

# LARGE FILING SEPARATOR SHEET

CASE NUMBER 11-3549-EL-SSO, 11-3550-EL-ATA, 11-3551-EL-UNC

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Supplemental Testimony of William Don Wathen, Jr.  
on behalf of Duke Energy Ohio, Inc.

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**BEFORE****THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Duke	)	
Energy Ohio for Authority to Establish a	)	
Standard Service Offer Pursuant to Section	)	
4928.143, Revised Code, in the Form of	)	Case No. 11-3549-EL-SSO
an Electric Security Plan, Accounting	)	
Modifications and Tariffs for Generation	)	
Service.	)	
In the Matter of the Application of Duke	)	
Energy Ohio for Authority to Amend its	)	Case No. 11-3550-EL-ATA
Certified Supplier Tariff, P.U.C.O. No. 20.	)	
In the Matter of the Application of Duke	)	
Energy Ohio for Authority to Amend its	)	Case No. 11-3551-EL-UNC
Corporate Separation Plan.	)	

**SUPPLEMENTAL TESTIMONY OF****WILLIAM DON WATHEN JR.****ON BEHALF OF****DUKE ENERGY OHIO, INC.**

October 28, 2011

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### Attachments:

- WDW SUPP-1: Better in the Aggregate Test
- WDW SUPP-2: Redlined Copy of Amended Tariffs
- WDW SUPP-3: Clean Copy of Amended Tariffs

## **I. INTRODUCTION**

1   **Q.   PLEASE STATE YOUR NAME AND BUSINESS ADDRESS.**

2   A.   My name is William Don Wathen Jr., and my business address is 139 East Fourth  
3       Street, Cincinnati, Ohio 45202.

4   **Q.   BY WHOM ARE YOU EMPLOYED AND IN WHAT CAPACITY?**

5   A.   I am employed by Duke Energy Business Services LLC, as the General Manager  
6       and Vice President of Rates, Ohio and Kentucky.

7   **Q.   ARE YOU THE SAME WILLIAM DON WATHEN JR. WHO FILED**  
8       **DIRECT TESTIMONY IN THESE PROCEEDINGS ON JUNE 20, 2011?**

9   A.   Yes.

10  **Q.   WHAT IS THE PURPOSE OF YOUR SUPPLEMENTAL DIRECT**  
11       **TESTIMONY IN THESE PROCEEDINGS?**

12  A.   The purpose of my Supplemental Direct Testimony is to support various aspects  
13       of the Stipulation and Recommendation (Stipulation) of Duke Energy Ohio, Inc.'s  
14       (Duke Energy Ohio or the Company) electric security plan (ESP). I provide  
15       testimony regarding the primary components of the Company's ESP, various  
16       attachments to the Stipulation, and the provisions and transitional procedures for  
17       the Company's next standard service offer (SSO). Finally, I address the  
18       comparison between the ESP and the expected results under R.C. 4928.142 in  
19       respect of pricing.

## **II. PRIMARY COMPONENTS OF THE ESP**

20  **Q.   PLEASE DESCRIBE THE PRIMARY COMPONENTS OF DUKE**  
21       **ENERGY OHIO'S ESP AS SET FORTH IN THE STIPULATION.**

1 A. Duke Energy Ohio witness Julia S. Janson provides details on the ESP in her  
2 Supplemental Direct Testimony, including the support for the Commission's three  
3 part test for approving stipulations. But I briefly mention here the structure so as  
4 to provide a foundation for the riders under the plan about which I testify. The  
5 Company's ESP is comprised of market-based pricing elements for both capacity  
6 and energy, the intent of which is to provide customers with immediate access to  
7 the competitive markets. The ESP further provides a degree of stability and  
8 certainty with respect to the financial integrity of Duke Energy Ohio for the term  
9 of the ESP as the Company fulfills its commitment to legally separate its  
10 generation assets from the electric distribution utility (EDU) by transferring its  
11 generation fleet to a non-regulated affiliate.

12 Because the ESP is substantially different from the Company's current  
13 ESP, which is set to expire on December 31, 2011, and is a modification of the  
14 ESP originally proposed in these proceedings, I have prepared a schedule  
15 summarizing the various riders that will be in effect upon approval of the ESP.  
16 This document is included as Attachment I to the Stipulation. For ease of  
17 reference, the table below summarizes the new riders that comprise the ESP and  
18 describes their avoidability.

<b>Table 1 – New Riders</b>		
<b>Rider Name</b>	<b>Description</b>	<b>Bypassable?</b>
Rider RC	Retail Capacity	Yes
Rider SCR *	Supplier Cost Reconciliation	Conditional
Rider RE	Retail Energy	Yes
Rider AER-R	Alternative Energy Recovery Rider	Yes

Rider RECON	Reconciliation Rider for over-/under-recovery of eliminated ESP-era riders	Yes
Rider UE-GEN	Uncollectible Expense Rider for Generation	Conditional
Rider ESSC*	Electric Service Stability Charge	No
Rider LFA*	Load Factor Adjustment	No

\* Not included in June 20, 2011, filing.

1    **Q.    ARE THERE OTHER ITEMS IN THE ESP THAT DIFFER FROM WHAT**  
2    **COMPANY INITIALLY PROPOSED IN THESE PROCEEDINGS?**

3    A.    Yes. As part of the settlement of this case, the Company is withdrawing its  
4    proposal to create two riders, Rider DR (Distribution Reliability) and Rider PSM  
5    (Profit Sharing Mechanism). Further, certain riders that were approved in Duke  
6    Energy Ohio's current ESP under Case No. 08-920-EL-SSO, *et al.*, will continue  
7    as part of the ESP. Those riders are Rider DR-IM, Rider SAW, Rider SAW-R,  
8    and Rider ECF<sup>1</sup>. As these riders are unchanged by this Stipulation and are  
9    remaining a part of the Company's tariffs, I do not discuss them in detail in my  
10   testimony.

11            Finally, upon implementation of the ESP, a number of existing riders,  
12   approved in connection with the Company's current ESP, will be terminated.  
13   Again, Attachment I to the Stipulation includes a comprehensive summary of the  
14   Company's Riders and for ease of reference, Table 2 below is a summary of the  
15   riders that will not exist under the new ESP.

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<sup>1</sup> Rider DR-IM recovers costs related to electric SmartGrid investment; Riders SAW and SAW-R recover costs related to energy efficiency programs; and Rider ECF recovers certain economic development costs.

<b>Table 2 – Riders Being Eliminated</b>	
<b>Rider Name</b>	<b>Description</b>
Rider PTC-BG	Price-to-Compare: Base Generation
Rider PTC-FPP	Price-to-Compare: Fuel and Purchased Power
Rider PTC-AAC	Price-to-Compare: Annually Adjusted Component
Rider SRA-CD	System Reliability Adjustment: Capacity Dedication
Rider SRA-SRT	System Reliability Adjustment: System Reliability Tracker
Rider SRA-SC	Shopping Credit Rider
Rider DRI*	Distribution Reliability Investment Rider
Rider RTC*	Regulatory Transition Charge

\* These riders are being eliminated because they are obsolete.

1    **Q.    PLEASE SUMMARIZE HOW THE SHOPPING AND NON-SHOPPING**  
2        **CUSTOMERS' PRICES FOR GENERATION WILL BE DETERMINED.**

3    A.    For non-shopping customers taking standard service offer (SSO) supply from  
4        Duke Energy Ohio, the SSO price will be determined primarily by the price that  
5        results from the procurement of energy and capacity via a competitive bidding  
6        process (CBP) plan. The CBP includes an auction that will yield bundled prices  
7        for energy and capacity on a \$/MWh basis. The resulting average rate for the  
8        bundled capacity and energy product will be decoupled so that the prices for  
9        capacity and energy can ultimately be shown separately on customers' bills as two  
10       separate riders, Rider RC (Retail Capacity) and Rider RE (Retail Energy).

11                Decoupling the capacity and energy components of the CBP auction  
12       results is easily achieved insofar as the underlying capacity price in the auction

1 results must be the PJM market price<sup>2</sup> for the applicable delivery period. The  
2 total cost of capacity is the applicable Final Zonal Capacity Price (FZCP) for the  
3 Duke Energy Ohio and Duke Energy Kentucky (DEOK) load zone region for the  
4 applicable delivery period<sup>3</sup> times the number of days times the reliability  
5 obligation. To convert the total cost of capacity into an average rate for capacity,  
6 divide the total by the projected kWh sales for the delivery period. Formulaically,

$$\text{Avg Capacity Cost (\$/kWh)} = \frac{\text{FZCP}_t * \text{Reliability Obligation}_t * \text{Days in Delivery Period "t"}}{\text{kWh sales in delivery period adjusted for losses}}$$

10 Where "t" is the PJM Planning Year

11 The resulting average capacity rate (*i.e.*, \$/kWh) is subtracted from the bundled  
12 auction price to determine the average rate for the energy component of the  
13 auction price, which will recover all costs for SSO supply other than capacity. To  
14 the extent SSO supply for a given delivery period is provided for in multiple  
15 auctions, the weighted-average bundled price for all supply procured for that  
16 delivery period will be used to determine the underlying average prices for  
17 capacity and energy.

**A. Rider RE (Retail Energy)**

18 **Q. PLEASE DESCRIBE RIDER RE.**

19 A. The Company's ESP decouples capacity from energy just as was proposed in the  
20 Application for Approval of an ESP filed on June 20, 2011 (Application). The

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<sup>2</sup> The market price for this purpose is the FZCP for the delivery period associated with the SSO auctions.

<sup>3</sup> Per the Stipulation, the first delivery period is January 1, 2012, through May 31, 2013. The second delivery period is June 1, 2013, through May 31, 2014. The third delivery period is June 1, 2014, through May 31, 2015.

1 Company's Rider RE will be the mechanism to recover energy costs for SSO  
2 supply and will be implemented generally as proposed in the Company's  
3 Application.

4 The wholesale market will be the exclusive provider of energy for retail  
5 customers in that the Company will procure 100 percent of its retail energy  
6 requirement via a CBP, as detailed in the Direct Testimony of Duke Energy Ohio  
7 witness Robert J. Lee filed in support of the Company's Application in these  
8 proceedings. As proposed by Mr. Lee, such wholesale auctions generally will be  
9 conducted two times per year<sup>4</sup> for the duration of the ESP and, after the approval  
10 process is complete, the results of the auctions will be converted into retail rates  
11 for Duke Energy Ohio's SSO customers. Attachment B to the Stipulation  
12 includes schedules showing the allocation and conversion of energy rates under  
13 Rider RE.

14 **Q. ONCE THE AVERAGE PRICES FOR CAPACITY AND ENERGY**  
15 **PROCURED IN THE CBP AUCTION ARE DECOUPLED, HOW WILL**  
16 **THE COMPANY TRANSFORM THE AVERAGE ENERGY RATE INTO**  
17 **RETAIL RATES TO BE COLLECTED IN RIDER RE?**

18 **A.** Generally, the average retail energy rate will be the same for all customers and for  
19 all kWhs delivered to SSO customers; however, there are some modifications that  
20 are necessary for converting the rates to be recovered in Rider RE. First, the  
21 average price of the energy procured in the CBP auction will be adjusted for

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<sup>4</sup> During 2011, there will be only one auction, as there would be insufficient time for two auctions. Attachment A to the Stipulation provides a calendar for the planned auctions under ESP.

1 applicable losses. For all customer classes except those taking service under Rate  
2 Schedule TS (Transmission Service), the average energy price in the auction will  
3 be grossed up by the distribution losses at 6.504 percent. For Rate TS, the Rider  
4 RE will be set at the average energy rate grossed up for Duke Energy Ohio's  
5 system transmission losses or 3.134 percent.

6 The only other adjustment to convert the average energy rate in the  
7 auction to Rider RE rates is to accommodate the existing seasonal rate structure  
8 for residential and small commercial customers. The current rate structure for  
9 residential customers is such that usage up to 1,000 kWh per month is charged at  
10 the same rate per kWh in winter and in summer; however, above 1,000 kWh, the  
11 current average generation rates increase during the summer months (June  
12 through September) and decrease during the winter months (October through  
13 May). In order to ensure that the benefits of the ESP accrue equitably to all, it  
14 was necessary to preserve the seasonal rate structure as much as possible by  
15 converting the average Rider RE rate applicable to residential into different rates  
16 for each rate block. This is easily accomplished by allocating the overall energy  
17 cost recoverable from residential customers to each rate block based on existing  
18 base generation revenue plus fuel from each of those blocks. For the purpose of  
19 this calculation, the base generation and fuel rates for the fourth quarter of 2011  
20 will be used.

21 Small commercial customers served under Rate DM have a similar  
22 situation and the ESP addresses the seasonality issue with this group in the same  
23 manner.

1           Exhibit 3 of Attachment B to the Stipulation provides a detailed  
2           illustration of the calculation of Rider RE.

3   **Q.   IS THE RIDER RE AGREED TO IN THE STIPULATION DIFFERENT**  
4   **FROM THE RIDER RE INITIALLY PROPOSED BY THE COMPANY IN**  
5   **ITS JUNE 20, 2011, APPLICATION?**

6   A.   The end result of the rates for Rider RE is essentially the same as initially  
7       proposed by the Company in its Application. In the Application, the Company  
8       contemplated that the CBP auction would only be for energy, whereas the ESP, as  
9       described in the Stipulation, provides that the CBP auction would be for energy  
10      and capacity. The energy component under the ESP should be essentially the  
11      same as before. The only difference in the ultimate rates will be calculated for  
12      Rider RE is the accommodation for seasonal rates for residential and small  
13      commercial. Other than that minor difference, Rider RE rates should be the same  
14      under the Application and the ESP as detailed in the Stipulation.

15   **Q.   IS RIDER RE BYPASSABLE?**

16   A.   Yes. Rider RE is unconditionally bypassable for all customers taking service  
17      from a competitive retail electric service (CRES) provider.

**B.   Rider RC (Retail Capacity)**

18   **Q.   PLEASE DESCRIBE HOW RIDER RC IS CALCULATED.**

19   A.   Rider RC is the mechanism to establish the capacity component of Duke Energy  
20      Ohio's ESP. As described above, the total cost of capacity included in the SSO  
21      supply procured in the CBP auction is product of the FZCP multiplied by the days  
22      in the delivery period multiplied by Duke Energy Ohio's reliability obligation as

1 determined by Schedules 8.0 (discussing RPM) and 8.1 (discussing FRR) of the  
2 Reliability Assurance Agreement of PJM's tariffs. As agreed to in the  
3 Stipulation, the total dollar amount of capacity costs applicable to the delivery  
4 period is allocated to the rate classes in the following manner: Rate TS and Rate  
5 DP are allocated total capacity costs based on a 1 CP<sup>5</sup> allocation. All other rate  
6 classes are allocated the capacity costs based on an average of the 1 CP allocation  
7 and an allocation based on kWh sales. The methodology is illustrated in Exhibit 2,  
8 page 1, of Attachment B to the Stipulation. The allocation of Rider RC was the  
9 subject of negotiation among the parties to these proceedings and the allocation  
10 methodology I have described herein is the product of these negotiations.

11 Once the costs have been allocated to the rate classes, the costs are again  
12 grossed up for applicable losses and then the rates are calculated using existing  
13 rate blocks for each class. The dollar amount to be recovered in each rate block is  
14 based on the relative share of base generation revenue derived from each rate  
15 block. The methodology for this part of the Rider RC rate design is illustrated in  
16 Exhibit 2, page 2, of Attachment B to the Stipulation.

17 **Q. HOW OFTEN WILL RIDER RC BE UPDATED?**

18 A. It is only necessary to update Rider RC once for each delivery period. The  
19 Company proposes that the update occur, via a filing with the Commission, within  
20 30 days after the Commission approves the auction result for the last tranche of  
21 SSO load to be procured for an upcoming delivery period. The Company will

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<sup>5</sup> A 1 CP allocation represents the relative share of each rate class' contribution to the peak annual demand during the year.

1 make a filing with the Commission showing the detailed calculations required to  
2 convert the auction results into retail prices for Rider RC and RE, including  
3 updated allocation factors and billing determinants. The new rates would then go  
4 into effect on a 'service-rendered' basis on the first billing cycle of the applicable  
5 delivery period.

6 **Q. HOW IS THE RIDER RC, AGREED TO IN THE ESP STIPULATION,**  
7 **DIFFERENT THAN THE RIDER RC ORIGINALLY PROPOSED BY THE**  
8 **COMPANY IN ITS JUNE 20, 2001, APPLICATION?**

9 A. As originally proposed and as described in my Direct Testimony, the Rider RC  
10 was to be predicated upon a formula rate for developing the fixed costs, including  
11 a reasonable rate of return, associated with the Company's Legacy Generating  
12 Assets that, under the Company's proposal, would have been effectively  
13 dedicated to Ohio customers. Essentially, Rider RC would have been a 'cost-  
14 based' charge for the capacity needed to serve all customers. In the ESP, the  
15 same amount of capacity is needed to serve all of Duke Energy Ohio's customers;  
16 however, pursuant to the Stipulation, the only nexus between the Company's own  
17 generation and the capacity used to serve load is through the Company's Fixed  
18 Resource Requirement (FRR) obligation in PJM. Consequently, rather than  
19 customers paying for capacity at Duke Energy Ohio's embedded cost of service  
20 for the nine-year and five-month period proposed in the Application, they will  
21 now be paying market-based prices for capacity in perpetuity.

22 **Q. HOW LONG WILL DUKE ENERGY OHIO BE UNDER PJM'S FRR**  
23 **OBLIGATION?**

1 A. It is my understanding that the Company's FRR obligation is currently through  
2 May 31, 2016. The Company has committed that it will attempt to terminate its  
3 FRR obligation sooner to participate in the 2015/2016 planning year Base  
4 Residual Auction (BRA).

5 **Q. PLEASE EXPLAIN THIS COMMITMENT TO EXIT THE FRR**  
6 **OBLIGATION A YEAR EARLY.**

7 A. It is my understanding that as part of the realignment to PJM, Duke Energy Ohio  
8 was required to be an FRR entity in PJM for a transitional period until the  
9 Company is able to participate in the PJM Reliability Pricing Model (RPM)  
10 auctions. As of January 1, 2012, the effective date of Duke Energy Ohio's PJM  
11 membership, PJM will have already conducted the BRA to determine the price  
12 and procure the needed capacity for its market footprint for the PJM planning  
13 years<sup>6</sup> 2011/2012, 2012/2013, 2013/2014, and 2014/2015. As a result, Duke  
14 Energy Ohio was required to enter PJM as an FRR entity for a transitional period.

15 In addition, Duke Energy Ohio elected to enter into PJM as an FRR entity,  
16 which constitutes a five-year commitment under PJM's tariffs. That five-year  
17 commitment will overlap with the transitional FRR period making Duke Energy  
18 Ohio an FRR entity through 2016/2017 planning year. As a result of the FRR  
19 commitment, the Company did not participate in the most recent BRA, which  
20 occurred in the spring of 2011 for the 2014/2015 planning year. However, the  
21 Company believes that under PJM's tariffs, it may be possible to exit this FRR  
22 obligation a year early under PJM's rules and to participate in the BRA this

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<sup>6</sup> PJM planning year is from June through May.

1 coming spring for the 2015/2016 planning year. The Signatory Parties to the  
2 Stipulation expressed their desire that Duke Energy Ohio attempt to exit the FRR  
3 obligation early and the Stipulation reflects such a commitment on the part of  
4 Duke Energy Ohio.

5 **Q. IS RIDER RC A BYPASSABLE RIDER?**

6 A. Yes.

7 **Q. PLEASE EXPLAIN THE MEANING AND IMPACT OF THIS CHANGE**  
8 **FROM USING A COST-BASED CHARGE FOR CAPACITY AS**  
9 **PROPOSED BY THE COMPANY IN ITS APPLICATION TO AN**  
10 **AUCTION-DETERMINED RETAIL CAPACITY PRICE.**

11 A. At a basic level, this change means that customers will be paying a market price  
12 for capacity instead of the cost-of-service based charge proposed by Duke Energy  
13 Ohio in its Application. The Company's Application in these proceedings  
14 proposed a long-term ESP, with a non-bypassable cost of service-based price to  
15 determine the retail price for capacity. As explained in Duke Energy Ohio's  
16 Application, the Company's embedded cost to maintain and operate its fleet of  
17 Legacy Generating Assets was not reflective of the current and near-term market  
18 price for capacity. This ephemeral inequity between the Company's embedded  
19 cost of service and the lower current market price stimulated a robust level of  
20 switching among all customer classes in the Company's service territory. As a  
21 result, fewer customers are taking the Company's SSO price necessary, at least  
22 for the short term, to support Duke Energy Ohio's continued ownership,  
23 operation, and maintenance of generating assets dedicated to serve customers.

1 The results of Duke Energy Ohio's annual significantly excessive earnings test  
2 (SEET) during the current ESP reflect the Company's significantly declining rate  
3 of return since the inception of the current ESP and it spotlights the dire  
4 implications of this disconnect between market prices and embedded costs.

5 During the settlement discussions of this case, the Parties made it clear  
6 that a market price for the SSO service was preferred. This necessitated a change  
7 to the Company's proposed Rider RC. The change to Rider RC in the ESP means  
8 that customers will pay a market price for capacity at the FZCP for the FRR  
9 duration and will pay a market price for capacity established by competitive  
10 auction following that term. In either case, the price for capacity will be without  
11 reference to Duke Energy Ohio's cost of service. The Company is agreeing to  
12 implement a full CBP to determine the retail price for its SSO. This allows  
13 customers in Duke Energy Ohio's service territory to receive the benefit of the  
14 current lower-priced capacity market and puts Ohio firmly on the path towards a  
15 full competition.

**C. Rider SCR (Supplier Cost Reconciliation)**

16 **Q. WHAT IS THE PURPOSE OF THE SUPPLIER COST**  
17 **RECONCILIATION RIDER (RIDER SCR) SHOWN IN YOUR TABLE 1**  
18 **ABOVE?**

19 **A.** Rider SCR is a new rider agreed to as part of this Stipulation. The costs to be  
20 recovered in Rider SCR were fully described in the Company's Application and  
21 were included as part of the Company's original proposal for Rider RE. Rider  
22 SCR is essentially a means of truing up the costs of procuring SSO supply to the

1 revenue collected from customers for SSO service. The Commission has  
2 approved a similar mechanism for the FirstEnergy distribution utilities as part of  
3 the CBP in their most recent ESP.

4 Rider SCR provides a means of making the customers, Company, and  
5 SSO suppliers whole for the energy and capacity procured to meet the SSO load  
6 obligation. Toward that end, Rider SCR will include (1) a reconciliation of the  
7 difference between revenue collected from SSO customers and the payments  
8 Duke Energy Ohio will make to SSO suppliers for the power they actually  
9 deliver, (2) the cost of consultants hired by the Company or by Commission Staff,  
10 if charged to the Company, to administer the CBP auction, and (3) any other costs  
11 directly associated with the procurement process.

12 **Q. WHY IS THERE A NEED TO RECONCILE THE DIFFERENCE**  
13 **BETWEEN REVENUE COLLECTED FROM SSO CUSTOMERS AND**  
14 **THE PAYMENTS DUKE ENERGY OHIO MAKES TO SSO SUPPLIERS?**

15 **A.** The issue stems from the combination of differences in rate design among the  
16 classes and the fact that switching is not uniform across all rate classes. If all  
17 SSO customers were charged exactly the same price for Rider RC and Rider RE  
18 for every MWh of SSO usage, then the revenue collected would always exactly  
19 equal the charges from SSO suppliers. However, because the Stipulation includes  
20 an agreed-upon rate design that results in differences in the SSO rates for each  
21 class and even creates differences for customers within each class (due to seasonal  
22 factors and load factors), and because switching levels vary across rate classes,

1 the total revenue collected from SSO customers will likely be different than the  
2 total dollars invoiced to the Company for SSO service.

3 **Q. WILL YOU DESCRIBE SOME OF THE OTHER COST ITEMS THAT**  
4 **WILL BE INCLUDED IN RIDER SCR?**

5 A. There will be direct costs incurred by Duke Energy Ohio in conducting the  
6 auction. As described in the Application and as agreed to in the Stipulation, an  
7 independent consultant, CRA International, will conduct the auctions for SSO  
8 supply. Chapter 4901:1-35-3(B)(2)(l) of the Ohio Administrative Code allows the  
9 Company to recover the cost of the CBP plan consultant. As provided for in this  
10 section, the costs billed to Duke Energy Ohio for this service will be included in  
11 Rider SCR. Similarly, the Commission may hire another consultant to monitor  
12 the auction and review the auction results. To the extent the Company is billed  
13 for the Commission's consultant, this cost will also be included in Rider SCR.  
14 Costs associated with creating and maintaining any website directly related to the  
15 CBP auction would be included.

16 Finally, any net costs incurred by Duke Energy Ohio to provide SSO  
17 service in case of default by a supplier and any other costs directly attributable to  
18 the auction or interaction with suppliers will be eligible for recovery in Rider  
19 SCR.

20 **Q. WILL THE COMMISSION HAVE AN OPPORTUNITY TO REVIEW**  
21 **THE RIDER SCR AND TO REVIEW THE COSTS TO BE INCURRED IN**  
22 **RIDER SCR?**

1 A. Absolutely. The Stipulation provides that Rider SCR would be updated quarterly  
2 and that the Commission may audit the rider annually. As in current audits cost  
3 recovery riders (*e.g.*, Rider PTC-FPP), the Commission Staff will review the prior  
4 year's quarterly filings and either conduct an audit itself or hire an independent  
5 auditor to review the appropriateness of the costs included in Rider SCR. Similar  
6 to the current cost recovery riders, Commission Staff would issue a report and the  
7 Company would have an opportunity to address any issues raised during the audit.

8 **Q. HOW WILL THE RIDER SCR RATES BE DETERMINED?**

9 A. At the time of the quarterly filings, any over- or under-recovery of costs eligible  
10 for recovery in Rider SCR will be divided by projected SSO sales for the  
11 upcoming quarter (*i.e.*, the quarter for which the updated Rider SCR rates will be  
12 applicable). The result is that Rider SCR will be charged to all customers on a  
13 cents per kWh basis for all levels of usage. From month-to-month, any balance of  
14 over- or under-recovery will accrue a carrying charge equal to the electric  
15 distribution utility's weighted-average cost of long-term debt approved in its most  
16 recent retail rate case.

17 I emphasize that nothing in Rider SCR is intended to allow Duke Energy  
18 Ohio to profit from its existence. Rather, it is only intended to make the  
19 Company, customers, and suppliers whole.

20 **Q. WILL RIDER SCR BE A BYPASSABLE OR NON-BYPASSABLE**  
21 **CHARGE?**

22 A. Rider SCR is intended to be a bypassable charge; however, the Stipulation  
23 provides that, under certain conditions, the charge become a non-bypassable

1 charge. In a competitive environment, where customers are free to switch to  
2 alternative suppliers, there is always the risk that some cost will be incurred  
3 during a period when there was little switching that would need to be recovered in  
4 another period when there was significant switching. As long as there is  
5 sufficient SSO load or for as long as the credits or charges to be flowed through  
6 Rider SCR are relatively small, Rider SCR will remain bypassable. If the net  
7 credits/charges and/or switching is above a certain threshold level, the Company  
8 is proposing to make Rider SCR non-bypassable. This is necessary to mitigate  
9 the potential for having the proverbial last non-switched customer have to pay for  
10 all of the cost avoided by the customers who have already switched.

11 **Q. PLEASE DESCRIBE THE THRESHOLD THAT WOULD TRIGGER**  
12 **THIS RIDER BECOMING NON-BYPASSABLE.**

13 A. The threshold would be met if the balance of over- or under-recovery of costs  
14 recoverable in Rider SCR exceeds 10 percent of the total costs for SSO supply  
15 (i.e., all revenue collected for SSO service including Rider RE, Rider RC, Rider  
16 AER-R, and Rider RECON) for the most recent twelve-month period. If the  
17 threshold is met, Duke Energy Ohio will apply to the Commission to convert  
18 Rider SCR from a bypassable rider to a non-bypassable rider. When the balance  
19 of over- or under-recovery falls below the threshold for two consecutive quarters,  
20 Rider SCR will automatically revert back to a bypassable charge, and will then  
21 only be charged or credited to SSO customers.

**D. Rider ESSC (Electric Services Stability Charge)**

22 **Q. PLEASE DESCRIBE THE ELECTRIC SERVICES STABILITY CHARGE.**

1 A. Duke Energy Ohio witness Janson discusses the Electric Service Stability Charge  
2 Rider (Rider ESSC) in her Supplemental Direct Testimony. In summary, Rider  
3 ESSC is a non-bypassable charge. The Signatory Parties have agreed that Duke  
4 Energy Ohio shall be permitted to implement an ESSC rate to collect \$110  
5 million per year for a period of three years commencing January 1, 2012, with the  
6 collection to be trued-up annually and the total amount to be collected equals to  
7 \$330 million.

8 **Q. WHY IS RIDER ESSC NECESSARY?**

9 A. From the Company' perspective, the need for Rider ESSC is simple. Duke Energy  
10 Ohio is required to supply capacity for the Company's entire footprint until at  
11 least the 2015/2016 PJM planning year. And Duke Energy Ohio will satisfy this  
12 obligation, in part, with its Legacy Generation Assets because the BRAs to  
13 procure capacity in PJM have already occurred through the 2014/2015 planning  
14 year, which extends to the end of the ESP as provided for the Stipulation.  
15 Although the ESP contained in this Stipulation will result in a full competitive bid  
16 for Duke Energy Ohio's SSO price, and Duke Energy Ohio is committing to  
17 transfer its generating assets to an affiliate or subsidiary, that transfer will take  
18 time and the Company must continue to meet its PJM capacity obligation.  
19 Moreover, as part of the negotiation in the settlement of this ESP, the Company  
20 has agreed not to participate in auctions for its own SSO load with the Legacy  
21 Generating Assets as a resource. Accordingly, the Company has agreed that its  
22 Legacy Generation Assets will only participate in the wholesale PJM day-ahead  
23 and real-time energy markets for the first three calendar years of the ESP. Rider

1 ESSC is a means of providing economic stability and certainty during the term of  
2 the ESP, while recognizing the value of Duke Energy Ohio's commitment of its  
3 capacity and its commitment to legally separate its Legacy Generation Assets so  
4 that an unfettered and fully competitive market will exist in its service territory.

5 **Q. HOW WILL TOTAL RIDER ESSC REVENUES BE ALLOCATED**  
6 **AMONG CUSTOMER CLASSES?**

7 A. The allocation methodology was negotiated among the Signatory Parties. Rider  
8 ESSC will first be allocated to residential, electric space heating, and lighting  
9 customers based on the average of the 1 CP allocation factor (as described above)  
10 and energy (*i.e.*, kWh sales). The Rider ESSC revenue not allocated to  
11 residential, space heating, and lighting will then be allocated among the remaining  
12 classes based on a 1 CP basis.

13 Once the total Rider ESSC revenue is allocated among the rate classes, the  
14 Rider ESSC rates will be converted into final retail rates for each rate block in the  
15 same manner as described for Rider RC. Exhibits 1 and 2 of Attachment B-1 to  
16 the Stipulation provide detailed calculations to determine the Rider ESSC rates  
17 that will be in effect for the first billing cycle of January 2012.

**E. Rider LFA (Load Factor Adjustment**

18 **Q. PLEASE DESCRIBE THE LOAD FACTOR ADJUSTMENT RIDER LFA.**

19 A. Rider LFA is a mechanism that only applies to non-residential demand-metered  
20 rates. Rider LFA consists of a non-bypassable demand charge for all billed kW of  
21 demand and a corresponding non-bypassable energy credit for all kWh of usage  
22 designed to stabilize retail prices electric service by enhancing some of the

benefits associated with high load factor customers under current rates. For customers served under Rates DS, DP, and TS, there will be a non-bypassable demand charge of \$8/kW per month and a non-bypassable energy credit initially set at \$0.020961/kWh to produce net revenues of \$0 for Rates DS, DP, and TS as a group. The energy credit will be trued up quarterly to maintain net revenue neutrality.

**Q. WHAT IS THE INTENT OF RIDER LFA?**

A. The intent of Rider LFA is to recognize that customers that maintain a higher than average load factor are generally more efficient users of electricity in that their pattern of consumption is not as volatile as a low load factor, higher energy user. High load factor customers are typically more sensitive to volumetric energy charges as well, which suggests that a rider such as Rider LFA, will serve to mitigate the impact on energy intensive industries.

It is noteworthy that Rider LFA has absolutely no impact on residential and other non-demand metered rate classes.

**Q. IS THERE ANY PRECEDENT FOR SUCH A RIDER?**

A. Yes. The FirstEnergy distribution companies have a similar rider for certain rate classes, which was approved in Case No. 10-388-EL-SSO. Like Duke Energy Ohio's Rider LFA, the demand charge is \$8.00 per kW-month. The corresponding per kWh credit is slightly different owing to differences in the average load factors for FirstEnergy's customers compared to the customers eligible for Duke Energy Ohio's Rider LFA. Similarly, the stipulation agreed to by a number of parties in AEP-Ohio's ESP (Case No. 11-346-EL-SSO, *et al.*)

1 includes a load factor adjustment rider. The rates for the demand charge and the  
2 energy credits are slightly different but the purpose of the rider is the same.

**F. Rider AER-R (Alternative Energy Resource Requirement)**

3 **Q. PLEASE DESCRIBE RIDER AER-R.**

4 A. As agreed to in the Stipulation, and as proposed in the Company's Application,  
5 Rider AER-R will recover the Company's costs for complying with the Ohio's  
6 alternative energy resource requirements and will be implemented as filed in these  
7 proceedings. The rider will be filed quarterly and will include true-up provisions.  
8 This rider will also be subject to an annual audit to be conducted by Commission  
9 Staff. To the extent the Commission Staff uses an independent auditor and bills  
10 the Company for this third party service, Duke Energy Ohio will include such  
11 costs in its Rider AER-R for recovery.

12 **Q. IS RIDER AER-R A BYPASSABLE RIDER?**

13 A. Yes. Rider AER-R is unconditionally bypassable by customers taking service  
14 from CRES providers.

**G. Rider RECON (Reconciliation)**

15 **Q. PLEASE DESCRIBE RIDER RECON AS AGREED TO IN THE**  
16 **STIPULATION.**

17 A. Rider RECON will be implemented as described in my Direct Testimony. The  
18 purpose of Rider RECON is simply to true up Duke Energy Ohio's current Rider  
19 PTC-FPP (fuel and purchased power) and Rider SRA-SRT (system reliability  
20 tracker), both of which will expire upon the effective date of the ESP proposed in  
21 the Company's Application. It is a near certainty that both of those riders will

1 have a balance of either an over-recovery or an under-recovery as of December  
2 31, 2011. Consequently, the purpose of this rider is to make the customer and the  
3 Company whole for all costs charged through these riders during the current ESP.

4 **Q. IS RIDER RECONABYPASSABLE RIDER?**

5 A. Yes. Rider RECON is unconditionally bypassable by customers taking service  
6 from CRES providers.

**H. Rider UE-GEN (Uncollectible Generation Expense)**

7 **Q. PLEASE DESCRIBE THE PURPOSE AND APPLICABILITY OF RIDER**  
8 **UE-GEN.**

9 A. Pursuant to the ESP Stipulation, Rider UE-GEN is a mechanism to recover the  
10 cost of bad debt associated with generation service. Rider UE-GEN as initially  
11 proposed in the Application is mostly unchanged; however, there are some  
12 changes that were agreed to in the Stipulation.

13 Consistent with a proposal in the Application, Duke Energy Ohio is  
14 modifying its Purchase of Accounts Receivables (PAR) program to reduce the  
15 discount rate suppliers pay for this service to zero percent. The PAR program  
16 will work much like it does in its current form with the exception of the reduced  
17 discount rate and the change to delay the date when Duke Energy Ohio provides  
18 the payment for the receivables. Generally, Rider UE-GEN is applicable to all  
19 retail jurisdictional customers in the Company's electric service territory,  
20 including those customers taking generation service from a CRES provider.

21 As agreed to in the Stipulation, there are two exceptions when customers  
22 will avoid payment of Rider UE-GEN. The first category of customers who will

1 avoid Rider UE-GEN are those customers served by CRES providers and who  
2 receive a bill directly from the CRES provider for generation service. The risk of  
3 collecting the receivables for these 'dual billed' customers is borne exclusively by  
4 the CRES provider. The other group of CRES customers who can avoid Rider  
5 UE-GEN are customers of CRES providers who do not participate in the PAR  
6 program but also do not dual bill. Similar to CRES providers that provide dual  
7 billing, those CRES providers that do not participate in the PAR program bear  
8 sole responsibility for any uncollectible expense associated with their portion of  
9 the customers' bills. Attachment E to the Stipulation is the Rider UE-GEN tariff  
10 as agreed upon by the Signatory Parties to the Stipulation.

11 Rider UE-GEN will initially be set at \$0. The Company will make its  
12 initial application to set Rider UE-GEN rates in conjunction with its filing for  
13 Rider UE-ED<sup>7</sup> in May 2012. The annual filings are subject to Commission  
14 review and new Rider UE-GEN rates will be implemented only upon Commission  
15 approval. Finally, consistent with the methodology used in the Company's Rider  
16 UE-ED, no carrying costs accrue on the unrecovered balance of uncollectible  
17 expenses eligible for recovery in Rider UE-GEN.

**I. Rider DR (Distribution Reliability)**

18 **Q. PLEASE DESCRIBE HOW THE STIPULATION ADDRESSES THE**  
19 **COMPANY'S PROPOSED RIDER DR.**

20 **A.** Rider DR, as proposed in the Application, was intended to recover incremental  
21 revenue requirement for distribution-related reliability investment that is not

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<sup>7</sup> Uncollectible Expense Rider for recover uncollectible expenses associated with electric delivery service.

1 otherwise recovered through base rates, and a rate of return. As part of the  
2 Stipulation, Duke Energy Ohio agreed to withdraw its Rider DR as proposed in  
3 these proceedings. The Stipulation also includes a provision that the Signatory  
4 Parties agree that Duke Energy Ohio's existing SmartGrid recovery mechanism,  
5 Rider DR-IM, is not impacted by the Stipulation.

6 **Q. IN THE OCTOBER 24, 2011, STIPULATION, THE COMPANY AGREED**  
7 **TO FILE AN APPLICATION TO PROPOSE A DECOUPLING**  
8 **MECHANISM RELATED TO ITS ENERGY EFFICIENCY PROGRAM.**  
9 **WILL YOU EXPLAIN THE SIGNIFICANCE OF THIS COMMITMENT?**

10 **A.** Although the Company attempted to make the case in its Application that the  
11 proposed Rider DR would at least partially accomplish the objective of  
12 decoupling the Company's distribution revenue from energy sales, it was evident  
13 that many of the parties were not in favor of the Rider DR, as proposed by the  
14 Company. However, recent statements made by Commissioners, in related cases,  
15 make evident a desire to have utilities seek alternative means of mitigating the  
16 impact of distribution revenue loss resulting from energy efficiency mandates.  
17 The Commission specifically mentioned decoupling as a possible solution for this  
18 problem.

19 Because of the complexity involved in formulating a viable decoupling  
20 mechanism that is also agreeable to all of the thirty-two parties in the case, the  
21 Company committed to file a separate application soon after the Stipulation is  
22 approved wherein it would propose a decoupling mechanism to address the lost  
23 distribution revenue issue addressed by the Commission.

**J.     Commercial Activity Tax**

1     **Q.     ARE THERE ANY ADJUSTMENTS THAT NEED TO BE MADE TO THE**  
2           **RIDERS AGREED TO IN THE STIPULTION THAT HAVE NOT BEEN**  
3           **ADDRESSED THUS FAR?**

4     A.     There is one adjustment that must always be made to incremental changes in  
5           revenue received by utilities in Ohio, whether the change is an increase or  
6           decrease in revenue. R.C. 5751 requires most companies in Ohio to pay a  
7           Commercial Activity Tax (CAT), set at 0.26 percent, on revenue received in  
8           Ohio. For a utility and for CRES providers operating in Ohio, the CAT is  
9           applicable to retail revenue.

10           Because of the CAT, an adjustment to all riders involving incremental  
11          revenue to Duke Energy Ohio will have to be adjusted in order to ensure that (1)  
12          the Company's SSO rates are fairly set; (2) the rates are not artificially lower than  
13          the rates CRES providers will have to charge to recover the CAT; and (3) the  
14          utility is made whole for the cost of providing SSO service. Consequently, Rider  
15          RC, Rider RE, Rider AER-R, Rider ESSC, Rider SCR, Rider RECON, and Rider  
16          UE-GEN will be adjusted to include the 0.26 percent CAT that the Company will  
17          be required to pay to the Ohio Treasurer.

18   **Q.     HOW HAS THE CAT ISSUE BEEN ADDRESSED IN THE COMPANY'S**  
19           **CURRENT ESP?**

20   A.     One of the riders approved in the Company's last ESP, Case No. 08-920-EL-SSO  
21          was Rider PTC-AAC (Price-to-Compare - Annually Adjusted Component).  
22          Among other things, Rider PTC-AAC included recovery of incremental changes

1 in taxes related to generation. In its annual filings for Rider PTC-AAC, the  
2 Company included the impact of the CAT on its generation business. In the ESP  
3 as detailed in the Stipulation, CAT must be recovered in the retail riders as there  
4 is no other rider that will make customers and the Company whole with respect to  
5 the CAT.

**K. Summary of ESP Riders**

6 **Q. WILL YOU SUMMARIZE THE VARIOUS RIDERS THAT CUSTOMERS**  
7 **WILL BE SUBJECT TO DURING THE ESP?**

8 A. Under the ESP as detailed in the Stipulation, the only significant difference in the  
9 riders applicable to retail customers is whether the customer is a shopper or a non-  
10 shopper. The agreed-upon ESP is a considerably simpler model in that regard.

<b>Table 3 - Riders Applicable to Non-Shopper and Shopper</b>		
<b>Non-Shopper</b>		<b>Shopper</b>
<b>Generation Riders</b>		<b>Generation Riders</b>
<i>Rider RC (bypassable)</i>	➔	CRES Offer (Energy + AER + Market-Based RTO costs)
<i>Rider RE (bypassable)</i>		
<i>Rider AER-R (bypassable)</i>		
<i>Rider SCR (bypassable)<sup>(a)</sup></i>		
<i>Rider RECON (bypassable)</i>		
Rider ESSC		Rider ESSC
Rider UE-GEN <sup>(b)</sup>		Rider UE-GEN
Rider LFA (TS, DP, DS only)		Rider LFA (TS, DP, DS only)
<b>Transmission Riders <sup>(c)</sup></b>		<b>Transmission Riders <sup>(c)</sup></b>
Rider BTR		Rider BTR
<i>Rider RTO (bypassable)</i>		
<b>Distribution Riders</b>		<b>Distribution Riders</b>
Rider SAW-R		Rider SAW-R
Rider ECF		Rider ECF
Rider DR-IM		Rider DR-IM
Note: <sup>(a)</sup> As described above, Rider SCR will be bypassable in most circumstances. <sup>(b)</sup> Rider UE-GEN is only bypassable for shopping customers whose CRES providers either dual bill or opt of the PAR program <sup>(c)</sup> The Company is not seeking approval of transmission cost recovery in this proceeding. Transmission riders are shown here for purposes of comparing charges for shopping and non-shopping customers.		

1    **Q.    WHEN WILL THE NEW RATES UNDER THE ESP BECOME**  
2    **EFFECTIVE?**

3    A.    Assuming the Commission issues an order approving the Stipulation and  
4    assuming the Company accepts the ESP approved by the Commission, all of the  
5    new rates shown in the Table 1 above will become effective with the first billing  
6    cycle for January 2012, which is scheduled to be January 3, 2012. With the  
7    exception of Rider RECON, all of the new rates will be implemented on a  
8    “service-rendered” basis. Rider RECON will not become effective until  
9    approximately April 1, 2012, and will be implemented on a “bills rendered” basis.

1   **Q.    IN YOUR OPINION, WITH RESPECT TO THE RATE DESIGN AND**  
2       **GIVING CONSIDERATION TO VARIOUS COMPONENTS OF THE ESP,**  
3       **DO YOU BELIEVE THAT THE ESP VIOLATES ANY IMPORTANT**  
4       **REGULATORY PRACTICE OR PRINCIPLE?**

5    A.   I believe that the ESP is consistent with all important and relevant regulatory  
6       practices and principles and, based upon advice of counsel, does not violate any  
7       such practice or principle. The various ESP components as agreed to in the  
8       Stipulation preserve existing rate blocks for customers and, as contemplated, will  
9       produce an immediate and meaningful reduction in rates for all of the Company's  
10      SSO customers. The interaction of the various pricing components, including the  
11      load factor adjustment, allows more efficient users of electricity to enhance the  
12      benefit of their load factor and eases the transition to full market-determined  
13      pricing and is thus consistent with the principle of gradualism in rate design.  
14      Furthering the concept of rate gradualism, the Company's rate design for  
15      residential and small commercial customers preserves a rate design structure  
16      which provides for seasonal rates. Maintaining this rate design ensures that  
17      customers in these groups will experience nearly equal benefits from the  
18      Stipulated ESP in terms of changes in their SSO charges. The ESP structure also  
19      maintains the separation of generation, transmission, and distribution costs such  
20      that there are no cross-subsidies within the Company. The allocation  
21      methodologies negotiated in the settlement ensure that that there is no inter-class  
22      subsidy.

1           It is worth noting that having all but one of thirty-two parties, representing  
2           a broad spectrum of interests, customer groups, and policy goals, agree to the  
3           Stipulated ESP must provide some affirmation as to the principled nature of the  
4           overall agreement.

### III.   PROVISIONS FOR TESTING THE ESP

5   **Q.   DOES THE STIPULATION MAKE PROVISION FOR TESTING THE**  
6       **COMPANY’S ESP FOR THE PORTION OF THIS ESP THAT EXTENDS**  
7       **BEYOND THREE YEARS?**

8   **A.**   Yes.   Without offering a legal opinion, the plain reading of R.C. 4928.143(E)  
9       provides that an ESP that lasts for more than three years after its effective date is  
10      subject to a review to determine whether the plan continues to be better, in the  
11      aggregate, than the results that would otherwise apply under R.C. 4928.142.  In  
12      other words, during the fourth year of the ESP, the Commission will test the ESP  
13      to see if it continues to be better than what would result if a market rate offer  
14      (MRO) was implemented.

15           Because the ESP will last a total term of three years and five months, it  
16      does exceed the three-year threshold established in R.C. 4928.143(E) and the  
17      Commission is required to test the ESP and determine whether it continues to be  
18      better in the aggregate.  Because the Parties have also agreed that Duke Energy  
19      Ohio will file its next SSO by June 1, 2014, a year in advance of the termination  
20      of the ESP, it is anticipated that there will be ample time for the Commission to  
21      approve the next SSO.  Assuming the Commission approves and Duke Energy  
22      Ohio accepts the terms of the next ESP by March 1, 2015, the Signatory Parties

1 have agreed that the review of the ESP for the five months period is not necessary  
2 since a new ESP will be going into effect by June 1, 2015, anyway. Practically  
3 speaking it would be duplicative and burdensome for the Company, for the  
4 Commission, and for Parties to have to address both a test for the five months the  
5 ESP extends beyond the third year while at the same time, determining the next  
6 ESP to begin a short period later. Under the Stipulation, if there is not an order  
7 approving the ESP by March 1, 2015, then the Signatory Parties agree that the  
8 Commission should test the ESP to determine whether it continues to be better in  
9 the aggregate than the expected results of the MRO.

#### IV. BETTER IN THE AGGREGATE TEST

10 **Q. IS THE ESP, AS REFLECTED IN THE STIPULATION, BETTER, IN THE**  
11 **AGGREGATE, THAN EXPECTED RESULTS THAT WOULD**  
12 **OTHERWISE APPLY UNDER R.C. 4928.142, IN RESPECT OF**  
13 **PRICING?**

14 **A.** Yes. Objectively, the ESP will result in lower overall costs for retail ratepayers  
15 than what customers would experience in an MRO. That is independent of the  
16 other benefits of the ESP as more fully discussed in Ms. Janson's Supplemental  
17 Direct Testimony, including but not limited to the various shareholder  
18 contributions for economic development and low income weatherization, as well  
19 as guaranteed discounted rates for PIPP eligible customers.

20 On a pure mathematical basis, Attachment WDW SUPP-1 (also included  
21 as Attachment D to the ESP Stipulation) provides a summary of the projected  
22 total dollars that would be generated by the SSO rates under the ESP and

1 compared that to the total dollars under the SSO rates that would be expected  
2 under the MRO (*i.e.*, under R.C. 4928.142). Relying on the projected prices for  
3 market generation and Legacy ESP prices provided in the Direct Testimony Duke  
4 Energy Ohio witness Judah L. Rose, I compared the total value of both the ESP  
5 and the results that would be expected under the MRO by multiplying the ESP  
6 prices and the expected MRO prices by retail sales provides an estimate of the  
7 total value of either plan. As is shown on Attachment WDW SUPP-1, the net  
8 present value<sup>8</sup> of the benefits to customers from the Company's ESP is  
9 approximately \$62 million greater, including the other benefits associated with  
10 the Stipulation (such as the economic development and weatherization  
11 contributions) than the total value of the alternative MRO.

12 As indicated above, the estimated benefit of the ESP also includes the  
13 savings projected for PIPP customers as a result of an agreement in the  
14 Stipulation for these customers to receive a 5 percent discount off of most of their  
15 generation price. The exact terms of the Stipulation provide that PIPP customers  
16 will receive a 5 percent discount off of the sum of the rates under their applicable  
17 residential tariff for Rider RC, Rider RE, Rider SCR, Rider RECON, and Rider  
18 RTO.

19 **Q. WHAT MEANING SHOULD THE COMMISSION TAKE FROM THIS**  
20 **COMPARISON?**

21 A. First, and foremost, the figures contribute significantly to the conclusion that the  
22 ESP, as detailed in the Stipulation, is better in the aggregate than the results that

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<sup>8</sup> Using the after-tax weighted-average cost of capital as reported in Attachment WDW-1

1 could be expected under an MRO. The Ohio General Assembly undeniably  
2 contemplated that the ESP versus MRO comparison was more than just economic  
3 but the fact that, the economic benefit of the ESP, as stipulated to, is  
4 approximately \$62 million better than the MRO just on economic value is  
5 significant. As described by Ms. Janson, Duke Energy Ohio believes the ESP  
6 offers numerous other benefits that are less quantifiable. Combining the \$62  
7 million in economic value with the numerous other benefits of the ESP, it is clear  
8 that the ESP is better, in the aggregate, than the expected results under the MRO  
9 provisions.

10 **Q. ARE THERE ANY OTHER BENEFITS OF THE ESP THAT THE**  
11 **COMMISSION SHOULD CONSIDER WHEN EVALUATING THE**  
12 **STIPULATION?**

13 A. Yes. For almost two years, Duke Energy Ohio has been engaged in a  
14 collaborative working group that was created to explore dynamic pricing options  
15 for its retail customers. To date, the Company has implemented a number of pilot  
16 tariffs designed to provide customers with opportunities to manage their usage in  
17 a way that can lower their overall energy bills. The success of that program has  
18 been limited mostly because of two major factors. The first issue is technical –  
19 customers must have a smart meter. As the Company continues replacing  
20 existing meters with smart meters, greater numbers of customers will be eligible  
21 to participate. The second factor limiting the participation in dynamic pricing  
22 proposals, and arguably the more problematic factor, is that, in the existing ESP,  
23 customers must be non-shoppers. Because Duke Energy Ohio's SSO price has

1        been relatively high relative to prices customers could obtain from CRES  
2        providers, it is more likely customers would save on their utility bills by switching  
3        suppliers than by enrolling in dynamic pricing programs that are based  
4        exclusively on Duke Energy Ohio's SSO price.

5                When the ESP is implemented on January 1, 2012, all customers will have  
6        generation prices that are based on market prices whether they take SSO service  
7        or switch to CRES providers. Customers will have a significantly reduced  
8        incentive to switch away from Duke Energy Ohio's SSO service and will have a  
9        much greater likelihood of finding value in the overall bill reductions dynamic  
10       pricing program(s) can generate.

11              The fact that the all generation prices will be market-based creating a level  
12       playing field for all market participants. Combined with the deployment of  
13       system-wide smart meters and existing dynamic pricing programs, means that  
14       ESP, as provided in the Stipulation, makes a significant step in advancing at least  
15       two state policy goals provided for in R.C. 4928.02 (B) and (D).

## **V.    TARIFFS**

16    **Q.    PLEASE DESCRIBE ATTACHMENT WDW-SUPP2 AND WDW-SUPP-3.**

17    A.    Attachment WDW SUPP-2 is a red-lined copy of the Company's amended tariffs  
18       necessary to implement this ESP. Attachment WDW SUPP-3 is a clean copy of  
19       the same amended tariffs. The changes impact PUCO Sheet No. 19 (Schedules  
20       of Rates, Classifications, Rules and Regulations) and PUCO Sheet No. 20  
21       Certified Supplier Tariff) and were made to modify schedules referencing the  
22       applicability of the new riders I described above to the Company's various rate

1 schedules as well as the various changes necessary to conform the Company's  
2 Certified Supplier Tariff to the terms of the Stipulation. There are other changes to  
3 eliminate outdated references, such as references to the Market Development  
4 Period that ended on December 31, 2005, for example.

**VI. CONCLUSION**

5 **Q. WERE ATTACHMENTS WDW SUPP-1, WDW SUPP-2 and WDW SUPP-3**  
6 **PREPARED UNDER YOUR DIRECTION?**

7 A. Yes.

8 **Q. DOES THIS CONCLUDE YOUR SUPPLEMENTAL DIRECT**  
9 **TESTIMONY?**

10 A. Yes.

## Duke Energy Ohio

Present Value Benefit of ESP Compared to MRO<sup>(a)</sup>

Line		Jan '12-Dec '12	Jan '13-Dec '13	Jan '14-Dec '14	Jan '15-May '15
<b>Price Forecasts</b>					
1	Projected Legacy ESP Price <sup>(b)</sup>	\$79.19	\$74.45	\$76.22	\$75.44
2	Projected Retail Market Price <sup>(c)</sup>	\$61.38	\$66.31	\$78.65	\$89.00
3	MRO Blend % (of Market Price)	10%	20%	30%	40%
4	MRO Price Blended Rate (\$/MWh)	<u>\$77.41</u>	<u>\$72.82</u>	<u>\$76.95</u>	<u>\$80.86</u>
5	Projected Retail Market Price (Line 2)	\$61.38	\$66.31	\$78.65	\$89.00
6	Electric Security Stabilization Charge <sup>(d)</sup>	5.37	5.29	5.19	-
7	Proposed SSO Price in ESP	<u>\$66.75</u>	<u>\$71.60</u>	<u>\$83.85</u>	<u>\$89.00</u>
<b>Revenue Comparison (MRO v. ESP)</b>					
8	Total Revenue at MRO Rate	\$1,584,804,517	\$1,515,400,007	\$1,629,570,849	\$700,610,416
9	Total Revenue at ESP Rates				
10	All kWh at Average ESP Rate	\$1,366,630,966	\$1,489,967,594	\$1,775,667,622	\$771,119,852
11	Less: Discount for PIPP Load <i>(see workpaper)</i> <sup>(e)</sup>	<u>(1,034,686)</u>	<u>(1,175,033)</u>	<u>(1,458,150)</u>	<u>(556,176)</u>
12	Total Revenue at ESP Rates	\$1,365,596,280	\$1,488,792,561	\$1,774,209,472	\$770,563,676
Other Benefits of ESP (Per Stipulation) <sup>(f)</sup>					
13	Economic Development	\$1,150,000	\$0	\$0	\$0
14	Weatherization/Fuel Fund	1,700,000	-	-	-
15	Total Other Quantifiable Unconditional Benefits	<u>\$2,850,000</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
16	Present Value <sup>(g)</sup> of MRO Revenue	\$4,586,339,265			
17	Present Value <sup>(g)</sup> of ESP Revenue	<u>\$4,524,279,806</u>			
18	Net Benefit of ESP to Customers (ESP v. MRO)	\$62,059,459			
<b>Other Assumptions</b>					
19	Projected Total Retail Sales (MWh) <sup>(h)</sup>	20,473,777	20,810,354	21,177,162	8,664,268
20	Projected Total PIPP Sales (MWh) <sup>(i)</sup>	297,409	302,298	307,627	125,860

Notes: <sup>(a)</sup> The table below includes only quantifiable benefits. See Supplemental Testimony of Julia S. Janson for other benefits of the ESP Stipulation filed on October 24, 2011

<sup>(b)</sup> As shown in the Direct Testimony of Judah L. Rose, Exhibit B.

<sup>(c)</sup> As shown in the Direct Testimony of Judah L. Rose, Exhibit BB.

<sup>(d)</sup> Per Stipulation, Rider ESSC set at \$110 million per year, subject to true-up.

<sup>(e)</sup> Per Stipulation, PIPP Discount is 5% of Residential PTC, excluding AER-R, (i.e., Rider RC+Rider RE+Rider SCR+Rider RTO).

<sup>(f)</sup> Includes shareholder contributions to various entities per Stipulation. Stipulation provides for additional funding for years after 2012 subject to meeting earnings thresholds for Duke Energy Ohio. Only 2012 amounts are shown as these are the only contribution that are guaranteed per the Stipulation.

<sup>(g)</sup> Discounted at weighted-average cost of capital as shown in Attachment WDW-1 of Direct Testimony of William Don Wathen Jr.

<sup>(h)</sup> Projected MWh sales, at the meter, as shown in Attachment WDW-2 of Direct Testimony of William Don Wathen Jr.

<sup>(i)</sup> Current PIPP MWh sales escalated at overall growth in load.

**Duke Energy Ohio**  
**Rate Design Worksheet (Residential Classes)**

	Jan '12-Dec '12	Jan '13-Dec '13	Jan '14-Dec '14	Jan '15-May '15
<b>Rider RC</b>				
Summer: First 1,000 kWh	\$0.011961	\$0.009949	\$0.020238	\$0.013258
Summer: Over 1,000 kWh	0.015893	0.013220	0.026891	0.017617
Winter: First 1,000 kWh	0.011961	0.009949	0.020238	0.013258
Winter: Over 1,000 kWh	0.002760	0.002296	0.004669	0.003059
<b>Rider RE</b>				
Summer: First 1,000 kWh	\$0.061469	\$0.071962	\$0.079937	\$0.079937
Summer: Over 1,000 kWh	0.073135	0.085620	0.095108	0.095108
Winter: First 1,000 kWh	0.061469	0.071962	0.079937	0.079937
Winter: Over 1,000 kWh	0.034168	0.040001	0.044434	0.044434
<b>Rider SCR</b>				
All kWh	\$0.000000	\$0.000000	\$0.000000	\$0.000000
<b>Rider RTO</b>				
All kWh	\$0.000000	\$0.000000	\$0.000000	\$0.000000
<b>Total RS Price-to-Compare</b>				
Summer: First 1,000 kWh	\$0.073430	\$0.081912	\$0.100176	\$0.093195
Summer: Over 1,000 kWh	0.089028	0.098840	0.122000	0.112725
Winter: First 1,000 kWh	0.073430	0.081912	0.100176	0.093195
Winter: Over 1,000 kWh	0.036928	0.042297	0.049104	0.047493
<b>Total RS Billing Determinants</b>				
Summer: First 1,000 kWh	1,817,099,832	1,846,971,898	1,879,527,042	768,975,843
Summer: Over 1,000 kWh	936,108,126	951,497,200	968,268,504	396,150,240
Winter: First 1,000 kWh	3,187,489,838	3,239,890,319	3,296,997,357	1,348,909,202
Winter: Over 1,000 kWh	1,145,637,349	1,164,470,961	1,184,996,190	484,820,608
Total kWh for RS	7,086,335,145	7,202,830,378	7,329,789,093	2,998,855,894
Total Residential ESP Revenue	\$493,132,687	\$559,972,553	\$694,877,649	\$265,058,770
Average Residential ESP Rate	\$0.069589	\$0.077743	\$0.094802	\$0.088387
PIPP Discount (@ 5%)	(\$0.003479)	(\$0.003887)	(\$0.004740)	(\$0.004419)

**SCHEDULE OF RATES, CLASSIFICATIONS  
RULES AND REGULATIONS  
FOR  
RETAIL ELECTRIC SERVICE  
OF  
DUKE ENERGY OHIO**

**P.U.C.O. NO. 19  
This Tariff cancels and supersedes P.U.C.O. No. 17**

Duke Energy Ohio  
139 East Fourth Street  
Cincinnati, Ohio 45202

P.U.C.O. Electric No. 19  
Sheet No. 01  
Page 1 of 1

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<u>Tariff Sheet No. Series</u>	<u>Description</u>	<u>Summary of Applicability*</u>
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20	Service Regulations	Set of rules and regulations of the Company for providing electric service as approved by the Public Utilities Commission of Ohio.
30	Residential Service	Tariffs available to residential customers unless the customer is provided three phase service.
40	Distribution Voltage Service	Tariffs available, principally, to non-residential customers receiving service at 34,500 volts or lower; available to residential customers who request either three phase service or a second point of service.
50	Transmission Voltage Service	Tariffs available, principally, to non-residential customers receiving service at 69,000 volts or higher.
60	Lighting Service	Tariffs available for lighting of areas of a public or private nature.
70-80	Riders	Riders necessary to determine total amount of monthly bill to customers.
90	Miscellaneous	Miscellaneous periodic charges not reflected in standard service tariffs.

\* To determine applicability, available tariff and Company's Service Regulations and other rules and regulations should be reviewed and discussed with the Company.

Filed pursuant to an Order dated \_\_\_\_\_ in Case No. 11-3549-EL-SSO before the  
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Issued by Julie Janson, President

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139 East Fourth Street  
Cincinnati, Ohio 45202

P.U.C.O. Electric No. 19  
Sheet No. 10.487  
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## **ELECTRIC SERVICE REGULATIONS**

### **SECTION I - SERVICE AGREEMENTS**

#### **1. Application for Service.**

When a customer desires electric service, application shall be made to the Company, specifying the date service is desired and the place where service is to be furnished. An oral application may be accepted by the Company, although a written application or agreement may be required at the option of the Company at the time of application or at any later time.

When a customer requests to be enrolled in the Customer Choice program he or she shall do so in accordance with the guidelines established in Section III, Customer Choice Enrollment and Participation Guidelines.

#### **2. Customer's Right to Cancel or Suspend Service.**

A customer may terminate electric service by giving the Company reasonable notice, but not less than three (3) business days prior to termination. The Company will accept such notice as a cancellation of service, except as may be provided in a signed service agreement, rate schedules, or elsewhere in these ELECTRIC SERVICE REGULATIONS.

#### **3. Company's Right to Refuse or to Disconnect Service**

The Company, in addition to all other legal remedies, may terminate the service agreement and refuse or discontinue service to an applicant, consumer or customer, for any of the following reasons:

- (a) Upon the request of the customer for temporary disconnection of service for maintenance or other reasons. A residential customer residing in a single family home should contact the Company approximately four (4) hours in advance of the time of requested disconnection. All other residential and non-residential customers shall contact the Company at least three (3) business days in advance of date of the requested disconnections. Note: If any rewiring or change in electric service is being done during the disconnection period, other Company requirements must be met before electric service will be reconnected;
- (b) When the customer has moved from the premises, neglected to request disconnection of service, and an investigation by the Company indicates that service is no longer required;
- (c) When continued service would jeopardize the life or property of the customer, the Company, or the public, service may be disconnected without notice to the customer;
- (d) When supplying electricity to any consumer or customer creates a dangerous condition on the consumer's or customer's premises or where, because of conditions beyond the consumer's or customer's premises, termination of the supply of electricity is reasonably necessary. Service will not be restored until such dangerous condition or conditions have been corrected;

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---

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**SECTION I - SERVICE AGREEMENTS (Contd.)**

- (e) When providing service is in conflict or incompatible with any laws, regulations or orders of the Public Utilities Commission of Ohio, the State of Ohio or any political subdivision thereof, or of the Federal Government or any of its agencies;
- (f) When a customer or applicant refuses to provide reasonable access to the premises or ignores repeated requests for access pursuant to Rule 4901:1-18-02 (G) of the Ohio Administrative Code.
- (g) When in the sole opinion of the Company, the customer's equipment interferes with the electric service provided to other customers;
- (h) For any violation of or refusal to comply with these **ELECTRIC SERVICE REGULATIONS** as filed with the Public Utilities Commission of Ohio;
- (i) For any violation of or refusal to comply with the requirements as outlined in the Company's publications relating to electric service as set forth in Section II, Paragraph 9, Service Voltages and Regulations;
- (j) For any violation of or refusal to comply with requirements contained in special agreements or contracts between the customer and the Company;
- (k) Nonpayment of bills when due, for non-residential customers only, pursuant to Rule 4901:1-10-17 of the Ohio Administrative Code.

For the disconnection of service to residential customers for nonpayment of bills, the Company will follow the procedures as set forth in Section VII Paragraph 1, Disconnection for Nonpayment: Residential Customers, of these **ELECTRIC SERVICE REGULATIONS**; and

- (l) In the event the consumer or customer resorts to theft or any fraudulent representation or practice in the obtaining of electric supplied, or is the beneficiary of any such fraudulent representation or practice, or the meter, metering equipment or other property used to supply the service has been damaged or tampered with by the consumer or customer, his servants or agents.

Service will not be restored until the consumer or customer has given satisfactory assurance that such fraudulent or damaging practice will be discontinued, and has paid to the Company an amount estimated by the Company to be reasonable compensation for service fraudulently obtained and not paid for and for any damage to property of the Company including any cost to repair the damage.

Failure of the Company to exercise any of its rights for the above reasons does not affect its right to resort thereafter to any such remedies for the same or any future default or breach by the customer. Refusal of or disconnection of service is not an exclusive remedy. The Company may exercise any other appropriate remedy provided by law including civil suit and/or criminal prosecution.

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Issued by Julie Janson, President

Effective: July 13, 2009

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139 East Fourth Street  
Cincinnati, Ohio 45202

P.U.C.O. Electric No. 19  
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#### **SECTION I - SERVICE AGREEMENTS (Contd.)**

##### **4. Change of Address of the Customer**

When the customer's address changes, the customer must give notice thereof to the Company prior to the date of change. The customer is responsible for all service supplied to the vacated premises until such notice has been received and the Company has had reasonable time, but not less than three (3) business days, to discontinue service.

If the customer moves to an address at which the customer requires electric service for any purpose specified in the service agreement, and at which address the Company has such service available under the same rate schedule, the notice is considered as the customer's request that the Company transfer such service to the new address. If the Company does not have such service available at the new address, the old service agreement is considered cancelled. If the Company does have service available at the new address to which a different rate schedule applies, a new service agreement, including the applicable rate schedule, is offered to the customer. The Company shall transfer service within a reasonable time after receipt of notice.

##### **5. Successors and Assigns**

The benefits and obligations of the application for service shall inure to and be binding upon the successors and assigns, survivors and executors or administrators, as the case may be, of the original parties thereto, for the full term thereof, to the extent permitted by applicable law, provided that no assignment hereof shall be made by the customer without first obtaining the Company's written consent.

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## SECTION II - SUPPLYING AND TAKING OF SERVICE

### 1. Supplying of Service

Service is supplied under and pursuant to these ELECTRIC SERVICE REGULATIONS and any modifications or additions thereto lawfully made and approved by the Public Utilities Commission of Ohio.

The services supplied under these Service Regulations are governed by applicable provisions of the Ohio Revised Code (ORC) and the Ohio Administrative Code (OAC). No provision of these Service Regulations shall be read to contradict any provision of either the ORC or the OAC except pursuant to a waiver granted by the Public Utilities Commission of Ohio.

Notwithstanding any provisions of Title XLIX of the Revised Code to the contrary and irrespective of the voltage level at which service is taken, any customer that receives non-competitive retail service from the Company shall be considered a retail electric distribution service customer.

Service is supplied under a given rate schedule at such points of delivery as are adjacent to the Company's facilities which are adequate and suitable, as to capacity and voltage, for the service desired; otherwise, special agreements between the customer and the Company may be required. Should the electric power requirements of the customer change, as to capacity or use, the Company may require that the service be supplied from a different facility if the original facility is or becomes inadequate and unsuitable for the service desired. If special agreements between the customer and the Company are required, electric service will not be supplied until the agreements are executed by the customer and the Company.

Service will not be supplied to any premises if at the time of application for service applicant is indebted to Company for service previously supplied at the same or other premises for like services until payment of such indebtedness shall have been made. Unpaid balances of previously rendered final bills may be transferred and included on the initial or subsequent bill for a like service account. Such transferred final bills, if unpaid will be part of the past due balance of the transferee account and subject to the Company's collection and disconnection procedures which are governed by Chapters 4901:1-10 and 4901:1-18 of the Ohio Administrative Code. The transfer of bills is limited to like service, i.e., residential to residential, commercial to commercial, gas to gas, electric to electric, and combination to combination. The unpaid balances for electric and gas service in a combination account shall remain separate. The transfer of unpaid balances from a combination account to a transferee combination account is limited to like service, i.e., electric to electric and gas to gas. Any transfer of gas, electric or combination accounts shall not affect the residential customer's right to elect and maintain an extended payment plan for gas, electric or combination service under Rule 4901:1-18-10 of the Ohio Administrative Code.

The availability of service under this tariff, P.U.C.O. Electric No. 19, to customers who have elected to relieve the Company of its obligation to provide generation service under the Company's regulated Standard Offer Rate shall be subject to the rules, regulations and Orders of the Public Utilities Commission of Ohio.

Commercial service will not be supplied or continued to any premises if at the time of application for commercial service, applicant or customer is merely acting on behalf of or is a business representative of a present or former commercial customer who is indebted to the Company for commercial service previously supplied at the

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## **SECTION II - SUPPLYING AND TAKING OF SERVICE (Contd.)**

same or other premises until payment of such indebtedness shall have been made. Commercial service will not be supplied where the applicant or customer is a person, or partnership which person or whose general partner is a present or former customer who is indebted to the Company for commercial service previously supplied at the same or other premises until payment of such indebtedness shall have been made.

### **2. Information Relative to Service**

Information relative to the service that will be supplied at a given location must be obtained from the Company. This information should be requested at least 30 days in advance of the time of construction of the project to allow the necessary time required to determine the exact engineering details for the individual customer installation. Such information will be confirmed in writing, if requested by the customer. The customer's service terminals are to be located at a point readily accessible to the Company's facilities, such point to be determined by the Company.

In any instance where the Company determines that a prospective customer must sign a construction, maintenance, special equipment agreement, or any other written agreement in order to provide for the ongoing and overall service of the customer's electric requirements, all such agreements must be fully executed and received by the Company prior to the energizing of the customer's system. The providing of energy on a temporary basis has no effect on the above requirements relating to permanent service.

### **3. Continuity of Service**

The Company will make reasonable provisions to supply satisfactory and continuous electric service, but does not guarantee a constant or uninterrupted supply of electricity and shall not be liable for any damage or claim of damage attributable to any interruption or reversal of service caused by accident or casualty, extraordinary action of the elements, action of any governmental authority, litigation, deficiency of supply, or by any cause which the Company could not have reasonably foreseen and made provision against.

### **4. Suspension of Service for Repairs and Changes**

When necessary to make repairs to or change in the Company's plant, generating equipment, transmission or distribution systems, or other property, the Company may, without incurring any liability therefor, suspend service for such periods as may be reasonably necessary and in such manner as not to inconvenience the customer unnecessarily.

### **5. Use of Service**

Service is supplied directly to the customer through the meter and is to be used by the customer only for the purposes specified in and in accordance with the provisions of the applicable rate schedule and these regulations and any service agreement.

The customer will not build lines across or under a street, alley, lane, court or avenue or other public space in order to obtain service for adjacent property through one meter, even though such adjacent property be owned by customer, without the prior written approval of the Company.

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## SECTION II - SUPPLYING AND TAKING OF SERVICE (Contd.)

In case of unauthorized sale, extension or other disposition of service, the Company may discontinue the supplying of service to the customer until such unauthorized act is discontinued and full payment is made for all service supplied or used, billed on proper classification and rate schedule, and reimbursement in full made to the Company for all extra expenses incurred, including expenses for clerical work, testing and inspections. Failure of the Company to exercise its right to discontinue the supplying of service in the above situations does not affect its right to resort thereafter to such remedy for the same or any future default or breach by the customer. For residential customers engaging in such practices, discontinuation of supply is governed by the provisions of OAC, Chapter 4901:1-18.

No other electric light or power service shall, except under a contract for auxiliary or supplementary service, be used by the customer on the same installation in conjunction with the Company's service, either by means of a "throwover" switch or any other connection.

No emergency power supply of an "on premises" or similar basis shall be connected to the customer's wiring installation, either by means of a "throwover" switch or any other means, without advance notification and written approval from the Company and without provisions to prevent feedback into the Company's equipment which could be a safety hazard to the Company's personnel.

All cogeneration and/or small power production customers shall, in addition to the requirements contained in these ELECTRIC SERVICE REGULATIONS, the latest edition of the National Electrical Code and the latest edition of the Company's "Information & Requirements for Electric Service," be required to meet the requirements contained in the Company's "Guideline Technical Requirements for Parallel Operation of Customer Generation." A separate written contract is required between the owners of all such facilities and the Company.

### 6. Customer's Responsibility

The Customer assumes all responsibility on the customer's side of the point of delivery (the end of the Company's service drop or where the Company's wires are joined to the customer's wires or apparatus) for the service supplied or taken, as well as for the electrical installation and maintenance, appliances, and apparatus used in conjunction therewith, and will save the Company harmless from and against all claims for injury or damage to persons or property occasioned by or in any way resulting from such service or the use thereof on the customer's side of the point of delivery.

### 7. Right-of-Way

The customer, without reimbursement, will make or procure conveyance to the Company of right-of-way satisfactory to it across the property owned or controlled by the customer for the Company's lines or extensions thereof necessary or incidental to the supplying of service to the customer, or customers beyond the customer's property when such rights are limited to installations along dedicated streets and roads in the form of Grant or instrument customarily used by the Company for these facilities.

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## **SECTION II - SUPPLYING AND TAKING OF SERVICE (Contd.)**

### **8. Access to Premises**

The properly authorized agents of the Company shall at all reasonable hours have the right and privilege to enter the premises of customers for the purpose of reading meters, testing or determining the compliance of the customer's installation with the Company's requirements and of examining, repairing, replacing or removing the meters or for removing or disconnecting any or all of the Company's equipment, or other Company property, and for all other purposes incidental to the supplying of service, and for such purpose the customer authorizes and requests his landlord, if any, to permit such access to the premises. Reasonable hours of access are the daylight hours except for emergencies, where requested by the customer, or with the customer's consent and except for disconnection for nonpayment of bills, which hours of access are subject to the provisions under Section VII Paragraph 1, Disconnection for Nonpayment: Residential Customers, of these ELECTRIC SERVICE REGULATIONS.

Upon request, the Company's authorized agent will display his/her identification badge or Company pass and state the reasons for requiring access.

If, after the Company has made reasonable efforts to obtain access to the premises for the purposes described above, the customer fails to grant the Company access, the customer denying access shall be deemed in violation of these ELECTRIC SERVICE REGULATIONS pursuant to Section I Paragraph 3 herein, Company's Right to Refuse or to Disconnect Service. In the case of residential customers, the Company may disconnect service when the customer, through their action or inaction, prevents Company personnel from reading the meter for twelve or more consecutive months. In the case of a non-residential customer, the Company shall give the customer not less than five days written notice before service is disconnected.

If judicial redress against the customer or landlord is necessary to secure access to the premises for the purposes described above, the Company may collect from the customer or the landlord a charge covering the Company's expenses in securing access, including but not limited to court costs and attorney's fees. This charge may be added to any account of the customer or the landlord and shall be due with the current charges on that account.

### **9. Service Voltages and Regulations**

The Company will provide service at the nominal voltage levels as stated in the latest revision of the Company's booklet entitled "Information & Requirements for Electric Service," copies of which are available at the Company's offices. Those nominal voltage levels and service configurations are shown below.

- A. The following service voltages, 600 volts or less, are supplied by the Company:
1. Single-phase, 3-wire, 120/240 volts AC at 60 Hz.
  2. Three-phase, 4-wire, 208Y/120 volts AC at 60 Hz.
  3. Three-phase, 4-wire, 480Y/277 volts AC at 60 Hz.

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**SECTION II - SUPPLYING AND TAKING OF SERVICE (Contd.)**

**9. Service Voltages and Regulations (Contd.)**

B. The following service voltages, over 600 volts, are supplied by the Company.

1. Three-phase, 4-wire, 4160Y/2400 volts AC at 60Hz.
2. Three-phase, 4-wire, 12470Y/7200 volts AC at 60 Hz.
3. Three-phase, 4-wire, 34500Y/19920 volts AC at 60 Hz.
4. Three-phase, 3-wire, 69000 volts AC at 60 Hz.
5. Three-phase, 3-wire, 138000 volts AC at 60 Hz.

C. The following voltages are available for limited use: (for availability, contact the Company)

1. Single-phase, 3-wire, 120/208 volts AC at 60 Hz.
2. Three-phase, 4-wire, 240/120 volt AC at 60 Hz
3. Three-phase, 3-wire, 33000 volts AC at 60 Hz.

D. These voltages are nominal and may vary depending on operating conditions:

- Three-phase, 4-wire services are supplied with a grounded neutral.
- Three-phase, 3-wire services are supplied without a neutral.

For all service supplied at nominal voltage levels of 34.5 kV three phase four-wire (3P 4-wire) and lower, except for 34.5 kV three phase three-wire (3P 3-wire), the Company shall design and operate its system as provided for in the current version of the American National Standard ANSI C84.1-1995(R2001), approved by American National Standards Institute, Inc. The limits noted for utilization voltage levels do not apply to momentary voltage excursions that may result from such causes as switching operations, motor starting currents, etc.

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### SECTION III - CUSTOMER CHOICE ENROLLMENT AND PARTICIPATION GUIDELINES

#### 1. Selection of Certified Supplier

In order to obtain Competitive Retail Electric Service from a Certified Supplier, a customer must enter into an agreement with a Certified Supplier who meets the requirements for participation in this Customer Choice Program pursuant to the Certified Supplier Service Rules, Regulations, and Rates, specified in Duke Energy Ohio P.U.C.O. Electric No. 20. Enrollment of customers is done through a Direct Access Service Request (DASR), which may be submitted only by Certified Suppliers. DASRs will be effective on the next regularly scheduled meter read date provided that it is received by the Company at least twelve (12) calendar days before the next regularly scheduled meter read date. Enrollments will be processed on a "first in" priority basis based on the received date, using contract date as the tiebreaker. Should the contract date also be the same, the enrollments will be processed on a first in priority basis, based on the order in which the Company received the DASRs. An account may only be served by one Certified Supplier at a time.

Customers may contact the Company at any time to report that they have been switched without giving consent. To decrease the probability of this occurring, the Company requires that Certified Suppliers obtain, and maintain in their files, customer authorizations as dictated by Commission rules. These authorizations must be made available to the Company, upon request, within three (3) business days.

~~If Percentage Income Payment Plan (PIPP) customers are aggregated for the purpose of competitively auctioning the supply of Competitive Retail Electric Service, such customers will receive their Competitive Retail Electric Service from the successful bidder. In this event, PIPP customers would not be eligible to select another Certified Supplier or to opt out of the Customer Choice Program.~~

#### 2. Pre-Enrollment End-use Customer Information List

Upon request, the Company will electronically provide to any supplier certified by the Commission the most recent End-use Customer information list. ~~The Company will offer the End-use Customer information list beginning on October 1, 2000 with updates available quarterly throughout the Market Development Period. Once the list has been updated, a supplier may not use an End-use Customer information list from a prior quarter to contact a customer, but suppliers shall not be required to purchase subsequent lists.~~

The Company will provide customers the option to have all the customer's information listed in the section below removed from the End-use Customer information list. The Company will also provide customers the option to have all the customer's information listed below reinstated on the End-use Customer information list. The customer will be provided written notice of his or her options ~~quarterly throughout the Market Development Period and prior to the distribution of the first list.~~

The following information will be provided on the End-use Customer information list for each customer who has not requested that all information be removed from this list:

- (a) End-use Customer name
- (b) Service Address
- (c) Service City
- (d) Service State and Zip Code
- (e) ~~Mailing-Billing~~ Address
- (f) ~~Mailing-Billing~~ City
- (g) ~~Mailing-Billing~~ State and Zip Code

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**SECTION III - CUSTOMER CHOICE ENROLLMENT AND PARTICIPATION GUIDELINES (Contd.)**

- (h) Rate Schedule under which service is rendered, including class and sub-class (if applicable)
- (i) Rider (if applicable)
- (j) Load Profile Reference Category
- (k) Meter Type (will provide information that is readily available)
- (l) Interval Meter data indicator (will provide information that is readily available)
- (m) Budget Bill/PIPP indicator
- (n) Meter Read Cycle
- (o) Most recent twelve (12) months of historical consumption data (actual energy usage plus demand, if available)

**3. Customer Choice Participation Requirements**

To participate in the Customer Choice Program, a customer must have an active electric service account with the Company. After the Company has accepted the customer's application for electric service, the customer may select and contact a Certified Supplier. The Company shall provide a list of all approved Certified Suppliers and which classes of customers the Certified Supplier will serve to a) all of its customers ~~prior to the initiation of competition and quarterly throughout the remainder of the Market Development Period~~; b) all applicants for new service and customers returning to Standard Offer Service; and c) any customer upon request. The Company shall not endorse any Certified Supplier nor indicate that any Certified Supplier will receive preference because of a corporate relationship.

Interval meters are required for customers who choose a Certified Supplier and have a maximum peak demand equal to or greater than 2400 kW for the most recent twelve (12) month period. Interval meters are also required for those customers that have an interruptible load contract with their Certified Supplier. The Company may also require interval metering, at Company expense, for other customers based on a review of the customer's rate schedule, billing history and class load profile information. In addition, a communication link must also be installed. The enrollment DASR for these customers will not be approved until a customer-signed interval meter request work order has been executed and submitted approving the interval meter installation.

Customers are responsible for the incremental costs of the Interval meters and the incremental costs associated with the installation of required interval metering. While the Company will install the meter, the Certified Supplier, on behalf of the customer, or the customer, must arrange for the installation of the communication link (analog telephone line, hard wired or cellular). The Company will be allowed access to the communication link for meter interrogation. The interval metering equipment will be maintained and owned by the Company. The charges for the installation of the interval metering equipment are specified on tariff Sheet No. 96 "Meter Service Charges." These charges may be paid over a period not to exceed twenty-four (24) months.

Upon the successful processing of an enrollment and/or drop DASR, the Company will notify the customers in writing with the name and phone number of the Certified Supplier, the previous Certified Supplier (if applicable), the effective service change date, the Company's toll-free telephone number, the right to request an actual meter read prior to the transfer of service and the right to rescind (if applicable).

**4. Switching Rules**

An enrollment DASR must be received by the Company at least twelve (12) calendar days before the effective date, which will be the customer's next regularly scheduled meter reading date, to enroll with or switch to a new Certified Supplier. Enrollment DASRs will be effective according to the following schedule:

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**SECTION III - CUSTOMER CHOICE ENROLLMENT AND PARTICIPATION GUIDELINES (Contd.)**

- (a) If an enrollment DSR is received twelve (12) or more days prior to the next regularly scheduled meter read date and no other enrollment DSR is currently pending, the enrollment DSR will be effective on the next regularly scheduled meter read date.
- (b) If an enrollment DSR is received less than twelve (12) days prior to the next regularly scheduled meter read date and no other enrollment DSR is currently pending, the enrollment DSR will be effective on the second regularly scheduled meter read date after the enrollment DSR is received.
- (c) If an enrollment DSR is currently pending, and another enrollment DSR is received, the first enrollment DSR will be effective and the second enrollment DSR will be rejected. There cannot be two pending enrollment DSRs for the same account at the same time.
- (d) ~~If an enrollment DSR for an active electric service account is submitted for Company Consolidated billing, as described in Section 10 herein, and the Certified Supplier is participating in the Company's Purchase of Accounts Receivable (PAR) Program, the DSR will be rejected if the Company's account with the customer has an arrearage of 30 days or more totaling \$50.00 or more.~~
- (e)(d) If an enrollment DSR for an active electric service account is submitted for the Company Consolidated billing option known as Bill Ready and the account is currently involved in the Company's summary billing program, the DSR will be rejected until the Company's information system has the capability to accept such DSRs, ~~which will occur by July 1, 2002. Prior to July 1, 2002,~~ in order for an enrollment DSR to be accepted for a summary billing account, the Certified Supplier must submit the DSR with a billing option for either separate billing by the Company and the Certified Supplier or the Company Consolidated billing option known as Rate Ready.
- (f)(e) If an enrollment DSR for an active electric service account is submitted for the Company Consolidated billing option known as Bill Ready and the account is currently involved in the Company's adjusted due date program, the DSR will be rejected until the Company's information system has the capability to accept such DSRs, ~~which will occur by November 1, 2002. Prior to November 1, 2002,~~ in order for an enrollment DSR to be accepted for an account with an adjusted due date, the Certified Supplier must submit the DSR with a billing option for either separate billing by the Company and the Certified Supplier or the Company Consolidated billing option known as Rate Ready.

For the purpose of switching rules, customers are divided into three categories; residential, small commercial and industrial, and large commercial and industrial. Residential customers are customers who use electricity for residential purposes. Small commercial and industrial customers are defined as customers who use electricity for nonresidential purposes, consume less than 700,000 kWh of electricity per year and are not part of a national account involving multiple facilities in one or more states. Large commercial and industrial customers are customers who use electricity for nonresidential purposes, consume greater than or equal to 700,000 kWh of electricity per year or are part of a national account involving multiple facilities in one or more states.

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### SECTION III - CUSTOMER CHOICE ENROLLMENT AND PARTICIPATION GUIDELINES (Contd.)

Residential and small commercial and industrial customers, pursuant to Commission rules, have the right to rescind an enrollment. Any residential or small commercial and industrial enrollment, either with a Certified Supplier or with the Company, may be rescinded by contacting the Company within seven days from the postmark date on the notice advising of the enrollment. When the Company receives notice of a rescission, the impending enrollment will be cancelled and the residential or small commercial and industrial customer will remain with their current supplier.

~~Large commercial and industrial customers using at least 700,000 kWh annually or customers who are part of a national account, will have seven (7) days from the date of the postmark of the confirmation notice to notify the Company, in writing, that the customer chooses to rescind the enrollment due to a conditional contract with the Certified Supplier that is conditional on receiving the higher shopping credit. If the customer fails to notify the Company during the seven (7) day period, then the Company shall deem the enrollment to be final. The Company's switching practices, including the ability to rescind, have no effect on the contractual obligations existing between the Certified Supplier and the customer. Any disputes arising between the Certified Supplier and the customer regarding any provision of the contract must be resolved between the Certified Supplier and the customer.~~

~~The following rules apply to any retail customer:~~

#### ~~Waiver of Rider SRA-SRT~~

~~(a) During the ESP period, Small Commercial and Industrial End-use Customers and Large Commercial and Industrial End-use Customers served by a Certified Supplier may avoid Rider SRA-SRT and receive a shopping credit (Rider SC) if they agree to remain off-ESP-SSO service through December 31, 2011.~~

~~(b) For a Small Commercial and Industrial End-use Customer or a Large Commercial and Industrial End-use Customer to avoid (waive) Rider SRA-SRT and receive a shopping credit (Rider SC), the following steps must be followed:~~

~~i) The Small Commercial and Industrial End-use Customer or Large Commercial and Industrial End-use Customer or their agent must submit a Rider SRA-SRT Waiver Notification form found on the Company's web site.~~

~~ii) Within 30 days of the Company's receipt of the Rider SRA-SRT Waiver Notification form, the Small Commercial and Industrial End-use Customer or Large Commercial and Industrial End-use Customer must either sign the Company's Customer Agreement for the waiver program or provide the Company acceptable proof that they have a fully-executed contract with a Certified Supplier securing generation service through December 31, 2011.~~

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**SECTION III - CUSTOMER CHOICE ENROLLMENT AND PARTICIPATION GUIDELINES (Contd.)**

~~iii) If the requirements in paragraphs i) and ii) above are met, the waiver of Rider SRA-SRT and the associated shopping credit (Rider SC) become effective for the appropriate account number(s) on the regularly scheduled Meter Read Date(s) for the account number(s) that occur(s) at least 60 days subsequent to the Company's receipt of the Rider SRA-SRT Waiver Notification form submitted per paragraph i) above.~~

~~(c) Small Commercial and Industrial End-use Customers and Large Commercial and Industrial End-use Customers receiving generation service through a governmental aggregator will avoid (waive) Rider SRA-SRT and receive a shopping credit (Rider SC) if the governmental aggregator notifies the Company at least sixty (60) days prior to the start of the governmental aggregation of its intent to place all Small Commercial and Industrial End-use Customers and Large Commercial and Industrial End-use Customers served by the governmental aggregation on the Rider SRA-SRT waiver program and to maintain the governmental aggregation through December 31, 2011. Small Commercial and Industrial End-use Customers and Large Commercial and Industrial End-use Customers receiving generation service through such a governmental aggregation who do not want to participate in the Rider SRA-SRT waiver program may request the Company to bill them monthly for Rider SRA-SRT and to not apply a monthly shopping credit (Rider SC) to their bill.~~

~~(d) Any Small Commercial and Industrial End-use Customer or Large Commercial and Industrial End-use Customer participating in the Rider SRA-SRT waiver program, including those receiving generation service through a governmental aggregation, who returns to the ESP-SSO prior to December 31, 2011, will be billed a monthly early return premium as described below in paragraph (d)(iii) of the next section.~~

~~(e) Residential End-use customers receiving generation service through a governmental aggregator will avoid (waive) Rider SRA-SRT if the governmental aggregator notifies the Company at least sixty (60) days prior to the start of the governmental aggregation of its intent to place all Residential End-use Customers served by the governmental aggregation on the Rider SRA-SRT waiver program and to maintain the governmental aggregation through December 31, 2011. Residential End-use Customers receiving generation service through such a governmental aggregation who do not want to participate in the Rider SRA-SRT waiver program may request the Company to bill them monthly for Rider SRA-SRT.~~

**End-use Customer Return to ESP-SSO Service**

(a) An End-use Customer's return to ESP-SSO service may be a result of End-use Customer choice, Certified Supplier default, termination of a Certified Supplier contract, opt out or termination of a governmental aggregation program, or Certified Supplier withdrawal.

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- (b) An End-use Customer may contact the Company to return to the Company's ~~Standard Offer Rate~~SSO. The return to the ~~Standard Offer Rate~~SSO shall be conducted under the same terms and conditions applicable to an enrollment with a Certified Supplier. Thus, the Company will provide a rescission period consistent with the Commission's rules. Provided the End-use Customer has observed the applicable notification requirements and the Company has effectuated the request to return to the ~~Standard Offer Rate~~SSO twelve (12) calendar days prior to the next regularly scheduled Meter Read

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**SECTION III - CUSTOMER CHOICE ENROLLMENT AND PARTICIPATION GUIDELINES (Contd.)**

Date, the End-use Customer will be returned to the ~~Standard Offer Rate~~ SSO on the next regularly scheduled Meter Read Date.

(c) Residential End-use Customers

i) Residential End-use Customers are not subject to a minimum stay.

ii) If a Residential End-use Customer's Certified Supplier defaults or the Residential End-use Customer opts out of a governmental aggregation program, the Residential End-use Customer will return to the Company's ESP-SSO and may switch to another Certified Supplier at any time. A Residential End-use Customer opting out of a governmental aggregation program must contact and inform the Company of the "opt out".

~~iii) If a Residential End-use Customer receiving generation service through a governmental aggregation that has agreed to remain off the ESP-SSO through December 31, 2011 (in exchange for avoiding Rider SRT), and then returns to the ESP-SSO prior to December 31, 2011, such Residential End-use Customer will be billed a monthly early return premium based on 15% of the applicable generation charges and Riders described in Tariff 19 in addition to the normal charges calculated per the ESP-SSO.~~

iii) The Residential End-use Customer will be mailed a letter the day following the successful processing of a DASR returning the Residential End-use Customer to the Company.

(d) Small Commercial and Industrial End-use Customers

~~i) A Small Commercial and Industrial End-use Customer participating in the Rider SRT/IME waiver program who as of September 30, 2008 was being served by a Certified Supplier under a contract that expires on or after January 1, 2009, may return to the ESP-SSO without being charged a monthly early return premium (described in paragraph iii) below) if the Small Commercial and Industrial End-use Customer notifies the Company of its desire to return to the ESP-SSO no less than sixty (60) days prior to the expiration of their current contract with the Certified Supplier, excluding contract extensions.~~

ii) Small Commercial and Industrial End-use Customers are not subject to a minimum stay.

~~iii) If a Small Commercial and Industrial End-use Customer served by a Certified Supplier agrees to remain off the ESP-SSO through December 31, 2011 (in exchange for avoiding Rider SRA-SRT and receiving a shopping credit) or receives generation service through a governmental aggregation that has agreed to this arrangement returns to the ESP-SSO prior to December 31, 2011, such Small Commercial and Industrial End-use Customer will be billed a monthly early return premium based on 15% of the applicable generation charges and Riders described in Tariff 19 in addition to the normal charges calculated per the ESP-SSO.~~

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**SECTION III - CUSTOMER CHOICE ENROLLMENT AND PARTICIPATION GUIDELINES (Contd.)**

~~iv) If a Small Commercial and Industrial End-use Customer served by a Certified Supplier individually or as part of a governmental aggregation pays Rider SRA-SRT while switched and does not receive a shopping credit, such Small Commercial and Industrial End-use Customer may return to the ESP-SSO without being charged an early return premium.~~

~~v) A Small Commercial and Industrial End-use Customer who enters a contract to be served by a Certified Supplier after December 31, 2008, and participates in the Rider SRT waiver program may return to the ESP-SSO on the January, 2012 regularly scheduled Meter Read Date(s) for their account(s) without being charged a monthly early return premium (described in paragraph iii) above) if the Small Commercial and Industrial End-use Customer notifies the Company of its desire to return to the ESP-SSO no less than sixty (60) days prior to the January, 2012 regularly scheduled Meter Read Date(s).~~

If a Small Commercial and Industrial Customer returns to the Company, the Small Commercial and Industrial Customer is placed on the ESP-SSO. The Small Commercial and Industrial End-use Customer will be mailed a letter the day following the successful processing of a DASR returning the Small Commercial and Industrial End-use Customer to the Company.

**(e) Large Commercial and Industrial End-use Customers**

**i) Large Commercial and Industrial End-use Customers are not subject to a minimum stay.**

~~A Large Commercial and Industrial End-use Customer participating in the Rider SRT/IME waiver program who as of September 30, 2008 was being served by a Certified Supplier under a contract that expires on or after January 1, 2009, may return to the ESP-SSO without being charged a monthly early return premium (described in paragraph iii) below) if the Large Commercial and Industrial End-use Customer notifies the Company of its desire to return to the ESP-SSO no less than sixty (60) days prior to the expiration of their current contract with the Certified Supplier, excluding contract extensions.~~

~~ii) If a Large Commercial and Industrial End-use Customer served by a Certified Supplier agrees to remain off the ESP-SSO through December 31, 2011 (in exchange for avoiding Rider SRA-SRT and receiving a shopping credit) or receives generation service through a governmental aggregation that has agreed to this arrangement returns to the ESP-SSO between May 15th and September 16th and prior to December 31, 2011, such Large Commercial and Industrial End-use Customer must remain on the ESP-SSO for twelve (12) consecutive billing cycles (minimum stay) and will be billed a monthly early return premium based on 15% of the applicable generation charges and Riders described in Tariff 19 in addition to the normal monthly charges calculated per the ESP-SSO.~~

~~iii) If a Large Commercial and Industrial End-use Customer served by a Certified Supplier agrees to remain off the ESP-SSO through December 31, 2011 (in exchange for avoiding Rider SRA-SRT and receiving a shopping credit) or receives generation service through a governmental aggregation that has agreed to this arrangement returns to the ESP-SSO outside the May 15th through September 16th timeframe and prior to December 31, 2011,~~

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~~such Large Commercial and Industrial End-use Customer will not be subject to a minimum~~

**~~SECTION III - CUSTOMER CHOICE ENROLLMENT AND PARTICIPATION GUIDELINES~~**  
**~~(Contd.)~~**

~~stay and will be billed a monthly early return premium based on 15% of the applicable generation charges and Riders described in Tariff 19 in addition to the normal charges calculated per the ESP SSO.~~

~~iv) If a Large Commercial and Industrial End-use Customer served by a Certified Supplier individually or as part of a governmental aggregation pays Rider SRA-SRT while switched and does not receive a shopping credit, such Large Commercial and Industrial End-use Customer may return to the ESP SSO without being subject to a minimum stay and without being charged an early return premium.~~

~~vii) If a Large Commercial and Industrial Customer returns to the Company, the Large Commercial and Industrial Customer is placed on the SSO. The Large Commercial and Industrial End-use Customer will be mailed a letter the day following the successful processing of a DASR returning the Large Commercial and Industrial End-use Customer to the Company. A Large Commercial and Industrial End-use Customer who enters a contract to be served by a Certified Supplier after December 31, 2008, and participates in the Rider SRT waiver program may return to the ESP SSO on the January, 2012 regularly scheduled Meter Read Date(s) for their account(s) without being charged a monthly early return premium (described in paragraph iii) above) if the Small Commercial and Industrial End-use Customer notifies the Company of its desire to return to the ESP SSO no less than sixty (60) days prior to the January, 2012 regularly scheduled Meter Read Date(s).~~

**5. Certified Supplier Defaults**

If a Certified Supplier defaults, the Company will notify the customers of the default. However, service to the affected customers will not be interrupted due to the default. The customers involved will return to the Company's Standard Offer Rate on their next regular scheduled meter read date, unless there is sufficient time to choose an alternative supplier.

**6. Certified Supplier Drops Customer**

If the Certified Supplier decides to discontinue service to a customer, the Certified Supplier will notify the customer in accordance with Commission rules and submit a Drop DASR to the Company at least twelve (12) calendar days in advance of the requested drop date, which will be the next regular scheduled meter read date. The Company will notify the customer when a Drop DASR is received.

**Return to Standard Offer Rate Due to Arrears**

~~Prior to the effective date of an agreement for the Company to purchase the receivables of a Certified Supplier, a customer's electric service account actively enrolled with the Certified Supplier, billed on Company Consolidated billing, and having arrears of 30 days or more totaling \$50.00 or more must have the billing option changed by the Certified Supplier to separate billing by the Company and the Certified Supplier, as described in Section 10 herein, or the Company will return the account to the Company's Standard Offer Rate.~~

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**87. Requests for Customer Specific Usage Information**

A customer or a Certified Supplier, acting as the customer's authorized agent, may request specific usage information. The customer specific usage request will include twelve (12) months of historical data (if available) including monthly kWh usage, meter read dates, and associated monthly maximum demand history, if applicable.

**SECTION III - CUSTOMER CHOICE ENROLLMENT AND PARTICIPATION GUIDELINES (Contd.)**

This information will be provided to the customer or the Certified Supplier, acting as the customer's authorized agent, free of charge.

If the customer requests monthly interval metering data, the customer will be required to pay the charge specified on the tariff Sheet No. 95 "Meter Data Charges." Charges to Certified Suppliers for interval data are specified in P.U.C.O. Electric No. 20.

**88. Customer Aggregation**

Customers may be aggregated for purposes of negotiating the purchase of Competitive Retail Electric Services from a Certified Supplier. Customer aggregation is not restricted by the class of customer within an aggregated group. Accordingly, any customer may be represented by an aggregator. However, an aggregator is not a customer, but rather an agent for aggregated customers. Each aggregated customer will be treated as an individual customer of the Company for billing purposes under their otherwise applicable rate schedules, including the billing of applicable Generation Charges and Shopping Credits. Combination of meter registrations of aggregated customers will not be permitted. No charge of a tariff service will be affected by a customer's aggregation status, and aggregation of load cannot be used for qualification under a tariff.

**409. Bill Payment Option**

A Certified Supplier must notify the Company which billing option is being chosen for its customers: (1) Company Consolidated billing or (2) separate billing by the Company and the Certified Supplier. When the Company Consolidated billing option is selected, the customer will receive one bill from the Company, which will include both the Company's and the Certified Supplier's charges stated separately. The customer is responsible for payment in full to the Company for both the Company and Certified Supplier charges when the Company performs consolidated billing. The billing option must be identified at the time the enrollment DASR is submitted to the Company. Regardless of the billing option selected by the Certified Supplier, the customer may still choose to have budget billing for bills rendered by the Company.

~~If a change DASR for a customer's electric service account actively enrolled with a Certified Supplier is submitted to change the billing option from separate billing by the Company and the Certified Supplier to Company Consolidated billing and the Certified Supplier is participating in the Company's Purchase of Accounts Receivable (PAR) Program, the Company will reject the change DASR if the Company's account with the customer has an arrear of 30 days or more totaling \$50.00 or more.~~

If a change DASR for a customer's electric service account actively enrolled with a Certified Supplier is submitted to change the billing option from separate billing by the Company and the Certified Supplier or from the

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Company Consolidated billing option known as Rate Ready to the Company Consolidated billing option known as Bill Ready and the account is currently involved in the Company's summary billing program, the DASR will be rejected until the Company's information system has the capability to accept such DASRs, ~~which will occur by July 1, 2002.~~ ~~Prior to July 1, 2002,~~ in order for a billing option change DASR to be accepted for this situation, the change submitted must be from separate billing by the Company and the Certified Supplier to the Company Consolidated billing option known as Rate Ready or from the Company Consolidated billing option known as Rate Ready to separate billing by the Company and the Certified Supplier.

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**SECTION III - CUSTOMER CHOICE ENROLLMENT AND PARTICIPATION GUIDELINES (Contd.)**

If a change DASR for a customer's electric service account actively enrolled with a Certified Supplier is submitted to change the billing option from separate billing by the Company and the Certified Supplier or from the Company Consolidated billing option known as Rate Ready to the Company Consolidated billing option known as Bill Ready and the account is currently involved in the Company's adjusted due date program, the DASR will be rejected until the Company's information system has the capability to accept such DASRs, ~~which will occur by November 1, 2002.~~ Prior to November 1, 2002, in order for a billing option change DASR to be accepted for this situation, the change submitted must be from separate billing by the Company and the Certified Supplier to the Company Consolidated billing option known as Rate Ready or from the Company Consolidated billing option known as Rate Ready to separate billing by the Company and the Certified Supplier.

For customers who have a maximum annual peak demand greater than or equal to 2400 kW for the most recent twelve (12) month period, the required interval metering will be used to support the Certified Suppliers' billing options. If a customer has a maximum annual peak demand less than 2400 kW and the Company must install special metering to support a Certified Supplier's billing option, the customer will be responsible for the incremental costs of upgrading the present meter plus all costs associated with the installation of that metering equipment. The charges for an interval meter will be at the tariffed rate, which may be paid over a period not to exceed twenty-four (24) months.

If the Company is providing the consolidated bill option for the Certified Supplier, the Company will remit payments received for Certified Supplier charges including the associated taxes to the Certified Supplier.

All billed charges are grouped into categories and a payment priority is established for each. If a partial payment is received, the Company will apply the following payment priorities classification. Payments will be applied first to prior gas and electric Regulated Utility Charges, second to current gas and electric Regulated Utility Charges, third to prior electric Certified Supplier charges and gas supplier charges (if applicable), fourth to current electric Certified Supplier charges and gas supplier charges (if applicable), and then on a pro-rata basis for non-regulated products and services. When the priority classification is equal, payments will be applied to the oldest receivables first.

If the dual bill option is chosen, the customer will receive separate bills from the Company and the Certified Supplier for their respective charges. The Company and Certified Supplier shall be individually responsible for the collection of their respective charges.

Regardless of the bill option chosen by the Certified Supplier, customers who fail to pay in full their Regulated Utility Charges to the Company will be subject to the Company's late payment charge policy as it applies to those Regulated Utility Charges. The customer will also be subject to the rules and regulations governing the credit, collection and disconnection procedures in accordance with Sections 4901:1-17 and 4901:1-18 of the Ohio Administrative Code.

The Certified Supplier is ultimately responsible for the collection of any unpaid charges for services provided by them, as well as for developing their own credit and collection policies. However, in the course of following its collection procedures for Regulated Utility Charges, the Company may inform customers of such arrearages. In accordance with the rules and regulations governing the credit, collection and disconnection procedures specified in Sections 4901:1-17 and 4901:1-18 of the Ohio Administrative Code, the Certified Supplier may not physically disconnect customers for non-payment of Certified Supplier charges.

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#### **SECTION IV - CUSTOMER'S AND COMPANY'S INSTALLATIONS**

##### **1. Nature and Use of Installation**

All electric service entrance wiring and equipment furnished and installed by the customer for the purpose of connecting the premises with the Company's service, shall be suitable for the purposes thereof and shall be installed, owned and maintained by the customer at all times in conformity with the National Electrical Code, any other codes and regulations in effect in the area served and the standards contained in the latest revision of the Company's booklet entitled "Information & Requirements for Electric Service," copies of which are available at the Company's offices.

##### **2. Installation of Meters**

Electricity will be measured by a meter or meters to be owned and installed by the Company in the customer's meter base at a location approved by the Company. The Company will install upon the customer's premises one meter or one unified set of meters for each standard service connection. Meters for new single-family residences are to be located outside the residence.

##### **3. Installation and Maintenance**

Except as otherwise provided in these ELECTRIC SERVICE REGULATIONS, in service agreements or rate schedules, the Company will install and maintain its lines and equipment on its side of the point of delivery, but shall not be required to install or maintain any lines or equipment, except Company owned meters and metering equipment, on the customer's side of the point of delivery without cost to the customer. Only the Company's agents are authorized to connect the Company's service to the customer's service.

All meters and equipment furnished by and at the expense of the Company, which may at any time be on said premises, shall, unless otherwise expressly provided herein, be and remain the property of the Company, and the customer shall protect such property from loss or damage. No one except an agent of the Company shall be permitted to remove or handle same.

Subject to the rules, conditions and riders covering the installation of service connections and extensions, the Company will make one standard service connection to the customer's installation. If three phase service is required and an additional connection is necessary, both will be considered as one service connection.

The rates for each class of service provided for in the rate schedules contemplate the furnishing of service to one location or premises through one standard service connection. Where the customer is receiving service through more than one standard metering installation, the Company will calculate and render a separate bill for service furnished through each metering installation. If the Company elects to provide more than one standard service connection, the Company may, at its option, combine these connections and calculate and render one bill.

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#### **SECTION IV - CUSTOMER'S AND COMPANY'S INSTALLATIONS (Cont'd)**

When a customer or private party requests the Company to relocate the Company's facilities or a customer's service entrance wiring, such requesting party shall pay all expenses related to such relocation.

When the Company relocates its facilities or a customer's service entrance wiring at the request of a governmental entity (or Administrating Agency) and if the relocation was related to a project financed through transportation improvement district funding, joint economic development district funding, tax increment funding, or similar quasi-public funding, then the governmental entity (or Administrating Agency) shall pay for the cost of relocating Company's facilities in direct proportion to the contributions received from the other funding sources.

The Company shall not be required to construct general distribution lines underground unless the cost of such special construction for general distribution lines and/or the cost of any change of existing overhead general distribution lines to underground which is required or specified by a municipality or other public authority (to the extent that such cost exceeds the cost of construction of the Company's standard facilities) shall be paid for by that municipality or public authority.

#### **4. Special Power Apparatus**

In the case of hoists, elevators, welding machines or other installations, where the use of electricity is intermittent or subject to violent fluctuations, the Company reserves the right to use the input rating or the metered instantaneous demand of such equipment under maximum operating conditions for billing purposes, or to require the customer to provide at his own expense, suitable equipment to reasonably limit such intermittence or fluctuation that may affect the service provided to other customers.

#### **5. Changes in Installations**

As the Company's service drops, transformers, meters and other facilities used in supplying service to the customer have limited capacity, the customer should give notice to the Company, and obtain the Company's consent, before making any material changes or increases in the customer's installation. After receipt of such notice, the Company will give its written approval of the proposed change or increase, or it will inform the customer of the prerequisites to receipt of service for such change or increase. Any change affecting an estimated billing demand shall be reviewed by the Company's representative and shall become effective from the succeeding meter reading.

The customer shall be solely responsible for all damages sustained by the Company or any person due to the customer's failure to give reasonable advance notice to the Company of such change in the customer's installation.

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## SECTION V - METERING

### 1. Meter Tests

The Company, for the mutual protection of the customer and the Company, will make periodic tests of the meter used in measuring electricity furnished to the customer, and will test a meter upon the written request of a customer. The Company owned meter will be tested and, if found inaccurate, restored to an accurate condition or a new meter will be substituted. Any meter tested and found to be registering not more than two percent (2%) fast or slow will be considered to be correct and accurate.

If a test of any meter is made at the request of a customer, with the result that such meter is found to be correct and accurate as defined above, the Company may charge the customer the expense of such test. However, for the first such meter test the Company will not charge the customer. If, during the subsequent thirty-sixth month period, the customer requests that a meter test be conducted and the meter is found to be within the tolerances described above, the customer will be billed for the expense of such meter test as specified on Sheet No. 96, Meter Service Charges.

### 2. Basis for Bill Adjustment

The Company will refund to the customer any overcharges if the meter is found to be registering more than two percent (2%) fast and the customer may be billed and will pay the undercharges if the meter is found to be registering more than two percent (2%) slow.

When a period of meter inaccuracy is discernible upon a review of the account history, or if a meter is found to register partially, or not at all, for any period, the overcharge or undercharge may be computed on the basis of a customer's metered consumption prior and/or subsequent to such period in accordance with the rates in effect during the period.

When a period of meter inaccuracy is unknown the overcharge will be determined on the basis of the meter test for the period since the customer's "on" date, the installation date of the inaccurate meter, or for residential customers a period of 365 days prior to the date the inaccuracy is corrected, whichever is less. However, the 365 day restriction for residential customers shall not apply in cases of meter tampering or theft of utility service, or where a physical act of a customer or its agent causes inaccurate or no recording of the electric meter reading, or inaccurate or no measurement of the electricity rendered.

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## SECTION VI - BILLING AND PAYMENT

### 1. Billing Periods - Time and Place for Payment of Bills

Bills ordinarily are rendered at monthly intervals. Non-receipt of bills by the customer does not release or diminish the obligation of the customer with respect to payment thereof.

The word "month" as it pertains to the supply of service shall mean the period of approximately thirty (30) days between meter readings, as fixed and made by the Company. Meters are ordinarily read monthly, however, meters may be read more or less frequently in such instances as, when special readings are required, at the customer's request, or when the Company has been unable to obtain readings. If the Company has been unable to obtain a meter reading for a period of twelve (12) consecutive months, the Company may, at its option, refuse or disconnect service to the premises in accordance with Section I Paragraph 3, Company's Right to Refuse or Disconnect Service, of these ELECTRIC SERVICE REGULATIONS. The Company shall have the right to establish billing districts for the purpose of reading meters and rendering bills to customers at various dates. A change or revision of any rate schedule shall be applicable to all bills on which the final monthly meter reading was taken on or after the effective date of such change or revision, except as otherwise ordered by the Public Utilities Commission of Ohio.

Where the Company is unable to obtain a meter reading, estimated bills, so identified, will be rendered for an estimated amount to permit normal monthly payment, such payments to be credited to the next bill rendered.

When the Company is requested by the customer to terminate service, or when the Company discovers a customer has terminated service by moving from the premises served, or when the Company disconnects service due to nonpayment of the account or for other reasons, the Company will render a final bill addressed to the customer's forwarding address, if known, or to the last known address, for the entire balance of the account, including a bill calculation from the last read date, pursuant to Rule 4901:1-10-05 (1) of the Ohio Administrative Code, with special meter readings taken for combination gas and electric and gas only accounts and identified estimated meter readings being used for non-heating electric only accounts. Unpaid balances of previously rendered final bills may be transferred to the new account and included on initial or subsequent bills.

When the customer begins use of service, an initial bill is normally rendered for the period from the initial date of service to the first regular meter reading date for the billing district in which the premises is located, this period normally being less than one month, except that the bill is suspended if the period is less than eight (8) days.

All of the Company's rate schedules are established on a monthly basis which would include monthly billing periods in accordance with the Company's meter reading schedule. A normal meter reading period consists of the number of days between scheduled reads, that is, between twenty-seven (27) and thirty-five (35) days, plus or minus three (3) working days. Where billing amounts reflects a period of more than one (1) month, those amounts shall be prorated based on the normal scheduled meter reading dates and divided into increments of one (1) month or less. If the increments represents less than one (1) month, the appropriate billing components will be billed as a prorated portion of the period defined by the normal scheduled meter reading dates.

Filed pursuant to an Order dated July 8, 2009 in Case No. 08-709-EL-AIR before the Public Utilities Commission of Ohio.

Issued: July 10, 2009

Issued by Julie Janson, President

Effective: July 13, 2009

Duke Energy Ohio  
139 East Fourth Street  
Cincinnati, Ohio 45202

P.U.C.O. Electric No. 19  
Sheet No. 25.6  
Cancels and Supersedes  
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Page 2 of 3

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## **SECTION VI - BILLING AND PAYMENT (Contd.)**

Bills are due on the date indicated thereon as being the last day for payment of the net amount, and the due date shall not be less than twenty-one (21) days after the mailing of the bill. Bills are payable only at the Company's offices or authorized agencies for collection. If a partial payment is made, the amount will be applied to items of indebtedness in the same order as they have accrued, starting with regulated charges followed by non-regulated charges, pursuant to Rule 4901:1-10-33 (H) of the Ohio Administrative Code.

### **2. Selection of Rate Schedule**

When a prospective customer makes application for service, the Company will, upon request, assist in the selection of the Rate Schedule most favorable to customer for the service requested. The selection will be based on the prospective customer's statement as to the class of service desired, the amount and manner of use, and any other pertinent information.

A customer being billed under one of two or more optional rate schedules applicable to the customer's class of service may elect to be billed on any other applicable rate schedule by notifying the Company in writing, and the Company will bill the customer under such elected schedule from and after the date of the next meter reading. However, a customer having made such a change of rate schedule may not make another such change within the next twelve months, or as otherwise provided elsewhere in the applicable rate schedules.

### **3. Temporary Discontinuance of Service**

If any residential customer notifies the Company in writing to discontinue service, the Company will make no minimum charge for any full meter reading period during the period of discontinuance; provided however, that the Company may charge and collect a fee in accordance with paragraph B of Sheet No. 92 prior to reconnecting a service which was discontinued at the customer's request within the preceding twelve months.

### **4. Availability of Budget Billing**

The Company has available to its customers a "Budget Billing Plan" which minimizes billing amount fluctuations over a twelve month period. The Company may exercise discretion, as permitted by Rule 4901:1-18-4 (C) of the Ohio Administrative Code, to restrict the availability of such a plan to customers who:

- (a) Have no arrearages (other than amounts already incorporated in a previously agreed upon extended payment plan); and
- (b) Are not in default on a previously agreed upon extended payment plan.

Filed pursuant to an Order dated July 8, 2009 in Case No. 08-709-EL-AIR before the Public Utilities Commission of Ohio.

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Sheet No. 25.6  
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## SECTION VI - BILLING AND PAYMENT (Contd.)

### 5. Bill Adjustment

Overcharges will be refunded to the customer for the entire period of inaccurate billing if that period is discernible. If the period of inaccurate billing is not discernible, the shortest period encompassing the elapsed time since the customer's "on" date, the installation date of the inaccurate meter, or 365 days will form the basis for determining the refund amount.

Undercharges may be billed and the customer shall pay the charges for the entire period of inaccurate billing when that period is discernible, except undercharges billed to residential customers shall be limited to a maximum of 365 days prior to the date the billing is corrected. There will be no maximum limit of time for cases involving tampering or theft of utility service, or where a physical act of a customer or its agent causes inaccurate or no recording of the meter reading, or inaccurate or no measurement of the electricity rendered.

Filed pursuant to an Order dated July 8, 2009 in Case No. 08-709-EL-AIR before the Public Utilities Commission of Ohio.

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Cincinnati, Ohio 45202

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Sheet No. 26.4  
Cancels and Supersedes  
Sheet No. 26.3  
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## SECTION VII - CREDIT AND DEPOSIT PROVISIONS

### 1. Disconnection for Nonpayment: Residential Customers

The Company will comply with the provisions of the disconnection rules set forth in Chapters 4901:1-10 and 4901:1-18 O.A.C. (Ohio Administrative Code) as amended.

### 2. Disconnection for Nonpayment: Non-Residential Customers

An account will be considered delinquent and be subject to the Company's disconnection procedures for non-payment if the Company's charges in any bill remains unpaid after the due date.

The Company will mail or otherwise give notice of impending disconnection for nonpayment to the customer prior to disconnection.

The Company may charge a landlord \$2.50 per notice in situations where a master metered apartment building is subject to disconnection and the Company is required to put a notice on each apartment unit. This provision is subject to 4901:1-18-07 of the Ohio Administrative Code.

### 3. Reconnection of Service

Reconnection of service that has been disconnected for nonpayment shall be made pursuant to the following provisions:

- (a) Upon payment or proof of payment, including any reconnection charge, for service that was previously disconnected, reinstatement of service shall be made by the close of the following regular Company working day.
- (b) If service is disconnected and the customer wishes to guarantee the reinstatement of service the same day on which payment is rendered, the customer must make payment in the Company's business office, or provide proof of payment, and notify the Company before 12:30 p.m. that reinstatement of service is requested the same day. If the Company is notified after 12:30 p.m. of a customer's desire for same day reinstatement of service, the after hour charges specified in PUCO Electric Sheet No. 92 will apply.
- (c) If a Company employee, whose original purpose was to disconnect the service, has provided the customer a means to avoid disconnection, service which otherwise would have been disconnected shall remain intact, and no reconnection charge shall be assessed. However, a collection charge of fifteen dollars (\$15.00) may be assessed.

Filed pursuant to an Order dated February 22, 2008 in Case No. 08-920-EL-SSO before the Public Utilities Commission of Ohio.

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Issued: December 22, 2008

Effective: January 5, 2009

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Duke Energy Ohio  
139 East Fourth Street  
Cincinnati, Ohio 45202

P.U.C.O. Electric No. 19  
Sheet No. 26.4  
Cancels and Supersedes  
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#### **SECTION VII - CREDIT AND DEPOSIT PROVISIONS (Contd.)**

- d) If a guarantor is required in order to re-establish service, the guarantor must sign an acknowledgment of willingness to accept the responsibility for payment of the customer's entire past due billed amount (up to 60 days for residential customers) owed the Company in case of the customer's default.

#### **4. Charge for Reconnection of Service**

The Company may charge and collect in advance the dollar amount specified on Tariff Sheet No. 92, Charge for Reconnection of Service for reconnecting a customer's service after service is disconnected because of nonpayment of the bill when due or when service is discontinued because of unauthorized or fraudulent use, tampering with Company equipment, or denial of access to premises as set out in Section II Paragraph 8, Access to Premises.

#### **5. Residential Tenant Rights**

The Company will comply with the provisions of the disconnection rules set forth in Chapters 4901:1-10 and 4901:1-18 O.A.C. as amended.

#### **6. Deposit Provision**

The Company may require a Security Deposit of any customer, residential or non-residential, in addition to the requirement of payment for prior indebtedness, as set forth in Section II, 1. Supplying of Service, in compliance with the provisions of Section 4933.17 of the Ohio Revised Code and the rules set forth in Chapters 4901:1-10 and 4901:1-17 as amended. The Security Deposit may be requested prior to the rendering of utility service or at a later time.

Filed pursuant to an Order dated February 22, 2008 in Case No. 08-920-EL-SSO before the Public Utilities Commission of Ohio.

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Sheet No. 27.1  
Cancels and Supersedes  
Sheet No. 27  
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## **SECTION VIII - APPLICATION OF SERVICE REGULATIONS**

### **1. Application of ELECTRIC SERVICE REGULATIONS and Rate Schedules**

All service agreements as presently in effect or that may be entered into in the future are made expressly subject to these ELECTRIC SERVICE REGULATIONS and any modifications or amendments thereto, and subject to all applicable existing rate schedules and any modifications, substitutions or amendments thereto.

### **2. Agents Cannot Modify Agreement**

No agent has the right to amend, modify or alter the application, rates, terms, conditions, rules or regulations as filed with the Public Utilities Commission of Ohio, or to make any representation not contained in the Company's schedules, supplements thereto and revisions thereof, lawfully filed with said Commission.

Filed pursuant to an Order dated March 29, 2006 in Case No. 06-407-GE-ATA before the Public Utilities Commission of Ohio.

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Effective: April 3, 2006

Issued by Julie Janson, President

DUKE ENERGY OHIO  
SERVICE REGULATIONS  
SUPPLEMENT A

RULES AND REGULATIONS  
GOVERNING THE ESTABLISHMENT OF  
CREDIT FOR RESIDENTIAL UTILITY SERVICE

Rule 4901:1-17 of the Ohio Administrative Code as  
Adopted by The Public Utilities Commission of Ohio  
in Case No. 03-888-AU-ORD

- 4901:1-17-01 DEFINITIONS
- 4901:1-17-02 WRITTEN CREDIT PROCEDURES REQUIRED
- 4901:1-17-03 ESTABLISHMENT OF CREDIT
- 4901:1-17-03 APPENDIX: GUARANTOR AGREEMENT
- 4901:1-17-04 DEPOSIT TO REESTABLISH CREDITWORTHINESS
- 4901:1-17-05 DEPOSIT ADMINISTRATION PROVISIONS
- 4901:1-17-06 REFUND OF DEPOSIT AND RELEASE OF GUARANTOR
- 4901:1-17-07 RECORD OF DEPOSIT
- 4901:1-17-08 APPLICANT AND/OR CUSTOMER RIGHTS
- 4901:1-17-09 WAIVER REQUESTS

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**4901:1-17-01 Definitions.**

As used in this chapter:

- (A) "Commercial mobile radio service (CMRS)" includes and is specifically limited to mobile telephone, mobile cellular telephone, paging, personal communication services, and specialized mobile radio service providers when serving as a common carrier in Ohio, consistent with rule 4901:1-6-01 of the Administrative Code. Fixed wireless is not considered as CMRS, consistent with rule 4901:1-6-01 of the Administrative Code.
- (B) "Regulated service" means a service offering regulated by the commission.
- (C) "Utility" or "public utility" means all persons, firms, or corporations engaged in the business of providing natural gas, telecommunications (excluding commercial mobile radio service), water or sewage disposal service to consumers as defined in division (G) of section 4929.01 of the Revised Code and divisions (A)(2), (A)(8) and (A)(14) of section 4905.03 of the Revised Code, respectively. Rules for the establishment of credit for electric distribution utilities are included in Chapter 4901:1-10 of the Administrative Code.

**4901:1-17-02 Written credit procedures required.**

Each public utility shall establish written credit procedures consistent with these rules that allow an applicant for residential service to establish, or an existing residential customer to reestablish, credit with the utility. The procedures should be equitable and administered in a nondiscriminatory manner. The utility, without regard to race, color, religion, gender, national origin, age, handicap, or disability, shall base its credit procedures upon the credit risk of the individual as determined by the utility without regard to the collective credit reputation of the area in which the residential applicant or customer lives.

**4901:1-17-03 Establishment of credit.**

- (A) Each utility may require an applicant for residential service to satisfactorily establish financial responsibility. If the applicant has previously been a customer of that utility, the utility may require the residential applicant to establish financial responsibility pursuant to paragraph (C) of rule 4901:1-17-04 of the Administrative Code. An applicant's financial responsibility will be deemed established if the applicant meets one of the following criteria:
  - (1) The applicant is the owner of the premises to be served or of other real estate within the territory served by the utility and has demonstrated financial responsibility.
  - (2) The applicant demonstrates that he/she is a satisfactory credit risk by means that may be quickly and inexpensively checked by the utility. In determining whether the applicant is a financially responsible person, the public utility may request from the applicant and shall consider information including, but not limited to, the following: name of employer, place of employment, position held, length of service, letters of reference, and names of credit cards possessed by the applicant.

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- (3) The applicant demonstrates that he/she has had the same class and a similar type of utility service within a period of twenty-four consecutive months preceding the date of application, unless utility records indicate that the applicant's service was disconnected for nonpayment during the last twelve consecutive months of service, or the applicant had received two consecutive bills with past due balances during that twelve-month period and provided further that the financial responsibility of the applicant is not otherwise impaired.

When an applicant requests a copy of his/her payment history to satisfy paragraph (A)(3) of this rule, each utility shall provide a customer, at his/her request, written information reflecting the customer's payment history. The utility shall provide this information within five business days of this request.

- (4) The applicant makes a cash deposit to secure payment of bills for the utility's service as prescribed in rule 4901:1-17-05 of the Administrative Code.
- (5) The applicant furnishes a creditworthy guarantor to secure payment of bills in an amount sufficient for a sixty-day supply for the service requested. If a third party agrees to be a guarantor for a utility customer, he or she shall meet the criteria as defined in paragraph (A) of this rule or otherwise be creditworthy.
- (a) Telecommunications service providers shall further comply with the provisions set forth in rule 4901:1-5-14 of the Administrative Code.
- (b) For all utilities, including telecommunications service providers, the guarantor shall sign a written guarantor agreement that shall include, at a minimum, the information shown in the appendix to this rule. The company shall provide the guarantor with a copy of the signed agreement and shall keep the original on file during the term of the guaranty.
- (c) For all utilities, including telecommunications providers, the company shall send all disconnection notifications for the guaranteed customer also to the guarantor, unless the guarantor affirmatively waives that right.
- (d) For all utilities, including telecommunication providers, the company shall send a notice to the guarantor when the guaranteed customer requests a transfer of service to a new location. The transfer of service notice shall display all of the following information:
- (i) The name of the guaranteed customer.
- (ii) The address of the current guaranteed customer service location.
- (iii) A statement that the transfer of service to the new location may affect the guarantor's liability.
- (iv) A statement that, if the guarantor does not want to continue the guaranty at the new service location, the guarantor must provide thirty days' written notice to the company to end the guaranty.
- (B) The establishment of credit under the provisions of these rules, or the reestablishment of credit under the provisions of rule 4901:1-17-04 of the Administrative Code, shall not relieve the applicant or customer from compliance with the regulations of the utility

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Page 3 of 6

regarding advance payments and payment of bills by the due date, and shall not modify any regulations of the utility as to the discontinuance of service for nonpayment.

- (C) Upon default by a customer who has furnished a guarantor as provided in paragraph (A)(5) of this rule, the utility may pursue collection actions against the defaulting customer and the guarantor in the appropriate court, or if the guarantor is a customer of the same utility, that utility may transfer the defaulting customer's bill to the guarantor's. The defaulted amount transferred to the guarantor's bill shall not be greater than the amount billed to the customer for sixty days of service or two monthly bills. After thirty days from the transfer, the utility may make the guarantor subject to disconnection procedures, if the amount transferred still remains unpaid.
- (D) An applicant who owes an unpaid bill for previous residential service, whether the bill is owed as a result of service provided to that applicant or is owed under a guarantor agreement, shall not have satisfactorily established or reestablished his/her financial responsibility as long as the bill remains unpaid.

**Rule 4901:1-17-03-Appendix: Guarantor Agreement**

Guarantor Agreement

I, (name of guarantor), agree to be the guarantor for the (utility type) service provided by (name of utility company) for (customer's name) at the service address of (location).

As the guarantor for (customer's name), I agree to be obligated for charges for the (type of utility) services provided to the guaranteed customer, (customer's name), through the date of termination of the guaranty.

I understand that the company will send a notice to me when the customer requests to transfer service to a new location.

I understand that the company will also send to me all disconnection notifications sent to (name of customer), unless I affirmatively waive that right.

If (customer's name) defaults on the account, I will be held legally responsible for and agree to pay the defaulted amount. As guarantor, I understand that the defaulted amount may be transferred to my account and that my service may be subject to disconnection, if the transferred amount remains unpaid for thirty days. I understand that this amount will not be more than the amount of the bill for sixty days of service.

I understand that I may terminate this guarantor agreement upon thirty days' written notice to (name of company). I also understand that, if I terminate this guarantor agreement, (customer's name) may be required to reestablish creditworthiness when I terminate the guaranty.

I understand that the company shall annually review the account history of each customer who has provided a guarantor. Once (customer's name) satisfies the requirements for the release of a guarantor, as stated in Rule 4901:1-17-06, of the Ohio Administrative Code, (name of company) shall, within thirty days, notify me in writing that I am released from all further responsibility for the account.

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I agree to be a guarantor for (customer's name).

\_\_\_\_\_  
(signature of guarantor)

I waive the right to receive all disconnection notices regarding (customer's name) guaranteed service.

\_\_\_\_\_  
(signature of guarantor)

**4901:1-17-04 Deposit to reestablish creditworthiness.**

- (A) A utility may require a customer to make a deposit or an additional deposit on an account, as set forth in this rule and pursuant to rules 4901:1-17-03 and 4901:1-17-05 of the Administrative Code, to reestablish creditworthiness for tariffed service based on the customer's credit history on that account with that company. After considering the totality of the circumstances, the utility may require a customer whose service has been disconnected to pay a deposit, the delinquent bill, and the reconnection charges prior to restoring service.
- (B) A utility may require a deposit if the customer account meets one of the following criteria:
  - (1) The customer has not made full payment or payment arrangements by the due date for two consecutive bills during the preceding twelve months.
  - (2) The customer has been issued a disconnection notice for nonpayment on two or more occasions during the preceding twelve months.
- (C) A utility may require a deposit if the applicant for service was a customer of that utility, during the preceding twelve months, and had service disconnected for nonpayment, a fraudulent practice, tampering, or unauthorized reconnection.

**4901:1-17-05 Deposit administration provisions.**

- (A) No public utility, as defined in this chapter, except telecommunications providers, shall require a cash deposit to establish or reestablish credit in an amount in excess of one-twelfth of the estimated charge for regulated service(s) provided by that distribution utility for the ensuing twelve months, plus thirty per cent of the monthly estimated charge. No telecommunications provider shall require a cash deposit to establish or reestablish credit in an amount in excess of that prescribed in rule 4901:1-5-13 of the Administrative Code. Each utility, upon request, shall furnish a copy of these rules to the applicant/customer from whom a deposit is required. If a copy of the rule is provided to a customer/applicant, the utility shall also provide the name, address, website address, and telephone number of the public utilities commission of Ohio.
- (B) Upon receiving a cash deposit, the utility shall furnish to the applicant/customer a receipt that displays all of the following information:

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- (1) The name of the applicant/customer.
  - (2) The address of the premises to be served.
  - (3) The billing address for the service.
  - (4) The amount of the deposit and a statement that the rate of interest to be paid on the deposit will be not less than three per cent per annum if the deposit is held for one hundred eighty days or longer.
- (C) Each utility shall accrue interest at a rate of at least three per cent per annum per deposit held for one hundred eighty days or longer. Interest shall be paid to the customer when the deposit is refunded or deducted from the customer's final bill. A utility shall not be required to pay interest on a deposit it holds for less than one hundred eighty days. No utility shall be required to pay additional interest on a deposit after discontinuance of service, if the utility has made a reasonable effort to refund the deposit. A utility shall dispose of any unclaimed deposit, plus accrued interest, in conformity with Chapter 169. of the Revised Code.

**4901:1-17-06 Refund of deposit and release of guarantor.**

- (A) After discontinuing service, the utility shall promptly apply the customer's deposit, including any accrued interest, to the final bill. The utility shall promptly refund to the customer any deposit, plus any accrued interest, remaining. A transfer of service from one customer location to another within the service area of the utility does not prompt a refund of the deposit or a release of the guarantor.
- (B) The utility shall review each account holding a deposit or a guarantor agreement every twelve months and promptly refund the deposit, plus any accrued interest, or release the guarantor, if the account meets the following criteria:
- (1) The customer has paid his/her bills for service for twelve consecutive months without having had service disconnected for nonpayment.
  - (2) The customer has not had more than two occasions on which his/her bill was not paid by the due date.
  - (3) The customer is not then delinquent in the payment of his/her bills.
- (C) The utility shall promptly return the deposit, plus any accrued interest, upon the customer's request at any time the customer's credit has been otherwise established or reestablished, in accordance with this chapter of the Administrative Code.
- (D) Once the customer satisfies the requirements for release of the guarantor, pursuant to paragraph (B) of this rule, the utility shall notify the guarantor in writing, within thirty days, that the guarantor is released from all further responsibility for the account.

**4901:1-17-07 Record of deposit.**

Until the deposit is refunded or otherwise disposed of in accordance with applicable law, each utility holding a cash deposit shall maintain a record that displays all of the following information:

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- (A) The name and current or last known billing address of each depositor.
- (B) The amount and date of the deposit.
- (C) Each transaction concerning the deposit.

**4901:1-17-08 Applicant and/or customer rights.**

- (A) Each public utility that requires a cash deposit shall notify the applicant/customer of all options available to establish credit as listed in paragraph (A) of rule 4901:1-17-03 of the Administrative Code.
- (B) If a public utility requires a cash deposit to establish or reestablish service and the customer expresses dissatisfaction with the utility's decision, the company shall inform the customer of the following:
  - (1) The reason(s) for its decision.
  - (2) How to contest the utility's decision and show creditworthiness.
  - (3) The right to have the utility's decision reviewed by an appropriate utility supervisor.
  - (4) The right to have the utility's decision reviewed by the commission staff, and provide the applicant/customer the local or toll-free numbers and/or TDD/TTY numbers, address, and the website address of the commission as stated below:

The public utilities commission of Ohio (PUCO) toll-free at 1-800-686-7826 or 1-614-466-3292, or for TDD/TTY toll-free at 1-800-686-1570 or 1-614-466-8180, from 8:00 a.m. to 5:00 p.m. weekdays, or the PUCO website at [www.PUCO.ohio.gov](http://www.PUCO.ohio.gov).
- (C) Each public utility, upon request, shall provide in writing to the applicant/customer the information required by paragraph (B) of this rule.

**4901:1-17-09 Waiver requests.**

The public utilities commission of Ohio may waive any rule or any part of a rule contained in this chapter of the Administrative Code for good cause upon its own motion or upon application by a company.

The application for a waiver shall include the specific rule(s) requested to be waived. If the request is to waive only a part or parts of a rule, then the application should identify the appropriate paragraphs, sections, or subsections to be waived. The waiver request shall provide sufficient explanation by rule, including advantages and possible disadvantages, to allow the commission to thoroughly evaluate the waiver request.

DUKE ENERGY OHIO  
SERVICE REGULATIONS  
SUPPLEMENT B

RULES, REGULATIONS AND PRACTICES  
GOVERNING THE DISCONNECTION OF  
GAS, NATURAL GAS, OR ELECTRIC  
SERVICE TO RESIDENTIAL CUSTOMERS

Rule 4901:1-18 of the Ohio Administrative Code as  
Adopted by The Public Utilities Commission of Ohio  
in Case No. 03-888-AU-ORD

4901:1-18-01	DEFINITIONS
4901:1-18-02	GENERAL PROVISIONS
4901:1-18-03	DELINQUENT BILLS
4901:1-18-04	EXTENDED PAYMENT PLANS AND RESPONSIBILITIES
4901:1-18-05	DISCONNECTION PROCEDURES FOR NATURAL GAS AND ELECTRIC COMPANIES.
4901:1-18-06	RECONNECTION OF SERVICE
4901:1-18-07	LANDLORD-TENANT PROVISIONS.
4901:1-18-07	APPENDICES & FORMS
4901:1-18-08	WAIVER REQUESTS
4901:1-18-09	RESIDENTIAL NATURAL GAS BILLS
4901:1-18-10	COMBINATION UTILITY COMPANIES
4901:1-18-11	INSUFFICIENT REASONS FOR REFUSING OR DISCONNECTING SERVICE
4901:1-18-12	RESTRICTIVE LANGUAGE PROHIBITION

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**4901:1-18-01 Definitions.**

- (A) "Collection charge" means a tariffed charge assessed to a residential customer by a company for dispatching an employee or agent to a residence who is authorized to accept payment for utility service.
- (B) "Commission" means the public utilities commission of Ohio.
- (C) "Company" means a natural gas company as defined in division (G) of section 4929.01 of the Revised Code or an electric distribution utility as defined in division (A)(6) of section 4928.01 of the Revised Code.
- (D) "Consumer" means any person who is the ultimate user of electric or gas service.
- (E) "Customer" means any person who enters into a contractual agreement with the company to receive residential electric or gas service.
- (F) "Default" means the failure to make the required payment on an extended payment plan by the due date.
- (G) "Extended payment plan" means an agreement between the customer and the company that requires the customer to make payments over a set period of time to the company on unpaid amounts owed to the company.
- (H) "Household income" has the meaning attributed to it by the Ohio department of development, office of community services, in the administration of the home energy assistance program.
- (I) "Primary source of heat" means the energy that is the heat source for the central heating system of the residence or, if the residence is not centrally heated, the energy that makes up the bulk of the energy used for space heating.
- (J) "Secondary source of heat" means the energy that is the heat source for space heating other than that provided by the central heating system of the residence or, if the residence is not centrally heated, the energy that does not make up the bulk of the energy used for space heating or, if the residence is centrally heated using some other form of energy, the energy required to operate equipment needed for the proper functioning of the central heating system.

**4901:1-18-02 General provisions.**

Natural gas or electric companies under the jurisdiction of the commission may disconnect service to residential customers only for the following reasons:

- (A) For any violation of or refusal to comply with a contract and/or the general service rules and regulations on file with the commission that apply to the customer's service.
- (B) When a consumer uses electricity or gas in a manner detrimental to the service to other consumers.
- (C) When providing service is in conflict or incompatible with any order of the commission, court of law, laws of the state of Ohio or any political subdivision thereof, or of the federal government or any of its agencies.
- (D) When the customer has moved from the customer location.

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- (E) When supplying electricity or gas creates a safety hazard to consumers or their premises, the public, or to the company's personnel or facilities or where, because of conditions beyond the consumer's premises, disconnection of the supply of electricity or gas is reasonably necessary. The company shall not restore service until the hazardous condition(s) has been corrected.
- (F) When a customer, consumer, or his/her agent:
  - (1) Prevents utility company personnel from reading the meter for a year or more, unless the company suspects tampering or other fraudulent activities.
  - (2) After notice and a reasonable period of time under the circumstances, continues to prevent company personnel from calibrating, maintaining, or replacing the company's meter, metering equipment, or other company property used to supply service.
  - (3) Resorts to any fraudulent practice to obtain electric or gas service, is the beneficiary of the fraudulent practice, or damages the company's meter, metering equipment or other property used to supply the service. Under the circumstances stated in this paragraph the company need not restore service until the consumer or customer has completed each of the following:
    - (a) Given assurance that the fraudulent or damaging practice has been discontinued.
    - (b) Paid to the company an amount estimated by the company to be reasonable compensation for unauthorized usage obtained and not paid for at the time of disconnection.
    - (c) Paid for any damage to property of the company including any cost to repair the damage.
    - (d) All other fees and charges authorized by tariff resulting from the fraudulent practice or tampering.
- (G) For repairs, provided that notice to consumers is given prior to scheduled maintenance interruptions in excess of six hours.
- (H) Upon the request of the customer.
- (I) For nonpayment, including nonpayment of security deposits applied to delinquent bills as a condition for continued service, only after the provisions and procedures set forth in the rules in this chapter have been complied with by the natural gas or electric company.

**4901:1-18-03 Delinquent bills.**

- (A) Individually metered residential service accounts will be considered delinquent and subject to the company's disconnection procedures for nonpayment if the account meets one of the following criteria:
  - (1) The customer has not made full payment or arrangements for payment by the due date, for any given bill containing a previous balance for regulated services provided by the distribution utility.
  - (2) The customer is in default on an extended payment plan.

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- (3) The customer fails to make the initial payment on an extended payment plan.
- (B) The minimum payment necessary in order to avoid the disconnection procedures shall not be greater than the delinquent amount, i.e., that portion of the bill that represents a *previous balance for regulated services provided by the distribution utility.*

**4901:1-18-04 Extended payment plans and responsibilities.**

- (A) Upon contact by a customer whose account is delinquent or who desires to avoid a delinquency, the company shall inform the customer that it will make extensions or other extended payment plans appropriate for both the customer and the company. The company may require the customer to demonstrate an inability to pay. If the customer proposes payment terms, the company may exercise discretion in the acceptance of the payment terms based upon the account balance, the length of time that the balance has been outstanding, the customer's recent payment history, the reasons why payment has not been made, and any other relevant factors concerning the circumstances of the customer, including health, age, and family circumstances. If the customer fails to propose payment terms acceptable to the company, the company shall then advise the customer of the availability of one of the extended payment plans as set forth in paragraphs (A)(1) and (A)(2) of this rule and of the availability of the extended payment plan set forth in paragraph (B) of this rule for a customer whose income qualifies him/her for such a plan. A customer who is in default on an extended payment plan other than one set forth in paragraphs (A)(1), (A)(2), or (B) of this rule is eligible for an extended payment plan as set forth in paragraphs (A)(1), (A)(2), and (B) of this rule provided he/she meets the qualifications for those plans. A customer who is in default on one of the extended payment plans set forth in paragraph (A)(1) or (A)(2) of this rule is eligible for the extended payment plan set forth in paragraph (B) of this rule provided he/she meets the qualifications for that plan.

If a customer informs the company of a medical problem, the company shall inform the customer of the medical certification program as provided in paragraph (C) of rule 4901:1-18-05 of the Administrative Code.

Each company shall offer the customer at least one of the following extended payment plans:

- (1) A plan that requires six equal monthly payments on the arrearages in addition to full payment of current bills.
- (2) A plan that requires payment of one-third of the balance due each month (arrearages plus current bill). This plan shall be offered during the winter heating season as required by paragraph (B)(3) of rule 4901:1-18-05 of the Administrative Code.
- (B) No company shall disconnect the service of any residential customer for nonpayment or refuse to reconnect, because of an arrearage, the service of a residential customer who has requested to transfer his/her service from one address to another as long as that customer meets each of the following qualifications:
  - (1) The customer has a household income for the past three months, which if annualized, would equal one hundred fifty per cent of the federal poverty level or less or, if the household income for the past three months annualized is more than one hundred fifty per cent of the federal poverty level, the customer has a household income for the past twelve months equal to one hundred fifty per cent of the federal poverty level or less.

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- (2) For usage during any billing period all or part of which is within the winter period as defined by paragraph (B) of rule 4901:1-18-05 of the Administrative Code, the customer pays at least one of the following amounts:
    - (a) Ten per cent of his/her monthly household income to the jurisdictional company that provides the customer with his/her primary source of heat and pays at least five per cent of his/her monthly household income to the jurisdictional company that provides the customer a secondary source of heat.
    - (b) Fifteen per cent of his/her monthly household income to the jurisdictional company that provides both primary and secondary source of heat.
    - (c) Fifteen per cent of his/her monthly household income to the jurisdictional electric company that provides the totality of energy used for heating purposes to his/her residence.
    - (d) Ten per cent of his/her monthly household income to the jurisdictional company that provides the primary source of heat when a non-jurisdictional utility company or other person provides the secondary source of heat.
    - (e) Five per cent of his/her monthly household income to the jurisdictional company that provides the secondary source of heat when a non-jurisdictional utility company or other person provides the primary source of heat.
  - (3) For usage during any billing period, no part of which is within the winter period as defined by paragraph (B) of rule 4901:1-18-05 of the Administrative Code, the customer pays that percentage of his/her income required by paragraph (B)(2) of this rule or the current bill for actual non winter usage, whichever is greater.
  - (4) The customer applies for all public energy assistance for which he/she is eligible.
  - (5) The customer applies for all weatherization programs for which he/she is eligible.
  - (6) The customer provides proof to the jurisdictional company or the Ohio department of development, whichever is appropriate, no less often than once in every twelve months that he/she meets the household income requirements of paragraph (B)(1) of this rule. For customers determined to have zero income under paragraph (B)(1) of this rule, the jurisdictional company may require the customer to verify the household income no more than once every ninety days.
  - (7) The customer signs a waiver permitting the affected jurisdictional company to receive information from any public agency or private agency providing income or energy assistance and from any employer whether public or private.
- (C) For purposes of paragraphs (B)(1) and (B)(2) of this rule, any money provided to the jurisdictional company from the regular home energy assistance program (HEAP), or similar program, on behalf of the customer as energy assistance shall not be considered as household income or counted as part of the monies paid by the customer to meet the percentage of income requirement. Any money provided to the jurisdictional company on an irregular or on an emergency basis by a public or private agency for the purpose of paying utility bills shall not be considered as household income. These monies shall first be applied to the customer's current monthly payment obligation as determined in accordance with paragraph (B)(2) of this rule, with any money in excess of the amount necessary to satisfy the current monthly payment obligation being applied to either the

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amount the customer is in default on an extended payment plan or, if no such default exists, then to the customer's arrearages.

- (D) The company shall provide an optional uniform payment plan (budget plan) on an annual basis for any customer who is not in default on a previously agreed upon extended payment plan. Arrearages need not be included in the optional uniform payment plan (budget plan).
- (E) A customer's failure to make any payment provided for under paragraph (A) or (B) of this rule shall entitle the company to disconnect service in accordance with the procedures set forth in rule 4901:1-18-05 of the Administrative Code.
- (F) The company shall furnish upon the request of the customer entering into an extended payment plan a written, typed, printed, or computer-generated copy of the plan and, if the extended payment plan was arranged by a company employee, the name of that employee.

**4901:1-18-05 Disconnection procedures for natural gas and electric companies.**

- (A) If a residential customer is delinquent in paying for regulated services provided by the distribution utility, the company may, after proper and reasonable notice of pending disconnection of service (not less than fourteen days), disconnect the customer's service during normal company business hours in compliance with all of the following conditions:
  - (1) No disconnections for nonpayment shall be made after twelve-thirty p.m. on the day preceding a day on which all services necessary for the customer to arrange and the company to perform reconnection are not regularly performed.
  - (2) On the day of disconnection of service, the company shall provide the customer with personal notice. If the customer is not at home, the company shall provide personal notice to an adult consumer. If neither the customer nor an adult consumer is at home, the company shall attach written notice to the premises in a conspicuous location prior to disconnecting service.
  - (3) Third-party or guarantor notification.
    - (a) Each company shall permit a residential customer to designate a third party to receive notice of the pending disconnection of the customer's service or of any other credit notices sent to the customer. If the customer has a guarantor, the guarantor shall receive notice of the pending disconnection of the guaranteed customer's service or of any other credit notices sent to the guaranteed customer, except where the guarantor has affirmatively waived the right to receive notices pursuant to rule 4901:1-17-03 of the Administrative Code. The company shall notify the third party or the guarantor at least fourteen days prior to disconnecting the customer's service.
    - (b) The company shall inform the third party that his/her receipt of such notices does not constitute acceptance of any liability by the third party for payment for service provided to the customer unless the third party has also agreed, in writing, to be a guarantor for the customer.
    - (c) In compliance with division (E) of section 4933.12 and division (D) of section 4933.121 of the Revised Code, if the company plans to disconnect the residential utility service of a customer for the nonpayment of his/her bill, and that customer resides in a county in which the department of job and family

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services has provided the company with a written request for prior notification of residential service disconnection, then the company shall provide the appropriate county department of job and family services with a listing of those customers whose service will be disconnected for nonpayment at least twenty-four hours before the action is taken.

- (d) Upon the request of a property owner or the agent of a property owner, each company shall provide the property owner or the agent of a property owner with at least three-days advance notice when service to his/her property is to be disconnected either at the request of a residential customer who is a tenant or for nonpayment.
- (4) Employees or agents who disconnect service at the premises may or may not, at the discretion of the company, be authorized to make extended payment arrangements. Company employees or agents who disconnect service shall be authorized to complete one of the following:
  - (a) Accept payment in lieu of disconnection.
  - (b) Dispatch an employee to the premises to accept payment.
  - (c) Make available to the customer another means to avoid disconnection.
- (5) The following information shall be either clearly displayed on the disconnection notice or included in documents accompanying the disconnection notice:
  - (a) The delinquent billing account number, the total amount required to prevent disconnection of the regulated services provided by the distribution utility and any security deposit owed at the time of the notice.
  - (b) The earliest date when disconnection may occur.
  - (c) The local or toll-free number and address of the company's office for customers to contact about their account.
  - (d) A statement that the commission staff is available to render assistance with unresolved complaints, the current address, local or toll-free number and the TDD/TTY number of the commission's public interest center, and the commission's website.
  - (e) A statement that the customer's failure to pay the amount required at the company's office or to one of its authorized agents by the date specified in the notice may result in a security deposit and a charge for reconnection being required. The statement shall also include the amount of the security deposit and the reconnection charge.
  - (f) If applicable, a statement that the failure to pay charges for non-tariffed and/or non-regulated products or services may result in the loss of those products and/or services.
  - (g) An explanation of the payment plans and options available to a customer whose account is delinquent, as provided in this rule and rule 4901:1-18-04 of the Administrative Code, and, when applicable, rule 4901:1-18-10 of the Administrative Code.

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- (h) If disconnection of service is to occur, as a result of nonpayment, a statement that a medical certification program and forms are available from the company.
  - (i) A statement that a listing of the company's authorized payment agents is available by calling the company's toll-free customer service number.
- (B) The company shall not disconnect service to residential customers for nonpayment during the period of November first through April fifteenth unless, in addition to the other requirements of this rule, the company completes each of the following:
  - (1) Makes contact with the customer or other adult consumer at the premises ten days prior to disconnection of service by personal contact, telephone, or hand-delivered written notice.
  - (2) Informs the customer or adult consumer that sources of federal, state, and local government aid for payment of utility bills and for home weatherization are available at the time the company delivers the notice required in paragraph (B)(1) of this rule, and provides sufficient information to allow the customer to further pursue available assistance.
  - (3) Informs the customer of the right to enter into a payment plan as set forth in paragraph (A)(2) of rule 4901:1-18-04 of the Administrative Code, unless the customer qualifies for the payment plan set forth in paragraph (B) of rule 4901:1-18-04 of the Administrative Code, in which event the company shall inform the customer of the availability of both plans. The company may require reasonable verification of the customer's household income, including but not necessarily limited to verification by the local agency providing governmental aid in paying utility bills. If the customer does not respond to the notice described in paragraph (B)(1) of this rule, or refuses to accept a payment plan or fails to make the initial payment on a payment plan referenced in this paragraph, the company may disconnect service after the ten-day notice expires.
- (C) Medical Certification
  - (1) The company shall not disconnect service for nonpayment if the disconnection of service would be especially dangerous to health. The health condition must be certified in accordance with this rule.
  - (2) When the disconnection of service would make operation of necessary medical or life-supporting equipment impossible or impractical, the company shall not disconnect service for nonpayment, if the customer establishes an inability to pay the amount due in full and enters into and makes payments in accordance with an extended payment plan. The necessary medical or life-supporting equipment must be certified in accordance with this rule.
  - (3) The electric distribution company shall give notice of availability of medical certification to its residential customers by means of bill inserts or special notices at the beginning of the winter heating period and at the beginning of the summer cooling period. The natural gas company shall give notice of the availability of medical certification to its residential customers by means of bill inserts or special notices at the beginning of the winter heating period.
  - (4) The company shall provide application forms for health care professionals or local board of health physicians for certification upon request of any residential consumer.

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- (5) Any consumer who is a permanent resident of the premises where the service is rendered may qualify for certification.
- (6) The condition shall be certified to the company by a licensed physician, physician assistant, clinical nurse specialist, certified nurse practitioner, certified nurse-midwife, or local board of health physician.
  - (a) The certification required by paragraphs (C)(1) and (C)(2) of this rule shall be in writing and shall include the name of the person to be certified, a statement that the person is a permanent resident of the premises in question, the name, business address, and telephone number of the certifying party, the nature of the condition, and a signed statement by the certifying party that disconnection of service will be especially dangerous to health.
  - (b) Initial certification by the certifying party may be by telephone if written certification is forwarded to the company within seven days.
  - (c) In the event service has been disconnected within twenty-one days prior to certification of special danger to health for a qualifying resident, service shall be restored to that residence if proper certification is made in accordance with the foregoing provisions and the customer agrees to an extended payment plan.
  - (d) Certification shall prohibit disconnection of service for thirty days. Certification may be renewed two additional times (thirty days each) by a licensed physician, physician assistant, clinical nurse specialist, certified nurse practitioner, certified nurse-midwife, or local board of health physician by providing an additional certificate to the company. The total certification period is not to exceed ninety days per household in any twelve-month period.
  - (e) Upon renewal of certification, company personnel shall personally contact the customer and advise the customer of the governmental assistance programs that may be available. In the event that the best efforts of the company fail to result in personal contact, the company shall provide assistance information by mail.
  - (f) If a medical certificate is used to avoid disconnection, the customer shall enter into an extended payment plan prior to the end of the medical certification period or be subject to disconnection. The initial payment on the plan shall not be due until the end of the certification period.
- (D) Upon request of the customer, the company shall provide an opportunity for review of the initial decision to disconnect the service. The company shall review the circumstances surrounding the disconnection, escalate the review to an appropriate supervisor if requested, and inform the customer of the decision upon review as soon as possible. At the customer's request, the company shall respond in writing.
- (E) The company when contacted by the commission's public interest center shall respond to an inquiry concerning a pending disconnection or actual disconnection within two business days. At the request of commission staff, the company shall respond in writing. Commission staff will notify the customer of the company's response.

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- (F) The company shall include in its tariff its current standard practices and procedures for disconnection, including the applicable collection and reconnect charges. The company shall submit a sample disconnection notice for approval.

**4901:1-18-06 Reconnection of service.**

The company shall reconnect service that has been disconnected for nonpayment pursuant to the following provisions:

- (A) Upon payment or proof of payment, including any reconnection charge, of the amount owed for the service that was previously disconnected or of an amount sufficient to cure the default on any extended payment plan described in Rule 4901:1-18-04 of the Administrative Code, including any reconnection charge, the company shall reconnect service by the close of the following regular company working day. The amount sufficient to cure the default includes all amounts that would have been due and owing under the terms of the applicable extended payment plan, absent default, on the date on which service is reconnected.
- (B) If service is disconnected and the customer wishes to guarantee the reconnection of service the same day on which payment is rendered:
- (1) The customer must provide proof of payment, and notify the company no later than twelve-thirty p.m. that reconnection of service is requested the same day.
  - (2) The company may require the customer to pay or agree to pay the company's approved tariff charges for reconnection of service if reconnection of service occurs after normal company business hours. The company may collect this fee prior to reconnection or with the customer's next monthly billing.
- (C) The company shall not assess a reconnection charge unless the company has actually disconnected the service. The company may, however, assess a collection charge if a collection charge is part of the company's approved tariff.
- (D) If the company requires a guarantor in order to reestablish service, the guarantor shall sign an acknowledgment that he/she is willing to accept the responsibility to secure payment of the customer's bill in an amount sufficient for a sixty-day supply of service.

**4901:1-18-07 Landlord-tenant provisions.**

A company may disconnect utility service of individuals whose utility services are included in rental payments and of consumers residing in a multi-unit dwelling (i.e., tenants who receive master-metered services) for which the customer is the landlord, only in accordance with the following:

- (A) The company shall give a notice of disconnection of service to the landlord/agent at least fourteen days before the disconnection would occur. If, at the end of the fourteen-day notice period, the customer has not paid or made payment arrangements for the bill to which the fourteen-day notice relates, the company shall then make a good faith effort by mail, or otherwise, to provide a separate ten-day notice of pending disconnection to the landlord/agent, and to each unit of a multi-unit dwelling (i.e., each tenant who receives master-metered service). This ten-day notice shall be in addition to the fourteen-day notice given to the landlord/agent. This notice requirement shall be complied with throughout the year. In a multi-unit dwelling, written notice shall also be placed in a conspicuous place.
- (B) The company shall also provide the following information in its ten-day notice:

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- (1) A summary of the remedies tenants may choose to prevent disconnection or to have service reconnected.
  - (2) A statement to inform tenants that a list of procedures and forms to prevent disconnection or to have service reconnected are available from the company upon request. A model form of the tenants' ten-day notice is attached as appendix A to this rule.
- (C) The company shall inform any consumer inquiring about the notice, posted pursuant to paragraph (A) of this rule, of the amount due for the current month's bill and that the disconnection of service may be prevented if the consumer(s) makes a single payment to the company in the amount of the current month's bill.
- (D) The company shall credit to the appropriate account any payment made by tenants equal to or exceeding the landlord's current bill for those premises. The company is under no obligation to accept partial payment from individual tenants. The company may choose to accept only a single payment from a representative acting on behalf of all the tenants.
- (E) No company shall disconnect service to master-metered premises when all of the following actions take place:
- (1) A tenant delivers to the company a copy of the written notice required by division (A) of section 5321.07 of the Revised Code, signed by fifty per cent or more of the tenants of the occupied dwelling units, which notice shall designate the imminent disconnection of utility service (as shown by the disconnection notices received) as a reason for the notice.
  - (2) A tenant informs the company in writing of the date of the last day on which rent may be paid before a penalty is assessed or the date on which default on the lease or rental agreement can be claimed.
  - (3) The tenants timely invoke the remedies provided in divisions (B)(1) and (B)(2) of section 5321.07 of the Revised Code, including but not limited to:
    - (a) Depositing all rent that is due and thereafter becomes due to the landlord, with the clerk of the municipal or county court having jurisdiction, and
    - (b) Applying to the court for an order to use the rent deposited to remedy the condition or conditions specified in the tenant's notice to the landlord (including but not necessarily limited to payment to the company rendering the disconnection notice).
- (F) Each company that delivers notice pursuant to paragraph (A) of this rule shall provide to each tenant, upon request, the procedures to avoid disconnection or to have service reconnected as described in appendix B to this rule. The forms referenced in appendix B to this rule shall be made available by the company and also will be available on the commission's website at [www.puc.state.oh.us/PUCO/forms/index.cfm](http://www.puc.state.oh.us/PUCO/forms/index.cfm) or by contacting the commission's public interest center toll-free (in Ohio) at 1-800-686-7826 or TDD/TTY at 1-800-686-1570. The company shall also identify for the tenant any resources in the community where he/she can obtain assistance in pursuing his/her claim, including but not limited to:
- (1) The telephone number(s) of the local legal services program (in cities over one hundred thousand served by that company),

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- (2) The toll-free number(s) for the Ohio state legal services association,
  - (3) The toll-free number(s) of the office of consumers' counsel,
  - (4) The telephone number(s) of the local bar association, and
  - (5) The telephone number(s) of the local tenant organization(s).
- (G) If a company disconnects service to consumers whose utility services are included in rental payments or who are residing in master-metered premises, the company, upon inquiry, shall inform the consumer that service will be reconnected upon payment of the amount due for the current month's bill plus any reconnection charge if the payment is made within fourteen days of disconnection. The company shall continue service at the premises as long as the tenant's representative continues to pay for each month's service (based upon actual or estimated consumption) by the due date of the bill for that service. The company shall also reconnect service for those consumers who, within fourteen days of the disconnection of service, invoke the provisions of section 5321.07 of the Revised Code, as specified in paragraph (E) of this rule. If the consumers choose to have their service reconnected by paying the current month's bill and payment is not made by the due date each month, the company shall post the notice in a conspicuous location on the premises and make a good faith effort by mail or otherwise to notify each household unit of a multi-unit dwelling or tenant receiving service in the master-metered premises of the impending service disconnection. The company is not required to reconnect service pursuant to this paragraph where the landlord resides on the premises.
- (H) The company shall only provide service to a master-metered premise if the customer is the landlord/owner of the premises. Company acceptance of new applications for service to master-metered premises requires the landlord/owner to provide to the company an accurate list specifying the individual mailing addresses of each unit served at the master-metered premises.
- (I) The company may charge the landlord/owner of the master-metered premises a reasonable fee, as set forth in the company's tariffs, designed to pay the company's incurred cost for providing the notice to tenants required by paragraph (A) of this rule.
- (J) The company has the burden of collecting any amounts in arrears.
- (K) If a customer, who is a property owner or the agent of a property owner, requests disconnection of service when residential tenants reside at the premises, the company shall perform both of the following actions:
- (1) Provide at least a ten-day notice prior to the disconnection of service by mail to the residential tenants or by posting the notice in conspicuous places on the premises.
  - (2) Inform such customer of the customer's liability for all utility service consumed during the ten-day notice period.
- (L) Notwithstanding any notice requirement of a company under paragraph (K) of this rule and paragraph (A)(3)(d) of rule 4901:1-18-05 of the Administrative Code, a company will not be found to have violated these rules if:
- (1) The company uses reasonable efforts to determine the status of the customer/consumer as either a property owner, the agent of a property owner, or a tenant; or

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- (2) The customer/consumer misrepresents the status of the customer/consumer as either a property owner, or the agent of a property owner, or tenant.

**4901:1-18-07 Appendices & Forms**

**4901:1-18-08 Waiver requests.**

The public utilities commission of Ohio may waive any rule or any part of a rule contained in this chapter of the Administrative Code for good cause upon its own motion or upon application by a company.

The application for a waiver shall include the specific rule(s) requested to be waived. If the request is to waive only a part or parts of a rule, then the application should identify the appropriate paragraphs, sections, or subsections to be waived. The waiver request shall provide sufficient explanation by rule, including advantages and possible disadvantages, to allow the commission to thoroughly evaluate the waiver request.

**4901:1-18-09 Residential natural gas bills.**

- (A) This rule applies to natural gas company bills that do not include any retail gas supplier charges. Requirements for natural gas consolidated billing appear in rule 4901:1-29-12 of the Administrative Code.
- (B) Bills issued by or for the natural gas company shall be accurate and rendered at regular intervals and shall contain clear and understandable form and language. Each bill shall display the following information:
  - (1) The customer's name, billing address, service address, and account number.
  - (2) The natural gas company's name and its payment address.
  - (3) The natural gas company's twenty-four hour, local or toll-free telephone number for reporting service emergencies.
  - (4) A statement that customers with bill questions or complaints should call or write the natural gas company first. The bill shall list the natural gas company's local or toll-free telephone number(s) and the address where a question or complaint may be sent.
  - (5) The following text:

"If your questions are not resolved after you have called (name of company), you may call the Public Utilities Commission of Ohio (PUCO) toll-free at 1-800-686-7826 or 1-614-466-3292, or for TDD/TTY toll-free at 1-800-686-1570 or 1-614-466-8180, from 8:00 a.m. to 5:00 p.m. weekdays, or visit the PUCO website at [www.PUCO.ohio.gov](http://www.PUCO.ohio.gov).

Residential customers may also call the Ohio Consumers' Counsel (OCC), toll-free at 1-877-742-5622 from 8:30 a.m. to 5:30 p.m. weekdays, or visit the OCC website at [www.pickocc.org](http://www.pickocc.org)."
  - (6) A rate schedule, if applicable.
  - (7) The dates of the service period covered by the bill.
  - (8) The billing determinants, if applicable:

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- (a) Beginning meter reading(s),
  - (b) Ending meter reading(s),
  - (c) Demand meter reading(s),
  - (d) Multiplier(s),
  - (e) Consumption, and/or
  - (f) Demand(s).
- (9) The gas cost recovery rate expressed in dollars and cents per MCF or CCF.
- (10) The total charge attributable to the gas cost recovery rate expressed in dollars and cents.
- (11) The identification of estimated bills.
- (12) The due date for payment.
- (13) The total charges for current billing period.
- (14) Any late payment charge or gross and net charges, if applicable.
- (15) Any unpaid amounts due from previous bills, customer credits, and total amounts due and payable.
- (16) The current balance of the account, if the residential customer is billed according to a budget plan.
- (17) The current gas and electric charges separately, if the customer is billed for gas and electric service on the same bill.
- (18) If applicable, each charge for non-tariffed, non-regulated service(s).
- (19) Any nonrecurring charge(s).
- (20) Any payment(s) or credit(s) applied to the account during the current billing period.
- (21) If applicable, the percentage of income payment program (PIPP) billing information:
- (a) Current PIPP payment,
  - (b) PIPP payments defaulted (i.e., past due),
  - (c) Total PIPP amount due, and
  - (d) Total account arrearage.
- (22) An explanation of codes and abbreviations used.

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- (23) If applicable, the name of the selected competitive retail natural gas supplier or governmental aggregator and a statement that such provider is responsible for billing the gas supplier charges.
  - (24) The customer's historical consumption during each of the preceding twelve months, with a total and average consumption for such twelve-month period.
  - (25) A prominently displayed "apples-to-apples" notice, if the company has a choice program.
  - (26) A statement, either appearing directly on the bill, in a bill insert, or as a separate mailing, of any payment arrangement agreed upon by the customer and the company.
  - (27) Other information required by Ohio law or commission rule or order.
- (C) A natural gas company proposing any new bill format shall file its proposed bill format with the commission for approval. If the commission does not act upon an application for sample bill approval within forty-five days, the sample bill shall be approved.
  - (D) Each natural gas company shall maintain an appropriate listing of its customer service number(s) in the directory of each certified local telephone service provider operating in the natural gas company's service area.
  - (E) Each natural gas company shall, upon request, provide customers with an updated list of the name and street address/location of the nearest payment center and/or local authorized agent, and alternative methods available for payment of customer bills. Customers shall not be charged more than two-times the cost of a first-class postage stamp for processing their payments by cash, check or money order at authorized agent locations.
  - (F) When a customer pays a bill at the natural gas company's business office or to an authorized agent of the company, the payment, including any partial payment, shall be immediately credited to the customer's account where feasible and in any event be credited to the customer's account as of the date received at the business office or by the agent. No natural gas company shall disconnect service to a customer who pays to the company or an authorized agent of the company the total amount due (or an amount agreed upon between the natural gas company and the customer to prevent disconnection) on the account by the close of business on the disconnection date listed on the disconnection notice. Payment received by an authorized agent of the natural gas company shall constitute receipt of payment by the company.
  - (G) Each natural gas company shall establish a written policy for its personnel at its business offices and for its authorized agents to handle billing disputes, requests for payment arrangements, and reporting payments to prevent disconnection of service. If these matters cannot be handled by an agent authorized to accept payments, the agent shall provide customers with the natural gas company's local or toll-free number.
  - (H) Any natural gas company wishing to issue billing statements online shall comply with each of the following requirements:
    - (1) A customer shall not be required to use online billing.
    - (2) No enrollment or usage fees shall be assessed to a customer who chooses to receive bills and/or customer information online.

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- (3) The online billing statement shall include all requirements listed in paragraph (B) of this rule.
- (4) The company shall maintain a secure and encrypted site that is to be accessed only by the customer of record after completing a secure registration process.
- (5) Any fees to accept online payments shall be clearly disclosed in payment window(s).
- (6) Any payment made online shall be treated as a payment made at the company business office and shall be posted to the account in accordance with paragraph (F) of this rule. The time needed to post the payment to the account shall be clearly stated.
- (7) If a customer chooses to use online billing, the customer shall not be restricted to making payments online in the future. All payment methods shall continue to be available to the customer.

**4901:1-18-10 Combination utility companies.**

- (A) The residential customers and consumers of a combination utility company that provides both natural gas and electric service shall have the same rights pursuant to Chapter 4901:1-18 of the Administrative Code as customers and consumers who are served by separate natural gas and electric companies. In the event of disconnection or pending disconnection of both gas and electric services, a residential customer of a combination utility company has the right to choose to retain or have reconnected both utility services or one service, either gas or electric.
- (B) A combination utility company shall apply the payments from residential customers to their gas and electric accounts separately and shall apportion the payments based on the total balance for each service, including any arrearage plus the current month's charge(s). For purposes of applying these payments:
  - (1) For customers billed only for services provided by the combination utility company, the company shall apply payments first to past due amounts, then to current regulated charges, and finally to any non-regulated charges.
  - (2) For customers billed by the combination utility company for any competitive services provided by either a competitive retail natural gas supplier and/or a competitive retail electric provider, the company shall apply payments as provided for in paragraph (J) of rule 4901:1-29-12 and paragraph (H) of rule 4901:1-10-33 of the Administrative Code.
- (C) Whenever a residential customer receiving both gas and electric service from a combination utility company has received a disconnection of service notice, the company shall give the customer each of the following options:
  - (1) An extended payment plan for both gas and electric as provided for in rule 4901:1-18-04 of the Administrative Code.
  - (2) An extended payment plan to retain either gas or electric service as chosen by the customer. Such extended payment plan shall include an extended payment plan as provided in rule 4901:1-18-04 of the Administrative Code.
- (D) If a residential customer of a combination utility company who has entered into one extended payment plan for both gas and electric service receives a disconnection of service notice and notifies the company of an inability to pay the full amount due under

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such plan, the company shall offer the customer, if eligible pursuant to paragraph (A) of rule 4901:1-18-04 of the Administrative Code, another payment plan to maintain both services. The company shall give the customer the opportunity to retain only one service by paying the defaulted payment plan portion attributable to that service and by continuing payment on the portion of the extended payment plan attributable to that service subject to paragraph (B) of rule 4901:1-18-05 of the Administrative Code.

- (E) If both the gas and electric service of a residential customer of a combination utility have been discontinued for nonpayment, the company shall reconnect both services, or either service, as designated by the customer, pursuant to rule 4901:1-18-06 of the Administrative Code.
- (F) The combination utility company shall in its disconnection of service notice, as provided for in Chapter 4901:1-18 of the Administrative Code, advise combination residential customers of their rights to select the service(s) for retention or reconnection as provided for in paragraphs (C), (D), and (E) of this rule. The notice shall state with specificity the conditions under which customers may exercise their rights and shall state the telephone number and business address of a company representative to be contacted to inquire about those rights.
- (G) For a customer who has received a disconnection of service notice and who contacts the combination utility company, the company shall inform the customer of the total past due amount for each service, and with respect to the extended payment plans available under this rule, the monthly payment due on the past due amount for each service.

**4901:1-18-11 Insufficient reasons for refusing or disconnecting service.**

The company shall not refuse service to or disconnect service to any applicant/customer for any of the following reasons:

- (A) Failure to pay for service furnished to a former customer unless the former customer and the new applicant for service continue to be members of the same household.
- (B) Failure to pay a nonresidential account.
- (C) Failure to pay any amount which is in bona fide dispute. Where the customer has registered a complaint with the commission's public interest center or filed a formal complaint with the commission which reasonably asserts a bona fide dispute, the company shall not disconnect service if the customer pays either the undisputed portion of the bill, if known or can reasonably be determined, or the amount billed for the same billing period in the previous year.
- (D) Failure to pay any non-regulated service charges.

**4901:1-18-12 Restrictive language prohibition.**

Except as provided in rules 4901:5-37 and 4901:5-25-06 of the Administrative Code or other commission-approved curtailment provisions, no natural gas company or electric distribution utility shall deny service to a prospective customer or discontinue service to a present customer because the company would be or is providing only auxiliary, stand-by or emergency service as an alternative energy source.

Upon application to and approval by the commission, a natural gas company or electric distribution utility may file a separate applicable tariff containing rates which reflect the costs incurred by that company to provide such services.

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## RATE RS

### RESIDENTIAL SERVICE

#### APPLICABILITY

Applicable to electric service other than three phase service, for all domestic purposes in private residences and single occupancy apartments and separately metered common use areas of multi-occupancy buildings in the entire territory of the Company where distribution lines are adjacent to the premises to be served.

Residences where not more than two rooms are used for rental purposes will also be included. Where all dwelling units in a multi-occupancy building are served through one meter and the common use area is metered separately, the kilowatt-hour rate will be applied on a "per residence" or "per apartment" basis, however, the customer charge will be based on the number of installed meters.

Where a portion of a residential service is used for purposes of a commercial or public character, the applicable general service rate is applicable to all service. However, if the wiring is so arranged that the service for residential purposes can be metered separately, this Rate will be applied to the residential service, if the service qualifies hereunder.

For customers taking service under any or all of the provisions of this tariff schedule, this same schedule shall constitute the Company's Standard Service Offer.

#### TYPE OF SERVICE

Alternating current 60 Hz, single phase at Company's standard secondary voltage.

#### NET MONTHLY BILL

Computed in accordance with the following charges:

- |                         |                    |
|-------------------------|--------------------|
| 1. Distribution Charges |                    |
| (a) Customer Charge     | \$5.50 per month   |
| (b) Energy Charge       | \$0.022126 per kWh |

Filed pursuant to an Order dated July 8, 2009 in Case No. 0811-3549709-EL-AIRSSO before the Public Utilities Commission of Ohio.

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**NET MONTHLY BILL (Contd.)**

**2. Applicable Riders**

The following riders are applicable pursuant to the specific terms contained within each rider:

~~Sheet No. 51, Rider PTC-AAG, Annually Adjusted Component Rider~~

~~Sheet No. 53, Rider PTC-FPP, Fuel and Economy Purchased Power Rider~~

~~Sheet No. 54, Rider SRA-CD, Capacity Dedication Rider~~

~~Sheet No. 56, Rider SRA-~~

~~SRT, System Reliability Tracker~~

~~Sheet No. 57, Rider TCR, Transmission Cost Recovery Rider~~

~~Sheet No. 59, Rider DR, Distribution Reliability Rider~~

~~Sheet No. 70, Rider DR-IKE, Storm Recovery Rider~~

~~Sheet No. 81, Rider EER, Energy Efficiency Revolving Loan Program Rider~~

~~Sheet No. 83, Rider OET, Ohio Excise Tax Rider~~

~~Sheet No. 84, Rider RTC, Regulatory Transition Charge Rider~~

~~Sheet No. 86, Rider USR, Universal Service Fund Rider~~

~~Sheet No. 88, Rider UE-GEN, Uncollectible Expense – Electric Generation Rider~~

~~Sheet No. 89, Rider BTR, Base Transmission Rider~~

~~Sheet No. 97, Rider RTO, Regional Transmission Organization Rider~~

~~Sheet No. 104, Rider DR-IM, Infrastructure Modernization Rider~~

~~Sheet No. 105, Rider DR-ECF, Economic Competitiveness Fund Rider~~

~~Sheet No. 106, Rider DR-SAWR, Energy Efficiency Recovery Rate~~

~~Sheet No. 108, Rider UE-ED, Uncollectible Expense – Electric Distribution Rider~~

~~Sheet No. 109, Rider RECON, Fuel and reserve Capacity Reconciliation Rider~~

~~Sheet No. 110, Rider AER-R, Alternative Energy Recovery Rider~~

~~Sheet No. 111, Rider RC, Retail Capacity Rider~~

~~Sheet No. 112, Rider RE, Retail Energy Rider~~

~~Sheet No. 113, Rider ESSC, Electric Security Stabilization Charge Rider~~

~~Sheet No. 115, Rider SCR, Supplier Cost Reconciliation Rider~~

**3. ~~Price to Compare – Base Generation Charges (PTC-BG)~~**

~~The following generation charges are applicable to all customers except those customers who receive their energy from a Certified Supplier:~~

	<del>JAN. 1, 2009 – DEC. 31, 2009</del>	
	<del>Summer Period</del>	<del>Winter Period</del>
Energy Charge		
First 1,000 kilowatt-hours	<del>\$0.040238 per kWh</del>	<del>\$0.040238 per kWh</del>
Additional kilowatt-hours	<del>\$0.053622 per kWh</del>	<del>\$0.008915 per kWh</del>

<del>JAN. 1, 2010 – DEC 31, 2010</del>	
<del>Summer Period</del>	<del>Winter Period</del>

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<b>Energy Charge</b>		
First 1,000 kilowatt-hours	\$0.042345 per kWh	\$0.042345 per kWh
Additional kilowatt-hours	\$0.056265 per kWh	\$0.009770 per kWh

<b>JAN. 1, 2011 – DEC. 31, 2011</b>		
	<b>Summer Period</b>	<b>Winter Period</b>
<b>Energy Charge</b>		
First 1,000 kilowatt-hours	\$0.042345 per kWh	\$0.042345 per kWh
Additional kilowatt-hours	\$0.056265 per kWh	\$0.009770 per kWh

#### MINIMUM CHARGE

The minimum charge shall be the Customer Charge as stated above.

#### AVOIDANCE OF SYSTEM RELIABILITY TRACKER CHARGE

~~Residential customers receiving generation service through a governmental aggregator will avoid (waive) Rider SRA-SRT if the governmental aggregator notifies the Company at least sixty (60) days prior to the start of the governmental aggregation of its intent to place all Residential End-Use Customers served by the governmental aggregation on the Rider SRA-SRT waiver program and to maintain the governmental aggregation through December 31, 2011. If the aggregated Residential End-Use Customer returns to the ESP-SSO prior to December 31, 2011, such Residential End-Use Customer will be billed a monthly early return premium based on 15% of the applicable generation charges and Riders in addition to the normal charges calculated per the ESP-SSO.~~

#### BILLING PERIODS

For purposes of administration of the above charges, the summer period is defined as that period represented by the Company's billing for the four (4) revenue months of June through September. The winter period is defined as that period represented by the Company's billing for the eight (8) revenue months of January through May and October through December.

#### LATE PAYMENT CHARGE

Payment of the total amount due must be received in the Company's office by the due date shown on the bill. When not so paid, an additional amount equal to one and one-half percent (1.5%) of the unpaid balance is due and payable.

The late payment charge is not applicable to:

- Unpaid account balances of customers enrolled in income payment plans pursuant to Section 4901:1-18-04(B), Ohio Administrative Code; and
- Unpaid account balances for services received from a Certified Supplier.

#### TERMS AND CONDITIONS

This rate is available upon application in accordance with the Company's Service Regulations.

The supplying and billing for service and all conditions applying thereto, are subject to the jurisdiction of

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the Public Utilities Commission of Ohio, and to the Company's Service Regulations currently in effect,  
as filed with the Public Utilities Commission of Ohio.

Filed pursuant to an Order dated ~~July 8, 2009~~ in Case No. ~~0811-3549709-EL-AIRSSO~~ before the Public  
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## RATE ORH

### OPTIONAL RESIDENTIAL SERVICE WITH ELECTRIC SPACE HEATING

#### APPLICABILITY

Applicable to electric service, other than three phase service, used for all domestic purposes in private residences and single occupancy apartments where permanently connected electric heating equipment is installed and in regular use as the primary source of qualified space heating in the entire territory of the Company where distribution lines are adjacent to the premises to be served. In addition, the customer will be required to pay an amount equal to the current installed cost of demand metering equipment in excess of the current installed cost of standard watt-hour metering equipment. All metering equipment shall remain the property of the Company. The Company shall be responsible for the installation, operation, maintenance, testing, replacement and removal of metering equipment.

This rate is only available as Company demand meters are installed on the customer's premises. Due to the limited availability of metering equipment and Company personnel, a demand meter will be installed as metering equipment and Company personnel are available.

Where a portion of a residential service is used for purposes of a commercial or public character, the applicable general service rate is applicable to all service. However, if the wiring is so arranged that the service for residential purposes can be metered separately, this Rate will be applied to the residential service, if the service qualifies hereunder.

For customers taking service under any or all of the provisions of this tariff schedule, this same schedule shall constitute the Company's Standard Service Offer.

#### TYPE OF SERVICE

Alternating current 60 Hz, single phase at Company's standard secondary voltage.

#### NET MONTHLY BILL

Computed in accordance with the following charges:

	<u>Summer Period</u>	<u>Winter Period</u>
1. Distribution Charges		
(a) Customer Charge	\$5.50 per month	\$5.50 per month
(b) Energy Charge		
First 1,000 kilowatt-hours	\$0.025983 per kWh	\$0.025983 per kWh
Additional kilowatt-hours	\$0.030778 per kWh	\$0.014351 per kWh
In excess of 150 times Customer's		
Monthly Demand	\$0.030778 per kWh	\$0.009675 per kWh

Filed pursuant to an Order dated July 8, 2009 in Case No. 0811-7093549-EL-AIRSSO before the Public Utilities Commission of Ohio.

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**NET MONTHLY BILL (Contd.)**

**2. Applicable Riders**

The following riders are applicable pursuant to the specific terms contained within each rider:

~~Sheet No. 51, Rider PTC-AAC, Annually Adjusted Component Rider~~  
~~Sheet No. 53, Rider PTC-FPP, Fuel and Economy Purchased Power Rider~~  
~~Sheet No. 54, Rider SRA-CD, Capacity Dedication Rider~~  
~~Sheet No. 56, Rider SRA-SRT, System Reliability Tracker~~  
~~Sheet No. 57, Rider TCR, Transmission Cost Recovery Rider~~  
~~Sheet No. 59, Rider DR, Distribution Reliability Rider~~  
Sheet No. 70, Rider DR-IKE, Storm Recovery Rider

Sheet No. 81, Rider EER, Energy Efficiency Revolving Loan Program Rider  
Sheet No. 83, Rider OET, Ohio Excise Tax Rider  
Sheet No. 86, Rider USR, Universal Service Fund Rider  
~~Sheet No. 88, Rider UE-GEN, Uncollectible Expense - Electric Generation Rider~~  
~~Sheet No. 89, Rider AG, Optional Alternative Generation Rider~~  
~~Sheet No. 89, Rider BTR, Base Transmission Rider~~  
~~Sheet No. 97, Rider RTO, Regional Transmission Organization Rider~~  
~~Sheet No. 104, Rider DR-IM, Infrastructure Modernization Rider~~  
Sheet No. 105, Rider DR-ECF, Economic Competitiveness Fund Rider  
~~Sheet No. 106, Rider DR-SAWR, Energy Efficiency Recovery Rate~~  
~~Sheet No. 108, UE-ED, Uncollectible Expense - Electric Distribution~~  
Rider  
Sheet No. 109, Rider RECON, Fuel and reserve Capacity Reconciliation Rider  
Sheet No. 110, Rider AER-R, Alternative Energy Recovery Rider  
Sheet No. 111, Rider RC, Retail Capacity Rider  
Sheet No. 112, Rider RE, Retail Energy Rider  
Sheet No. 113, Rider ESSC, Electric Security Stabilization Charge Rider  
Sheet No. 115, Rider SCR, Supplier Cost Reconciliation Rider

**3. ~~Price to Compare - Base Generation Charges (PTC-BG)~~**

~~The following generation charges are applicable to all customers except those customers who receive their energy from a Certified Supplier:~~

	<del>JAN. 1, 2009 - DEC. 31, 2009</del>	
	<del>Summer Period</del>	<del>Winter Period</del>
<del>Generation Charges</del>		
<del>Energy Charge</del>		
<del>First 1,000 kilowatt-hours</del>	<del>\$0.036637 per kWh</del>	<del>\$0.036635 per kWh</del>
<del>Additional kilowatt-hours</del>	<del>\$0.046109 per kWh</del>	<del>\$0.013606 per kWh</del>
<del>In excess of 150 times Customer's Monthly Demand</del>	<del>\$0.046109 per kWh</del>	<del>\$0.004349 per kWh</del>

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	<del>JAN. 1, 2010</del>	<del>DEC. 31, 2010</del>
	<u>Summer Period</u>	<u>Winter Period</u>
— Generation Charges		
Energy Charge		
First 1,000 kilowatt-hours	\$0.038601 per kWh	\$0.038599 per kWh
— Additional kilowatt-hours	\$0.048452 per kWh	\$0.014649 per kWh
In excess of 150 times Customer's Monthly Demand	\$0.048452 per kWh	\$0.005021 per kWh

**NET MONTHLY BILL (Contd.)**

**3. Price to Compare — Base Generation Charges (PTC-BG) (Cont'd.)**

	<del>JAN. 1, 2011</del>	<del>DEC. 31, 2011</del>
	<u>Summer Period</u>	<u>Winter Period</u>
— Generation Charges		
Energy Charge		
First 1,000 kilowatt-hours	\$0.038601 per kWh	\$0.038599 per kWh
— Additional kilowatt-hours	\$0.048452 per kWh	\$0.014649 per kWh
In excess of 150 times Customer's Monthly Demand	\$0.048452 per kWh	\$0.005021 per kWh

**MINIMUM CHARGE**

The minimum charge shall be the Customer Charge as stated above.

**AVOIDANCE OF SYSTEM RELIABILITY TRACKER CHARGE**

Residential customers receiving generation service through a governmental aggregator will avoid (waive) Rider SRA-SRT if the governmental aggregator notifies the Company at least sixty (60) days prior to the start of the governmental aggregation of its intent to place all Residential End-Use Customers served by the governmental aggregation on the Rider SRA-SRT waiver program and to maintain the governmental aggregation through December 31, 2011. If the aggregated Residential End-Use Customer returns to the ESP-SSO prior to December 31, 2011, such Residential End-Use Customer will be billed a monthly early return premium based on 15% of the applicable generation charges and Riders in addition to the normal charges calculated per the ESP-SSO.

**BILLING PERIODS**

For purposes of administration of the above charges, the summer period is defined as that period represented by the Company's billing for the four (4) revenue months of June through September. The

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winter period is defined as the period represented by the Company's billing for the eight (8) revenue months of January through May and October through December.

**DEMAND**

Customer's monthly demand will be the kilowatts as determined from the Company's demand metering equipment for the fifteen (15) minute period of customer's greatest use in each month during the winter period.

Minimum demand shall be ten (10) kilowatts.

**QUALIFIED SPACE HEATING**

"Qualified" space heating is the heating of residential living quarters primarily through the regular use of permanently connected electric heating equipment, the installation of which meets the Company's specifications.

Filed pursuant to an Order dated July 8, 2009 in Case No. 0811-7093549-EL-AIRSSO before the Public Utilities Commission of Ohio.

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#### **LATE PAYMENT CHARGE**

Payment of the total amount due must be received in the Company's office by the due date shown on the bill. When not so paid, an additional amount equal to one and one-half percent (1.5%) of the unpaid balance is due and payable.

The late payment charge is not applicable to:

- Unpaid account balances of customers enrolled in income payment plans pursuant to Section 4901:1-18-04(B), Ohio Administrative Code; and
- Unpaid account balances for services received from a Certified Supplier.

#### **TERMS AND CONDITIONS**

This rate is available upon application in accordance with the Company's Service Regulations and the minimum contract period shall be one (1) year terminable thereafter on thirty (30) days written notice by either the customer or the Company.

The supplying and billing for service and all conditions applying thereto are subject to the jurisdiction of the Public Utilities Commission of Ohio, and to Company's Service Regulations currently in effect, as filed with the Public Utilities Commission of Ohio.

Filed pursuant to an Order dated ~~July 8, 2009~~ in Case No. ~~0811-7003549-EL-AIRSSO~~ before the Public Utilities Commission of Ohio.

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**RATE TD-AM**

**OPTIONAL TIME-OF-DAY RATE FOR RESIDENTIAL SERVICE WITH ADVANCED METERING  
(PILOT)**

**APPLICABILITY**

Applicable to electric service for all domestic purposes in private residences and single occupancy apartments in the entire territory of the Company where distribution lines are adjacent to the premises to be served. This rate is available only as Company advanced meters with interval recording registers are installed on the customer's premises. The advanced meters must be commissioned, certified, and provide billable quality data. This rate is available to the first two hundred fifty (250) customers that request service under this rate. Eligible customers must receive generation service from Duke Energy Ohio, and they must have had a total annual electric bill of \$300 or more during the prior 12 months. This rate is not available to customers on income payment plans, budget billing, HEAP, or any other assistance plan.

Residences where not more than two rooms are used for rental purposes will also be included. Where all dwelling units in a multi-occupancy building are served through one meter and the common use area is metered separately, the kilowatt-hour rate will be applied on a "per residence" or "per apartment" basis, however, the customer charge will be based on the number of installed meters.

Where a portion of a residential service is used for purposes of a commercial or public character, the applicable general service rate is applicable to all service. However, if the wiring is so arranged that the service for residential purposes can be metered separately, this Rate will be applied to the residential service, if the service qualifies hereunder.

Rate TD-AM is offered on a pilot basis. The Company reserves the right to modify this rate, subject to approval by the Commission, as information regarding customer participation, load response, costs, and other pertinent information becomes available. If the Company changes the base generation charges or structure of this rate, customers who have not completed their initial term of service may continue taking service under Rate TD-AM or switch to Rate RS (Residential Service) or any other rate for which the customer is eligible.

For customers taking service under any or all of the provisions of this tariff schedule, this same schedule shall constitute the Company's Standard Service Offer.

**NET MONTHLY BILL**

Computed in accordance with the following charges:

	<u>Summer Period</u>	<u>Winter Period</u>
1. Distribution Charges		
(a) Customer Charge		
Single Phase	\$5.50 per month	\$5.50 per month

Filed pursuant to an Order dated March 3, 2010 in Case No. 110-00423549-EL-ATASSO before the Public Utilities Commission of Ohio.

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March 40, 2010

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Issued by Julie Janson, President

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Three Phase \$8.00 per month \$8.00 per month

## NET MONTHLY BILL (Contd.)

### (b) Energy Charge

On Peak kilowatt-hours	\$0.022126 per kWh	\$0.022126 per kWh
Shoulder kilowatt-hours	\$0.022126 per kWh	\$0.022126 per kWh
Off Peak kilowatt-hours	\$0.022126 per kWh	\$0.022126 per kWh

## 2. Applicable Riders

The following riders are applicable pursuant to the specific terms contained within each rider:

~~Sheet No. 51, Rider PTC-AAC, Annually Adjusted Component Rider~~  
~~Sheet No. 53, Rider PTC-FPP, Fuel and Economy Purchased Power Rider~~  
~~Sheet No. 54, Rider SRA-CD, Capacity Dedication Rider~~  
~~Sheet No. 56, Rider SRA-SRT, System Reliability Tracker~~  
~~Sheet No. 57, Rider TCR, Transmission Cost Recovery Rider~~  
~~Sheet No. 59, Rider DR, Distribution Reliability Rider~~  
~~Sheet No. 70, Rider DR-IKE, Storm Recovery Rider~~  
~~Sheet No. 81, Rider EER, Energy Efficiency Revolving Loan Program Rider~~  
~~Sheet No. 83, Rider OET, Ohio Excise Tax Rider~~  
~~Sheet No. 84, Rider RTC, Regulatory Transition Charge Rider~~  
~~Sheet No. 86, Rider USR, Universal Service Fund Rider~~  
~~Sheet No. 88, Rider UE-GEN, Uncollectible Expense – Electric Generation Rider~~  
~~Sheet No. 89, Rider BTR, Base Transmission Rider~~  
~~Sheet No. 97, Rider RTO, Regional Transmission Organization Rider~~  
~~Sheet No. 104, Rider DR-IM, Infrastructure Modernization Rider~~  
~~Sheet No. 105, Rider DR-ECF, Economic Competitiveness Fund Rider~~  
~~Sheet No. 106, Rider DR-SAWR,~~  
~~Energy Efficiency Recovery Rate~~  
~~Sheet No. 108, Rider UE-ED,~~  
~~Uncollectible Expense – Electric Distribution Rider~~  
~~Sheet No. 109, Rider RECON, Fuel and reserve Capacity Reconciliation Rider~~  
~~Sheet No. 110, Rider AER-R, Alternative Energy Recovery Rider~~  
~~Sheet No. 111, Rider RC, Retail Capacity Rider~~  
~~Sheet No. 112, Rider RE, Retail Energy Rider~~  
~~Sheet No. 113, Rider ESSC, Electric Security Stabilization Charge Rider~~  
~~Sheet No. 115, Rider SCR, Supplier Cost Reconciliation Rider~~

## 3. Price to Compare – Base Generation Charges (PTC-BG)

Filed pursuant to an Order dated March 3, 2010 in Case No. 110-00423549-EL-ATASSO before the Public Utilities Commission of Ohio.

Issued: ~~March 8, 2010~~  
March 10, 2010

Effective: January 3, 2012

Issued by Julie Janson, President

Duke Energy Ohio \_\_\_\_\_ P.U.C.O. Electric  
No. 19  
\_\_\_\_\_ 139 East Fourth Street \_\_\_\_\_ Original Sheet  
No. 32.12  
Duke Energy Ohio \_\_\_\_\_ Cancels and Supersedes  
139 East Fourth Street \_\_\_\_\_ Original Sheet No. 32  
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~~The following generation charges are applicable to all customers except those customers who receive their energy from a Certified Supplier:~~

Energy Charge	<del>JAN 1, 2010 - DEC 31, 2011</del>	
	<u>Summer Period</u>	<u>Winter Period</u>
<del>On Peak kilowatt-hours</del>	<del>\$0.115249 per kWh</del>	<del>\$0.072915 per kWh</del>
<del>Shoulder kilowatt-hours</del>	<del>\$0.075319 per kWh</del>	<del>\$0.010365 per kWh</del>
<del>Off Peak kilowatt-hours</del>	<del>\$0.008577 per kWh</del>	<del>\$0.000472 per kWh</del>

#### MINIMUM CHARGE

The minimum charge shall be the Customer Charge as stated above.

#### BILLING PERIODS

For purposes of administration of the above charges, the summer period is defined as June 1 through September 30. The winter period is defined as October 1 through May 31.

#### RATING PERIODS

The rating periods applicable to the above kilowatt-hour charges are as follows:

- Summer On Peak Period - 12:00 p.m. to 7:00 p.m. Monday through Friday, excluding holidays.
- Summer Shoulder Period - 9:00 a.m. to 12:00 p.m. and 7:00 p.m. to 10:00 p.m. Monday through Friday, excluding holidays.
- Winter On Peak Period - 7:00 a.m. to 1:00 p.m. and 5:00 p.m. to 10:00 p.m. Monday through Friday, excluding holidays.

#### RATING PERIODS (Contd.)

- Winter Shoulder Period - 6:00 a.m. to 7:00 a.m. and 1:00 p.m. to 5:00 p.m. Monday through Friday, excluding holidays.
- Off Peak Period - All hours Monday through Friday not included above plus all day Saturday and

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Duke Energy Ohio No. 19	_____P.U.C.O. Electric
_____130 East Fourth Street	Original—Sheet
No. 32.12	
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Sunday as well as New Year's Day, President's Day, Good Friday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veteran's Day, Thanksgiving Day and Christmas Day or on the day nationally designated to be celebrated as such with the exception that if the foregoing holidays occur on a Sunday, the following Monday is considered a holiday.

#### LATE PAYMENT CHARGE

Payment of the total amount due must be received in the Company's office by the due date shown on the bill. When not so paid, an additional amount equal to one and one-half percent (1.5%) of the unpaid balance is due and payable.

#### TERMS AND CONDITIONS

This rate is available upon application in accordance with the Company's Service Regulations.

The initial term of service under this rate is one (1) year. After one year, customers may at their discretion remain on this rate for an additional one (1) year term or switch to another applicable rate.

The supplying and billing for service and all conditions applying thereto, are subject to the jurisdiction of the Public Utilities Commission of Ohio, and to Company's Service Regulations currently in effect, as filed with the Public Utilities Commission of Ohio.

Filed pursuant to an Order dated ~~March 3, 2010~~ in Case No. 110-00423549-EL-ATASSO before the Public Utilities Commission of Ohio.

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Duke Energy Ohio  
139 East Fourth Street  
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## RATE TD

### OPTIONAL TIME-OF-DAY RATE FOR RESIDENTIAL SERVICE

#### APPLICABILITY

Applicable to electric service other than three phase service for all domestic purposes in private residences and single occupancy apartments in the entire territory of the Company where distribution lines are adjacent to the premises to be served. This rate is available only as Company demand meters with programmable time-of-day registers are installed on the customer's premises.

For customers taking service under any or all of the provisions of this tariff schedule, this same schedule shall constitute the Company's Standard Service Offer.

#### NET MONTHLY BILL

Computed in accordance with the following charges:

	<u>Summer Period</u>	<u>Winter Period</u>
1. Distribution Charges		
(a) Customer Charge	\$16.00 per month	\$16.00 per month
(b) Energy Charge		
On Peak kilowatt-hours	\$0.041195 per kWh	\$0.032735 per kWh
Off Peak kilowatt-hours	\$0.007186 per kWh	\$0.007181 per kWh

#### 2. Applicable Riders

The following riders are applicable pursuant to the specific terms contained within each rider:

~~Sheet No. 51, Rider PTC-AAC, Annually Adjusted Component Rider~~

~~Sheet No. 53, Rider PTC-FPP, Fuel and Economy Purchased Power Rider~~

~~Sheet No. 54, Rider SRA-CD, Capacity Dedication Rider~~

~~Sheet No. 56, Rider SRA-SRT, System Reliability Tracker~~

~~Sheet No. 57, Rider TCR, Transmission Cost Recovery Rider~~

~~Sheet No. 59, Rider DR, Distribution Reliability Rider~~

~~Sheet No. 70, Rider DR-IKE, Storm Recovery Rider~~

~~Sheet No. 81, Rider EER, Energy~~

~~Efficiency Revolving Loan Program Rider~~

~~Sheet No. 83, Rider OET, Ohio Excise Tax Rider~~

~~Sheet No. 84, Rider RTC, Regulatory Transition Charge Rider~~

~~Sheet No. 86, Rider USR, Universal Service Fund Rider~~

~~Sheet No. 88, Rider UE-GEN, Uncollectible Expense - Electric Generation Rider~~

~~Sheet No. 89, Rider BTR, Base Transmission Rider~~

~~Sheet No. 97, Rider RTQ, Regional Transmission Organization Rider~~

~~Sheet No. 104, Rider DR-IM, Infrastructure Modernization Rider~~

~~Sheet No. 105, Rider DR-ECF, Economic Competitiveness Fund Rider~~

~~Sheet No. 106, Rider DR-SAWR,~~

~~Energy Efficiency Recovery Rate~~

~~Sheet No. 108, Rider UE-ED,~~

Filed pursuant to an Order dated July 8, 2009 in Case No. 0811-7093549-EL-AIRSSO before the Public Utilities Commission of Ohio.

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2012

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Uncollectible Expense -- Electric Distribution Rider  
Sheet No. 109, Rider RECON, Fuel and reserve Capacity Reconciliation Rider  
Sheet No. 110, Rider AER-R, Alternative Energy Recovery Rider  
Sheet No. 111, Rider RC, Retail Capacity Rider  
Sheet No. 112, Rider RE, Retail Energy Rider  
Sheet No. 113, Rider ESSC, Electric Security Stabilization Charge Rider  
Sheet No. 115, Rider SCR, Supplier Cost Reconciliation Rider

**NET MONTHLY BILL (Contd.)**

**3. Price to Compare—Base Generation Charges (PTC-BG)**

The following generation charges are applicable to all customers except those customers who receive their energy from a Certified Supplier:

	<u>JAN. 1, 2009 – DEC. 31, 2009</u>	
	<u>Summer Period</u>	<u>Winter Period</u>
Energy Charge		
On Peak kilowatt-hours	\$0.098380 per kWh	\$0.074982 per kWh
Off Peak kilowatt-hours	\$0.004950 per kWh	\$0.004956 per kWh
	<u>JAN. 1, 2010 – DEC. 31, 2010</u>	
	<u>Summer Period</u>	<u>Winter Period</u>
Energy Charge		
On Peak kilowatt-hours	\$0.102813 per kWh	\$0.078470 per kWh
Off Peak kilowatt-hours	\$0.005646 per kWh	\$0.005652 per kWh
	<u>JAN. 1, 2011 – DEC. 31, 2011</u>	
	<u>Summer Period</u>	<u>Winter Period</u>
Energy Charge		
On Peak kilowatt-hours	\$0.102813 per kWh	\$0.078470 per kWh
Off Peak kilowatt-hours	\$0.005646 per kWh	\$0.005652 per kWh

**MINIMUM CHARGE**

The minimum charge shall be the Customer Charge as stated above.

**AVOIDANCE OF SYSTEM RELIABILITY TRACKER CHARGE**

Residential customers receiving generation service through a governmental aggregator will avoid (waive) Rider SRA-SRT if the governmental aggregator notifies the Company at least sixty (60) days prior to the

Filed pursuant to an Order dated July 8, 2009 in Case No. 0811-7003549-EL-AIRSSO before the Public Utilities Commission of Ohio.

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#### **RATING PERIODS**

The rating periods applicable to the above kilowatt-hour charges are as follows:

- a) Summer On Peak Period - 11:00 a.m. to 8:00 p.m. Monday through Friday, excluding holidays.
- b) Winter On Peak Period - 9:00 a.m. to 2:00 p.m. and 5:00 p.m. to 9:00 p.m. Monday through Friday, excluding holidays.
- c) Off Peak Period - All hours Monday through Friday not included above plus all day Saturday and Sunday as well as New Year's Day, President's Day, Good Friday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veteran's Day, Thanksgiving Day and Christmas Day or on the day nationally designated to be celebrated as such with the exception that if the foregoing holidays occur on a Sunday, the following Monday is considered a holiday.

#### **LATE PAYMENT CHARGE**

Payment of the total amount due must be received in the Company's office by the due date shown on the bill. When not so paid, an additional amount equal to one and one-half percent (1.5%) of the unpaid balance is due and payable. The late payment charge is not applicable to unpaid account balances for services received from a Certified Supplier.

#### **TERMS AND CONDITIONS**

This rate is available upon application in accordance with the Company's Service Regulations.

The initial term of service under this rate is three (3) years. If the customer desires to cancel service under this tariff within three (3) years, a termination fee may be charged by the Company. The termination fee will be determined by applying the above Customer Charge times the remaining months of the initial service agreement.

Where the Company is denied access to read the customer's time-of-day meter for more than two (2) consecutive months, the Company may, after notifying the customer, place the customer on the Company's standard residential rate. If the Company moves the customer to the standard rate, the customer shall not be billed for the termination fee.

The supplying and billing for service and all conditions applying thereto, are subject to the jurisdiction of the Public Utilities Commission of Ohio, and to Company's Service Regulations currently in effect, as filed with the Public Utilities Commission of Ohio.

Filed pursuant to an Order dated ~~July 8, 2009~~ in Case No. ~~0811-7093549-EL-AIRSSO~~ before the Public Utilities Commission of Ohio.

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## RATE CUR

### COMMON USE RESIDENTIAL SERVICE

#### APPLICABILITY

Applicable to electric service other than three phase service for separately metered common use areas of multi-occupancy buildings in the entire territory of the Company where distribution lines are adjacent to the premises to be served.

For customers taking service under any or all of the provisions of this tariff schedule, this same schedule shall constitute the Company's Standard Service Offer.

#### TYPE OF SERVICE

Alternating current 60 Hz, single phase at Company's standard secondary voltage.

#### NET MONTHLY BILL

Computed in accordance with the following charges:

1. Distribution Charges
  - (a) Customer Charge \$5.50 per month
  - (b) Energy Charge \$0.022126 per kWh

2. Applicable Riders

The following riders are applicable pursuant to the specific terms contained within each rider:

~~Sheet No. 51, Rider PTC-AAC, Annually Adjusted Component Rider~~

~~Sheet No. 53, Rider PTC-FPP, Fuel and Economy Purchased Power Rider~~

~~Sheet No. 54, Rider SRA-CD, Capacity Dedication Rider~~

~~Sheet No. 56, Rider SRA-~~

~~SRT, System Reliability Tracker~~

~~Sheet No. 57, Rider TCR, Transmission Cost Recovery Rider~~

~~Sheet No. 58, Rider DRI, Distribution Reliability Investment Rider~~

~~Sheet No. 59, Rider DR, Distribution Reliability Rider~~

~~Sheet No. 70, Rider DR-IKE, Storm Recovery Rider~~

~~Sheet No. 81, Rider EER, Energy~~

~~Efficiency Revolving Loan Program Rider~~

~~Sheet No. 83, Rider OET, Ohio Excise Tax Rider~~

~~Sheet No. 84, Rider RTC, Regulatory Transition Charge Rider~~

~~Sheet No. 85, Rider SC, Shopping Credit Rider~~

~~Sheet No. 86, Rider USR, Universal Service Fund Rider~~

~~Sheet No. 88, Rider UE-GEN, Uncollectible Expense - Electric Generation Rider~~

~~Sheet No. 89, Rider BTR, Base Transmission Rider~~

Filed pursuant to an Order dated July 8, 2009 in Case No. 0811-7093549-EL-AIRSSQ before the Public Utilities Commission of Ohio.

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2009 January 3, 2012

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Sheet No. 97, Rider RTO, Regional Transmission Organization Rider  
Sheet No. 104, Rider DR-IM, Infrastructure Modernization Rider  
Sheet No. 105, Rider DR-ECF, Economic Competitiveness Rider  
Sheet No. 106, Rider DR-SAWR, Energy Efficiency Recovery Rate  
Sheet No. 108, Rider UE-ED, Uncollectible Expense – Electric Distribution Rider  
Sheet No. 109, Rider RECON, Fuel and reserve Capacity Reconciliation Rider  
Sheet No. 110, Rider AER-R, Alternative Energy Recovery Rider  
Sheet No. 111, Rider RC, Retail Capacity Rider  
Sheet No. 112, Rider RE, Retail Energy Rider  
Sheet No. 113, Rider ESSC, Electric Security Stabilization Charge Rider  
Sheet No. 115, Rider SCR, Supplier Cost Reconciliation Rider

Filed pursuant to an Order dated July 8, 2009 in Case No. 0811-7093549-EL-AIRSSO before the Public Utilities Commission of Ohio.

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**NET MONTHLY BILL (Contd.)**

**3. ~~Price to Compare~~ Base Generation Charges (PTC-BG)**

The Generation Charges listed below are applicable to all customers except those customers that switch to a Certified Supplier for their generation service.

	<u>JAN. 1, 2009 – DEC. 31, 2009</u>	
	<u>Summer Period</u>	<u>Winter Period</u>
Energy Charge		
First 1,000 kilowatt-hours	\$0.033754 per kWh	\$0.033754 per kWh
Additional kilowatt-hours	\$0.046066 per kWh	\$0.005038 per kWh

	<u>JAN. 1, 2010 – DEC. 31, 2010</u>	
	<u>Summer Period</u>	<u>Winter Period</u>
Energy Charge		
First 1,000 kilowatt-hours	\$0.035861 per kWh	\$0.035861 per kWh
Additional kilowatt-hours	\$0.048709 per kWh	\$0.005893 per kWh

	<u>JAN. 1, 2011 – DEC. 31, 2011</u>	
	<u>Summer Period</u>	<u>Winter Period</u>
Energy Charge		
First 1,000 kilowatt-hours	\$0.044537 per kWh	\$0.044537 per kWh
Additional kilowatt-hours	\$0.059014 per kWh	\$0.010658 per kWh

**MINIMUM CHARGE**

The minimum charge shall be the Customer Charge as stated above.

**AVOIDANCE OF SYSTEM RELIABILITY TRACKER CHARGE**

Residential customers receiving generation service through a governmental aggregator will avoid (waive) Rider SRA-SRT if the governmental aggregator notifies the Company at least sixty (60) days prior to the start of the governmental aggregation of its intent to place all Residential End-Use Customers served by the governmental aggregation on the Rider SRA-SRT waiver program and to maintain the governmental aggregation through December 31, 2011. If the aggregated Residential End-Use Customer returns to the ESP-SSO prior to December 31, 2011, such Residential End-Use Customer will be billed a monthly early return premium based on 15% of the applicable generation charges and Riders in addition to the normal charges calculated per the ESP-SSO.

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2009 January 3, 2012

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#### **BILLING PERIODS**

*For purposes of administration of the above charges, the summer period is defined as that period represented by the Company's billing for the four (4) revenue months of June through September. The winter period is defined as that period represented by the Company's billing for the eight (8) revenue months of January through May and October through December.*

#### **LATE- PAYMENT CHARGE**

Payment of the total amount due must be received in the Company's office by the due date shown on the bill. When not so paid, an additional amount equal to one and one-half percent (1.5%) of the unpaid balance is due and payable.

The late payment charge is not applicable to unpaid account balances for services received from a Certified Supplier.

#### **TERMS AND CONDITIONS**

This rate is available upon application in accordance with the Company's Service Regulations.

The supplying and billing for service and all conditions applying thereto, are subject to the jurisdiction of the Public Utilities Commission of Ohio, and to the Company's Service Regulations currently in effect, as filed with the Public Utilities Commission of Ohio.

Filed pursuant to an Order dated ~~July 8, 2009~~ in Case No. ~~0811-7093549-EL-AIRSSO~~ before the Public Utilities Commission of Ohio.

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Issued: July 10, 2009  
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**RATE RS3P**

**RESIDENTIAL THREE-PHASE SERVICE**

**APPLICABILITY**

Applicable to three phase electric service, for all domestic purposes in private residences and single occupancy apartments and separately metered common use areas of multi-occupancy buildings in the entire territory of the Company where (1) distribution lines are adjacent to the premises to be served, (2) the building load requires three phase service, and (3) building load exceeds the Company's standard single-phase equipment or the building is a multi-use facility requiring three-phase service for the commercial space, and (4) additional distribution line extensions are not required. In all other instances, the Company will make three-phase service available to residential customers at the customer's sole expense and pursuant to a three-year service agreement.

Residences where not more than two rooms are used for rental purposes will also be included. Where all dwelling units in a multi-occupancy building are served through one meter and the common use area is metered separately, the kilowatt-hour rate will be applied on a "per residence" or "per apartment" basis, however, the customer charge will be based on the number of installed meters.

Where a portion of a residential service is used for purposes of a commercial or public character, the applicable general service rate is applicable to all service. However, if the wiring is so arranged that the service for residential purposes can be metered separately, this Rate will be applied to the residential service, if the service qualifies hereunder.

For customers taking service under any or all of the provisions of this tariff schedule, this same schedule shall constitute the Company's Standard Service Offer.

**TYPE OF SERVICE**

Alternating current 60 Hz, three phase at Company's standard secondary voltage.

**NET MONTHLY BILL**

Computed in accordance with the following charges:

- |                         |                    |
|-------------------------|--------------------|
| 1. Distribution Charges |                    |
| (a) Customer Charge     | \$8.00 per month   |
| (b) Energy Charge       | \$0.022126 per kWh |

Filed pursuant to an Order dated July 8, 2009 in Case No. 0811-7093549-EL-AIRSSO before the Public Utilities Commission of Ohio.

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~~2009 January 3, 2012~~

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**NET MONTHLY BILL (Contd.)**

**2. Applicable Riders**

The following riders are applicable pursuant to the specific terms contained within each rider:

~~Sheet No. 59, Rider DR, Distribution Reliability Rider~~ Sheet No. 70, Rider DR-IKE, Storm Recovery Rider  
~~Sheet No. 81, Rider EER, Energy Efficiency Revolving Loan Program Rider~~  
Sheet No. 83, Rider OET, Ohio Excise Tax Rider  
~~Sheet No. 84, Rider RTC, Regulatory Transition Charge Rider~~  
Sheet No. 86, Rider USR, Universal Service Fund Rider  
~~Sheet No. 88, Rider UE-GEN, Uncollectible Expense – Electric Generation Rider~~  
~~Sheet No. 89, Rider BTR, Base Transmission Rider~~  
~~Sheet No. 97, Rider RTO, Regional Transmission Organization Rider~~  
~~Sheet No. 104, Rider DR-IM, Infrastructure Modernization Rider~~  
Sheet No. 105, Rider DR-ECF, Economic Competitiveness Fund Rider  
Sheet No. 106, Rider DR-SAWR, Energy Efficiency Recovery Rate  
Sheet No. 108, Rider UE-ED, Uncollectible Expense – Electric Distribution Rider  
~~Sheet No. 109, Rider RECON, Fuel and reserve Capacity Reconciliation Rider~~  
~~Sheet No. 110, Rider AER-R, Alternative Energy Recovery Rider~~  
~~Sheet No. 111, Rider RC, Retail Capacity Rider~~  
~~Sheet No. 112, Rider RE, Retail Energy Rider~~  
~~Sheet No. 113, Rider ESSC, Electric Security Stabilization Charge Rider~~  
~~Sheet No. 115, Rider SCR, Supplier Cost Reconciliation Rider~~

**3. Price to Compare Base Generation Charges (PTC-BG)**

The following generation charges are applicable to all customers except those customers who receive their energy from a certified supplier.

	<u>JAN. 1, 2009 – DEC. 31, 2009</u>	
	<u>Summer Period</u>	<u>Winter Period</u>
Energy Charge		
First 1,000 kilowatt-hours	\$0.040238 per kWh	\$0.040238 per kWh
Additional kilowatt-hours	\$0.053622 per kWh	\$0.008015 per kWh

	<u>JAN. 1, 2010 – DEC. 31, 2010</u>	
	<u>Summer Period</u>	<u>Winter Period</u>
Energy Charge		
First 1,000 kilowatt-hours	\$0.042345 per kWh	\$0.042345 per kWh
Additional kilowatt-hours	\$0.056265 per kWh	\$0.009770 per kWh

	<u>JAN. 1, 2011 – DEC. 31, 2011</u>	
	<u>Summer Period</u>	<u>Winter Period</u>
Energy Charge		
First 1,000 kilowatt-hours	\$0.042345 per kWh	\$0.042345 per kWh
Additional kilowatt-hours	\$0.056265 per kWh	\$0.009770 per kWh

Filed pursuant to an Order dated July 8, 2009 in Case No. 0811-7003549-EL-AIRSSO before the Public Utilities Commission of Ohio.

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**MINIMUM CHARGE**

The minimum charge shall be the Customer Charge as stated above.

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Utilities Commission of Ohio.

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**AVOIDANCE OF SYSTEM RELIABILITY TRACKER CHARGE**

~~Residential customers receiving generation service through a governmental aggregator will avoid (waive) Rider SRA-SRT if the governmental aggregator notifies the Company at least sixty (60) days prior to the start of the governmental aggregation of its intent to place all Residential End-Use Customers served by the governmental aggregation on the Rider SRA-SRT waiver program and to maintain the governmental aggregation through December 31, 2011. If the aggregated Residential End-Use Customer returns to the ESP-SSO prior to December 31, 2011, such Residential End-Use Customer will be billed a monthly early return premium based on 15% of the applicable generation charges and Riders in addition to the normal charges calculated per the ESP-SSO.~~

**BILLING PERIODS**

For purposes of administration of the above charges, the summer period is defined as that period represented by the Company's billing for the four (4) revenue months of June through September. The winter period is defined as that period represented by the Company's billing for the eight (8) revenue months of January through May and October through December.

**LATE PAYMENT CHARGE**

Payment of the total amount due must be received in the Company's office by the due date shown on the bill. When not so paid, an additional amount equal to one and one-half percent (1.5%) of the unpaid balance is due and payable.

The late payment charge is not applicable to:

- Unpaid account balances of customers enrolled in income payment plans pursuant to Section 4901:1-18-04(B), Ohio Administrative Code; and
- Unpaid account balances for services received from a Certified Supplier.

**TERMS AND CONDITIONS**

This rate is available upon application in accordance with the Company's Service Regulations.

The Company is not obligated to extend, expand or rearrange its distribution system if it determines that existing distribution facilities are adequate to serve the customer's load.

**TERMS AND CONDITIONS (Contd.)**

The supplying and billing for service and all conditions applying thereto, are subject to the jurisdiction of the Public Utilities Commission of Ohio, and to the Company's Service Regulations currently in effect, as filed with the Public Utilities Commission of Ohio.

Filed pursuant to an Order dated July 8, 2009 in Case No. 0811-7003549-EL-AIRSSO before the Public Utilities Commission of Ohio.

Issued: July 10, 2009  
2009 January 3, 2012

Effective: July 13,

Issued by Julie Janson, President

Duke Energy Ohio

P.U.C.O. Electric No. 19  
Sheet No. 36.1

Duke Energy Ohio  
1139 East Fourth Street  
Cincinnati, Ohio 45202

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## RATE RSLI

### RESIDENTIAL SERVICE – LOW INCOME

#### APPLICABILITY

Applicable to up to 10,000 electric customers who are at or below 200% of the Federal poverty level and who do not participate in the Percentage of Income Payment Plan ("PIPP"). Applicable to electric service other than three phase service, for all domestic purposes in private residences and single occupancy apartments and separately metered common use areas of multi-occupancy buildings in the entire territory of the Company where distribution lines are adjacent to the premises to be served.

Residences where not more than two rooms are used for rental purposes will also be included. Where all dwelling units in a multi-occupancy building are served through one meter and the common use area is metered separately, the kilowatt-hour rate will be applied on a "per residence" or "per apartment" basis, however, the customer charge will be based on the number of installed meters.

Where a portion of a residential service is used for purposes of a commercial or public character, the applicable general service rate is applicable to all service. However, if the wiring is so arranged that the service for residential purposes can be metered separately, this Rate will be applied to the residential service, if the service qualifies hereunder.

For customers taking service under any or all of the provisions of this tariff schedule, this same schedule shall constitute the Company's Standard Service Offer.

#### TYPE OF SERVICE

Alternating current 60 Hz, single phase at Company's standard secondary voltage.

#### NET MONTHLY BILL

Computed in accordance with the following charges:

1. Distribution Charges
  - (a) Customer Charge \$1.50 per month
  - (b) Energy Charge \$0.022126 per kWh

Filed pursuant to an Order dated July 8, 2009 in Case No. 0811-7093549-EL-AIRSSO before the Public Utilities Commission of Ohio.

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**NET MONTHLY BILL (Contd.)**

**2. Applicable Riders**

The following riders are applicable pursuant to the specific terms contained within each rider:

~~Sheet No. 51, Rider PTC-AAC, Annually Adjusted Component Rider~~

~~Sheet No. 53, Rider PTC-FPP, Fuel and Economy Purchased Power Rider~~

~~Sheet No. 54, Rider SRA-CD, Capacity Dedication Rider~~

~~Sheet No. 56, Rider SRA-~~

~~SRT, System Reliability Tracker~~

~~Sheet No. 57, Rider TCR, Transmission Cost Recovery Rider~~

~~Sheet No. 59, Rider DR, Distribution Reliability Rider~~

~~Sheet No. 70, Rider DR-IKE, Storm Recovery Rider~~

~~Sheet No. 81, Rider EER, Energy~~

~~Efficiency Revolving Loan Program Rider~~

~~Sheet No. 83, Rider OET, Ohio Excise Tax Rider~~

~~Sheet No. 84, Rider RTC, Regulatory Transition Charge Rider~~

~~Sheet No. 86, Rider USR, Universal Service Fund Rider~~

~~Sheet No. 88, Rider UE-GEN, Uncollectible Expense – Electric Generation Rider~~

~~Sheet No. 89, Rider BTR, Base Transmission Rider~~

~~Sheet No. 97, Rider RTO, Regional Transmission Organization Rider~~

~~Sheet No. 104, Rider DR-IM, Infrastructure Modernization Rider~~

~~Sheet No. 105, Rider DR-ECF, Economic Competitiveness Fund Rider~~

~~Sheet No. 106, Rider DR-SAWR, Energy Efficiency Recovery Rate~~

~~Sheet No. 108, Rider UE-ED, Uncollectible Expense – Electric Distribution Rider~~

~~Sheet No. 109, Rider RECON, Fuel and reserve Capacity Reconciliation Rider~~

~~Sheet No. 110, Rider AER-R, Alternative Energy Recovery Rider~~

~~Sheet No. 111, Rider RC, Retail Capacity Rider~~

~~Sheet No. 112, Rider RE, Retail Energy Rider~~

~~Sheet No. 113, Rider ESSC, Electric Security Stabilization Charge Rider~~

~~Sheet No. 115, Rider SCR, Supplier Cost Reconciliation Rider~~

**3. Price to Compare – Base Generation Charges (PTC-BG)**

The following generation charges are applicable to all customers except those customers who receive their energy from a Certified Supplier:

	<del>JAN. 1, 2009 – DEC. 31, 2009</del>	
	<del>Summer Period</del>	<del>Winter Period</del>
Energy Charge		
First 1,000 kilowatt-hours	\$0.040238 per kWh	\$0.040238 per kWh
Additional kilowatt-hours	\$0.053622 per kWh	\$0.008915 per kWh

	<del>JAN. 1, 2010 – DEC 31, 2010</del>	
	<del>Summer Period</del>	<del>Winter Period</del>

Filed pursuant to an Order dated July 8, 2009 in Case No. 0811-7093549-EL-AIRSSO before the Public Utilities Commission of Ohio.

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~~Energy Charge~~

~~First 1,000 kilowatt-hours~~

~~\$0.042345 per kWh~~

~~\$0.042345 per kWh~~

~~Additional kilowatt-hours~~

~~\$0.056265 per kWh~~

~~\$0.009770 per kWh~~

~~JAN. 1, 2011 — DEC. 31, 2011~~

~~Summer Period~~

~~Winter Period~~

~~Energy Charge~~

~~First 1,000 kilowatt-hours~~

~~\$0.042345 per kWh~~

~~\$0.042345 per kWh~~

~~Additional kilowatt-hours~~

~~\$0.056265 per kWh~~

~~\$0.009770 per kWh~~

**MINIMUM CHARGE**

The minimum charge shall be the Customer Charge as stated above.

Filed pursuant to an Order dated July 8, 2009 in Case No. 0811-7093549-EL-AIRSSO before the Public Utilities Commission of Ohio.

Issued: ~~July 10, 2009~~  
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#### **AVOIDANCE OF SYSTEM RELIABILITY TRACKER CHARGE**

~~Residential customers receiving generation service through a governmental aggregator will avoid (waive) Rider SRA-SRT if the governmental aggregator notifies the Company at least sixty (60) days prior to the start of the governmental aggregation of its intent to place all Residential End-Use Customers served by the governmental aggregation on the Rider SRA-SRT waiver program and to maintain the governmental aggregation through December 31, 2011. If the aggregated Residential End-Use Customer returns to the ESP-SSO prior to December 31, 2011, such Residential End-Use Customer will be billed a monthly early return premium based on 15% of the applicable generation charges and Riders in addition to the normal charges calculated per the ESP-SSO.~~

#### **BILLING PERIODS**

For purposes of administration of the above charges, the summer period is defined as that period represented by the Company's billing for the four (4) revenue months of June through September. The winter period is defined as that period represented by the Company's billing for the eight (8) revenue months of January through May and October through December.

#### **LATE PAYMENT CHARGE**

Payment of the total amount due must be received in the Company's office by the due date shown on the bill. When not so paid, an additional amount equal to one and one-half percent (1.5%) of the unpaid balance is due and payable.

The late payment charge is not applicable to:

- Unpaid account balances of customers enrolled in income payment plans pursuant to Section 4901:1-18-04(B), Ohio Administrative Code; and
- Unpaid account balances for services received from a Certified Supplier.

#### **TERMS AND CONDITIONS**

~~This rate is available upon application in accordance with the Company's Service Regulations.~~

#### **TERMS AND CONDITIONS**

This rate is available upon application in accordance with the Company's Service Regulations.

The supplying and billing for service and all conditions applying thereto are subject to the jurisdiction of the Public Utilities Commission of Ohio, and to the Company's Service Regulations currently in effect, as filed with the Public Utilities Commission of Ohio.

Filed pursuant to an Order dated July 8, 2009 in Case No. 0811-7003549-EL-AIRSSO before the Public Utilities Commission of Ohio.

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Duke Energy Ohio  
Electric No. 19

\_\_\_\_\_ P.U.C.O.

Duke Energy Ohio  
139 East Fourth Street  
Cincinnati, Ohio 45202

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## RIDER PTR

### PEAK TIME REBATE – RESIDENTIAL PILOT PROGRAM

#### AVAILABILITY

The Peak Time Rebate (PTR) Program is applicable to residential Customers served under Rates RS and TD-AM. This rider is available only as Company advanced meters with interval recording registers are installed on the customer's premises. The advanced meters must be commissioned, certified, and provide billable quality data. This rider is available to the first five hundred (500) customers that request service under this rider. Eligible customers must receive generation service from Duke Energy Ohio. This rider is not available to customers on income payment plans, budget billing, HEAP, or any other assistance plan. Customers participating in the Power Manager program are not eligible to participate in the PTR Program.

Rider PTR is offered on a pilot basis. The Company reserves the right to modify this rider, subject to approval by the Commission, as information regarding customer participation, load response, costs, and other pertinent information becomes available.

#### PROGRAM DESCRIPTION

The PTR Program is voluntary and offers residential Customers the opportunity to reduce their electric costs by reducing their electric usage during Company's critical peak load periods (critical peak events).

At its discretion, the Company may call up to ten (10) critical peak periods per year during the calendar months of June, July, August, and September. Participating customers will be notified on the day prior to a critical peak event of the planned event for the next day. Critical peak events will last 8 hours and will begin at noon and end at 8 P.M., and they will not occur on weekends or holidays as recognized by the National Electric Reliability Corporation (NERC). The Company may call up to three (3) events per week with no more than two (2) events occurring on consecutive days. A week is defined as the period Sunday through Saturday.

Participating customers may choose to maintain their electric usage levels at previous levels during an event. Customers who do not reduce usage levels during the event will not incur any penalties, and they will be billed for the electricity consumed during the event at the normal tariff rates. No customer's bill will increase as a result of this tariff.

Customers will receive a bill credit of \$0.2800 per kWh of load reduction during the critical peak event. Credits will appear on participating customers' bills. The kWh load reduction is calculated as the difference between the estimated kWh usage that would have occurred during the critical peak event without action by the participant (estimated kWh) and the participant's actual kWh usage during the critical peak event (actual kWh). Credits will be computed and provided on customers'

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Duke Energy Ohio  
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bills within two monthly billing cycles. Bills ordinarily are rendered at monthly intervals. The word "month" shall mean the period of approximately thirty (30) days between monthly bill dates.

**PROGRAM DESCRIPTION (CONTINUEDontd.)**

The Company will use the participant's recent historical electricity consumption information for non-event, non-holiday weekdays in establishing the participants' individualized estimated kWh usage for use as a base line to determine the amount of load reduction.

**BILLING UNDER STANDARD RATES**

Customers served under Rate RS or Rate TD-AM will be billed for all energy used under the terms and conditions and at the rates and charges of the applicable tariff. In addition, Customers will receive credits on their electric bill for participation in the PTR Program as described above in the PROGRAM DESCRIPTION section.

**CUSTOMER NOTIFICATION OF CRITICAL PEAK EVENTS**

Participating customers will be notified by 8:00 P.M. on the day prior to a critical peak event of the planned event for the next day. The Company will notify customers of critical peak events for the following day via telephone, e-mail, text messaging, or any other means that becomes available. The customer will be required to provide a primary contact method of communication.

Participating customers are responsible for the costs of establishing and maintaining internet service, e-mail service, telephone service, and/or cell phone text messaging service. The Company will provide a mechanism for participants to choose their primary preferred communication channel.

The Company is not liable for any damages or claims resulting from customers' failure to receive notice of a critical peak event, for any reason.

**TERM AND CONDITIONS**

Except as provided in this Rider PTR, all terms, conditions, rates, and charges outlined in the applicable Rate RS or Rate TD-AM will apply. Participation in the PTR Program will not affect Customers' obligations for electric service under these rates.

Any interruptions or reductions in electric service caused by outages of Company's facilities, other than as provided under the PTR Program, will not be deemed an event period under this PTR Program. Agreements under the PTR Program will in no way affect Customer's or Company's respective obligations regarding the rendering of and payment for electric service under the applicable electric tariff and its applicable rate schedules. It will be Customer's responsibility to monitor and control their demand and energy usage before, during, and after a critical peak event period.

Issued pursuant to an Order dated ~~June 23, 2010~~ in Case No. ~~110-4553549-EL-ATASSO~~ before the Public Utilities Commission of Ohio.

Issued: ~~June 24, 2010~~  
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\_\_\_\_\_ Effective: ~~July 1,~~

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Duke Energy Ohio  
Electric No. 19

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The supplying and billing for service and all conditions applying thereto, are subject to the jurisdiction of the Public Utilities Commission of Ohio, and to the Company's Service Regulations currently in effect, as filed with the Public Utilities Commission of Ohio.

Issued pursuant to an Order dated ~~June 23, 2010~~ in Case No. ~~110-4553549-EL-ATASSO~~ before the Public Utilities Commission of Ohio.

Issued: ~~June 24, 2010~~  
~~2010 January 3, 2012~~

\_\_\_\_\_ Effective: ~~July 1,~~

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**RATE TD-CPP\_LITE**

**OPTIONAL CRITICAL PEAK PRICING RATE FOR RESIDENTIAL SERVICE WITH ADVANCED METERING  
(PILOT)**

**APPLICABILITY**

Applicable to electric service for all domestic purposes in private residences and single occupancy apartments in the entire territory of the Company where distribution lines are adjacent to the premises to be served. This rate is available only as Company advanced meters with interval recording registers are installed on the customer's premises. The advanced meters must be commissioned, certified, and provide billable quality data. Eligible customers must receive generation service from Duke Energy Ohio, and they must have had a total annual electric bill of \$300 or more during the prior 12 months. This rate is not available to customers on income payment plans, budget billing, HEAP, or any other assistance plan.

Residences where not more than two rooms are used for rental purposes will also be included. Where all dwelling units in a multi-occupancy building are served through one meter and the common use area is metered separately, the kilowatt-hour rate will be applied on a "per residence" or "per apartment" basis, however, the customer charge will be based on the number of installed meters.

Where a portion of a residential service is used for purposes of a commercial or public character, the applicable general service rate is applicable to all service. However, if the wiring is so arranged that the service for residential purposes can be metered separately, this Rate will be applied to the residential service, if the service qualifies hereunder.

Rate TD-CPP\_LITE is offered on a pilot basis. The Company reserves the right to modify this rate, subject to approval by the Commission, as information regarding customer participation, load response, costs, and other pertinent information becomes available. If the Company changes the base generation charges or structure of this rate, customers who have not completed their initial term of service may continue taking service under Rate TD-CPP\_LITE or switch to Rate RS (Residential Service) or any other rate for which the customer is eligible.

For customers taking service under any or all of the provisions of this tariff schedule, this same schedule shall constitute the Company's Standard Service Offer.

**NET MONTHLY BILL**

Computed in accordance with the following charges:

	<u>Summer Period</u>	<u>Winter Period</u>	<u>Spring/Fall</u>
1. Distribution Charges			
(a) Customer Charge			
Single Phase	\$5.50 per month	\$5.50 per month	\$5.50 per month
Three Phase	\$8.00 per month	\$8.00 per month	\$8.00 per month

Filed pursuant to an Order dated ~~March 9, 2014~~ in Case No. 101-9793549-EL-ATASSO before the Public Utilities Commission of Ohio.

Issued: ~~March 21, 2014~~  
~~April 15, 2014~~ January 3, 2012

Effective:

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Duke Energy Ohio \_\_\_\_\_ P.U.C.O. Electric  
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**NET MONTHLY BILL (Cont'd)**

	<u>Summer Period</u>	<u>Winter Period</u>	<u>Spring/Fall</u>
(b) Energy Charge			
On Peak kilowatt-hours	\$0.022126 per kWh	\$0.022126 per kWh	
Off Peak kilowatt-hours	\$0.022126 per kWh	\$0.022126 per kWh	\$0.022126 per kWh

**2. Applicable Riders**

The following riders are applicable pursuant to the specific terms contained within each rider:

~~Sheet No. 51, Rider PTC-AAC, Annually Adjusted Component Rider~~  
~~Sheet No. 53, Rider PTC-FPP, Fuel and Economy Purchased Power Rider~~  
~~Sheet No. 54, Rider SRA-CD, Capacity Dedication Rider~~  
~~Sheet No. 56, Rider SRA-SRT, System Reliability Tracker~~  
~~Sheet No. 57, Rider TCR, Transmission Cost Recovery Rider~~  
~~Sheet No. 59, Rider DR, Distribution Reliability Rider~~  
~~Sheet No. 70, Rider DR-IKE, Storm Recovery Rider~~  
~~Sheet No. 81, Rider EER, Energy~~  
~~Efficiency Revolving Loan Program Rider~~  
~~Sheet No. 83, Rider OET, Ohio Excise Tax Rider~~  
~~Sheet No. 84, Rider RTC, Regulatory Transition Charge Rider~~  
~~Sheet No. 86, Rider USR, Universal Service Fund Rider~~  
~~Sheet No. 88, Rider UE-GEN, Uncollectible Expense – Electric Generation Rider~~  
~~Sheet No. 89, Rider BTR, Base Transmission Rider~~  
~~Sheet No. 97, Rider RTO, Regional Transmission Organization Rider~~  
~~Sheet No. 104, Rider DR-IM, Infrastructure Modernization Rider~~  
~~Sheet No. 105, Rider DR-ECF, Economic Competitiveness Fund Rider~~  
~~Sheet No. 106, Rider DR-SAWR,~~  
~~Energy Efficiency Recovery Rate~~  
~~Sheet No. 108, Rider UE-ED,~~  
~~Uncollectible Expense – Electric Distribution Rider~~  
~~Sheet No. 109, Rider RECON, Fuel and reserve Capacity Reconciliation Rider~~  
~~Sheet No. 110, Rider AER-R, Alternative Energy Recovery Rider~~  
~~Sheet No. 111, Rider RC, Retail Capacity Rider~~  
~~Sheet No. 112, Rider RE, Retail Energy Rider~~  
~~Sheet No. 113, Rider ESSC, Electric Security Stabilization Charge Rider~~  
~~Sheet No. 115, Rider SCR, Supplier Cost Reconciliation Rider~~

**3. ~~Price to Compare – Base Generation Charges (PTC-BG)~~**

~~The following generation charges are applicable to all customers except those customers who receive their energy from a Certified Supplier:~~

Filed pursuant to an Order dated March 9, 2011 in Case No. 101-9793549-EL-ATASSO before the Public Utilities Commission of Ohio.

Issued: ~~March 21, 2011~~  
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**JAN 1, 2010 – DEC 31, 2011**

	<u>Summer Period</u>	<u>Winter Period</u>	<u>Spring/Fall</u>
Energy Charge			
On Peak kilowatt-hours	\$0.167715 per kWh	\$0.083858 per kWh	
Off Peak kilowatt-hours	\$0.032654 per kWh	\$0.028088 per kWh	\$0.028088 per kWh
Critical Peak kilowatt-hours	\$0.285240 per kWh		

**MINIMUM CHARGE**

The minimum charge shall be the Customer Charge as stated above.

**BILLING PERIODS**

For purposes of administration of the above charges, the summer period is defined as June 1 through September 30. The winter period is defined as December 1 through February 28 (29th if Leap Year). All other days are defined as Spring/Fall.

**RATING PERIODS**

The rating periods applicable to the above kilowatt-hour charges are as follows:

- Summer On Peak Period - 2:00 p.m. to 6:00 p.m. Monday through Friday, excluding holidays.
- Winter On Peak Period - 7:00 a.m. to 1:00 p.m. Monday through Friday, excluding holidays.
- Off Peak Period - All hours Monday through Friday not included above plus all day Saturday and Sunday as well as New Year's Day, President's Day, Good Friday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veteran's Day, Thanksgiving Day and Christmas Day or on the day

**RATING PERIODS (Contd.)**

\_\_\_\_\_ nationally designated to be celebrated as such with the exception that if the foregoing holidays occur on a Sunday, the following Monday is considered a holiday.

- Critical Peak Period - At its discretion, the Company may call up to ten (10) critical peak periods per year during the calendar months of June, July, August, and September. Participating customers will be notified on the day prior to a critical peak event of the planned event for the next day. Critical peak events will last 4 hours and will begin at 2 P.M. and end at 6 P.M., and they will not occur on weekends or holidays as recognized by the National Electric Reliability Corporation (NERC). The Company may call up to three (3) events per week with no more than two (2) events occurring on consecutive days.

Filed pursuant to an Order dated ~~March 9, 2011~~ in Case No. 101-9793549-EL-ATASSO before the Public Utilities Commission of Ohio.

Issued: March 21, 2011  
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A week is defined as the period Sunday through Saturday.

#### **CUSTOMER NOTIFICATION OF CRITICAL PEAK EVENTS**

Participating customers will be notified by 8:00 P.M. on the day prior to a critical peak event of the planned event for the next day. The Company will notify customers of critical peak events for the following day via telephone, e-mail, text messaging, or any other means that becomes available. The customer will be required to provide a primary contact method of communication.

Participating customers are responsible for the costs of establishing and maintaining internet service, e-mail service, telephone service, and/or cell phone text messaging service. The Company will provide a mechanism for participants to choose their primary preferred communication channel.

The Company is not liable for any damages or claims resulting from customers' failure to receive notice of a critical peak event, for any reason.

#### **LATE PAYMENT CHARGE**

Payment of the total amount due must be received in the Company's office by the due date shown on the bill. When not so paid, an additional amount equal to one and one-half percent (1.5%) of the unpaid balance is due and payable.

#### **TERMS AND CONDITIONS**

This rate is available upon application in accordance with the Company's Service Regulations.

The initial term of service under this rate is one (1) year. After one year, customers may at their discretion remain on this rate for an additional one (1) year term or switch to another applicable rate. Additionally, customers receiving service under this rate may terminate their participation and switch to another applicable rate during the period September 1 through September 30 each year (the pilot opt-out period).

The supplying and billing for service and all conditions applying thereto, are subject to the jurisdiction of the Public Utilities Commission of Ohio, and to Company's Service Regulations currently in effect, as filed with the Public Utilities Commission of Ohio.

Filed pursuant to an Order dated ~~March 9, 2014~~ in Case No. 101-9793549-EL-ATASSO before the Public Utilities Commission of Ohio.

Issued: ~~March 24, 2014~~  
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#### RATE TD-LITE

#### OPTIONAL TIME-OF-DAY RATE FOR RESIDENTIAL SERVICE WITH ADVANCED METERING (MODIFIED) (PILOT)

##### APPLICABILITY

Applicable to electric service for all domestic purposes in private residences and single occupancy apartments in the entire territory of the Company where distribution lines are adjacent to the premises to be served. This rate is available only as Company advanced meters with interval recording registers are installed on the customer's premises. The advanced meters must be commissioned, certified, and provide billable quality data. This rate is available to the first one hundred fifty (150) customers that request service under this rate. Eligible customers must receive generation service from Duke Energy Ohio, and they must have had a total annual electric bill of \$300 or more during the prior 12 months. This rate is not available to customers on income payment plans, budget billing, HEAP, or any other assistance plan.

Residences where not more than two rooms are used for rental purposes will also be included. Where all dwelling units in a multi-occupancy building are served through one meter and the common use area is metered separately, the kilowatt-hour rate will be applied on a "per residence" or "per apartment" basis, however, the customer charge will be based on the number of installed meters.

Where a portion of a residential service is used for purposes of a commercial or public character, the applicable general service rate is applicable to all service. However, if the wiring is so arranged that the service for residential purposes can be metered separately, this Rate will be applied to the residential service, if the service qualifies hereunder.

Rate TD-LITE is offered on a pilot basis. The Company reserves the right to modify this rate, subject to approval by the Commission, as information regarding customer participation, load response, costs, and other pertinent information becomes available. If the Company changes the base generation charges or structure of this rate, customers who have not completed their initial term of service may continue taking service under Rate TD-LITE or switch to Rate RS (Residential Service) or any other rate for which the customer is eligible.

For customers taking service under any or all of the provisions of this tariff schedule, this same schedule shall constitute the Company's Standard Service Offer.

##### NET MONTHLY BILL

Computed in accordance with the following charges:

	<u>Summer Period</u>	<u>Winter Period</u>	<u>Spring/Fall</u>
1. Distribution Charges			
(a) Customer Charge			
Single Phase	\$5.50 per month	\$5.50 per month	\$5.50 per month
Three Phase	\$8.00 per month	\$8.00 per month	\$8.00 per month

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Duke Energy Ohio  
No. 19

P.U.C.O. Electric

Sheet No. 39.1

Duke Energy Ohio  
139 East Fourth Street  
Cincinnati, Ohio 45202

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**NET MONTHLY BILL (Cont'd)**

	<u>Summer Period</u>	<u>Winter Period</u>	<u>Spring/Fall</u>
<u>(b) Energy Charge</u>			
On Peak kilowatt-hours	\$0.022126 per kWh	\$0.022126 per kWh	\$0.022126 per kWh
Off Peak kilowatt-hours	\$0.022126 per kWh	\$0.022126 per kWh	\$0.022126 per kWh

**NET MONTHLY BILL (Cont'd)**

	<u>Summer Period</u>	<u>Winter Period</u>	<u>Spring/Fall</u>
<u>(b) Energy Charge</u>			
On Peak kilowatt-hours	\$0.022126 per kWh	\$0.022126 per kWh	\$0.022126 per kWh
Off Peak kilowatt-hours	\$0.022126 per kWh	\$0.022126 per kWh	\$0.022126 per kWh

2. Applicable Riders

The following riders are applicable pursuant to the specific terms contained within each rider:

~~Sheet No. 51, Rider PTC-AAC, Annually Adjusted Component Rider~~

~~Sheet No. 53, Rider PTC-FPP, Fuel and Economy Purchased Power Rider~~

~~Sheet No. 54, Rider SRA-CD, Capacity Dedication Rider~~

~~Sheet No. 56, Rider SRA-SRT, System Reliability Tracker~~

~~Sheet No. 57, Rider TCR, Transmission Cost Recovery Rider~~

~~Sheet No. 59, Rider DR, Distribution Reliability Rider~~

~~Sheet No. 70, Rider DR-IKE, Storm Recovery Rider~~

Sheet No. 81, Rider EER, Energy

Efficiency Revolving Loan Program Rider

Sheet No. 83, Rider OET, Ohio Excise Tax Rider

Sheet No. 84, Rider RTC, Regulatory Transition Charge Rider

Sheet No. 86, Rider USR, Universal Service Fund Rider

Sheet No. 88, Rider UE-GEN, Uncollectible Expense – Electric Generation Rider

Sheet No. 89, Rider BTR, Base Transmission Rider

Sheet No. 97, Rider RTQ, Regional Transmission Organization Rider

Sheet No. 104, Rider DR-IM, Infrastructure Modernization Rider

Sheet No. 105, Rider DR-ECF, Economic Competitiveness Fund Rider

Sheet No. 106, Rider DR-SAWR,

Energy Efficiency Recovery Rate

Sheet No. 108, Rider UE-ED,

Uncollectible Expense – Electric Distribution Rider

Sheet No. 109, Rider RECON, Fuel and reserve Capacity Reconciliation Rider

Sheet No. 110, Rider AER-R, Alternative Energy Recovery Rider

Sheet No. 111, Rider RC, Retail Capacity Rider

Sheet No. 112, Rider RE, Retail Energy Rider

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Sheet No. 113, Rider ESSC, Electric Security Stabilization Charge Rider  
Sheet No. 115, Rider SCR, Supplier Cost Reconciliation Rider

~~3. Price to Compare—Base Generation Charges (PTC-BG)~~

~~The following generation charges are applicable to all customers except those customers who receive their energy from a Certified Supplier:~~

	<u>JAN 1, 2010 — DEC 31, 2011</u>		
	<u>Summer Period</u>	<u>Winter Period</u>	<u>Spring/Fall</u>
Energy Charge			
On Peak kilowatt-hours	\$0.339136 per kWh	\$0.294202 per kWh	\$0.000472 per kWh
Off Peak kilowatt-hours	\$0.008577 per kWh	\$0.000472 per kWh	\$0.000472 per kWh

**MINIMUM CHARGE**

The minimum charge shall be the Customer Charge as stated above.

**BILLING PERIODS**

For purposes of administration of the above charges, the summer period is defined as June 1 through September 30. The winter period is defined as December 1 through February 28 (29th if Leap Year). All other days are defined as Spring/Fall.

**RATING PERIODS**

The rating periods applicable to the above kilowatt-hour charges are as follows:

- Summer On Peak Period - 2:00 p.m. to 7:00 p.m. Monday through Friday, excluding holidays.
- Winter On Peak Period - 7:00 a.m. to 1:00 p.m. Monday through Friday, excluding holidays.
- Off Peak Period - All hours Monday through Friday not included above plus all day Saturday and Sunday as well as New Year's Day, President's Day, Good Friday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veteran's Day, Thanksgiving Day and Christmas Day or on the day nationally designated to be celebrated as such with the exception that if the foregoing holidays occur on a Sunday, the following Monday is considered a holiday.

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#### LATE PAYMENT CHARGE

Payment of the total amount due must be received in the Company's office by the due date shown on the bill. When not so paid, an additional amount equal to one and one-half percent (1.5%) of the unpaid balance is due and payable.

#### TERMS AND CONDITIONS

This rate is available upon application in accordance with the Company's Service Regulations.

The initial term of service under this rate is one (1) year. After one year, customers may at their discretion remain on this rate for an additional one (1) year term or switch to another applicable rate. Additionally, customers receiving service under this rate may terminate their participation and switch to another applicable rate during the period September 1 through September 30 each year (the pilot opt-out period).

The supplying and billing for service and all conditions applying thereto, are subject to the jurisdiction of the Public Utilities Commission of Ohio, and to Company's Service Regulations currently in effect, as filed with the Public Utilities Commission of Ohio.

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## RATE DS

### SERVICE AT SECONDARY DISTRIBUTION VOLTAGE

#### APPLICABILITY

Applicable to electric service for usual customer load requirements where the Company specifies service at the standard secondary system voltage and where the Company determines that facilities of adequate capacity are available and adjacent to the premises to be served and the Company determines that the customers average monthly demand is greater than 15 kilowatts. Electric service must be supplied at one point of delivery.

For customers taking service under any or all of the provisions of this tariff schedule, this same schedule shall constitute the Company's Standard Service Offer.

#### TYPE OF SERVICE

Alternating current 60 Hz, single phase or three phase, at Company's standard distribution voltage. When both single and three phase secondary voltage services are required by a Distribution customer, the monthly kilowatt-hour usage and kilowatt demands shall be the respective arithmetical sums of both services.

#### NET MONTHLY BILL

Computed in accordance with the following charges provided, however, that the minimum monthly load factor, expressed as hours-use per month, shall not be less than 71 kWh per kW. When applicable, the minimum monthly load factor shall be achieved by calculating the billing demand as the monthly kWh usage divided by 71 (kilowatt of demand is abbreviated as kW and kilowatt-hours are abbreviated as kWh):

1. Distribution Charges

(a) Customer Charge per month

Single Phase Service	\$20.00
Single and/or Three Phase Service	\$40.00

(b) Demand Charge

All kilowatts	\$ 4.6848 per kW
---------------	------------------

2. Applicable Riders

The following riders are applicable pursuant to the specific terms contained within each rider:

~~Sheet No. 51, Rider PTC-AAC, Annually Adjusted Component Rider~~

~~Sheet No. 53, Rider PTC-FPP, Fuel and Economy Purchased Power Rider~~

~~Sheet No. 54, Rider SRA-CD, Capacity Dedication Rider~~

~~Sheet No. 56, Rider SRA-SRT, System Reliability Tracker~~

~~Sheet No. 57, Rider TCR, Transmission Cost Recovery Rider~~

~~Sheet No. 58, Rider DRI, Distribution Reliability Investment Rider~~

~~Sheet No. 59, Rider DR, Distribution Reliability Rider~~

~~Sheet No. 70, Rider DR-IKE, Storm Recovery Rider~~

~~Sheet No. 81, Rider EER, Energy Efficiency Revolving Loan Program Rider~~

~~Sheet No. 83, Rider OET, Ohio Excise Tax Rider~~

~~Sheet No. 84, Rider RTC, Regulatory Transition Charge Rider~~

~~Sheet No. 85, Rider SC, Shopping Credit Rider~~

~~Sheet No. 86, Rider USR, Universal Service Fund Rider~~

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Sheet No. 88, Rider UE-GEN, Uncollectible Expense – Electric Generation Rider

Sheet No. 89, Rider BTR, Base Transmission Rider

Sheet No. 97, Rider RTO, Regional Transmission Organization Rider

Sheet No. 104, Rider DR-IM, Infrastructure Modernization Rider

Sheet No. 105, Rider DR-ECF, Economic Competitiveness Fund Rider

Sheet No. 106, Rider DR-

SAWR, Energy Efficiency Recovery Rate

Sheet No. 108, Rider UE-ED,

Uncollectible Expense – Electric Distribution Rider

Sheet No. 109, Rider RECON, Fuel and reserve Capacity Reconciliation Rider

Sheet No. 110, Rider AER-R, Alternative Energy Recovery Rider

**NET MONTHLY BILL (Cont'd)**

Sheet No. 111, Rider RC, Retail Capacity Rider

Sheet No. 112, Rider RE, Retail Energy Rider

Sheet No. 113, Rider ESSC, Electric Security Stabilization Charge Rider

Sheet No. 114, Rider LFA, Load Factor Adjustment Rider

Sheet No. 115, Rider SCR, Supplier Cost Reconciliation Rider

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**NET MONTHLY BILL (Contd.)**

~~Price to Compare—Base Generation Charges (PTC-BG)~~

**JAN. 1, 2009—DEC. 31, 2009**

**(a) Demand Charge**

~~First 1,000 kilowatts~~

~~\$ 7.9637 per kW~~

~~Additional kilowatts~~

~~\$ 6.2907 per kW~~

**(b) Energy Charge**

~~Billing Demand times 300~~

~~\$0.008266 per kWh~~

~~Additional kWh~~

~~\$0.004468 per kWh~~

**JAN. 1, 2010—DEC. 31, 2010**

**(a) Demand Charge**

~~First 1,000 kilowatts~~

~~\$8.2822 per kW~~

~~Additional kilowatts~~

~~\$6.5517 per kW~~

**(b) Energy Charge**

~~Billing Demand times 300~~

~~\$0.009454 per kWh~~

~~Additional kWh~~

~~\$0.005148 per kWh~~

**JAN. 1, 2011—DEC. 31, 2011**

**(a) Demand Charge**

~~First 1,000 kilowatts~~

~~\$8.6135 per kW~~

~~Additional kilowatts~~

~~\$6.8138 per kW~~

**(b) Energy Charge**

~~Billing Demand times 300~~

~~\$0.019682 per kWh~~

~~Additional kWh~~

~~\$0.005957 per kWh~~

~~—The Generation Charges listed above are applicable to all customers except those customers that switch to a Certified Supplier for their generation service.~~

**AVOIDANCE OF SYSTEM RELIABILITY TRACKER CHARGE AND RECEIPT OF SHOPPING CREDIT**

~~Non-residential customers who have signed or will sign a contract with DE Ohio, or provide a CRES contract to DE Ohio, or provide a release in the form approved by the Commission in Case No. 03-93-EL-ATA indicating that the customer will remain off of ESP-SSO service through December 31, 2011, may avoid Rider SRA-SRT charges and receive a shopping credit. More specifically, to avoid Rider SRA-SRT charges and receive the shopping credit, the customer must be willing to return to DE Ohio's ESP-SSO service at 115% of DE Ohio's ESP-SSO price, including all riders except for distribution riders.~~

~~When both single and three phase secondary voltage services are required by a Distribution customer, the monthly kilowatt-hour usage and kilowatt demands shall be the respective arithmetical sums of both services.~~

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#### **MINIMUM BILL PROVISION**

The minimum bill shall be 85% of the highest monthly kilowatt demand as established in the summer period and effective for the next succeeding eleven (11) months plus the Customer Charge.

In no case, however, shall the minimum bill be less than the Customer Charge.

#### **METERING**

The Company may meter at secondary or primary voltage as circumstances warrant. If the Company elects to meter at primary voltage, the kilowatt-hours registered on the Company's meter will be reduced one and one-half (1.5) percent for billing purposes.

#### **DEMAND**

The demand shall be the kilowatts derived from the Company's demand meter for the fifteen-minute period of customer's greatest use during the billing period, as determined by the Company, adjusted for power factor, as provided herein. At the Company's option, a demand meter may not be installed if the nature of the load clearly indicates the load will have a constant demand, in which case the demand will be the calculated demand.

In no event will the billing demand be taken as less than the higher of the following:

- a) 85% of the highest monthly kilowatt demand as established in the summer period and effective for the next succeeding eleven (11) months; or
- b) One (1) kilowatt for each single phase meter and five (5) kilowatts for each three phase meter.

The Company may re-determine customer's billing demand at any time in recognition of a permanent change in load due to such occurrences as the installation of load control equipment or a temporary change due to malfunctions of such equipment.

If a customer requests reconnection of an account within twelve (12) months of a disconnection order, the customer's demand record for the period of disconnection will be re-established for purposes of billing and administration of the preceding clause.

For purposes of administration of the above clause, the summer period is defined as that period represented by the Company's billing for the four (4) revenue months of June through September. The winter period is defined as that period represented by the Company's billing for the eight (8) revenue months of January through May and October through December.

#### **POWER FACTOR ADJUSTMENT**

The power factor to be maintained shall be not less than 90% lagging. If the Company determines customer's power factor to be less than 90%, the billing demand will be the number of kilowatts equal to the kilovolt amperes multiplied by 0.90.

#### **POWER FACTOR ADJUSTMENT (Cont'd)**

Power factor may be determined by the following methods, at the Company's option:

- a) Continuous measurement
  - the power factor, as determined during the interval in which the maximum kW demand is established, will be used for billing purposes; or

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**POWER FACTOR ADJUSTMENT (Cont'd)**

b) Testing

- the power factor, as determined during a period in which the customer's measured kW demand is not less than 90% of the measured maximum kW demand of the preceding billing period, will be used for billing purposes until superseded by a power factor determined by a subsequent test made at the direction of Company or request of customer.

**LATE PAYMENT CHARGE**

Payment of the total amount due must be received in the Company's office by the due date shown on the bill. When not so paid, an additional amount equal to one and one-half percent (1.5%) of the unpaid balance is due and payable. The late payment charge is not applicable to unpaid account balances for services received from a Certified Supplier.

**TERMS AND CONDITIONS**

The initial term of contract shall be for a minimum period of three (3) years terminable thereafter by a minimum notice of either the customer or the Company as prescribed by the Company's Service Regulations.

The Company is not obligated to extend, expand or rearrange its transmission system voltage if it determines that existing distribution and/or transmission facilities are of adequate capacity to serve the customer's load.

If the Company offers to provide the necessary facilities for transmission service, in accordance with its Service Regulations, an annual facilities charge, applicable to such additional facilities, is established at twenty (20) percent of actual cost. The annual facilities charge shall be billed in twelve monthly installments to be added to the demand charge.

**SERVICE REGULATIONS**

The supplying and billing for service and all conditions applying thereto, are subject to the jurisdiction of the Public Utilities Commission of Ohio, and to the Company's Service Regulations currently in effect, as filed with the Public Utilities Commission of Ohio.

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## RATE GS-FL

### OPTIONAL UNMETERED GENERAL SERVICE RATE FOR SMALL FIXED LOADS

#### APPLICABILITY

Applicable to electric service in the Company's entire territory where secondary distribution lines exist for any fixed electric load that can be served by a standard service drop from the Company's existing secondary distribution system.

For customers taking service under any or all of the provisions of this tariff schedule, this same schedule shall constitute the Company's Standard Service Offer.

#### TYPE OF SERVICE

Alternating current 60 Hz, at nominal voltages of 120, 120/240 or 120/208 volts, single phase, unmetered. Service of other characteristics, where available, may be furnished at the option of the Company.

#### NET MONTHLY BILL

Computed in accordance with the following charges:

##### 1. Distribution Charges

- (a) For loads based on a range of 540 to 720 hours use per month of the rated capacity of the connected equipment \$0.018362per kWh
- (b) For loads of less than 540 hours use per month of the rated capacity of the connected equipment \$0.021067per kWh

##### 2. Applicable Riders

The following riders are applicable pursuant to the specific terms contained within each rider:

~~Sheet No. 51, Rider PTC-AAC, Annually Adjusted Component Rider~~  
~~Sheet No. 53, Rider PTC-FPP, Fuel and Economy Purchased Power Rider~~  
~~Sheet No. 54, Rider SRA-CD, Capacity Dedication Rider~~  
~~Sheet No. 56, Rider SRA-SRT, System Reliability Tracker~~  
~~Sheet No. 57, Rider TCR, Transmission Cost Recovery Rider~~  
~~Sheet No. 58, Rider DRI, Distribution Reliability Investment Rider~~  
~~Sheet No. 59, Rider DR, Distribution Reliability Rider~~  
~~Sheet No. 70, Rider DR-IKE, Storm Recovery Rider~~  
~~Sheet No. 81, Rider EER, Energy Efficiency Revolving Loan Program Rider~~  
~~Sheet No. 83, Rider OET, Ohio Excise Tax Rider~~  
~~Sheet No. 84, Rider RTC, Regulatory Transition Charge Rider~~  
~~Sheet No. 85, Rider SC, Shopping Credit Rider~~  
~~Sheet No. 86, Rider USR, Universal Service Fund Rider~~  
~~Sheet No. 88, Rider UE-GEN, Uncollectible Expense - Electric Generation Rider~~  
~~Sheet No. 89, Rider BTR, Base Transmission Rider~~  
~~Sheet No. 97, Rider RTO, Regional Transmission Organization Rider~~

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Sheet No. 105, Rider DR-ECF, Economic Competitiveness Fund Rider  
Sheet No. 106, Rider DR-SAWR,  
Energy Efficiency Recovery Rate  
Sheet No. 108, Rider UE-ED,  
Uncollectible Expense – Electric Distribution Rider  
Sheet No. 109, Rider RECON, Fuel and reserve Capacity Reconciliation Rider  
Sheet No. 110, Rider AER-R, Alternative Energy Recovery Rider  
Sheet No. 111, Rider RC, Retail Capacity Rider  
Sheet No. 112, Rider RE, Retail Energy Rider  
Sheet No. 113, Rider ESSC, Electric Security Stabilization Charge  
Sheet No. 115, Rider SCR, Supplier Cost Reconciliation

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**NET MONTHLY BILL (Contd.)**

~~3. Price to Compare — Base Generation Charges (PTC-BG)~~

~~JAN. 1, 2009 — DEC. 31, 2009~~

~~For loads based on a range of 540 to 720 hours use per month of the rated capacity of the connected equipment~~ ~~\$0.055458 per kWh~~

~~For loads of less than 540 hours use per month of the rated capacity of the connected equipment~~ ~~\$0.065571 per kWh~~

~~JAN. 1, 2010 — DEC. 31, 2010~~

~~For loads based on a range of 540 to 720 hours use per month of the rated capacity of the connected equipment~~ ~~\$0.058444 per kWh~~

~~For loads of less than 540 hours use per month of the rated capacity of the connected equipment~~ ~~\$0.068061 per kWh~~

~~JAN. 1, 2011 — DEC. 31, 2011~~

~~For loads based on a range of 540 to 720 hours use per month of the rated capacity of the connected equipment~~ ~~\$0.068267 per kWh~~

~~For loads of less than 540 hours use per month of the rated capacity of the connected equipment~~ ~~\$0.079205 per kWh~~

**~~AVOIDANCE OF SYSTEM RELIABILITY TRACKER CHARGE AND RECEIPT OF SHOPPING CREDIT~~**

~~Non-residential customers who have signed or will sign a contract with DE Ohio, or provide a CRES contract to DE Ohio, or provide a release in the form approved by the Commission in Case No. 03-03-EL-ATA indicating that the customer will remain off of ESP-SSO service through December 31, 2011, may avoid Rider SRA-SRT charges and receive a shopping credit. More specifically, to avoid Rider SRA-SRT charges and receive the shopping credit, the customer must be willing to return to DE Ohio's ESP-SSO service at 115% of DE Ohio's ESP-SSO price, including all riders except for distribution riders.~~

**MINIMUM CHARGE**

The minimum charge shall be \$5.00 per Fixed Load Location per month.

**LATE PAYMENT CHARGE**

Payment of the total amount due must be received in the Company's office by the due date shown on the bill. When not so paid, an additional amount equal to one and one-half percent (1.5%) of the unpaid balance is due and payable. The late payment charge is not applicable to unpaid account balances for services received from a Certified Supplier.

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#### SERVICE PROVISIONS

1. Each separate point of delivery of service shall be considered a Fixed Load Location.
2. Only one supply service will be provided to a customer under this Schedule as one Fixed Load Location.
3. The customer shall furnish switching equipment satisfactory to the Company.
4. The customer shall notify the Company in advance of every change in connected load, and the Company reserves the right to inspect the customer's equipment at any time to verify the actual load. In the event of the customer's failure to notify the Company of an increase in load, the Company reserves the right to refuse to serve the Fixed Load thereafter under this Schedule, and shall be entitled to bill the customer retroactively on the basis of the increased load for the full period such load was connected.

#### TERM OF SERVICE

One (1) year, terminable thereafter on thirty (30) days written notice by either customer or Company.

#### SERVICE REGULATIONS

The supplying of, and billing for, service and all conditions applying thereto, are subject to the jurisdiction of the Public Utilities Commission of Ohio, and to the Company's Service Regulations currently in effect, as filed with the Public Utilities Commission of Ohio.

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Issued by Julie Janson, President

Duke Energy Ohio  
139 East Fourth Street  
Cincinnati, Ohio 45202

P.U.C.O. Electric No. 19  
Sheet No. 42.143  
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**RATE EH**

**OPTIONAL RATE FOR ELECTRIC SPACE HEATING**

**APPLICABILITY**

Applicable to electric service for heating when customer's wiring is so arranged that heating service can be furnished at one point of delivery and can be metered separately from all other types of service or to any public school, parochial school, private school, or church when supplied at one point of delivery, provided permanently connected and regularly used electrical equipment is installed in compliance with the Company specifications as the primary source of heating or heating and cooling the atmosphere to temperatures of human comfort; and provided all other electrical energy requirements are purchased from the Company. For the purpose of the administration of this tariff schedule, primary source is defined as at least 90 percent. No single water-heating unit shall be wired that the demand established by it can exceed 5.5 kilowatts unless approved by the Company.

For customers taking service under any or all of the provisions of this tariff schedule, this same schedule shall constitute the Company's Standard Service Offer.

**TYPE OF SERVICE**

Alternating current 60 Hz, single or three phase at Company's standard secondary voltage.

**NET MONTHLY BILL**

Computed in accordance with the following charges:

**Winter Period:**

**1. Distribution Charges**

**(a) Customer Charge per month**

Single Phase Service	\$ 20.00
Three Phase Service	\$ 40.00
Primary Voltage Service	\$200.00

**(b) Energy Charge**

All kilowatt-hours	\$0.014329 per kWh
--------------------	--------------------

**Summer Period:**

All usage during the summer period shall be billed in accordance with the provisions of the applicable distribution voltage service rate.

Filed pursuant to an Order dated July 8, 2009 in Case No. 0811-7093549-EL-AIRSSO before the Public Utilities Commission of Ohio.

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**NET MONTHLY BILL (Contd.)**

**2. Applicable Riders**

The following riders are applicable pursuant to the specific terms contained within each rider:

~~Sheet No. 51, Rider PTC-AAC, Annually Adjusted Component Rider~~  
~~Sheet No. 53, Rider PTC-FPP, Fuel and Economy Purchased Power Rider~~  
~~Sheet No. 54, Rider SRA-CD, Capacity Dedication Rider~~  
~~Sheet No. 56, Rider SRA-SRT, System Reliability Tracker~~  
~~Sheet No. 57, Rider TCR, Transmission Cost Recovery Rider~~  
~~Sheet No. 58, Rider DRI, Distribution Reliability Investment Rider~~  
~~Sheet No. 59, Rider DR, Distribution Reliability Rider~~  
~~Sheet No. 70, Rider DR-IKE, Storm Recovery Rider~~  
~~Sheet No. 81, Rider EER, Energy Efficiency Revolving Loan Program Rider~~  
~~Sheet No. 83, Rider OET, Ohio Excise Tax Rider~~  
~~Sheet No. 84, Rider RTC, Regulatory Transition Charge Rider~~  
~~Sheet No. 85, Rider SC, Shopping Credit Rider~~  
~~Sheet No. 86, Rider USR, Universal Service Fund Rider~~  
~~Sheet No. 88, Rider UE-GEN, Uncollectible Expense – Electric Generation Rider~~  
~~Sheet No. 89, Rider BTR, Base Transmission Rider~~  
~~Sheet No. 97, Rider RTO, Regional Transmission Organization Rider~~  
~~Sheet No. 104, Rider DR-IM, Infrastructure Modernization Rider~~  
~~Sheet No. 105, Rider DR-ECF, Economic Competitiveness Fund Rider~~  
~~Sheet No. 106, Rider DR-SAWR, Energy Efficiency Recovery Rate~~  
~~Sheet No. 108, Rider UE-ED, Uncollectible Expense – Electric Distribution Rider~~  
~~Sheet No. 109, Rider RECON, Fuel and reserve Capacity Reconciliation Rider~~  
~~Sheet No. 110, Rider AER-R, Alternative Energy Recovery Rider~~  
~~Sheet No. 111, Rider RC, Retail Capacity Rider~~  
~~Sheet No. 112, Rider RE, Retail Energy Rider~~  
~~Sheet No. 113, Rider ESSC, Electric Security Stabilization Charge Rider~~  
~~Sheet No. 115, Rider SCR, Supplier Cost Reconciliation Rider~~

**3. Price to Compare – Base Generation Charges (PTC-BG)**

<del>JAN. 1, 2009 – DEC. 31, 2009</del>	
<del>All kilowatt-hours</del>	<del>\$0.015569 per kWh</del>
<del>JAN. 1, 2010 – DEC. 31, 2010</del>	
<del>All kilowatt-hours</del>	<del>\$0.016959 per kWh</del>
<del>JAN. 1, 2011 – DEC. 31, 2011</del>	
<del>All kilowatt-hours</del>	<del>\$0.025123 per kWh</del>

~~The Generation Charges listed above are applicable to all customers except those customers that switch to a Certified Supplier for their generation service.~~

**AVOIDANCE OF SYSTEM RELIABILITY TRACKER CHARGE AND RECEIPT OF SHOPPING CREDIT**

Filed pursuant to an Order dated July 8, 2009 in Case No. 0811-7093549-EL-AIRSSO before the Public Utilities Commission of Ohio.

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~~Non-residential customers who have signed or will sign a contract with DE Ohio, or provide a CRES contract to DE Ohio, or provide a release in the form approved by the Commission in Case No. 03-03-EL-ATA indicating that the customer will remain off of ESP-SSO service through December 31, 2011, may avoid Rider SRA-SRT charges and receive a shopping credit. More specifically, to avoid Rider SRA-SRT charges and receive the shopping credit, the customer must be willing to return to DE Ohio's ESP-SSO service at 115% of DE Ohio's ESP-SSO price, including all riders except for distribution riders.~~

**Summer Period:**

~~All usage during the summer period shall be billed in accordance with the provisions of the applicable distribution voltage service rate.~~

Filed pursuant to an Order dated July 8, 2009 in Case No. 0811-7093549-EL-AIRSSO before the Public Utilities Commission of Ohio.

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**MINIMUM CHARGE**

The minimum charge shall be the Customer Charge as stated above.

**BILLING PERIODS**

For purposes of administration of the above charges, the summer period is defined as that period represented by the Company's billing for the four (4) revenue months of June through September. The winter period is defined as that period represented by the Company's billing for the eight (8) revenue months of January through May and October through December.

**LATE PAYMENT CHARGE**

Payment of the total amount due must be received in the Company's office by the due date shown on the bill. When not so paid, an additional amount equal to one and one-half percent (1.5%) of the unpaid balance is due and payable. The late payment charge is not applicable to unpaid account balances for services received from a Certified Supplier.

**TERMS AND CONDITIONS**

The term of contract shall be for a minimum period of one (1) year terminable thereafter on thirty (30) days written notice by either the customer or the Company.

The supplying and billing for service and all conditions applying thereto, are subject to the jurisdiction of the Public Utilities Commission of Ohio, and to the Company's Service Regulations currently in effect, as filed with the Public Utilities Commission of Ohio.

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**RATE DM**

**SECONDARY DISTRIBUTION SERVICE - SMALL**

**APPLICABILITY**

Applicable to electric service for usual customer load requirements where the Company specifies service at the standard secondary system voltage and the Company determines that facilities of adequate capacity are available and adjacent to the premises to be served and the Company determines that the customer's average monthly demand is 15 kilowatts or less. This tariff schedule is also applicable to electric service to recreation facilities that are promoted, operated and maintained by non-profit organizations where such service is separately metered. Electric service must be supplied at one point of delivery.

For customers taking service under any or all of the provisions of this tariff schedule, this same schedule shall constitute the Company's Standard Service Offer.

**TYPE OF SERVICE**

Alternating current, 60 Hz, single phase or three phase at Company's standard secondary distribution voltage.

**NET MONTHLY BILL**

Computed in accordance with the following charges:

	<u>Summer Period</u>	<u>Winter Period</u>
1. Distribution Charges		
(a) Customer Charge		
Single Phase	\$ 7.50 per month	\$ 7.50 per month
Three Phase	\$15.00 per month	\$15.00 per month
(b) Energy Charge		
First 2,800 kWh	\$0.039017 per kWh	\$0.028008 per kWh
Next 3,200 kWh	\$0.003246 per kWh	\$0.003246 per kWh
Additional kWh	\$0.001377 per kWh	\$0.001377 per kWh
2. Applicable Riders		
The following riders are applicable pursuant to the specific terms contained within each rider:		
<del>Sheet No. 51, Rider PTC-AAC, Annually Adjusted Component Rider</del>		
<del>Sheet No. 53, Rider PTC-FPP, Fuel and Economy Purchased Power Rider</del>		
<del>Sheet No. 54, Rider SRA-CD Capacity Dedication Rider</del>		
<del>Sheet No. 56, Rider SRA-SRT, System Reliability Tracker</del>		
<del>Sheet No. 57, Rider TCR, Transmission Cost Recovery Rider</del>		
<del>Sheet No. 58, Rider DRI, Distribution Reliability Investment Rider</del>		
<del>Sheet No. 59, Rider DR, Distribution Reliability Rider</del>		
Sheet No. 70, Rider DR-IKE, Storm Recovery Rider		
Sheet No. 81, Rider EER,		
Energy Efficiency Revolving Loan Program Rider		
Sheet No. 83, Rider OET, Ohio Excise Tax Rider		
<del>Sheet No. 84, Rider RTC, Regulatory Transition Charge Rider</del>		
<del>Sheet No. 85, Rider SC, Shopping Credit Rider</del>		
Sheet No. 86, Rider USR, Universal Service Fund Rider		

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Sheet No. 88, Rider UE-GEN, Uncollectible Expense – Electric Generation Rider  
Sheet No. 89, Rider BTR, Base Transmission Rider  
Sheet No. 97, Rider RTO, Regional Transmission Organization Rider  
Sheet No. 104, Rider DR-IM, Infrastructure Modernization Rider  
Sheet No. 105, Rider DR-ECF, Economic Competitiveness Fund Rider

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**NET MONTHLY BILL (Contd.)**

Sheet No. 106, Rider DR-SAWR,  
Energy Efficiency Recovery Rate  
Sheet No. 108, Rider UE-ED,  
Uncollectible Expense ~ Electric Distribution Rider  
Sheet No. 109, Rider RECON, Fuel and reserve Capacity Reconciliation Rider  
Sheet No. 110, Rider AER-R, Alternative Energy Recovery Rider  
Sheet No. 111, Rider RC, Retail Capacity Rider

**NET MONTHLY BILL (Contd.)**

Sheet No. 112, Rider RE, Retail Energy Rider  
Sheet No. 113, Rider ESSC, Electric Security Stabilization Charge Rider  
Sheet No. 115, Rider SCR, Supplier Cost Reconciliation Rider

**3. Price to Compare - Base Generation Charges (PTC-BG)**

~~JAN. 1, 2009 - DEC. 31, 2009~~

	<del>Summer Period</del>	<del>Winter Period</del>
<del>First 2,800 kWh</del>	<del>\$ 0.048938 per kWh</del>	<del>\$ 0.036279 per kWh</del>
<del>Next 3,200 kWh</del>	<del>\$ 0.003226 per kWh</del>	<del>\$ 0.003243 per kWh</del>
<del>Additional kWh</del>	<del>\$(0.005573) per kWh</del>	<del>\$(0.005917) per kWh</del>

~~JAN. 1, 2010 - DEC. 31, 2010~~

	<del>Summer Period</del>	<del>Winter Period</del>
<del>First 2,800 kWh</del>	<del>\$ 0.051880 per kWh</del>	<del>\$ 0.038621 per kWh</del>
<del>Next 3,200 kWh</del>	<del>\$ 0.003082 per kWh</del>	<del>\$ 0.003090 per kWh</del>
<del>Additional kWh</del>	<del>\$(0.005198) per kWh</del>	<del>\$(0.005558) per kWh</del>

~~JAN. 1, 2011 - DEC. 31, 2011~~

	<del>Summer Period</del>	<del>Winter Period</del>
<del>First 2,800 kWh</del>	<del>\$ 0.067106 per kWh</del>	<del>\$ 0.050879 per kWh</del>
<del>Next 3,200 kWh</del>	<del>\$ 0.007980 per kWh</del>	<del>\$ 0.007988 per kWh</del>
<del>Additional kWh</del>	<del>\$(0.002325) per kWh</del>	<del>\$(0.002742) per kWh</del>

~~The Generation Charges listed above are applicable to all customers except those customers that switch to a Certified Supplier for their generation service.~~

**AVOIDANCE OF SYSTEM RELIABILITY TRACKER CHARGE AND RECEIPT OF SHOPPING CREDIT**

Non-residential customers who have signed or will sign a contract with DE-Ohio, or provide a CRES contract to DE-Ohio, or provide a release in the form approved by the Commission in Case No. 03-93-EL-ATA indicating that the customer will remain off of ESP-SSO service through December 31, 2011, may avoid Rider SRA-SRT charges and receive a shopping credit. More specifically, to avoid Rider SRA-SRT charges and receive the shopping credit, the customer must be eligible to return to DE-Ohio's ESP-SSO service at 115% of DE-Ohio's ESP-SSO price, including all riders except for distribution riders.

**MINIMUM CHARGE**

The minimum charge shall be the Customer Charge as stated above.

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When both single and three phase service are required by the customer, the monthly kilowatt-hour usage shall be the arithmetical sum of both services.

#### BILLING PERIODS

For purposes of administration of the above charges, the summer period is defined as that period represented by the Company's billing for the four (4) revenue months of June through September. The winter period is defined as that period represented by the Company's billing for the eight (8) revenue months of January through May and October through December.

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#### LATE PAYMENT CHARGE

Payment of the total amount due must be received in the Company's office by the due date shown on the bill. When not so paid, an additional amount equal to one and one-half percent (1.5%) of the unpaid balance is due and payable. The late payment charge is not applicable to unpaid account balances for services received from a Certified Supplier.

#### TERMS AND CONDITIONS

The initial term of contract shall be for a minimum period of one (1) year terminable thereafter by a minimum notice either of the customer or the Company as prescribed by the Company's Service Regulations.

For purposes of the administration of this rate, the Company will determine the customer's average monthly demand based upon customer's most recent twelve month usage each year after the initial term of service has been fulfilled by the customer. If the customer's average demand exceeds 15 kW or if the customer's monthly demand exceeds 30 kW in two (2) or more months in any twelve month period, the Company may require the customer to be billed under the provisions of Rate DS.

The supplying and billing for service and all conditions applying thereto, are subject to the jurisdiction of the Public Utilities Commission of Ohio and to the Company's Service Regulations currently in effect, as filed with the Public Utilities Commission of Ohio.

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## RATE DP

### SERVICE AT PRIMARY DISTRIBUTION VOLTAGE

#### APPLICABILITY

Applicable to electric service for usual customer load requirements where the Company specifies service at nominal primary distribution system voltages of 12,500 volts or 34,500 volts, and the Company determines that facilities of adequate capacity are available and adjacent to the premises to be served. Electric service must be supplied at one point of delivery.

For customers taking service under any or all of the provisions of this tariff schedule, this same schedule shall constitute the Company's Standard Service Offer.

#### TYPE OF SERVICE

Alternating current 60 Hz, single phase or three phase at Company's standard distribution voltage of 34,500 volts or lower.

When both single and three phase secondary voltage services are required by a customer, the monthly kilowatt-hour usage and kilowatt demands shall be the respective arithmetical sums of both services.

#### NET MONTHLY BILL

Computed in accordance with the following charges. (Kilowatt of demand is abbreviated as kW and kilowatt-hours are abbreviated as kWh):

1. Distribution Charges
  - (a) Customer Charge per month  
Primary Voltage Service (12.5 or 34.5 kV) \$200.00 per month
  - (b) Demand Charge  
All kilowatts \$3.7700 per kW

2. Applicable Riders

The following riders are applicable pursuant to the specific terms contained within each rider:

~~Sheet No. 51, Rider PTC-AAC, Annually Adjusted Component Rider~~  
~~Sheet No. 53, Rider PTC-FPP, Fuel and Economy Purchased Power Rider~~  
~~Sheet No. 54, Rider SRA-CD, Capacity Dedication Rider~~  
~~Sheet No. 56, Rider SRA-SRT, System Reliability Tracker~~  
~~Sheet No. 57, Rider TCR, Transmission Cost Recovery Rider~~  
~~Sheet No. 58, Rider DRI, Distribution Reliability Investment Rider~~  
~~Sheet No. 59, Rider DR, Distribution Reliability Rider~~  
Sheet No. 70, Rider DR-IKE, Storm Recovery Rider  
Sheet No. 81, Rider EER, Energy Efficiency Revolving Loan Program Rider  
Sheet No. 83, Rider OET, Ohio Excise Tax Rider

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~~Sheet No. 84, Rider RTC, Regulatory Transition Charge Rider~~  
~~Sheet No. 85, Rider SC, Shopping Credit Rider~~  
Sheet No. 86, Rider USR, Universal Service Fund Rider  
~~Sheet No. 88, Rider UE-GEN, Uncollectible Expense – Electric Generation Rider~~  
~~Sheet No. 89, Rider BTR, Base Transmission Rider~~  
~~Sheet No. 97, Rider RTO, Regional Transmission Organization Rider~~  
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Sheet No. 105, Rider DR-ECF, Economic Competitiveness Fund Rider

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\_\_\_\_ Sheet No. 106, Rider DR-SAWR, Energy Efficiency Recovery Rate  
 \_\_\_\_ Sheet No. 108, Rider UE-ED, Uncollectible Expense – Electric Distribution  
 Rider

Sheet No. 109, Rider RECON, Fuel and reserve Capacity Reconciliation Rider  
Sheet No. 110, Rider AER-R, Alternative Energy Recovery Rider  
Sheet No. 111, Rider RC, Retail Capacity Rider  
Sheet No. 112, Rider RE, Retail Energy Rider  
Sheet No. 113, Rider ESSC, Electric Security Stabilization Charge Rider  
Sheet No. 114, Rider LFA, Load Factor Adjustment Rider  
Sheet No. 115, Rider SCR, Supplier Cost Reconciliation Rider

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~~switch to a Certified Supplier for their generation service.~~

**~~AVOIDANCE OF SYSTEM RELIABILITY TRACKER CHARGE AND RECEIPT OF SHOPPING CREDIT~~**

~~Non-residential customers who have signed or will sign a contract with DE Ohio, or provide a CRES contract to DE Ohio, or provide a release in the form approved by the Commission in Case No. 03-03-EL-ATA indicating that the customer will remain off of ESP SSO service through December 31, 2011, may avoid Rider SRA-SRT charges and receive the shopping credit. More specifically, to avoid Rider SRA-SRT charges and receive the shopping credit, the customer must be willing to return to DE Ohio's ESP SSO service at 115% of DE Ohio's ESP SSO price, including all riders except for distribution riders.~~

**~~AVOIDANCE OF SYSTEM RELIABILITY TRACKER CHARGE AND RECEIPT OF SHOPPING CREDIT (Cont'd.)~~**

~~When both single and three phase secondary voltage services are required by a customer, the monthly kilowatt-hour usage and kilowatt demands shall be the respective arithmetical sums of both services.~~

**MINIMUM BILL PROVISION**

The minimum bill shall be: 85% of the highest monthly kilowatt demand as established in the summer period and effective for the next succeeding eleven (11) months plus the Customer Charge.

In no case, however, shall the minimum bill be less than the Customer Charge.

**PRIMARY VOLTAGE METERING DISCOUNT**

The Company may meter at secondary or primary voltage as circumstances warrant. If the Company elects to meter at primary voltage, the kilowatt-hours registered on the Company's meter will be reduced one and one-half percent (1.5%) for billing purposes.

**DEMAND**

The demand shall be the kilowatts derived from the Company's demand meter for the fifteen-minute period of customer's greatest use during the billing period, as determined by the Company, adjusted for power factor, as provided herein. At its option, the Company may not install a demand meter if the nature of the load clearly indicates the load will have a constant demand, in which case the demand will be the calculated demand.

*In no event will the billing demand be taken as less than the higher of the following:*

- a) 85% of the highest monthly kilowatt demand as established in the summer period and effective for the next succeeding eleven (11) months; or
- b) Five (5) kilowatts.

The Company may re-determine customer's billing demand at any time in recognition of a permanent change in load due to such occurrences as the installation of load control equipment or a temporary change due to malfunctions of such equipment.

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If a customer requests reconnection of an account within twelve (12) months of a disconnection order, the customer's demand record for the period of disconnection will be re-established for purposes of billing and administration of the preceding clause.

For purposes of administration of the above clause, the summer period is defined as that period represented by the Company's billing for the four (4) revenue months of June through September. The winter period is defined as that period represented by the Company's billing for the eight (8) revenue months of January through May and October through December.

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#### POWER FACTOR ADJUSTMENT

The power factor to be maintained shall be not less than 90% lagging. If the Company determines customer's power factor to be less than 90%, the billing demand will be the number of kilowatts equal to the kilovolt amperes multiplied by 0.90.

At the Company's option, power factor may be determined by the following methods:

- a) Continuous measurement
  - the power factor, as determined during the interval in which the maximum kW demand is established, will be used for billing purposes; or
- b) Testing
  - the power factor, as determined during a period in which the customer's measured kW demand is not less than 90% of the measured maximum kW demand of the preceding billing period, will be used for billing purposes until superseded by a power factor determined by a subsequent test made at the direction of Company or request of customer.

#### LATE PAYMENT CHARGE

Payment of the total amount due must be received in the Company's office by the due date shown on the bill. When not so paid, an additional amount equal to one and one-half percent (1.5%) of the unpaid balance is due and payable. The late payment charge is not applicable to unpaid account balances for services received from a Certified Supplier.

#### TERMS AND CONDITIONS

The initial term of contract shall be for a minimum period of three (3) years terminable thereafter by a minimum notice of either the customer or the Company as follows:

- (1) For customers with a most recent twelve month average demand of less than 10,000 kVA, thirty (30) days written notice.
- (2) For customers with a most recent twelve month average demand of greater than 10,000 kVA, twelve (12) months written notice.

The Company is not obligated to extend, expand or rearrange its transmission system voltage if it determines that existing distribution and/or transmission facilities are of adequate capacity to serve the customer's load.

If the Company offers to provide the necessary facilities for transmission service, in accordance with its Service Regulations, an annual facilities charge, applicable to such additional facilities, is established at twenty (20) percent of actual cost. The annual facilities charge shall be billed in twelve monthly installments to be added to the demand charge.

#### SERVICE REGULATIONS

The supplying and billing for service and all conditions applying thereto, are subject to the jurisdiction of the Public Utilities Commission of Ohio, and to the Company's Service Regulations currently in

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Sheet No. 44.143  
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Sheet No. 44.132  
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effect, as filed with the Public Utilities Commission of Ohio.

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#### RATE SFL - ADPL

### OPTIONAL UNMETERED RATE FOR SMALL FIXED LOADS ATTACHED DIRECTLY TO COMPANY'S POWER LINES

#### APPLICABILITY

Applicable to electric service in the Company's entire territory where secondary and/or primary distribution lines exist for any bulk, small, unmetered, fixed-load electric devices that can be connected directly to the Company's power lines within the power zone of Company's poles and which do not require service drops.

For customers taking service under any or all of the provisions of this tariff schedule, this same schedule shall constitute the Company's Standard Service Offer.

#### TYPE OF SERVICE

Alternating current 60 Hz, at nominal voltages of 120, 120/240 or 120/208, 12,500 or 34,500 volts, single phase, unmetered. Service of other characteristics, where available, may be furnished at the option of the Company.

#### NET MONTHLY BILL

Computed in accordance with the following charges:

1. Distribution Charges \$0.018362 per kWh

2. Applicable Riders

The following riders are applicable pursuant to the specific terms contained within each rider:

~~Sheet No. 51, Rider PTC-AAC, Annually Adjusted Component Rider~~

~~Sheet No. 53, Rider PTC-FPP, Fuel and Economy Purchased Power Rider~~

~~Sheet No. 54, Rider SRA-CD, Capacity Dedication Rider~~

~~Sheet No. 56, Rider SRA-SRT, System Reliability Tracker~~

~~Sheet No. 57, Rider TCR, Transmission Cost Recovery Rider~~

~~Sheet No. 58, Rider DRI, Distribution Reliability Investment Rider~~

~~Sheet No. 59, Rider DR, Distribution Reliability Rider~~

~~Sheet No. 70, Rider DR-IKE, Storm Recovery Rider~~

Sheet No. 81, Rider EER, Energy

Efficiency Revolving Loan Program Rider

Sheet No. 83, Rider OET, Ohio Excise Tax Rider

~~Sheet No. 84, Rider RTC, Regulatory Transition Charge Rider~~

~~Sheet No. 85, Rider SC, Shopping Credit Rider~~

Sheet No. 86, Rider USR, Universal Service Fund Rider

~~Sheet No. 88, Rider UE-GEN, Uncollectible Expense - Electric Generation Rider~~

~~Sheet No. 89, Rider BTR, Base Transmission Rider~~

~~Sheet No. 97, Rider RTQ, Regional Transmission Organization Rider~~

Sheet No. 105, Rider DR-ECF, Economic Competitiveness Fund Rider

Sheet No. 106, Rider DR-

SAWR, Energy Efficiency Recovery Rate

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Sheet No. 108, Rider UE-ED,

Uncollectible Expense – Electric Distribution Rider  
Sheet No. 109, Rider RECON, Fuel and reserve Capacity Reconciliation Rider  
Sheet No. 110, Rider AER-R, Alternative Energy Recovery Rider  
Sheet No. 111, Rider RC, Retail Capacity Rider  
Sheet No. 112, Rider RE, Retail Energy Rider  
Sheet No. 113, Rider ESSC, Electric Security Stabilization Charge Rider  
Sheet No. 115, Rider SCR, Supplier Cost Reconciliation Rider

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**NET MONTHLY BILL (Contd.)**

**3. ~~Price to Compare~~ — Base Generation Charges (PTC-BG)**

**JAN. 1, 2009 — DEC. 31, 2009**

All kWh

\$0.055458 per kWh

**JAN. 1, 2010 — DEC. 31, 2010**

All kWh

\$0.058444 per kWh

**JAN. 1, 2011 — DEC. 31, 2011**

All kWh

\$0.068267 per kWh

~~The Generation Charges listed above are applicable to all customers except those customers that switch to a Certified Supplier for their generation service.~~

**AVOIDANCE OF SYSTEM RELIABILITY TRACKER CHARGE AND RECEIPT OF SHOPPING CREDIT**

~~Non-residential customers who have signed or will sign a contract with DE Ohio, or provide a CRES contract to DE Ohio, or provide a release in the form approved by the Commission in Case No. 03-93-EL-ATA indicating that the customer will remain off of ESP-SSO service through December 31, 2011, may avoid Rider SRA-SRT charges and receive a shopping credit. More specifically, to avoid Rider SRA-SRT charges and receive the shopping credit, the customer must be willing to return to DE Ohio's ESP-SSO service at 115% of DE Ohio's ESP-SSO price, including all riders except for distribution riders.~~

**LATE PAYMENT CHARGE**

Payment of the total amount due must be received in the Company's office by the due date shown on the bill. When not so paid, an additional amount equal to one and one-half percent (1.5%) of the unpaid balance is due and payable. Company and customer may agree to different late payment terms in the Service Agreement. The late payment charge is not applicable to unpaid account balances for services received from a Certified Supplier.

**SERVICE PROVISIONS**

1. Each separate point of delivery of service shall be considered a Fixed Load Location.
2. The Company shall determine the monthly kWhs associated with each Fixed Load Location.
3. The customer shall enter into a Service Agreement with the Company setting forth the terms and conditions under which the customer may connect devices to the Company's power lines.
4. The customer shall be responsible for all costs associated with connecting the device to the power lines.
5. The customer shall notify the Company in advance of the connection of any device to Company's power lines, and in advance of every change in connected load, and the Company reserves the right to inspect the customer's equipment at any time to verify the actual load. In the event of the customer's failure to notify the Company of an increase in load, the Company reserves the right to refuse to serve the Fixed Load thereafter under this Schedule, and shall be entitled to bill the customer retroactively on the basis of the increased load for the full period such load was connected.

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**SERVICE PROVISIONS (Contd.)**

6. The Company may, at its sole discretion, refuse to attach devices that it reasonably believes may impede the operation, maintenance, reliability, or safety of the electric distribution lines or pose a danger to Company personnel or other persons.
7. To the extent it is commercially feasible to do so, the Company will combine all fixed load locations for a given customer onto a single monthly bill. Billing calculations will be performed for each Fixed Load Location, but the results of the individual calculations will be summarized on the monthly bill.

**TERM OF SERVICE**

Minimum one (1) year, terminable thereafter on thirty (30) days written notice by either customer or Company. Company and customer may agree to a different term in the Service Agreement.

**SERVICE REGULATIONS**

The supplying of, and billing for, service and all conditions applying thereto, are subject to the jurisdiction of the Public Utilities Commission of Ohio, and to the Company's Service Regulations currently in effect, as filed with the Public Utilities Commission of Ohio.

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## RIDER NM-H

### NET METERING RIDER - HOSPITALS

#### AVAILABILITY

Rider NM-H is available to qualifying hospital customer generators, upon request. As defined in section 3701.01 of the Revised Code, "hospital" includes public health centers and general, mental, chronic disease, and other types of hospitals, and related facilities, such as laboratories, outpatient departments, nurses' home facilities, extended care facilities, self-care units, and central service facilities operated in connection with hospitals, and also includes education and training facilities for health professions personnel operated as an integral part of a hospital, but does not include any hospital furnishing primarily domiciliary care. A qualifying hospital customer generator is one whose generating facilities are:

- a. Located on the customer generator's premises;
- b. Operated in parallel with the Company's transmission and distribution facilities;

#### BILLING

The hospital customer generator's net metering service shall be calculated as follows: a) All electricity flowing from the electric utility to the hospital shall be charged as it would have been if the hospital were not taking service under Rider NM-H. b) All electricity generated by the hospital shall be credited at the market value as of the time the hospital generated the electricity. "Market value" means the MISO-Regional Transmission Organization (PJM) locational marginal price of energy at the time the customer-generated electricity is generated. Each monthly bill shall reflect the net of a) and b) above. If the resulting bill indicates a net credit dollar amount, the credit shall be netted against the hospital customer generator's bill until the hospital requests in writing a refund that amount to, but is not greater than, an annual true-up of accumulated credits over a twelve-month period.

#### METERING

For hospital customer generators, net metering shall be accomplished using either two meters or a single meter with two registers that are capable of separately measuring the flow of electricity in both directions. One meter or register shall be capable of measuring the electricity generated by the hospital at the time it is generated. If the hospital's existing electrical meter is not capable of separately measuring electricity the hospital generates at the time it is generated, the electric utility, upon written request from the hospital, shall install at the hospital's expense a meter that is capable of such measurement.

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## TERMS AND CONDITIONS

Customer generators are not required to:

(a) Comply with any additional safety or performance standards beyond those established by rules in Chapter 4901:1-22 of the Administrative Code, and the National Electrical Code, the institute of electrical and electronics engineers, and underwriters laboratories, in effect as set forth in rule 4901:1-22-03 of the Administrative Code.

(b) Perform or pay for additional tests beyond those required by paragraph (a) above.

(c) Purchase additional liability insurance beyond that required by paragraph (a) above.

Company and Customer, to the extent permitted by law, shall indemnify and hold the other party harmless from and against all claims, liability, damages, and expenses, including attorney's fees, based on any injury to any persons, including loss of life or damage to any property, including loss of use thereof, arising out of, resulting from, or connected with, or that may be alleged to have arisen out of, resulted from, or connected with an act or omission by such other party, its employees, agents, representatives, successors, or assigns in the construction, ownership, operation, or maintenance of such party's facilities used in net metering.

The supplying of, and billing for, service and all conditions applying thereto, are subject to the jurisdiction of the Public Utility Commission of Ohio and the Company's Service Regulations, as filed with the Public Utility Commission of Ohio.

## INTERCONNECTION

Customer shall make an application for Interconnection Service and execute an Interconnection Agreement as outlined in Rate IS – Interconnection Service.

Customer shall comply with all applicable requirements of Rate IS – Interconnection Service.

Conformance with these requirements does not convey any liability to the Company for damages or injuries arising from the installation or operation of the generator system.

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**RIDER NM**  
**NET METERING RIDER**

**AVAILABILITY**

Net Metering is available to qualifying customer generators, upon request, and on a first-come, first-served basis. A qualifying customer generator is one whose generating facilities are:

- a. Fueled by solar, wind, biomass, landfill gas, or hydropower, or use a microturbine or a fuel cell;
- b. Located on the Customer's premises;
- c. Operated in parallel with the Company's transmission and distribution facilities;
- d. Intended primarily to offset part or all of the Customer's requirements for electricity.

**DEFINITION**

"Net Metering" means measuring the difference in an applicable billing period between the amount of electricity supplied by Company and the amount of electricity generated by such respective Customer that is delivered to Company.

**BILLING**

The measurement of net electricity supplied by Company and delivered to Company shall be calculated in the following manner. Company shall measure the difference between the amount of electricity delivered by Company to Customer and the amount of electricity generated by the Customer and delivered to Company during the billing period, in accordance with normal metering practices. If the kWh delivered by Company to the Customer exceeds the kWh delivered by the Customer to Company during the billing period, the Customer shall be billed for the kWh difference. If the kWh generated by the Customer and then delivered to Company exceeds the kWh supplied by the Company to Customer during the billing period, the Customer shall be credited the kWh difference. The credit shall be only be calculated using the kWh charge as determined by Rider RE, Retail Energy for the generation component of the applicable rate tariff. The Customer may request in writing a refund that amounts to, but is not greater than, an annual true-up of accumulated credits over a twelve month period.

Bill charges and credits will be in accordance with the standard tariff that would apply if the Customer did not participate in this rider.

**METERING**

Net metering shall be accomplished using a single meter capable of registering the amount (flow) of electricity which flowed in each direction during a billing period. A customer's existing single-register meter that is capable of registering the flow of electricity in both directions satisfies this requirement. If the customer's existing electrical meter is not capable of measuring the flow of electricity in two directions, the Company, upon written request from the customer, shall install at the customer's expense a meter that is capable of measuring electricity flow in two directions.

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#### METERING (Cont'd.)

The Company, at its own expense and with the written consent of the customer generator, may install one or more additional meters to monitor the flow of electricity in each direction. The Company shall not impose, without Commission approval, any additional interconnection requirement or additional charges on customer generators refusing to give such consent.

#### TERMS AND CONDITIONS

Customer generators are not required to:

(a) Comply with any additional safety or performance standards beyond those established by rules in Chapter 4901:1-22 of the Administrative Code, and the "National Electrical Code," the "Institute of Electrical and Electronics Engineers," and "Underwriters Laboratories," in effect as set forth in rule 4901:1-22-03 of the Administrative Code.

(b) Perform or pay for additional tests beyond those required by paragraph (a) above.

(c) Purchase additional liability insurance beyond that required by paragraph (a) above.

Company and Customer, to the extent permitted by law, shall indemnify and hold the other party harmless from and against all claims, liability, damages, and expenses, including attorney's fees, based on any injury to any persons, including loss of life or damage to any property, including loss of use thereof, arising out of, resulting from, or connected with, or that may be alleged to have arisen out of, resulted from, or connected with an act or omission by such other party, its employees, agents, representatives, successors, or assigns in the construction, ownership, operation, or maintenance of such party's facilities used in net metering.

The supplying of, and billing for, service and all conditions applying thereto, are subject to the jurisdiction of the Public Utility Commission of Ohio and the Company's Service Regulations, as filed with the Public Utility Commission of Ohio.

#### INTERCONNECTION

Customer shall make an application for Interconnection Service and execute an Interconnection Agreement as outlined in Rate IS – Interconnection Service.

Customer shall comply with all applicable requirements of Rate IS – Interconnection Service.

Conformance with these requirements does not convey any liability to the Company for damages or injuries arising from the installation or operation of the generator system.

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**RATE IS**

**INTERCONNECTION SERVICE**

**APPLICABILITY**

Any Customer that operates or seeks to operate a generating device in parallel with the Company's distribution system is subject to the provisions and Special Terms and Conditions of this Tariff and the requirements of Chapter 4901:1-22, Ohio Administrative Code Uniform Electric Interconnection Standards.

Any Customer that operates or seeks to operate a generating device in parallel with the Company's transmission system, and such installation is not subject to the interconnection rules of the Regional Transmission Organization Midwest Independent System Operator and Federal Energy Regulatory Commission, is subject to the provisions and Special Terms and Conditions of this tariff. Requests for such interconnections to the Company's transmission system are subject to the same fees and review procedures as Level 3 Standard Procedure as described in Chapter 4901:1-22, Ohio Administrative Code Uniform Electric Interconnection Standards.

A generating device is any device that produces electricity and includes, but is not limited to, any type of synchronous generator, induction generator, or inverter based system such as solar photovoltaic, wind turbine, fuel cell, or microturbine.

**APPLICATION AND APPROVAL PROCEDURES**

Any Customer seeking new Interconnection Service under this tariff shall follow the process and conform with the requirements as specified in Chapter 4901:1-22, Ohio Administrative Code Uniform Electric Interconnection Standards using the appropriate "Application for Interconnection" and "Interconnection Agreement".

**APPLICATION FEES AND STUDY COSTS**

No application fee is required to submit an "Application for Interconnection."

For Level 1, 1.1 and 1.2 applications, no additional fees will be charged for studies. For Level 2 applications, the Company may determine the need for a system impact study or facility study. For Level 3 applications, the Company may determine the need for a feasibility study, system impact study, or facility study. Fees for such feasibility studies, system impact studies, and facilities studies will be based on the Company's actual loaded labor rate.

Level 1, 1.1, 1.2, 2 and 3 are as described in Chapter 4901:1-22, Ohio Administrative Code Uniform Electric Interconnection Standards.

**TECHNICAL INTERCONNECTION REQUIREMENTS**

Customer must comply with all technical interconnection requirements specified by the Company. Such requirements by the Company shall not be in conflict with any requirements in Chapter 4901:1-22, Ohio Administrative Code Uniform Electric Interconnection Standards. The

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**TECHNICAL INTERCONNECTION REQUIREMENTS (Cont'd.)**

Company's technical requirements are based on IEEE 1547-2003 "IEEE Standard for Interconnection Distributed Resources with Electric Power Systems." (IEEE 1547). The intent is to utilize IEEE 1547 requirements and to supplement those with a minimal number of additional requirements where appropriate. The purpose of a minimal number of Company requirements

**TECHNICAL INTERCONNECTION REQUIREMENTS (Contd.)**

not included in IEEE 1547 is to add clarity to some IEEE 1547 sections and to specify requirements for issues that were not addressed in IEEE 1547. Most Customer generator installations that meet IEEE 1547 will also satisfy the Company's technical requirements.

**SPECIAL TERMS AND CONDITIONS**

Any Customer operating a generating device in parallel with the Company's system shall comply with the following Terms and Conditions:

1. Customer shall install, operate and maintain, at Customer's sole cost and expense, any control, protective, or other equipment on the Customer's system required by the Company's technical interconnection requirements.
2. Any changes or additions to the Company's system required for interconnection service shall be considered excess facilities. Customer shall agree to pay Company for actual costs incurred for all such excess facilities prior to construction.
3. By entering into an Interconnection Agreement, or by inspection, if any, or by non-rejection, or by approval, or in any other way. Company does not give any warranty, express or implied, as to the adequacy, safety, compliance with applicable codes or requirements or as to any other characteristics, of the generation equipment, controls, and protective relays and equipment (hereinafter called the "Generation Facilities"). The Generation Facilities installed and operated by or for Customer shall comply with, and Customer shall represent and warrant their compliance with: (a) the National Electrical Code and the National Electrical Safety Code, as each may be revised from time to time; (b) Company's rule and regulations, and Company's Service Regulations, each as contained in Company's Retail Electric Tariff and each as may be revised from time to time with the approval of the Public Utilities Commission of Ohio ("Commission"); (c) the rules and regulations of the Commission, including the provisions of Chapter 4901:1-22, Ohio Administrative Code Uniform Electric Interconnection Standards, as such rules and regulations may be revised from time to time by the Commission; and (d) all other applicable local, state and federal codes and laws, as the same may be in effect from time to time.
4. Customer shall operate the Generation Facilities in such a manner as not to cause undue fluctuations in voltage, intermittent load characteristics or otherwise interfere with the operation of Company's electric system. At all times when the Generation Facilities are being operated in parallel with Company's electric system, Customer shall so operate the Generation Facilities in such a manner that no disturbance will be produced thereby to the service rendered by Company to any of its other customers or to any electric system interconnected with Company's electric system. Customer shall agree that the

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interconnection and operation of the Generation Facilities is secondary to, and shall not interfere with, Company's ability to meet its primary responsibility of furnishing reasonably adequate service to its customers.

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**SPECIAL TERMS AND CONDITIONS (Cont'd)**

5. Customer's control equipment for the Generation Facilities shall immediately, completely, and automatically disconnect and isolate the Generation Facilities from Company's electric system in the event of a fault on Company's electric system, a fault on Customer's electric

**SPECIAL TERMS AND CONDITIONS (Contd.)**

— system, or loss of a source or sources on Company's electric system. The automatic disconnecting device included in such control equipment shall not be capable of reclosing until after service is restored on Company's electric system. Additionally, if the fault is on Customer's electric system, such automatic disconnecting device shall not be reclosed until after the fault is isolated from Customer's electric system. Upon Company's request, Customer shall promptly notify Company whenever such automatic disconnecting devices operate.

- 6.6. Customer shall install, operate, and maintain, at Customer's sole cost and expense, the Generation Facilities in accordance with IEEE 1547 and the manufacturer's suggested practices for safe, efficient and reliable operation of the Generation Facilities in parallel with Company's electric system. Customer shall bear full responsibility for the installation, maintenance and safe operation of the Generation Facilities. Upon request from the Company, Customer shall supply copies of periodic test reports or inspection logs.

- 6.7. Customer shall be responsible for protecting, at Customer's sole cost and expense, the Generation Facilities from any condition or disturbance on Company's electric system, including, but not limited to, voltage sags or swells, system faults, outages, loss of a single phase of supply, equipment failures, and lightning or switching surges.

- 7.8. Customer must provide the Company reasonable opportunity to inspect the Generation Facilities prior to initial operation and witness the initial testing and commissioning of the Generation Facilities. Company may witness any commissioning tests required by IEEE 1547. Following the initial testing and inspection of the Generation Facilities and upon reasonable advance notice to Customer, Company shall have access at reasonable times to the Generation Facilities to perform reasonable on-site inspections to verify that the installation, maintenance and operation of the Generation Facilities comply with the requirements of this Agreement. The Company's cost of such inspection(s) shall be at Company's expense; however, Company shall not be responsible for any other cost Customer may incur as a result of such inspection(s). Upon written request, Customer shall inform Company of the next scheduled maintenance and allow Company to witness the maintenance program and any associated testing. Company shall also have at all times immediate access to breakers or any other equipment that will isolate the generation Facilities from Company's electric system.

8. Company shall have the right and authority to isolate the Generation Facilities at Company's sole discretion if Company believes that: (a) continued interconnection and parallel operation of the Generation Facilities with Company's electric system creates or contributes (or will create or contribute) to a system emergency on either Company's or Customer's electric system; (b) the Generation Facilities are not in compliance with the requirements of this tariff,

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and the noncompliance adversely affects the safety, reliability or power quality of Company's electric system; or (c) the Generation Facilities interfere with the operation of Company's electric system. In non-emergency situations, Company shall give Customer notice of

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~~9. SPECIAL TERMS AND CONDITIONS (Cont'd)~~

~~\_\_\_\_\_ noncompliance including a description of the specific noncompliance condition and allow Customer a reasonable time to cure the non-compliance prior to isolating the Generating Facilities.~~

SPECIAL TERMS AND CONDITIONS (Cont'd.)

~~40.9.~~ Customer shall agree that, without the prior written permission from Company, no changes shall be made to the configuration of the Generation Facilities, as that configuration is described in the Interconnection Agreement, and no relay or other control or protection settings specified in the Interconnection Agreement shall be set, reset, adjusted or tampered with, except to the extent necessary to verify that the Generation Facilities comply with Company approved settings.

~~44.10.~~ Each Party (the "Indemnifying Party") to the extent permitted by law shall indemnify and hold harmless the other Party from and against all claims, liability, damages and expenses, including attorney's fees, based on any injury to any person, including the loss of life, or damage to any property, including the loss of use thereof, arising out of, resulting from, or connected with, or that may be alleged to have arisen out of, resulted from, or connected with, an act or omission by the Indemnifying Party, its employees, agents, representatives, successors or assigns in the construction, ownership, operation or maintenance of the Indemnifying Party's facilities used in connection with is Agreement.

~~42.11.~~ Customer shall agree to maintain reasonable amounts of insurance coverage against risks related to the Generation Facilities for which there is a reasonable likelihood of occurrence. Customer shall agree to provide Company from time to time with proof of such insurance upon Company's request.

Filed pursuant to an Order dated ~~September 10, 2008~~ in Case No. ~~0511-35491500-EL-COISSO~~ before the Public Utilities Commission of Ohio.

Issued: ~~September 10, 2008~~  
~~16, 2008~~ January 3, 2012

Effective: ~~Effective: October~~

Issued by Julie Janson, President

Duke Energy Ohio  
139 East Fourth Street  
Cincinnati, Ohio 45202

P.U.C.O. Electric No. 19  
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## RATE TS

### SERVICE AT TRANSMISSION VOLTAGE

#### APPLICABILITY

Applicable to electric service for usual customer load requirements where the Company specifies service at a nominal transmission system voltage of 69,000 volts or higher, and the Company determines that facilities of adequate capacity are available and adjacent to the premises to be served. Electric service must be supplied at one point of delivery and the customer furnishes and maintains all transformation equipment and appurtenances necessary to utilize the service.

For customers taking service under any or all of the provisions of this tariff schedule, this same schedule shall constitute the Company's Standard Service Offer.

#### TYPE OF SERVICE

Alternating current 60 Hz, three phase at Company's standard transmission voltage of 69,000 volts or higher.

#### NET MONTHLY BILL

Computed in accordance with the following charges (kilovolt amperes are abbreviated as kVA; kilowatt-hours are abbreviated as kWh):

1. Distribution Charges
  - (a) Customer Charge per month \$200.00
  - (b) Demand Charge  
All kVA \$ 0.000 per kVA

#### 2. Applicable Riders

The following riders are applicable pursuant to the specific terms contained within each rider:

~~Sheet No. 51, Rider PTC-AAC, Annually Adjusted Component Rider~~

~~Sheet No. 53, Rider PTC-FPP, Fuel and Economy Purchased Power Rider~~

~~Sheet No. 54, Rider SRA-CD, Capacity Dedication Rider~~

~~Sheet No. 56, Rider SRA-SRT, System Reliability Tracker~~

~~Sheet No. 57, Rider TCR, Transmission Cost Recovery Rider~~

~~Sheet No. 58, Rider DRI, Distribution Reliability Investment Rider~~

~~Sheet No. 59, Rider DR, Distribution Reliability Rider~~

~~Sheet No. 70, Rider DR-IKE, Storm Recovery Rider~~

Sheet No. 81, Rider EER,

Energy Efficiency Revolving Loan Program Rider

Sheet No. 83, Rider OET, Ohio Excise Tax Rider

~~Sheet No. 84, Rider RTC, Regulatory Transition Charge Rider~~

~~Sheet No. 85, Rider SC, Shopping Credit Rider~~

Sheet No. 86, Rider USR, Universal Service Fund Rider

Sheet No. 88, Rider UE-GEN, Uncollectible Expense – Electric Generation Rider

Sheet No. 89, Rider BTR, Base Transmission Rider

Filed pursuant to an Order dated July 8, 2009 in Case No. 0811-7093549-EL-AIRSSQ before the Public Utilities Commission of Ohio.

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3, 2012

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139 East Fourth Street  
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Sheet No. 97, Rider RTO, Regional Transmission Organization Rider  
Sheet No. 105, Rider DR-ECF, Economic Competitiveness Fund Rider  
Sheet No. 106, Rider DR-  
SAWR, Energy Efficiency Recovery Rate  
Sheet No. 108, Rider UE-ED,  
Uncollectible Expense – Electric Distribution Rider  
Sheet No. 109, Rider RECON, Fuel and reserve Capacity Reconciliation Rider  
Sheet No. 110, Rider AER-R, Alternative Energy Recovery Rider  
Sheet No. 111, Rider RC, Retail Capacity Rider  
Sheet No. 112, Rider RE, Retail Energy Rider  
Sheet No. 113, Rider ESSC, Electric Security Stabilization Charge Rider  
Sheet No. 114, Rider LFA, Load Factor Adjustment Rider  
Sheet No. 115, Rider SCR, Supplier Cost Reconciliation Rider

Filed pursuant to an Order dated ~~July 8, 2009~~ in Case No. ~~0811-7093549-EL-AP,SSO~~ before the Public  
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**NET MONTHLY BILL (Contd.)**

**3. Price-to-Compare—Base Generation Charges (PTC-BG)**

**JAN. 1, 2009—DEC. 31, 2009**

(a) Demand Charge	
First 50,000 kVA	\$8.7183 per kVA
Additional kVA	\$6.2847 per kVA
(b) Energy Charge	
Billing Demand times 300	\$0.002751 per kWh
Additional kWh	\$0.004587 per kWh

**JAN. 1, 2010—DEC. 31, 2010**

(a) Demand Charge	
First 50,000 kVA	\$9.0671 per kVA
Additional kVA	\$6.6361 per kVA
(b) Energy Charge	
Billing Demand times 300	\$0.003583 per kWh
Additional kWh	\$0.005273 per kWh

**JAN. 1, 2011—DEC. 31, 2011**

(a) Demand Charge	
First 50,000 kVA	\$9.4297 per kVA
Additional kVA	\$6.7976 per kVA
(b) Energy Charge	
Billing Demand times 300	\$0.010038 per kWh
Additional kWh	\$0.006086 per kWh

The Generation Charges listed above are applicable to all customers except those customers that switch to a Certified Supplier for their generation service.

**AVOIDANCE OF SYSTEM RELIABILITY TRACKER CHARGE AND RECEIPT OF SHOPPING CREDIT**

Non-residential customers who have signed or will sign a contract with DE-Ohio, or provide a CRES contract to DE-Ohio, or provide a release in the form approved by the Commission in Case No. 03-93-EL-ATA indicating that the customer will remain off of ESP-SSO service through December 31, 2011, may avoid Rider SRA-SRT charges and receive a shopping credit. More specifically, to avoid Rider SRA-SRT charges and receive the shopping credit, the customer must be willing to return to DE-Ohio's ESP-SSO service at 115% of DE-Ohio's ESP-SSO price, including all riders except for distribution riders.

**MINIMUM CHARGE**

The minimum charge shall be not less than fifty (50) percent of the highest demand charge established during the preceding eleven (11) months or the billing of 1,000 kVA, whichever is higher.

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#### METERING

The Company may meter at secondary or primary voltage as circumstances warrant. If the Company elects to meter at secondary voltage, the kilowatt-hours registered on the Company's meter will be increased one and one-half (1.5) percent for billing purposes.

#### DEMAND

The demand shall be the kilovolt amperes derived from the Company's demand meter for the fifteen-minute period of the customer's greatest use during the month, but not less than the higher of the following:

- a) 85% of the highest monthly kilovolt amperes similarly established during the summer period for the next succeeding eleven (11) months; or
- b) 1,000 kilovolt amperes.

For purposes of administration of the above clause, the summer period is defined as that period represented by the Company's billing for the four (4) revenue months of June through September. The winter period is defined as the period represented by the Company's billing for the eight (8) revenue months of January through May and October through December.

The Company may re-determine customer's billing demand at any time in recognition of a permanent change in load due to such occurrences as the installation of load control equipment or a temporary change due to malfunctions of such equipment.

#### LATE PAYMENT CHARGE

Payment of the total amount due must be received in the Company's office by the due date shown on the bill. When not so paid, an additional amount equal to one and one-half percent (1.5%) of the unpaid balance is due and payable. The late payment charge is not applicable to unpaid account balances for services received from a Certified Supplier.

#### TERMS AND CONDITIONS

The initial term of contract shall be for a minimum period of five (5) years terminable thereafter by either the customer or the Company as follows:

- (1) Thirty (30) days after receipt of written notice for customers with a most recent twelve (12) month average demand of less than 10,000 kVA.
- (2) Twelve (12) months after receipt of written notice for customers with a most recent twelve (12) month average demand of 10,000 kVA or greater.

The Company is not obligated to extend, expand or rearrange its transmission system voltage if it determines that existing distribution and/or transmission facilities are of adequate capacity to serve the customer's load.

#### TERMS AND CONDITIONS (Contd.)

If the Company offers to provide the necessary facilities for transmission voltage, in accordance with

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its Service Regulations, an annual facilities charge, applicable to such additional facilities, is established at twenty (20) percent of actual cost. The annual facilities charge shall be billed in twelve monthly installments to be added to the demand charge.

Filed pursuant to an Order dated July 8, 2009 in Case No. 0811-7093549-EL-AIRSSO before the Public Utilities Commission of Ohio.

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#### **SERVICE REGULATIONS**

The supplying and billing for service and all conditions applying thereto, are subject to the jurisdiction of the Public Utilities Commission of Ohio, and to the Company's Service Regulations currently in effect, as filed with the Public Utilities Commission of Ohio.

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Filed pursuant to an Order dated ~~July 8, 2009~~ in Case No. ~~9811-7003549-EL-AIRSSO~~ before the Public Utilities Commission of Ohio.

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Duke Energy Ohio  
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Cincinnati, Ohio 45202

P.U.C.O. Electric No. 19  
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**RIDER PTC-AAC**

**ANNUALLY ADJUSTED COMPONENT RIDER**

**THIS TARIFF IS HEREBY CANCELLED AND WITHDRAWN**

**APPLICABILITY**

~~Applicable to all jurisdictional retail customers in the Company's electric service area.~~

**CHARGE**

~~The Annually Adjusted Component Rider Charges detailed below apply to all customers, except they will not apply to those customers that are eligible to avoid the Annually Adjusted Component charge as described below in the AVOIDANCE OF CHARGE section. All applicable kWh are subject to the Annually Adjusted Component Rider Charge.~~

~~The following rates are effective January 4, 2011:~~

~~Tariff Sheet~~

~~PTC-AAC Charge  
(per kWh/kW)~~

~~Rate RS, Residential Service~~

Filed pursuant to an Order dated ~~December 29, 2010~~ in Case No. ~~10-12683549-EL-RDRSSO~~ before the Public Utilities Commission of Ohio.

Issued: ~~December 31, 2010~~  
3, 2012

Effective: ~~January 4, 2011~~ January

Issued by Julie Janson, President

Duke Energy Ohio  
139 East Fourth Street  
Cincinnati, Ohio 45202

P.U.C.O. Electric No. 19  
Sheet No. 51.145  
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Summer, First 1000 kWh	\$0.008926
Summer, Additional kWh	\$0.011310
Winter, First 1000 kWh	\$0.008926
Winter, Additional kWh	\$0.003367
<del>Rate ORH, Optional Residential Service With Electric Space Heating</del>	
Summer, First 1000 kWh	\$0.007970
Summer, Additional kWh	\$0.009649
Winter, First 1000 kWh	\$0.007966
Winter, Additional kWh	\$0.004125
Winter, kWh greater than 150 times demand	\$0.002579
<del>Rate TD, Optional Time-of-Day Rate</del>	
Summer, On-Peak kWh	\$0.018199
Summer, Off-Peak kWh	\$0.002657
Winter, On-Peak kWh	\$0.014306
Winter, Off-Peak kWh	\$0.002660
<del>Rate TD-AM, Optional Time-of-Day Rate with Advanced Metering</del>	
Summer, On-Peak and Shoulder kWh	\$0.018199
Summer, Off-Peak kWh	\$0.002657
Winter, On-Peak and Shoulder kWh	\$0.014306
Winter, Off-Peak kWh	\$0.002660
<del>Rate DS, Service at Secondary Distribution Voltage</del>	
First 1000 kWh	\$1.546800
Additional kWh	\$1.223600
Billing Demand Times 300	\$0.003956
Additional kWh	\$0.003286

Filed pursuant to an Order dated December 29, 2010 in Case No. 110-12683549-EL-RDRSSO before the Public Utilities Commission of Ohio.

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Issued by Julie Janson, President

Duke Energy Ohio  
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<u>Tariff Sheet</u>	<u>PTC-AAC Charge</u> (per kWh/kW)
Rate GS-FL, Optional Unmetered For Small Fixed Loads— kWh Greater Than or Equal to 540 Hours ———	\$0.013138
kWh Less Than 540 Hours	\$0.015104
Rate CUR, Common Use Residential Service	
Summer, First 1000 kWh	\$0.008026
Summer, Additional kWh	\$0.011310
Winter, First 1000 kWh	\$0.008026
Winter, Additional kWh	\$0.003367
Rate EH, Optional Rate For Electric Space Heating All kWh	\$0.005304
Rate DM, Secondary Distribution Service, Small	
Summer, First 2800 kWh	\$0.011832
Summer, Next 3200 kWh	\$0.003020
Summer, Additional kWh	\$0.001316
Winter, First 2800 kWh	\$0.009304
Winter, Next 3200 kWh	\$0.003024
Winter, Additional kWh	\$0.001249
Rate DP, Service at Primary Distribution Voltage ——— First 1000 kW	\$1.397000
Additional kW	\$1.102000
Billing Demand Times 300	\$0.004455
Additional kWh	\$0.003572
Rate TS, Service at Transmission Voltage	
First 50,000 Kva	\$1.693600
Additional kVA	\$1.220000
Billing Demand Times 300	\$0.002900
Additional kWh	\$0.003310
Rate SL, Street Lighting Service All kWh	\$0.005818
Rate TL, Traffic Lighting Service All kWh	\$0.003404
Rate OL, Outdoor Lighting Service All kWh	\$0.005818
Rate NSU, Street Lighting Service for Non-Standard Units All kWh	\$0.005818
Rate NSP, Private Outdoor Lighting for Non-Standard Units All kWh	\$0.005818

Filed pursuant to an Order dated December 29, 2010 in Case No. 110-42683549-EL-RDRSSO before the Public Utilities Commission of Ohio.

Issued: December 31, 2010  
3, 2012

Effective: January 4, 2011 January

Issued by Julie Janson, President

Duke Energy Ohio  
139 East Fourth Street  
Cincinnati, Ohio 45202

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**CHARGES (Contd.)**

<u>Tariff Sheet</u>	<u>PTC AAC Charge</u> (per kWh/kW)
<del>Rate SC, Street Lighting Service—Customer Owned</del>	
<del>All kWh</del>	<del>\$0.005818</del>
<del>Energy only—all kWh</del>	<del>\$0.002316</del>
<del>Rate SE, Street Lighting Service—Overhead Equivalent</del>	
<del>All kWh</del>	<del>\$0.005818</del>
<del>Rate UOLS, Unmetered Outdoor Lighting Electric Service</del>	
<del>All kWh</del>	<del>\$0.002394</del>

**~~AVOIDANCE OF ANNUALLY ADJUSTED COMPONENT RIDER CHARGE~~**

~~All customers that switch to a certified supplier shall not pay the AAC.~~

Filed pursuant to an Order dated ~~December 29, 2010~~ in Case No. ~~110-12683549-EL-RDRSSO~~ before the  
Public Utilities Commission of Ohio.

Issued: ~~December 31, 2010~~  
3, 2012

Effective: ~~January 4, 2011~~January

Issued by Julie Janson, President

Duke Energy Ohio  
139 East Fourth Street  
Cincinnati, Ohio 45202

P.U.C.O. Electric No. 19  
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Cancels and Supersedes  
Sheet No. 53.254  
Page 1 of 1

**RIDER PTC-FPP**

**FUEL AND ECONOMY PURCHASED POWER RIDER**

**THIS TARIFF IS HEREBY CANCELLED AND WITHDRAWN**

**APPLICABILITY**

~~Applicable to all jurisdictional retail customers in the Company's electric service area, except those customers receiving generation service from a Certified Supplier.~~

**CHARGE**

~~The Fuel and Economy Purchased Power rate (PTC-FPP) to be charged under this tariff will be updated every three months pending approval by the Public Utilities Commission of Ohio. The current rate is:~~

<del>Residential</del>	<del>\$0.024955 per kilowatt-hour</del>
<del>Non-residential</del>	<del>\$0.033868 per kilowatt-hour</del>
<del>Voltage reduction</del>	<del>\$0.033312 per kilowatt-hour</del>

**BASE FUEL RATE**

~~Effective with the first billing cycle of January 2000, the PTC-FPP rate will include the Company's base fuel rate of \$0.012453 per kWh.~~

Filed pursuant to an Order dated ~~December 17, 2008~~ in Case No. ~~0811-0203549~~-EL-SSO before the  
Public Utilities Commission of Ohio.

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Issued: ~~March 31, 2010~~  
2011

Effective: January 3, 2012 ~~April 4,~~

Issued by Julie Janson, President

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139 East Fourth Street  
Cincinnati, Ohio 45202

P.U.C.O. Electric No. 19  
Sheet No. 54.54  
Cancels and Supersedes  
Sheet No. 54.43  
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**RIDER SRA-CD**

**CAPACITY DEDICATION RIDER**

**THIS TARIFF IS HEREBY CANCELLED AND WITHDRAWN**

**APPLICABILITY**

~~—Applicable to all jurisdictional retail customers in the Company's electric service area.~~

**CHARGE**

~~—All applicable kWh are subject to the Capacity Dedication Rider Charge.~~

The following rates are effective January 2, 2009.

<u>Tariff Sheet</u>	<u>SRA-CD Charge</u> (per kWh/kW)
Rate RS, Residential Service	
Summer, First 1000 kWh	\$0.002651
Summer, Additional kWh	\$0.003359
Winter, First 1000 kWh	\$0.002651
Winter, Additional kWh	\$0.001000
Rate ORH, Optional Residential Service With Electric Space Heating	
Summer, First 1000 kWh	\$0.002367
Summer, Additional kWh	\$0.002836
Winter, First 1000 kWh	\$0.002366
Winter, Additional kWh	\$0.001225
Winter, kWh greater than 150 times demand	\$0.000766
Rate TD, Optional Time of Day Rate	
Summer, On-Peak kWh	\$0.005405
Summer, Off-Peak kWh	\$0.000789
Winter, On-Peak kWh	\$0.004249
Winter, Off-Peak kWh	\$0.000790
Rate CUR, Common Use Residential Service	
Summer, First 1000 kWh	\$0.002651
Summer, Additional kWh	\$0.003359
Winter, First 1000 kWh	\$0.002651
Winter, Additional kWh	\$0.001000
Rate DS, Service at Secondary Distribution Voltage	
First 1000 kW	\$0.459400
Additional kW	\$0.363400
Billing Demand Times 300	\$0.001175
Additional kWh	\$0.000976
Rate GS-FL, Optional Unmetered For Small Fixed Loads	
kWh Greater Than or Equal to 540 Hours	\$0.003902
kWh Less Than 540 Hours	\$0.004486
Rate EH, Optional Rate For Electric Space Heating	
All kWh	\$0.001601

Filed pursuant to an Order dated December 17, 2008 in Case No. 0811-9203549-EL-SSO before the Public Utilities Commission of Ohio.

Issued: December 18, 2008  
2009 January 3, 2012

Effective: January 2,

Issued by Julie Janson, President

Duke Energy Ohio  
139 East Fourth Street  
Cincinnati, Ohio 45202

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**CHARGES (Contd.)**

Tariff Sheet

SRA-CD Charge  
(per kWh/kW)

Rate DM, Secondary Distribution Service, Small	
Summer, First 2800 kWh	\$0.003514
Summer, Next 3200 kWh	\$0.000897
Summer, Additional kWh	\$0.000391
Winter, First 2800 kWh	\$0.002789
Winter, Next 3200 kWh	\$0.000898
Winter, Additional kWh	\$0.000374
Rate DP, Service at Primary Distribution Voltage—	
First 1000 kW	\$0.414900
Additional kW	\$0.327300
Billing Demand Times 300	\$0.001323
Additional kWh	\$0.001061
Rate TS, Service at Transmission Voltage	
First 50,000 kVA	\$0.503000
Additional kVA	\$0.362600
Billing Demand Times 300	\$0.000864
Additional kWh	\$0.000983
Rate SL, Street Lighting Service	
All kWh	\$0.001728
Rate TL, Traffic Lighting Service	
All kWh	\$0.001011
Rate OL, Outdoor Lighting Service	
All kWh	\$0.001728
Rate NSU, Street Lighting Service for Non-Standard Units	
All kWh	\$0.001728
Rate NSP, Private Outdoor Lighting for Non-Standard Units	
All kWh	\$0.001728
Rate SC, Street Lighting Service—Customer Owned	
All kWh	\$0.001728
—Energy Only—All kWh	\$0.000688
Rate SE, Street Lighting Service—Overhead Equivalent	
All kWh	\$0.001728
Rate UOLS, Unmetered Outdoor Lighting Electric Service	
All kWh	\$0.000711

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2009 January 3, 2012

Effective: January ————2,

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Duke Energy Ohio  
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**RIDER SRA-SRT**

**SYSTEM RELIABILITY TRACKER**

**THIS TARIFF IS HEREBY CANCELLED AND WITHDRAWN**

**APPLICABILITY**

~~Applicable to all jurisdictional retail customers in the Company's electric service area.~~

**CHARGE**

~~Rider SRA-SRT applies to all customers, except those customers that are eligible to avoid it as described below in the "Avoidance of System Reliability Tracker Charge" section.~~

~~For all customers, these rates are effective beginning with the first billing cycle of April, 2011:~~

<u>Tariff Sheet</u>	<u>SRA-SRT Charge</u> (\$/kWh; \$/kW)
Rate RS, Residential Service	
All kWh	\$0.000023
Rate ORH, Optional Residential Service with Electric Space Heating	
All kWh	\$0.000023
Rate TD-AM, Optional Time-of-Day Rate for Residential Service with Advanced Metering (Pilot)	
All kWh	\$0.000023
Rate TD, Optional Time-of-Day Rate	
All kWh	\$0.000023
Rate CUR, Common Use Residential Service	
All kWh	\$0.000023
Rate DS, Service at Secondary Distribution Voltage	
First 1,000 kW	\$0.195300
Additional kW	\$0.206500
Billing Demand Times 300	\$0.000448
Additional kWh	\$0.000136
Rate GS-FL, Optional Unmetered For Small Fixed Loads	
All kWh	\$0.000663
Rate EH, Optional Rate For Electric Space Heating	

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139 East Fourth Street  
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All kWh	\$0.000982
<del>Rate DM, Secondary Distribution Service, Small</del>	
All kWh	\$0.004464
<del>Rate DP, Service at Primary Distribution Voltage</del>	
First 1000 kWh	\$0.042600
Additional kWh	\$0.030700
Billing Demand Times 300	\$0.000405
Additional kWh	\$0.000040
<del>Rate TS, Service at Transmission Voltage</del>	
First 50,000 kVA	\$0.241200
Additional kVA	\$0.241200
Billing Demand Times 300	\$0.000269
Additional kWh	\$0.000464

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<u>Tariff Sheet</u>	<u>SRA-SRT Charge</u> (\$/kWh; \$/kW)
Rate SL, Street Lighting Service All kWh	\$0.001131
Rate TL, Traffic Lighting Service All kWh	\$0.001131
Rate OL, Outdoor Lighting Service All kWh	\$0.001131
Rate NSU, Street Lighting Service for Non-Standard Units All kWh	\$0.001131
Rate NSP, Private Outdoor Lighting for Non-Standard Units All kWh	\$0.001131
Rate SC, Street Lighting Service—Customer Owned All kWh	\$0.001131
Rate SE, Street Lighting Service—Overhead Equivalent All kWh	\$0.001131
Rate UOLS, Unmetered Outdoor Lighting Electric Service All kWh	\$0.001131

#### **AVOIDANCE OF SYSTEM RELIABILITY TRACKER CHARGE**

Residential customers receiving generation service through a governmental aggregator will avoid (waive) Rider SRA-SRT if the governmental aggregator notifies the Company at least sixty (60) days prior to the start of the governmental aggregation of its intent to place all Residential End-Use Customers served by the governmental aggregation on the Rider SRA-SRT waiver program and to maintain the governmental aggregation through December 31, 2011. If the aggregated Residential End-Use Customer returns to the ESP-SSO prior to December 31, 2011, such Residential End-Use Customer will be billed a monthly early return premium based on 15% of the applicable generation charges and Riders in addition to the normal charges calculated per the ESP-SSO.

#### **AVOIDANCE OF SYSTEM RELIABILITY TRACKER CHARGE AND RECEIPT OF SHOPPING CREDIT**

Non-residential customers who have signed or will sign a contract with DE-Ohio, or provide a CRES contract to DE-Ohio, or provide a release in the form approved by the Commission in Case No. 03-93-EL-ATA indicating that the customer will remain off of ESP-SSO service through December 31, 2011, may avoid Rider SRA-SRT charges and receive a shopping credit. More specifically, to avoid Rider SRA-SRT charges, the customer must be willing to return to DE-Ohio's ESP-SSO service at 115% of DE-Ohio's ESP-SSO price, including all riders except for distribution riders.

Filed pursuant to an Order dated December 17, 2008 in Case No. 0811-9203549-EL-SSO, et al., before the Public Utilities Commission of Ohio.

Issued: February 28, 2011  
2012

Effective: April 1, 2011 January 3,

Issued by Julie Janson, President

Duke Energy Ohio  
139 East Fourth Street  
Cincinnati, Ohio 45202

P.U.C.O. Electric No. 19  
Sheet No. 57.110  
Cancels and Supersedes  
Sheet No. 57.910  
Page 1 of 2

RIDER TCR

TRANSMISSION COST RECOVERY TRACKER

**THIS TARIFF IS HEREBY CANCELLED AND WITHDRAWN**

**APPLICABILITY**

~~—Applicable to all jurisdictional retail customers in the Company's electric service area, except those customers receiving generation service from a Certified Supplier.~~

**CHARGE**

~~—The Transmission Cost Recovery Tracker Charges detailed below are to recover transmission costs approved by the Public Utilities Commission of Ohio and the Federal Energy Regulatory Commission including Ancillary Services and those costs assessed to the Company by the applicable regional transmission organization. All applicable kWh, kW, or kVA are subject to the Transmission Cost Recovery Charge.~~

~~—The Transmission Charges listed below do not apply to customers who receive their energy from a Certified Supplier. For customers who receive their energy from a Certified Supplier, the specific rates, terms, and conditions of the Company's FERC Open Access Transmission Tariff apply as such tariff may be amended from time to time and as incorporated herein by reference.~~

~~—The charges for the respective electric service schedules are effective beginning with first billing cycle of October 2009 and updated on an annual basis as follows:~~

<u>Tariff Sheet</u>	<u>TCR Charge</u> (per kWh/kW)
Rate RS, Residential Service	
All kWh	\$0.005115
Rate ORH, Optional Residential Service With Electric Space Heating	
All kWh	\$0.005115
Rate TD and Rate TD-AM, Optional Time-of-Day Rate	
All kWh	\$0.005115
Rate CUR, Common Use Residential Rate	
All kWh	\$0.005115
Rate DS, Service at Secondary Distribution Voltage	
All kW	\$1.481500
Rate GS-FL, Optional Unmetered For Small Fixed Loads	
All kWh	\$0.004545
Rate EN, Optional Rate For Electric Space Heating	
All kWh	\$0.004050
Rate DM, Secondary Distribution Service, Small	
All kWh	\$0.004554
Rate DP, Service at Primary Distribution Voltage	
All kW	\$2.024100
Rate SPL-ADPL, Optional Unmetered Rate For Small Fixed Loads Attached Directly to Company's Power Lines	
All kWh	\$0.004545
Rate TS, Service at Transmission Voltage	

Filed pursuant to an Order dated September 23, 2009 in Case No. 0911-6013549-EL-UNCSSO before the Public Utilities Commission of Ohio.

Issued: September 24, 2009  
2009 January 3, 2012

Effective: September 30,

Issued by Julie Janson, President

Duke Energy Ohio  
139 East Fourth Street  
Cincinnati, Ohio 45202

P.U.C.O. Electric No. 19  
Sheet No. 57.1~~10~~  
Cancels and Supersedes  
Sheet No. 57.9~~10~~  
Page 2 of 2

~~111-KVA~~

~~\$2.006000~~

Filed pursuant to an Order dated ~~September 23, 2009~~ in Case No. ~~0911-6043549-EL-UNCSSQ~~ before the  
Public Utilities Commission of Ohio.

Issued: ~~September 24, 2009~~  
~~2009~~ January 3, 2012

Effective: ~~September 30,~~

Issued by Julie Janson, President

Duke Energy Ohio  
139 East Fourth Street  
Cincinnati, Ohio 45202

P.U.C.O. Electric No. 19  
Sheet No. 57.110  
Cancels and Supersedes  
Sheet No. 57.910  
Page 3 of 2

**CHARGE (Contd.)**

Tariff Sheet

TCR Charge  
(per kWh/kW)

<del>Rate CL, Street Lighting Service</del>	
<del>All kWh</del>	<del>\$0.002068</del>
<del>Rate TL, Traffic Lighting Service</del>	
<del>All kWh</del>	<del>\$0.002068</del>
<del>Rate OL, Outdoor Lighting Service</del>	
<del>All kWh</del>	<del>\$0.002068</del>
<del>Rate NSU, Street Lighting Service for Non-Standard Units</del>	
<del>All kWh</del>	<del>\$0.002068</del>
<del>Rate MSP, Private Outdoor Lighting for Non-Standard Units</del>	
<del>All kWh</del>	<del>\$0.002068</del>
<del>Rate SC, Street Lighting Service - Customer Owned</del>	
<del>All kWh</del>	<del>\$0.002068</del>
<del>Rate CE, Street Lighting Service - Overhead Equivalent</del>	
<del>All kWh</del>	<del>\$0.002068</del>
<del>Rate UOLB, Unmetered Outdoor Lighting Electric Service</del>	
<del>All kWh</del>	<del>\$0.002068</del>

Filed pursuant to an Order dated ~~September 23, 2009~~ in Case No. ~~0911-6043549-EL-UNCSSO~~ before the  
Public Utilities Commission of Ohio.

Issued: ~~September 24, 2009~~  
2009 January 3, 2012

Effective: ~~September 30,~~

Issued by Julie Janson, President

Duke Energy Ohio  
139 East Fourth Street  
Cincinnati, Ohio 45202

P.U.C.O. Electric No. 19  
Sheet No. 58.43  
Cancels and Supersedes  
Sheet No. 58.32  
Page 1 of 1

## RIDER DRI

### DISTRIBUTION RELIABILITY INVESTMENT RIDER

#### THIS TARIFF IS HEREBY CANCELLED AND WITHDRAWN

#### APPLICABILITY

Applicable to all non-residential customers receiving service under the Company's retail rate groups beginning April 1, 2011 and ending June 30, 2011.

#### DISTRIBUTION RELIABILITY INVESTMENT FACTORS

All customers receiving electric service under Rate DS, Rate EH, Rate GS-FL, Rate SFL-ADPL, Rate DM, Rate DP, Rate TS, Rate TL, Rate NSU, Rate NSP, Rate SC, Rate SE, Rate UOLS, Rate OL, Rate SL and Rate RTP shall be assessed a monthly charge that will enable the Company to recover deferred amounts related the Company's investments in its distribution system to maintain and enhance system reliability.

The charges for the respective electric service schedules are:

<u>Tariff Sheet</u>	<u>DRI Charge</u> (Per kWh)
Rate CUR, Common Use Residential Service	\$0.001074
Rate DS, Service at Secondary Distribution Voltage	\$0.000653
Rate GS-FL, Optional Unmetered General Service Rate for Small Fixed Loads	\$0.000868
Rate EH, Optional Rate for Electric Space Heating	\$0.000690
Rate DM, Secondary Distribution Service — Small	\$0.001160
Rate DP, Service at Primary Distribution Voltage	\$0.000453
Rate SFL-ADPL, Optional Unmetered Rate for Small Fixed Loads Attached — Directly to Company's Power Lines	\$0.000868
Rate TS, Service at Transmission Voltage	\$0.000000
Rate SL, Street Lighting Service	\$0.002921
Rate TL, Traffic Lighting Service	\$0.002921
Rate OL, Outdoor Lighting Service	\$0.002921
Rate NSU, Street Lighting Service for Non-Standard Units	\$0.002921
Rate NSP, Private Outdoor Lighting for Non-Standard Units	\$0.002921
Rate SC, Street Lighting Service — Customer Owned	\$0.002921
Rate SE, Street Lighting Service — Overhead Equivalent	\$0.002921
Rate UOLS, Unmetered Outdoor Lighting Electric Service	\$0.002921
Rate RTP, Real Time Pricing Program	
Rate DS	\$0.000000
Rate DP	\$0.000000
Rate TS	\$0.000000