

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of Duke)
Energy Ohio, Inc., to Establish its Fuel and)
Economy Purchased Power Component of its) Case No. 09-974-EL-UNC
Market-Based Standard Service Offer for)
2009.)

In the Matter of the Application of Duke)
Energy Ohio, Inc., to Establish its System) Case No. 09-975-EL-UNC
Reliability Tracker of its Market-Based)
Standard Service Offer for 2009.)

ENTRY

The attorney examiner finds:

- (1) By order issued October 24, 2007, in *In the Matter of the Application of The Cincinnati Gas & Electric Company to Modify Its Nonresidential Generation Rates to Provide for Market-Based Standard Service Offer Pricing and to Establish an Alternative Competitive-Bid Service Rate Option Subsequent to the Market Development Period*, Case No. 03-93-EL-ATA, et al. (03-93), the Commission ordered the Cincinnati Gas & Electric Company, now known as Duke Energy Ohio, Inc. (Duke), to establish both a fuel and economy purchased power component (FPP) and a system reliability tracker component (SRT) of its market-based standard service offer. The FPP consists of fuel and purchased power expenses, a reconciliation adjustment, a system loss adjustment, and emission allowances. The SRT permits Duke to apply annually to the Commission to purchase power to cover peak and reserve capacity requirements and to flow through those actual costs on a dollar-for-dollar basis.
- (2) Both riders FPP and SRT are subject to audit by the Commission. The most recent audits of riders FPP and SRT were conducted in Case Nos. 07-974-EL-UNC (07-974) and 07-975-EL-UNC (07-975), respectively, and covered the period from July 1, 2007, through December 31, 2008.
- (3) By opinion and order issued December 17, 2008, in *In the Matter of the Application of Duke Energy Ohio, Inc., for Approval of an*

Electric Security Plan, Case No. 08-920-EL-SSO, et. al, the Commission approved a stipulation submitted by the parties in that case, as well as an annual audit process which would require Duke to file quarterly reports and to make a filing in the first quarter of each year regarding the audits for riders price-to-compare (PTC)-FPP and PTC-SRT, formerly known as riders FPP and SRT.

- (4) In order to facilitate the filing of the quarterly reports and the annual audits of Duke's riders PTC-FPP and PTC-SRT, beginning with those filed for 2009, it is necessary to establish a new process. Therefore, a new case will be opened each year in which Duke will be required to file its quarterly reports and the audit for that year. To that end, Case No. 09-974-EL-UNC (2009 *PTC-FPP Case*) for the rider PTC-FPP 2009 filings and Case No. 09-975-EL-UNC (2009 *PTC-SRT Case*) for the PTC-SRT 2009 filings have been opened.
- (5) In light of the fact that the 2009 PTC-FPP filings have been docketed in 07-974 and the 2009 PTC-SRT filings have been docketed in 07-975, in order to facilitate the new process, the attorney examiner finds that the Commission's Docketing Division should cause the following documents to be filed in the designated cases:
 - (a) The quarterly filings for 2009, which were filed in 07-974 on December 2, 2008, January 27, 2009, June 1, 2009, and August 31, 2009, should be filed in the 2009 *PTC-FPP Case*.
 - (b) The quarterly filings for 2009, which were filed in 07-975 on December 2, 2008, March 2, 2009, June 1, 2009, and August 31, 2009, should be filed in the 2009 *PTC-SRT Case*.
- (6) Furthermore, Duke should file its quarterly filings, beginning with the filings for calendar year 2010, on or before December 1, March 1, June 1, and September 1. For example, for the calendar year 2010 filings, Duke should file its quarterly filings on or before December 1, 2009, March 1, 2010, June 1, 2010, and September 1, 2010.

Having established these deadlines, the attorney examiner recognizes that, while it is necessary to have the first quarterly

filings docketed on or before December 1 for the upcoming calendar years, the timing is such that the cases associated with the upcoming calendar years will not yet be open. Therefore, Duke should file its December 1 filings for the upcoming calendar years in the most recently opened cases for the review of riders PTC-FPP and PTC-SRT. Subsequently, once the cases associated with the upcoming calendar years are opened, Duke should file copies of the December 1 filings in the appropriate case. For example, Duke should file its December 1, 2009, quarterly filings, which pertain to the 2010 calendar year, in the *2009 PTC-FPP Case* and *2009 PTC-SRT Case*. Subsequently, once the 2010 cases are opened, Duke should file a copy of the December 1, 2009, quarterly filings in the appropriate 2010 cases.

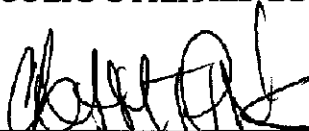
It is, therefore,

ORDERED, That, in accordance with finding (5), the Docketing Division cause to be filed: a copy of the quarterly filings for 2009, which were filed in 07-974 on December 1, 2008, January 27, 2009, June 1, 2009, and August 31, 2009, in the *2009 PTC-FPP Case*; and a copy of the quarterly filings for 2009, which were filed in 07-975 on December 1, 2008, March 2, 2009, June 1, 2009, and August 31, 2009, in the *2009 PTC-SRT Case*. It is, further,

ORDERED, That Duke adhere to the process 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

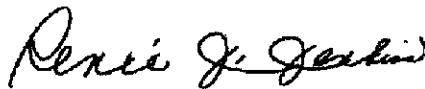


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Attorney Examiner

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Renee J. Jenkins
Secretary