

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

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In the Matter of the :  
Application of Duke :  
Energy Ohio, Inc. to :  
Establish its Fuel and : Case No. 11-974-EL-FAC  
Economy Purchased Power :  
Component of its :  
Market-Based Standard :  
Service Offer for 2011. :

In the Matter of the :  
Application of Duke :  
Energy Ohio, Inc. to : Case No. 11-975-EL-RDR  
Establish its System :  
Reliability Tracker of :  
its Market-Based Standard :  
Service Offer for 2011. :

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PROCEEDINGS

before Katie Stenman and Christine Pirik, Hearing  
Examiners, at the Public Utilities Commission of  
Ohio, 180 East Broad Street, Room 11-C, Columbus,  
Ohio, called at 10:00 a.m. on Tuesday, September 18,  
2012.

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ARMSTRONG & OKEY, INC.  
222 East Town Street, 2nd Floor  
Columbus, Ohio 43215  
(614) 224-9481 - (800) 223-9481  
Fax - (614) 224-5724

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APPEARANCES:

Duke Energy  
By Ms. Jeanne W. Kingery  
155 East Broad Street, Floor 21  
Columbus, Ohio 43215

On behalf of the Company.

Bruce J. Weston, Ohio Consumers' Counsel  
By Mr. Joseph P. Serio  
Assistant Consumers' Counsel  
10 West Broad Street, Suite 1800  
Columbus, Ohio 43215

On behalf of the Residential Utility  
Customers.

Mike DeWine, Ohio Attorney General  
By Mr. Thomas W. McNamee and  
Mr. Stephen Reilly  
Public Utilities Section  
180 East Broad Street  
Columbus, Ohio 43215

On behalf of the Staff.

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1 Tuesday Morning Session,  
2 September 18, 2012.

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4 EXAMINER STENMAN: Let's go on the  
5 record.

6 The Public Utilities Commission of Ohio  
7 is called for hearing at this time and place, Case  
8 Nos. 11-974-EL-FAC and 11-975-EL-RDR, being in the  
9 matter of the application of Duke Energy Ohio, Inc.  
10 to establish its fuel and purchased power component  
11 of its market-based standard service offer for 2011,  
12 and to establish a system reliability tracker of its  
13 market-based standard service offer for 2011.

14 My name is Katie Stenman and with me is  
15 Christine Pirik and we're the Attorney Examiners  
16 assigned by the Commission to hear this case.

17 Let's have appearances of the parties  
18 starting with the company.

19 MS. KINGERY: Thank you very much. On  
20 behalf of Duke Energy Ohio, Jeanne Kingery, Rocco  
21 D'Ascenzo, Amy Spiller, and Elizabeth Watts, 139 East  
22 Fourth Street, Cincinnati, Ohio.

23 EXAMINER STENMAN: Thank you.

24 MR. SERIO: Thank you, your Honor. On  
25 behalf of the residential utility customers of Duke

1 Energy, Bruce J. Weston, Consumers' Counsel, by  
2 Joseph P. Serio.

3 EXAMINER STENMAN: Thank you.

4 MR. McNAMEE: On behalf of the staff of  
5 Public Utilities Commission of Ohio, Michael DeWine,  
6 Attorney General of the State of Ohio, Stephen Reilly  
7 and Thomas McNamee, Assistant Attorneys General. The  
8 address is 180 East Broad Street, Columbus, Ohio.

9 EXAMINER STENMAN: Thank you.

10 And it's my understanding that there is a  
11 motion at this time?

12 MS. KINGERY: Yes, thank you, your Honor.  
13 Duke Energy Ohio would move for a continuance of this  
14 hearing. The parties have been discussing potential  
15 stipulation concerning at least most of the issues in  
16 the case, and are not yet ready to file that  
17 stipulation, but with a brief continuance, we expect  
18 that we would be in a position to file it and to file  
19 testimony in support thereof.

20 EXAMINER STENMAN: And what are you  
21 expecting with respect to the issues that are not  
22 stipulated?

23 MS. KINGERY: It's my understanding that  
24 staff is interested in having a period of time to  
25 investigate those issues, so we would take those

1 issues that are remaining that are not covered by the  
2 stipulation, allow time for that investigation, and  
3 then have a subsequent hearing to resolve those  
4 issues. Whether that's based on a stipulation at  
5 that time or not.

6 EXAMINER STENMAN: Okay.

7 MR. McNAMEE: And staff joins the motion  
8 made by the company and that's exactly what we think  
9 too.

10 EXAMINER STENMAN: And Mr. Serio?

11 MR. SERIO: OCC has no opposition to such  
12 a motion, your Honor.

13 EXAMINER STENMAN: Are you assuming that  
14 the issues that will be remaining after the  
15 stipulation will be resolved in the context of this  
16 case or are you thinking that will be in another  
17 proceeding?

18 MS. KINGERY: We're hopeful that it would  
19 be in this case.

20 MR. McNAMEE: We don't know. That's  
21 something we would need to hash out, I suspect.

22 EXAMINER STENMAN: Okay.

23 MR. McNAMEE: The issue does lap over  
24 into the AEP 281 case. So, or it's related or  
25 similar I guess.

1 EXAMINER PIRIK: I just want to note  
2 whatever the process is for the subsequent issue, the  
3 process will be determined, the how those issues are  
4 going to be resolved will be determined by the  
5 Commission, and I would just ask that if -- I'm not  
6 certain what necessarily you're putting into the  
7 stipulation on the audit that is currently before us,  
8 but I want to be sure that the how the process is  
9 followed is left up to the Commission to make that  
10 decision.

11 MR. McNAMEE: Sure. We only recommend,  
12 your Honor.

13 MS. KINGERY: Absolutely. We understand  
14 that. We'll make sure that the stipulation is  
15 express about that.

16 EXAMINER STENMAN: And in terms of  
17 continuing the current hearing, I believe October 10  
18 was raised by the parties.

19 MS. KINGERY: Yes, that would be  
20 wonderful. Thank you, your Honor.

21 EXAMINER STENMAN: Staff?

22 MR. McNAMEE: That's fine.

23 EXAMINER STENMAN: Mr. Serio?

24 MR. SERIO: That works, your Honor.

25 Thank you.

1 EXAMINER STENMAN: Is there anything else  
2 we need to discuss today?

3 MR. McNAMEE: Nothing from the staff.

4 MS. KINGERY: Nothing from the company,  
5 thank you.

6 MR. SERIO: No, your Honor.

7 EXAMINER STENMAN: Then we will recess  
8 until October 10. If the parties do have a  
9 stipulation ready, it needs to be filed by 9:00 a.m.  
10 on October 9.

11 And with respect to any remaining issues  
12 that are not part of the stipulation, the process for  
13 that will be set by a subsequent entry of the  
14 Commission.

15 Thank you.

16 MS. KINGERY: Thank you very much.

17 MR. McNAMEE: Thank you.

18 MR. SERIO: Thank you, your Honor.

19 (Hearing adjourned at 10:10 a.m.)

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CERTIFICATE

I do hereby certify that the foregoing is a true and correct transcript of the proceedings taken by me in this matter on Tuesday, September 18, 2012, and carefully compared with my original stenographic notes.

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Julieanna Hennebert, Registered Professional Reporter and RMR and Notary Public in and for the State of Ohio.

My commission expires February 19, 2013.

(JUL-1900)

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**This foregoing document was electronically filed with the Public Utilities**

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**Case No(s). 11-0974-EL-FAC, 11-0975-EL-RDR**

Summary: Transcript of Duke Energy Ohio, Inc. hearing held on 09/18/12 electronically filed by Mrs. Jennifer Duffer on behalf of Armstrong & Okey, Inc. and Hennebert, Julieanna Mrs.