

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-FAC
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-RDR
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 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 for peak and reserve capacity requirements on a dollar-for-dollar basis. Both riders FPP and SRT are subject to audit by the Commission.
- (2) 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, 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 system resource adequacy (SRA)-SRT, formerly known as riders FPP and SRT.

- (3) On March 2, 2010, Duke filed its application for approval of the PTC-FPP and the SRA-SRT components of its market-based standard service offer.
- (4) Ohio Partners for Affordable Energy (OPAE), Ohio Energy Group (OEG), and Ohio Consumers' Counsel (OCC), have filed motions to intervene. Additionally, OPAE has filed a motion for admission *pro hac vice* on behalf of David C. Rinebolt. No one filed memoranda contra. The attorney examiner finds that the motions to intervene and the motion *pro hac vice* are reasonable and should be granted.
- (5) On June 14, 2010, the attorney examiner issued an entry directing that the evidentiary hearing should commence on June 29, 2010.
- (6) On June 23, 2010, OCC filed a motion to continue the hearing. In support of its request, OCC asserts that additional time for discovery and negotiations is needed. OCC requests expedited treatment of its motion pursuant to Rule 4901-1-12(C), Ohio Administrative Code and certifies that no party objects to expedited treatment. Therefore, OCC requests that the hearing be continued until September 7, 2010, and states that no party objects to the continuance.
- (7) The attorney examiner finds that OCC's motion for a continuance is reasonable and should be granted. Therefore, the evidentiary hearing shall commence on September 7, 2010, at 10:00 a.m., at the offices of the Commission, 180 E. Broad Street, 11th Floor, Hearing Room 11-C, Columbus, Ohio 43215-3793.
- (8) In addition, the attorney examiner finds that Duke must file with the Commission, by 9:00 a.m., on September 3, 2010, one of the following documents:
 - (a) A stipulation signed by all or some of the parties;
 - (b) A statement that no stipulation will be forthcoming and the hearing should go forward on September 7, 2010; or
 - (c) A motion to continue the hearing.

It is, therefore,

ORDERED, That the motions for intervention filed by OPAC, OEG, and OCC be granted. It is, further,

ORDERED, That the motion for admission *pro hac vice* of David Rinebolt be granted. It is, further,

ORDERED, That OCC's motion for an extension of the hearing be granted and the procedural schedule set forth in finding (7) be adopted. It is, further,

ORDERED, That Duke file one of the documents described in finding (8) by 9:00 a.m., on September 3, 2010. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO



By: Katie L. Stenman
Attorney Examiner

/dahST

Entered in the Journal

JUN 28 2010



Renee J. Jenkins
Secretary