

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Duke)
Energy Ohio, Inc., for an Increase in its) Case No. 12-1685-GA-AIR
Natural Gas Distribution Rates.)

In the Matter of the Application of Duke) Case No. 12-1686-GA-ATA
Energy Ohio, Inc., for Tariff Approval.)

In the Matter of the Application of Duke)
Energy Ohio, Inc. for Approval of an) Case No. 12-1687-GA-ALT
Alternative Rate Plan for Gas)
Distribution Service.)

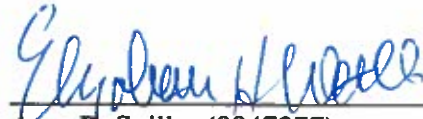
In the Matter of the Application of Duke)
Energy Ohio, Inc., for Approval to) Case No. 12-1688-GA-AAM
Change Accounting Methods.)

**DUKE ENERGY OHIO, INC.'S MOTION TO REINSTATE TARIFF AND
REQUEST FOR EXPEDITED TREATMENT**

Now comes Duke Energy Ohio, Inc., (Duke Energy Ohio or Company) and hereby respectfully moves the Public Utilities Commission of Ohio (Commission) to reinstate tariffs that were final-filed pursuant to the Commission's Entry in these proceedings on May 28, 2014. Duke Energy Ohio requests that the Commission permit it to reinstate the tariffs at rates being recovered at the time the tariffs were suspended. Duke Energy Ohio further respectfully request that the Commission order the reinstitution of the tariffs commensurate with the Company's first billing cycle after the order is approved. Duke Energy Ohio requests that the Commission grant this motion on an expedited basis pursuant to Rule 4901-1-12(C), so that the Company may reinstitute the Rider with the December billing cycle.

Duke Energy Ohio tenders the following memorandum in support of its request.

Respectfully submitted,
DUKE ENERGY OHIO, INC.



Amy B. Spiller (0047277)
Deputy General Counsel
Associate General Counsel
Elizabeth H. Watts (0031092)
Associate General Counsel
Duke Energy Business Services LLC
139 East Fourth Street
Cincinnati, Ohio 45202
513-287-4359 (telephone)
513-287-4385 (facsimile)

MEMORANDUM IN SUPPORT

Duke Energy Ohio submitted an application for an increase in distribution gas rates in these proceedings on June 7, 2012. On April 15, 2013, the parties filed a Stipulation and Recommendation that served to resolve all issues in the case but for Duke Energy Ohio's request to recover lawfully incurred business expenses for remediation of former manufactured gas plant (MGP) sites. The issue of the recovery of environmental remediation costs was litigate in May 2013. By Opinion and Order issued on November 13, 2013, the Commission approved the Stipulation and Recommendation and further found that the Company had sustained its burden of proof that it had prudently incurred MGP investigation and remediation costs, and authorized the Company to file proposed tariffs reflecting the amount to be included in Rider MGP for review and approval. Duke Energy Ohio filed such tariffs on November 27, 2013, and began collecting under Rider MGP on November 27, 2013.

Issues related to the Commission's approval of Duke Energy Ohio's recovery of lawfully incurred costs for environmental investigation and remediation of MGP sites were appealed to the Ohio Supreme Court by Ohio Partners for Affordable Energy, The Office of the Ohio Consumers' Counsel, Ohio Manufacturers' Association, and The Kroger Company (collectively, appellants). Appellants also jointly moved to stay the Commission's order in the Ohio Supreme Court on March 17, 2014. The Court granted the motion on May 14, 2014, without requiring that a bond be posted under R.C. 4903.16. This ruling was challenged by Duke Energy Ohio.

On May 28, 2014, the Commission, in deference to the Court's May 14, 2014, ruling, required Duke Energy Ohio to file tariffs in accordance with the Court's ruling. Duke Energy Ohio filed the required tariffs on June 13, 2014.

On July 29, 2014, the Ohio Supreme Court found that appellants were obligated to post a bond in order to effectuate the stay and further invited argument from the parties as to the amount of the bond. On November 5, 2014, the Ohio Supreme Court ruled that the appellants in that proceeding must post bond by November 17, 2014, in the amount of \$2,506,295 with the clerk of the Ohio Supreme Court in order to continue the stay that had been granted in May of 2014.

Appellants have not posted a bond in the required amount. Accordingly, Duke Energy Ohio respectfully requests that the Commission reinstate the tariffs that it previously approved.. The Company requests that the Commission order reinstatement of rates being recovered at the time the tariffs were suspended. Duke Energy Ohio further respectfully request that the Commission order the reinstitution of the tariffs commensurate with the Company's first billing cycle after the order is approved. Duke Energy Ohio requests that the Commission grant this motion on an expedited basis pursuant to Rule 4901-1-12(C) in order to reinstitute rates with the December billing cycle.

Respectfully submitted,



Amy B. Spiller (0047277)

Deputy General Counsel

Associate General Counsel

Elizabeth H. Watts (0031092)

Associate General Counsel

Duke Energy Business Services LLC

139 East Fourth Street

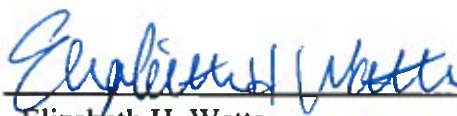
Cincinnati, Ohio 45202

513-287-4359 (telephone)

513-287-4385 (facsimile)

CERTIFICATE OF SERVICE

The undersigned certifies that, on this 18th day of November, 2014, a copy of the foregoing Motion to Reinstate Tariff was served by ordinary mail, on the following:


Elizabeth H. Watts

Thomas J. O'Brien
Bricker & Eckler LLP
100 South Third Street
Columbus, Ohio 43215
tobrien@bricker.com

Counsel for the City of Cincinnati

Brian McIntosh
McIntosh & McIntosh
1136 Saint Gregory Street
Suite 100
Cincinnati, Ohio 45202
brian@mcintoshlaw.com

Counsel for Stand Energy Corporation

Joseph P. Serio, Counsel of Record
Larry S. Sauer
Assistant Consumers' Counsel
Office of the Ohio Consumers' Counsel
10 West Broad Street, Suite 1800
Columbus, Ohio 43215-3485
serio@occ.state.oh.us
sauer@occ.state.oh.us

**Attorneys for the Ohio Consumers'
Counsel**

Vincent Parisi
Matthew White
Interstate Gas Supply, Inc.
6100 Emerald Parkway
Dublin, Ohio 43016
vparisi@igsenergy.com
mswhite@igsenergy.com

Attorneys for Interstate Gas Supply, Inc.

Colleen L. Mooney
Ohio Partners for Affordable Energy
231 West Lima St.
Findlay, OH 45839-1793
Cmooney2@columbus.rr.com

Counsel for OP&A

Douglas E. Hart
441 Vine Street, Suite 4192
Cincinnati, OH 45202
dhart@douglasshart.com

**Attorney for The Greater
Cincinnati Health Council and the
Cincinnati Bell Telephone Company**

Thomas McNamee
Devin Parram
Assistant Attorneys General
Public Utilities Section
180 East Broad St., 6th Floor
Columbus, Ohio 43215
Thomas.mcnamee@puc.state.oh.us
Devin.parram@puc.state.oh.us

Counsel for Staff of the Commission

Edmund J. Berger
6035 Red Winesap Way
Dublin, OH 43016
berger@occ.state.oh.us

**Attorney for the Ohio Consumers'
Counsel**

Joseph M. Clark
21 East State Street, Suite 1900
Columbus, OH 43215
joseph.clark@directenergy.com

**Attorney for Direct Energy Services,
LLC, and Direct Energy Business, LLC**

Andrew J. Sonderman
Kegler, Brown, Hill & Ritter LPA
Capitol Square, Suite 1800
65 East State Street
Columbus, Ohio 43215
asonderman@keglerbrown.com

**Attorney for People Working
Cooperatively, Inc.**

Kimberly W. Bojko
Mallory M. Mohler
Carpenter Lipps & Leland LLP
280 North High Street #1300
Columbus, OH 43215
Bojko@carpenterlipps.com
Mohler@carpenterlipps.com

Attorneys for The Kroger Co.

Robert A. Brundrett
33 N. High Street
Columbus, Ohio 43215

**Attorneys for Ohio Manufacturers'
Association**

M. Howard Petricoff, Trial Counsel
Stephen M. Howard
52 East Gay Street
P. O. Box 1008
Columbus, Ohio 43216-1008
mhpetricoff@vorys.com
smhoward@vorys.com

Attorneys for Interstate Gas Supply, Inc.

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

11/18/2014 1:15:11 PM

in

Case No(s). 12-1685-GA-AIR, 12-1686-GA-ATA, 12-1687-GA-ALT, 12-1688-GA-AAM

Summary: Motion DUKE ENERGY OHIO, INC.'S MOTION TO REINSTATE TARIFF AND REQUEST FOR EXPEDITED TREATMENT electronically filed by Carys Cochern on behalf of Watts, Elizabeth H. Ms.