

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of Duke     )  
Energy Ohio, Inc. to Adjust and Set the     ) Case No. 11-5778-EL-RDR  
Rates for Rider BTR and Rider RTO.     )

ENTRY

The attorney examiner finds:

- (1) By opinion and order issued May 25, 2011, in *In the Matter of the Application of Duke Energy Ohio, Inc. for Approval of the Establishment of Rider BTR and Associated Tariff Approval*, Case Nos. 11-2641-EL-RDR, et al., the Commission approved a stipulation creating a base transmission rate rider (Rider BTR) and a regional transmission organization rider (Rider RTO) to supplant Duke Energy Ohio, Inc.'s (Duke) transmission cost recovery rider at its expiration on December 31, 2011. Rider BTR is an unavoidable rider which was approved to recover network integrated transmission costs, Regional Transmission Enhancement Plan charges, Midwest Transmission Expansion Planning costs, and other non-market based costs from all customers. As approved, Rider RTO is an avoidable rider that will recover all charges billed by a Federal Energy Regulatory Commission-approved RTO in proportion to Duke's standard service offer load.
- (2) On November 17, 2011, Duke filed an application to adjust and set the rates for Riders BTR and RTO. In the application, Duke requests various waivers and provides schedules supporting the calculation of the proposed rate for Rider BTR. However, as some uncertainty still exists as to the costs to be recovered through Rider RTO, Duke proposes it remain set at zero, with an application to adjust Rider RTO to be filed on or before July 15, 2012. Duke requests that the new rate for Rider BTR be made effective on January 3, 2012.
- (3) Rule 4901:1-36-03, Ohio Administrative Code (O.A.C.), sets forth the information that an electric utility must file if it seeks recovery of transmission and transmission-related costs, as well as the process to be followed in such cases.
- (4) With its application, Duke, *inter alia*, filed a motion for waiver of Rule 4901:1-36-03(A), O.A.C., which would require Duke to

provide certain schedules which require historical data for the rider being adjusted. Duke explains that, because Rider BTR is a new rider, filing these schedules is impossible. Because there is no prior rate information for Rider BTR, the attorney examiner finds that Duke's request for a waiver of Rule 4901:1-36-03(A), O.A.C., is reasonable and should be granted; however, the attorney examiner reserves the right to require Duke to comply with Rule 4901:1-36-03(A), O.A.C., in the future.

- (5) Additionally, Duke requests a waiver of Rule 4901:1-36-05, O.A.C. which provides that an application should be approved or set for hearing within 75 days after the filing of a complete application under Chapter 4901:1-26, O.A.C. At this time, and until the time period for the filing of comments pursuant to Rule 4901:1-36-03(F), O.A.C., has ended, the attorney examiner finds that a ruling on Duke's request for waiver of Rule 4901:1-36-05, O.A.C., would not be appropriate. However, Rule 4901:1-36-03(F), O.A.C., provides a 40-day period for the filing of motions to intervene and comments on an application filed under the rule. Therefore, in light of the fact that Duke is requesting a January 3, 2012, effective date for Rider BTR, the attorney examiner finds it appropriate, at this time, to issue an expedited ruling in accordance with Rule 4901-1-12, O.A.C., and establish a schedule that will shorten the comment period and the intervention time frame provided for in Rule 4901:1-36-03(F), O.A.C., to provide for a more expedited review process.
- (6) Accordingly, the attorney examiner finds that the comment period and the intervention time frame provided for in Rule 4901:1-36-03(F), O.A.C., should be revised and the deadline for the filing of motions to intervene and comments on the application shall be Wednesday, December 7, 2011.

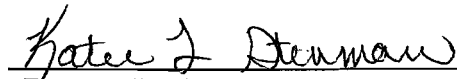
It is, therefore,

ORDERED, That, in accordance with finding (4), Duke's motion for waiver be granted. It is, further,

ORDERED, That the procedural schedule set forth in finding (6) be observed. It is, further,

ORDERED, That a copy of this entry be served upon all interested persons of record in this case.

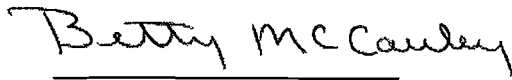
THE PUBLIC UTILITIES COMMISSION OF OHIO

  
By: Katie L. Stenman  
Attorney Examiner

grg  
/dah

Entered in the Journal

**NOV 22 2011**

  
Betty McCauley  
Secretary