

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of Duke Energy Ohio, Inc., for an Increase in its Electric Distribution Rates.)	Case No. 12-1682-EL-AIR
In the Matter of the Application of Duke Energy Ohio, Inc., for Tariff Approval.)	Case No. 12-1683-EL-ATA
In the Matter of the Application of Duke Energy Ohio, Inc., for Approval to Change Accounting Methods.)	Case No. 12-1684-EL-AAM
In the Matter of the Application of Duke Energy Ohio, Inc., for an Increase in its Natural Gas Distribution Rates.)	Case No. 12-1685-GA-AIR
In the Matter of the Application of Duke Energy Ohio, Inc., for Tariff Approval.)	Case No. 12-1686-GA-ATA
In the Matter of the Application of Duke Energy Ohio, Inc., for Approval of an Alternative Rate Plan for Gas Distribution Service.)	Case No. 12-1687-GA-ALT
In the Matter of the Application of Duke Energy Ohio, Inc., for Approval to Change Accounting Methods.)	Case No. 12-1688-GA-AAM

ENTRY

The attorney examiner finds:

- (1) Duke Energy Ohio, Inc. (Duke or the applicant), is an electric company as defined by Section 4905.03, Revised Code, a natural gas company as defined by Section 4905.03, Revised Code, and a public utility as defined by Section 4905.02, Revised Code, and, as such, is subject to the jurisdiction of this Commission, pursuant to Sections 4905.04, 4905.05, and 4905.06, Revised Code.

- (2) On July 9, 2012, Duke filed an application seeking Commission authority to increase electric distribution rates, to update its tariffs, and to change certain accounting methods in Case Nos. 12-1682-EL-AIR, 12-1683-EL-ATA, and 12-1654-EL-AAM (electric rate case) and an application seeking Commission approval to increase gas distribution rates, for tariff approval, for approval of an alternative rate plan, and to change accounting methods in Case Nos. 12-1685-GA-AIR, 12-1686-GA-ATA, 12-1687-GA-ALT, and 12-1688-GA-AAM (gas rate case).
- (3) In light of the fact that the applicant in both the electric and gas rate cases is the same company, it is anticipated that both cases will have in common intervenors, and the fact that the timing of filings in both cases will be similar, the attorney examiner finds it appropriate to set the procedural schedule for both the electric and gas rate cases in a single entry. However, the attorney examiner notes that all filings by the parties should be made in only the appropriate case and filings should not be docketed in both the gas rate case and electric rate case. In other words, no party should file a document with a combined case caption including both the electric rate case and the gas rate case, unless specifically directed to by the Commission or the attorney examiner.
- (4) Pursuant to Section 4909.19, Revised Code, the Commission's Staff conducted an investigation of the facts, exhibits, and matters relating to Duke's applications, and filed its reports on January 4, 2013. Copies of the staff reports were mailed to Duke, mayors of municipal corporations affected by the applications, and other persons the Commission deemed to be interested in the cases.
- (5) Pursuant to Section 4909.19, Revised Code, and Rule 4901-1-28(B), Ohio Administrative Code (O.A.C.), all objections to the staff reports must be filed within 30 days after the filing of such reports, and all objections must be specific. Any objection that is not specific enough to convey what is actually being placed at issue will be struck pursuant to the above-cited rule. Each party filing objections shall also file a brief summary of the issues it designates as major issues,

in order of their importance, for purposes of the notice required by Section 4903.083, Revised Code.

- (6) At this time, the attorney examiner finds that the parties to both the electric rate case and gas rate case should adhere to the following procedural schedule. If there is not a distinction between the cases, parties should assume that the following schedule applies to both the electric rate case and the gas rate case. As directed previously, in finding (3), all filings by the parties should be made in only the appropriate case, i.e., either the electric rate case or the gas rate case, and filings should not be docketed in both cases.
 - (a) February 4, 2013 – Deadline for the filing of objections to the staff reports.
 - (b) February 4, 2013 – Deadline for the filing of motions to intervene.
 - (c) February 4, 2013 – Deadline for the filing of testimony on behalf of Duke and intervenors, in accordance with Rule 4901-1-29, O.A.C.
 - (d) February 14, 2013 - A prehearing conference will be held in Hearing Room 11-A, at the offices of the Commission, 180 East Broad Street, Columbus, Ohio 43215. The purpose of the conference will be to discuss procedural aspects of the cases and to provide an opportunity for the parties to conduct settlement discussions. The prehearing will commence at 10:00 a.m. for the electric rate case and will commence, for the gas rate case, promptly at the conclusion of the prehearing for the electric rate case.
 - (e) February 19, 2013 – Deadline for the filing of motions to strike objections to the staff reports.
 - (f) February 26, 2013 – Deadline for the filing of memoranda contra motions to strike objections to the staff reports. Unless an

objection is struck or withdrawn, each objection must be discussed in the initial post-hearing brief of the objecting party. If an objection is not discussed in the initial brief, the objection will, without further action, be deemed withdrawn.

- (g) March 5, 2013 - The evidentiary hearing for the electric rate case will begin at 10:00 a.m. in Hearing Room 11-A, at the offices of the Commission, 180 East Broad Street, Columbus, Ohio 43215.
 - (h) The evidentiary hearing for the gas rate case will commence no later than one business day after the conclusion of the electric rate case at 10:00 a.m. in Hearing Room 11-A, at the offices of the Commission, 180 East Broad Street, Columbus, Ohio 43215.
- (7) A subsequent entry will address the scheduling of the local public hearings and publication of notice of the hearings.

It is, therefore,

ORDERED, That the parties adhere to the procedural schedule set forth in finding (6). It is, further,

ORDERED, That the parties comply with the directive set forth in finding (3). It is, further,

ORDERED, That a copy of this entry be served upon all parties of record in the above-captioned cases.

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/Katie Stenman

By: Katie L. Stenman
Attorney Examiner

JRJ/sc

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in

Case No(s). 12-1682-EL-AIR, 12-1683-EL-ATA, 12-1684-EL-AAM, 12-1685-GA-AIR, 12-1686-GA-ATA,

Summary: Attorney Examiner Entry establishing a procedural schedule as set forth in finding (6). - electronically filed by Sandra Coffey on behalf of Katie Stenman, Attorney Examiner, Public Utilities Commission of Ohio