

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Joint Petition of the City     )  
Of Hamilton, Ohio and Duke Energy Ohio,     )     Case No. 13-270-EL-ATR  
Inc., to Transfer Facilities to the City of     )  
Hamilton, Ohio.     )

FINDING AND ORDER

The Commission finds:

- (1) On January 22, 2013, Applicant, Duke Energy Ohio, Inc. (Duke), filed a joint application with exhibits for authority to enter into a Purchase and Sale Agreement (the "Agreement") with the City of Hamilton (Hamilton) for the transfer of ownership of certain assets used in Applicant's distribution of electricity.
- (2) Hamilton is a public utility that is owned and operated by a municipal corporation and, therefore is not included as a public utility as defined in Section 4905.02(C), Revised Code, and, as such, is not subject to the jurisdiction of this Commission.
- (3) Applicant has agreed to sell and Hamilton has agreed to purchase certain assets owned by Applicant for an aggregate purchase price of \$1.00, pursuant to the terms of the Agreement. The assets Duke Ohio proposes to sell include poles, down guys & anchors, conductors and other items (collectively, the "Equipment"), as described in the Application and Exhibits.
- (4) Ohio law requires the approval of this Commission whenever a jurisdictional public utility seeks to abandon any service or facilities. The propose transfer of the Equipment from Applicant to Hamilton does not constitute any abandonment of any service or facilities, rather the facilities are being moved from a regulated utility to a non-regulated utility, which is a municipal corporation under Section 4905.02(C), Revised Code, and is not subject to Commission's jurisdiction.

- (5) The parties to the Agreement agree to the transfer of the Equipment and service to Hamilton. Hamilton will operate the Equipment after the transfer. In such cases, the Commission has found it appropriate to exercise its authority pursuant to Sections 4905.05 and 4905.06, Revised Code, to ensure that the proposed transfer results in uninterrupted and adequate service to the public utility's existing customers. Accordingly, in order to protect the public interest, the Commission will exert jurisdiction to this extent over the transaction proposed in the Application. *In the Matter of the Joint Application of East Ohio Gas Company d/b/a Dominion East Ohio, Constitution Gas Transport Co., Inc., and Knox Energy Cooperative Association, Inc., for Approval of the Transfer of Assets and Substitution of Service*, Case No. 11-4324-GA-ATR. Finding and Order (August 17, 2011).
- (6) Applicant states in its Application that all of the customers of Duke will continue to be provided with uninterrupted and adequate electric service, with no consequent impact on just and reasonable rates, as described in the Application.
- (7) The Commission has reviewed the Application and is satisfied that the transfer of the Equipment to Hamilton will not impair the quality of service presently provided or result in interrupted or unsatisfactory service to Duke's customers. Accordingly, the Commission finds that the Application is reasonable and should be granted.
- (8) Within 30 days after the closing date of the transfer of the Equipment to Hamilton, Duke should file a letter in this docket informing the Commission that the transaction has been completed.

It is, therefore,

ORDERED, That the request for approval of the proposed transfer of Duke Energy Ohio's Equipment to the City of Hamilton be granted, subject to the conditions set forth in finding (8). It is, further,

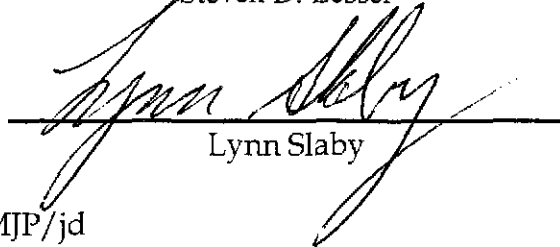
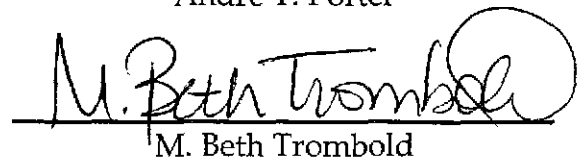
ORDERED, That Duke Ohio file a revised tariff and service territory map within 30 days that reflects the transfer approved herein.

ORDERED, That the proposed transaction be recorded by Duke Energy Ohio in accordance with the Uniform System of Accounts for Electric Companies which the Commission has prescribed for use by electric companies in Ohio. It is, further,

ORDERED, That nothing in this decision shall be binding upon this Commission in any future proceeding or investigation involving the justness or reasonableness of any rate, charge, rule, or regulation. It is, further,

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

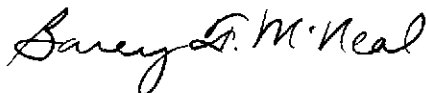
THE PUBLIC UTILITIES COMMISSION OF OHIO

  
Todd A. Snitchler, Chairman  
Steven D. Lesser  
Andre T. Porter  
Lynn Slaby  
M. Beth Trombold

MJP/jd

Entered in the Journal

**APR 10 2013**



Barcy F. McNeal  
Secretary