

1       BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

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4       In the Matter of the                               :  
5       Regulation of the Purchased                    :  
6       Gas Adjustment Clause as                        : Case No.  
7       Contained within the Rate                       : 09-218-GA-GCR  
8       Schedules of Duke Energy Ohio,                 :  
9       Inc.   :

10                           - - -

11                               PROCEEDINGS

12       Before Henry H. Phillips-Gary and Gregory R.  
13       Price, Attorney Examiners, held at the offices  
14       of the Public Utilities Commission of Ohio, 180  
15       East Broad Street, Hearing Room 11-C, Columbus,  
16       Ohio, on Tuesday, January 19, 2010, at 10:00  
17       A.M.

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22                       Armstrong & Okey, Inc.  
23                       222 East Town Street, 2nd Floor  
24                       Columbus, Ohio 43215  
25                       (614) 224-9481 - (800) 223-9481  
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1 APPEARANCES:

2 Mr. Werner L. Margard III  
3 Assistant Attorney General  
4 180 East Broad Street  
5 Columbus, Ohio 43215

6 On behalf of the Staff of the  
7 Public Utilities Commission  
8 of Ohio.

9 Mr. Larry S. Sauer  
10 Assistant Consumers' Counsel  
11 10 West Broad Street  
12 Suite 1800  
13 Columbus, Ohio 43215

14 On behalf of the Residential  
15 Consumers of Duke Energy  
16 Ohio, Inc.

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1                   Tuesday Morning Session,  
2                   January 19, 2010.

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4                   ATTORNEY EXAMINER PHILLIPS-GARY:

5                   Good morning. The Public Utilities Commission  
6                   of Ohio has called for a hearing at this time  
7                   and place Case No. 09-218-GA-GCR being in the  
8                   Matter of the Regulation of the Purchased Gas  
9                   Adjustment Clauses Contained within the Rate  
10                  Schedules of Duke Energy Ohio Incorporated.

11                  My name is Henry H. Phillips-Gary  
12                  and next to me is Greg Price, we are the  
13                  Attorney Examiners assigned by the Commission to  
14                  hear this case.

15                  Let's start with the appearances of  
16                  the parties.

17                  MR. MARGARD: Thank you, Your Honor.  
18                  On behalf of the Staff of the Public Utilities  
19                  Commission, Richard Cordray, Ohio Attorney  
20                  General, Duane Luckey, Section Chief, by  
21                  Assistant Attorneys General Werner Margard and  
22                  Thomas Lindgren, 180 East Broad Street, 6th  
23                  Floor, Columbus, Ohio.

24                  MR. SAUER: Thank you, Your Honor.  
25                  On behalf of the residential consumers of Duke

1 Energy Ohio, the Office of the Ohio Consumers'  
2 Counsel, Jeanie L. Migden-Ostrander, Consumers'  
3 Counsel, Larry S. Sauer, Joseph P. Serio,  
4 Assistant Consumers' Counsel, 10 West Broad  
5 Street, Suite 1800, Columbus, Ohio 43215.

6 ATTORNEY EXAMINER PHILLIPS-GARY:  
7 Mr. Margard.

8 MR. MARGARD: Your Honor, counsel  
9 for the company was unexpectedly called out of  
10 town this morning, I have been authorized to  
11 represent on behalf of the company and on behalf  
12 of the Staff that the parties have agreed to  
13 continue this proceeding, request a continuance  
14 until Friday morning at 10:00 A.M.

15 The parties have begun discussions  
16 regarding the possible stipulation. We expect  
17 the stipulation to be finalized this week. We  
18 have an agreement in principle between  
19 the company and Staff.

20 We believe that intervenor IGS is  
21 also likely to join that stipulation. We are in  
22 the process of addressing issues raised by the  
23 Consumers' Counsel and with hopes of  
24 accommodating those as well.

25 And we would request the additional

1 time to see if we can finalize the settlement at  
2 this time.

3 ATTORNEY EXAMINER PHILLIPS-GARY:

4 All right. Is there any objections to that  
5 request for a continuance?

6 MR. SAUER: No objections, Your  
7 Honor.

8 ATTORNEY EXAMINER PHILLIPS-GARY:

9 All right. Before we discuss the continuance I  
10 do want to have the record reflect there are no  
11 members of the public present today at this  
12 hearing.

13 And seeing that there is no  
14 objection to the continuance until Friday, the  
15 22nd, is that --

16 MR. MARGARD: I will rely on your  
17 calendar for the date, Your Honor.

18 ATTORNEY EXAMINER PHILLIPS-GARY:

19 Okay. And at 10:00 A.M. Is that okay?

20 MR. MARGARD: Yes, Your Honor.

21 ATTORNEY EXAMINER PHILLIPS-GARY: The  
22 request for continuance until Friday, the 22nd  
23 at 10:00 A.M. will be granted.

24 MR. MARGARD: Thank you.

25 ATTORNEY EXAMINER PHILLIPS-GARY:

1 This matter will be continued. Is there  
2 anything else that needs to come before us?

3 MR. MARGARD: No, Your Honor.

4 ATTORNEY EXAMINER PHILLIPS-GARY:  
5 All right. The hearing will be adjourned until  
6 Friday at 10:00 A.M. Thank you.

7 - - -

8 (At 10:08 A.M. the hearing was  
9 continued until Friday, January 22, 2010 at  
10 10:00 A.M.

11  
12  
13 CERTIFICATE

14 I do hereby certify that the foregoing  
15 is a true and correct transcript of the  
16 proceedings taken by me in this matter on  
17 January 19, 2010 and carefully compared with my  
18 original stenographic notes.

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Michael O. Spencer,  
Registered Professional  
Reporter.

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

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**Case No(s). 09-0218-GA-GCR**

Summary: Transcript Transcript for Duke Energy Ohio hearing held on 01/19/10. electronically filed by Mrs. Jennifer Duffer on behalf of Armstrong & Okey, Inc. and Spencer, Michael O. Mr.