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October 20, 2011

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In Re: Case Nos. 11-3549-EL-SSO, 11-3550-EL-ATA, 11-3551-EL-UNC

To Whom it May Concern:

Enclosed, please find the transcript for the Public Hearing that took place on September 9, 2011, along with the signature page from September 8, 2011. If you should need anything else, please feel free to contact my office at 216.298.4888,

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Public Utilities Commission

Public Hearing Witness Sign-in Sheet

COMPANY: Duke Energy Ohio CASE NO.: 11-3549-EL-SSO
DATE: September 8, 2011 LOCATION: Middletown OH

If you would like to provide testimony, please PRINT your name and address below.

Table with 3 columns: No., NAME, ADDRESS. Contains handwritten entries for Monte Miller, Carl Rullmann, Tom Brickey, Frank Miller, Gisele Mottiesen, and Charlie Wiedenmann.

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**TRANSCRIPT TO THE
TESTIMONY OF:**

**PUCO HEARING
September 9, 2011**

Case Numbers: 11-3549-EL-SSO
11-3550-EL-ATA
11-3551-EL-UNC

Date Taken: September 9, 2011
Date Printed: October 15, 2011

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PUBLIC UTILITIES COMMISSION OF OHIO

IN RE:

CASE NUMBERS:

11-3549-EL-SSO

11-3550-EL-ATA

11-3561-EL-UNC

PUBLIC HEARING

taken before me, La Cartha Pate, reporter and
Notary Public in and for the State of Ohio at the
Cincinnati City Hall, Council Chambers, 801 Plum
Street, Cincinnati, Ohio 45202, County of
Hamilton, and State of Ohio, on Friday, the 9th
day of September, 2011, beginning at 12:30 p.m.

1 MS. STENMAN: Good afternoon. Let's
2 start the official record of this local
3 hearing today for the Public Utilities
4 Commission of Ohio. This is a public hearing
5 for Case Nos. 11-3549-EL-SSO and
6 11-3550-EL-ATA and 11-3581-EL-UNC. In the
7 matter of the application of Duke Energy
8 Ohio, Inc. for authority to establish a
9 standard service offer pursuant to Section
10 4928.143 of the Ohio Revised Code in the form
11 of an electric security plan, accounting
12 modification and tariffs for generation
13 service as well as authority to amend its
14 certified supplier tariff, PUCO No. 20, and
15 for authority to amend its corporate
16 separation plan.

17 My name is Katie Stenman, and I'm one of
18 the attorney examiners in the legal
19 department and I will be conducting this
20 public hearing. Commission staff here today,
21 representing the service monitoring
22 enforcement department and also the
23 Commission, if you have any questions
24 concerning utilities matter, they're
25 available to address those questions at any

1 time.

2 At this time I will ask the counsel of
3 the company to stand and make an appearance.

4 MR. D'ASCENZO: Thank you, your Honor.
5 On behalf of Duke Energy-Ohio, my name is
6 Rocco D'Ascenzo, associate general counsel,
7 139 East Fourth Street, Cincinnati, 45201.

8 Thank you.

9 MS. STENMAN: Thank you. Do you have
10 any other counsel present?

11 Okay. Moving forward with on June 20,
12 2011, Duke Energy-Ohio filed an application
13 with the Commission to establish a standard
14 service offer in the form of the electric
15 security plan, commonly known as an ESP.
16 This local public hearing is only one aspect
17 of the case process. An evidentiary hearing
18 is currently scheduled to begin on
19 October 20th at the commission office in
20 Columbus. The purpose of the evidentiary
21 hearing will be for the company, staff with
22 the Commission, and interveners in the case
23 to present expert witnesses and evidence in
24 support of their positions. The purpose of
25 this afternoon's public hearing is to receive

1 comments from the public regarding Duke's
2 proposal.

3 You will not be hearing from Duke today.
4 Today is your opportunity to let the
5 Commission know what you think about Duke's
6 proposed ESP.

7 When you arrived, you were given the
8 opportunity to sign up to testify. If you
9 missed that opportunity, it is still
10 available. You may approach the staff at any
11 time during the course of this hearing to
12 sign up to testify. Also, when I get to the
13 end of the witness list, I will ask if anyone
14 wishes to offer additional testimony, and you
15 may do so at that time.

16 If you signed up to testify and choose
17 not to, you may simply pass when your name is
18 called. I will take the witnesses in the
19 order in which they signed up.

20 Before presenting your testimony, you
21 will be required to take an oath or
22 affirmation stating that the information
23 you're about to say is the truth. I will
24 also ask for your name and address for the
25 record. Your testimony will be considered

1 part of the official record of the case and
2 will be reviewed by the Commissioners before
3 they make their final decision on the
4 proposal.

5 This hearing is also being transcribed
6 by a court reporter. Basically that means
7 that the court reporter is recording in
8 typewritten fashion the statements made here
9 today. If you do testify, please speak
10 plainly and clearly so the court reporter can
11 accurately reflect your statements. Also, if
12 you've prepared a written statement, please
13 give a copy of that to the court reporter.
14 It will help her when she makes a transcript.

15 We appreciate your participation in this
16 afternoon's hearing and we want everyone who
17 wishes to make a public statement to have the
18 opportunity to do so. So please keep your
19 comments to a reasonable length of time.

20 Are there any questions in regard to the
21 process before we start our local public
22 hearing?

23 If there are no questions, I will begin
24 calling witnesses forward. When you are
25 called forward, please state and spell your

1 name for the record after you are
2 administered the oath.

3 Start with Lilah Glick. And I apologize
4 if I mispronounce your name.

5 Please raise your right hand and be
6 sworn.

7 LILAH GLICK

8 Witness herein, being duly sworn, testified as
9 follows:

10 MS. STENMAN: Please state your name and
11 address for the court reporter.

12 MS. GLICK: Thank you. My name is Lilah
13 Glick. I'm the marketing community outreach
14 director for the Greater Cincinnati Energy
15 Alliance. I reside at 247 West Eighth Street
16 in Covington, Kentucky 41011. The Greater
17 Cincinnati Energy Alliance would like to
18 submit the following comments on Duke
19 Electric Stabilization plan.

20 The Energy Alliance agrees with Duke's
21 proposal to increase their existing energy
22 efficiency incentive. As we know, energy
23 efficiency is the cheapest fuel source. We
24 believe overcompliance is critical for
25 Duke-Ohio customers of all classes because

1 efficiency programs remain far less expensive
2 than current electric generation resources.
3 We feel that Duke should provide incentives
4 to meet and exceed their goals. Energy
5 costs, we expect energy costs will be
6 increasing in the future due to old power
7 plants. Energy efficiency is a hedge for
8 customers or consumers against increased
9 energy costs. We also know that energy
10 efficiency is the cheapest energy source
11 available. For every dollar used in energy
12 efficiency, submissions are about \$4.00 in
13 savings. The Greater Cincinnati Energy
14 Alliance has integrated to the Duke Energy
15 incentive programs into our home performance
16 with Energy Star program since July of 2010.
17 The Energy Alliance since then has
18 weatherized over 250 homes, saving at least
19 15 percent on annual use of bills for
20 customers. Energy efficiency drives local
21 job creation, putting contractors and other
22 tradesman that have been negatively impacted
23 by the recession back to work.

24 Since 2010, we've hired 15 contractors.

25 In addition, we work with Cincinnati State to

1 train new contractors.

2 Furthermore, the Energy Alliance has
3 provided over 800 home energy assessments and
4 offers generous financial incentives,
5 including a \$50 reduced rate three to
6 four-hour home energy assessment, 35 percent
7 cash incentive, and 6.99 percent low interest
8 rate, unsecured loan program. This is a
9 great benefit to our region and we hope to
10 gather incentives to make those benefits much
11 more reasonable and affordable for customers.

12 With a conversion rate over 25 percent,
13 the Energy Alliance is helping to demonstrate
14 the value and benefits of investing in energy
15 efficiency. We believe that we need to
16 ensure that Duke's interests are aligned with
17 the region to make additional further
18 investments in energy efficiency. Duke is a
19 private company, smart regulations that
20 compensate Duke not only for offsetting new
21 growth with energy efficiency and also
22 compensate for the loss of sales that result
23 from implementing enough efficiency to cause
24 net reductions in energy requirements. So
25 it's a net benefit for customers throughout

1 the region.

2 Finally, this will allow interests of
3 Duke and the region to create additional
4 local jobs that are needed within the
5 community. Thank you.

6 MS. STENMAN: Thank you. Mr. Jones.

7 MR. JONES: Pass.

8 MS. STENMAN: Bruno Maier.

9 BRUNO MAIER

10 Witness herein, being duly sworn, testified as
11 follows:

12 MS. STENMAN: State your name and
13 address for the court reporter.

14 MR. MAIER: My name is Bruno Maier. I
15 live at 7837 Daniel Avenue in Camp Dennison,
16 Ohio 45111. I'm retired and a grandparent,
17 and I recently switched to Cincinnati Bell
18 for my energy for several reasons, because I
19 wanted to save money and also I'm concerned
20 about the future of my grandkids and the
21 environment.

22 I am concerned that specifically with
23 the providers that are in the plan for Duke,
24 it appears that I will have to pay for Duke
25 to upgrade operating some of their coal

1 plants, the older coal plants. I
2 specifically wanted to move towards more
3 renewable energy, and that's why I went with
4 Cincinnati Bell. I think it's really unjust
5 that people who no longer get their energy
6 generated by Duke would have to pay for the
7 plants that Duke operates. Again, I think
8 this is unfair and it's outrageous, in my
9 opinion.

10 I would encourage PUCO to encourage Duke
11 and other energy providers to move towards
12 more renewable energy.

13 That's pretty much what I have to say.

14 Thank you.

15 MS. STENMAN: Phil Cobbert.

16 PHIL COBBERT

17 Witness herein, being duly sworn, testified as
18 follows:

19 MS. STENMAN: Please state your name and
20 address for the court reporter.

21 MR. COBBERT: My name is Phillip
22 Cobbert, and my address is 133 Lloyd Avenue
23 in Florence, Kentucky. The reason I'm here
24 today is because what happens here affects
25 people of Kentucky step by step eventually,

1 and we have a bearing here/and I want to
2 bring some things forward that might help the
3 hearing here and that is, I found out years
4 ago, back when I was going to different
5 politicians from a monopoly, you know, with
6 Cinergy and now Duke Energy, the thing is,
7 why would they be doing this if they're a
8 monopoly? They have no competition. And
9 what I found out is that they've been
10 increasing rates to the public where they've
11 had billions of dollars of overcharging,
12 enough for like Duke Energy to buy up
13 Cinergy. Where did those millions of dollars
14 come from? They came from overcharging.

15 And now that people are getting
16 efficient, brought up by the lady here
17 earlier, Duke Energy, because people are more
18 efficient, are not being rewarded by it but
19 they've increased base amount of the
20 electricity and also the gas. And this is
21 totally unfair to the abuse of power.

22 Again, what the Public Utilities
23 Commission of Ohio should do is roll back the
24 amount that is being charged to mollify the
25 residents of the State of Ohio.

1 And the reason for this is very clear.
2 They're overcharging and they have somebody
3 that seems like working regularly to where
4 the general public does not get to go before
5 the Public Utilities Commission of Ohio.
6 They're not lobbying for increases, which
7 Duke Energy is doing, they're talking about
8 closing down. In fact, it's already there,
9 they're going to close down the electric plant
10 up the river.

11 And it's like the company's not building
12 refineries to protect it, which they start
13 officially increasing the price.

14 Well, anyway, it's just not right. And,
15 again, I think Public Utilities Commission of
16 Ohio should demand a serious rollback of the
17 amounts that are being charged to the
18 residents of the State of Ohio because
19 they've been overcharging millions of
20 dollars, and that's a proven fact, especially
21 when they bought out Cinergy and they
22 promised they wouldn't increase the prices
23 afterwards, which is a lie.

24 And I thank you for your time.

25 MS. STENMAN: Thank you. Chris Heckman.

1 CHRIS HECKMAN

2 Witness herein, being duly sworn, testified as
3 follows:

4 MS. STENMAN: Please state your name and
5 address for the court reporter.

6 MR. HECKMAN: Chris Heckman, here with
7 my son, Otto Heckman. Our address is 1306
8 Main Street, unit 4, Cincinnati, Ohio 45202.
9 So being a new father, I had some concerns
10 that are a little different than Duke's, but
11 since I live in an area where Duke creates
12 its energy from coal plants, and I've seen in
13 the summertime the haze that is in the river
14 basin here and lingers, and I see the
15 articles year after year that Cincinnati's
16 air quality is just terrible, it ranks with
17 some really large cities.

18 And, you know, I, as a parent, am really
19 concerned about my son's future health. We
20 go out and walk everywhere. We're going to
21 bike when we're able to because we're outside
22 all the time. Don't want to have to worry
23 about the fact that he's outside breathing in
24 these air particulates and that it's possible
25 he's going to get asthma some day, and who's

1 going to pay for the effects of that? I am.

2 And that's something that, because coal is
3 cheap right now, it's artificially cheap.

4 The public pays a price and because
5 we're concerned about that stuff, my family
6 has been actively, over the past couple of
7 years, trying to reduce our energy
8 consumption through efficiency standards.

9 Thanks to the Greater Cincinnati Energy
10 Alliance, we've had actually three energy
11 audits on our condo, and we have replaced
12 light bulbs, we've made things more
13 efficient, put a solar thermal system water
14 heater system in our condo, and we're already
15 kind of paying to reduce the amount of energy
16 that we have to rely on Duke.

17 So I'm basically asking them to quit
18 relying on coal so much because their
19 argument is that it's going to increase costs
20 that they have to change over to renewable.
21 Well, it's already costing us more to become
22 more energy efficient and I'm mad about that.
23 I'm mad about how it's going to affect my
24 family and I'm mad about the fact that I have
25 to put up costs on my side to do what they

1 should be doing already. The energy that we
2 use should be clean, to begin with. If they
3 do things to move to renewable sources,
4 they're going to save lives, they're going to
5 increase public health and standard of
6 living. It's a win-win.

7 So thank you for your time, and that's
8 all.

9 MS. STENMAN: Thank you. Liz Jordan.

10 LIZ JORDAN

11 Witness herein, being duly sworn, testified as
12 follows:

13 MS. STENMAN: Please give your name and
14 address for the court reporter.

15 MS. JORDAN: Liz Jordan, 417 Southview
16 Avenue, Cincinnati, 45219. I'm here on
17 behalf of the low income people and people
18 who are seniors who cannot afford to have the
19 hike, rate hiked up right now, that are
20 paying more than should be right now.

21 And I think that it was unfair that they
22 hike up the rate for low income people and
23 for citizens that are on a fixed income. And
24 I think if they have to hike it up, they
25 should consider not hiking it up for senior

1 citizens and for low income people.

2 Thank you.

3 MS. STENMAN: Robert Gardner.

4 ROBERT GARDNER

5 Witness herein, being duly sworn, testified as
6 follows:

7 MS. STENMAN: State your name and
8 address for the court reporter.

9 MR. GARDNER: It's Robert Gardner, 117
10 East 12th Street, Cincinnati Ohio 45202.

11 Afternoon. My name is Robert Gardner,
12 and I work at Greenpeace USA. I'm here today
13 to talk a little bit about Duke Energy's ESP,
14 but I want to get some points out about this
15 that we're expecting in fair turnabout.

16 So to start, this 10-year electric rate
17 plan is bad for customers and the
18 environment. But more so, I think that this
19 proposal here is not unique at all.

20 Unfortunately, Duke is calling for a 15
21 percent rate increase in its home state of
22 North Carolina. Duke is asking for nearly a
23 billion dollars cost overruns in Indiana to
24 build a coal gasification plant in
25 Edwardsport. All of this goes towards

1 building up of Duke's coal fleet, despite no
2 guarantee of cost parity with other forms of
3 generation and an upcoming slew of
4 environmental regulations, including Coal
5 Combustion Wastes, which will come down the
6 early part of next year, hopefully. The
7 Cross State Air Pollution rule, which will
8 come into effect in 2015, Utility MACT with
9 mercury rule and, eventually, New Source
10 Performance Standards for greenhouse gases
11 which will definitely affect the generation
12 map that's here in Ohio.

13 Duke is repeatedly asking for more and
14 more funds from a captive rate base, despite
15 claiming good corporate citizenship and
16 within its framework. States have repeatedly
17 heard Duke Energy's attempts to showcase cost
18 savings generated by its merger, the merger
19 with Progress Energy, which would, in fact,
20 make Duke the largest energy utility in the
21 country with 7 million rate payers. And the
22 question is, what will Duke ask for then.

23 There's been a lot of talk in the news
24 and a lot of different things about what this
25 plan would do, but I wanted to give a couple

1 of salient points here.

2 This is basically some sort of an energy
3 tax, which would be assessed on all
4 customers, even those who buy electricity
5 from alternative suppliers. Customers will
6 be paying their electricity bills twice.
7 First the electricity they buy, then to
8 support Duke's generation of power or
9 electricity assets. The question is, why did
10 Ohio go down the road towards deregulation if
11 utility companies can dictate the terms of
12 your energy bills? Makes no sense.

13 This will have a chilling effect on
14 customers' rights to choose the lowest cost
15 electricity providers and, furthermore, it
16 will put those providers that have already
17 amortized the costs of pollution controls or
18 operating in a cleaner manner in an
19 economically worse position than Duke Energy
20 will do, in effect pushing forward thinking
21 investment back.

22 Also, one of the things that a bunch of
23 the -- the full impact of this proposal on
24 customer rates isn't clear. This plan does
25 not give a full accounting of the costs that

1 are expected over the next 10 years,
2 especially with rising coal prices, higher
3 environmental costs, which could push rates
4 up to 20 percent for customers who have
5 switched to alternate suppliers. Again,
6 that's for customers that have already
7 switched to alternate suppliers' generation
8 of their energy. Duke is in effect punishing
9 all rate payers. We know that, but the
10 question is, what is the full impact of
11 Duke's tariff? We just don't know.

12 Duke's plan was filed before the city
13 took up aggregation of purchasing options and
14 this plan does not take into consideration
15 the type of financial risks to the
16 organization of rate payers, of the community
17 aggregation, something that we would like the
18 PUCO to take a hard look at. While this does
19 have the potential to push back Duke's
20 filings, it is in the financial interest of
21 rate payers throughout Southwestern Ohio to
22 take a look at both plans concurrently.

23 Duke Energy does, in fact, face large
24 investments to upgrade its generating assets.
25 That's without dispute. However, Duke has a

1 choice, it can continue to rely on old,
2 inefficient coal plants to generate
3 electricity and rely upon riders and other
4 mechanisms to raise money to keep them
5 online, or Duke Energy can shut these plants
6 down and utilize any expenditures or capital
7 that they were making on these plants for a
8 comprehensive energy efficiency program and
9 to bring online renewable projects generating
10 good, green jobs here in Ohio.

11 About 25 percent of Duke's rate payers
12 have switched for a reason. This is because
13 Duke is a higher priced option than every
14 other service provider. To backdoor a
15 solution to this problem through riders and
16 other financial mechanisms is a bad faith
17 effort to continue to operate a generation
18 asset that should instead be shut down to
19 protect the consumer from financial and
20 environmental risks.

21 So basically here's what we're asking
22 for. It's pretty simple. We're asking that
23 you deny Duke's ESP until a finding can be
24 made as to the specific impacts to the
25 checkbook of rate payers of Southwest Ohio.

1 We're asking that you deny Duke's ESP until a
2 finding can be made as to the specific
3 impacts of Cincinnati's plan to aggregate its
4 energy purchasing options. We're asking that
5 you encourage much greater expenditures in
6 energy efficiency, demand response and other
7 measures that avoid expenditures on old,
8 existing coal units rather than just rubber
9 stamping Duke's plan. We're asking that
10 Duke's community economic development fund of
11 Southwest Ohio should be tasked with ensuring
12 a just transition away from coal for
13 communities throughout Southwestern Ohio that
14 are, in fact, moving away from coal-fired
15 generations.

16 Lastly, we're asking that Duke come back
17 with a plan to ensure the environmental and
18 public health by shutting down its coal-fired
19 generation assets.

20 Point blank, this plan puts corporate
21 profits over the health of the residents
22 here, and you have the potential to stop
23 that.

24 So thank you very much.

25 MS. STENMAN: Matt Trokan.

1 MATT TROKAN

2 Witness herein, being duly sworn, testified as
3 follows:

4 MS. STENMAN: Please state your name and
5 address for the record.

6 MR. TROKAN: Matt Trokan, 743 Terry
7 Street, Cincinnati, Ohio 45205. I want to
8 thank you for the time to be able to testify
9 today. I'll try to be short and sweet.

10 Outside of my mortgage, my utility bill
11 is the highest bill that I pay. I guess I
12 came here today because I care about clean
13 air and clean water, and I'm paying for
14 electricity and I want to know, or be assured
15 that when I flip on the light switch, that
16 the consequences of that action aren't
17 hurting the future generations or our
18 generations.

19 I like to bike the loop around Shawnee
20 Park by Miami Fort Power Plant. And when you
21 go around the loop, you can see the smoke
22 pouring out of the plants. And if you think
23 about all the mercury and heavy metals coming
24 out of the stack, and that's the air that I'm
25 breathing and it's going -- falling right

1 into the Ohio River and the Great Miami, too.

2 I'd like more options. I don't mind
3 paying more for electricity, but I would like
4 that electricity to be renewable, not dirty
5 old sources. So I strongly urge PUCO to
6 revisit this and emphasize that energy
7 efficiency and renewable energy is what I
8 want and I think what a lot of people think.

9 MS. STENMAN: That concludes the witness
10 list.

11 Is there anyone who would like to
12 testify who are not on the list?

13 SHEILA GRAHAM

14 Witness herein, being duly sworn, testified as
15 follows:

16 MS. STENMAN: Please state your name and
17 address for the record.

18 MS. GREATER: I'm Sheila Graham, 505
19 Stewart, Cincinnati 45236. I'm just here,
20 just based on the fact that we just recently
21 received a raise hike and now Duke is asking
22 for another. And, again, where does it stop?

23 And, further, what are they doing? A
24 lot of times what happens is people are not
25 utilizing the resources that they currently

1 have properly. Like they're saying, what are
2 they doing for the future. What are they --
3 what is the overall plan? Are they going to
4 come back again and say in a couple of years,
5 we need more money. And a couple of years
6 after that, we need more money. Right now
7 we're in a recession at the time and it's
8 possible that we'll go through another
9 double-dip recession. People cannot afford
10 this and definitely not afford some more in
11 monies. So I really feel they need to
12 revisit -- come up with another plan. I
13 think that you should to be honest.

14 Thank you.

15 MS. STENMAN: Thank you.

16 STAN WOOD

17 Witness herein, being duly sworn, testified as
18 follows:

19 MS. STENMAN: Please state your name and
20 address.

21 MS. WOOD: Sandra Wood, W-O-O-D, 6147
22 Web Lane Place, W-E-B, Place, Cincinnati,
23 Ohio 45213. I'm just here in support of the
24 Sierra Club. We would like to have our clean
25 energy and not dirty energy, and Duke's

1 energy comes from a coal plant, coal fired
2 plant. And there's been big advertising for
3 a while about clean coal, and we all know
4 coal is not clean. You say you can burn it
5 clean, and that would be wonderful, but the
6 old plants aren't burning clean.

7 And you ask anyone from Appalachia if
8 coal is clean. It is not clean. It has a
9 lot of repercussions. Mountain top removal
10 is not cheap and it's destroying Appalachia.
11 It's destroyed over hundreds of mountains,
12 and these are gifts from God and you're
13 destroying them. And that just -- I think if
14 you just -- it's close to my heart, so I have
15 trouble with this. Just think.

16 Thank you.

17 MS. STENMAN: Anyone else? Well, we
18 appreciate everybody coming out today and
19 thank you for your time and your patience.
20 I'll put -- this information will be added on
21 the record of the Commission for their
22 consideration in this matter, in their
23 decision.

24 So, thank you very much.

25 (Hearing concluded.)

C E R T I F I C A T I O N

I certify that the foregoing is a
correct transcript from the record of proceedings
in the above-entitled matter.

s:/LaCartha Pate

LaCartha Pate

Notary Public - State of Ohio

My Commission Expires: June 11, 2012

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