

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) On July 31, 2008, Duke Energy Ohio, Inc., (Duke) filed an application for a standard service offer 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 September 5, 2008, the attorney examiner, *inter alia*, scheduled the evidentiary hearing in this matter to commence on November 3, 2008, at 10:00 a.m., at the offices of the Commission, Hearing Room 11-C, 180 East Broad Street, Columbus, Ohio 43215.
- (3) In order to provide customers of Duke a reasonable opportunity to provide public testimony in this proceeding, local public hearings will be conducted on the following dates:
 - (a) Tuesday, October 7, 2008, at 12:30 p.m., at Cincinnati State Technical and Community

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College, Main Building, Room 344-346, 3520
Central Parkway, Cincinnati, Ohio 45223.

- (b) Tuesday, October 7, 2008, at 6:30 p.m., at Union Township Civic Center Hall, 4350 Aicholtz Road, Cincinnati, Ohio 45245.
- (4) Accordingly, Duke should publish notice of the local public hearings one time in a newspaper of general circulation in each county in its certified territory. The notice should not appear in the legal notices section of the newspaper. The notice should read as follows:

LEGAL NOTICE

The Public Utilities Commission of Ohio has scheduled local hearings in Case No. 08-920-EL-SSO, *In the Matter of the Application of Duke Energy Ohio, Inc., for Approval of an Electric Security Plan, et al.* In its application, Duke Energy Ohio, Inc., seeks Commission approval of an electric security plan filed pursuant to Am. Sub. Senate Bill 221, which was signed into law on May 1, 2008. The bill requires electric utilities to establish a standard service offer and, as part of that process, to file an application for approval of an electric security plan. According to the application, the electric security plan would result in increases in total customer rates, including generation, transmission, and distribution, averaging 6.2 percent in 2009 and 1.8 percent in 2010, and a reduction of 2.1 percent in 2011, excluding any adjustments to cost-based riders. In addition, the application proposes the transfer of generation assets, investment in capital improvements for the company's energy delivery system, and energy efficiency initiatives, as well as economic development, green energy, and job retention programs.

The local hearings are scheduled for the purpose of providing an opportunity for interested members of the public to testify in this proceeding. The local hearings will be held as follows:

- (a) Tuesday, October 7, 2008, at 12:30 p.m., at Cincinnati State Technical and Community College, Main Building, Room 344-346, 3520 Central Parkway, Cincinnati, Ohio 45223.

- (b) Tuesday, October 7, 2008, at 6:30 p.m., at Union Township Civic Center Hall, 4350 Aicholtz Road, Cincinnati, Ohio 45245.

The evidentiary hearing will commence on November 3, 2008, at 10:00 a.m., at the offices of the Commission, Hearing Room 11-C, 180 East Broad Street, Columbus, Ohio 43215. Further information may be obtained by contacting the Public Utilities Commission of Ohio, 180 East Broad Street, Columbus, Ohio 43215-3793, viewing the Commission's web page at <http://www.puco.ohio.gov>, or contacting the Commission's hotline at 1-800-686-7826.

- (5) By entry dated August 5, 2008, the attorney examiner established September 4, 2008, as the deadline by which parties were required to file motions to intervene in this proceeding. The following parties timely filed motions to intervene in this proceeding:

The Ohio Energy Group
 The Office of the Ohio Consumers' Counsel
 The Kroger Company
 The Ohio Environmental Council
 Industrial Energy Users-Ohio
 The City of Cincinnati
 Ohio Partners for Affordable Energy
 Constellation NewEnergy and Constellation Energy
 Commodities Group, Inc.
 Dominion Retail, Inc.
 The Sierra Club, Ohio Chapter
 The Natural Resources Defense Council
 National Energy Marketers Association
 Integrys Energy Services, Inc.
 Direct Energy Services, LLC
 Ohio Manufacturers' Association
 Greater Cincinnati Health Council
 People Working Cooperatively, Inc.
 Ohio Farm Bureau Federation
 The Village of Terrace Park
 The American Wind Association, Wind on Wires, and
 Ohio Advanced Energy
 University of Cincinnati

The Ohio Association of School Business Officials, the
Ohio School Boards Association, and the Buckeye
Association of School Administrators

No one filed memoranda contra to these motions to intervene. In light of the fact that these parties meet the standards established for intervention, the attorney examiner finds that these motions should be granted.

- (6) In addition, Communities United for Action (CUFA) electronically filed a motion to intervene prior to the close of business on September 4, 2008, but failed to refile that motion in accordance with the examiner's entry dated September 5, 2008. Refiling was required by no later than September 12, 2008. Because of the novelty of these proceedings and the apparent lack of clarity regarding the permissibility of electronic filing, the examiner will allow CUFA another week to refile its motion to intervene, if it still wishes to participate as an intervenor. If CUFA does not refile its motion by September 23, 2008, the examiner will assume that it no longer wishes to be admitted as an intervenor in these proceedings.
- (7) After the deadline established by the attorney examiner for intervention, a group comprised of Wal-Mart Stores East, LP; Sam's East, Inc.; Macy's, Inc.; and BJ's Wholesale Club, Inc., (collectively, Commercial Group) filed a motion to intervene, together with a motion for leave to file out of time. Also after the deadline, Morgan Stanley Capital Group (Morgan Stanley) filed a motion to intervene. No one filed memoranda contra these motions. The attorney examiner finds that, in light of the fact that this is the first time electric utilities have filed applications for standard service offers under Am. Sub. Senate Bill 221 and in light of the fact that these entities meet the requirements for intervention, the motions to intervene should be granted, notwithstanding the fact that they were filed after the intervention deadline.
- (8) Motions for admission *pro hac vice* were filed on behalf of the following individuals:

David C. Rinebolt
Cynthia A. Fonner
Craig G. Goodman

Greg K. Lawrence
Grace C. Wung

No one filed memoranda contra these motions. The attorney examiner finds that these motions should be granted.

It is, therefore,

ORDERED, That local public hearings in this proceeding be held as set forth in finding (3). It is, further,

ORDERED, That Duke publish notice of the hearings as set forth in finding (4). It is, further,

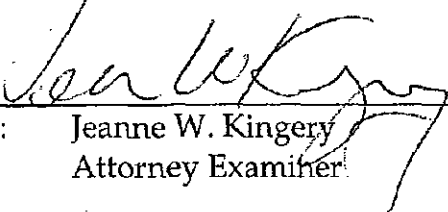
ORDERED, That the motions to intervene filed by various parties be granted in accordance with findings (5) and (7). It is, further,

ORDERED, That Communities United for Action comply with the requirements set forth in finding (6). It is, further,

ORDERED, That the motions for admission pro hac vice filed on behalf of various individuals be granted in accordance with finding (8). It is, further,

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

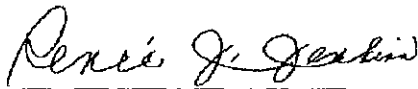
THE PUBLIC UTILITIES COMMISSION OF OHIO

By: 
Jeanne W. Kingery
Attorney Examiner

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Entered in the Journal

SEP 17 2008



Renee J. Jenkins
Secretary