

Before
THE SUPREME COURT OF OHIO

Ohio Partners for Affordable Energy

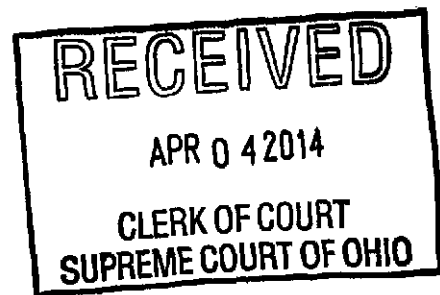
Appellant,

VS

The Public Utilities Commission
of Ohio

Appellee.

Supreme Court No. 14-0328



Being Before
THE PUBLIC UTILITIES COMMISSION OF OHIO

In the matter of the application of Duke Energy
Ohio, Inc. For an increase in gas rates.

In the matter of the application of Duke Energy
Ohio, Inc. For tariff approval.

In the matter of the application of Duke Energy
Ohio, Inc. for an Alternative rate plan for
gas distribution.

In the matter of the application of Duke Energy
Ohio, Inc. for Approval to change accounting
methods.

) Case No. 12-1685-GA-AIR

) Case No. 12-1686-GA-ATA

) Case No. 12-1687-GA-ALT

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<u>3/14/2013</u>	Public comment concerning the Duke Energy proposed rate increase filed by R.L. Salisbury.	Corres.
<u>3/18/2013</u>	Public comment opposing the proposed distribution rate increase and additional rider for Duke Energy filed by C.Rundo.	Corres.

<u>3/18/2013</u>	Duke Energy Ohio, Inc.'s memorandum contra The Office of Ohio Consumers' Counsel's interlocutory appeal from The March 8, 2013 Attorney Examiner entry electronically filed by Carys Cochern on behalf of Watts, Elizabeth H. Ms.	128
<u>3/19/2013</u>	Amended notice to take deposition upon oral examination of Jessica Bednarcik and request for production of documents by the Office of the Ohio Consumers' Counsel electronically filed by Patti Mallarnee on behalf of Sauer, Larry S.	129
<u>3/19/2013</u>	Public comment in opposition to the Duke Energy Ohio's proposed delivery rate increase filed by consumer, Bill Moehring.	Corres.
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<u>3/19/2013</u>	Amended notice to take deposition upon oral examination of Jessica Bednarcik and request for production of documents by the Office of the Ohio Consumers' Counsel electronically filed by Patti Mallarnee on behalf of Sauer, Larry S.	131
<u>3/20/2013</u>	Joint Motion to Continue Hearing and memorandum in support electronically filed by Carys Cochern on behalf of Watts, Elizabeth H.Ms.	132
<u>3/20/2013</u>	Amended motion for permission to appear pro hac vice of Kay Pashos electronically filed by Mr. Christopher L. Miller on behalf of Duke Energy Ohio, Inc.	133
<u>3/20/2013</u>	Entry ordered, that OCC's interlocutory appeal be denied and the attorney examiner's granting of the motion to compel is affirmed.	134

<u>3/20/2013</u>	Letter in opposition to the proposed Duke Energy distribution rate increase filed by E. Nicholas on behalf of Holy Trinity Greek Orthodox Church.	Corres.
<u>3/20/2013</u>	Letter in opposition to the proposed Duke Energy distribution rate increase filed by D. Mintzer on behalf of Sycamore Christian Church.	Corres.
<u>3/20/2013</u>	Letter in opposition to the proposed Duke Energy distribution rate increase filed by T. Roedersheimer on behalf of Deerfield Digital Printing Company.	Corres.
<u>3/21/2013</u>	Letter in opposition to the proposed Duke Energy rate increase in gas distribution rates filed by J. Hunter on behalf of Frisch's.	Corres.
<u>3/22/2013</u>	Notice of Appearance of Counsel, Kevin N. McMurray, electronically filed by Carys Cochern on behalf of Duke Energy.	135
<u>3/22/2013</u>	Public comment expressing strong concern over the alarming increase in electric and natural gas distribution rates filed by F.N.Stertz Jr. Owner and Rosanne K. Stertz. on behalf of Frankenrose Restaurants, Inc.	Corres.
<u>3/25/2013</u>	Public hearing Witness Sign-in Sheets filed by Staff.	136
<u>3/26/2013</u>	Letter in opposition to the proposed Duke Energy distribution rate increase filed by Thomas Fiorini on behalf of Cincinnati Sports Club.	Corres.
<u>3/27/2013</u>	Letter in opposition to the proposed Duke Energy distribution rate increase filed by Cary Furniss on behalf of Reading Community City School District.	Corres.

<u>3/27/2013</u>	Letter in opposition to the proposed Duke Energy distribution rate increase filed by Joe Maas on behalf of JTM Food Group.	Corres.
<u>3/27/2013</u>	Letter in opposition to the proposed Duke Energy distribution rate increase filed by Ronda C. Johnson on behalf of Wyoming City School District.	Corres.
<u>3/27/2013</u>	Letter in opposition to the proposed Duke Energy distribution rate increase filed by William G. Moehring on behalf of Cincinnati Public Schools.	Corres.
<u>3/27/2013</u>	Letter in opposition to the proposed Duke Energy distribution rate increase filed by Mark Babey on behalf of Specialty Lithographing Co.	Corres.
<u>3/27/2013</u>	Letter in opposition to the proposed Duke Energy distribution rate increase filed by Douglas Frontz on behalf of Cincinnati Eye Institute.	Corres.
<u>3/27/2013</u>	Letter in opposition to the proposed Duke Energy distribution rate increase filed by John Hunter on behalf of Frisch's Restaurants, Inc.	Corres.
<u>3/29/2013</u>	Second Amended Notice to Take Deposition Upon Oral Examination of Jessica Bednarcik and Request for Production of Documents by the Office of the Ohio Consumers' Counsel electronically filed by Patti Mallarnee on behalf of Sauer, Larry S.	137
<u>3/29/2013</u>	Notice to Take Deposition Upon Oral Examination of Kevin Margolis and Request for Production of Documents by the Office of the Ohio Consumers' Counsel electronically filed by Patti Mallarnee on behalf of Sauer, Larry S.	

3/29/2013 Transcript of the public hearing that was held before the Public Utilities Commission of Ohio, at the Union Township Civic Center Hall, 4350 Aicholtz Road Cincinnati, Ohio 45245, before Katie Stenman, Attorney Examiner with the Public Utilities Commission of Ohio, on Wednesday, February 20, 2013, at 6:30 p.m. Trans.

3/29/2013 Transcript of the hearing that was held before the Public Utilities Commission of Ohio, at the Fairfield Township Administrative Building, 6032 Morris Road, Fairfield Township, Hamilton, Ohio 45011, before Katie Stenman, Attorney Examiner with the Public Utilities Commission of Ohio, on Tuesday, February 19, 2013, at 6:30 p.m. Trans.

3/29/2013 Transcript of the hearing that was held before the Public Utilities Commission of Ohio, at the City Building, City Council Chambers, Lower Level, 1 Donham Plaza, Middletown, Ohio 45042, before Christine Pirik, Attorney Examiner with the Public Utilities Commission of Ohio, on Monday February 25, 2013, at 6:30 p.m. Trans.

3/29/2013 Transcript of the hearing was held before the Public Utilities Commission of Ohio, at the Cincinnati City Hall, Council Chambers, 3rd Floor, 801 Plum Street, Cincinnati, Ohio 45202, before Christine Pirik, Attorney Examiner and Commissioner Steve Lesser with the Public Utilities Commission of Ohio, on Thursday, February 28, 2013, at 12:30 p.m. Trans.

4/2/2013 Second Supplemental Testimony of William Don Wathen JR. in support of settlement on behalf of DUKE ENERGY OHIO, INC. electronically filed by Carys Cochern on behalf of Watts, Elizabeth H. Ms. 139

4/2/2013 Stipulation and Recommendation electronically filed by Carys Cochern on behalf of Watts, Elizabeth H. Ms.

<u>4/2/2013</u>	Notice of Deposition Duces Tecum of Duke Energy Ohio, Inc. for OCC witness James Campbell electronically filed by Dianne Kuhnell on behalf of Watts, Elizabeth H. and Spiller, Amy B. and Duke Energy Ohio, Inc. and Rocco D'Ascenzo.	141
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<u>4/3/2013</u>	Public comment opposing Duke Energy Ohio, Inc. rate increase filed by M. LaRosa on behalf LaRosa's Pizzeria.	Corres.
<u>4/3/2013</u>	Public comment opposing Duke Energy Ohio, Inc. rate increase filed by D. Wheeler on behalf of Target Management & Leasing Inc.	Corres.
<u>4/4/2013</u>	Attorney Examiner Entry grants movants' motion for extension of the hearing date and sets forth a procedural schedule in accordance with finding (5). - electronically filed by Sandra Coffey on behalf of Katie Stenman, Attorney Examiner, Public Utilities Commission of Ohio.	142
<u>4/5/2013</u>	Third Amended Notice to Take Deposition Upon Oral Examination of Jessica Bednarcik and Request for Production of Documents by the Office of the Ohio Consumers' Counsel electronically filed by Patti Mallarnee on behalf of Sauer, Larry S.	143
<u>4/5/2013</u>	Amended Notice to Take Deposition Upon Oral Examination of Kevin Margolis and Request for Production of Documents by the Office of the Ohio Consumers' Counsel electronically filed by Patti Mallarnee on behalf of Sauer, Larry S.	144

<u>4/8/2013</u>	Amended notice of deposition of Duke Energy Ohio, Inc. to take deposition duces tecum of OCC witness James Campbell electronically filed by Carys Cochern on behalf of Watts, Elizabeth H. Ms.	145
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<u>4/15/2013</u>	Tariffs Filed in Compliance with Stipulation electronically filed by Carys Cochern on behalf of Watts, Elizabeth H. Ms.	148
<u>4/16/2013</u>	Motion of Duke Energy Ohio, Inc., and memorandum in support to Strike the Testimony of James R. Campbell electronically filed by Carys Cochern on behalf of Watts, Elizabeth H. Ms.	149
<u>4/16/2013</u>	Motion of Duke Energy Ohio, Inc., and memorandum in support to Clarify the Scope of These Proceedings electronically filed by Carys Cochern on behalf of Watts, Elizabeth H. Ms.	150
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<u>4/24/2013</u>	Joint motion to strike Duke's new expert testimony by the Office of the Ohio Consumers' Counsel and Ohio Partners for Affordable Energy and memorandum in support electronically filed by Patti Mallarnee on behalf of Sauer, Larry S.	169

<u>4/25/2013</u>	Joint Motion for Continuance of the Evidentiary Hearing, Extension of the Discovery Schedule to Provide for Discovery and Depositions on Duke's New Testimony, Permission to File Supplemental Testimony in Response to Duke's New Testimony and Request for Expedited Ruling by the Office of the Ohio Consumers' Counsel, and, memorandum in support and Ohio Partners for Affordable Energy electronically filed by Patti Mallarnee on behalf of Sauer, Larry S.	170
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<u>5/14/2013</u>	PUCO Exhibit Filing.	Exh.
<u>5/14/2013</u>	Confidential target: Exhibit 6.1 filed by K. S. Gibson on behalf of Armstrong & Okey, Inc. (2pgs)	Conf.
<u>5/14/2013</u>	Transcript in the matter of Duke Energy Ohio hearing held on 04/30/13 - Volume II electronically filed by Mrs. Jennifer Duffer on behalf of Armstrong & Okey, Inc. and Gibson, Karen Sue Mrs.	Trans.
<u>5/14/2013</u>	Transcript in the matter of Duke Energy Ohio hearing held on 04/29/13 - Volume I electronically filed by Mrs. Jennifer Duffer on behalf of Armstrong & Okey, Inc. and Gibson, Karen Sue Mrs.	Trans.
<u>5/15/2013</u>	PUCO Exhibit filing - Staff 5.	Exh.
<u>5/15/2013</u>	Transcript in the matter of Duke Energy Ohio hearing held before Ms. Christine M. T. 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 9:00 a.m. on Wednesday, May 1, 2013. Volume III - Public Version electronically filed by Mrs. Jennifer Duffer on behalf of Armstrong & Okey, Inc. and Gibson, Karen Sue Mrs.	Trans.

<u>5/15/2013</u>	Confidential target: Proceedings before Chris Pirik and Katie Stenman on May 1, 2013. (8 pages)	Conf.
<u>5/16/2013</u>	PUCO Exhibit Filing, DEO 29 and OCC 16, Vol IV.	Exh.
<u>5/16/2013</u>	Transcript of the Duke Energy Ohio hearings - Composite Index - Volumes I - IV electronically filed by Mrs. Jennifer Duffer on behalf of Armstrong & Okey, Inc. and Gibson, Karen Sue Mrs.	Trans.
<u>5/16/2013</u>	Transcript for hearing held on 05/02/13 - Volume IV at the Public Utilities Commission of Ohio, 180 East Broad Street, Columbus, Ohio 43215, Room 11-A, electronically filed by Mrs. Jennifer Duffer on behalf of Armstrong & Okey, Inc. and Gibson, Karen Sue Mrs.	Trans.
<u>6/6/2013</u>	Post-Hearing Brief of The Kroger Co. electronically filed by Mrs. Kimberly W. Bojko on behalf of The Kroger Co.	179
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<u>6/6/2013</u>	Motion to Take Administrative Notice by the Office of the Ohio Consumers' Counsel and Memorandum in Support electronically filed by Ms. Deb J. Bingham on behalf of Sauer, Larry S.	182
<u>6/6/2013</u>	Post-Hearing Brief by the Office of the Ohio Consumers' Counsel and Ohio Partners for Affordable Energy electronically filed by Patti Mallarnee on behalf of Sauer, Larry S.	183

<u>6/6/2013</u>	Initial Post Hearing Brief of the Staff of The Public Utilities Commission of Ohio electronically filed by Mrs. Tonnetta Y Scott on behalf of PUCO.	184
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<u>6/20/2013</u>	Reply Brief by the Office of the Ohio Consumers' Counsel and Ohio Partners for Affordable Energy electronically filed by Patti Mallarnee on behalf of Sauer, Larry S.	192
<u>6/20/2013</u>	Reply Brief of The Kroger Co. electronically filed by Mrs. Kimberly W. Bojko on behalf of The Kroger Co.	193
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<u>6/21/2013</u>	Memorandum contra Columbia Gas of Ohio, Inc.'s Motion for Leave to file Amicus Curiae Brief and Reply Brief by the Office of the Ohio Consumers' Counsel electronically filed by Ms. Deb J. Bingham on behalf of Serio, Joseph P. Mr.	196
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Corres.

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<u>11/25/2013</u>	Revised tariffs for PUCO nos.10 & 18 filed on behalf of Duke Energy by J. Ziolkowski.	203
<u>11/26/2013</u>	Revised tariff pages, PUCO Tariff No. 18, filed by J. Ziolkowski on behalf of Duke Energy.	204
<u>11/27/2013</u>	Tariff pages, PUCO Tariff No. 10 filed by E. Watts on behalf of Duke Energy.	205
<u>12/2/2013</u>	Motion for a stay and memorandum in support to prevent Duke from charging Manufactured Gas Clean-Up Costs to customers while the process is pending for rehearing and any appeals or, in the alternative, motion to make Duke's impending rates for charging Manufactured Gas Clean-Up Costs to customers subject to refund pending the outcome of rehearing and any appeals by Office of the Ohio Consumers' Counsel, Kroger Company, Ohio Manufacturers' Association and Ohio Partners for Affordable Energy, electronically filed by Patti Mallarnee on behalf of Sauer, Larry S.	206

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<u>12/23/2013</u>	Memorandum Contra Duke Energy Ohio Inc.'s Application for Rehearing by the Office of the Ohio Consumers' Counsel, Kroger Company, Ohio Manufacturers' Association and Ohio Partners for Affordable Energy electronically filed by Patti Mallarnee on behalf of Sauer, Larry S.	213
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<u>2/19/2014</u>	Entry denying Movants' motion to stay the November 13, 2013 Order, with regard to its authorization of Duke to collect money through Rider MGP and approving Duke's proposed tariffs, filed on November 27, 2013, reflecting the authorized amount to be included in Rider MGP with concurring and dissenting opinion of Commissioners Steven D. Lesser and Asim Z. Haque.	217
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3/10/2014 Third Notice of Appeal by The Kroger Company. (SC#
14-0328)

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**Before
THE SUPREME COURT OF OHIO**

Ohio Partners for Affordable Energy)	
)	
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Appellant,)	
)	
VS)	Supreme Court No. 14-0328
)	
)	
The Public Utilities Commission of Ohio)	
)	
)	
)	
)	
Appellee.)	

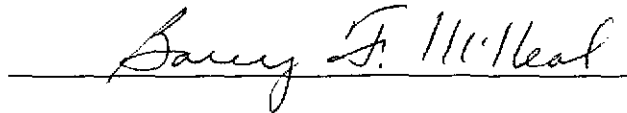
**Being Before
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the matter of the application of Duke Energy Ohio, Inc. For an increase in gas rates.)	Case No. 12-1685-GA-AIR
)	
)	
In the matter of the application of Duke Energy Ohio, Inc. For tariff approval.)	Case No. 12-1686-GA-ATA
)	
)	
In the matter of the application of Duke Energy Ohio, Inc. for an Alternative rate plan for gas distribution.)	Case No. 12-1687-GA-ALT
)	
)	
In the matter of the application of Duke Energy Ohio, Inc. for Approval to change accounting methods.)	Case No. 12-1688-GA-AAM
)	

CERTIFICATION

I, Renee' J. Jenkins, the duly appointed and qualified Secretary of The Public Utilities Commission of Ohio, in whose custody the books, records, and files of said Commission are kept, do hereby certify there is transmitted herewith the docket entries of the Commission, ICN No. 1-222, the **Opinion and Order dated 11/13/2013** and the **Entry on Rehearing dated 1/8/2014** and inclusive; and the Certification of the record in Case No.'s **12-1685-GA-AIR, 12-1686-GA-ATA, 12-1687-GA-ALT and 12-1688-GA-AAM**.

IN WITNESS THEREOF, I have thereunto set my hand
and affixed the official seal of The Public Utilities Commission
of Ohio this 4th day of APRIL, 2014.

A handwritten signature in cursive script, reading "Barcy F. McNeal", is written over a horizontal line.

Barcy F. McNeal, Secretary
Tanowa Troupe, Acting Secretary
Holly Karg, Acting Secretary

THE PUBLIC UTILITIES COMMISSION OF OHIO