

PUBLIC UTILITIES COMMISSION OF OHIO

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In the Matter of the ;
Application of Duke Energy :
Ohio, Inc, for Administration : Case No.
of the Significantly Excessive : 16-781-EL-UNC
Earnings Test under Section :
4928.143(F), Revised Code, and :
Rule 4901:1-35-10, Ohio :
Administrative Code. :

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PROCEEDINGS

Before Nick Walstra and Patricia Schabo,
Attorney Examiners, held at the Public Utilities
Commission of Ohio, 180 East Broad Street,
Hearing Room 11-D, Columbus, Ohio, on Tuesday,
June 14, 2017, at 1:00 P.M.

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1 APPEARANCES:

2 Ms. Jeanne W. Kingery
3 139 East 4th Street
4 Cincinnati, Ohio

5 On behalf of Duke Energy
6 Ohio.

7 Mr. Thomas McNamee
8 Assistant Attorney General
9 30 East Broad Street, 16th Floor
Columbus, Ohio 43215

10 On behalf of the Staff of the
11 Public Utilities Commission
12 of Ohio.

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	Peggy A. Laub		

- - -

1 Tuesday Morning,

2 June 14, 2017.

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4 ATTORNEY EXAMINER SCHABO: The
5 Public Utilities Commission of Ohio has called
6 for hearing at this time and place Case No.
7 16-781-EL-UNC being in the Matter of
8 the Application of Duke Energy Ohio for
9 Administration of the Significantly Excessive
10 Earnings Test.

11 My name is Trish Schabo and with me
12 is Nick Walstra, and we are the Attorney
13 Examiners assigned by the Commission to hear
14 this case.

15 I would like to begin taking
16 appearances.

17 MS. KINGERY: Thank you, Your Honor.
18 My name is Jeanne Kingery, along with Amy
19 Spiller. We are here on behalf of Duke Energy
20 Ohio, 139 East 4th Street, Cincinnati, Ohio.

21 ATTORNEY EXAMINER: Thank you.

22 MR. MCNAMEE: On behalf of the Staff
23 of the Public Utilities Commission of Ohio, I am
24 Thomas McNamee, Assistant Attorney General.
25 The address is 30 East Broad Street, 16th Floor,

1 Columbus, Ohio 43215.

2 ATTORNEY EXAMINER: Thank you. I
3 understand there is a stipulation.

4 MS. KINGERY: Yes, there is, your
5 Honor.

6 ATTORNEY EXAMINER: How would you
7 like to proceed?

8 MR. MCNAMEE: I would suggest, your
9 Honor, that we might have Ms. Kingery mark her
10 exhibits first, and I will stipulate to their
11 admission. And then we can proceed with the
12 stipulation itself and the examination of Mr.
13 Buckley will support it.

14 MS. KINGERY: Thank you, your Honor.
15 We would mark at this time Duke Energy Ohio
16 Exhibit 1, which is the Application in this case
17 filed on April 15, 2016.

18 As well as as Duke Energy Ohio
19 Exhibit 2, which is the testimony of Peggy A.
20 Laub on behalf of Duke Energy Ohio submitted on
21 the same date.

22 ATTORNEY EXAMINER: All right.

23 MS. KINGERY: May we approach with
24 copies?

25 ATTORNEY EXAMINER: Absolutely.

1 MR. MCNAMEE: And, you Honor, Staff
2 would stipulate to the admission of those
3 documents.

4 ATTORNEY EXAMINER: So admitted.
5 Thank you.

6 (EXHIBITS ADMITTED INTO EVIDENCE)

7 MR. MCNAMEE: At this time the
8 Staff would call Joseph Buckley.

9 (WITNESS SWORN)

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11 JOSEPH BUCKLEY
12 called as a witness, being first duly sworn,
13 testified as follows:

14 DIRECT EXAMINATION

15 By Mr. McNamee:

16 Q. Mr. Buckley, could you tell me by
17 whom you are employed?

18 A. I am employed by the Public
19 Utilities Commission of Ohio. Our address is
20 180 East Broad Street, Columbus, Ohio 43215.

21 Q. In what capacity are you employed by
22 the Public Utilities Commission of Ohio?

23 A. I am a Utility Specialist.

24 MR. MCNAMEE: At this point, your
25 Honor, I would ask to have marked for

1 identification the stipulation that was
2 submitted in this case and ask to have it marked
3 as Joint Exhibit 1.

4 ATTORNEY EXAMINER: Any objection?

5 MS. KINGERY: No objection, your
6 Honor.

7 ATTORNEY EXAMINER: So marked.

8 (EXHIBIT MARKED FOR THE PURPOSE OF
9 IDENTIFICATION)

10 Q. Mr. Buckley, do you have what's
11 been marked for identification as Joint Exhibit
12 1 before you?

13 A. I do.

14 Q. What is it?

15 A. It is the Stipulation and
16 Recommendation entered into by the Staff and
17 the company regarding this proceeding.

18 Q. Does it resolve all issues in this
19 case?

20 A. I believe it does.

21 Q. Good. Was it entered into between
22 knowledgeable and capable parties?

23 A. I believe it was.

24 Q. Okay. Does that stipulation benefit
25 the public?

1 A. I believe it does.

2 Q. In what way? Let me rephrase my
3 question.

4 Does the acceptance of the
5 stipulation avoid needless litigation?

6 A. It does.

7 Q. It does. Okay. Does it reflect
8 staff's view that Duke Energy Ohio has not
9 experienced significantly excessive earnings
10 within the meaning of the statute during the
11 relevant period?

12 A. It does.

13 Q. Good. Does this stipulation violate
14 any important regulatory policy or principle?

15 A. I don't believe it does.

16 Q. The Staff entered into this
17 stipulation after its normal review of
18 the company's filings; did it not?

19 A. It did.

20 Q. Okay. And the result of the Staff's
21 review of the Company's filings was a
22 determination that the company had not
23 experienced significant excessive earnings
24 during the relevant period; correct?

25 A. Correct.

1 MR. MCNAMEE: That is all I have.

2 The witness is available for cross.

3 MS. KINGERY: I have no questions.

4 Thank you.

5 MR. MCNAMEE: At this point the
6 Staff has nothing further to present. Thank
7 you.

8 We would ask for the Joint Exhibit 1
9 to be admitted.

10 MS. KINGERY: And I have no
11 objections to the admission of Joint Exhibit 1.
12 And I would ask that Duke Energy Ohio Exhibits 1
13 and 2 be admitted into the record.

14 ATTORNEY EXAMINER: All the exhibits
15 will be admitted. Thank you.

16 (EXHIBITS ADMITTED INTO EVIDENCE)

17 ATTORNEY EXAMINER: Give me just one
18 second.

19 Mr. Buckley, you are excused. Is
20 there anything further?

21 MR. MCNAMEE: Nothing further.

22 ATTORNEY EXAMINER: All right.
23 Then we are adjourned.

24 MS. KINGERY: Thank you, your Honor.

25 (At 1:07 P.M. The hearing was concluded)

CERTIFICATE

I do hereby certify that the foregoing
is a true and correct transcript of the
proceedings taken by me in this matter on June
14, 2017, and carefully compared with my
original stenographic notes.

Michael O. Spencer,
Registered Professional
Reporter.

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in

Case No(s). 16-0781-EL-UNC

Summary: Transcript In the Matter of the Application of Duke Energy Ohio, Inc., for Administration of the Significantly Excessive Earnings Test under Section 4928.143(F), Revised Code, and Rule 4901:1-35-10, Ohio Administrative Code, hearing held on June 14, 2017. electronically filed by Mr. Ken Spencer on behalf of Armstrong & Okey, Inc. and Spencer, Michael O. Mr.