

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the 2009 Electric Long-Term)

Forecast Report of Duke Energy Ohio, Inc.) Case No. 09-503-EL-FOR

FINDING AND ORDER

The Commission finds:

- (1) Rule 4901:5-3-01(A), Ohio Administrative Code (O.A.C.), requires each electric utility and electric transmission owner to file annually a long-term forecast report (LTFR). On March 5, 2009, the Commission initiated this case, involving the LTFR of Duke Energy Ohio, Inc. (Duke).
- (2) On April 16, 2009, Duke filed notification in this docket that a substantial change would be reflected in its LTFR. According to Duke, the substantial change results from the calculations done pursuant to Rule 4901:5-3-03(C), O.A.C., which sets forth the manner in which the average annual compound rate of change in electric peak loads for a given forecast are required to be calculated. On May 11, 2009, Duke filed its 2009 LTFR.
- (3) Section 4935.04(D)(3)(c), Revised Code, requires that the Commission hold a public hearing after the filing of the LTFR that contains a substantial change from the preceding report. By entry issued on December 21, 2009, a public hearing was scheduled for January 21, 2010, and Duke was directed to publish notice of the hearing in newspapers of general circulation in each county in its service territory. A motion to intervene filed by the Ohio Energy Group (OEG) was also granted in the December 21, 2009, entry.
- (4) On January 21, 2010, the hearing commenced. No members of the public appeared at the hearing to testify. At the hearing, Duke, Staff, and OEG submitted a stipulation and recommendation (stipulation) between the parties which, if adopted, will resolve all of the issues in this case (Jt. Ex. 1). Pursuant to the stipulation, the signatory parties agree that Duke's filing and the assumptions made in Duke's LTFR are reasonable and meet the requirements of Section 4935.04(F), Revised Code, and Chapter 4901:5-5, O.A.C. (Jt. Ex. 1 at 3). Moreover, Staff witness Daniel Johnson testified at the hearing that Staff believed that Duke's LTFR was reasonable and that the substantial change that occurred in this LTFR was a result

of current economic conditions (Tr. at 8-9). In the stipulation, the parties state that it is the product of lengthy, serious bargaining, represents a compromise of their positions, and, therefore, should be entitled to careful consideration by the Commission. Finally, in addition to the stipulation, the stipulating parties recommend that the following documents be admitted into the record: Duke's 2009 LTFR filed on May 11, 2009; and Duke's proofs of publication of the public hearing filed on January 7, 2010 (Jt. Ex. 1 at 2-3).

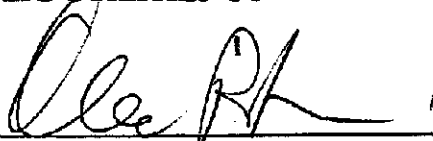
- (5) Upon consideration of the record and stipulation, the Commission concludes that the LTFR filed in this docket meets the requirements of Section 4935.04(F), Revised Code, and the stipulation is reasonable and should be approved. We are not, by this conclusion, making any determination as to the prudence or reasonableness of Duke's electric procurement policies and practices.

It is, therefore,

ORDERED, That the stipulation be approved. It is, further,

ORDERED, That a copy of this finding and order be served upon all parties of record.

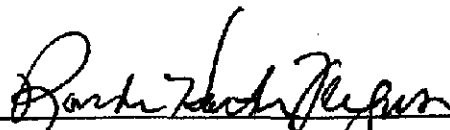
THE PUBLIC UTILITIES COMMISSION OF OHIO



Alan R. Schriber, Chairman




Paul A. Centolella



Ronda Hartman Fergus



Valerie A. Lemmie

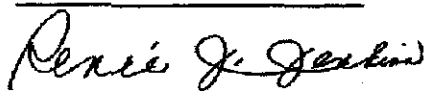


Cheryl L. Roberto

KLS/CMTP:dah

Entered in the Journal

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Renee J. Jenkins
Secretary