

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of Duke)
Energy Ohio, Inc. for a Waiver from Rule)
4901:1-41-03 of the Ohio Administrative) Case No. 10-510-EL-WVR
Code.)

ENTRY

The attorney examiner finds:

- (1) Rule 4901:1-41-03, Ohio Administrative Code (O.A.C.), requires any public utility that owns or operates an electric generating facility within Ohio to file annually an environmental control plan (ECP) on or before April fifteenth of each year. Further, Rule 4901:1-41-02(B), O.A.C., states that the Commission may waive any requirement of this chapter, other than those mandated by statute, for good cause shown.
- (2) On April 15, 2010, Duke Energy Ohio, Inc. (Duke) filed an application to waive the requirement set forth in Rule 4901:1-41-03, O.A.C., that it file its ECP by April 15, 2010. Duke requested it be allowed it to file its ECP on June 15, 2010, so that Duke can use its most current data and resource plan. Also, Duke has previously been granted an extension, until June 15, 2010, for the filing of its long term forecast report which contains its integrated resource plan in *In the Matter of the Application of Duke Energy Ohio, Inc., for a Waiver of Provisions of the Ohio Administrative Code Requiring a Long-Term Forecast and an Integrated Resource Plan*, Case No. 10-407-EL-WVR. An extension of the deadline for the filing of the ECP would allow Duke to file its ECP at the same time as its long term forecast report, including the integrated resource plan.
- (3) Based on the short duration of the extension requested and that an extension will not unduly delay this proceeding, the attorney examiner finds that the request is reasonable and good cause exists to grant the request. Accordingly, Duke shall file its ECP by June 15, 2010.

It is, therefore,

ORDERED, That Duke's motion for extension of time to file its ECP be granted.
It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

Katie L. Sterman

By: Katie L. Sterman
Attorney Examiner

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/dah

Entered in the Journal

JUN 15 2010

Renee J. Jenkins

Renee J. Jenkins
Secretary