

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

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In the Matter of the :  
Annual Application of :  
Duke Energy Ohio, Inc., : Case No. 12-3028-GA-RDR  
for an Adjustment to :  
Rider AMRP Rates. :

In the Matter of the :  
Application of Duke : Case No. 12-3029-GA-ATA  
Energy Ohio, Inc., for :  
Tariff Approval. :

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PROCEEDINGS

before Kerry Sheets, Hearing Examiner, at the Public  
Utilities Commission of Ohio, 180 East Broad Street,  
Room 11-D, Columbus, Ohio, called at 10:00 a.m. on  
Thursday, April 11, 2013.

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- - -

APPEARANCES:

Frost, Brown, Todd, LLC  
By Ms. Rebecca L. Hussey  
One Columbus, Suite 2300  
10 West Broad Street  
Columbus, Ohio 43215

On behalf of the Company.

Bruce J. Weston, Consumers' Counsel  
Office of the Ohio Consumers' Counsel  
By Mr. Michael J. Schuler  
Mr. Joseph P. Serio  
Mr. Larry S. Sauer  
Assistant Consumers' Counsel  
10 West Broad Street, Suite 1800  
Columbus, Ohio 43215

On behalf of the Residential Customers of  
Duke Energy Ohio.

Mike DeWine, Ohio Attorney General  
By Mr. Steven L. Beeler  
Assistant Attorney General  
Public Utilities  
180 East Broad Street, 6th Floor  
Columbus, Ohio 43215

On behalf of the Staff.

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Thursday Morning Session,  
April 11, 2013.

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EXAMINER SHEETS: Public Utilities  
Commission of Ohio has scheduled for hearing at this  
time and place Case No. 12-3028-GA-RDR and Case No.  
12-2039-GA ATA, being in the matter of the Annual  
Application of Duke Energy Ohio for an Adjustment of  
Rider AMRP Rates and to recover costs incurred in  
2012. And for the 12-3029 case being in the matter  
of the Application of Duke Energy for Tariff  
Approval.

My name is Kerry Sheets, I'm an Attorney  
Examiner for the Commission and I've been assigned to  
hear these cases.

May I now have the appearances of the  
parties, please, starting with the company.

MS. HUSSEY: Thank you, your Honor. On  
behalf of Duke Energy Ohio, Rebecca L. Hussey, Frost,  
Brown, Todd, LLC, 10 West Broad Street, Suite 2300,  
Columbus, Ohio, 43215.

EXAMINER SHEETS: Thank you.

Staff?

MR. BEELER: Thank you, your Honor. On  
behalf of the staff of Public Utilities Commission of

1 Ohio, Ohio Attorney General Mike DeWine, Steven  
2 Beeler, Assistant Attorney General, 180 East Broad  
3 Street, Columbus, Ohio.

4 EXAMINER SHEETS: Thank you.  
5 OCC?

6 MR. SCHULER: Your Honor, on behalf of  
7 the residential customers of Duke Energy Ohio and the  
8 Office of the Ohio Consumers' Counsel, Bruce J.  
9 Weston, Michael J. Schuler, Assistant Consumers'  
10 Counsel and Joseph P. Serio, business address 10 West  
11 Broad Street, Suite 1800, Columbus, Ohio, 43215.

12 EXAMINER SHEETS: Very good.

13 Do we have any preliminary matters to  
14 take care of today?

15 (No response.)

16 EXAMINER SHEETS: Do we have any exhibits  
17 to mark? We can do that. I would ask that you speak  
18 up.

19 MS. HUSSEY: Certainly. Your Honor, the  
20 company, staff, and OCC have entered into a  
21 stipulation resolving the outstanding issues in this  
22 matter. I believe on the bench you'll find the  
23 stipulation in this matter which I'd like to mark as  
24 Joint Exhibit 1 which was filed on April 9, 2013, as  
25 well as Joint Exhibit 2 which is Attachment 1 to the

1 stipulation which was inadvertently left out of the  
2 stipulation earlier that day.

3 And then the company would also like to  
4 mark as Duke Energy Ohio Exhibit 1 the application  
5 for an adjustment to rider AMRP gas rates and tariff  
6 approval -- and for tariff approval filed with the  
7 Commission on February 27, 2013; Duke Energy Ohio  
8 Exhibit 2 which is the testimony of Gary J. Hebbeler  
9 filed on February 27, 2013; and Duke Energy Ohio  
10 Exhibit 3 the testimony of Peggy A. Laub which was  
11 also filed on February 27, 2013.

12 EXAMINER SHEETS: Are we marking the  
13 prefiling notice? Did we have that in --

14 MS. HUSSEY: Certainly. If we could mark  
15 this as Duke Energy Ohio Exhibit 4.

16 May I approach?

17 EXAMINER SHEETS: Yes.

18 MS. HUSSEY: I'd like to move for  
19 admission of these exhibits.

20 EXAMINER SHEETS: And that will be  
21 number, for the exhibit for the prefiling?

22 MS. HUSSEY: It will be Duke Energy Ohio  
23 Exhibit 4.

24 (EXHIBITS MARKED FOR IDENTIFICATION.)

25 EXAMINER SHEETS: Staff have any exhibits

1 to mark?

2 MR. BEELER: Yes, your Honor. The staff  
3 would like to mark as Staff Exhibit 1 the prefiled  
4 testimony of Jeffrey DeVore filed on April 9, 2013,  
5 and Staff Exhibit 2 the comments and recommendations  
6 submitted on behalf of the staff of Public Utilities  
7 Commission of Ohio filed in this docket on March 25,  
8 2013.

9 EXAMINER SHEETS: Thank you.

10 (EXHIBITS MARKED FOR IDENTIFICATION.)

11 EXAMINER SHEETS: OCC.

12 MR. SCHULER: Yes, your Honor. We have  
13 OCC Exhibit 1, the direct testimony of Steven B.  
14 Hines filed on April 8, 2013, and as OCC Exhibit 2,  
15 the comments on the application of Duke Energy Ohio  
16 that were filed on March 25, 2013.

17 EXAMINER SHEETS: Thank you.

18 (EXHIBITS MARKED FOR IDENTIFICATION.)

19 EXAMINER SHEETS: Do we have any  
20 witnesses to call?

21 MR. BEELER: Yes, your Honor. On behalf  
22 of the staff of the Public Utilities Commission of  
23 Ohio, staff calls Jeffrey DeVore.

24 (Witness sworn.)

25 EXAMINER SHEETS: Please be seated.

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JEFFREY R. DeVORE

being first duly sworn, as prescribed by law, was  
examined and testified as follows.

DIRECT EXAMINATION

By Mr. Beeler:

Q. Good morning.

A. Morning.

Q. Please state your name and position for  
the record.

A. My name is Jeffrey R. DeVore. I am an  
Administrator 2 in the Accounting and Electricity  
Division of the Utilities Department here at the  
Commission.

MR. BEELER: I'm going to pass out what  
has been marked as Staff Exhibit -- previously marked  
as Staff Exhibit 1, the prefiled testimony of Jeffrey  
DeVore.

Q. Mr. DeVore do you have in front of you  
what's been marked as Staff Exhibit 1?

A. I do.

Q. What is it?

A. It is my prefiled testimony in this case.

Q. Was it prepared by you or under your  
direction?

A. It was prepared by me.



1 Q. Do you have any changes, corrections, or  
2 modifications to this prefiled testimony?

3 A. No, I do not.

4 Q. If I were to ask you the questions  
5 contained in this document today, would your  
6 responses be the same?

7 A. They would be the same.

8 Q. And would those responses be true,  
9 accurate, and reasonable to the best of your  
10 knowledge and belief?

11 A. Yes, they would.

12 MR. BEELER: Your Honor, I would  
13 respectfully move for admission of Staff Exhibit 1,  
14 and Mr. DeVore would be eligible for  
15 cross-examination.

16 EXAMINER SHEETS: Any questions for this  
17 witness?

18 (No response.)

19 EXAMINER SHEETS: You're excused.

20 MR. BEELER: At this time also, your  
21 Honor, I would move for the admission of Staff  
22 Exhibit 2 as well, which are the comments and  
23 recommendations.

24 EXAMINER SHEETS: I'll admit that into  
25 evidence.

1 (EXHIBITS ADMITTED INTO EVIDENCE.)

2 EXAMINER SHEETS: Any other witnesses?

3 MR. SCHULER: Yes, your Honor. OCC would  
4 like to call Steve Hines to the stand.

5 (Witness sworn.)

6 EXAMINER SHEETS: Please be seated.

7 - - -

8 STEVEN B. HINES

9 being first duly sworn, as prescribed by law, was  
10 examined and testified as follows.

11 DIRECT EXAMINATION

12 By Mr. Schuler:

13 Q. Morning, Mr. Hines. Would you please  
14 state your full name and business address for the  
15 record?

16 A. My name is Steven B. Hines. My business  
17 address is 10 West Broad Street, Suite 1800,  
18 Columbus, Ohio, 43015.

19 Q. Are you the same Steve Hines whose direct  
20 testimony which is marked as Exhibit 1, OCC Exhibit 1  
21 that was filed in these cases?

22 A. Yes, I am.

23 Q. On whose behalf do you appear?

24 A. I appear on behalf of the Office of Ohio  
25 Consumers' Counsel and Duke Energy of Ohio's

1 residential customers.

2 Q. Do you have a copy of OCC Exhibit 1 with  
3 you on the stand?

4 A. I do.

5 MR. SCHULER: At this time, your Honor,  
6 I'd like to pass out copies. May I approach, your  
7 Honor?

8 EXAMINER SHEETS: Yes.

9 Q. Mr. Hines, what do you recognize OCC  
10 Exhibit 1 to be?

11 A. It's the direct testimony -- my direct  
12 testimony that I filed in this case.

13 Q. Did you prepare the testimony or have it  
14 prepared at your direction?

15 A. I prepared it myself.

16 Q. Do you have any changes or corrections to  
17 your direct testimony?

18 A. No, I don't have any changes.

19 Q. If I asked you the same questions today  
20 found in your direct testimony in OCC Exhibit 1,  
21 would your answers be the same?

22 A. They would be.

23 MR. SCHULER: Your Honor, at this time  
24 OCC moves for admission of OCC Exhibit 1 and tenders  
25 the witness for cross-examination.

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EXAMINER SHEETS: Very good.

Any questions for this witness?

MR. BEELER: No, your Honor.

EXAMINER SHEETS: You're excused.

OCC Exhibit 1 will be admitted into  
evidence.

(EXHIBIT ADMITTED INTO EVIDENCE.)

EXAMINER SHEETS: Any other witnesses?

(No response.)

HEARING OFFICER CRAWFORD: If there's  
nothing more to take care of today, consider this  
matter as submitted on record and I thank you all for  
coming.

MR. BEELER: Thank you.

EXAMINER SHEETS: Consider all exhibits  
admitted into evidence at this time.

(EXHIBITS ADMITTED INTO EVIDENCE.)

(Hearing adjourned at 10:11 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 Thursday, April 11, 2013, 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, 2018.

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

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**in**

**Case No(s). 12-3028-GA-RDR, 12-3029-GA-ATA**

Summary: Transcript in the matter of Duke Energy Ohio, Inc. hearing held on 04/11/13 electronically filed by Mrs. Jennifer Duffer on behalf of Armstrong & Okey, Inc. and Hennebert, Julieanna Mrs.