

FILE

BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

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In the Matter of the Application)
for Recovery of Costs, Lost)
Margin, and Performance Incentive) Case No. 09-283-EL-UNC
Associated with the Implementation)
of Electric Residential Demand Side)
Management Programs)
by Duke Energy Ohio)

STIPULATION AND RECOMMENDATION

Rule 4901-1-30, Ohio Administrative Code (O.A.C.) provides that any two or more parties to a proceeding may enter into a written stipulation covering the issues presented in such a proceeding. The purpose of this document is to set forth the understanding and agreement of the Parties who have signed below (Parties) and to recommend that the Public Utilities Commission of Ohio (Commission) approve and adopt this Stipulation and Recommendation (Stipulation), which resolves all of the issues raised by Duke Energy Ohio (DE-Ohio) in these cases relative to implementation of residential and non-residential demand side management programs.

This Stipulation is supported by adequate data and information, represents a just and reasonable resolution of the issues raised in these proceedings, violates no regulatory principle or precedent, and is the product of lengthy, serious bargaining among knowledgeable and capable Parties in a cooperative process, encouraged by this Commission and undertaken by the Parties representing a wide range of interests,

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including the Commission's Staff,¹ to resolve the aforementioned issues. Although this Stipulation is not binding on the Commission, it is entitled to careful consideration by the Commission. For purposes of resolving all issues raised by these proceedings, the Parties stipulate, agree and recommend as set forth below.

Except for purposes of dispute resolution and enforcement of this Stipulation, neither this Stipulation, nor the information and data contained therein or attached, shall be cited as precedent in any future proceeding for or against any Party or the Commission. This Stipulation is a reasonable compromise involving a balancing of competing positions, and it does not necessarily reflect the position that one or more of the Parties would have taken if these issues had been fully litigated.

This Stipulation is expressly conditioned upon adoption of the Stipulation by the Commission in its entirety and without material modification. Should the Commission reject or modify all or any part of this Stipulation, the Parties shall have the right within thirty (30) days of the issuance of the Commission's order, to file an application for rehearing. The parties agree that they will not oppose or argue against any other Party's application for rehearing that seeks to uphold the original, unmodified Stipulation. If the Commission does not adopt the Stipulation without material modification, any Party may terminate and withdraw from the Stipulation by filing a notice with the Commission, including service to all Parties, in the docket within thirty (30) days of the Commission's Entry on Rehearing. Upon the filing of such notice, the Stipulation shall immediately become null and void.

¹ Staff will be considered a party for the purpose of entering into this Stipulation by virtue of O.A.C. Rule 4901-1-10(c).

Prior to the filing of this notice, the Party wishing to terminate agrees to work in good faith with the other Parties to achieve an outcome that substantially satisfies the intent of the Stipulation and, if a new agreement is reached, to file the new agreement for Commission review and approval. If the discussions to achieve an outcome that substantially satisfies the intent of the Stipulation are unsuccessful, the Commission shall convene an evidentiary hearing such that the Parties will be afforded the opportunity to present evidence through witnesses, to cross-examine witnesses, to present rebuttal testimony, and to brief all issues that the Commission shall decide based upon the record and briefs as if this Stipulation had never been executed. If the discussions to achieve an outcome that substantially satisfies the intent of the Stipulation are successful, some, or all, of the Parties shall submit the amended Stipulation to the Commission for approval.

All the Signatory Parties fully support this Stipulation and urge the Commission to accept and approve the terms herein.

WHEREAS, Duke Energy Ohio submitted its application to reconcile and update its DSM Riders on March 31, 2009 in this matter and for recovery of program costs, lost margins, and shared savings associated with the implementation of a set of demand side management programs for residential and small/medium sized business consumers and;

WHEREAS, the Parties stipulated and agreed in Case No. 08-920-EL-SSO, that DE-Ohio would eliminate the existing charge in customer rates for Rider DSM and;

WHEREAS, this stipulation will true-up and provide cost recovery for the time period ending on December 31, 2008 and;

WHEREAS, all of the related issues and concerns raised by the Parties have been addressed in the substantive provisions of this Stipulation, and reflect, as a result of such discussions and compromises by the Parties, an overall reasonable resolution of all such issues. This Stipulation is the product of the discussions and negotiations of the Parties and is not intended to reflect the views or proposals that any individual Party may have advanced acting unilaterally. Accordingly, this Stipulation represents an accommodation of the diverse interests represented by the Parties and is entitled to careful consideration by the Commission;

WHEREAS, this Stipulation represents a serious compromise of complex issues and involves substantial benefits that would not otherwise have been achievable; and,

WHEREAS, the Parties believe that the agreements herein represent a fair and reasonable solution to the issues raised in the cases set forth above concerning DE-Ohio's Application to Increase Electric Distribution Rates; and

WHEREAS, the Company proposed the implementation of a new set of energy efficiency programs under its save a watt initiative and proposed termination of the current set of programs; and

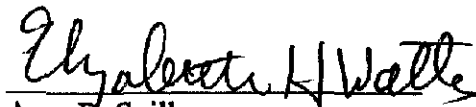
WHEREAS, the Company also proposed a transition plan to enable the closing of existing programs and a final reconciliation of the DSM rider and that plan was approved by the Commission in its Order in Case No. 08-920-EL-SSO;

NOW, THEREFORE, the Parties stipulate, agree and recommend that the Commission make the following findings and issue its Opinion and Order in these proceedings approving this Stipulation in accordance with the following:

1. The Parties agree and recommend that DE-Ohio's reconciliation and update submitted in this docket provides sufficient data in order for the Parties to adequately monitor progress of DE-Ohio's implementation of electric residential and non-residential demand side management programs.
2. The Parties agree and recommend to the Commission that the calculations set forth in the attached Exhibit 1, which is an amended version of Appendix C which was submitted with the Application, are accurate and correct and that Duke Energy Ohio should adjust its Rider DSM tariff consistent with the calculations set forth in Exhibit 1 for the recovery of program costs, lost margins and shared savings.

THE UNDERSIGNED PARTIES hereby stipulate and agree and each represents that it is authorized to enter into this Stipulation and Recommendation this 25 day of February 2010.

On Behalf of Duke Energy Ohio, Inc.



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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was served via hand delivery, ordinary mail or overnight delivery on the following parties this ____ day of February 2010.

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Duke Energy Ohio DSM Rider

Comparison of Revenue Requirements to Rider Recovery

	(1) Projected Program Costs 7/2008 to 12/2008 (A)	(2) Projected Lost Revenues 7/2008 to 12/2008 (A)	(3) Projected Shared Savings 7/2008 to 12/2008 (A)	(4) Program Expenditures 7/2008 through 12/08 (E)	(5) Gas	(6) Electricity 7/2008 through 12/08 (E)	(7) Lost Revenues 7/2008 through 12/08 (E)	(8) Shared Savings 7/2008 through 12/08 (E)	(9) Reconciliation Gas (D)	(10) Electric (E)	(11) Rider Collection (F)	(12) Electric	(13) (Over)Under Collection (G)	(14) Electric (H)
Residential Programs														
Summer Saver (Air-conditioner)	\$ 198,750	\$ 7,069	\$ 19,469	\$ 17,071	\$ -	\$ 17,071	\$ 17,071	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Home Energy House Call	\$ 487,500	\$ 101,947	\$ 19,469	\$ 409,890	\$ -	\$ 409,890	\$ 50,434	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Residential Comprehensive Energy Education (NEED)	\$ 82,500	\$ 8,140	\$ 5,100	\$ 101,432	\$ -	\$ 101,432	\$ 16,948	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Power Manager	\$ 1,089,000	\$ -	\$ 53,464	\$ 1,163,533	\$ -	\$ 1,163,533	\$ -	\$ 302,582	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Energy Star Products	\$ 443,100	\$ 806,200	\$ 833,121	\$ 833,121	\$ -	\$ 833,121	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
CPFLs (Compact Fluorescent Lights)	\$ 500,000	\$ 18,969	\$ 11,484	\$ 672,839	\$ -	\$ 672,839	\$ 1,427,641	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Torchless (Floor Lamp)	\$ 18,000	\$ 18,969	\$ 20,980	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Controlled Ventilation	\$ 82,830	\$ 40,088	\$ (1,813)	\$ 34,293	\$ -	\$ 34,293	\$ 20,323	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Energy Efficiency Web Site	\$ 76,750	\$ 7,120	\$ (1,813)	\$ 15,533	\$ -	\$ 15,533	\$ 628	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Room AC Therms	\$ 32,500	\$ 5,351	\$ 750	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
AC Check - Therm	\$ 43,250	\$ 3,769	\$ -	\$ 159,024	\$ -	\$ 159,024	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Smart Start - Heat Pump with ECM	\$ -	\$ -	\$ 64,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Pre-Paid Meter - Pilot	\$ 300,000	\$ 85,014	\$ -	\$ 16,870	\$ -	\$ 16,870	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Pre-Paid Meter - Pilot	\$ -	\$ -	\$ 5,314	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Energy Star Products - Gas Furnace ECM (Elec. Impacts)	\$ 26,000	\$ 12,581	\$ 2,953	\$ -	\$ -	\$ -	\$ -	\$ 13,553	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Home Call Plus - Research (Elec. Heated Homes)	\$ 104,000	\$ -	\$ 0	\$ 10,345	\$ -	\$ 10,345	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Home Call Plus - Research (Gas Heated Homes)	\$ 1,170,000	\$ 251,526	\$ 34,815	\$ 848,022	\$ -	\$ 848,022	\$ 134,276	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Energy Star Products - Gas Furnace	\$ 214,500	\$ 25,154	\$ (21,308)	\$ 210,461	\$ -	\$ 210,461	\$ 32,053	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Energy Star Products - Gas Furnace with ECM	\$ 213,084	\$ -	\$ (21,308)	\$ 245,449	\$ -	\$ 245,449	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Total	\$ 5,624,425	\$ 1,465,896	\$ 847,805	\$ 3,874,472	\$ -	\$ 3,874,472	\$ 1,791,024	\$ 334,568	\$ -	\$ (4,217,328)	\$ -	\$ 8,539,860	\$ -	\$ (4,757,252)

(A) Amounts identified in a prior reconciliation filing. The budget values were for a year, but the programs ended 12/31/2008.

(B) Actual program expenditures, lost revenues, and shared savings for the period.

(C) Allocation of program expenditures to gas and electric.

(D) Recovery allowed in accordance with a Commission Order.

(E) Recoveries allowed in accordance with a Commission Order.

(F) Revenues collected through the DSM Rider between July 1, 2008 and December 31, 2008.

(G) Column (5) + Column (8) - Column (11).

(H) Column (6) + Column (7) + Column (9) - Column (10) - Column (12).

	(1) Projected Program Costs 7/2008 to 12/2008 (A)	(2) Projected Lost Revenues 7/2008 to 12/2008 (A)	(3) Projected Shared Savings 7/2008 to 12/2008 (A)	(4) Program Expenditures 7/2008 through 12/08 (E)	(5) Gas	(6) Electricity 7/2008 through 12/08 (E)	(7) Lost Revenues 7/2008 through 12/08 (E)	(8) Shared Savings 7/2008 through 12/08 (E)	(9) Reconciliation Gas (D)	(10) Electric (E)	(11) Rider Collection (F)	(12) Electric	(13) (Over)Under Collection (G)	(14) Electric (H)
Commercial Programs														
Lighting Program	\$ 293,839	\$ 48,799	\$ 127,804	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
HVAC	\$ 165,180	\$ 12,282	\$ 39,780	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Water	\$ 129,514	\$ 15,073	\$ 65,750	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Other	\$ 516,539	\$ 191,315	\$ 997,841	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Evaluation	\$ 37,500	\$ 50	\$ (3,438)	\$ 113,366	\$ -	\$ 113,366	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Photovoltaic Program	\$ 1,141,862	\$ 267,211	\$ 1,188,957	\$ 1,028,206	\$ 1,290,099	\$ 1,729,364	\$ (427,850)	\$ 2,125,785	\$ 1,494,164	\$ -	\$ -	\$ -	\$ -	\$ -
Total	\$ 5,624,425	\$ 1,465,896	\$ 847,805	\$ 3,874,472	\$ -	\$ 3,874,472	\$ 1,791,024	\$ 334,568	\$ -	\$ (4,217,328)	\$ -	\$ 8,539,860	\$ -	\$ (4,757,252)

(A) Amounts identified in a prior reconciliation filing. The budget values were for a year, but the programs ended 12/31/2008.

(B) Actual program expenditures, lost revenues, and shared savings for the period.

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(D) Recovery allowed in accordance with a Commission Order.

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(F) Revenues collected through the DSM Rider between July 1, 2008 and December 31, 2008.

(G) Column (5) + Column (8) - Column (11).

(H) Column (6) + Column (7) + Column (9) - Column (10) - Column (12).

Note: The negative shared savings occurs when the Utility Cost Test is below 1.

2009 Projected Program Costs, Lost Revenues, and Shared Savings
(Not applicable since the programs ended 12/31/2008)

Residential Program Summary

Residential Programs	Costs	Lost Revenues	Shared Savings	Total	Allocation of Costs		Budget (Costs, Lost Revenues, & Shared Savings)	
					Electric	Gas	Electric	Gas
Summer Saver (Air-conditioner)	\$ -	\$ -	\$ -	\$ -	100.0%	0.0%	\$ -	\$ -
Home Energy House Call	\$ -	\$ -	\$ -	\$ -	100.0%	0.0%	\$ -	\$ -
Residential Comprehensive Energy Education (NE)	\$ -	\$ -	\$ -	\$ -	100.0%	0.0%	\$ -	\$ -
Power Manager	\$ -	\$ -	\$ -	\$ -	100.0%	0.0%	\$ -	\$ -
Energy Star Products	\$ -	\$ -	\$ -	\$ -	100.0%	0.0%	\$ -	\$ -
CFL's (Compact Fluorescent Lights)	\$ -	\$ -	\$ -	\$ -	100.0%	0.0%	\$ -	\$ -
Torchieres (Floor lamps)	\$ -	\$ -	\$ -	\$ -	100.0%	0.0%	\$ -	\$ -
Energy Efficiency Web Site	\$ -	\$ -	\$ -	\$ -	100.0%	0.0%	\$ -	\$ -
Room AC Turn-In	\$ -	\$ -	\$ -	\$ -	100.0%	0.0%	\$ -	\$ -
AC Check - Pilot	\$ -	\$ -	\$ -	\$ -	100.0%	0.0%	\$ -	\$ -
Smart Saver Heat Pump with ECM	\$ -	\$ -	\$ -	\$ -	100.0%	0.0%	\$ -	\$ -
Personalized Energy Report Pilot	\$ -	\$ -	\$ -	\$ -	100.0%	0.0%	\$ -	\$ -
Pre-Paid Meter - Pilot	\$ -	\$ -	\$ -	\$ -	100.0%	0.0%	\$ -	\$ -
Energy Star Products - Gas Furnace /ECM (Elec In	\$ -	\$ -	\$ -	\$ -	100.0%	0.0%	\$ -	\$ -
House Call Plus - Research (Elec Heated Homes)	\$ -	\$ -	\$ -	\$ -	100.0%	0.0%	\$ -	\$ -
House Call Plus - Research (Gas Heated Homes)	\$ -	\$ -	\$ -	\$ -	100.0%	0.0%	\$ -	\$ -
Energy Star Products - Gas Furnace	\$ -	\$ -	\$ -	\$ -	100.0%	0.0%	\$ -	\$ -
Evaluation	\$ -	\$ -	\$ -	\$ -	100.0%	0.0%	\$ -	\$ -
Evaluation	\$ -	\$ -	\$ -	\$ -	100.0%	0.0%	\$ -	\$ -
Total Costs, Net Lost Revenues, Shared Savings	\$ -	\$ -	\$ -	\$ -	\$	\$	\$	\$

Small C&I DSM Program Summary

High Efficiency Program	Costs	Lost Revenues	Shared Savings	Total	Allocations		Budget (Costs, Lost Revenues, & Shared Savings)	
					Electric	Gas	Electric	Gas
Lighting	\$ -	\$ -	\$ -	\$ -	100.0%	0.0%	\$ -	NA
HVAC	\$ -	\$ -	\$ -	\$ -	100.0%	0.0%	\$ -	NA
Motors	\$ -	\$ -	\$ -	\$ -	100.0%	0.0%	\$ -	NA
Other	\$ -	\$ -	\$ -	\$ -	100.0%	0.0%	\$ -	NA
Photovoltaic Program	\$ -	\$ -	\$ -	\$ -	100.0%	0.0%	\$ -	NA
Total	\$ -	\$ -	\$ -	\$ -	\$	\$	\$	\$

Duke Energy Ohio
Demand Side Management Cost Recovery Rider (DSMR)
Summary of Calculations for 2009 Programs

January, 2009 through December, 2009

	Program Costs (A)
<u>Electric Rider DSM</u>	
Residential Rates RS, ORH, TD, RS3P	\$ -
Distribution Level Rates DS, DP, DM, GS-FL, EH, SP, SFL-ADPL, RTP, & CUR	\$ -

(A) See Appendix C, page 2 of 6.

Duke Energy Ohio
Demand Side Management Cost Recovery Rider (DSMR)
Summary of Billing Determinants

Year 2009

Projected Annual Electric Sales KWH

Residential Rates RS, ORH, TD, RS3P 7,341,777,000

Distribution Level Rates

DS, DP, DM, GS-FL, EH, SP, SFL-ADPL, RTP, & CUR 10,349,136,000

Duke Energy Ohio
Demand Side Management Cost Recovery Rider (DSMR)
Summary of Calculations

January, 2009 through December, 2009

Rate Schedule	True-Up Amount (A)	Expected Program Costs (B)	Total DSM Revenue Requirements (C)	Estimated Billing Determinants (C)	DSM Cost Recovery Rider (DSMR)
Electric Rider DSM					
Residential Rates RS, ORH, TD, RS3P	\$ (4,946,115)	\$ -	\$ (4,946,115)	7,341,777,000 kWh	\$ (0.000674) \$/kWh
Distribution Level Rates					
DS, DP, DM, GS-FL, EH, SP, SFL-ADPL, RTP, & CUR	\$ 1,553,482	\$ -	\$ 1,553,482	##### kWh	\$ 0.000150 \$/kWh
Total Recovery			\$ (3,392,633)		

(A) (Over)/Under of Appendix C page 1 multiplied by 1.0397 for 2007 for the average three-month commercial paper rate to include interest on over or under-recovery.

(B) Appendix C, page 2.

(C) Appendix C, page 4.

Appendix C

Reconciliation of Lost revenues and Sh

Applicable Programs	As Filed & Adjusted Lost Revenues	Shared Savings
Residential Programs		
Summer Saver (Air-conditioner)	\$ 452.57	\$ 136.20
Home Energy House Call	\$ 27,244.62	\$ 31,777.82
Residential Comprehensive Energy Education (NEED)	\$ 2,827.47	\$ (1,002.83)
Power Manager	\$ -	\$ 246,391.06
Energy Star Products		
CFL's (Compact Fluorescent Lights)	\$ 554,752.54	\$ 190,027.63
Torchieres (Floor lamps)	\$ -	\$ -
Clothes Washers	\$ 203.47	\$ 296.64
Energy Efficiency Web Site	\$ 9,604.60	\$ 15,050.90
Room AC Turn-In	\$ -	\$ -
AC Check - Pilot	\$ -	\$ -
Smart Saver Heat Pump with ECM	\$ 8,192.24	\$ 6,260.37
Personalized Energy Report Pilot	\$ -	\$ -
Pre-Paid Meter - Pilot	\$ -	\$ -
Energy Star Products - Gas Furnace /ECM (Elec Impacts)	\$ 4,030.14	\$ 5,832.30
House Call Plus - Research (Elec Heated Homes)	\$ -	\$ -
House Call Plus - Research (Gas Heated Homes)	\$ -	\$ -
Energy Star Products - Gas Furnace	\$ 20,260.24	\$ -
Energy Star Products - Gas Furnace with ECM	\$ 4,410.88	\$ -
Commercial Programs		
High Efficiency Program		
Lighting	\$ 142,864.17	\$ 968,039.15
HVAC	\$ 35,907.15	\$ 410,914.68
Motors	\$ 58,026.76	\$ 404,187.63
Other	\$ 5,015.24	\$ 19,801.20
<u>Photovoltaic Program</u>	\$ 9.96	\$ (6,975.00)

New Values		Increase (Decrease) in values		Comments
Lost Revenues	Shared Savings	Lost Revenues	Shared Savings	
\$ 1,097.03	\$ 2,481.82	\$ 644.46	\$ 2,345.62	Based upon evaluation No new numbers
\$ -	\$ 334,089.57	\$ -	\$ 87,698.51	Based upon evaluation No new numbers
				No new numbers
				No new numbers
				No new numbers
				No new numbers
				No new numbers
\$ 17,910.35	\$ 22,547.94	\$ 9,718.11	\$ 16,287.57	Based upon evaluation No new numbers
				No new numbers
\$ 8,060.29	\$ 19,185.19	\$ 4,030.15	\$ 13,352.89	Based upon evaluation No new numbers
				No new numbers
\$ 40,727.21		\$ 20,466.97	\$ -	Based upon evaluation
\$ 8,773.29		\$ 4,362.41	\$ -	Based upon evaluation
				No new numbers
				No new numbers
				No new numbers
				No new numbers
				No new numbers