

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of Duke Energy Ohio, Inc., for Approval of an Electric Security Plan.)	Case No. 08-920-EL-SSO
)	
In the Matter of the Application of Duke Energy Ohio, Inc., for Approval to Amend Accounting Methods.)	Case No. 08-921-EL-AAM
)	
In the Matter of the Application of Duke Energy Ohio, Inc., for Approval of a Certificate of Public Convenience and Necessity to Establish an Unavoidable Capacity Charge(s).)	Case No. 08-922-EL-UNC
)	
In the Matter of the Application of Duke Energy Ohio, Inc., for Approval to Amend its Tariff.)	Case No. 08-923-EL-ATA
)	

ENTRY

The attorney examiner finds:

- (1) Duke Energy Ohio, Inc., (Duke) is a public utility as defined in Section 4905.02, Revised Code, and, as such, is subject to the jurisdiction of this Commission.
- (2) On July 31, 2008, Duke filed an application for a standard service offer (SSO) pursuant to Section 4928.141, Revised Code. This application is for an electric security plan in accordance with Section 4928.143, Revised Code. Together with that application, Duke also filed three other related applications, captioned above.
- (3) The attorney examiner notes that Duke's application was filed on the same day as applications for SSOs filed by Ohio Edison Company, The Cleveland Electric Illuminating Company, and the Toledo Edison Company (FE) and by Columbus Southern Power Company and Ohio Power Company (AEP). As required, each applicant served its SSO application upon the parties to its last rate stabilization plan proceeding. A review of

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these service lists indicates numerous intervenors in common with the applicant's rate stabilization plan proceedings. It may be assumed from this review that there will be similar common intervenors in the three SSO proceedings. The SSO applications also include alternative energy, renewable energy, energy efficiency and economic development provisions which may result in intervention by other interested parties. Therefore, in order to avoid undue burdens and prejudice to these potential common intervenors, the attorney examiners have staggered the hearings in the three SSO proceedings. The FE proceeding will be the first hearing because it appears from its application that FE no longer owns any generation capacity and it may be necessary for FE to arrange for such capacity within a reasonable period prior to January 1, 2009, in the event that the Commission approves its electric security plan. Due to staff availability and schedules, Duke will be the next hearing on the schedule. Therefore, AEP will be the third hearing scheduled. This schedule, if maintained, will allow the Commission to issue an order on all three SSO applications within the 150-day time period required by Section 4928.143, Revised Code.

- (4) Accordingly, the following schedule is established for this proceeding:
 - (a) A technical conference should be scheduled to allow interested persons the opportunity to better understand Duke's application. The conference will be held on August 21, 2008, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, 11th Floor, Hearing Room 11-E, Columbus, Ohio.
 - (b) Motions to intervene should be filed by September 4, 2008.
 - (c) Testimony on behalf of intervenors should be filed by October 3, 2008.
 - (d) Discovery requests, except for notices of deposition, should be served by October 7, 2008.
 - (e) Testimony on behalf of the Commission staff should be filed by October 10, 2008.

- (f) The evidentiary hearing shall commence on October 20, 2008, at 10:00 a.m., at the offices of the Commission, Hearing Room 11-C, 180 E. Broad Street, Columbus, Ohio.
- (5) Local public hearings will be scheduled, and publication of notice required, by subsequent entry.
- (6) In light of the time frame for preparation for the hearing in this matter, the examiner requires that, in the event that any motion is made in this proceeding, any memoranda contra shall be required to be filed within five business days after the service of such motion, and any reply memorandum within three business days after the service of a memorandum contra. Paragraph (B) of Rule 4901-1-07, O.A.C., which permits three additional days to take action if service is made by mail, will not apply. Parties are encouraged to take advantage of paragraph (C) of Rule 4901-1-05, O.A.C., which provides that service of pleadings may occur by facsimile transmission or electronic message. In addition, response time for discovery should be shortened to 10 days. Discovery requests and replies shall be served by hand delivery, e-mail or facsimile (unless otherwise agreed by the parties). An attorney serving a discovery request shall attempt to contact the attorney upon whom the discovery request will be served in advance to advise him/her that a request will be forthcoming (unless otherwise agreed by the parties). To the extent that a party has difficulty responding to a particular discovery request within the 10-day period, counsel for the parties should discuss the problem and work out a mutually satisfactory solution.

It is, therefore,

ORDERED, That the procedural schedule for this proceeding be adopted as set forth in Finding (4). It is, further,

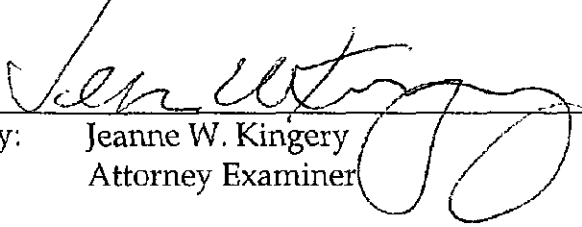
ORDERED, That a technical conference will be held on August 21, 2008, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, 11th Floor, Hearing Room 11-E, Columbus, Ohio. It is, further,

ORDERED, That the evidentiary hearing in this proceeding commence on October 20, 2008, at 10:00 a.m., at the offices of the Commission, Hearing Room 11-C, 180 E. Broad Street, Columbus, Ohio. It is, further,

ORDERED, That parties comply with the directives set forth in Finding (6). 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

AUG 5 2008



Renee J. Jenkins
Secretary