

Anita M. Schafer  
Sr. Paralegal

**VIA OVERNIGHT DELIVERY**

February 25, 2010

Public Utilities Commission of Ohio  
Docketing Division  
180 East Broad Street  
Columbus, OH 43215-3716

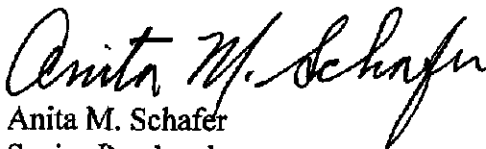
Re: Case No. 10-241-GA-ATA

Dear Sir or Madam:

Enclosed please find the original and twelve copies of the Application of Duke Energy Ohio for Approval to Modify Rider FBS and Rider EFBS in the above captioned case.

Please date-stamp and return the two extra copies to me in the enclosed return envelope.

Sincerely,



Anita M. Schafer  
Senior Paralegal

AMS

Enclosures

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business  
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**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In The Matter of the Application of Duke	)	
Energy Ohio, Inc. for Approval to	)	Case No. 10-241-GA-ATA
Modify Rider FBS and Rider EFBS	)	

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**APPLICATION OF DUKE ENERGY OHIO, INC.  
FOR APPROVAL TO MODIFY RIDER FBS AND RIDER EFBS**

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Duke Energy Ohio, Inc. (Duke Energy Ohio) is an Ohio Corporation engaged in the business of supplying electricity and natural gas service to approximately 660,000 customers in southwestern Ohio. Duke Energy is a public utility as defined by R.C. 4905.02 and R.C. 4905.03.

Duke Energy Ohio is filing this Application pursuant to R.C. 4909.18 for approval to modify the rates in Rider FBS, Firm Balancing Service, and Rider EFBS, Enhanced Firm Balancing Service.

Duke Energy Ohio has been providing Firm Balancing Service since November 1, 1997. Suppliers/aggregators choosing Firm Balancing Service are required to deliver the Target Supply Quantity (TSQ) of natural gas on a daily basis. Since the TSQ is based on forecasted weather, the actual usage will be different than the TSQ. The difference is either withdrawn or injected into storage. Since customers subject to Gas Cost Recovery (GCR) pay for the storage, Rider FBS is designed to recover the estimated portion of storage costs associated with daily balancing from choice suppliers/aggregators and credit the GCR. Duke Energy Ohio's current Rider FBS became effective April 1, 2007, as a result of Case No. 05-732-EL-MER.

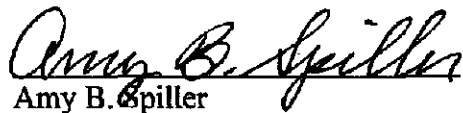
The rate is based on the estimated cost of providing daily balancing using a calculation attached as Exhibit 1. No changes are being proposed to the calculation method, but as of April 1, 2010, the demand charge that Duke Energy Ohio pays to Columbia Gas Transmission (TCO) for transportation into and out of storage is increasing from \$3.963 per dth to \$4.2372 per dth. In addition, the amount of total throughput, used as the denominator in the calculation of the rate, has decreased nearly 10%. All of the remaining inputs to the calculation were also updated to reflect current charges from TCO for storage service. The proposed tariff is attached as Exhibit 2, black-line and clean.

As a result of the stipulation in Case No. 05-732-EL-MER, Duke Energy Ohio agreed to collaborative meetings to discuss improvements in the customer choice program. One of the results of these meetings was the creation of Enhanced Firm Balancing Service as an alternative to Firm Balancing Service. Suppliers/aggregators can choose between these options on an annual basis by notifying Duke Energy Ohio by January 15, with any changes becoming effective on April 1. Rider EFBS provides suppliers/aggregators more flexibility than Rider FBS. Duke Energy Ohio's current Rider EFBS became effective June 4, 2008, as a result of Case No. 07-589-GA-AIR. Pursuant to Rider EFBS, suppliers/aggregators can deliver more or less natural gas than the TSQ, at their discretion. At the end of the gas day, actual weather data is used to calculate a Backcast Supply Quantity (BSQ), which is compared to the amount that the supplier/aggregator delivered. The difference will increase or decrease the amount of natural gas held in a "bank" for the supplier/aggregator. Rider EFBS places limits on how much a bank can increase or decrease on a daily and monthly basis. Since this closely imitates storage, suppliers/aggregators choosing Rider EFBS pay the full value of Duke Energy's equivalent storage costs rather than an estimate of the portion used only for daily balancing. Revenues

received from Rider EFBS are also credited to the GCR. All of the factors used in the calculations for both the demand charge and the volumetric charge were updated as shown on the attached Exhibit 3. The increase in storage service transportation rate and decrease in throughput had the most significant impacts. The proposed tariff is attached as Exhibit 4.

For these reasons, Duke Energy Ohio respectfully requests that the Commission approve this modification of the riders. Upon approval of this Application, the Companies will file a sufficient number of copies of its tariff sheets, as directed by the Commission.

Respectfully submitted,

  
Amy B. Spiller  
Associate General Counsel  
Elizabeth H. Watts  
Assistant General Counsel  
Duke Energy Ohio Business Services

Cincinnati Office:  
2500 Atrium II, 139 East Fourth Street  
P.O. Box 960  
Cincinnati, Ohio 45201-0960  
(513) 419-1810

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155 East Broad Street  
21<sup>st</sup> Floor  
Columbus, Ohio 43215  
(614) 222-1330

2/24/2010

**Duke Energy Ohio**  
**RFT/FT Program Balancing Charge**  
**Effective as of April 1, 2010**

**CGT FSS Fixed and Variable Storage Costs:**

		(1) Volume Description	(1) Volumes (in dth)	(2) Monthly Demand Rate (\$/dth)	(3) Time Period (in Months)	(4) Calc (1)*(2)*(3) Total
Storage MDQ	(A)		124,300	\$1.5060	12	\$ 2,248,356.83
Capacity	(B)	124,300 * 41.67	5,179,598	\$0.0289	12	\$ 1,796,284.47
SST w/d	(D)	Daily Storage MDQ	124,300	\$4.2372	9	\$ 4,740,170.89

		(1) Volume Description	(1) Volumes (in dth)	(2) Rate (\$/dth) or Fuel %	(3) Gas Cost	(4) Calc (1)*(2)*(3) Total
FSS Withdrawal Fee	(C)	7,400 dth/d * 123 days	910,200	\$0.0153		\$ 13,926.06
FSS Injection Fee	(C)	7,400 dth/d * 123 days	910,200	\$0.0153		\$ 13,926.06
FSS Retention	(C)	7,400 dth/d * 123 days	910,200	0.160%	\$ 5.662	\$ 8,245.79
SST Commodity Withdrawal	(C)	7,400 dth/d * 123 days	910,200	\$0.0195		\$ 17,748.90
SST Commodity Injection	(C)	7,400 dth/d * 123 days	910,200	\$0.0214		\$ 19,478.28
SST Fuel Shrink Inj	(C)	7,400 dth/d * 123 days	910,200	2.129%	\$ 5.521	\$ 109,978.79
SST Fuel Shrink W/D	(C)	7,400 dth/d * 123 days	910,200	2.129%	\$ 5.686	\$ 110,193.40
FSS Injection Fee		Daily Storage MDQ	124,300	\$0.0153		\$ 1,901.79
FSS Withdrawal Fee		Daily Storage MDQ	124,300	\$0.0153		\$ 1,901.79
FSS Retention		Daily Storage MDQ	124,300	0.160%	\$ 5.662	\$ 1,126.07
SST Commodity Withdrawal		Daily Storage MDQ	124,300	\$0.0195		\$ 2,423.86
SST Commodity Injection		Daily Storage MDQ	124,300	\$0.0214		\$ 2,660.03
SST Fuel Shrink Inj		Daily Storage MDQ	124,300	2.129%	\$ 5.521	\$ 14,609.43
SST Fuel Shrink W/D		Daily Storage MDQ	124,300	2.129%	\$ 5.686	\$ 15,048.43

Total Costs (5) \$ 9,112,981

Throughput - projected (in Mcfs) (6) 51,888,665

Balancing Cost per Mcf Calculation of (5)/(6) \$ 0.176

Estimated gas cost at Leach: \$ 5.521 (E)  
Estimated gas cost at Storage Gate: \$ 5.662  
Estimated inventory rate for withdrawals: \$ 5.686 (F)

- (A) - Based upon the winters of 1995-96 and 1996-97, estimated versus actual daily firm requirements.  
((48070+48474)/2)\*2.575 (@ 98% Confidence)  
(B) - Capacity is the MDQ (124,300) times the the 41.67 days of activity.  
(C) - 910,200 dth represents the storage injections in May, June, July, and August for Oct/Nov underruns.  
(D) - SST w/d of 9 months represents 6 months at full capacity and 6 months at half capacity.  
(E) - \$5.521 is the average of the April through October NYMEX strip (\$5.326) price with fuels and commodity included to Leach.  
(F) - \$5.686 projected storage inventory rate with \$5.326 gas cost for injections.

NYMEX Close (1/28/10)  
Apr-10 5.128  
May-10 5.181  
Jun-10 5.262  
Jul-10 5.333  
Aug-10 5.404  
Sep-10 5.437  
Oct-10 5.545  
5.326

Inventory Rate	Leach	Storage Gate
NYMEX 5.326	NYMEX 5.326	NYMEX 5.326
Basis -0.04	Basis -0.04	Basis -0.04
FTS-2 Fuel 0.99106	FTS-2 Fuel 0.99106	FTS-2 Fuel 0.99106
FTS-2 Comm 0.0017	FTS-2 Comm 0.0017	FTS-2 Comm 0.0017
FTS-1 Fuel 0.98972	FTS-1 Fuel 0.98972	FTS-1 Fuel 0.98972
FTS-1 Comm 0.0189	FTS-1 Comm 0.0189	FTS-1 Comm 0.0189
TCO Fuel 0.97871		TCO Fuel 0.97871
TCO Comm 0.0214		TCO Comm 0.0214
Inj Fee 0.0153		
Inj Fuel 0.99840		
Inventory Rate 5.686	Leach Rate 5.521	Leach Rate 5.662

Duke Energy Ohio  
139 East Fourth Street  
Cincinnati, Ohio 45202

P.U.C.O. Gas No. 18  
Sheet No. 75.23  
Cancels and Supersedes  
Sheet No. 75.42  
Page 1 of 1

## RIDER FBS

### FIRM BALANCING SERVICE

#### APPLICABILITY

Applicable to pools served by gas suppliers/aggregators who secure their own total upstream pipeline capacity necessary to meet the aggregated peak day requirements as more fully described under the Assignment of Capacity provision contained in Rate FRAS, Full Requirements Aggregation Service, Sheet No. 44, and who elect to receive service for such pools under Rider FBS rather than Rider EFBS (Enhanced Firm Balancing Service).

#### BALANCING SERVICE CHARGE

The FBS charge, which will be applied to all monthly consumption of the supplier's aggregate FT and RFT services not included in a pool receiving service under Rider EFBS, is \$0.4550.176 per Mcf.

Filed pursuant to an Order dated March 21, 2007, \_\_\_\_\_ in Case Nos. 05-732-EL-MER and 05-733-EL-AAM \_\_\_\_\_ before the Public Utilities Commission of Ohio.

Issued: March 22, 2007

Effective: April 1, 2007

Issued by Sandra P. Meyer Julie Janson, President

Duke Energy Ohio  
139 East Fourth Street  
Cincinnati, Ohio 45202

P.U.C.O. Gas No. 18  
Sheet No. 75.3  
Cancels and Supersedes  
Sheet No. 75.2  
Page 1 of 1

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**RIDER FBS**

**FIRM BALANCING SERVICE**

**APPLICABILITY**

Applicable to pools served by gas suppliers/aggregators who secure their own total upstream pipeline capacity necessary to meet the aggregated peak day requirements as more fully described under the Assignment of Capacity provision contained in Rate FRAS, Full Requirements Aggregation Service, Sheet No. 44, and who elect to receive service for such pools under Rider FBS rather than Rider EFBS (Enhanced Firm Balancing Service).

**BALANCING SERVICE CHARGE**

The FBS charge, which will be applied to all monthly consumption of the supplier's aggregate FT and RFT services not included in a pool receiving service under Rider EFBS, is \$0.176 per Mcf.

Filed pursuant to an Order dated \_\_\_\_\_ in Case No. \_\_\_\_\_ before the Public  
Utilities Commission of Ohio.

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Issued:

Issued by Julie Janson, President

Effective:

**Duke Energy Ohio  
Gas Commercial Operations  
Storage Cost of Columbia Gas FSS/SST and Texas Gas NNS  
As of April 2010**

**Duke Energy's Demand & Commodity EFBS Rate (Excluding Fuel)**

				Annual Cost
<b>Demand Charges</b>				
<b>Columbia Gas FSS</b>				
FSS SCQ	9,244,079 dth	\$0.0289	12	\$3,205,846.80
FSS MDWQ	216,514	\$1.5060	12	\$3,812,841.01
Winter SST	216,514	\$4.2372	6	\$5,504,478.72
Summer SST	108,257	\$4.2372	6	\$2,752,239.36
<b>Texas Gas NNS Unnominated</b>				
NNS Winter	25,000	\$0.4190	151	\$1,581,725.00
NNS April	15,625	\$0.4190	30	\$196,406.25
NNS October	20,625	\$0.4190	31	\$267,898.13
<b>Texas Gas NNS Nominated *</b>				
NNS Winter	6,250	\$0.1048	151	\$98,905.00
NNS April - Oct	10,982	\$0.1048	214	\$246,295.51
				<u>\$17,766,635.58</u>
Divided by MDWQ (TGT & TCO)				241,514
Divided by # of Months				12
<b>EFBS Demand Charge per Max Daily Delivery Quantity (MDDQ)</b>				<b>\$6.13 /dth/month</b>
<b>Commodity &amp; Fuel</b>				
SST Inject		\$0.0214		
FSS Inject		\$0.0153		
FSS Withdraw		\$0.0153		
SST Withdraw		\$0.0195		
KO Commodity		\$0.0136		
TCO Commodity Charges	9,244,079	x	\$0.0851	\$786,671.12
TGT Commodity Charges	2,350,000	x	\$0.0633	\$148,755.00
<b>Total Commodity Charges</b>				<u><b>\$935,426.12</b></u>
<b>Total Firm Throughput (Sales and Choice Program)</b>				<b>51,888,665 mcf</b>
<b>EFBS Commodity Charge per dth of throughput</b>				<b>\$0.018 per mcf</b>

\* Rate is based on difference between Texas Gas Transmission's maximum rates for NNS and FT.



Duke Energy Ohio  
139 East Fourth Street  
Cincinnati, Ohio 45202

P.U.C.O. Gas No. 18  
Sheet No. 50.42  
Cancels and Supersedes  
Original Sheet No. 50.1  
Page 1 of 7

## RIDER EFBS

### ENHANCED FIRM BALANCING SERVICE

#### APPLICABILITY

Applicable to pools served by gas suppliers/aggregators who secure their own total upstream pipeline capacity necessary to meet the aggregated peak day requirements as more fully described under the Assignment of Capacity provision contained in Rate FRAS, Full Requirements Aggregation Service, Sheet No. 44, and who elect to receive service for such pools under Rider EFBS rather than Rider FBS (Firm Balancing Service).

#### SERVICE

- a) Service provided under Enhanced Firm Balancing Service ("EFBS") shall be subject to the limitations set forth below. Such service shall be provided on a firm basis and shall apply to all gas delivered to the Company for the Supplier and provided pursuant to this tariff, up to the Bank Contract Quantity ("BCQ") set forth herein. Supplier's Maximum Daily Delivery Quantity ("MDDQ") shall be that specified herein.
- b) Initial allocation of EFBS shall be as follows:
  - 1. Any Supplier whose FRAS Pool Maximum Daily Quantity ("MDQ") exceeds 1,000 Dth/day, shall be allocated EFBS with an MDDQ equal to the proportion of the Company's no-notice balancing service quantity to its firm system design day times the Supplier's MDQ adjusted up to the nearest factor of 3,000.
- c) Suppliers with a FRAS Pool MDQ less than 1,000 Dth/day shall continue under the Company's Rate FBS. Suppliers with a FRAS Pool MDQ greater than 1,000 Dth/day shall have the option of receiving balancing service under EFBS or continuing under the Company's Rate FBS. This annual election shall be made on or before January 15 of each year to become effective on April 1 of each year.

Filed pursuant to an Order dated May 28, 2008 \_\_\_\_\_ in Case No. 07-580-GA-AIR \_\_\_\_\_  
before the Public Utilities Commission of Ohio.

Issued: May 29, 2008

Issued by Sandra P. Meyer, Julie Janson, President

Effective: June 4, 2008

Duke Energy Ohio  
139 East Fourth Street  
Cincinnati, Ohio 45202

P.U.C.O. Gas No. 18  
Sheet No. 50.42  
Cancels and Supersedes  
Original Sheet No. 50.1  
Page 2 of 7

**SERVICE (Contd.)**

d) Incremental allocation/reduction of EFBS shall be as follows:

1. Any Supplier whose MDQ crosses a factor of 3,000 Dth/day (herein, "threshold") shall receive an allocation/reduction of its EFBS with an MDDQ equal to the proportion of the Company's no-notice balancing service quantity to its firm system design day times the Supplier's threshold (3,000 Dth/day), which will remain effective from the first of the following month in which the threshold was reached until such time as another threshold is reached.
  2. For purposes of determining increases to the EFBS bank and MDDQ, the supplier's MDQ must exceed the next threshold by at least 500 dth per day or exceed the threshold by a lower amount for 3 consecutive months. For purposes of determining decreases to the EFBS bank and MDDQ, the supplier's MDQ must be at least 500 dth per day lower than the previous threshold or remain under the previous threshold by a smaller amount for 3 consecutive months. For situations where the threshold has been either exceeded or decreased as stated in the previous two sentences, measurements shall occur on the 25<sup>th</sup> day of each month, unless such day is not a business day, in which case such measurement shall occur on the next following business day.
- e) The Supplier's BCQ ratio to its allocated MDDQ will be equal to the Company's ratio of daily no-notice balancing service quantity to its annual no-notice storage quantity with its storage service provider. The Company's ratio shall be determined on an annual basis. Both the Company's no-notice balancing service quantity and its annual no-notice storage quantity with its storage service providers will be established prior to the notification deadline for selecting EFBS service, and will not be changed within the associated gas year. The Company may adjust those percentages to reflect changes in the Agreement with its storage service provider, which may also necessitate changes in pricing with respect to the service. Any changes to the percentages or prices will be communicated to Suppliers on or before January 1 each year and will become effective to coincide with the Supplier's opportunity to select either FBS or EFBS service as outlined in Rate FRAS.
- f) When initial or incremental EFBS is allocated to a Supplier, or recalled from a Supplier effective on the first day of any month, and the adjusted BCQ causes the Supplier's percent of EFBS bank to BCQ to be outside of the range specified below, then the Supplier must purchase, sell or transfer the required amount of bank so that the percent of EFBS bank to BCQ is within the specified range, within 3 business days of the first day of the month such change is to become effective.

Filed pursuant to an Order dated May 28, 2008 in Case No. 07-589-GA-AIR  
before the Public Utilities Commission of Ohio.

Issued: May 29, 2008

Issued by Sandra P. Meyer/Julie Janson, President

Effective: June 4, 2008

Duke Energy Ohio  
139 East Fourth Street  
Cincinnati, Ohio 45202

P.U.C.O. Gas No. 18  
Sheet No. 50.42  
Cancels and Supersedes  
Original Sheet No. 50.1  
Page 3 of 7

**SERVICE (Cont'd.)**

	<u>Minimum</u>	<u>Maximum</u>
April	0%	25%
May	0%	60%
June	14%	60%
July	34%	60%
August	54%	85%
September	75%	85%
October	88%	98%
November	95%	98%
December	78%	98%
January	58%	98%
February	36%	65%
March	18%	45%

1. This designation may require the Supplier to purchase, sell or transfer a specified volume of gas for the Supplier's EFBS bank in one of four ways (as determined by the Supplier, unless Supplier fails to purchase, sell or transfer specified volumes of gas, in which case option A shall be employed): (A) The Supplier may purchase natural gas from the Company, or sell to the Company, a portion of the Company's then current inventory with its storage service provider. The price for the gas purchased or sold by the Supplier for its bank volume shall equal the Company's inventory weighted average cost of gas with its storage service provider. The Company shall communicate the current inventory weighted average cost of gas to Suppliers. (B) The Supplier can purchase or sell the specified volume of gas from/to another Supplier who receives service under the EFBS, by transferring volumes of gas, provided that the transfer does not increase a Suppliers Bank above the maximum levels as defined in the EFBS tariff or decrease a Suppliers Bank below the minimum for the month. Each supplier involved in the transfer must notify the Company in writing of the amount to be transferred and the date on which the transfer is to be effective. (C) The Supplier can transfer the gas to/from its own or a third parties storage account directly into the Company's storage account through an inter-company storage inventory transfer executed through the storage service provider. (D) The Supplier can transfer the gas to/from its IT Pool.
2. Suppliers will be required to pay for or transfer such gas designated for Supplier's BCQ in advance of the third business day of the month in which service is effective unless other arrangements, acceptable to the Company, have been completed.

Filed pursuant to an Order dated May 28, 2008 \_\_\_\_\_ in Case No. 07-589-GA-AIR \_\_\_\_\_  
before the Public Utilities Commission of Ohio.

Issued: May 29, 2008

Issued by Sandra P. Meyer, Julie Janson, President

Effective: June 4, 2008

Duke Energy Ohio  
139 East Fourth Street  
Cincinnati, Ohio 45202

P.U.C.O. Gas No. 18  
Sheet No. 50.42  
Cancels and Supersedes  
Original Sheet No. 50.1  
Page 4 of 7

**SERVICE (Cont'd.)**

- g) Except as specified in h) below, Supplier's EFBS bank shall be increased or decreased by the daily difference between actual natural gas volumes received by the Company at its city gate and Supplier's back-cast Targeted Supply Quantity ("TSQ"), adjusted for fuel retainage in the following manner:
1. If the Supplier delivers more natural gas than the back-casted TSQ, then the Suppliers EFBS bank shall be increased by the amount of the over delivery, calculated at the Company's City Gate, plus the current KO Transmission fuel retainage and minus the current Columbia Gas Transmission SST and FSS fuel retainage.
  2. If the Supplier delivers less natural gas than the back-casted TSQ, then the Supplier EFBS bank shall be decreased by the amount of the under delivery, calculated at the Company's City Gate, plus the current Columbia Gas Transmission SST fuel retainage.
- h) On a day when Supplier's TSQ is greater than or equal to the MDQ, supplier shall have full access to the total MDDQ as specified in the EFBS tariff. The Supplier will not be required to make total deliveries, including the back-casted MDDQ, above the MDQ.
- i) The Company may, at its option, recall EFBS from a Supplier if that Supplier subsequently ceases its participation in the Company's Customer Choice program for any reason. The Company may also recall a proportional amount of the Supplier's gas bank if the Supplier's MDQ decreases below a 3,000 dth increment (as detailed in d) 1. and d) 2. above) and the Supplier's gas bank is above the maximum quantity for that month, to become effective on the first day of the following month.
1. If the Company recalls EFBS, or the Supplier's MDQ decreases below a 3,000 dth increment and Supplier does not elect to proceed under subparagraph i) 2., then the Company shall buy all or a portion of Supplier's gas bank. The price of the gas in the Supplier's bank purchased by the Company shall be the Company's inventory weighted average cost of gas with its storage service provider.
  2. Alternatively, the Supplier can sell or transfer the specified volume of gas as described in Section f(1).
  3. In circumstances other than those described above, if a Supplier requests termination of EFBS other than at the time of the annual election, the Company may agree to termination at its sole discretion, and will elect to purchase any gas volumes remaining in the Supplier's bank at the above price options.

Filed pursuant to an Order dated May 28, 2008 \_\_\_\_\_ in Case No. 07-589-GA-AIR \_\_\_\_\_  
before the Public Utilities Commission of Ohio.

Issued: May 29, 2008

Issued by Sandra P. Meyer, Julie Janson, President

Effective: June 4, 2008

Duke Energy Ohio  
139 East Fourth Street  
Cincinnati, Ohio 45202

P.U.C.O. Gas No. 18  
Sheet No. 50.12  
Cancels and Supersedes  
Original Sheet No. 50.1  
Page 5 of 7

**SERVICE (Cont'd.)**

- j) The Maximum Monthly Bank Quantities ("MMBQ") shall be limited to the following percentages of Supplier's BCQ:

April	15%	August	20%	December	10%
May	20%	September	13%	January	10%
June	20%	October	7%	February	10%
July	20%	November	5%	March	10%

- k) Supplier's Maximum Daily Bank Quantities ("MDBQ") shall equal 1/25th of the Supplier's then current MMBQ, except during the months of November and December when the MDBQ shall equal 1/30th of the Supplier's then current MMBQ.
- l) A Supplier may have no more than 60% of its BCQ in bank as of June 30, and no more than 85% of its BCQ in bank as of August 31.
- m) The Company shall deliver Supplier's BCQ throughout the year, subject to the limitations set forth. Supplier's MDDQ shall be based upon and limited by Supplier's BCQ inventory remaining in bank determined in accordance with the Company's best estimates as follows:

% of banked gas in BCQ	% of MDDQ
100% to 30%	100%
less than 30% to 20%	80%
less than 20% to 10%	65%
less than 10% to 0%	50%

- n) The minimum and maximum monthly net withdrawal quantities for the months November through March shall be as follows:

<u>Month</u>	<u>Minimum % of BCQ</u>	<u>Maximum % of BCQ</u>
November	No minimum	40%
December	No minimum	40%
January	No minimum	40%
February	10%	30%
March	10%	20%

Filed pursuant to an Order dated May 28, 2008 in Case No. 07-589-GA-AIR  
before the Public Utilities Commission of Ohio.

Issued: May 28, 2008

Issued by Sandra P. Meyer, Julie Janson, President

Effective: June 4, 2008

Duke Energy Ohio  
139 East Fourth Street  
Cincinnati, Ohio 45202

P.U.C.O. Gas No. 18  
Sheet No. 50.42  
Cancels and Supersedes  
Original Sheet No. 50.1  
Page 6 of 7

#### **SERVICE (Cont'd.)**

- o) If Supplier exceeds the maximum monthly net withdrawal limit during any of the months November through March, Supplier's maximum monthly net withdrawal quantity for the succeeding month shall be reduced by an amount equal to the excess quantities withdrawn during the excess withdrawal month. Supplier's withdrawals during the months April through October shall not be subject to maximum or minimum withdrawal limits; provided, however, that Supplier's withdrawals during that period shall be subject to the limitations of Supplier's BCQ levels.
- p) Supplier's maximum bank inventory on April 1 shall not exceed 25% of its BCQ. Supplier's maximum bank inventory on February 1 shall not exceed 65% of its BCQ. Quantities in excess of 25% of Supplier's BCQ shall not be carried over beyond April 1.

#### **BANK TRANSFERS**

- a) Suppliers may transfer volumes of gas held in their banks under the EFBS with other Suppliers receiving service under EFBS. Each supplier involved in the transfer must notify the Company in writing of the amount to be transferred and the date on which the transfer is to be effective.
- b) The transfer must not increase a Suppliers Bank above the maximum levels as defined in the EFBS tariff. Likewise, the transfer must not decrease a Suppliers Bank below the MBQ for the month.

#### **DELIVERY POINTS**

- a) The point of delivery for all gas tendered to the Company shall be the Company's City Gate for EFBS service and, in accordance with the Supplier's FRAS Agreement with the Company, based upon a percentage north/south split. The north/south split for volumes up to the TSQ shall be the same as the split for Suppliers who have elected FBS and system supply. Volumes in excess of the TSQ will be subject to north/south restrictions in accordance with the Company's ability to inject gas per its agreements with the storage service providers.

#### **WAIVER REQUESTS**

- a) In regard to the above percentage limitations on withdrawals and injections, the Company shall allow deviations from these limitations to the extent that additional flexibility has been granted to the Company by its storage service providers. Waivers shall be granted by the Company on a non-discriminatory basis.

Filed pursuant to an Order dated May 28, 2008 \_\_\_\_\_ In Case No. 07-689-GA-AIR \_\_\_\_\_  
before the Public Utilities Commission of Ohio.

Issued: May 29, 2008

Issued by Sandra P. Meyer, Julie Janson, President

Effective: June 4, 2008

Duke Energy Ohio  
139 East Fourth Street  
Cincinnati, Ohio 45202

P.U.C.O. Gas No. 18  
Sheet No. 50.12  
Cancels and Supersedes  
Original Sheet No. 50.1  
Page 7 of 7

#### **RATE**

- a) For all services rendered pursuant to this tariff, Supplier each month shall pay the Company the charges set forth below:
  - 1. Demand Charge: ~~\$5.946.13~~, assessed each month on each Dth of the Supplier's MDDQ;
  - 2. Commodity Charge: ~~\$0.045018~~, per mcf, applied to all monthly consumption of the supplier's aggregate FT-S, FT-L, RFT and RFT-LI services not included in a pool receiving service under Rider FBS.
- b) Rates will be reviewed quarterly and adjusted based on current charges from the Company's storage service providers.

#### **NON-COMPLIANCE**

- a) If Supplier's EFBS bank is less than zero on any day then the Supplier shall purchase a quantity of natural gas from the Company sufficient to bring the Suppliers EFBS bank up to the minimum percent listed in Service, section (f) for the month in which the bank became less than zero. The price shall be 110% of the higher of the inventory weighted average cost of gas with its storage service provider or the highest price at which the company purchased gas for that month plus interstate pipeline fuel, commodity and daily reservation charges.
- b) Except in instances when the Suppliers BCQ has been reduced due to a lower MDQ, if Supplier's EFBS bank is greater than 102% of their BCQ on any day, then the amount in excess of the maximum percent listed in Service section (f) for the month in which the bank exceeded 102% shall be purchased by the Company for a price equal to 90% of the lower of the inventory weighted average cost of gas with its storage service provider or the lowest price at which the company purchased gas for that month plus interstate pipeline fuel, commodity and daily reservation charges.
- c) Supplier must pay any penalties incurred by the Company from one of its storage service providers that can be attributed to actions by the supplier that do not comply with the EFBS tariff.
- d) The Company may recall EFBS from a supplier for Non Compliance with the EFBS tariff. The Supplier will revert to the FBS at the beginning of the revenue month.

Filed pursuant to an Order dated May 28, 2008 in Case No. 07-589-GA-AIR  
before the Public Utilities Commission of Ohio.

Issued: May 29, 2008

Issued by Sandra P. Meyer/Julie Janson, President

Effective: June 4, 2008

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Sheet No. 50.2  
Cancels and Supersedes  
Sheet No. 50.1  
Page 1 of 7

**RIDER EFBS**

**ENHANCED FIRM BALANCING SERVICE**

**APPLICABILITY**

Applicable to pools served by gas suppliers/aggregators who secure their own total upstream pipeline capacity necessary to meet the aggregated peak day requirements as more fully described under the Assignment of Capacity provision contained in Rate FRAS, Full Requirements Aggregation Service, Sheet No. 44, and who elect to receive service for such pools under Rider EFBS rather than Rider FBS (Firm Balancing Service).

**SERVICE**

- a) Service provided under Enhanced Firm Balancing Service ("EFBS") shall be subject to the limitations set forth below. Such service shall be provided on a firm basis and shall apply to all gas delivered to the Company for the Supplier and provided pursuant to this tariff, up to the Bank Contract Quantity ("BCQ") set forth herein. Supplier's Maximum Daily Delivery Quantity ("MDDQ") shall be that specified herein.
- b) Initial allocation of EFBS shall be as follows:
  - 1. Any Supplier whose FRAS Pool Maximum Daily Quantity ("MDQ") exceeds 1,000 Dth/day, shall be allocated EFBS with an MDDQ equal to the proportion of the Company's no-notice balancing service quantity to its firm system design day times the Supplier's MDQ adjusted up to the nearest factor of 3,000.
- c) Suppliers with a FRAS Pool MDQ less than 1,000 Dth/day shall continue under the Company's Rate FBS. Suppliers with a FRAS Pool MDQ greater than 1,000 Dth/day shall have the option of receiving balancing service under EFBS or continuing under the Company's Rate FBS. This annual election shall be made on or before January 15 of each year to become effective on April 1 of each year.

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Sheet No. 50.2  
Cancels and Supersedes  
Sheet No. 50.1  
Page 2 of 7

**SERVICE (Contd.)**

d) Incremental allocation/reduction of EFBS shall be as follows:

1. Any Supplier whose MDQ crosses a factor of 3,000 Dth/day (herein, "threshold") shall receive an allocation/reduction of its EFBS with an MDDQ equal to the proportion of the Company's no-notice balancing service quantity to its firm system design day times the Supplier's threshold (3,000 Dth/day), which will remain effective from the first of the following month in which the threshold was reached until such time as another threshold is reached.
  2. For purposes of determining increases to the EFBS bank and MDDQ, the supplier's MDQ must exceed the next threshold by at least 500 dth per day or exceed the threshold by a lower amount for 3 consecutive months. For purposes of determining decreases to the EFBS bank and MDDQ, the supplier's MDQ must be at least 500 dth per day lower than the previous threshold or remain under the previous threshold by a smaller amount for 3 consecutive months. For situations where the threshold has been either exceeded or decreased as stated in the previous two sentences, measurements shall occur on the 25<sup>th</sup> day of each month, unless such day is not a business day, in which case such measurement shall occur on the next following business day.
- e) The Supplier's BCQ ratio to its allocated MDDQ will be equal to the Company's ratio of daily no-notice balancing service quantity to its annual no-notice storage quantity with its storage service provider. The Company's ratio shall be determined on an annual basis. Both the Company's no-notice balancing service quantity and its annual no-notice storage quantity with its storage service providers will be established prior to the notification deadline for selecting EFBS service, and will not be changed within the associated gas year. The Company may adjust those percentages to reflect changes in the Agreement with its storage service provider, which may also necessitate changes in pricing with respect to the service. Any changes to the percentages or prices will be communicated to Suppliers on or before January 1 each year and will become effective to coincide with the Supplier's opportunity to select either FBS or EFBS service as outlined in Rate FRAS.
- f) When initial or incremental EFBS is allocated to a Supplier, or recalled from a Supplier effective on the first day of any month, and the adjusted BCQ causes the Supplier's percent of EFBS bank to BCQ to be outside of the range specified below, then the Supplier must purchase, sell or transfer the required amount of bank so that the percent of EFBS bank to BCQ is within the specified range, within 3 business days of the first day of the month such change is to become effective.

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Cancels and Supersedes  
Sheet No. 50.1  
Page 3 of 7

**SERVICE (Cont'd.)**

	<u>Minimum</u>	<u>Maximum</u>
April	0%	25%
May	0%	60%
June	14%	60%
July	34%	60%
August	54%	85%
September	75%	85%
October	88%	98%
November	95%	98%
December	78%	98%
January	58%	98%
February	36%	65%
March	18%	45%

1. This designation may require the Supplier to purchase, sell or transfer a specified volume of gas for the Supplier's EFBS bank in one of four ways (as determined by the Supplier, unless Supplier fails to purchase, sell or transfer specified volumes of gas, in which case option A shall be employed): (A) The Supplier may purchase natural gas from the Company, or sell to the Company, a portion of the Company's then current inventory with its storage service provider. The price for the gas purchased or sold by the Supplier for its bank volume shall equal the Company's inventory weighted average cost of gas with its storage service provider. The Company shall communicate the current inventory weighted average cost of gas to Suppliers. (B) The Supplier can purchase or sell the specified volume of gas from/to another Supplier who receives service under the EFBS, by transferring volumes of gas, provided that the transfer does not increase a Suppliers Bank above the maximum levels as defined in the EFBS tariff or decrease a Suppliers Bank below the minimum for the month. Each supplier involved in the transfer must notify the Company in writing of the amount to be transferred and the date on which the transfer is to be effective. (C) The Supplier can transfer the gas to/from its own or a third parties storage account directly into the Company's storage account through an inter-company storage inventory transfer executed through the storage service provider. (D) The Supplier can transfer the gas to/from its IT Pool.
2. Suppliers will be required to pay for or transfer such gas designated for Supplier's BCQ in advance of the third business day of the month in which service is effective unless other arrangements, acceptable to the Company, have been completed.

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Cancels and Supersedes  
Sheet No. 50.1  
Page 4 of 7

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**SERVICE (Cont'd.)**

- g) Except as specified in h) below, Supplier's EFBS bank shall be increased or decreased by the daily difference between actual natural gas volumes received by the Company at its city gate and Supplier's back-cast Targeted Supply Quantity ("TSQ"), adjusted for fuel retainage in the following manner:
1. If the Supplier delivers more natural gas than the back-casted TSQ, then the Suppliers EFBS bank shall be increased by the amount of the over delivery, calculated at the Company's City Gate, plus the current KO Transmission fuel retainage and minus the current Columbia Gas Transmission SST and FSS fuel retainage.
  2. If the Supplier delivers less natural gas than the back-casted TSQ, then the Supplier EFBS bank shall be decreased by the amount of the under delivery, calculated at the Company's City Gate, plus the current Columbia Gas Transmission SST fuel retainage.
- h) On a day when Supplier's TSQ is greater than or equal to the MDQ, supplier shall have full access to the total MDDQ as specified in the EFBS tariff. The Supplier will not be required to make total deliveries, including the back-casted MDDQ, above the MDQ.
- i) The Company may, at its option, recall EFBS from a Supplier if that Supplier subsequently ceases its participation in the Company's Customer Choice program for any reason. The Company may also recall a proportional amount of the Supplier's gas bank if the Supplier's MDQ decreases below a 3,000 dth increment (as detailed in d) 1. and d) 2. above) and the Supplier's gas bank is above the maximum quantity for that month, to become effective on the first day of the following month.
1. If the Company recalls EFBS, or the Supplier's MDQ decreases below a 3,000 dth increment and Supplier does not elect to proceed under subparagraph i) 2., then the Company shall buy all or a portion of Supplier's gas bank. The price of the gas in the Supplier's bank purchased by the Company shall be the Company's inventory weighted average cost of gas with its storage service provider.
  2. Alternatively, the Supplier can sell or transfer the specified volume of gas as described in Section f(1).
  3. In circumstances other than those described above, if a Supplier requests termination of EFBS other than at the time of the annual election, the Company may agree to termination at its sole discretion, and will elect to purchase any gas volumes remaining in the Supplier's bank at the above price options.

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Cancels and Supersedes  
Sheet No. 50.1  
Page 5 of 7

**SERVICE (Cont'd.)**

- j) The Maximum Monthly Bank Quantities ("MMBQ") shall be limited to the following percentages of Supplier's BCQ:

April	15%	August	20%	December	10%
May	20%	September	13%	January	10%
June	20%	October	7%	February	10%
July	20%	November	5%	March	10%

- k) Supplier's Maximum Daily Bank Quantities ("MDBQ") shall equal 1/25th of the Supplier's then current MMBQ, except during the months of November and December when the MDBQ shall equal 1/30th of the Supplier's then current MMBQ.
- l) A Supplier may have no more than 60% of its BCQ in bank as of June 30, and no more than 85% of its BCQ in bank as of August 31.
- m) The Company shall deliver Supplier's BCQ throughout the year, subject to the limitations set forth. Supplier's MDDQ shall be based upon and limited by Supplier's BCQ inventory remaining in bank determined in accordance with the Company's best estimates as follows:

% of banked gas in BCQ	% of MDDQ
100% to 30%	100%
less than 30% to 20%	80%
less than 20% to 10%	65%
less than 10% to 0%	50%

- n) The minimum and maximum monthly net withdrawal quantities for the months November through March shall be as follows:

<u>Month</u>	<u>Minimum % of BCQ</u>	<u>Maximum % of BCQ</u>
November	No minimum	40%
December	No minimum	40%
January	No minimum	40%
February	10%	30%
March	10%	20%

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Sheet No. 50.1  
Page 6 of 7

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**SERVICE (Cont'd.)**

- o) If Supplier exceeds the maximum monthly net withdrawal limit during any of the months November through March, Supplier's maximum monthly net withdrawal quantity for the succeeding month shall be reduced by an amount equal to the excess quantities withdrawn during the excess withdrawal month. Supplier's withdrawals during the months April through October shall not be subject to maximum or minimum withdrawal limits; provided, however, that Supplier's withdrawals during that period shall be subject to the limitations of Supplier's BCQ levels.
- p) Supplier's maximum bank inventory on April 1 shall not exceed 25% of its BCQ. Supplier's maximum bank inventory on February 1 shall not exceed 65% of its BCQ. Quantities in excess of 25% of Supplier's BCQ shall not be carried over beyond April 1.

**BANK TRANSFERS**

- a) Suppliers may transfer volumes of gas held in their banks under the EFBS with other Suppliers receiving service under EFBS. Each supplier involved in the transfer must notify the Company in writing of the amount to be transferred and the date on which the transfer is to be effective.
- b) The transfer must not increase a Suppliers Bank above the maximum levels as defined in the EFBS tariff. Likewise, the transfer must not decrease a Suppliers Bank below the MBQ for the month.

**DELIVERY POINTS**

- a) The point of delivery for all gas tendered to the Company shall be the Company's City Gate for EFBS service and, in accordance with the Supplier's FRAS Agreement with the Company, based upon a percentage north/south split. The north/south split for volumes up to the TSQ shall be the same as the split for Suppliers who have elected FBS and system supply. Volumes in excess of the TSQ will be subject to north/south restrictions in accordance with the Company's ability to inject gas per its agreements with the storage service providers.

**WAIVER REQUESTS**

- a) In regard to the above percentage limitations on withdrawals and injections, the Company shall allow deviations from these limitations to the extent that additional flexibility has been granted to the Company by its storage service providers. Waivers shall be granted by the Company on a non-discriminatory basis.

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Page 7 of 7

#### **RATE**

- a) For all services rendered pursuant to this tariff, Supplier each month shall pay the Company the charges set forth below:
1. Demand Charge: \$6.13, assessed each month on each Dth of the Supplier's MDDQ;
  2. Commodity Charge: \$0.018, per mcf, applied to all monthly consumption of the supplier's aggregate FT-S, FT-L, RFT and RFT-LI services not included in a pool receiving service under Rider FBS.
- b) Rates will be reviewed quarterly and adjusted based on current charges from the Company's storage service providers.

#### **NON-COMPLIANCE**

- a) If Supplier's EFBS bank is less than zero on any day then the Supplier shall purchase a quantity of natural gas from the Company sufficient to bring the Suppliers EFBS bank up to the minimum percent listed in Service, section (f) for the month in which the bank became less than zero. The price shall be 110% of the higher of the inventory weighted average cost of gas with its storage service provider or the highest price at which the company purchased gas for that month plus interstate pipeline fuel, commodity and daily reservation charges.
- b) Except in instances when the Suppliers BCQ has been reduced due to a lower MDQ, if Supplier's EFBS bank is greater than 102% of their BCQ on any day, then the amount in excess of the maximum percent listed in Service section (f) for the month in which the bank exceeded 102% shall be purchased by the Company for a price equal to 90% of the lower of the inventory weighted average cost of gas with its storage service provider or the lowest price at which the company purchased gas for that month plus interstate pipeline fuel, commodity and daily reservation charges.
- c) Supplier must pay any penalties incurred by the Company from one of its storage service providers that can be attributed to actions by the supplier that do not comply with the EFBS tariff.
- d) The Company may recall EFBS from a supplier for Non Compliance with the EFBS tariff. The Supplier will revert to the FBS at the beginning of the revenue month.

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