

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

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In the Matter of the :  
Application of Duke Energy:  
Ohio, Inc., for an : Case No. 12-1682-EL-AIR  
Increase in its Electric :  
Distribution Rates. :

- - -

In the Matter of the :  
Application of Duke Energy:  
Ohio, Inc., for Tariff : Case No. 12-1683-EL-ATA  
Approval. :

- - -

In the Matter of the :  
Application of Duke Energy:  
Ohio, Inc., for Approval : Case No. 12-1684-EL-AAM  
to Change Accounting :  
Methods. :

- - -

PROCEEDINGS

before Ms. Christine Pirik and Ms. Katie Stenman,  
Attorney Examiners, at the Public Utilities  
Commission of Ohio, 180 East Broad Street, Room 11-A,  
Columbus, Ohio, called at 10 a.m. on Monday,  
March 25, 2013.

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VOLUME I

- - -

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## 1 APPEARANCES:

2 Duke Energy Ohio, Inc.  
3 By Ms. Amy B. Spiller  
4 Mr. Rocco O. D'Ascenzo  
5 Ms. Jeanne W. Kingery  
6 Ms. Elizabeth H. Watts  
7 139 East Fourth Street  
8 Cincinnati, Ohio 45202

9 Ice Miller LLP  
10 By Mr. Christopher L. Miller  
11 250 West Street  
12 Columbus, Ohio 43215

13 Ice Miller LLP  
14 By Ms. Kay Pashos  
15 One American Square, Suite 2900  
16 Indianapolis, Indiana 46282

17 On behalf of the Duke Energy Ohio, Inc.

18 Kegler, Brown, Hill & Ritter  
19 By Mr. Andrew J. Sonderman  
20 Capitol Square, Suite 1800  
21 65 East State Street  
22 Columbus, Ohio 43215-4294

23 On behalf of the People Working  
24 Cooperatively, Inc.

25 Mr. Douglas E. Hart  
441 Vine Street, Suite 4192  
Cincinnati, Ohio 45202

On behalf of The Greater Cincinnati  
Health Council and Cincinnati Bell.

Ohio Partners for Affordable Energy  
By Ms. Colleen L. Mooney  
231 West Lima Street  
Findlay, Ohio 45840

On behalf of the Ohio Partners for  
Affordable Energy.

## 1 APPEARANCES: (Continued)

2 Carpenter, Lipps & Leland LLP  
3 By Ms. Kimberly W. Bojko  
4 Ms. Mallory M. Mohler  
5 Ms. Colleen M. O'Donnell  
6 280 North High Street  
7 280 Plaza Suite 1300  
8 Columbus, Ohio 43215

9 On behalf of the Kroger Company.

10 Boehm, Kurtz & Lowry  
11 By Mr. Michael L. Kurtz  
12 Mr. David Boehm  
13 Ms. Jody M. Kyler Cohn  
14 36 East Seventh Street, Suite 1510  
15 Cincinnati, Ohio 45202

16 On behalf of the Ohio Energy Group, Inc.

17 Bruce E. Weston,  
18 Ohio Consumers' Counsel  
19 By Mr. Terry L. Etter  
20 Mr. Larry S. Sauer  
21 Ms. Kyle L. Kern  
22 Mr. Michael L. Schuler  
23 Assistant Consumers' Counsel  
24 10 West Broad Street, Suite 1800  
25 Columbus, Ohio 43215-3485

On behalf of the Residential Consumers of  
the Duke Energy Ohio, Inc.

Bricker & Eckler, LLP  
By Mr. Thomas O'Brien  
100 South Third Street  
Columbus, Ohio 43215-4291

On behalf of the City of Cincinnati.

Whitt Sturtevant LLP  
By Mr. Andrew J. Campbell  
88 East Broad Street, Suite 1590  
Columbus, Ohio 43215

On behalf of the Interstate Gas Supply.

1 APPEARANCES: (Continued)

2 Mr. Joseph M. Clark  
3 and Ms. Jennifer L. Lause  
4 21 East State Street, 19th Floor  
5 Columbus, Ohio 43215

6 On behalf of the Direct Energy Services,  
7 LLC, and Direct Energy Business, LLC.

8 Mike DeWine, Ohio Attorney General  
9 By Mr. William L. Wright  
10 Section Chief, Public Utilities Section  
11 Mr. John Jones  
12 Mr. Ryan O'Rourke  
13 Mr. Thomas Lindgren  
14 180 East Broad Street, 6th Floor  
15 Columbus, Ohio 43215

16 On behalf of the Staff of the PUCO.

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Monday Morning Session,

March 25, 2013.

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EXAMINER STENMAN: All right. Let's go on the record. The Public Utilities Commission of Ohio has assigned for hearing at this time and place Case Nos. 12-1682-EL-AIR, 12-1683-EL-ATA, and 12-1684-EL-AAM, which are captioned In the Matter of the Application of Duke Energy Ohio for an Increase in its Electric Distribution Rates, for Tariff Approval, and for Approval to Change Accounting Methods.

My name is Katie Stenman, and with me is Christine Pirik, and we are the attorney examiners assigned by the Commission to hear this case.

At this time let's start by taking appearances of the parties, starting with the company, and then we will go around the table.

MS. WATTS: Thank you, your Honor, and good morning. On behalf of Duke Energy we brought a full court press. It would be Amy B. Spiller, Rocco O. D'Ascenzo, Jeanne Kingery, and Elizabeth H. Watts; and in addition we also have Kay Pashos and Chris Miller from the firm of Ice Miller.

EXAMINER STENMAN: Thank you. Let's just

1 go around the table, start at the corner and work our  
2 way around.

3 MR. JONES: Yes. Good morning, your  
4 Honor. On behalf of the Public Utilities Commission  
5 of Ohio, Ohio Attorney General Mike DeWine, Assistant  
6 Attorneys General Tom Lindgren, Ryan O'Rourke, and  
7 John Jones, 180 East Broad Street, Columbus, Ohio.

8 MR. SONDERMAN: Thank you. Good morning,  
9 your Honor. On behalf of People Working  
10 Cooperatively, Andrew Sonderman, Kegler, Brown, Hill  
11 & Ritter, Capital Square, Suite 1800, 65 East State  
12 Street, Columbus, Ohio.

13 EXAMINER STENMAN: Thank you.

14 MR. O'BRIEN: Good morning, your Honor.  
15 On behalf of the City of Cincinnati, Bricker &  
16 Eckler, LLP, Thomas J. O'Brien, 100 South Third  
17 Street, Columbus, Ohio 43215. Thank you.

18 EXAMINER STENMAN: Thank you.

19 MR. ETTER: Good morning, your Honors.  
20 On behalf of Ohio's residential consumers, the Office  
21 of the Ohio Consumers' Counsel, Bruce J. Weston, Ohio  
22 Consumers' Counsel, Terry L. Etter, Larry S. Sauer,  
23 Kyle L. Kern, Michael J. Schuler, Assistant  
24 Consumers' Counsel. We are at 10 West Broad Street,  
25 Suite 1800, Columbus, 43215.

1 EXAMINER STENMAN: Thank you.

2 MR. CAMPBELL: On behalf of Interstate  
3 Gas Supply, LLP, Andrew J. Campbell, 88 East Broad  
4 Street, Suite 1590, Columbus, Ohio. Thank you.

5 EXAMINER STENMAN: Thank you.

6 MS. KYLER: On behalf of the Ohio Energy  
7 Group, David Boehm, Michael Kurtz, and Jody Kyler  
8 Cohn from the firm of Boehm, Kurtz & Lowry, 36 East  
9 Seventh Street, Cincinnati, Ohio 45202.

10 EXAMINER STENMAN: Thank you.

11 MS. MOONEY: On behalf of the Ohio  
12 Partners for Affordable Energy, Colleen Mooney, 231  
13 Lima Street, Findlay, Ohio.

14 EXAMINER STENMAN: Thank you.

15 MR. CLARK: On behalf of Direct Energy  
16 Services, LLC, and Direct Energy Business, LLC,  
17 Joseph M. Clark and Jennifer L. Lause, 21 East State  
18 Street, 19th Floor, Columbus, Ohio 43215.

19 EXAMINER STENMAN: Thank you.

20 MS. BOJKO: Thank you, your Honors. On  
21 behalf of the Kroger Company, Carpenter, Lipps &  
22 Leland LLP by Kimberly Bojko, Mallory M. Mohler,  
23 Colleen M. O'Donnell, 280 North High Street,  
24 Columbus, Ohio.

25 EXAMINER STENMAN: Thank you.

1 MR. HART: On behalf of the Greater  
2 Cincinnati Health Council and Cincinnati Bell,  
3 Douglas E. Hart, 441 Vine Street, Suite 4192,  
4 Cincinnati.

5 EXAMINER STENMAN: Thank you. Got some  
6 folks in the back. Did we miss anybody?

7 Okay. Moving forward we do have some  
8 outstanding motions that have not yet been granted.  
9 We have motions to intervene filed by Miami  
10 University and the University of Cincinnati on  
11 February 1 and also a motion to intervene filed by  
12 Direct Energy Business and Direct Energy Services on  
13 February 4. Those motions to intervene will be  
14 granted.

15 We also have a pending pro hoc vice  
16 motion for Ms. Pashos that was filed on March 20.  
17 Time for responses has not run. Are there any  
18 objections to that motion?

19 Hearing none Ms. Pashos -- Pashos's  
20 motion for pro hac vice motion will be granted in the  
21 Case No. 12-1682-EL-AIR.

22 Is there anything else we need to talk  
23 about before we get started?

24 MR. JONES: Yes, your Honor. The parties  
25 would like to request postponing the hearing for a



1 period of time today so the parties can continue  
2 their settlement discussions.

3 We have been actively engaged in  
4 settlement discussions all last week and a little  
5 over the weekend and we have an understanding that  
6 we're very close to resolving all issues and we would  
7 like to have the opportunity to continue those  
8 discussions here this morning and ask the Bench if we  
9 could have that time to do that.

10 EXAMINER STENMAN: Will you keep the  
11 Bench apprised of your progress?

12 MR. JONES: Yes, your Honor.

13 EXAMINER STENMAN: All right. Hearing  
14 that we will continue the hearing, and we'll  
15 reconvene when -- once we are notified that it's  
16 time. Thank you.

17 (Recess taken.)

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CERTIFICATE

I do hereby certify that the foregoing is  
a true and correct transcript of the proceedings  
taken by me in this matter on Monday, March 25, 25,  
and carefully compared with my original stenographic  
notes.

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Karen Sue Gibson, Registered  
Merit Reporter.

(KSG-5686)

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

**Commission of Ohio Docketing Information System on**

**4/8/2013 3:00:08 PM**

**in**

**Case No(s). 12-1682-EL-AIR, 12-1683-EL-ATA, 12-1684-EL-AAM**

Summary: Transcript in the matter of Duke Energy Ohio, Inc. hearing held on 03/25/13 - Volume I electronically filed by Mrs. Jennifer Duffer on behalf of Armstrong & Okey, Inc. and Gibson, Karen Sue Mrs.