

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of	)	
Duke Energy Ohio, Inc., for an	)	Case No. 17-32-EL-AIR
Increase in Electric Distribution Rates.	)	
In the Matter of the Application of	)	
Duke Energy Ohio, Inc., for Tariff	)	Case No. 17-33-EL-ATA
Approval.	)	
In the Matter of the Application of	)	
Duke Energy Ohio, Inc., for Approval	)	Case No. 17-34-EL-AAM
to Change Accounting Methods.	)	

---

**MOTION OF DUKE ENERGY OHIO, INC.,  
TO SET TEST PERIOD AND DATE CERTAIN UNDER R.C. 4909.15(C)  
AND FOR WAIVER OF CERTAIN FILING  
REQUIREMENTS CONTAINED IN O.A.C. 4901-7-01**

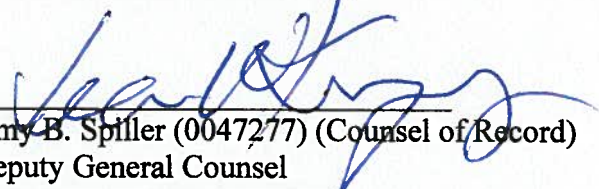
---

Comes now Duke Energy Ohio, Inc. (Duke Energy Ohio or Company), by and through counsel, and, as the Applicant herein, states that it plans to file an application for approval of an increase in its electric distribution rates on or about March 2, 2017. In connection with its application, Duke Energy Ohio respectfully requests that the Public Utilities Commission of Ohio (Commission): (1) issue an order allowing Duke Energy Ohio to use a test period of April 1, 2016, through March 31, 2017, with a date certain of June 30, 2016; and, (2) grant Duke Energy Ohio a waiver, pursuant to O.A.C. 4901-7-01, from certain filing requirements contained in O.A.C. 4901-7-01, Appendix A.

The grounds for this motion are set forth in the accompanying memorandum.

Respectfully submitted,

DUKE ENERGY OHIO, INC.



Amy B. Spiller (0047277) (Counsel of Record)

Deputy General Counsel

Jeanne W. Kingery (0012172)

Associate General Counsel

Elizabeth H. Watts (0031092)

Associate General Counsel

Rocco O. D'Ascenzo (0077651)

Associate General Counsel

Duke Energy Business Services LLC

139 E. Fourth Street, 1303-Main

P.O. Box 961

Cincinnati, Ohio 45201-0960

(513) 287-4359 (telephone)

(513) 287-4385 (facsimile)

[Amy.Spiller@duke-energy.com](mailto:Amy.Spiller@duke-energy.com)

[Jeanne.Kingery@duke-energy.com](mailto:Jeanne.Kingery@duke-energy.com)

[Elizabeth.Watts@duke-energy.com](mailto:Elizabeth.Watts@duke-energy.com)

[Rocco.D'Ascenzo@duke-energy.com](mailto:Rocco.D'Ascenzo@duke-energy.com)

*Attorneys for Duke Energy Ohio, Inc.*

## MEMORANDUM IN SUPPORT

### I. Test Period and Date Certain

Duke Energy Ohio intends to file an application for an increase in rates for its electric distribution service on or about March 2, 2017. The Company proposes to use the twelve months ending March 31, 2017, as the test year for the filing, and June 30, 2016, as the date certain for determining rate base.

On September 15, 2016, Duke Energy Ohio filed an application for a waiver, in Case No. 10-2326-GE-RDR,<sup>1</sup> seeking to be excused from the requirement that it file a base electric distribution rate case no later than October 22, 2016.<sup>2</sup> Thereafter, the Office of the Ohio Consumers' Counsel (OCC) opposed the Company's request<sup>3</sup> and Staff of the Commission supported only a nine-month extension of the required rate case filing date.<sup>4</sup> In response to Staff, Duke Energy Ohio and the OCC jointly filed a recommendation that the Commission approve a brief waiver of the filing deadline, while retaining a test year and date certain that could have been used had the Company filed its case as originally anticipated. This joint recommendation would therefore result in customers being unaffected by the brief delay in the actual filing date.<sup>5</sup>

### II. Request for Waivers Under O.A.C. 4901-7-01

Pursuant to O.A.C. 4901-7-01, the Commission may grant a waiver from the standard filing requirements for an application for an increase in rates for good cause shown. In determining whether good cause exists for a waiver, the Commission is guided by the following:

---

<sup>1</sup> *In the Matter of the Application of Duke Energy Ohio, Inc., to Adjust and Set Its Gas and Electric Recovery Rate for 2010 SmartGrid Costs Under Rider AU and Rider DR-IM and Mid-Deployment Review of AMI/SmartGrid Program*, Case No. 10-2326-GE-RDR (*SmartGrid Review*).

<sup>2</sup> *SmartGrid Review*, Duke Energy Ohio Application for Waiver of Certain Provisions of the June 13, 2016, Opinion and Order and Request for Expedited Relief (September 15, 2016).

<sup>3</sup> *SmartGrid Review*, Memorandum Contra by OCC (September 22, 2016).

<sup>4</sup> *SmartGrid Review*, Staff Reply, at pg. 2 (October 12, 2016).

<sup>5</sup> *SmartGrid Review*, Joint Response of Duke Energy Ohio, Inc., and the Office of the Ohio Consumers' Counsel to Staff's Reply to Duke Energy Ohio's Application, at pg. 2 (November 8, 2016).

- (A) A request for waiver of any of the provisions of the standard filing requirements must set forth the specific reasons in support of the request. The commission shall grant the request for a waiver upon good cause shown by the utility. In determining whether good cause has been shown, the commission shall give due regard, among other things, to:
- (i) Whether other information, which the utility would provide if the waiver is granted, is sufficient so that the commission staff can effectively and efficiently review the rate application.
  - (ii) Whether the information, which is the subject of the waiver request, is normally maintained by the utility or reasonably available to it from the information which it maintains.
  - (iii) The expense to the utility in providing the information, which is the subject of the waiver request.<sup>6</sup>

Duke Energy Ohio respectfully requests that the Commission grant it a waiver, pursuant to O.A.C. 4901-7-01, from certain filing requirements set forth in O.A.C. 4901-7-01, Appendix A, Chapter II, only insofar as said requirements relate to the Company's natural gas utility operations, generation and fuel supply, resource planning, and employee classifications. Duke Energy Ohio submits that good cause exists for the aforementioned waivers and respectfully requests that the Commission grant the Company a waiver from the standard filing requirements discussed more fully below.

Information related to the Company's natural gas utility operations is not relevant to these proceedings and is subject to the Commission's review in the context of a gas distribution rate case. As such, good cause exists to grant a waiver, in these proceedings, from filing requirements that pertain to the Company's natural gas utility operations.

Duke Energy Ohio intends, in these proceedings, only to seek an increase in electric distribution rates and it will not request an increase in any rates associated with electric generation, including fuel, since the Company no longer directly owns any electric generation

---

<sup>6</sup> O.A.C. 4901-7-01, Appendix A, Chapter II, Section (A)(4)(d).

facilities. Accordingly, information related to directly owned generation and fuel is not relevant to Duke Energy Ohio's requested increased in distribution rates and production of said information would not enable an efficient or effective review of the Company's application.

Thus, in the interest of administrative economy, Duke Energy Ohio requests a waiver from the following standard filing requirements to the extent they require the production of generation- or fuel-related information:

1. Five-year capital expenditures budget (O.A.C. 4901-7-01, Appendix A, Chapter II, Section (B)(1));
2. Five-year financial forecast (O.A.C. 4901-7-01, Appendix A, Chapter II, Section (B)(2));
3. Underlying assumptions (O.A.C. 4901-7-01, Appendix A, Chapter II, Section (B)(3));
4. Five-year projection of revenue requirements O.A.C. 4901-7-01, Appendix A, Chapter II, Section (B)(4));
5. Balance sheet items (O.A.C. 4901-7-01, Appendix A, Chapter II, Section (B)(5));
6. Identified elements of a statement of changes in financial position (O.A.C. 4901-7-01, Appendix A, Chapter II, Section (B)(6));
7. Materials and supplies (O.A.C. 4901-7-01, Appendix A, Chapter II, Section (C)(11));  
and,
8. Construction projects that are 75 percent complete (O.A.C. 4901-7-01, Appendix A, Chapter II, Section (C)(20)).

Further, for the reasons noted above, Duke Energy Ohio requests a waiver from the requirements of O.A.C. 4901-7-01, Appendix A, Chapter II, Sections (B)(8) and (B)(9), to the extent that the Company's management policies, practices, and organization relate solely to its



generation, fuel, wholesale power marketing, and other non-jurisdictional functions or businesses.

Duke Energy Ohio also respectfully requests that the Commission grant it a waiver, pursuant to O.A.C. 4901-7-01, from certain filing requirements set forth in O.A.C. 4901-7-01, Appendix A, Chapter II, Section C, paragraph (D)(7), relating to payroll analysis by employee classification/payroll distribution. In support thereof, Duke Energy Ohio states that its financial system is such that it cannot provide detail between exempt and non-exempt employees. This information is not available and cannot be reasonably obtained from the information the Company currently does maintain. Thus, to the extent “employee classification” may be defined as including both exempt and non-exempt statuses, thereby requiring an analysis predicated upon said interpretation, Duke Energy Ohio seeks a waiver from this requirement. Duke Energy Ohio commits to providing the payroll analysis in respect of the two employee classifications of union and non-union. In this regard, the limited waiver requested here will not prejudice the parties in that payroll analyses will be produced.

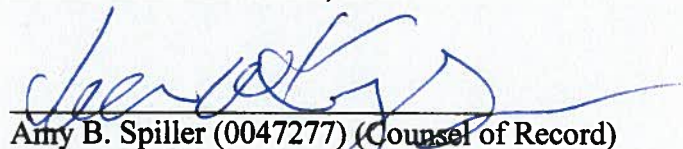
The narrow scope of the waivers as requested herein will not prejudice any party of record in its review and evaluation of Duke Energy Ohio’s application. On the contrary, by not unnecessarily complicating the docket with irrelevant information, an efficient and expeditious review is ensured.

### **III. Conclusion**

For the reasons set forth herein, Duke Energy Ohio respectfully requests that the Commission grant its request to set a test period for the twelve months ending March 31, 2017, with a date certain of June 30, 2016, and its request for waiver from certain of the Commission’s standard filing requirements, as set forth in O.A.C. 4901-7-01, as discussed herein.

Respectfully submitted,

DUKE ENERGY OHIO, INC.



Amy B. Spiller (0047277) (Counsel of Record)

Deputy General Counsel

Jeanne W. Kingery (0012172)

Associate General Counsel

Elizabeth H. Watts (0031092)

Associate General Counsel

Rocco O. D'Ascenzo (0077651)

Associate General Counsel

Duke Energy Business Services LLC

139 E. Fourth Street, 1303-Main

P.O. Box 961

Cincinnati, Ohio 45201-0960

(513) 287-4359 (telephone)

(513) 287-4385 (facsimile)

[Amy.Spiller@duke-energy.com](mailto:Amy.Spiller@duke-energy.com)

[Jeanne.Kingery@duke-energy.com](mailto:Jeanne.Kingery@duke-energy.com)

[Elizabeth.Watts@duke-energy.com](mailto:Elizabeth.Watts@duke-energy.com)

[Rocco.D'Ascenzo@duke-energy.com](mailto:Rocco.D'Ascenzo@duke-energy.com)

*Attorneys for Duke Energy Ohio, Inc.*

**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

**1/31/2017 4:34:09 PM**

**in**

**Case No(s). 17-0032-EL-AIR, 17-0033-EL-ATA, 17-0034-EL-AAM**

Summary: Motion Motion of Duke Energy Ohio, Inc., to Set Test Period and Date Certain Under R.C. 4909.15(C) and for Waiver of Certain Filing Requirements Contained in O.A.C. 4901-7-01 electronically filed by Mrs. Adele M. Frisch on behalf of Duke Energy Ohio, Inc. and Spiller, Amy B and Kingery, Jeanne W and Watts, Elizabeth H and D'Ascenzo, Rocco O