

BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

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In the Matter of the :
Application of Duke Energy :
Ohio, Inc., for :
Administration of the : Case No. 14-0577-EL-UNC
Significantly Excessive :
Earnings Test under R.C. :
Section 4928.143(F) and :
Ohio Adm. Code 4901:1-35-10 :
for 2013. :

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PROCEEDINGS

Before Christine M.T. Pirik, Deputy Legal Director,
at the Public Utilities Commission of Ohio, 180 East
Broad Street, Room 11-D, Columbus, Ohio, called at
9:58 a.m. on Thursday, June 5, 2014.

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APPEARANCES:

Duke Energy Ohio, Inc.
By Jeanne W. Kingery, Esq.
Amy B. Spiller, Esq.
Elizabeth H. Watts, Esq.
139 East Fourth Street
Cincinnati, Ohio 45201

On behalf of the Company.

Michael DeWine, Ohio Attorney General
By Thomas W. McNamee, Esq.
Assistant Attorney General
180 East Broad Street, 6th Floor
Columbus, Ohio 43215

On behalf of the Staff of the PUCO.

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1 Thursday Morning Session,
2 June 5, 2014.

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4 ATTORNEY EXAMINER PIRIK: We'll go on
5 the record in the matter of the Application of Duke
6 Energy Ohio for Administration of the Significantly
7 Excessive Earnings Test under R.C. Section
8 4928.143(F) and Ohio Administrative Code 4901:1-35-10
9 for 2013.

10 My name is Christine Pirik. I am the
11 Deputy Legal Director, and I am assigned to hear this
12 case.

13 At this time, I'll take appearances on
14 behalf of the parties.

15 On behalf of the Company.

16 MS. KINGERY: Yes. Thank you, your
17 Honor. Amy Spiller, Elizabeth Watts, and Jeanne
18 Kingery on behalf of Duke Energy Ohio, 139 East
19 Fourth Street, Cincinnati, Ohio.

20 ATTORNEY EXAMINER PIRIK: On behalf of
21 Staff.

22 MR. McNAMEE: Yes. The Staff of the
23 Public Utilities Commission of Ohio, Thomas W.
24 McNamee, Assistant Attorney General. The address is
25 180 East Broad Street, Columbus, Ohio.

1 ATTORNEY EXAMINER PIRIK: Thank you.

2 I'll turn to the Company. I know we have some
3 exhibits and perhaps a stipulation.

4 MS. KINGERY: Yes, your Honor. Thank
5 you. I would ask that the -- that you would mark as
6 Duke Energy Ohio Exhibit 1 the Application that was
7 filed in the docket on April 30, 2014.

8 ATTORNEY EXAMINER PIRIK: The document
9 will be so marked.

10 MS. KINGERY: And I would also ask that
11 you would similarly mark the testimony of Peggy A.
12 Laub, that's L-a-u-b, docketed the same day, April
13 13, 2014, and mark that as Duke Energy Ohio
14 Exhibit 2.

15 ATTORNEY EXAMINER PIRIK: The document
16 is so marked.

17 MS. KINGERY: And we have, as Mr.
18 McNamee pointed out, we have a Stipulation and
19 Recommendation that was docketed on June 3rd, 2014,
20 and I would ask that you mark that as Joint
21 Exhibit 1.

22 ATTORNEY EXAMINER PIRIK: The document
23 is so marked.

24 MS. KINGERY: Thank you. And I would
25 move for admission of those three exhibits.

1 ATTORNEY EXAMINER PIRIK: Thank you.

2 Are there any objections?

3 MR. McNAMEE: No.

4 ATTORNEY EXAMINER PIRIK: Hearing none,
5 those exhibits will be admitted into the record.

6 (EXHIBITS ADMITTED INTO EVIDENCE.)

7 MS. KINGERY: And I would also note that
8 Miss Laub, although her testimony has been admitted,
9 Staff has agreed to waive cross of her testimony.

10 ATTORNEY EXAMINER PIRIK: Thank you.

11 Is there anything else that we need to
12 put on the record?

13 MR. McNAMEE: Do you want him to
14 testify?

15 ATTORNEY EXAMINER PIRIK: As to the
16 Stipulation? We'll go off the record for a minute.

17 (Discussion off the record.)

18 ATTORNEY EXAMINER PIRIK: We'll go back
19 on the record.

20 Mr. McNamee.

21 MR. McNAMEE: Yes, your Honor. I'd like
22 to call Joseph Buckley to the stand, your Honor.

23 ATTORNEY EXAMINER PIRIK: Raise your
24 right hand.

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JOSEPH BUCKLEY,
being first duly sworn, as prescribed by law, was
examined and testified as follows:
ATTORNEY EXAMINER PIRIK: You may be
seated.
DIRECT-EXAMINATION
BY MR. McNAMEE:
Q. Mr. Buckley, would you state and spell
your name for the record, please.
A. It's Joseph Buckley, J-o-s-e-p-h
B-u-c-k-l-e-y.
Q. What is your business address?
A. 180 East Broad Street, Columbus, Ohio
43215.
Q. By whom are you employed and in what
capacity?
A. The Public Utilities Commission of Ohio,
and I'm a Utility Rate -- or a Utility Specialist 3.
Q. Okay. Mr. Buckley, you, I assume, have
heard the marking of several exhibits, the
Stipulation and Recommendation, Joint Exhibit 1, and
also the Company's two exhibits, the testimony of
Miss Laub and the Application. You are familiar with
those documents, are you not?
A. Yes, I am.

1 Q. Good. Have you reviewed the Company's
2 Application and the testimony of Miss Laub filed in
3 this case?

4 A. Yes, I have.

5 Q. Okay. Is it your opinion that the
6 Company does not have -- has not had significant
7 excessive earnings during this period?

8 A. We do not believe that they overearned
9 during the period examined.

10 Q. Okay. Now let's turn specifically to
11 the Stipulation and Recommendation. Are you familiar
12 with that document?

13 A. I am.

14 Q. Good. Do you believe that it was -- it
15 was negotiated by knowledgeable parties?

16 A. I do.

17 Q. Okay. Does it violate any regulatory
18 policy, principle, or practice?

19 A. Not that I know of.

20 Q. Good. Does it advance the public
21 interest?

22 A. I believe it does.

23 Q. Good.

24 With that, I have no further questions.

25 ATTORNEY EXAMINER PIRIK: Thank you.

1 Any cross?

2 MS. KINGERY: No cross. Thank you, your
3 Honor.

4 ATTORNEY EXAMINER PIRIK: Okay. Thank
5 you, Mr. Buckley.

6 (Witness excused.)

7 ATTORNEY EXAMINER PIRIK: Is there
8 anything further?

9 MR. McNAMEE: No, your Honor. I believe
10 the Stipulation and Recommendation resolves the only
11 issue in the case, and there's nothing else to be
12 said.

13 MS. KINGERY: Nothing further from the
14 Company. Thank you, your Honor.

15 ATTORNEY EXAMINER PIRIK: We will
16 conclude this hearing, and we will put the record
17 before the Commission for consideration. Thank you.

18 MS. KINGERY: Thank you.

19 (Thereupon, the hearing was concluded at
20 10:03 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, June 5, 2014,
and carefully compared with my original stenographic
notes.

Valerie J. Sloas, Registered
Professional Reporter and
Notary Public in and for
the State of Ohio.

My commission expires June 8, 2016.
(VJS-75744)

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in

Case No(s). 14-0577-EL-UNC

Summary: Transcript in the matter of Duke Energy Ohio, Inc. hearing held on 06/05/14 electronically filed by Mrs. Jennifer Duffer on behalf of Armstrong & Okey, Inc. and Sloas, Valerie J. Mrs.