

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

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In the Matter of the :
Application of Duke :
Energy Ohio, Inc., for :
Administration of the :
Significantly Excessive : Case No. 18-568-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 Ms. Stacie Cathcart, Attorney Examiner, at the
Public Utilities Commission of Ohio, 180 East Broad
Street, Room 11-C, Columbus, Ohio, called at
9:59 a.m. on Tuesday, November 20, 2018.

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ARMSTRONG & OKEY, INC.
222 East Town Street, 2nd Floor
Columbus, Ohio 43215-5201
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APPEARANCES:

Duke Energy Business Services LLC
By Ms. Jeanne W. Kingery
and Mr. Rocco O' D'Ascenzo
155 East Broad Street, 20th Floor
Columbus, Ohio 43215

On behalf of Duke Energy Ohio, Inc.

Mike DeWine, Ohio Attorney General
Public Utilities Section
By Mr. Thomas W. McNamee,
Principal Assistant Attorney General
30 East Broad Street, 16th Floor
Columbus, Ohio 43215

On behalf of the Staff of the Public
Utilities Commission of Ohio.

Boehm, Kurtz & Lowry
By Mr. Michael L. Kurtz
36 East Seventh Street, Suite 1510
Cincinnati, Ohio 45202

On behalf of Ohio Energy Group.

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JOINT EXHIBIT

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DUKE ENERGY OHIO EXHIBITS

IDENTIFIED ADMITTED

1 - Application

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2 - Direct Testimony of
Sarah E. Lawler

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STAFF EXHIBIT

IDENTIFIED ADMITTED

1 - Prefiled Testimony of
Joseph P. Buckley

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Tuesday Morning Session,
November 20, 2018.

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EXAMINER CATHCART: The Public Utilities Commission of Ohio has assigned for hearing, at this time and place, Case No. 18-568-EL-UNC, being In the Matter of Duke Energy Ohio, Incorporated, for Administration of the Significantly Excessive Earnings Test.

My name is Stacie Cathcart, and I'm the Attorney Examiner assigned by the Commission to hear this case.

At this time, I'd like to take appearances of the parties.

MS. KINGERY: Thank you, Your Honor. Jeanne Kingery and Rocco D. D'Ascenzo on behalf of Duke Energy Ohio; 155 East Broad Street, Columbus, Ohio.

EXAMINER CATHCART: Thank you.

MR. McNAMEE: On behalf of the Staff of the Public Utilities Commission of Ohio, I'm Thomas W. McNamee, Assistant Attorney General. The address is 30 East Broad Street, 16th Floor, Columbus, Ohio 43215.

And I was asked to put in an appearance

1 for Michael L. Kurtz of Boehm, Kurtz & Lowry; 36 East
2 Seventh Street, Suite 1510, Cincinnati, Ohio 45202.

3 EXAMINER CATHCART: Thank you.

4 The parties have indicated they have
5 reached a Stipulation in this matter.

6 MS. KINGERY: Yes, Your Honor, they have,
7 and I have here a copy of the Stipulation that was
8 filed in the docket on the 16th of November, and we
9 would mark that Joint Exhibit 1.

10 MR. McNAMEE: I've already got one.

11 EXAMINER CATHCART: Great. I will mark
12 the Stipulation as Joint Exhibit 1.

13 (EXHIBIT MARKED FOR IDENTIFICATION.)

14 EXAMINER CATHCART: And I will admit it
15 into evidence if there is no objection.

16 MR. McNAMEE: No objection.

17 EXAMINER CATHCART: Hearing none, it is
18 admitted.

19 (EXHIBIT ADMITTED INTO EVIDENCE.)

20 EXAMINER CATHCART: Are we ready to
21 proceed?

22 MS. KINGERY: I believe so, yes.

23 EXAMINER CATHCART: Thank you.

24 MS. KINGERY: The Company has no witness
25 to present.

1 EXAMINER CATHCART: Thank you.

2 MR. McNAMEE: Do you have an Application?

3 MS. KINGERY: We do.

4 Do you want to take the exhibits at this
5 time?

6 MR. McNAMEE: Might as well.

7 EXAMINER CATHCART: That would be great.

8 MS. KINGERY: We would ask for the
9 admission of the Application filed in this case on
10 May 15, 2018, as well as the Direct Testimony of
11 Sarah E. Lawler, filed on that same date. Those
12 would be Duke Energy Ohio Exhibits 1 and 2
13 respectively.

14 EXAMINER CATHCART: So marked.

15 (EXHIBITS MARKED FOR IDENTIFICATION.)

16 EXAMINER CATHCART: Any objections?

17 MR. McNAMEE: No, Staff would not object.

18 EXAMINER CATHCART: So moved.

19 (EXHIBITS ADMITTED INTO EVIDENCE.)

20 EXAMINER CATHCART: Thank you.

21 MS. KINGERY: Thank you.

22 MR. McNAMEE: Okay. At this time, Your
23 Honor, the Staff would call Joseph P. Buckley.

24 EXAMINER CATHCART: Please raise your
25 right hand.

1 (Witness sworn.)

2 EXAMINER CATHCART: You may be seated.

3 - - -

4 JOSEPH P. BUCKLEY

5 being first duly sworn, as prescribed by law, was
6 examined and testified as follows:

7 DIRECT EXAMINATION

8 By Mr. McNamee:

9 Q. Mr. Buckley, could you state and spell
10 your name for the record, please.

11 A. My name is Joseph P. Buckley.
12 J-o-s-e-p-h P. B-u-c-k-l-e-y.

13 Q. By whom are you employed and in what
14 capacity?

15 A. I'm employed by the Public Utilities
16 Commission of Ohio as a Utility Rates Specialist 3.

17 Q. What is your business address?

18 A. 180 East Broad Street, Columbus, Ohio
19 43215.

20 Q. Thank you.

21 MR. McNAMEE: Your Honor, at this time,
22 I'd ask to have marked for identification as Staff
23 Exhibit 1, a document entitled "Prefiled Testimony
24 Joseph P. Buckley," filed in this docket on November
25 13, 2018.

1 EXAMINER CATHCART: So marked.

2 (EXHIBIT MARKED FOR IDENTIFICATION.)

3 Q. Mr. Buckley, do you have before you
4 what's been marked for identification as Staff
5 Exhibit 1?

6 A. I do.

7 Q. Good. What is it?

8 A. That is my prefiled testimony.

9 Q. Was it prepared by you or under your
10 direction?

11 A. It was.

12 Q. Is it true to the best of your knowledge
13 and belief?

14 A. It is.

15 Q. Do you have any corrections that you
16 would make to this document at this time?

17 A. Not at this time.

18 Q. Okay. Well, that's that. Let's see.

19 Let's turn to what has previously been
20 admitted as Joint Exhibit 1. Do you have that in
21 front of you?

22 A. I do.

23 Q. Do you recognize that Stipulation and
24 Recommendation?

25 A. I do.

1 Q. You're familiar, I'm sure, with Duke
2 Energy Ohio, and you're familiar with Mr. Kurtz of
3 Ohio Energy Group, and you're certainly familiar with
4 the Staff, being a member; are these three all
5 knowledgeable and informed parties, represented by
6 adequate counsel?

7 A. I believe they are.

8 Q. Okay. Does this Stipulation and
9 Recommendation support the public interest by
10 avoiding needless litigation and assuring a thorough
11 review pursuant to statute?

12 A. I believe it does.

13 Q. Does it violate any significant
14 regulatory policy or practice?

15 A. Not to my knowledge, no.

16 MR. McNAMEE: Great.

17 That's all I have, Your Honor. The
18 witness is available for cross.

19 EXAMINER CATHCART: Thank you.

20 MS. KINGERY: Duke Energy Ohio has no
21 cross-examination for this witness.

22 EXAMINER CATHCART: Thank you.

23 MR. McNAMEE: Staff would move for the
24 admission of what's been marked for identification as
25 Staff Exhibit 1.

1 MS. KINGERY: No objection.

2 EXAMINER CATHCART: So moved.

3 (EXHIBIT ADMITTED INTO EVIDENCE.)

4 EXAMINER CATHCART: You may be excused.

5 Are there any other matters that need to
6 be addressed?

7 MS. KINGERY: No, thank you, Your Honor.

8 MR. McNAMEE: Nothing, Your Honor.

9 EXAMINER CATHCART: Hearing none, this
10 case is submitted on the record, and the hearing is
11 adjourned.

12 (Thereupon, the proceedings concluded at
13 10:05 a.m.)

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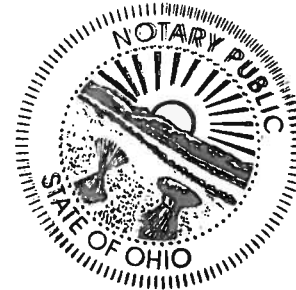
CERTIFICATE

I do hereby certify that the foregoing is a true and correct transcript of the proceedings taken by me in this matter on Tuesday, November 20, 2018, and carefully compared with my original stenographic notes.

Carolyn M. Burke
Carolyn M. Burke, Registered
Professional Reporter, and
Notary Public in and for the
State of Ohio.

My commission expires July 17, 2023.

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This foregoing document was electronically filed with the Public Utilities

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in

Case No(s). 18-0568-EL-UNC

Summary: Transcript In the Matter of the Application of Duke Energy Ohio, Inc., for Administration of the Significantly Excessive Earing Test Under Section 4928.143(F), Revised Code, and Rule 4901:1-35-10, Ohio Administrative Code, hearing held on November 20th 2018. electronically filed by Mr. Ken Spencer on behalf of Armstrong & Okey, Inc. and Burke, Carolyn