

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of The)	
Cincinnati Gas & Electric Company to Modify)	
its Nonresidential Generation Rates to)	
Provide for Market-Based Standard Service)	Case No. 03-93-EL-ATA
Offer Pricing and to Establish an Alternative)	
Competitive-Bid Service Rate Option Sub-)	
sequent to the Market Development Period.)	
In the Matter of the Application of The)	
Cincinnati Gas & Electric Company for)	
Authority to Modify Current Accounting)	Case No. 03-2079-EL-AAM
Procedures for Certain Costs Associated with)	
the Midwest Independent Transmission)	
System Operator.)	
In the Matter of the Application of The)	
Cincinnati Gas & Electric Company for)	
Authority to Modify Current Accounting)	
Procedures for Capital Investment in its)	Case No. 03-2081-EL-AAM
Electric Transmission and Distribution System)	Case No. 03-2080-EL-ATA
and to Establish a Capital Investment)	
Reliability Rider to be Effective after the)	
Market Development Period.)	

ENTRY

The attorney examiner finds:

- (1) On October 24, 2007, the Commission issued its order on remand in the above-captioned cases. In part, the order on remand directed Duke Energy Ohio, Inc. (Duke) to prepare a redacted version of certain confidential exhibits and file that redacted version within 45 days of the date of the order on remand. The order on remand also directed that any other party file redactions of any sealed documents it filed with the Commission no later than 60 days after the date of the order on remand.
- (2) On December 7, 2007, Duke filed its version of the redacted exhibits.

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- (3) By entry of December 20, 2007, all parties were granted an extension of time until January 23, 2008, to file their versions of the redacted exhibits.
- (4) On January 23, 2008, the Office of the Ohio Consumers' Counsel (OCC) filed redacted versions of the confidential exhibits. OCC also filed a motion for a protective order.
- (5) On January 25, 2008, Industrial Energy Users-Ohio (IEU) filed a memorandum contra OCC's motion for protective order. In its memorandum contra, IEU indicated, in part, that it reserves the right to supplement its memorandum contra up to and through the deadline for filing memoranda contra OCC's motion.
- (6) On January 28, 2008, OCC filed a motion for a five-day extension of time to file a reply to IEU's memorandum contra and a request for expedited ruling without the filing of memoranda. OCC indicated that, because IEU filed its memorandum contra prior to the deadline for such memoranda contra, it requests a five-day extension of time so that it will not file a reply to IEU today and, thereafter, need to file a second reply in the event IEU chooses to file a supplement to its memorandum contra or any other party files a memorandum contra OCC's motion for a protective order.
- (7) Rule 4901-1-12(C), Ohio Administrative Code, provides that any motion may include a specific request for an expedited ruling and, if the motion requests an extension of time to file pleadings of five days or less, an immediate ruling may be issued without the filing of memoranda.
- (8) On January 29, 2008, the examiner issued an entry granting OCC's motion for an extension of time, allowing until February 4, 2008, for the filing of OCC's reply.
- (9) Subsequently, also on January 29, 2008, Duke, OCC, Duke Energy Retail Sales, LLC (DERS), and Cinergy Corp. (Cinergy) filed a joint motion for a further extension of the procedural schedule for responding to OCC's January 23, 2008, motion. In light of the voluminous and detailed nature of the documents being considered, the parties ask that all memoranda contra OCC's motion be due on February 13, 2008, and that OCC's reply to any and all such memoranda contra be due on February 28, 2008. Further, the parties ask for expedited treatment,

pursuant to Rule 4901-1-12(C), O.A.C. They affirmatively assert that they have contacted all parties and that no party objects to expedited treatment or to the substance of the motion.


- (10) The examiner finds that, based on the volume of work required to respond adequately to OCC's motion, the proposed schedule is reasonable. The joint motion will be granted.

It is, therefore,

ORDERED, That the joint motion, filed on January 29, 2008, for an extension of the procedural schedule for responses to OCC's January 23, 2008, motion be granted. It is, further,

ORDERED, That a copy of this entry be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO


By: Jeanne W. Kingery
Attorney Examiner

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Entered in the Journal

JAN 30 2008



Renee J. Jenkins
Secretary