

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of)
Duke Energy Ohio, Inc. for an)
Adjustment to Rider AMRP Rates to) Case No. 10-2788-GA-RDR
Recover Costs Incurred in 2010.)

In the Matter of the Application of)
Duke Energy Ohio, Inc. for Tariff) Case No. 10-2789-GA-ATA
Approval.)

ENTRY

The attorney examiner finds:

- (1) By opinion and order issued May 28, 2008, in *In the Matter of the Application of Duke Energy Ohio, Inc. for an Increase in Rates*, Case No. 07-589-GA-AIR, *et al.*, the Commission approved a stipulation that, inter alia, provided a process for adjustments to the Accelerated Main Replacement Program (AMRP) rider (Rider AMRP) of Duke Energy Ohio, Inc. (Duke). In accordance with the stipulation, by November of each year, Duke is to file a prefiling notice of an application to implement adjustments to Rider AMRP. Subsequently, Duke is to file its application and an update of year-end actual data by the following February 28 of each year. Staff and other parties then may file comments, and Duke has until April 1 of each year to resolve the issues raised in the comments. If the issues raised in the comments are not resolved, then a hearing will be held. The goal of the process set forth in the stipulation is for the proposed amendment to Rider AMRP to be effective by the first billing cycle of May.
- (2) By opinion and order issued April 28, 2010, in *In the Matter of the Application of Duke Energy Ohio, Inc. for an Adjustment to Rider AMRP Rates*, Case No. 09-1849-GA-RDR, *et al.*, the Commission approved a stipulation that established Duke's current AMRP rates, thereby allowing Duke to recover costs incurred during 2009.

- (3) On November 30, 2010, Duke filed a prefiling notice of an application supporting a rate adjustment for Rider AMRP to recover costs incurred during 2010. Subsequently, on February 28, 2011, Duke filed its application in the instant cases.
- (4) On December 20, 2010, the office of the Ohio Consumers' Counsel (OCC) filed a motion to intervene in these cases. In support of its motion, OCC states that it represents the residential utility customers of Duke and that these cases may adversely affect these customers' interests. OCC further submits that its participation will not unduly prolong or delay the proceedings and that its advocacy will significantly contribute to the full development and equitable resolution of the issues. No memorandum contra was filed in opposition to the motion to intervene. Accordingly, the attorney examiner finds that OCC's motion to intervene is reasonable and should be granted.
- (5) In order to accomplish the review of Duke's proposed adjustment to Rider AMRP, the attorney examiner finds that the following procedural schedule should be established:
 - (a) March 28, 2011 - Deadline for the filing of motions to intervene.
 - (b) March 28, 2011 - Deadline for Staff and intervenors to file comments on the application.
 - (c) April 1, 2011 - Deadline for Duke to file a statement, informing the Commission whether the issues raised in the comments have been resolved.
 - (d) April 4, 2011 - Deadline for the parties and Staff to file expert testimony.
 - (e) In the event that some or all of the parties enter into a stipulation resolving some or all of the issues in these cases, the parties must file such

stipulation with the Commission, by 9:00 a.m. on April 5, 2011.

- (f) In the event that all of the issues are not resolved or the parties enter into a stipulation, a hearing shall commence on April 6, 2011, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, 11th floor, Hearing Room 11-C, Columbus, Ohio 43215. Any party requesting a continuance of the hearing must file a motion to continue the hearing with the Commission, by 9:00 a.m. on April 5, 2011.
- (6) In light of the time frame for these proceedings, the attorney examiner requires that, in the event that any motion is made in these proceedings, any memorandum contra shall be filed within three business days after the service of such motion, and a reply memorandum to any memorandum contra will not be accepted. Parties shall provide service of pleadings via hand delivery, facsimile, or e-mail.
- (7) In addition, the attorney examiner finds that response time for discovery shall be shortened to seven days. Unless otherwise agreed to by the parties, discovery requests and replies shall be served by hand delivery, facsimile, or e-mail. An attorney serving a discovery request shall attempt to contact the attorney upon whom the discovery request will be served in advance to advise him/her that a request will be forthcoming.

It is, therefore,

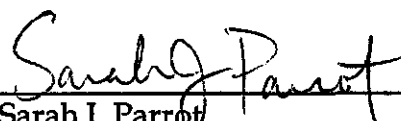
ORDERED, That the motion to intervene filed by OCC be granted. It is, further,


ORDERED, That the procedural schedule set forth in finding (5) be adopted. It is, further,

ORDERED, That the parties adhere to the processes established in findings (6) and (7). It is, further,

ORDERED, That a copy of this entry be served upon all parties of record.

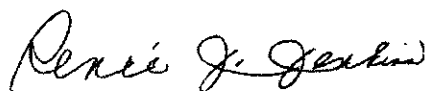
THE PUBLIC UTILITIES COMMISSION OF OHIO


By: Sarah J. Parrot
Attorney Examiner

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Entered in the Journal

MAR 03 2011



Renee J. Jenkins
Secretary