

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

Consolidated Duke Energy Ohio, Inc., Rate	)	Case Nos. 03-93-EL-ATA
Stabilization Plan Remand and Rider	)	03-2079-EL-AAM
Adjustment Cases.	)	03-2081-EL-AAM
	)	03-2080-EL-ATA
	)	05-724-EL-UNC
	)	05-725-EL-UNC
	)	06-1068-EL-UNC
	)	06-1069-EL-UNC
	)	06-1085-EL-UNC

ENTRY

The attorney examiner finds:

- (1) On October 1, 2008, the Commission issued a protective order relating to a substantial quantity of information in the above-captioned proceedings relating to Duke Energy Ohio, Inc. (Duke).
- (2) On March 13, 2009, the Ohio Consumers' Counsel (OCC) filed a motion to modify that protective order. OCC explains that certain identified portions of the information have been released to the public in a proceeding in a federal court. Based on an expedited schedule established in these cases on February 18, 2004, the response to that motion would have been due by March 20, 2009.
- (3) On March 19, 2009, Duke filed a motion for a twenty-day extension of time to respond to OCC's motion. Duke also asks that the expedited schedule be terminated and the standard motion schedule be reestablished.
- (4) On March 24, 2009, OCC filed its memorandum contra Duke's motion. OCC agrees that the standard motion schedule should be reestablished. However, it opposes a twenty-day extension, as it does not believe that Duke has provided good cause for any extension beyond the standard timeframe set forth in Rule 4901-1-12(B), Ohio Administrative Code. OCC points out that information that has already been released to the public cannot be treated as confidential.

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- (5) The examiner recognizes that public information cannot be held by the Commission under a protective order, as OCC argues. However, based on the vast amount of material covered by this protective order, the examiner finds there to be good cause to allow a brief extension of time to review the proposed release. Therefore, the motion will be granted.
- (6) The examiner agrees that there is no reason for the expedited schedule established on February 18, 2004, to remain in effect. Therefore, the expedited schedule will be terminated.

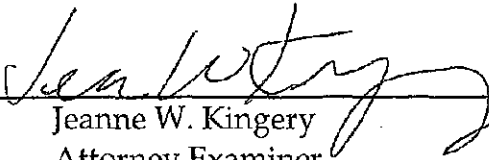
It is, therefore,

ORDERED, That the motion by Duke be granted to allow it to file its responsive memorandum no later than April 9, 2009. It is, further,

ORDERED, That the motion by Duke be granted to terminate the expedited schedule ordered in these proceedings on February 18, 2004, and to reestablish all standard deadlines set forth in Chapter 4901-1 of the Ohio Administrative Code. It is, further,


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

THE PUBLIC UTILITIES COMMISSION OF OHIO

  
By: Jeanne W. Kingery  
Attorney Examiner

GRJ  
geb

Entered in the Journal  
MAR 27 2009



Renee J. Jenkins  
Secretary