

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of Duke )  
Energy Ohio, Inc. for Administration of )  
the Significantly Excessive Earnings Test ) Case No. 13-804-EL-UNC  
Under Section 4928.143(F), Revised )  
Code, and Rule 4901:1-35-10, Ohio )  
Administrative Code, for 2012. )

ENTRY

The attorney examiner finds:

- (1) Duke Energy Ohio, Inc. (Duke) is a public utility as defined in Section 4905.02, Revised Code, and, as such, is subject to the jurisdiction of this Commission.
- (2) Pursuant to the directives of Section 4928.143(F), Revised Code, the Commission is required to evaluate the earnings of each electric utility's approved electric security plan to determine whether the plan or offer produces significantly excessive earnings for the electric utility. On April 15, 2013, Duke filed an application for the administration of the significantly excessive earnings test, as required by Section 4928.143(F), Revised Code, and Rule 4901:1-35-10, Ohio Administrative Code, for 2012.
- (3) In order to accomplish a review of Duke's application, the following procedural schedule is established for this proceeding:
  - (a) May 28, 2013 - deadline for the filing of motions to intervene.
  - (b) June 4, 2013 - deadline for the filing of testimony on behalf of Staff and intervenors.
  - (c) The evidentiary hearing shall commence on June 11, 2013, at 10:00 a.m., at the offices of the Commission, Hearing Room 11-C, 180 E. Broad Street, Columbus, Ohio.

- (4) In addition, in the event that Duke comes to an agreement with some or all of the parties in this case on some or all of the facts or issues in this case, the attorney examiner finds it appropriate to set forth a schedule for the filing of such stipulations prior to the commencement of the hearing in this case. Accordingly, Duke must file any applicable stipulation, by 9:00 a.m., on June 10, 2013.

It is, therefore,

ORDERED, That the procedural schedule for this proceeding be adopted as set forth in finding (3). It is, further,

ORDERED, That the parties adhere to the directive set forth in finding (4). It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/Katie Stenman

By: Katie L. Stenman  
Attorney Examiner

JRJ/sc

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

**Commission of Ohio Docketing Information System on**

**5/1/2013 8:25:57 AM**

**in**

**Case No(s). 13-0804-EL-UNC**

Summary: Attorney Examiner Entry orders a procedural schedule set forth in finding (3) and orders the parties to adhere to the directive set forth in finding (4). - electronically filed by Sandra Coffey on behalf of Katie Stenman, Attorney Examiner, Public Utilities Commission of Ohio