

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of Duke )  
Energy Ohio, Inc., to Cancel or Suspend its ) Case No. 12-331-GA-ATA  
Spark Spread Interruptible Transportation )  
Rate. )

ENTRY

The attorney examiner finds:

- (1) On January 19, 2012, as supplemented on January 20, 2012, Duke Energy Ohio, Inc. (Duke or company), filed an application, pursuant to Section 4909.18, Revised Code, for authority to cancel its Spark Spread Interruptible Rate (Rate SSIT). Duke explains that it is necessary to cancel this tariff because it is no longer a calculable rate, as it is outdated and contains references to a market index that no longer exists. In addition, Duke offers that there are no customers currently taking service on Rate SSIT; in fact, there has never been a customer on the rate. Therefore, Duke asserts that cancellation of the rate will not impact any customer taking service on the rate. In the alternative, if the Commission does not wish Duke to cancel the tariff, Duke requests that Rate SSIT be suspended, pursuant to Section 4909.16, Revised Code, until the company can update the pricing index and costs in the context of the next rate case.
- (2) On February 13, 2012, the University of Cincinnati (UC) filed a motion to intervene in this matter, as well as comments in opposition to the application. In support of its motion to intervene, UC explains that, in January 2004, it entered into a special natural gas transportation agreement with the company for the purpose of transporting gas. According to UC, the discount from the special contract achieved the same goal as a spark spread tariff; thus, UC is not signed up for Rate SSIT. UC states that it received notice from Duke that the company would be terminating the special contract with UC effective May 13, 2012. After receiving the termination notice, UC explored other options with Duke and inquired about Rate SSIT; however, Duke declined to allow UC to be served under Rate SSIT. UC notes that, within a month of UC's request, Duke filed the instant application. UC states that it has a real

and substantial interest in this case, and it is not represented by another party. Furthermore, UC offers that its intervention will not delay the case and will contribute to resolution of the issues. No memorandum contra the motion to intervene was filed. Accordingly, the attorney examiner finds that UC's motion to intervene is reasonable and should be granted.

- (3) At this time, the attorney examiner finds that a conference should be scheduled with the parties. The purpose of the conference is to explore the parties' willingness to resolve the issues raised in this case. An attorney examiner from the Commission's legal department will facilitate the discussion. Accordingly, a conference shall be scheduled for August 9, 2012, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, 12th floor, Room 1247, Columbus, Ohio 43215-3793.

It is, therefore,

ORDERED, That the motion to intervene filed by UC be granted. It is, further,

ORDERED, That, in accordance with finding (3), a conference is scheduled for August 9, 2012. 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: Christine M.T. Pirik  
Attorney Examiner

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Entered in the Journal

JUL 06 2012



Barcy F. McNeal  
Secretary