

FILE

**PUCO EXHIBIT FILING**RECEIVED-DOCKETING DIV.  
2016 MAR 21 PM 3:40  
PUCODate of Hearing: March 10, 2016Case No. 14-457-EL-RDR  
15-534-EL-RDR

PUCO Case Caption: \_\_\_\_\_

\_\_\_\_\_ In the Matter of the Application of Duke  
 \_\_\_\_\_ Energy Ohio, Inc. for Recovery of  
 \_\_\_\_\_ Program Costs, Lost Distribution Revenue  
 \_\_\_\_\_ and Performance Incentives Related to tis  
 \_\_\_\_\_ Energy Efficiency and Demand Response  
 \_\_\_\_\_ Programs.

**List of exhibits being filed:**(Volume I)OMA Exhibits: 7, 14, 15, 16, 17, 18, 21

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Technician Dmt Date Processed MAR 21 2016

Reporter's Signature: Carolyn M. BurkeDate Submitted: 3/21/2016

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

- - -

In the Matter of the :  
Application of Duke :  
Energy Ohio, Inc. for :  
Recovery of Program Costs, : Case Nos. 14-457-EL-RDR  
Lost Distribution Revenue, : 15-534-EL-RDR  
and Performance Incentives:  
Related to its Energy :  
Efficiency and Demand :  
Response Programs. :

- - -

PROCEEDINGS

before Mr. Nicholas Walstra, Attorney Examiner, at  
the Public Utilities Commission of Ohio, 180 East  
Broad Street, Room 11-A, Columbus, Ohio, called at  
10:00 a.m. on Thursday, March 10, 2016.

- - -

VOLUME I

- - -

ARMSTRONG & OKEY, INC.  
222 East Town Street, Second Floor  
Columbus, Ohio 43215-5201  
(614) 224-9481 - (800) 223-9481  
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- - -

**Duke Energy Ohio  
Case No. 14-457-EL-RDR  
OCC Second Set of Interrogatories  
Date Received: February 19, 2016**

**OCC-INT-02-001**

**REQUEST:**

Please explain why Case No. 14-1580-EL-RDR, was not included as part of the Stipulation, filed at the PUCO on January 6, 2016, in dockets 14-457-EL-RDR and 15-534-EL-RDR.

**RESPONSE:**

Case No. 14-1580-EL-RDR was not included in the Stipulation, because the intent of the Stipulation was to resolve the calculation of the Company's shared savings incentive for 2013 and 2014 that was trued-up in Case No 14-457-EL-RDR and Case No. 15-534-EL-RDR respectively. While a term of the Stipulation requires the Company to forego earning a shared savings in 2016, the stipulation was not intended to resolve Case No. 14-1580-EL-RDR.

**PERSON RESPONSIBLE:** Tim Duff

OMA EX. 7

**Duke Energy Ohio  
Case No. 14-457-EL-RDR  
OCC Second Set of Interrogatories  
Date Received: February 19, 2016**

**OCC-INT-02-010**

**REQUEST:**

Identify the date(s) of any meetings between employees and/or representatives of Duke and PUCO staff to discuss settlement for Case Nos. 14-457-EL-RDR and 14-534-EL-RDR.

**RESPONSE:**

Duke Energy Ohio met with Commission Staff on December 28, 2015, in person, and December 30, 2015, via teleconference.

**PERSON RESPONSIBLE: Legal**

**Duke Energy Ohio  
Case No. 14-457-EL-RDR  
OCC Second Set of Interrogatories  
Date Received: February 19, 2016**

**OCC-INT-02-010  
SUPPLEMENTAL**

**REQUEST:**

Identify the date(s) of any meetings between employees and/or representatives of Duke and PUCO staff to discuss settlement for Case Nos. 14-457-EL-RDR and 14-534-EL-RDR.

**RESPONSE:**

Duke Energy Ohio met with Commission Staff on October 20, December 28, December 29 and December 30, 2015.

**PERSON RESPONSIBLE:** Legal

**Duke Energy Ohio  
Case No. 14-457-EL-RDR  
OCC Third Set of Interrogatories  
Date Received: March 1, 2016**

**OCC-INT-03-017**

**REQUEST:**

Were any intervening parties invited to one or both of the meetings identified in Duke's response to OCC-INT-02-010? If the answer is affirmative, identify the intervening parties who were invited to the meetings.

**RESPONSE:**

No.

**PERSON RESPONSIBLE:** Legal

**Duke Energy Ohio  
Case No. 14-457-EL-RDR  
OCC Third Set of Interrogatories  
Date Received: March 1, 2016**

**OCC-INT-03-018**

**REQUEST:**

Did any intervening parties participate in one or both of the meetings identified in Duke's response to OCC-INT-02-010? If the answer is affirmative, identify the intervening parties who participated in the meetings.

**RESPONSE:**

No.

**PERSON RESPONSIBLE:** Legal

**Duke Energy Ohio**  
**Case No. 14-457-EL-RDR**  
**OCC Third Set of Production of Documents**  
**Date Received: March 1, 2016**

**OCC-POD-03-006**

**REQUEST:**

Produce any documents distributed during settlement discussions identified in Duke's response to INT-03-019.

**RESPONSE:**

N/A

**PERSON RESPONSIBLE:** Legal



**Duke Energy Ohio**  
**Case No. 14-457-EL-RDR**  
**OCC Third Set of Production of Documents**  
**Date Received: March 1, 2016**

**OCC-POD-03-007**

**REQUEST:**

Produce any documents distributed during settlement discussions identified in Duke's response to INT-03-020.

**RESPONSE:**

N/A.

**PERSON RESPONSIBLE:** Legal

**Duke Energy Ohio**  
**Case No. 14-457-EL-RDR**  
**OCC Second Set of Interrogatories**  
**Date Received: February 19, 2016**

**OCC-INT-02-011**  
**SUPPLEMENTAL**

**REQUEST:**

For each meeting identified in response to INT-2-010, please identify any and all participants.

**RESPONSE:**

Attendees participating in the October 20 meeting on behalf of Duke Energy Ohio were Amy Spiller and Lee Barrett. Attendee for Staff include was Jason Rafeld.

Attendees meeting on December 28, in person were Amy Spiller, Lee Barrett, Elizabeth Watts. Attendees for Staff included, but may not be limited to John Jones, Patrick Donlon, Ray Strom, Theresa White, Ray Strom, Robert Wolfe, Kristen Braun.

Attendees participating in the teleconference on December 29, 2015 for Duke Energy Ohio were Amy Spiller, Elizabeth Watts, Tim Duff and Lee Barrett. Attendees for Staff include but may not be limited to: John Jones, Patrick Donlon, Ray Strom, Theresa White.

Attendees participating in the teleconference on December 30, 2015 for Duke Energy Ohio were Amy Spiller, Elizabeth Watts, Tim Duff and Lee Barrett. Attendees for the Staff include but may not be limited to: John Jones, Ray Strom, Patrick Donlon, Theresa White and Robert Wolfe.

**PERSON RESPONSIBLE:** Legal

**Duke Energy Ohio  
Case No. 14-457-EL-RDR  
OCC Second Set of Interrogatories  
Date Received: February 19, 2016**

**OCC-INT-02-011**

**REQUEST:**

For each meeting identified in response to INT-2-010, please identify any and all participants.

**RESPONSE:**

At the meeting on December 28, 2015, no attendance sheet was created. Attendees on behalf of Duke Energy Ohio were Amy Spiller, Elizabeth Watts and Lee Barrett. Attendees for Staff include but may not be limited to: John Jones, Jason Rafeld, Patrick Donlon, Ray Strom, Robert Wolfe and Kristen Braun.

Attendees participating in the teleconference for Duke Energy Ohio were Amy Spiller, Elizabeth Watts and Lee Barrett. It is unknown at this time who participated for Staff. However, among those participating were Patrick Donlon and John Jones.

**PERSON RESPONSIBLE:** Legal

## Kimberly W. Bojko

**From:** Kimberly W. Bojko  
**Sent:** Wednesday, January 06, 2016 6:08 PM  
**To:** 'John.Jones@puc.state.oh.us'; amy.spiller@duke-energy.com; elizabeth.watts@duke-energy.com; Terry.Etter@occ.ohio.gov; Kyle.Kern@occ.ohio.gov; cmooney@ohiopartners.org; Allwein, Christopher; mfleisher@elpc.org; Joel E. Sechler; Boehm, David  
**Cc:** Natalia.Messenger@puc.state.oh.us; Theresa.White@puc.state.oh.us; patrick.donlon@puc.state.oh.us  
**Subject:** RE: Proposed Settlement Draft in Case Nos. 14-457-EL-RDR and 15-534-EL-RDR

John,

Thank you for forwarding your draft settlement. As you are aware, many of us have been consumed by the AEP and FE hearings and all the activity that has occurred during a short period of time over the holidays. While OMAEG would like to be involved in any settlement discussions, including Staff and the Company's proposed settlement document, it is just not possible for us to give you feedback or the necessary attention that these issues deserve within the week provided, especially with the holidays and PPA proceedings. We have not had an opportunity to review the stipulation with any detail or discuss it with our client. We would, however, like to have the opportunity to do just that. As an initial matter, I would note that there seems to be a typo in the case caption. I think the second case you would like to address in this stipulation is 15-534. I would also clarify that OMAEG is a party to both proceedings and I should be listed as counsel of record for OMAEG. Fibertech is not a party in either proceeding. Kroger is only a party to 15-534 and my partner, Joel Sechler, should be listed as counsel of record for Kroger. Ryan O'Rourke has not made an appearance in either of these cases and he should be removed.

Thank you.

Kim

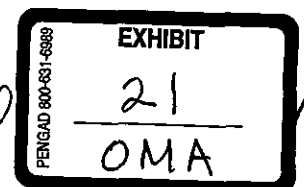
**Kimberly W. Bojko**  
CARPENTER LIPPS & LELAND LLP  
280 Plaza, Suite 1300  
280 N. High Street  
Columbus, OH 43215  
(614) 365-4124  
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### CONFIDENTIALITY NOTICE

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**From:** John.Jones@puc.state.oh.us [mailto:John.Jones@puc.state.oh.us]  
**Sent:** Wednesday, December 30, 2015 3:19 PM  
**To:** amy.spiller@duke-energy.com; elizabeth.watts@duke-energy.com; Terry.Etter@occ.ohio.gov; Kyle.Kern@occ.ohio.gov; Kimberly W. Bojko; cmooney@ohiopartners.org; Allwein, Christopher; mfleisher@elpc.org; Joel E. Sechler; Boehm, David ; Ryan O'Rourke  
**Cc:** Natalia.Messenger@puc.state.oh.us; Theresa.White@puc.state.oh.us; patrick.donlon@puc.state.oh.us  
**Subject:** Proposed Settlement Draft in Case Nos. 14-457-EL-RDR and 15-534-EL-RDR

All,



Duke Energy Ohio and Staff have discussed settlement terms and we captured them in the attached draft document, which covers all of the issues in Case No. 14-457-EL-RDR and only the shared savings mechanism issue in Case No. 15-534-EL-RDR. We believe this proposed draft reasonably resolves all such issues, but mainly the shared savings mechanism, in these two cases pending before the Commission. Please review the attached proposed settlement draft and let me know by noon on Wednesday, January 6, 2016 whether your client has an interest in being a signatory party.

Thanks,

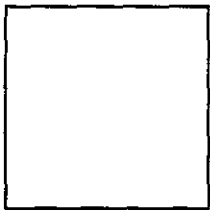
John

**John H. Jones**

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Public Utilities Section  
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