

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 Change) Case No. 12-1688-GA-AAM
Accounting Methods.)

ENTRY

The Commission finds:

- (1) Duke Energy Ohio, Inc. (Duke), is a natural gas company as defined by R.C. 4905.03 and a public utility as defined by R.C. 4905.02 and, as such, is subject to the jurisdiction of this Commission, pursuant to R.C. 4905.04, 4905.05, and 4905.06.
- (2) By Opinion and Order issued November 13, 2013, the Commission approved the Stipulation and Recommendation, which, inter alia, provided that the parties would litigate the issues related to Duke's request to recover costs for the investigation and remediation of its manufactured gas plants (MGPs). Through this Order, the Commission also concluded, upon review of the litigated MGP issues, that Duke sustained its burden to prove that it prudently incurred MGP investigation and remediation costs, less certain costs and charges, in accordance with R.C. 4909.15(A)(4). Therefore, Duke was authorized to file proposed tariffs reflecting the amount to be included in Rider MGP for review and approval.
- (3) On November 27, 2013, consistent with the November 13, 2013 Order, Duke filed its proposed tariffs.

- (4) By Entry on Rehearing issued January 8, 2014, the Commission denied the applications for rehearing filed by various parties, reaffirming its November 13, 2013 Order.
- (5) By Entry issued February 19, 2014, the Commission denied the motion to stay of the Commission's November 13, 2013 Order, with regard to its authorization of Duke to collect money from its customers, through Rider MGP, which was filed by the Ohio Consumers' Counsel (OCC), Ohio Partners for Affordable Energy (OPAE), the Kroger Company (Kroger), and the Ohio Manufacturers' Association (OMA). In addition, through this Entry, the Commission approved Duke's proposed tariffs, which were filed on November 27, 2013, reflecting the authorized amount to be included in Rider MGP.
- (6) On March 5, 2014, OPAE filed notice of appeal with the Ohio Supreme Court of the Commission's November 13, 2013 Order, as it relates to the determinations regarding recovery of costs through Rider MGP. *In re Application of Duke Energy Ohio, Inc.*, 2014-0328 (2014-0328). OCC, OMA, and Kroger filed notice of appeal on March 10, 2014. On March 17, 2014, OPAE, OCC, OMA, and Kroger (appellants) filed a joint motion to stay the effective date of Rider MGP with the Court.
- (7) On May 14, 2014, in 2014-0328, the Court granted appellants' joint motion to stay the Commission's November 13, 2013 Order with regard to the implementation of Rider MGP.
- (8) On May 20, 2014, in 2014-0328, Duke filed a motion to lift the stay ordered by the Court or, in the alternative, to require the payment of a bond by appellants. On May 23, 2014, in 2014-0328, appellants filed a motion to strike Duke's May 20, 2014 motion and, on May 30, 2014, appellants filed a memorandum opposing Duke's motion to lift the stay.
- (9) By Entry issued May 28, 2014, in the above-captioned cases, the Commission determined that, in deference to the Court's May 14, 2014 ruling, it was appropriate to require Duke to file tariffs in compliance with the Court's ruling. Further, the Commission stated that, should the Court determine, after review of the pending motions, that the stay should be lifted, the Commission would issue an appropriate procedural entry.

- (10) On June 13, 2014, Duke filed tariffs in these cases conforming to the Court's ruling.
- (11) In 2014-0328, briefs regarding the bond requirements were filed with the Court on August 12 and 13, 2014, and reply briefs on this issue were filed on August 22 and 25, 2014.
- (12) On November 5, 2014, in 2014-0328, the Court ordered that the appellants must post bond in the amount of \$2,506,295 with the clerk of the Court to continue the stay. The Court stated that, if appellants failed to post the bond within 10 days of the date of the entry, the stay would be lifted.
- (13) On November 18, 2014, in the above-captioned cases, Duke filed a motion to reinstate its tariffs reflecting the amount to be included in Rider MGP. In support of its motion, Duke noted that the appellants did not post the requisite bond in the amount required by the Court. Therefore, Duke requested the Commission order reinstatement of the rates being recovered at the time the tariffs were suspended commensurate with Duke's first billing cycle after the order is issued. No memorandum contra Duke's motion was filed.
- (14) Upon consideration of Duke's November 18, 2014 motion, the Commission finds that it is reasonable in light of the Court's November 18, 2014 ruling and, therefore, it should be granted. Accordingly, Duke should be authorized to file final tariffs to reinstate the Rider MGP rates being recovered at the time the tariffs were suspended.


It is, therefore,


ORDERED, That, in accordance with finding (14), Duke's November 18, 2014 motion is granted. It is, further,

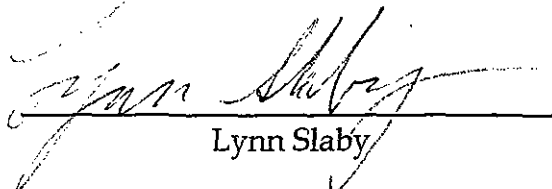
ORDERED, That, in accordance with finding (14), Duke may file, in final form, complete copies of its tariffs reinstating its Rider MGP rates, one copy in its TRF docket and one copy in these case dockets. The effective date of the revised tariffs shall be the date the final tariff pages are filed with the Commission. It is, further,

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

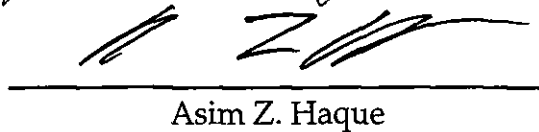
THE PUBLIC UTILITIES COMMISSION OF OHIO


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Entered in the Journal

JAN 14 2015


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Secretary