

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

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In the Matter of: :
: Case No. 09-1849-GA-RDR
The Annual Application of :
Duke Energy Ohio for an :
Adjustment to Rider AMRP :
Rates. :

- - -

In the Matter of: :
: Case No. 09-1850-GA-ATA
The Application of Duke :
Energy Ohio for Tariff :
Approval. :

- - -

PROCEEDINGS

before Ms. Katie Stenman, Attorney Examiner, at the
Public Utilities Commission of Ohio, 180 East Broad
Street, Room 11-C, Columbus, Ohio, called at 10:00
a.m. on Monday, April 19, 2010.

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ARMSTRONG & OKEY, INC.
222 East Town Street, Second Floor
Columbus, Ohio 43215-5201
(614) 224-9481 - (800) 223-9481
Fax - (614) 224-5724

- - -

1 APPEARANCES:

2 Duke Energy
3 By Ms. Amy B. Spiller
4 139 East Fourth Street
5 Cincinnati, Ohio 45202

6 On behalf of the Company.

7 Janine L. Migden-Ostrander
8 Ohio Consumers' Counsel
9 By Mr. Larry S. Sauer
10 Mr. Joseph P. Serio
11 10 West Broad Street, Suite 1800
12 Columbus, Ohio 43215-3485

13 On behalf of the Residential
14 Consumers of Duke Energy Ohio.

15 Richard Cordray, Ohio Attorney General
16 Duane W. Luckey, Senior Deputy
17 Attorney General
18 Public Utilities Section,
19 By Mr. William Wright
20 180 East Broad Street, 9th Floor
21 Columbus, Ohio 43215-3793

22 On behalf of the Staff of the Public
23 Utilities Commission.

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Monday Morning Session,

April 19, 2010.

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THE ATTORNEY EXAMINER: The Public Utilities Commission of Ohio has called for hearing at this time and place Case No. 09-1849-GA-RDR and 09-1850-GA-ATA, being In the Matter of the Annual Application of Duke Energy Ohio for Adjustment to Rider AMRP Rates and In the Matter of Duke Energy Ohio for Tariff Approval.

My name is Katie Stenman and I have been assigned by the Public Utilities Commission to hear this case.

At this time I'd like to take the appearance of the parties starting with the company.

MS. SPILLER: Good morning, your Honor, Amy Spiller on behalf of Duke Energy Ohio, 139 East Fourth Street, Cincinnati, Ohio 45202.

THE ATTORNEY EXAMINER: On behalf of the staff.

MR. WRIGHT: Thank you, your Honor. On behalf of the Staff of the Public Utilities Commission, Ohio Attorney General Richard Cordray, Public Utilities Section, my name is Bill Wright, 180 East Broad Street Columbus, Ohio 43215.

1 THE ATTORNEY EXAMINER: On behalf of OCC.

2 MR. SAUER: Thank you, your Honor. On
3 behalf the residential customers of Duke Energy Ohio,
4 the Office of Ohio Consumers' Counsel, Janine
5 Migden-Ostrander, Consumers' Counsel, Larry Sauer,
6 Joseph P. Serio, Assistant Consumers' Counsel, 10 West
7 Broad Street, Columbus, Ohio 43215.

8 THE ATTORNEY EXAMINER: Thank you. I
9 understand that a stipulation has been docketed and
10 we have some exhibits to put on the record.

11 MS. SPILLER: Yes, your Honor.

12 THE ATTORNEY EXAMINER: Go ahead.

13 MS. SPILLER: If I may, thank you. On
14 behalf of Duke Energy Ohio, I would like to identify
15 and move for admission into evidence the following
16 exhibits. We have Duke Energy's Application for
17 Adjustment in Rider AMRP, as well as for Tariff
18 Approval filed on February 26, 2001 identified as
19 Duke Energy Ohio Exhibit 1.

20 Also filed on February 26, 2010 the
21 Direct Testimony of Gary J. Hebbeler, Duke Energy
22 Ohio Exhibit 2.

23 Duke Energy Ohio Exhibit 3 is the direct
24 testimony of Robert M. Parsons, also filed on
25 February 26, 2010.

1 Your Honor, on your credenza or desk we
2 have two additional documents that were filed this
3 past Friday, April 16, 2010. The first is the Joint
4 Exhibit 1, the Stipulation and Recommendation signed
5 by counsel for Duke Energy Ohio, Commission Staff, as
6 well as the Office of the Ohio Consumers' Counsel;
7 and finally, Duke Energy Ohio Exhibit 4, the
8 Supplemental Direct Testimony of Robert M. Parsons.

9 And again, your Honor we move for
10 admission of those into evidence.

11 Seated to my right is Robert M. Parsons
12 who again prepared the supplemental testimony in
13 support of the stipulation, and I would offer him as
14 a witness this morning.

15 THE ATTORNEY EXAMINER: Duke Exhibits 1
16 through 4 will be so marked, as well as Joint
17 Exhibit 1. Are there any objections to the admission
18 of those exhibits, Duke 1 through 4 or Joint
19 Exhibit 1?

20 MR. WRIGHT: No Your Honor.

21 MR. SAUER: No objections, your Honor.

22 THE ATTORNEY EXAMINER: Joint
23 Exhibit 1 and Duke Exhibits 1 through 4 will be
24 admitted.

25 (EXHIBITS ADMITTED INTO EVIDENCE.)

1 THE ATTORNEY EXAMINER: Before we call
2 Mr. Parsons, any exhibits to be filed on the record?

3 Staff.

4 MR. WRIGHT: Thank you, your Honor.
5 Copies provided to the reporter and your Honor, I
6 would like to have marked as Staff Exhibit 1 the
7 Comments and Recommendations that were prepared by
8 the staff in this case and docketed back on April 2,
9 2010, and I would move for the admission of that
10 document at this time.

11 THE ATTORNEY EXAMINER: Staff Exhibit 1,
12 the comments will be so marked. Are there any
13 objections to the admission of Staff Exhibit 1?

14 MS. SPILLER: No, your Honor.

15 MR. SAUER: No objections.

16 THE ATTORNEY EXAMINER: Staff Exhibit 1
17 will be admitted.

18 (EXHIBIT ADMITTED INTO EVIDENCE.)

19 THE ATTORNEY EXAMINER: OCC.

20 MS. SPILLER: Also in this case OCC filed
21 comments on April 2, we would like those to be marked
22 as OCC Exhibit No. 1 and move for those to be
23 admitted into the record.

24 THE ATTORNEY EXAMINER: OCC Exhibit 1,
25 the comments, will be so marked. Any objection to

1 their admission?

2 MS. SPILLER: No, your Honor.

3 MR. WRIGHT: No, your Honor.

4 THE ATTORNEY EXAMINER: It will be so
5 admitted.

6 (EXHIBIT ADMITTED INTO EVIDENCE.)

7 THE ATTORNEY EXAMINER: At this time I
8 would like to call Mr. Parsons.

9 MS. SPILLER: Thank you, your Honor.

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11 ROBERT M. PARSON

12 being first duly sworn, as prescribed by law, was
13 examined and testified as follows:

14 DIRECT EXAMINATION

15 By Ms. Spiller:

16 Q. Mr. Parsons, would you identify yourself
17 for the record please?

18 A. Robert M. Parsons.

19 Q. By whom are you employed and in what
20 capacity?

21 A. I am employed by Duke Energy as a rates
22 manager.

23 Q. And what is your business address,
24 please, sir?

25 A. 139 East Fourth Street, Cincinnati, Ohio,

1 45202.

2 Q. And, Mr. Parsons, you have in front of
3 you what has been marked as Duke Energy
4 Exhibit No. 4. Can you identify that please for the
5 record?

6 A. This is my supplemental direct testimony
7 in this case.

8 Q. And, Mr. Parsons, do you have any
9 corrections or revisions to Duke Energy Ohio
10 Exhibit 4?

11 A. No, I don't.

12 Q. And if I were to ask you, sir, the
13 questions reflected in this exhibit, would your
14 answers today be the same as they are set forth in
15 this exhibit?

16 A. Yes, they would.

17 MS. SPILLER: Your Honor, Mr. Parsons is
18 available for inquiry by the Court.

19 THE ATTORNEY EXAMINER: Thank you.

20 OCC, any questions?

21 MR. SAUER: No, your Honor.

22 THE ATTORNEY EXAMINER: Staff?

23 MR. WRIGHT: None, your Honor.

24 THE ATTORNEY EXAMINER: I have no
25 questions, Mr. Parsons. You are excused. Thank you.

1 THE WITNESS: Thank you.

2 THE ATTORNEY EXAMINER: Anything else to
3 come before us at this time?

4 MR. SAUER: Could we go off the record a
5 minute.

6 THE ATTORNEY EXAMINER: Yes, let's go off
7 the record.

8 (Discussion off record.).

9 THE ATTORNEY EXAMINER: Anything else to
10 come before us?

11 MR. SAUER: No, your Honor.

12 THE ATTORNEY EXAMINER: If you want to
13 put it on the record, you may.

14 MR. SAUER: Thank you. OCC would move
15 for the opportunity to have a brief briefing schedule
16 in this case to allow for the public agency to put on
17 the record our position in this case and the benefits
18 that were derived from the Stipulation for
19 residential customers of Duke Energy Ohio.

20 Thank you, your Honor.

21 THE ATTORNEY EXAMINER: At this point we
22 will not be setting a schedule given the case is
23 fully stipulated and signed by all the parties;
24 however, you are free to file whatever you choose in
25 the docket.

1 Is there anything else at this time?

2 MR. WRIGHT: Your Honor, could I add to,
3 could I make a request that Mr. Sauer's filing be
4 served electronically on the parties?

5 THE ATTORNEY EXAMINER: Given the short
6 time frame in the case?

7 MR. WRIGHT: Yes, ma'am.

8 THE ATTORNEY EXAMINER: Absolutely,
9 please serve it electronically.

10 MR. SAUER: Not a problem, your Honor.

11 THE ATTORNEY EXAMINER: Anything else?

12 MS. SPILLER: No, your Honor.

13 THE ATTORNEY EXAMINER: Then we are
14 adjourned and a decision of the Commission will be
15 forthcoming. Thank you.

16 (The hearing adjourned at 10:10 a.m.)

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CERTIFICATE

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

Rosemary Foster Anderson,
Professional Reporter and
Notary Public in and for
the State of Ohio.

My commission expires April 5, 2014.

(RFA-8430)

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This foregoing document was electronically filed with the Public Utilities

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in

Case No(s). 09-1849-GA-RDR, 09-1850-GA-ATA

Summary: Transcript Transcript of Duke Energy hearing held on 04/19/10. electronically filed by Mrs. Jennifer Duffer on behalf of Armstrong & Okey, Inc. and Anderson, Rosemary Foster Mrs.