

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of Duke)
Energy Ohio, Inc. to Modify its Tariff for) Case No. 09-780-EL-ATA
Rider PLM.)

FINDING AND ORDER

The Commission finds:

- (1) Duke Energy Ohio, Inc. (Duke) is a public utility as defined in Section 4905.02, Revised Code, and, as such, is subject to the jurisdiction of the Commission.
- (2) On September 8, 2009, as amended January 5, 2010, Duke filed an application pursuant to Section 44909.18, Revised Code, to modify its tariff for the peak load management rider (Rider PLM) program. Rider PLM is a voluntary tariff offering for qualified customers. Under the current PLM program, customers who have selected a competitive retail electric service (CRES) provider are unable to participate in the Rider PLM program.

Approval of Duke's application would allow customers who have selected a CRES provider to participate in the emergency provision of the PLM program. The expansion of the program to customers who have chosen a CRES provider will afford customers the opportunity to reduce their electric costs by managing their electric usage during peak load periods. The modified PLM program will also assist Duke in meeting its annual peak demand reduction benchmarks as required by Amended Substitute Senate Bill 221, enacted on July 31, 2008.

- (3) No interested persons have moved to intervene in this proceeding or opposed Duke's application as amended.
- (4) Upon review of the proposed revisions to Duke's Rider PLM, the Commission finds that they are consistent with Section 4909.18, Revised Code, are not for an increase in rates, do not appear to be unjust or unreasonable, and should be approved. Therefore, the Commission finds that it is unnecessary to hold a hearing in this matter.

It is, therefore,

ORDERED, That the application filed by Duke be approved. It is, further,

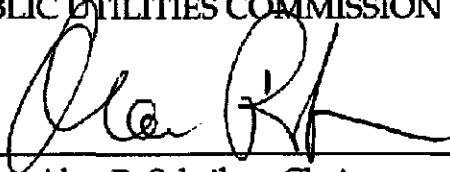
ORDERED, That Duke is authorized to file, in final form, four complete copies of the tariff, consistent with this finding and order. Duke shall file one copy in its TRF docket (or make such filing electronically as directed in Case No. 06-900-AU-WVR) and one copy in this case docket. The remaining two copies shall be designated for distribution to the Rates and Tariffs, Energy and Water Division of the Commission's Utilities Department. It is, further,

ORDERED, That the effective date of the new tariff shall be a date not earlier than the date upon which four complete printed copies of the final tariff are filed with the Commission. The new tariff shall be effective for bills rendered on or after such effective date. It is, further,

ORDERED, That nothing in this finding and order shall be binding upon this Commission in any future proceeding or investigation involving the justness or reasonableness of any rate, charge, rule or regulation. It is, further,

ORDERED, That a copy of this finding and order be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO



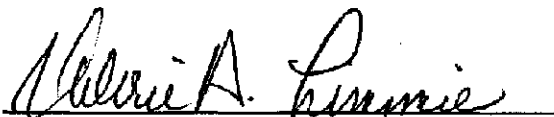
Alan R. Schriber, Chairman



Paul A. Centolella



Ronda Hartman Fergus



Valerie A. Lemmie



Cheryl L. Roberto

KLS/CMTP/dah

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Renee J. Jenkins
Secretary