

**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    ) Case No. 12-1682-EL-AIR  
Rates.    )

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            ) Case No. 12-1684-EL-AAM  
Methods.    )

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**OBJECTIONS TO STAFF REPORT AND STATEMENT OF MAJOR ISSUES  
OF THE GREATER CINCINNATI HEALTH COUNCIL**

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In accordance with R.C. § 4909.19, Ohio Admin. Code § 4901-1-28 and the Hearing Examiner’s Entry of January 10, 2013, the Greater Cincinnati Health Council (“GCHC”) hereby submits its objections to the January 4, 2013 Staff Report.

The GCHC submits these objections without prejudice to or limitation upon its right to participate fully at the hearing in this proceeding, including the cross-examination of all witnesses presented as to all issues raised during the course of the proceeding. Whether or not it presents witnesses at the hearing, the GCHC may adduce evidence through cross-examination of any witness concerning not only its objections to the Staff Report, but also to objections filed by others, particularly Duke Energy Ohio, Inc. (“DE-Ohio”), and as to such additional issues which the Commission or the Hearing Officer may, in their discretion, permit the parties to present in accordance with Ohio Admin. Code § 4901-1-28(C).

**INTRODUCTION**

On January 4, 2013, the Commission’s Staff submitted its findings in the Staff Report concerning DE-Ohio’s application for an increase in electric distribution rates. The investigation

and preparation of the Staff Report were conducted in accordance with the Commission's Entry dated August 29, 2012. The Staff Report examines the operating income and rate base, rate of return, rates and tariffs, and quality of service of DE-Ohio.

### **OBJECTIONS TO STAFF REPORT**

#### **Operating Income**

The GCHC objects to the Staff Report's failure to adjust property tax expense to reflect settlements between Duke and the Ohio Department of Taxation that reduced Duke's property tax liability.

#### **Rate of Return**

The GCHC objects to the recommended rate of return as reflecting the higher risk of an integrated utility, which includes businesses with higher risks than the distribution business, resulting in an excessive rate of return for distribution rates.

#### **Cost of Service Analysis**

The GCHC objects to the Staff Report's acceptance of DE-Ohio's Cost of Service Study, which does not accurately reflect customer related costs of service and disproportionately assigns costs to the DP customer class. Correspondingly, the rate of return in Table 1 on page 28 is skewed downward for the DP class of service.

#### **Distribution of Proposed Revenue Increase**

The GCHC objects to the proposed disproportionate rate increase recommendation in the Staff Report for the DP customer class.

### **STATEMENT OF MAJOR ISSUES**

1. The proposed rate increases would have a disproportionate impact on customer classes.

2. The rate of return is excessive for a low risk distribution business.

Respectfully submitted,

/s/ Douglas E. Hart

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## **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Objections to Staff Report and Statement of Major Issues of the Greater Cincinnati Health Council was served upon the parties of record listed below this 4th day of February 2013 by electronic service.

/s/ Douglas E. Hart

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Summary: Objection to Staff Report and Statement of Major Issues electronically filed by Mr. Douglas E. Hart on behalf of Greater Cincinnati Health Council