

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

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In the Matter of the :
Application of Duke :
Energy Ohio to True-up : Case No.
and Set the Annually : 10-518-EL-RDR
Adjusted Component of :
its Standard Service :
Offer. :

- - -

PROCEEDINGS

Before Katie Stenman, Attorney Examiner, held at
the offices of the Public Utilities Commission
of Ohio, 180 East Broad Street, Hearing Room
11-C, Columbus, Ohio, on Wednesday, July 7,
2010, at 10:00 A.M.

- - -

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1 APPEARANCES:

2 Ms. Elizabeth H. Watts

3 and

4 Ms. Amy B. Spiller

155 East Broad Street

Suite 2100

5 Columbus, Ohio 43215

6 On behalf of Duke Energy Ohio.

7 Mr. Werner L. Margard

8 and

9 Mr. John H. Jones

Assistant Attorneys General

10 180 East Broad Street

6th Floor

11 Columbus, Ohio 43215

12 On behalf of the Staff of the
Public Utilities Commission
13 of Ohio.

14 Mr. Jeffrey L. Small

15 and

Ms. Ann M. Hotz

Assistant Consumers' Counsel

16 10 West Broad Street

Suite 1800

17 Columbus, Ohio 43215

18 On behalf of the Residential
19 Customers of Duke Energy Ohio.

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MARKED

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1 Wednesday Morning,

2 July 7, 2010.

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4 ATTORNEY EXAMINER: The Public
5 Utilities Commission of Ohio has called for
6 hearing at this time and place Case No.
7 10-518-EL-RDR being In the Matter of
8 the Application of Duke Energy Ohio to True-up
9 the Annually Adjusted Component of its Standard
10 Service Offer.

11 My name is Katie Stenman, and I am
12 the Attorney Examiner assigned by the Commission
13 to hear this case. At this time I would like to
14 take appearances of the parties starting with
15 the company.

16 MS. WATTS: Thank you, Your Honor.
17 On behalf of Duke Energy Ohio, Amy B. Spiller
18 and Elizabeth H. Watts, 155 East Broad Street,
19 Suite 2100, Columbus, Ohio 43215.

20 MR. MARGARD: Your Honor, on behalf
21 of the Staff of the Public Utilities Commission
22 of Ohio, Ohio Attorney General Richard Cordray,
23 Section Chief Duane W. Luckey, by Assistants
24 Attorney General Werner L. Margard and John H.
25 Jones, 180 East Broad Street, 6th Floor,

1 Columbus, Ohio.

2 MR. SMALL: Your Honor, on behalf of
3 the residential customers of Duke Energy Ohio,
4 Janine Migden-Ostrander, Consumers' Counsel, Ann
5 M. Hotz, counsel of record. I am Jeffrey L.
6 Small, Assistant Consumers' Counsel, Office of
7 the Ohio Consumers' Counsel, 10 West Broad
8 Street, Suite 1800, Columbus, Ohio 43215.

9 ATTORNEY EXAMINER: There is a
10 pending motion for intervention by the Ohio
11 Consumers' Counsel. No memorandum contra were
12 filed, and that motion will be granted.

13 At this time I understand that we
14 have a stipulation signed by some of the
15 parties.

16 MS. WATTS: That's correct, Your
17 Honor. We do have a stipulation, we would like
18 to offer that into the record, and we would ask
19 that it be marked as Joint Exhibit 1.

20 (EXHIBIT HEREBY MARKED FOR
21 IDENTIFICATION PURPOSES)

22 ATTORNEY EXAMINER: Any objections
23 from anyone?

24 MR. SMALL: No, Your Honor, but I
25 think you just noted that all the parties signed

1 the stipulation. OCC is a non-supporting,
2 non-opposing party in this case.

3 ATTORNEY EXAMINER: Okay. Your
4 position will be noted. Do we have anyone to
5 testify in support of the stipulation available?

6 MS. WATTS: We do not.

7 ATTORNEY EXAMINER: We have a couple
8 of questions. Can we get someone from
9 the Staff?

10 MR. MARGARD: I will check and see
11 if there is a staff person available.

12 ATTORNEY EXAMINER: Let's go off the
13 record.

14 (DISCUSSION OFF THE RECORD)

15 (RECESS TAKEN)

16 ATTORNEY EXAMINER: We don't have
17 anyone available to testify regarding the
18 stipulation, so in light of that fact the Bench
19 has a couple of questions, we are going to ask
20 those on the record and hopefully responses will
21 be filed as a late filed exhibit.

22 The concerns from the Bench are the
23 new rates of Rider PTC-AAC versus the old rates.
24 That is kind of unclear from the application
25 what exactly the difference in those rates is

1 going to be.

2 Additionally, how will those rates
3 be implemented, will revised tariffs be filed to
4 implement those rates?

5 The final question concerns Staff's
6 comments, there is a difference in the number of
7 amount of the true-up in Staff's comments versus
8 what is in the application and the stipulation,
9 and we are a little concerned about what that
10 difference means.

11 So if we could have those filed, the
12 answers filed as a late filed exhibit which can
13 be filed as Joint Exhibit 2.

14 And with respect to the motion for
15 admission of the stipulation, no objections?

16 MR. SMALL: No objection.

17 ATTORNEY EXAMINER: It will be
18 admitted.

19 (EXHIBIT HEREBY ADMITTED INTO
20 EVIDENCE)

21 ATTORNEY EXAMINER: Do you have some
22 other exhibits to put on the record at this
23 time?

24 MS. WATTS: Yes, Your Honor. We
25 would ask that the application in this matter be

1 marked as Duke Energy Exhibit 1, and we would
2 offer that as an exhibit in the record.

3 ATTORNEY EXAMINER: Any objection?

4 MR. SMALL: No objections.

5 ATTORNEY EXAMINER: Duke 1 will be
6 admitted.

7 (EXHIBIT ADMITTED INTO EVIDENCE)

8 ATTORNEY EXAMINER: Staff.

9 MR. MARGARD: Your Honor, Staff
10 would respectfully request that its comments
11 submitted in this matter be marked as Staff
12 Exhibit No. 1, and I would so move that into
13 admission.

14 ATTORNEY EXAMINER: Any objection?

15 MS. WATTS: None.

16 MR. SMALL: No objection.

17 ATTORNEY EXAMINER: Staff Exhibit 1
18 will be admitted.

19 (EXHIBIT MARKED FOR IDENTIFICATION
20 AND ADMITTED INTO EVIDENCE)

21 ATTORNEY EXAMINER: Is there
22 anything else to come before us?

23 MS. WATTS: No, thank you, Your
24 Honor.

25 ATTORNEY EXAMINER: All right.

1 Hearing nothing else we are adjourned. Thank
2 you.

3 - - -

4 (At 10:15 A.M. the hearing was
5 concluded)

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8
9 CERTIFICATE

10 I do hereby certify that the foregoing
11 is a true and correct transcript of the
12 proceedings taken by me in this matter on July
13 7, 2010 and carefully compared with my original
14 stenographic notes.

15 _____
16 Michael O. Spencer,
17 Registered Professional
18 Reporter.

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Case No(s). 10-0518-EL-RDR

Summary: Transcript hearing transcript from 7/7/10 electronically filed by Mrs. Jennifer Duffer on behalf of Spencer, Michael O. Mr. and Armstrong & Okey, Inc.