

FILE

BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

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In the Matter of the Application of)
The Cincinnati Gas & Electric)
Company for Approval of a Pilot) Case No. 05-230-EL-ATA
Fixed Bill Program) Case No. 05-231-GA-ATA

In the Matter of the Application of)
The Cincinnati Gas & Electric)
Company for Authority to Modify) Case No. 05-232-EL-AAM
Current Accounting Procedures) Case No. 05-233-GA-AAM
Related to Pilot Fixed Bill Program)

In the Matter of the Application of)
The Cincinnati Gas & Electric)
Company for Authority to Adopt) Case No. 05-234-EL-UNC
New Bill Format for Pilot Fixed Bill) Case No. 05-235-GA-UNC
Consumers)

INTERSTATE GAS SUPPLY, INC.'S
MOTION TO SUSPEND FIXED BILL PROGRAM APPLICATION
AND MEMORANDUM IN SUPPORT

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**INTERSTATE GAS SUPPLY, INC.'S
MOTION TO SUSPEND FIXED BILL PROGRAM APPLICATION
AND MEMORANDUM IN SUPPORT**

I. MOTION TO SUSPEND APPLICATION

Pursuant to Ohio Administrative Code ("OAC") 4901-1-12, Interstate Gas Supply, Inc. ("IGS") respectfully moves the Commission to suspend the above-captioned proceeding, at least until the Commission issues a final decision in Case Nos. 05-732-EL-MER *et al*, which is the joint application docketed by Cinergy Corp. ("Cinergy") on behalf of Cincinnati Gas & Electric Company ("CG&E") and Deer Holding Corp. ("Duke"). The basis for IGS' request is more fully set forth in the below Memorandum in Support.

II. MEMORANDUM IN SUPPORT

CG&E filed its so-called "Fixed Bill Program" application on February 17, 2005. IGS requested intervention shortly thereafter, because, if approved, CG&E's proposal will further adversely impact the development of the retail competitive marketplace and Choice Program in CG&E's territory. Upon additional intervention requests and pleadings demonstrating significant concerns with CG&E's proposal, the Commission convened a technical conference on March 25, 2005, to enable CG&E to explain its application to interested parties.

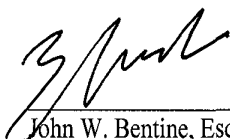
However, other than the Commission-ordered conference, CG&E has been unwilling or unable to discuss any details or issues relating to its application. IGS has diligently attempted in good faith to obtain a better understanding of the application from CG&E. Similarly, IGS has communicated to CG&E its concerns about the proposed application, the application's impact on CG&E's retail marketplace, and related operational and structural impediments affecting CG&E's Choice program. Indeed, IGS provided a detailed proposal to CG&E in an effort to modify the proposed Fixed Bill Program and CG&E's operations, in a manner that would spur much-needed development of CG&E's competitive marketplace and alleviate many of IGS' concerns with CG&E implementing a fixed bill type program. But, CG&E has not provided responsive comments to IGS' suggestions, and has not responded to IGS' questions seeking clarifications of its proposal. Indeed, CG&E has not returned most of IGS' telephone calls.

Accordingly, it would appear that CG&E's attention and resources are focused on furthering the Cinergy/Duke merger application and dealing with related issues. Under these circumstances it is unreasonable to expect other parties in this case to assign attention and resources to CG&E's application, when CG&E is apparently unable or unwilling to do so itself.

CG&E non-responsiveness is particularly unreasonable inasmuch as CG&E has requested that the Commission approve the instant application without a hearing.

Therefore, IGS respectfully requests the Commission to suspend CG&E's Fixed Bill Program application, at least until a Commission determination of the Cinergy/Duke merger application. If necessary for the Commission's decision, a status conference should be scheduled to address this matter. Such a conference should be held after IGS has had the opportunity to reply to any CG&E responsive pleading, and not earlier than the week of August 22, 2005.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing pleading was served upon the following parties of record or as a courtesy, via ordinary U.S. Mail postage prepaid, express mail, hand delivery, or electronic transmission, on August 1, 2005.



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