

FILE

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

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In the Matter of the Application of Duke Energy Ohio for Approval of an Electric Security Plan)	Case No. 08-920-EL-SSO
In the Matter of the Application of Duke Energy Ohio for Approval to Amend Accounting Methods)	Case No. 08-921-EL-AAM
In the Matter of the Application of Duke Energy Ohio 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 for Approval to Amend its Tariffs)	Case No. 08-923-EL-ATA

**DUKE ENERGY OHIO'S MOTION TO SET A PROCEDURAL SCHEDULE
AND FOR EXPEDITED TREATMENT**

Duke Energy Ohio (DE-Ohio) moves the honorable Public Utilities Commission of Ohio (Commission) to establish a procedural schedule in these proceedings as follows:

1. Staff will file its testimony by October 31, 2008;
2. Interveners will file their testimony by November 5, 2008;
3. Depositions, if any, shall be at a time agreed to by the applicable parties with daily transcripts ordered and available for use at the hearing and all parties agree to waive 4901-1-21(N);
4. The hearing will commence Monday, November 10, at 9:00 am.

The reason to establish the proposed procedural schedule is that the Parties have reached a settlement set forth in a Stipulation that resolves most of the issues presented in these cases among most of the Parties.

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The Stipulation was filed at the Commission on October 27, 2008. DE-Ohio certifies that it has contacted all of the Parties and no Party objects to the proposed schedule or expedited treatment of this Motion. This Motion is fully supported by the attached Memorandum in Support.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "P.A. Colbert", is written over a horizontal line.

Paul A. Colbert, Trial Attorney

Associate General Counsel

Rocco D'Ascenzo, Counsel

Elizabeth Watts, Assistant General Counsel

Amy Spiller, Associate General Counsel

Duke Energy Ohio

2500 Atrium II, 139 East Fourth Street

P. O. Box 960

Cincinnati, Ohio 45201-0960

(513) 419-1827 (telephone)

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of)	
Duke Energy Ohio for Approval of an)	Case No. 08-920-EL-SSO
Electric Security Plan)	
In the Matter of the Application of)	
Duke Energy Ohio for Approval to)	Case No. 08-921-EL-AAM
Amend Accounting Methods)	
In the Matter of the Application of)	
Duke Energy Ohio 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 for Approval to)	Case No. 08-923-EL-ATA
Amend its Tariffs)	

MEMORANDUM IN SUPPORT

Duke Energy Ohio (DE-Ohio) reached a settlement in these proceedings with the Public Utilities Commission of Ohio Staff (Staff), the Office of the Ohio Consumers' Counsel (OCC), People Working Cooperatively (PWC), Greater Cincinnati Health Council (GCHC), Integrys Energy Services, Inc. (Integrys), National Resources Defense Council (NRDC), Sierra Club, Communities United for Action (CUFA), Constellation NewEnergy, Inc. (Constellation), Constellation Energy Commodities Group, Inc. (CECG), Ohio Partners for Affordable Energy (OPAE), The Ohio Environmental Council (OEC), The Kroger Company (Kroger), The Ohio Energy Group (OEG), The Village of Terrace Park

(Village), The Ohio Manufacturers' Association (OMA), The Commercial Group, and The City of Cincinnati (City).¹ The Industrial Energy Users-Ohio (IEU-Ohio), is the only active Party that has not agreed to terms of the Stipulation filed with the Public Utilities Commission of Ohio (Commission) on October 27, 2008.

The Stipulation, however, did not resolve all issues among the Parties. The OCC reserved the right to litigate the issue of whether residential governmental aggregation customers may avoid the proposed Rider SRA-SRT, and receive the same shopping credit as non-residential customers as set forth in footnote 11 of the Stipulation. IEU-Ohio has not signed the Stipulation and, upon information and belief, opposes the terms for exemption from energy efficiency mandates set forth in paragraph 13(b) of the Stipulation including the 3 MW threshold for exemption and seeks a partial exemption option. No other Party has indicated opposition to any portion of the Stipulation.

Because OCC and IEU-Ohio oppose aspects of the Stipulation, the Stipulation has not resolved all issues among the Parties and it is necessary to set a procedural schedule to resolve the remaining issues. For this reason DE-Ohio respectfully requests that the Commission approve the procedural schedule set forth in its Motion. DE-Ohio has contacted all Parties and has not been informed of any other issues and

¹ The Village and City have not yet signed the Stipulation as they are public entities that need to seek approval through a public process.

has not received any opposition to the proposed procedural schedule or the request for an expedited ruling.

Respectfully submitted,

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Paul A. Colbert, Trial Attorney

Associate General Counsel

Rocco D'Ascenzo, Counsel

Elizabeth Watts, Assistant General Counsel

Amy Spiller, Associate General Counsel

Duke Energy Ohio

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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was served on the following parties this 30th day of October, 2008 by regular U.S. Mail, overnight delivery or electronic delivery.



Paul A. Colbert

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