

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

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In the Matter of: :
: Case No. 11-2954-EL-UNC
The Application of Duke :
Energy Ohio, Inc., for :
Administration of the :
Significantly Excessive :
Earnings Test under :
Section 4928.143(F), :
Revised Code, and Rule :
4901:1-35-10, Ohio :
Administrative Code. :

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PROCEEDINGS

before Ms. Katie Stenman, Attorney Examiner, at the
Public Utilities Commission of Ohio, 180 East Broad
Street, Room 11-C, Columbus, Ohio, called at 10:02
a.m. on Tuesday, August 2, 2011.

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APPEARANCES:

Duke Energy Ohio
By Ms. Amy B. Spiller
139 East Fourth Street
Cincinnati, Ohio 45201-0960

On behalf of the Company.

Ms. Colleen Mooney
231 East Lima Street
P.O. Box 1793
Findlay, OH 45839-1793

On behalf of Ohio Partners for
Affordable Energy.

Richard Cordray, Ohio Attorney General
William L. Wright, Section Chief
Public Utilities Section
By Mr. Thomas W. McNamee
180 East Broad Street, 9th Floor
Columbus, Ohio 43215-3793

On behalf of the Staff of the Public
Utilities Commission.

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Tuesday Morning Session,
August 2, 2011.

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EXAMINER STENMAN: The Public Utilities Commission of Ohio has called for hearing at this time and place Case No. 11-2954-EL-UNC, being In the Matter of the Application of Duke Energy Ohio, Inc., for Administration of the Significantly Excessive Earnings Test under Section 4928.143(F), Revised Code, and Rule 4901:1-35-10, Ohio Administrative Code.

I am Kathy Stenman. I have been assigned by the Commission to hear this case. Let's start by taking the appearances of the parties, starting with the company.

MS. SPILLER: Good morning, your Honor, thank you. Amy Spiller on behalf of the Duke Energy 139 East Fourth Street, Cincinnati, Ohio 45202.

MR. McNAMEE: On behalf the staff of the Public Utilities Commission of Ohio, Mike Dewine, Attorney General of Ohio, Thomas McNamee, assistant attorney general, 180 East Broad Street, Columbus, Ohio.

I'd also like to put in appearance of Colleen Mooney for the Ohio Partners for Affordable

1 Energy, 231 West Lima Street, Findlay, Ohio, 45840.

2 EXAMINER STENMAN: Thank you. Before
3 moving forward, at this time I note that we have four
4 pending motions to intervene filed by the Ohio
5 Partners for Affordable Energy, the Ohio Energy
6 Group, the Kroger Company, and the Industrial Energy
7 Users of Ohio, and those will be granted.

8 At this time I understand that the
9 parties have documented a stipulation.

10 MS. SPILLER: That is correct, your
11 Honor. We have Peggy Laub, who has filed testimony
12 in support of the stipulation, and she is here today
13 for examination.

14 EXAMINER STENMAN: Okay. Do you want to
15 mark the Stipulation and then move forward with the
16 testimony?

17 MS. SPILLER: Yes, please, I would your
18 Honor. And I also have documents, if I may identify
19 for of record, the first being Duke Energy Ohio's
20 Application in this matter docketed on May 16, 2011.
21 I would ask that the Bench identify that as Duke
22 Energy Ohio Exhibit No. 1, please.

23 EXAMINER STENMAN: It will be so marked.

24 MS. SPILLER: The second is the Direct
25 Testimony of Peggy A. Laub, also docketed with the

Commission on May 16, 2011. That would be identified as Duke Energy Ohio Exhibit 2.

EXAMINER STENMAN: So marked.

MS. SPILLER: The final Duke Energy Ohio exhibit would be the Supplemental Testimony of Peggy Laub docketed on July 26, 2011, and I ask that be marked as Duke Energy Ohio Exhibit No. 3.

EXAMINER STENMAN: It will be so marked.

MS. SPILLER: Also a joint exhibit, the Stipulation and Recommendation filed with the Commission on July 19, 2011. I would ask that be marked as Joint Exhibit No. 1, please.

EXAMINER STENMAN: It will be so marked.

You may call your witness.

MS. SPILLER: Thank you.

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PEGGY A. LAUB,
being first duly sworn, as prescribed by law, was examined and testified as follows:

DIRECT EXAMINATION

By Ms. Spiller:

Q. Good morning, Ms. Laub. Could you identify yourself for the record, please?

A. I'm Peggy A. Laub.

Q. And do you have before you what has been

1 identified as Duke Energy Ohio No. 2 in the
2 proceeding?

3 A. I do.

4 Q. And what is that, please?

5 A. That is my direct testimony in this case.

6 Q. Do you also have in front of you what has
7 been marked as Duke Energy Ohio Exhibit No. 3?

8 A. I do.

9 Q. What is that?

10 A. That is my supplemental direct testimony
11 in this case.

12 Q. Do you have any changes or revisions,
13 Ms. Laub, to your direct testimony or supplemental
14 direct testimony filed in this matter?

15 A. I do not.

16 Q. If I were to ask you the questions set
17 forth in either your direct examination or your
18 supplemental direct testimony, would your answers be
19 the same?

20 A. Yes.

21 MS. SPILLER: Your Honor, the witness is
22 available for examination.

23 EXAMINER STENMAN: Thank you.

24 Any questions?

25 MR. McNAMEE: No, your Honor. I have no

1 questions, and Ms. Mooney assures me she had no
2 questions either.

3 EXAMINER STENMAN: The Bench has no
4 questions either.

5 Thank you, Ms. Laub.

6 Will you be filing something that they do
7 not oppose the stipulation?

8 MS. SPILLER: Your Honor, I certainly
9 will inquire of Mr. Olier today to see what their
10 intention is.

11 EXAMINER STENMAN: With respect to the
12 exhibits.

13 MS. SPILLER: Yes, Duke Energy Ohio would
14 move for introduction into evidence of its exhibits,
15 Duke Energy Ohio Exhibits 1, 2, and 3; as well as
16 Joint Exhibit No. 1.

17 MR. McNAMEE: Staff has no objection.

18 EXAMINER STENMAN: All right, Duke
19 Exhibit's 1 through 3 and Joint Exhibit 1 will be
20 admitted.

21 (EXHIBIT ADMITTED INTO EVIDENCE.)

22 MS. SPILLER: Thank you, your Honor.

23 EXAMINER STENMAN: Anything else to come
24 before us today?

25 Hearing nothing, the hearing will be

1 adjourned.

2 (The hearing adjourned at 10:08 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 Tuesday, August 2, 2011, and carefully compared with my original stenographic notes.

Rosemary Foster Anderson,
Professional Reporter and
Notary Public in and for
the State of Ohio.

My commission expires April 5, 2014.
(RFA-8653)

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in

Case No(s). 11-2954-EL-UNC

Summary: Transcript Transcript of Duke Energy Ohio, Inc. hearing held on 08/02/11 electronically filed by Mrs. Jennifer Duffer on behalf of Armstrong & Okey, Inc. and Anderson, Rosemary Foster Mrs.