,480,589	\$ 973,343,332	\$ 938,528,000	\$ 983,783,307
2	Current Operating Income	\$ 34,900,166	\$ 48,817,587	\$ 62,213,000	\$ 47,759,853
3	Earned Rate of Return (Line 2 / Line 1)	3.98%	4.91%	6.58%	4.88%
4	Requested Rate of Return	8.10%	8.51%	8.23%	8.81% <sup>(b)</sup>
5	Required Operating Income (Line 1 x Line 4)	\$ 88,133,644	\$ 83,758,108	\$ 77,248,000	\$ 82,892,097
6	Operating Income Deficiency (Line 5 - Line 2)	\$ 53,233,478	\$ 34,940,521	\$ 14,035,000	\$ 35,132,244
7	Gross Revenue Conversion Factor	1.5784803	1.5700221	1.5700221	1.5700221
8	Revenue Deficiency (Line 6 x Line 7)	\$ 85,605,302	\$ 57,994,326	\$ 26,258,403	\$ 55,300,000 <sup>(c)</sup>
9	Revenue Increase Requested / Recommended	\$ 85,604,451	\$ 57,994,326	\$ 26,258,403	\$ 55,298,335 <sup>(c)</sup>
10	Adjusted Retail Operating Revenues	\$ 310,927,415	\$ 310,927,415	n/a	\$ 310,927,415
11	Total Retail Distribution Revenues	\$ 388,831,866	\$ 388,821,741	n/a	\$ 388,228,750
12	Miscellaneous Revenue - Current	\$ 5,577,499	\$ 5,832,642	n/a	\$ 5,832,902
13	Miscellaneous Revenue - Additional Poles Attachment Fees	\$ 1,205,407	\$ 255,403	n/a	\$ 255,403 <sup>(d)</sup>
14	Total Revenue Requirement	\$ 403,315,772	\$ 375,008,896 <sup>(d)</sup>	n/a	\$ 372,315,055

Notes for Settlement Column:

<sup>(a)</sup> The Parties to the Stipulation agreed to the overall revenue increase, the increase in Poles Attachment retail fees and the overall revenue requirement. All other items shown in the "Settlement" column are for illustration only.

<sup>(b)</sup> The mid-point of the Staff's rate of return range is 8.51% based on a return on equity of 10.65% and a hypothetical equity ratio of 51.53%.

The Stipulation specifically indicates that DCE-Ohio will use the 10.65% return on equity mid-point but at the actual adjusted equity ratio of 52.28% for purposes of any riders that require a rate of return.

<sup>(c)</sup> Represents the actual agreed-to amounts per the Stipulation.

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Duke Energy Ohio, Inc. for an Increase in Electric Distribution Rates	) ) )	Case No. 08-709-EL-AIR
In the Matter of the Application of Duke Energy Ohio, Inc. for Tariff Approval	) ) )	Case No. 08-710-EL-ATA
In the Matter of the Application of Duke Energy Ohio, Inc. for Approval To Change Accounting Methods	) ) )	Case No. 08-7110-EL-AAM
In the Matter of the Application of Duke Energy Ohio, Inc. for Approval of its Rider BDP, Backup Delivery Point Rider	) ) )	Case No. 06-718-EL-ATA

---

**SECOND SUPPLEMENTAL TESTIMONY OF**

**WILLIAM DON WATHEN JR.**

**ON BEHALF OF**

**DUKE ENERGY OHIO, INC.**

---

_____	Management policies, practices, and organization
_____	Operating income
_____	Rate Base
_____	Allocations
_____	Rate of return
_____	Rates and tariffs
<u>  x  </u>	Other

**June 15, 2009**

**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	)	Case No. 08-710-EL-ATA
Tariff Approval	)	
In the Matter of the Application of	)	
Duke Energy Ohio, Inc. for Approval	)	Case No. 08-711-EL-AAM
To Change Accounting Methods	)	
In the Matter of the Application of Duke	)	
Energy Ohio, Inc. for Approval of its	)	Case No. 06-718-EL-ATA
Rider BDP, Backup Delivery Point Rider	)	

---

**SECOND SUPPLEMENTAL TESTIMONY OF**

**WILLIAM DON WATHEN JR.**

**ON BEHALF OF**

**DUKE ENERGY OHIO, INC.**

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**INDEX**

Testimony supporting Schedule A-1, filed on May 8, 2009, and the Staff's clarifying letter filed on May 29, 2009.

## **I. INTRODUCTION**

1   **Q.   PLEASE STATE YOUR NAME AND BUSINESS ADDRESS.**

2   A.   My name is William Don Wathen Jr. My business address is 139 East Fourth Street,  
3       Cincinnati, Ohio 45202

4   **Q.   DID YOU FILE DIRECT AND SUPPLEMENTAL TESTIMONY IN THIS**  
5       **PROCEEDING ON BEHALF OF DUKE ENERGY OHIO INC. ("DE-**  
6       **OHIO")?**

7   A.   Yes.

8   **Q.   WHAT IS THE PURPOSE OF YOUR SECOND SUPPLEMENTAL**  
9       **TESTIMONY?**

10  A.   On May 8, 2009, DE-Ohio made a filing to include an additional exhibit with the  
11       Stipulation filed by the parties on March 31, 2009. The additional exhibit was a  
12       summary schedule of the Company's electric distribution revenue requirement,  
13       commonly referred to as Schedule A-1. On May 29, 2009, the Commission Staff  
14       filed a letter to clarify the material included in the May 8, 2009, Schedule A-1.  
15       Finally, on June 3, 2009, the Commission issued an order that testimony  
16       supporting the stipulated Schedule A-1 and the clarifying letter is to be pre-filed  
17       no later than June 15, 2009.

18               My second supplemental testimony addresses the content of the Schedule  
19       A-1 filed on May 8, 2009, and the clarifying letter filed on May 29, 2009.

## 20                               **II. SCHEDULE A-1**

21  **Q.   WHAT IS SCHEDULE A-1?**

1 A. Pursuant to the Commission's rules under the Ohio Administrative Code (OAC)  
2 4901-7-01, Appendix A, Schedule A-1 is one of many documents that constitute  
3 the 'standard filing requirements' for retail rate case. I have attached the template  
4 for Schedule A-1 from the OAC for reference as Second Supplemental  
5 Attachment WDW-1. It is essentially a high level summary of the utility's overall  
6 revenue requirement and includes a summary of the utility's rate base, adjusted  
7 operating income, and return. It also includes the required return, the magnitude  
8 of the deficiency (*i.e.*, the additional earnings required to bring the utility's  
9 current earnings up to the required return), and the magnitude of the increase in  
10 revenue required to meet the earnings deficiency. Finally, it includes the  
11 magnitude of retail revenue before and after the increase.

12 In a fully litigated case, the Commission would make a determination  
13 regarding each aspect of the utility's overall rate increase and issue its own  
14 Schedule A-1 detailing its findings. In such a case, the rate base, operating  
15 income, and return, for example, would be spelled out in the Commission's order.

16 **Q. ARE YOU FAMILIAR WITH THE SCHEDULE A-1 FILED ON MAY 8,**  
17 **2009?**

18 A. Yes. I was involved with the development, preparation and submission of the  
19 Schedule A-1 filed on May 8, 2009. Based upon my training, experience,  
20 knowledge and involvement in these proceedings, I believe the Schedule A-1 filed  
21 on May 8, 2009 is accurate and representative of the Stipulating Parties' positions  
22 in reaching a settlement in this case.

23 **Q. PLEASE DESCRIBE THE SCHEDULE A-1 FILED ON MAY 8, 2009.**

1 A. The Schedule A-1 filed on May 8, 2009, follows the template from the  
2 Commission's Standard Filing Requirements. There are four columns shown in  
3 this document – the first three represent the litigation positions of the Company,  
4 the Staff, and the Office of the Ohio Consumers' Counsel, respectively. Although  
5 there were other parties to the case, these are the only three that presented a  
6 version of Schedule A-1. The last column is entitled Settlement and includes  
7 figures for each line in the Schedule A-1 template.

8 **Q. ARE YOU AWARE OF ANY DISPUTE OVER THE SCHEDULE A-1**  
9 **FILED ON MAY 8, 2009, AMONG THE SETTling PARTIES?**

10 A. No. The Stipulation agreed to by the settling parties addressed the overall  
11 revenue increase and the overall revenue requirement. The Schedule A-1 filed on  
12 May 8, 2009 was created with the input and agreement of all Settling Parties.  
13 However, as described in the clarifying letter, all but one of the settling parties  
14 also agreed that the Commission can rely on Schedule A-1 filed on May 8, 2009,  
15 in issuing its order in the case. Although the Office of the Ohio Consumers'  
16 Counsel did not sign the clarifying letter filed on May 29, 2009, it filed a letter on  
17 June 1, 2009, indicating that it did not oppose the Commission's use of Schedule  
18 A-1 for the purpose indicated in the clarifying letter.

19 **III. CONCLUSION**

20 **Q. DO YOU HAVE ANY CONCLUDING COMMENTS?**

21 A. Yes. To my knowledge, only Mr. Albert E. Lane has asserted an objection to the  
22 Schedule A-1 filed on May 8, 2009. Significantly, Mr. Lane indicated only that he



1 disapproves of the Schedule A-1. There has been no testimony or other  
2 documentation alleging that the Schedule A-1 cannot be used for the purpose of  
3 demonstrating reasonable rates reached in settlement of this case. Therefore, based  
4 upon my training, experience and knowledge of the Schedule A-1 submitted on May  
5 8, 2009, I submit that the Schedule A-1 filed on May 8, 2009, and the subsequent  
6 clarifying letter filed on May 29, 2009, are reasonable and may be used by the  
7 Commission in reaching an Opinion and Order relevant to the Company's  
8 Application and the Stipulation in this case.

9 **Q. DOES THIS CONCLUDE YOUR PRE-FILED DIRECT SECOND**  
10 **SUPPLEMENTAL TESTIMONY?**

11 **A. Yes.**

(Company)

Case No. \_\_\_\_\_  
Overall Financial Summary

For the Twelve Months Ended \_\_\_\_\_

Data: \_\_\_\_\_ Months Actual & \_\_\_\_\_ Months Estimated  
Type of Filing: \_\_\_\_\_ Original \_\_\_\_\_ Updated \_\_\_\_\_ Revised  
Work Paper Reference No(s): \_\_\_\_\_

Schedule A-1  
Page \_\_\_\_\_ of \_\_\_\_\_  
Witness Responsible: \_\_\_\_\_

Line No.	Description	Supporting Schedule Reference	Jurisdiction Proposed Test Year
1	Rate base as of date certain	B-1	\$
2	Current operating income	C-1	
3	Earned rate of return (2 + 1)		
4	Requested rate of return	D-1	
5	Required operating income (1 x 4)		
6	Operating income deficiency (5 - 2)		
7	Gross revenue conversion factor	C-11	
8	Revenue deficiency (6 x 7)		
9	Revenue increase requested before mirrored revenue offset	E-4	
10	Adjusted operating revenues	C-1	
11	Revenue requirements (9 + 10)		

FILE



Office of the Ohio Consumers' Counsel

Janine L. Migden-Ostrander  
Consumers' Counsel

Duke Ex. 213  
Your Residential Utility Consumer Advocate

RECEIVED-DOCKETING DIV  
2009 JUN -1 PM 4:15  
PUCO

June 1, 2009

Attorney Examiners Jeanne Kingery and Scott Farkas  
Public Utilities Commission of Ohio  
180 East Broad Street, 12<sup>th</sup> Floor  
Columbus, Ohio 43215-3793

Re: *In re Duke Energy Ohio*, Case Nos. 08-709-EL-AIR, 08-710-EL-ATA, 08-711-EL-AAM

Dear Ms. Kingery and Mr. Farkas:

The Office of the Ohio Consumers' Counsel ("OCC") files this letter to state its position with regard to the letter filed on May 29, 2009 ("May 29 Letter") by the Staff of the Public Utilities Commission of Ohio ("Commission") and most of the signatory parties to the Stipulation and Recommendation filed on March 31, 2009 ("Stipulation"), in the above-captioned proceedings. OCC views the Stipulation as an agreement that is limited to only those numbers on the A-1 Schedule filed on May 8, 2009, that were explicitly identified for agreement in the body of the Stipulation. Although the Stipulation did not establish agreement on some of the numbers in the May 29 Letter and OCC does not agree to some of those numbers, OCC will not oppose the May 29 Letter for the specific purpose of the Commission's reliance, in its order, on the numbers included in the A-1 Schedule that were not identified in the body of the Stipulation.

Very truly yours,

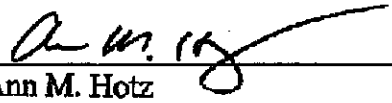
A handwritten signature in black ink, appearing to read "Ann M. Hotz", is written over a horizontal line.

Ann M. Hotz  
Assistant Consumers' Counsel

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## **CERTIFICATE OF SERVICE**

I hereby certify that a true copy of foregoing letter was served by Regular U.S. Mail Service, postage prepaid, to the parties of record identified below, on this 1<sup>st</sup> day of June, 2009.

  
Ann M. Hotz  
Assistant Consumers' Counsel

### **SERVICE LIST**

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TO PUCO: Docketing Division 180 E. Broad Street, Columbus, Ohio 43215  
 Fwd: MAIN3LEGAL-#274710-v1-Late\_Filed\_Schedule\_A-1.xlsx

5/11/09 3:00 PM

May 11, 2009 - Please enter into PUCO Case # 08-0709-E1-Air & Case # 05-0732-E1-MER

FILE  
 From: aelmicten@aol.com

To: elizabeth.watts@duke-energy.com

Subject: Fwd: MAIN3LEGAL-#274710-v1-Late\_Filed\_Schedule\_A-1.xlsx

Date: Fri, 8 May 2009 8:46 pm

-----Original Message-----

From: aelmicten@aol.com

To: elizabeth.watts@duke-energy.com

Sent: Fri, 8 May 2009 8:42 pm

Subject: Fwd: MAIN3LEGAL-#274710-v1-Late\_Filed\_Schedule\_A-1.xlsx

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-----Original Message-----

From: aelmicten@aol.com

To: Elizabeth.Watts@duke-energy.com; aelane@cincy.rr.com

Sent: Fri, 8 May 2009 8:37 pm

Subject: Re: MAIN3LEGAL-#274710-v1-Late\_Filed\_Schedule\_A-1.xlsx

May 8, 2009. Ms. Watts, I disapprove of past and present "so called" updated A-1 Schedule as referred to in your E-Mail dated May 7, 2009. Albert E. Lane Intervenor. PUCO Case # 0709-E1-AIR.

-----Original Message-----

From: Watts, Elizabeth H <Elizabeth.Watts@duke-energy.com>

Cc: Smith, Paul G (Rates) <Paul.Smith@duke-energy.com>

Sent: Thu, 7 May 2009 3:39 pm

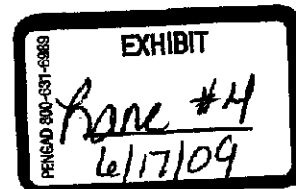
Subject: MAIN3LEGAL-#274710-v1-Late\_Filed\_Schedule\_A-1.xlsx

Dear Counsel:

Attached is an updated A-1 Schedule which should have accompanied our Stipulation. I would like to file this at the Commission as a Joint late filed exhibit. Please indicate your approval or disapproval at your earliest convenience. And again, thanks.



Elizabeth H. Watts  
 Assistant General Counsel  
 Duke Energy Ohio  
 155 East Broad Street  
 21st Floor  
 Columbus, Ohio 43215  
 (614) 222-1330  
 (614) 202-2509 cell



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The May 8, 2009 E-mail from Albert E. Lane, Intervenor Case # 08-0709-E1 is his response to the Duke Energy E-mail of May 7, 2009 (undated A-1

FILE

6

**RICHARD CORDRAY**  
OHIO ATTORNEY GENERAL

May 29, 2008

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2009 MAY 29 AM 11:16  
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Ms. Jeanne Kingery and Mr. Scott Farkas  
Attorney Examiners  
Public Utilities Commission of Ohio  
180 East Broad Street  
Columbus, Ohio 43215

RE: *In re Duke Energy Ohio*, Case Nos. 08-709-EL-AIR, 08-710-EL-ATA, 08-711-EL-AAM

Dear Ms. Kingery and Mr. Farkas:

The undersigned signatory parties to the Stipulation filed on March 31, 2009 would like to clarify that the late filed exhibit docketed on May 8, 2009 settlement numbers represent the actual agreed to dollar amounts for rate base, current operating income, rate of return, etc. Though footnote a of Schedule A-1 states that the items shown in the settlement column are for illustration only, the intent was that that column show all items included in an A-1 Schedule; and, the parties do, in fact, agree that the numbers in the settlement column are accurate numbers that the commission can rely upon for fixing a reasonable rate in this case.

Respectfully submitted,

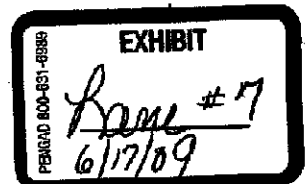
On Behalf of the Staff of the Public  
Utilities Commission of Ohio



Stephen Reilly  
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On Behalf of Duke Energy Ohio, Inc.

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On Behalf of the Office of the Ohio  
Consumers' Counsel

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Stephen M. Howard / SAR per e-mail authority

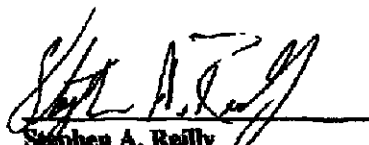
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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing letter was served via electronic mail and/or regular U.S. mail, postage prepaid upon the following parties of record this 29<sup>th</sup> day of May, 2009.

  
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