

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of Duke)
Energy Ohio, Inc., for Approval of an Electric) Case No. 08-920-EL-SSO
Security Plan.)

In the Matter of the Application of Duke)
Energy Ohio, Inc., for Approval to Amend) Case No. 08-921-EL-AAM
Accounting Methods.)

In the Matter of the Application of Duke)
Energy Ohio, Inc., for Approval of a)
Certificate of Public Convenience and) Case No. 08-922-EL-UNC
Necessity to Establish an Unavoidable)
Capacity Charge(s).)

In the Matter of the Application of Duke)
Energy Ohio, Inc., for Approval to Amend its) Case No. 08-923-EL-ATA
Tariff.)

ENTRY

The attorney examiner finds:

- (1) On July 31, 2008, Duke Energy Ohio, Inc., (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.
- (2) By entry issued August 5, 2008, the attorney examiner established a procedural schedule for these proceedings.
- (3) On August 26, 2008, the office of the Ohio Consumers' Counsel, the Ohio Environmental Council and Ohio Partners for Affordable Energy jointly filed a motion for a continuance of the hearing and extensions of time. The movants request a sixty-day continuance of the hearing date and other deadlines established in the proceedings. In the alternative, the movants request a 15-day continuance and extension of the schedule.

This is to certify that the images appearing are an
accurate and complete reproduction of a case file
document delivered in the regular course of business.
Technician Date Processed 9.2.08

- (4) On August 29, 2008, Duke filed a memorandum contra the joint motion. On September 4, 2008, OCC filed a reply.
- (5) The examiner finds that it is appropriate to allow the parties additional time to prepare for the hearing in these proceedings. However, in light of the statutory deadline for resolution of these issues, the examiner will only grant a continuance of 14 days. Therefore, the schedule for the proceedings shall now be as follows:
 - (a) Testimony on behalf of intervenors should be filed by October 17, 2008.
 - (b) Discovery requests, except for notices of deposition, should be served by October 21, 2008.
 - (c) Testimony on behalf of the Commission staff should be filed by October 24, 2008.
 - (d) The evidentiary hearing shall commence on November 3, 2008, at 10:00 a.m., at the office of the Commission, Hearing Room 11-C, 180 East Broad Street, Columbus, Ohio.
- (6) Local hearings will be scheduled, and publication of notice required, by subsequent examiner entry.
- (7) It has come to the attention of the examiner that various pleadings in these proceedings have been submitted to the Commission's docketing division in electronic format. Rule 4901-1-02, Ohio Administrative Code, only allows for the filing of hard copies of pleadings or, under specified circumstances, by facsimile filings followed by hard copies. Electronic filing has been specifically authorized by Commission entry in limited situations. Electronic filing has not been authorized in these proceedings. Therefore, such filings do not comply with the Commission's rules and should not have been accepted. However, in order to avoid any inequitable effect of this error on any party, the examiner will allow parties who have filed pleadings electronically to refile those same pleadings pursuant to the standard rules. If a party refiles such a document by no later than September 12, 2008, then such document will be

deemed to have been received on the date when the electronic copy was initially accepted by the docketing division.

- (8) The parties are encouraged to arrange for electronic service among themselves. If electronic service is agreed to, the parties are also directed to provide electronic copies to the examiners.

It is, therefore,

ORDERED, That the evidentiary hearing in these proceedings be continued until November 3, 2008, and that the procedural schedule be extended as set forth in finding (5). It is, further,

ORDERED, That the parties comply with the filing and service requirements set forth in findings (7) and (8). 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

JJG
geb

Entered in the Journal

SEP 05 2008



Renee J. Jenkins
Secretary