

# LARGE FILING SEPERATOR SHEET

CASE NUMBER: 06-407-GE-ATA  
89-6002-EL-YRF  
89-8002-GA-YRF

FILE DATE: April 12, 2006

SECTION: Part 1 of 4

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## DESCRIPTION OF DOCUMENT:

Gas and Electric retail  
trans



409

Duke Energy Ohio  
Duke Energy Kentucky  
139 East Fourth Street  
Cincinnati, Ohio 45202

April 6, 2006

Public Utilities Commission of Ohio  
ATTENTION: Docketing Section  
180 East Broad Street  
Columbus, Ohio 43215-3793

RE: In the Matter of the Application of The Cincinnati ) Case No. 06-407-GE-ATA  
Gas & Electric Company to Modify its Retail Gas, ) Case No. 89-6002-EL-TRF  
Electric, and its Certified Supplier Tariffs ) Case No. 89-8002-GA-TRF

To Whom It May Concern:

Enclosed for filing, pursuant to the above referenced case, are four (4) conformed copies of the companies entire gas and electric retail and electric certified supplier tariffs, approved by an Order dated March 29, 2006, reflecting the Company's name change from The Cincinnati Gas & Electric Company to Duke Energy Ohio.

One copy is for the case docket, one copy for the TRF docket and the remaining two copies are for the Commission Staff.

Please receipt-stamp the additional copy of the tariff and return for our files.

Very truly yours,



Donald J. Rottinghaus

DJR:ga

Enclosure

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# **DUKE ENERGY OHIO**

**Certified Supplier Tariff**

**Company Office Location**

**139 East Fourth Street**

**Cincinnati, OH 45202**

**Issued: March 31, 2006**

**Effective: April 3, 2006**

**Issued by  
Sandra P. Meyer - President  
Duke Energy Ohio  
139 East Fourth Street  
Cincinnati, OH 45202**

Duke Energy Ohio  
139 East Fourth Street  
Cincinnati, Ohio 45202

P.U.C.O. Electric No. 20  
Sheet No. 10.1  
Cancels and Supersedes  
Sheet No. 10  
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#### DEFINITION OF TERMS AND EXPLANATION OF ABBREVIATIONS

Ancillary Services – those services that are necessary to support the transmission of energy from generation resources to End-use Customer loads while maintaining reliable operation of the transmission provider's transmission system in accordance with Good Utility Practice. As used herein, Ancillary Services include, but are not limited to, Ancillary Services as defined by Order Nos. 888 and 888A issued by the FERC on April 24, 1996 and March 4, 1997, respectively.

Arrears - previous charges that are unpaid at the time the current bill is generated.

Authorized Payment Agency – a third party agent (bank, savings & loan, etc.) which has been authorized to collect payments on behalf of the Company.

Backcast – an after-the-fact recalculation of a Certified Supplier's hourly load obligation based upon actual weather and system load. This will be used to determine preliminary Energy Imbalance.

Bill Ready – a Company Consolidated Billing option available to a Certified Supplier where the Certified Supplier submits its charges and associated descriptions to the Company, as described in Section 10.9 herein, for presentation to the End-use Customer on the Company's invoice.

Billing Cycle – the time frame between two regularly scheduled Meter Read Dates. End-use Customer meter readings are obtained on a regular schedule, which is managed by the Company.

Certified Supplier – a person, corporation, broker, marketer, aggregator, generator or any other entity licensed by the Commission to sell electricity to End-use Customers, utilizing the jurisdictional transmission and distribution facilities of the Company and registered in the Company's Customer Choice Program.

Certified Supplier Service Agreement – an agreement that must be signed by both the Certified Supplier and the Company in order for the Certified Supplier to participate in the Company's Customer Choice Program, stating the rights and obligations of each party in the Company's Customer Choice Program.

Certified Supplier Services - those services that provide the interface and coordination between the Certified Supplier and the Company in order to effect the delivery of Competitive Retail Electric Service to serve End-use Customers located within the Company's service territory.

Certified Supplier Service Charges - all Charges stated in the Certified Supplier Tariff and attached rate schedules for those services rendered by the Company or its agent for Certified Supplier Services performed hereunder.

Certified Supplier Tariff – the Company's P.U.C.O. Electric No. 20.

Charge - any fee or charge that is billable by the Company or its agent to a Certified Supplier or TSA, under this Certified Supplier Tariff, including any Certified Supplier Service Charge or fees subject to the OATT.

Cinergy Control Area - that certain Control Area encompassing the franchised electric utility service territories of Cinergy Corp.

Cinergy Control Area Operator – the entity responsible for the scheduling of energy delivered into, out of, and through the Cinergy Control Area.

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**DEFINITION OF TERMS AND EXPLANATION OF ABBREVIATIONS (Contd.)**

Duke Energy Shared Services – Duke Energy Shared Services, Inc., a service company subsidiary of Cinergy Corp. and an affiliate of Duke Energy Ohio.

Commission – the Public Utilities Commission of Ohio.

Commodity – the unbundled generation service of electrical energy which End-use Customers may purchase from a Certified Supplier in the Customer Choice Program.

Communication Link – a telephone line, cellular telephone, or other means of transmitting data from a meter to the Company's remote meter reading hardware.

Company – Duke Energy Ohio.

Competitive Retail Electric Service – any service involved in supplying or arranging for the supply of electrical energy to End-use Customers from the point of generation to point of consumption that has been declared competitive pursuant to the Ohio Revised Code or an Order of the Commission.

Consolidated Billing – a billing service where the Company bills for both the Regulated Utility Charges as well as the Certified Supplier's charges, unless otherwise provided in the Company's tariff.

Control Area – an electric power system or combination of electric power systems to which a common automatic generation control scheme is applied in order to:

- a) match, at all times, the power output of the generators within the electric power system(s) and capacity and energy purchased from entities outside the electric power system(s), with the load within the electric power system(s);
- b) maintain scheduled interchange with other Control Areas, within the limits of Good Utility Practice;
- c) maintain the frequency of the electric power system(s) within reasonable limits in accordance with Good Utility Practice; and
- d) provide sufficient generating capacity to maintain operating reserves in accordance with Good Utility Practice.

Coordination Services – those services that permit the type of interface and coordination between the Certified Supplier and the Company in connection with the delivery of electricity to End-use Customers located within the Company's service territory, including load forecasting, certain scheduling related functions and reconciliation.

Customer Choice Program – a program offered in the State of Ohio as of January 1, 2001 where an End-use Customer may select a Certified Supplier.

DASR (Direct Access Service Request) – an electronic form of communication that shall be exchanged between the Company and a Certified Supplier.

Distribution Losses – energy losses that occur on a LDC system in the process of delivering electrical energy to End-use Customers. These losses are usually expressed as a percent of the total energy consumed.

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#### DEFINITION OF TERMS AND EXPLANATION OF ABBREVIATIONS (Contd.)

ECAR – (East Central Area Reliability) – the NERC reliability council area which provides electric service to the states of Indiana, Michigan, Ohio and parts of eastern Kentucky, western Virginia, western Maryland, western Pennsylvania, Northern Tennessee and West Virginia. The organizational purpose of ECAR is to ensure the reliability of the interconnected electricity network of its members.

EDI (Electronic Data Interchange) – a standard format for the exchange of electronic information.

End-use Customer - the final user of generation and regulated delivery services.

Energy Imbalance - is the difference between the energy scheduled by a Certified Supplier or its designated TSA and the End-use Customer's metered consumption adjusted for unaccounted energy.

FERC (Federal Energy Regulatory Commission) – the agency which has primary jurisdiction over energy regulation at the federal level.

Federal Reserve Lending Rate – interest rate at which the Federal Reserve lends money, as published daily on Bloomberg's money market rate page.

Generation Resource Mix - the source of the physical resource required to generate electricity (e.g. green power, coal, or nuclear).

Good Utility Practice – any of the practices, methods and acts engaged in or approved by a significant portion of the electric utility industry during the relevant time period, or any of the practices, methods and acts which, in the exercise of reasonable judgment in light of the facts known at the time the decision was made, could have been expected to accomplish the desired result at a reasonable cost consistent with good business practices, reliability, safety and expedition. Good Utility Practice is not intended to be limited to the optimum practice, method, or act to the exclusion of all others, but rather to be acceptable practices, methods, or acts generally accepted in the region.

Interconnected Operations Services – services, in addition to Ancillary Services, to facilitate the delivery of power (e.g., transmission services, real power transmission losses).

Interval Meter – an electricity meter which records an End-use Customer's electric usage for defined intervals (e.g., 15 minutes, half-hour, hour, etc.), allowing the possibility for consumption during different time periods to be billed at different rates and providing a means for an End-use Customer's load pattern to be analyzed.

kW (kilowatt) – one kilowatt equals 1,000 watts.

kWh (kilowatt-hour) – the basic unit of electric energy equal to one kilowatt of power supplied to or taken from an electrical circuit steadily for one hour. One kilowatt-hour equals 1,000 watt-hours.

Large Commercial and Industrial End-use Customer – for the purpose of switching rules, an End-use Customer who uses electricity for nonresidential purposes and consumes greater than or equal to 700,000 kWh of electricity per year or is part of a national account involving multiple facilities in one or more states.

LDC (Local Distribution Company) - an entity that has been granted the authority or has an obligation pursuant to state or local law, regulation or franchise to transmit and distribute electric energy to End-use Customers located within a jurisdictional service territory.

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**DEFINITION OF TERMS AND EXPLANATION OF ABBREVIATIONS (Contd.)**

**Load Forecast** - an hourly projection of load prepared by a Transmission Customer for its load in the Company's service territory, consisting of, but not limited to, the aggregated load of Monthly and Interval Metered customers, as adjusted for Distribution Losses.

**Load Profile** - as applied to an End-use Customer, group of End-use Customers, class or system, a Load Profile or "curve" (as graphically plotted point-to-point, after midnight to midnight) shows the power (as actual consumption or "normalized" as a percentage of maximum demand) supplied during a specific period of time plotted by time of occurrence.

**Load Research Meters** - Interval Meters installed by the Company throughout its service territory that monitor hourly energy consumption of selected End-use Customers to provide data for developing Load Profiles for various customer classes.

**MW (megawatt)** - one megawatt equals one million watts or 1,000 kilowatts.

**MWh (megawatt-hour)** - one megawatt-hour equals one million watt-hours or 1,000 kilowatt-hours.

**Meter Read Date** - the date on which the Company schedules a meter to be read for purposes of producing an End-use Customer bill in accordance with the Company's regularly scheduled Billing Cycles.

**Monthly Meter** - a meter that records total energy (kWh) and peak demand (kW), where applicable, for the Billing Cycle but does not have the capability to record the dates and times the energy was consumed.

**Multi-tiered Rate** - a rate where each group (tier) of units of consumption (kWh) are priced at a certain rate while other groups of units of consumption are priced at a different rate.

**NERC (North American Electric Reliability Council)** - formed by electric utilities in 1968 to promote the reliability of the electricity supply for North America.

**Non-volumetric Rate** - a flat charge to the End-use Customer regardless of the amount of consumption for a given period of time.

**OASIS (Open Access Same Time Information Systems)** - FERC Final Order No. 889 requires Transmission Providers to establish electronic systems, called OASIS, to share information about their available transfer capability and dictates standards of conduct. Transmission Providers use OASIS to electronically communicate information about their transmission systems and services to all potential customers at the same time.

**OATT (Open Access Transmission Tariff)** - the Open Access Transmission Tariff on file with the FERC which sets forth the rates, terms and conditions of transmission service over transmission facilities located in the Cinergy Control Area, or any successor transmission tariff for similar service.

**PAR (Purchase of Accounts Receivable)** - a payment remittance option available to Certified Suppliers utilizing the Company's Consolidated Billing Option where the Company pays the Certified Supplier a discounted amount monthly in exchange for the assignment and purchase, without recourse, of the Certified Supplier's accounts receivable represented by the current Certified Supplier charges presented on the Company's invoice, during the period of time when a Purchase of Accounts Receivable agreement is in effect between the Company and Certified Supplier.

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#### DEFINITION OF TERMS AND EXPLANATION OF ABBREVIATIONS (Contd.)

PIPP (Percentage of Income Payment Plan) – a statewide utility program in Ohio which sets guidelines for low income End-use Customer payments to utilities.

Rate Ready – a Certified Supplier billing option where the Company will perform consumption calculations and apply the Certified Supplier's rates to create charges for the End-use Customer.

Record Layouts – a predefined format for which data is organized for electronic transmission.

Regulated Utility Charges - utility charges for noncompetitive services including but not limited to, tariffed transmission and distribution and generation services that are under the jurisdiction of the Commission. May also include utility charges for noncompetitive gas services.

Residential End-use Customer – for the purpose of switching rules, an End-use Customer who uses electricity for residential purposes.

Retail Tariff (P.U.C.O. Tariff No. 19) – a tariff filed with the Commission by the Company containing the Service Regulations, Tariff Rate Schedules, and Tariff Rider Schedules for End-use Customers.

Rider AG (Optional Alternative Generation Service) - applicable to Residential and Small Commercial and Industrial End-use Customers which permits the End-use Customer a (1) Billing Cycle minimum stay. The rider establishes a market based rate based on the next month NYMEX Cinergy futures contract price, as of the fourth business day prior to the end of the current calendar month, adjusted for load factor and line losses, plus a ten (10) percent administrative fee, or another publicly available index price, adjusted for load factor and line losses, plus a ten (10) percent administrative fee. In no event shall the market based rate be below the Standard Offer Rate.

Schedule – a document prepared by the Certified Supplier or its designated TSA and submitted to the Cinergy Control Area Operator in accordance with NERC Policy 3, that provides the schedule for receipt and delivery of energy for the benefit of End-use Customers.

Service Regulations – the Certified Supplier Service Regulations found in the Company's Certified Supplier Tariff.

Small Commercial and Industrial End-use Customer – for the purpose of switching rules, an End-use Customer who uses electricity for nonresidential purposes and consumes less than 700,000 kWh of electricity per year and is not part of a national account involving multiple facilities in one or more states.

Special Meter Reads – meter reads requested by Certified Suppliers on dates other than the scheduled monthly Meter Read Date.

Standard Offer Rate – a rate offered by the Company as approved by the Commission to End-use Customers in its service territory for all essential electric service to End-use Customers who are not receiving competitive services from a Certified Supplier, including a firm supply of electric generation service.

TSA (Transmission Scheduling Agent) – an entity that is an eligible Transmission Customer under the OATT, performing transmission scheduling and other bulk power services to deliver electrical energy into the Company's service territory for the Customer Choice Program. A Certified Supplier may act as a TSA, if the Certified Supplier is an eligible Transmission Customer, or hire another entity that is an eligible Transmission Customer to perform these functions.

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**DEFINITION OF TERMS AND EXPLANATION OF ABBREVIATIONS (Contd.)**

Tariff Rate Schedules – documents filed with the Commission specifying the Charges for various Certified Supplier Services.

Time of Use Rate – a rate where the amount charged per unit (kWh or kW) varies according to the time of day it was consumed; this reflects the difference in on-peak and off-peak demands and the costs to provide service at those times.

Transmission Customer – the entity authorized to schedule power into, out of, or through the Cinergy Control Area, as described in the OATT filed with the FERC.

Transmission Provider – the entity providing transmission service as described in the OATT filed with the FERC.

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## SERVICE REGULATIONS

### SECTION I - THE CERTIFIED SUPPLIER TARIFF

#### 1.1. Filing And Posting

A copy of the Certified Supplier Tariff, which contains these Service Regulations and the associated Tariff Rate Schedules under which the Company will provide Certified Supplier Services to Certified Suppliers, is on file with the Commission and is posted and open to inspection at the offices of the Company during regular business hours.

#### 1.2. Revisions

The Certified Supplier Tariff may be revised, amended, supplemented or otherwise changed from time to time in accordance with the Commission Regulations, and such changes, when effective, shall supersede the present Certified Supplier Tariff.

#### 1.3. Application

The Certified Supplier Tariff provisions apply to all Certified Suppliers providing Competitive Retail Electric Service to End-use Customers located in the Company's service territory, including an affiliate or division of the Company that provides Competitive Retail Electric Service, and with whom the Company has executed a Certified Supplier Service Agreement. In addition, the Charges in the attached rate schedules shall apply to anyone receiving service unlawfully or to any unauthorized or fraudulent receipt of any Competitive Retail Electric Service.

#### 1.4. Service Regulations

These Service Regulations, filed as part of the Certified Supplier Tariff, are part of every Certified Supplier Service Agreement entered into by the Company pursuant to the Certified Supplier Tariff and govern all Certified Supplier Services, unless specifically modified by a Tariff Rate Schedule. The obligations imposed on Certified Suppliers in these Service Regulations apply as well to anyone receiving service unlawfully or to any unauthorized or fraudulent receipt of any Competitive Retail Electric Service.

#### 1.5. Statement by Agents

No Company representative has authority to modify a Certified Supplier Tariff rule or provision, or to bind the Company by any promise or representation contrary thereto.

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## **SECTION II SCOPE AND PURPOSE OF TARIFF**

### **2.1. Applicability of Terms to Certified Suppliers**

The Certified Supplier Tariff sets forth the basic requirements for interactions and coordination between the Company as the LDC and the Certified Supplier necessary for ensuring the delivery of Competitive Retail Electric Service from Certified Suppliers to their End-use Customers commencing on or after January 1, 2001.

### **2.2. Joint Undertakings**

Except as expressly provided in the Certified Supplier Tariff, the covenants, obligations and liabilities of the Company, Certified Supplier and TSA are intended to be several and not joint or collective and nothing contained in this Certified Supplier Tariff shall ever be construed to create an association, joint venture, trust, or partnership, or to impose a trust or partnership covenant, obligation or liability, on or with regard to the other parties. Each Party shall be individually responsible for its own covenants, obligations, and liabilities as provided in this Certified Supplier Tariff. No Party shall be under the control of or shall be deemed to control the other Parties. No Parties shall be the agent of or have a right or power to bind the other Parties without such other Parties' expressed written consent.

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**SECTION III  
RELATIONSHIPS AMONG CUSTOMER CHOICE PROGRAM PARTICIPANTS**

**3.1. End-use Customer to Company**

The End-use Customer purchases delivery services from the Company under P.U.C.O. Electric No. 19 or other applicable tariffs of the Company.

**3.2. Certified Supplier to End-use Customer**

Certified Suppliers sell electric energy to the End-use Customer pursuant to contractual arrangements that are not part of the Company's tariffs. The Company is not a party to such sale of electric power and energy to the End-use Customer taking service from a Certified Supplier and shall not be bound by any term, condition, or provision of agreement for such sale.

By purchasing electric energy from a Certified Supplier, an End-use Customer authorizes the Certified Supplier to arrange for transmission services and appropriate Ancillary Services with the Cinergy Control Area or an alternate third party provider to be used in the transmission and distribution of electric power and energy to the End-use Customer. In arranging for such transmission services and Ancillary Services, the Certified Supplier will act as a Transmission Customer, if eligible, and otherwise will retain a TSA, under the applicable tariffs on file with the FERC in connection with such transactions.

**3.3. Certified Supplier to the Company**

Certified Suppliers and their designated TSAs are not agents of the Company and shall have no authority to enter into any agreement on behalf of the Company or to amend, modify, or alter any of the Company's tariffs, contracts, or procedures, or to bind the Company by making any promises, representations, acts or omissions.

**3.4. Certified Supplier or its Designated TSA to Cinergy Services**

Cinergy Services shall bill the entity acting as the TSA for transmission services and the appropriate Ancillary Services, and the TSA shall agree to pay such amounts in accordance with the terms of the OATT.

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**SECTION IV  
COMPANY AND CERTIFIED SUPPLIER OBLIGATIONS (GENERAL TERMS)**

**4.1. Availability of Certified Supplier Services**

The Company or its agent shall make available, at a tariffed rate, Certified Supplier Services, as defined in the attached rate schedules. In the event of a transmission constraint, the Certified Supplier or its designated TSA shall be responsible for making necessary arrangements for the delivery of electrical energy into the Cinergy Control Area.

**4.2. Timeliness and Due Diligence**

Certified Suppliers shall exercise due diligence in meeting their obligations and deadlines under the Certified Supplier Tariff so as to facilitate the Customer Choice Program.

**4.3. Duty of Cooperation**

The Company and each Certified Supplier or its designated TSA will cooperate in order to ensure delivery of Competitive Retail Electric Service to End-use Customers as provided for by the Certified Supplier Tariff, Retail Tariff Rate Schedules, the OATT, the Ohio Revised Code, and orders of the Commission.

**4.4. State Licensing**

A Certified Supplier must have and maintain certification from the Commission as an authorized Certified Supplier in order to be eligible to participate in the Company's Customer Choice Program.

**4.5. Registration and Participation Requirements**

Each Certified Supplier desiring to register in the Company's Customer Choice Program must meet the registration and participation requirements described in Section V of these Service Regulations.

**4.6. Energy Procurement**

A Certified Supplier or its designated TSA shall make all necessary arrangements for obtaining Competitive Retail Electric Service in a quantity sufficient to serve its End-use Customers.

**4.7. Certified Supplier Wholesale Power Responsibilities**

A Certified Supplier or its designated TSA is responsible for procuring those Ancillary and Interconnected Operations Services that are necessary for the delivery of Competitive Retail Electric Service to its End-use Customers.

**4.8. Multiple Certified Suppliers**

Only one Certified Supplier shall provide Competitive Retail Electric Service to a specific End-use Customer's account during any given Billing Cycle.

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**SECTION IV  
COMPANY AND CERTIFIED SUPPLIER OBLIGATIONS (GENERAL TERMS) (Contd.)**

**4.9. Partial Competitive Retail Electric Service**

An End-use Customer is not permitted to have partial Competitive Retail Electric Service. The Certified Supplier shall be responsible for providing the total energy consumed by the End-use Customer's account during any given Billing Cycle.

**4.10. Retail Energy Imbalance**

At the time Energy Imbalance occurs, the Cinergy Control Area will not have real-time data available for each End-use Customer's consumption. However, metering on the Cinergy Control Area Transmission System will allow such imbalances to be detected, and the Cinergy Control Area will react accordingly. Specifically, if consumption is greater than the scheduled amount, Cinergy Control Area will automatically supply its own power to make up for the deficiency. If consumption is less than the scheduled amount, Cinergy Control Area will automatically back down its own generation by the amount of oversupply. Energy Imbalance will be settled according to the provisions set forth in the OATT.

Energy Imbalance will be charged according to the OATT Schedule 4R Retail Energy Imbalance. Such Charges shall be billed directly to the Certified Supplier or its designated TSA, whichever entity is the Transmission Customer. Any default or dispute concerning Energy Imbalance will be settled in accordance with the OATT.

Calendar month hourly Energy Imbalances will be supplied to the entity acting as TSA within sixty (60) days after the end of a calendar month.

**4.11. Real Power Transmission Losses**

A Certified Supplier or its designated TSA must arrange for real power losses on the Cinergy Bulk and the Company's Common transmission systems, as set forth in the OATT and associated business practices.

**4.12. Distribution Losses**

In addition to supplying the energy to serve End-use Customer load, a Certified Supplier or its designated TSA will be responsible for scheduling and supplying the associated Distribution Losses.

**4.13. Back-up Generation**

If notice is received that the Certified Supplier/TSA relationship is terminated, the Company shall be the back-up supplier of energy. The Certified Supplier shall either designate another TSA or assume the TSA function itself (if eligible) within five (5) business days of the termination of the Certified Supplier/TSA relationship. The new entity acting as the TSA shall begin scheduling power within ten (10) business days after designation by the Certified Supplier. The Certified Supplier may be on Back-up Generation service for a total of fifteen (15) business days. The Certified Supplier agrees to pay the Company such Charges defined in the Certified Supplier Back-up Generation Charges, until the new TSA's services are active. The Certified Supplier's failure to comply with these requirements shall render it in default as described in Section XX of the Certified Supplier Tariff.

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**SECTION IV  
COMPANY AND CERTIFIED SUPPLIER OBLIGATIONS (GENERAL TERMS) (Contd.)**

**4.14. Scheduling**

A Certified Supplier or its designated TSA must make all necessary arrangements for scheduling the delivery of energy, including, but not limited to, providing for real power transmission and Distribution Losses, into the Company's service territory pursuant to the OATT.

**4.15. Consolidated Scheduling**

Schedules may be combined if submitted to a single dispatch center using a single class of transmission service (e.g. network service) and the transmission service, for all loads scheduled, provides for the same method of calculating Energy Imbalance settlements. Such consolidated scheduling, shall, for example, permit the combined scheduling of retail loads across affiliated utilities in a single state that use a single dispatch center and for combined scheduling for retail and wholesale loads under the above stated circumstances.

**4.16. Reliability Requirements**

A Certified Supplier or its designated TSA shall satisfy all reliability requirements issued by the Commission, ECAR, NERC, or any successor organizations or any other governing reliability councils with authority over the Certified Supplier or its designated TSA. Any penalties or sanctions issued by such organizations' governing reliability councils to the Cinergy Control Area will be apportioned by the Cinergy Control Area Operator, in its sole discretion, to any Certified Supplier or its designated TSA whose actions contributed to the violation. A Certified Supplier or its designated TSA shall abide by the decisions and actions of the Cinergy Control Area Operator in regards to standard operating policies established by ECAR, including the ECAR reserve sharing program, and apportionment of penalties or sanctions.

**4.17. Supply of Data**

A Certified Supplier, TSA, and the Company shall supply to each other all data, materials or other information specified in this Certified Supplier Tariff, or otherwise reasonably required by the Certified Supplier, TSA or Company in connection with the provision of Certified Supplier Services, in a thorough and timely manner and according to the inspection procedures and within the time period reasonably designed to protect the confidentiality of the information requested to be reviewed.

**4.18. Communication Requirements**

A Certified Supplier or its designated TSA must be equipped with the communications capabilities necessary for a TSA to conduct business as a transmission customer. A TSA must have installed communication capabilities that enable it to reserve and confirm transmission and ancillary services on the transmission provider's OASIS and submit NERC electronic tags for each transaction. As industry standards for communication capabilities change, the TSA must make the necessary changes to continue to conduct business as a transmission customer.

**4.19. Record Retention**

A Certified Supplier, its designated TSA and the Company shall comply with all applicable laws, Commission and FERC rules and regulations for record retention. In addition, a Certified Supplier and its designated TSA shall comply with the record retention requirements set forth in these Service Regulations.

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**SECTION IV  
COMPANY AND CERTIFIED SUPPLIER OBLIGATIONS (GENERAL TERMS) (Contd.)**

**4.20. Payment Obligation**

The Company shall not be required to provide Certified Supplier Services to a Certified Supplier unless the Certified Supplier is current in its payment of all Charges owed under this Certified Supplier Tariff.

**4.21. Certified Supplier Marketing and Solicitation**

Each Certified Supplier participating in the Company's Customer Choice Program shall follow the Commission rules for Competitive Retail Electric Service providers.

**4.22. Company Standards of Conduct with Respect to Marketing Affiliates**

The Company shall follow the Commission established Standards of Conduct with respect to marketing affiliates.

**4.23. Emergency Operation**

If the Cinergy Control Area Operator determines that an emergency exists, the Certified Supplier or its designated TSA shall comply with the Cinergy Control Area Operator's directives.

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**SECTION V**  
**CERTIFIED SUPPLIER REGISTRATION AND PARTICIPATION REQUIREMENTS**

**5.1. Registration Requirements**

Each Certified Supplier desiring to register in the Company's Customer Choice Program must meet the following registration and participation requirements:

- a) Provide proof of Commission certification to the Company.
- b) Meet the Company's credit requirements as described in Section VI - Credit Requirements.
- c) Attend the Company sponsored Certified Supplier Training Program.
- d) Submit a completed Certified Supplier Registration & Credit Application to the Company.
- e) Demonstrate that the proper electronic communications capabilities are operational.
- f) Execute the Company's EDI Trading Partner Agreement.
- g) Execute the Company's Certified Supplier Service Agreement.
- h) Pay the Certified Supplier enrollment fee, as set forth in the attached rate schedule.

**5.2. Registration Process**

The Company shall approve or disapprove the supplier's registration within thirty (30) calendar days of receipt of complete registration information from the supplier. The thirty (30) day time period may be extended for up to thirty (30) days for good cause shown, or until such other time as is mutually agreed to by the supplier and the Company.

The approval process shall include, but is not limited to: successful completion of the credit requirements and receipt of the required collateral, if any, by the Company; executed EDI Trading Partner Agreement and Certified Supplier Service Agreement, payment and receipt of the supplier registration fee and completion of EDI testing for applicable transaction set necessary to commence service.

The Company will notify the supplier of incomplete registration information within ten (10) calendar days of receipt. The notice shall include a description of the missing or incomplete information.

**5.3. Registration Notification**

Upon meeting the Company's registration and participation requirements and posting any necessary credit enhancement, the Certified Supplier will be eligible to participate in the Company's Customer Choice Program. The Certified Supplier will be promptly notified of its registration, and the Certified Supplier's name will be posted on the Company's web page of eligible participants.

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**SECTION V**  
**CERTIFIED SUPPLIER REGISTRATION AND PARTICIPATION REQUIREMENTS (Contd.)**

**5.4. Changes in Registration Information**

The enrolled Certified Supplier will notify the Company, in writing, on an on-going basis, of any change to the information it was required to provide to the Company or Commission during the registration process. If the Company receives information from any source that suggests the Certified Supplier's registration information has changed, the Company may require the Certified Supplier to supply current information regarding the Certified Supplier's eligibility for registration. The Certified Supplier is required to respond to such requests in writing within five (5) business days.

**5.5. Transmission and Ancillary Services**

The Certified Supplier is also responsible for obtaining transmission and Ancillary Services associated with the transmission and distribution of electrical energy, including transmission and Distribution Losses, to its End-use Customers. The Certified Supplier may contract with a TSA to obtain these services. If a Certified Supplier acts as its own TSA or contracts with a different entity to act as TSA for these services, the Certified Supplier shall notify the Company in the form of the designation described in Section 16.2 herein.

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**SECTION VI  
CREDIT REQUIREMENTS**

**6.1. Credit Application**

All suppliers must complete and sign the Company's Certified Supplier Registration Form & Credit Application to be considered for participation in the Company's Customer Choice Program.

**6.2. Determination of Credit Worthiness**

The Company will apply, on a non-discriminatory and consistent basis, reasonable financial standards to assess and examine a supplier's creditworthiness. These standards will take into consideration the scope of operations of each supplier and the level of risk to the Company. This determination will be aided by the appropriate data concerning the supplier, including load data or reasonable estimated thereof, where applicable.

A supplier shall satisfy its creditworthiness requirement and receive an unsecured credit limit by demonstrating that it has, and maintains, investment grade long-term bond ratings from any two of the following four rating agencies:

Agency	Senior Securities Rating (Bonds)
Standard & Poors	BBB- or higher
Moody's Investors' Services	Baa3 or higher
Fitch IBCA	BBB- or higher
Duff & Phelps Credit Rating Company	BBB- or higher

The supplier will provide the Company with its or its parent's most recent independently-audited financial statements, (if applicable) and, it or its parent's most recent Form 10-K and Form 10-Q (if applicable).

The Company shall make reasonable alternative credit arrangements with a supplier that is unable to meet the aforementioned criteria and with those suppliers whose credit requirements exceed their allowed unsecured credit limit. The supplier may choose from any of the following credit arrangements in a format acceptable to the Company: a guarantee of payment; an irrevocable Letter of Credit; a cash deposit; a Surety Bond, including the company as a beneficiary; or other mutually agreeable security or arrangement. The alternate credit agreements may be provided by a party other than the supplier, including one or more ultimate customers. The fact that a guarantee of payment, irrevocable Letter of Credit, Cash Deposit, or Surety Bond is provided by a party other than the supplier shall not be a factor in the determination of the reasonableness of any alternative credit arrangement, as long as such party and the related credit arrangements meet the Company's standard credit requirements. The amount of the security required must be and remain commensurate with the financial risks placed on the Company by that supplier, including recognition of that supplier's performance.

The Company will calculate the amount of the supplier's collateral requirement by multiplying ninety (90) days of the Company's estimate of the summer usage of the supplier's End-use Customers by a price set at the highest monthly average megawatt hour price for the Company's off-system purchased power from the prior summer less the average shopping credit that the Company will receive due to the defaulting supplier's End-use Customers returning to the Company's Standard Offer Rate. A supplier may appeal the Company's determination of credit requirements to the Commission or seek Staff mediation as to any dispute.

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## SECTION VI CREDIT REQUIREMENTS (Contd.)

### 6.3. Interest on Cash Deposits

The Company will allow simple interest on cash deposits calculated at the lower of the average of the Federal Reserve Lending Rate over the time period the cash is on deposit or 4.5% annually. In cases of discontinuance or termination of services, cash deposits will be returned with accrued interest upon payment of all Charges, guarantees and with deduction of unpaid accounts.

### 6.4. On-going Credit Evaluation

The Company reserves the right to review each Certified Supplier's credit worthiness at any time. The Certified Supplier must provide current financial and credit information. In addition, the Certified Supplier may request re-evaluation at any time. It is anticipated that demand, unanticipated market movements and economic reasons will result in exposures nearing or exceeding the prescribed credit limits or collateral originally in place. It is also noted that additional collateral may be required due to a degradation of credit rating or repayment ability of a Certified Supplier. Any subsequent review or re-evaluation of a Certified Supplier's credit worthiness may result in the Certified Supplier being required to post collateral not previously requested. The new, additional or change in collateral requirement will be necessary to enhance, restore or maintain the Company's credit protection. In the alternative, the Company may limit a Certified Supplier's level of participation or remove the Certified Supplier from further participation in the Company's Customer Choice Program.

### 6.5. Financial Obligation – Dispute Resolution

If the Certified Supplier disputes the calculation of the amount due as calculated by the Company, the Certified Supplier shall notify the Company not later than the close of business on the business day following the due date. The parties will consult each other in good faith in an attempt to resolve the dispute. If the parties fail to resolve the dispute by the close of business on the business day following the notification of the dispute by the Certified Supplier, the Certified Supplier shall comply with the Company's request for payment. The supplier may appeal the Company's determination of credit requirements to the Commission or seek Staff mediation as to any dispute.

If it is determined that the payment shall be less than the amount requested by the Company, the Company shall refund the excess payment plus interest calculated at the lower of the average of the Federal Reserve Lending Rate over the time period the cash is on deposit or 4.5% annually to the Certified Supplier by the close of business on the business day following receipt of the Commission's or Staff's determination.

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**SECTION VII**  
**END-USE CUSTOMER ENROLLMENT PROCESS**

**7.1. Certified Supplier Authorization**

In order to be authorized to enroll End-use Customers in the Company's Customer Choice Program, a Certified Supplier must meet the requirements contained in Section V - Certified Supplier Registration and Participation Requirements, must have submitted a TSA Designation form to the Company, and must, where applicable, have the appropriate rates in production within the Company's billing system, as described in Section X - Billing Services and Obligations. Aggregators or governmental aggregators must either become a Certified Supplier as described above or must act through a Certified Supplier.

**7.2. Percentage of Income Payment Plan (PIPP) Customers**

In the event the Director of the Ohio Department of Development (ODOD) aggregates PIPP customers for the purpose of competitively auctioning the supply of Competitive Retail Electric Service, such customers will receive their Commodity service from the successful bidder. In this event, PIPP customers would not be eligible to select another Certified Supplier or to opt out of the Customer Choice Program, as ODOD would mandate the source of electric Commodity for these customers.

**7.3. Pre-Enrollment End-use Customer Information List**

- a) Upon request, the Company will electronically provide to any supplier certified by the Commission the most recent End-use Customer information list. The supplier will pay the Company \$150.00 for providing the list to the supplier.
- b) The Company will offer the End-use Customer information list beginning on October 1, 2000 with updates available quarterly throughout the Market Development Period. Once the list has been updated, a supplier may not use an End-use Customer information list from a prior quarter to contact End-use Customers, but suppliers shall not be required to purchase subsequent lists.
- c) The Company will provide End-use Customers the option to have all the End-use Customer's information listed in the section below removed from the End-use Customer information list. At the same time, the Company will also provide End-use Customers the option to have all End-use Customer's information listed below reinstated on the End-use Customer information list. The End-use Customer will be provided written notice of his or her options quarterly throughout the Market Development Period and prior to the distribution of the first list.
- d) The following information will be provided on the End-use Customer information list for each End-use Customer who has not requested that all information be removed from this list:
  - i) End-use Customer name
  - ii) Service Address
  - iii) Service City
  - iv) Service State and Zip Code
  - v) Mailing Address
  - vi) Mailing City
  - vii) Mailing State and Zip Code
  - viii) Rate Schedule under which service is rendered, including class and sub-class (if applicable)
  - ix) Rider (if applicable)
  - x) Load Profile Reference Category

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**SECTION VII**  
**END-USE CUSTOMER ENROLLMENT PROCESS (Contd.)**

- xi) Meter Type (will provide information that is readily available)
  - xii) Interval Meter data indicator (will provide information that is readily available)
  - xiii) Budget Bill/PIPP indicator
  - xiv) Meter Read Cycle
  - xv) Most recent twelve (12) months of historical consumption data (actual energy usage plus demand, if available)
- e) The Company will provide the End-use Customer information list by either a compact disc or on a designated website. The information will be prepared and distributed in a uniform and useable format that allows for data sorting. End-use Customers participating in the percentage of income payment plan (PIPP) program will be served exclusively through the PIPP program administered by the Ohio Department of Development.
- 7.4. Certified Supplier Requests for End-use Customer Information
- a) Certified Suppliers may request historical Interval Meter data through a DASR after receiving the appropriate End-use Customer authorization. The Interval Meter data will be transferred in a standardized electronic transaction. The Certified Supplier will be responsible for the incremental costs incurred to prepare and send such data. The charges for these services are listed in this tariff.
  - b) Generic End-use Customer information will be readily available on a designated web site.
  - c) For End-use Customer specific information and to decrease the possibility of End-use Customer "slamming", the Certified Suppliers must obtain, and maintain in their files, End-use Customer authorizations, as dictated by Commission rules, which authorize the release of the End-use Customer's historical usage data. These authorizations must be made available to the Company, upon request, within three (3) business days and must be retained by the Certified Supplier for a period not less than two calendar years after the calendar year in which received.
  - d) Specific End-use Customer information will include twelve (12) months of historical data (if available) including monthly kWh usage, Meter Read Dates, and associated monthly maximum demand history, if applicable.
- 7.5. Direct Access Service Requests (DASRs)
- a) Enrollment of individual End-use Customers, including individual End-use Customers participating in an aggregation or governmental aggregation program, is done through a DASR for each service account, which may be submitted only by Certified Suppliers.
  - b) Certified Suppliers may begin to submit enrollment DASRs on November 20, 2000.
  - c) Enrollment DASRs received November 20, 2000 through December 23, 2000 will be effective on the End-use Customer's January Meter Read Date. Starting December 24, 2000, enrollment DASRs will be effective on the next Meter Read Date provided that it is received by the Company at least twelve (12) calendar days before the next Meter Read Date.
  - d) Enrollment DASRs will be effective according to the following schedule:

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**SECTION VII**  
**END-USE CUSTOMER ENROLLMENT PROCESS (Contd.)**

- i) If an enrollment DASR is received twelve (12) or more days prior to the next regularly scheduled Meter Read Date and no other enrollment DASR is currently pending, the enrollment DASR will be effective on the next regularly scheduled Meter Read Date.
  - ii) If an enrollment DASR is received less than twelve (12) days prior to the next regularly scheduled Meter Read Date and no other enrollment DASR is currently pending, the enrollment DASR will be effective on the second regularly scheduled Meter Read Date after the enrollment DASR is received.
  - iii) If an enrollment DASR is currently pending, and another enrollment DASR is received, the first enrollment DASR will be effective and the second enrollment DASR will be rejected. There cannot be two pending enrollment DASRs for the same account at the same time.
- e) The Company will process all valid DASRs within one (1) business day and send the End-use Customer confirmation within two (2) business days. The Company will electronically advise the Certified Supplier of acceptance. Notice of rejection of the DASR to the Certified Supplier shall also be sent in one business day, if possible, but in no event later than four (4) calendar days, and include the reasons for the rejection.
  - f) The Company shall provide a rescission period as provided by the Commission's rules. If the End-use Customer rescinds, the Company shall send a drop notice to the Certified Supplier. In the event of End-use Customer rescission, the previous Certified Supplier will continue to serve the End-use Customer under the same terms and conditions.
  - g) Enrollments will be processed on a "first in" priority basis based on the received date, using contract date as the tiebreaker. If the contract date is the same, enrollments will be processed "first in" based on when the enrollment was electronically received by the Company.
  - h) To participate in the Customer Choice Program, an End-use Customer must have an active electric service account with the Company. After the electric service account is active, a Certified Supplier may submit a DASR as described herein.
  - i) If an enrollment DASR for an End-use Customer's active electric service account is submitted for Company Consolidated and Rate Ready or Bill Ready Billing and the Certified Supplier is participating in the Company's Purchase of Accounts Receivable (PAR) Program, the Company will reject the DASR if the Company's account with the End-use Customer has an arrears of 30 days or more totaling \$50.00 or more.
  - j) If an enrollment DASR for an End-use Customer's electric service account actively enrolled with a Certified Supplier and billed on Company Consolidated and Rate Ready or Bill Ready Billing is submitted by another Certified Supplier for Company Consolidated and Rate Ready or Bill Ready Billing and both Certified Suppliers are participating in the Company's Purchase of Accounts Receivable (PAR) Program, the Company will reject the DASR if the account has an arrears of 60 days or more for Certified Supplier charges.
  - k) If an enrollment DASR for an End-use Customer's active electric service account is submitted for Company Consolidated and Bill Ready Billing and the account is currently involved in the Company's summary billing program, the DASR will be rejected until the Company's information system has the capability to accept such DASRs, which will occur by July 1, 2002. Prior to July 1, 2002, in order for an enrollment DASR to be accepted for a summary billing account, the Certified Supplier must submit the DASR with a billing option for either Certified Supplier billing or Company Consolidated and Rate Ready Billing.

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**SECTION VII**  
**END-USE CUSTOMER ENROLLMENT PROCESS (Contd.)**

- l) If an enrollment DSR for an End-use Customer's active electric service account is submitted for Company Consolidated and Bill Ready Billing and the account is currently involved in the Company's adjusted due date program, the DSR will be rejected until the Company's information system has the capability to accept such DSRs, which will occur by November 1, 2002. Prior to November 1, 2002, in order for an enrollment DSR to be accepted for an account with an adjusted due date, the Certified Supplier must submit the DSR with a billing option for either Certified Supplier billing or Company Consolidated and Rate Ready Billing.
  - m) The Certified Supplier must submit a TSA Designation Agreement executed by an eligible TSA prior to an enrollment DSR being accepted.
  - n) For Consolidated Rate-Ready Company Billing, the Certified Supplier's rates must be in production before a DSR will be accepted.
  - o) A separate DSR must be submitted for each service account.
  - p) If a Certified Supplier has reached its participation limit as described in Section VI - Credit Requirements, additional enrollment DSRs from the Certified Supplier will be rejected and returned to the Certified Supplier until the Company approves additional credit enhancements.
  - q) The Certified Supplier will be responsible for paying any Charge for a successfully processed enrollment DSR, except that the Company shall waive the switching fee for the first 20% of residential End-use Customers that switch to a Certified Supplier during the Market Development Period.
- 7.6. Communications from the Company to the End-use Customer
- a) Upon confirmation of a valid Enrollment DSR from a Certified Supplier, the Company will mail the End-use Customer a confirmation notice within one (1) business day after confirmation.
  - b) Upon confirmation of a valid Drop DSR from a Certified Supplier, the Company will mail the End-use Customer a confirmation notice within one (1) business day after confirmation.
  - c) Within one (1) business day after receiving an End-use Customer's request to rescind an enrollment, the Company will initiate the rescission and mail the End-use Customer confirmation that such action has been taken.
- 7.7. End-use Customer Return to Standard Offer Rate
- a) An End-use Customer's return to Standard Offer Rate may be a result of End-use Customer choice, the Company's choice when an End-use Customer has an arrears of 60 days or more for Certified Supplier charges on an account billed on Company Consolidated Billing and served by a Certified Supplier participating in the Company's Purchase of Accounts Receivable (PAR) Program, Certified Supplier default, termination of a Certified Supplier contract, opt out or termination of a governmental aggregation program, or Certified Supplier withdrawal.
  - b) An End-use Customer may contact the Company to return to the Company's Standard Offer Rate. The return to the Standard Offer Rate shall be conducted under the same terms and conditions applicable to an enrollment with a Certified Supplier. Thus, the Company will provide a rescission period consistent with the Commission's rules. Provided the End-use Customer has observed the applicable notification requirements and the Company has effectuated the request to return to the Standard Offer Rate twelve (12) calendar days prior to the next regularly scheduled Meter Read Date, the End-use Customer will be returned to the Standard Offer Rate on the next regularly scheduled Meter Read Date.

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**SECTION VII**  
**END-USE CUSTOMER ENROLLMENT PROCESS (Contd.)**

c) Residential End-use Customers

- i) Residential End-use Customers will not be subject to a minimum stay until January 1, 2002.
- ii) Beginning May 16, 2002 and throughout the Market Development Period, if a Residential End-use Customer is on the Standard Offer Rate for any part of the period May 16 through September 15 (the stay out period), that Residential End-use Customer must remain on the Standard Offer Rate until the following May 15.

Provided that:

- 1) Residential End-use Customers may switch at any time if the Residential End-use Customer has not previously switched.
  - 2) Following the stay out period through the following May 15, returning Residential End-use Customers may switch to another Certified Supplier or elect service under Rider AG, Optional Alternative Generation Service, at any time for the remainder of the Market Development Period; however, if the Residential End-use Customer returns again to the Standard Offer Rate, the Residential End-use Customer has the option of the minimum stay requirements or Rider AG, Optional Alternative Generation Service.
- iii) If a Residential End-use Customer's Certified Supplier defaults or the Residential End-use Customer opts out of a governmental aggregation program, the Residential End-use Customer will return to the Company's Standard Offer Rate and may switch to another Certified Supplier at any time. A Residential End-use Customer opting out of a governmental aggregation program must contact and inform the Company of the "opt out" decision so the Company is aware that the Residential End-use Customer should not be subject to the minimum stay requirement.
  - iv) To avoid the above minimum stay requirement, Residential End-use Customers may select the Company's Rider AG, Optional Alternative Generation Service. Rider AG, Optional Alternative Generation Service allows Residential End-use Customers a minimum stay of one (1) billing cycle and contains market based rates. Market rates are based on the next month NYMEX Cinergy futures contract price, as of the fourth business day prior to the end of the current calendar month, adjusted for load factor and line losses or another publicly available index price, adjusted for load factor and line losses. In no event shall the market based price be below the Standard Offer Rate.

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The Residential End-use Customer will be mailed a letter the day following the successful processing of a DASR returning the Residential End-use Customer to the Company. The letter will state (1) the date by which the Residential End-use Customer must choose Rider AG, Optional Alternative Generation Service, which is an alternative to the minimum stay period; (2) the Residential End-use Customer will return to the Company's Standard Offer Rate if the Residential End-use Customer does not choose Rider AG, Optional Alternative Generation Service; and (3) the minimum stay period during which the Residential End-use Customer will be ineligible to switch if the Residential End-use Customer returns to the Standard Offer Rate. If a Residential End-use Customer returns to the Company, the Residential End-use Customer, absent an affirmative action, is placed on the Standard Offer Rate. The Residential End-use Customer has until twelve (12) calendar days before their first meter read after their return to the Company to choose the Company's service under Rider AG, Optional Alternative Generation Service. A returning Residential End-use Customer who does not make such selection between service under Rider AG, Optional Alternative Generation Service or the Standard Offer Rate will remain on the Standard Offer Rate and be subject to the above minimum stay requirements.

The above process provides the Residential End-use Customer with more than the minimum required fourteen (14) days notice before the Residential End-use Customer would be subject to a minimum stay. A returning Residential End-use Customer who chooses Rider AG, Optional Alternative Generation Service in the appropriate time frame will be billed under Rider AG, Optional Alternative Generation Service from the time of their initial return until the Residential End-use Customer selects either a Certified Supplier or the Standard Offer Rate.

**d) Small Commercial and Industrial End-use Customers**

- i) Small Commercial and Industrial End-use Customers will be subject to a minimum stay beginning January 1, 2002.
- ii) Beginning May 16, 2002 and throughout the Market Development Period, if a Small Commercial and Industrial End-use Customer is on the Standard Offer Rate for any part of the period May 16 through September 15 (the stay out period), that Small Commercial and Industrial End-use Customer must remain on the Standard Offer Rate until the following May 15.

Provided that:

- 1) Small Commercial and Industrial End-use Customers may switch at any time if the Small Commercial and Industrial End-use Customer has not previously switched.
- 2) Following the stay out period through the following May 15, returning Small Commercial and Industrial End-use Customers may switch to another Certified Supplier or elect service under Rider AG, Optional Alternative Generation Service, at any time for the remainder of the Market Development Period; however, if the Small Commercial and Industrial End-use Customer returns again to the Standard Offer Rate, the Small Commercial and Industrial End-use Customer has the option of the minimum stay requirements or Rider AG, Optional Alternative Generation Service.

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**SECTION VII**  
**END-USE CUSTOMER ENROLLMENT PROCESS (Contd.)**

- iii) If a Small Commercial and Industrial End-use Customer's Certified Supplier defaults or the Small Commercial and Industrial End-use Customer opts out of a governmental aggregation program, the Small Commercial and Industrial End-use Customer will return to the Company's Standard Offer Rate and may switch to another Certified Supplier at any time. A Small Commercial and Industrial End-use Customer opting out of a governmental aggregation program must contact and inform the Company of the "opt out" decision so the Company is aware that the Small Commercial and Industrial End-use Customer should not be subject to the minimum stay requirement.
- iv) To avoid the above minimum stay requirement, Small Commercial and Industrial Customers may select the Company's Rider AG, Optional Alternative Generation Service. Rider AG, Optional Alternative Generation Service allows Small Commercial and Industrial Customers a minimum stay of one (1) billing cycle and contains market rates. Market rates based on the next month NYMEX Cinergy futures contract price, as of the fourth business day prior to the end of the current calendar month, adjusted for load factor and line losses or another publicly available index price, adjusted for load factor and line losses. In no event shall the market based price be below the Standard Offer Rate.

If a Small Commercial and Industrial Customer returns to the Company, the Small Commercial and Industrial Customer, absent an affirmative action, is placed on the Standard Offer Rate. The Small Commercial and Industrial End-use Customer will be mailed a letter the day following the successful processing of a DASR returning the Small Commercial and Industrial End-use Customer to the Company. The letter will state (1) the date by which the Small Commercial and Industrial End-use Customer must choose Rider AG, Optional Alternative Generation Service, which is an alternative to the minimum stay period; (2) the Small Commercial and Industrial End-use Customer will return to the Company's Standard Offer Rate if the Small Commercial and Industrial End-use Customer does not choose Rider AG, Optional Alternative Generation Service; and (3) the minimum stay period during which the Small Commercial and Industrial End-use Customer will be ineligible to switch if the Small Commercial and Industrial End-use Customer returns to the Standard Offer Rate. The Small Commercial and Industrial End-use Customer has until twelve (12) calendar days before its first meter read after its return to the Company to choose the Company's Rider AG, Optional Alternative Generation Service.

The above process provides the Small Commercial and Industrial End-use Customer with more than the minimum fourteen (14) days notice before the Small Commercial and Industrial End-use Customer would be subject to a minimum stay. A returning Small Commercial and Industrial Customer who does not make such selection between Rider AG, Optional Alternative Generation Service or the Standard Offer Rate will remain on the Standard Offer Rate and be subject to the above minimum stay requirements. A returning Small Commercial and Industrial Customer who chooses Rider AG, Optional Alternative Generation Service in the appropriate time frame will be billed under Rider AG, Optional Alternative Generation Service from the time of its initial return until the Small Commercial and Industrial Customer selects either a Certified Supplier or the Standard Offer Rate.

e) Large Commercial and Industrial End-use Customers

- i) Beginning January 1, 2001, Large Commercial and Industrial Customers returning to the Standard Offer Rate must remain on the Standard Offer Rate for a period of not less than 12 consecutive Billing Cycles.

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**SECTION VII**  
**END-USE CUSTOMER ENROLLMENT PROCESS (Contd.)**

- ii) The Company offers an exit fee for Large Commercial and Industrial End-use Customers to switch from the Company before the end of the Company's minimum stay requirement. The exit fee, that may vary based on the Large Commercial and Industrial End-use Customer size or rate class, will be offered to allow the Large Commercial and Industrial End-use Customer to avoid meeting the minimum stay requirement. The formula for the exit fee is contained in the Service Regulations in the P.U.C.O. Electric No. 19. Large Commercial and Industrial End-use Customers must provide prior notification to the Company before returning to the Company's Standard Offer Rate.
- iii) Notification Periods for Large Commercial and Industrial End-use Customers
  - 1) Large Commercial and Industrial End-use Customers are subject to a ninety (90) day notification period before returning to the Company's Standard Offer Rate between May 1 and October 31.
  - 2) Large Commercial and Industrial End-use Customers are subject to a minimum of sixty (60) days notification period before returning to the Company's Standard Offer Rate between November 1 and April 30.
  - 3) Large Commercial and Industrial End-use Customers returning to the Company's Standard Offer Rate without 60 or 90 days prior notice (whichever is applicable) will be assessed a charge of \$10/kW, based on peak kW demand during the three (3) Billing Cycles subsequent to their return.
- iv) If a Large Commercial and Industrial End-use Customer's Certified Supplier defaults or the Large Commercial and Industrial End-use Customer opts out of a governmental aggregation program, the Large Commercial and Industrial End-use Customer will return to the Company's Standard Offer Rate and may switch to another Certified Supplier at any time. A Large Commercial and Industrial End-use Customer opting out of a governmental aggregation program must contact and inform the Company of the "opt out" decision so the Company is aware that the Large Commercial and Industrial End-use Customer should not be subject to the minimum stay requirement.
- v) Large Commercial and Industrial End-use Customers that receive the lower shopping credit will have seven (7) days from the date of the postmark of the confirmation notice to notify the Company, in writing, that the Large Commercial and Industrial End-use Customer chooses to rescind the enrollment due to a conditional contract with the Certified Supplier that is conditional on receiving the higher shopping credit. If the Large Commercial and Industrial End-use Customer fails to notify the Company during the seven (7) day period, then the Company shall deem the enrollment to be final. The Company's switching practices, including the ability to rescind, have no effect on the contractual obligations existing between the Certified Supplier and the End-use Customer. Any disputes arising between the Certified Supplier and the End-use Customer regarding any provision of the contract must be resolved between the Certified Supplier and the End-use Customer.
- (vi) The following large commercial and industrial customers are not subject to minimum stay requirements.
  - Customers who have been awarded shopping credits and who elect to avoid Rider SRT in 2005.
  - Customers who have been awarded shopping credits and who elect to avoid Riders RSC and AAC anytime during the period January 1, 2006 through December 31, 2008.
  - Customers who have not been awarded shopping credits and who elect to avoid Rider RSC and AAC anytime during the period January 1, 2005 through December 31, 2008.

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Duke Energy Ohio  
139 East Fourth Street  
Cincinnati, Ohio 45202

P.U.C.O. Electric No. 20  
Sheet No. 36.4  
Canceling and Superseding  
Sheet No. 36.3  
Page 9 of 9

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**SECTION VII**  
**END-USE CUSTOMER ENROLLMENT PROCESS (Contd.)**

**7.8. Dispute Resolution**

Any disputes concerning an End-use Customer's selection of a Certified Supplier that cannot be resolved among the End-use Customer and the affected Certified Suppliers may be directed to the Public Interest Center of the Commission by any of the parties involved.

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Duke Energy Ohio  
139 East Fourth Street  
Cincinnati, Ohio 45202

P.U.C.O. Electric No. 20  
Sheet No. 37.1  
Cancels and Supersedes  
Sheet No. 37  
Page 1 of 1

**SECTION VIII  
END-USE CUSTOMER INQUIRIES AND REQUESTS FOR INFORMATION**

- 8.1. End-use Customer Requests for Program Information and/or Usage Data
- a) Upon request, End-use Customers will be sent an information package containing a summary of the program and a current list of Certified Suppliers, which will be sent to the End-use Customer's service or mailing address.
  - b) The list of Certified Suppliers will be provided to any End-use Customer upon request, all new End-use Customers, any End-use Customer returning to the Standard Offer Rate, all End-use Customers prior to initiation of competition and quarterly for the remainder of the Market Development Period.
  - c) The list of Certified Suppliers will be posted on a designated website. The list of Certified Suppliers will contain suppliers currently registered to enroll End-use Customers in the Company's service territory and, until March 1, 2001, suppliers who have a registration pending with the Company. The list of Certified Suppliers will also designate, if available, which customer classes Certified Suppliers will be serving.
  - d) End-use Customers may contact the Company and request their twelve (12) month usage data, which will be sent to the End-use Customer's service or mailing address.
- 8.2. End-use Customer Inquiries Concerning Billing-Related Issues
- a) End-use Customer inquiries concerning the Company's charges or services should be directed to the Company.
  - b) End-use Customer inquiries concerning the Certified Supplier's charges or services should be directed to the Certified Supplier.
- 8.3. End-use Customer Inquiries Related to Emergency Situations and Outages
- a) The Company will be responsible for responding to all inquiries related to distribution service, emergency system conditions, outages and safety situations. End-use Customers contacting the Certified Supplier with such inquiries should be referred directly to the Company.
  - b) It may be necessary for the Company to curtail or shed End-use Customer load at the request of the Cinergy Control Area Operator, or as otherwise provided by Commission approved tariffs. In such cases, the Company will follow the provisions of its Energy Emergency Rules contained in the Company's Retail Tariff.

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## SECTION IX METERING SERVICES AND OBLIGATIONS

### 9.1. Equipment Standards

Statewide rules for metering as adopted by the Commission will apply to all equipment standards within the Company's service territory and may be supplemented by the Company's metering standards.

### 9.2. Meter Ownership and Maintenance

The Company will own, furnish, install, program, calibrate, test and maintain all meters and all associated equipment used for retail billing and settlement purposes in the Company's service area.

### 9.3. Meter Requirements

- a) Interval Meters will be required for End-use Customers who select a Certified Supplier and have a maximum annual peak demand greater than or equal to 100 kW for the most recent twelve (12) month period.
- b) The End-use Customer or Certified Supplier may request an Interval Meter for use at any account below the interval meter threshold.
- c) The Company may require Interval Metering, at the Company's expense, for other End-use Customers based on a review of the End-use Customer's rate schedule, billing history and class Load Profile information. If installed, the Interval Meter will be used for retail billing and settlement purposes.
- d) The End-use Customer will be responsible for providing a Communication Link to an Interval Meter per Company specifications. The Company will be allowed access to the Communication Link for meter interrogation. The requested interval meters will be used for retail billing and settlement purposes.

### 9.4. Interval Meter Charges and Installation Process

#### a) Charges

The End-use Customer shall be responsible for the incremental costs of upgrading the present meter plus all incremental costs associated with the installation of required or requested interval metering. The charges for an Interval Meter will be at the tariffed rate, which may be paid over a period not to exceed twenty-four (24) months. Title to the interval meter shall remain with the Company.

The End-use Customer or the End-use Customer's Certified Supplier may select a meter from the Company's approved equipment list. The End-use Customer or its Certified Supplier may communicate with the meter for the purpose of obtaining usage data, subject to the Company's communication protocol. The End-use Customer is responsible for providing the Communication Link for purposes of reading the meter.

The End-use Customer must approve a work order for an Interval meter installation before it can be served by a Certified Supplier. For End-use Customers who will have an Interval Meter installed for the requested service, service may begin, assuming the Company has an approved work order for the interval meter installation. A Company load profile will be used for settlement. Consumption meter reads will continue to be used for billing. This will be the approach during the period between the End-use Customer's request for an Interval Meter and the Company's installation of such a meter.

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**SECTION IX  
METERING SERVICES AND OBLIGATIONS (Contd.)**

If the Company cannot gain access to the meter installation, the Communication Link is not installed, or the Communication Link is not working properly, the Company may charge the End-use Customer for any additional trips to the meter site.

**9.5. Meter Reading**

**a) Regular Cycled Meter Reads**

The Company will continue to read all meters in its service territory in accordance with the regularly scheduled Billing Cycles and off-schedule when the Company deems a read necessary. End-use Customers must provide access to the meters for the Company to obtain meter readings.

**b) Estimated Reads**

The Company will estimate the usage, if metered data is lost due to failure of, or damage to, the metering equipment. Reads may also be estimated in the case of inclement weather, inaccessibility, etc.

**c) Special Meter Reads**

The Company will provide special meter reads as requested by Certified Suppliers. The Charges for these meter reads are specified in the Certified Supplier Meter Service Charges.

**d) Meter Testing**

The Company will provide meter testing as requested by Certified Suppliers. The Charges for meter testing are specified in the Certified Supplier Meter Service Charges.

**e) End-use Customer Meter Reads**

Residential End-use Customers may read the Company's meters and forward the meter reading information to the Company by phone, mail, or fax. In the future, the Company may accept this information over the Internet. While residential End-use Customer reads are acceptable, End-use Customers must grant the Company access to the meters as specified by the Ohio Administrative Code.

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**SECTION X**  
**BILLING SERVICES AND OBLIGATIONS**

**10.1. Billing Options**

A Certified Supplier must select one of the following billing options for each of its End-use Customers: (1) separate billing by the Company and the Certified Supplier, (2) Company Consolidated and Rate Ready Billing, or (3) Company Consolidated and Bill Ready Billing. The billing option must be selected when the enrollment DSR is submitted to the Company. If the Company inaccurately applies the usage information to the rates approved by the Certified Supplier for Company Consolidated and Rate Ready Billing, the Certified Supplier shall notify the Company immediately and the Company shall make a correction in a succeeding billing period. The Certified Supplier is responsible for receiving and resolving all End-use Customer rate disputes involving charges for services received from the Certified Supplier.

If a change DSR for an End-use Customer's electric service account actively enrolled with a Certified Supplier is submitted to change the billing option from Certified Supplier billing or from Company Consolidated and Rate Ready Billing to Company Consolidated and Bill Ready Billing and the account is currently involved in the Company's summary billing program, the DSR will be rejected until the Company's information system has the capability to accept such DASRs, which will occur by July 1, 2002. Prior to July 1, 2002 in order for a billing option change DSR to be accepted for this situation, the change submitted must be from Certified Supplier billing to Company Consolidated and Rate Ready Billing or from Company Consolidated and Rate Ready Billing to Certified Supplier billing.

If a change DSR for an End-use Customer's electric service account actively enrolled with a Certified Supplier is submitted to change the billing option from Certified Supplier billing or from Company Consolidated and Rate Ready Billing to Company Consolidated and Bill Ready Billing and the account is currently involved in the Company's adjusted due date program, the DSR will be rejected until the Company's information system has the capability to accept such DASRs, which will occur by November 1, 2002. Prior to November 1, 2002, in order for a billing option change DSR to be accepted for this situation, the change submitted must be from Certified Supplier billing to Company Consolidated and Rate Ready Billing or from Company Consolidated and Rate Ready Billing to Certified Supplier billing.

**10.2. Billing Cycle**

Current Company practice is to render bills regularly at monthly intervals, but bills may be rendered more or less frequently at the Company's option. Rate values stated for direct application to regular monthly billing periods will be adjusted when the time elapsed between billings is substantially greater or less than a month.

**10.3. Generation Resource Mix**

Certified Suppliers are responsible for providing a Generation Resource Mix statement to their own End-use Customers in accordance with Commission requirements.

**10.4. Transmitting of Meter Reading Information**

The Company will transmit meter reading information electronically to each Certified Supplier for each of their End-use Customer accounts. Regardless of whether charges are being calculated by the Company or the Certified Supplier, the same meter reading information will be used to bill End-use Customers for the Regulated Utility Charges and the unregulated Commodity charges.

**10.5. Setting-Up Certified Suppliers' Rates**

Certified Suppliers using the Consolidated and Rate Ready Billing option must furnish specific rate information to the Company via methods defined by the Company. The Certified Supplier will receive the test results after the rate is entered into the billing system and tested. The Certified Supplier will then be required to authorize the Company to begin billing, using the new rate, before enrolling any End-use Customers on that rate.

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**SECTION X**  
**BILLING SERVICES AND OBLIGATIONS (Contd.)**

- a) The Company will provide all Commission certified and Company enrolled Certified Suppliers with system requirements and Record Layouts needed to perform this function.
  - b) The Certified Supplier will be responsible for creating and verifying the rate information that the Company will use to calculate and bill the Certified Suppliers' charges.
  - c) The approved rate information must be in production within the Company's billing system before any End-use Customers may be enrolled under that rate. In production means installed in the Company's billing system, tested by the Company, test results approved by the Certified Supplier and three (3) business days have elapsed since approval of results.
- 10.6. Timetable for Setting up Certified Suppliers' Rates
- a) During the initial set-up of rates for the introduction of the Company's Customer Choice Program, the Company will implement and test Certified Supplier rates as soon as practicable.
  - b) Following this initial period of introduction of the Company's Customer Choice Program, the Company will have five (5) calendar days to set-up and system test standard rates before sending the tested rates back to the Certified Supplier for approval. The Company defines standard rates as falling into one of four rate types:
    - 1) a Non-volumetric Rate
    - 2) a flat charge per kWh and/or kW
    - 3) a Multi-tiered Rate
    - 4) a Time of Use Rate option
  - c) For End-use Customers who have a maximum annual peak demand greater than or equal to 100 kW for the most recent twelve (12) month period, the required interval metering will be used to support the Certified Suppliers' billing options. If an End-use Customer has a maximum annual peak demand less than 100 kW and the Company must install special metering to support a Certified Supplier's billing option, the End-use Customer will be responsible for the incremental costs of upgrading the present meter plus all costs associated with the installation of that metering equipment.
  - d) The Company will handle Certified Suppliers' requests for non-standard rates on a case-by-case basis. The Company may not be able to have the non-standard rates set up within five (5) calendar days.
  - e) Within three (3) business days after the Company receives the approval of rates from the Certified Supplier, the rates will be placed in production in the Company's billing system and will be available for billing.
  - f) When the rates are in the Company's billing system and are available for billing, the Certified Supplier may send an enrollment DASR for accounts it wants to be billed on the new rate.
  - g) All DASRs received before the rate is in production will be rejected.
- 10.7. Electronic Transmission of End-use Customer Billing Data
- a) If the Certified Supplier chooses to have the Company bill for the End-use Customer's electric Commodity usage under the Company Consolidated and Rate Ready Billing option, the Company will provide usage and charges in standard electronic format.
  - b) If the Certified Supplier chooses the Company Consolidated and Bill Ready Billing option, the Company will provide usage in a standard electronic format and the Certified Supplier will provide the Company with the Certified Supplier's charges in a standard electronic format.

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**SECTION X**  
**BILLING SERVICES AND OBLIGATIONS (Contd.)**

**10.8. Incremental Processing Fees**

If the Certified Supplier chooses the Consolidated and Rate Ready Billing option, the Company will charge hourly for administrative and technical support to institute program modifications associated with the implementation of consolidated billing on non-standard rates requested by the Certified Supplier and reviewed and approved by the Company. The Charge for this service is described in Certified Supplier Charges.

**10.9 Company Consolidated and Bill Ready Billing**

The following business rules will apply to the Company's Consolidated and Bill Ready Billing Option:

- a) Within three (3) business days of receiving usage information for an account in a standard electronic format from the Company, the Certified Supplier will provide the Company with the Certified Supplier's charges for the account in a standard electronic format for presentation on the Company's current invoice to the End-use Customer.
- b) The charges received from the Certified Supplier by the Company in standard electronic format for each account will contain no more than five (5) charge amounts with five (5) associated charge descriptions.
- c) Charge descriptions will be no longer than thirty-five (35) characters each (including punctuation and spaces), and charge amounts will not exceed fourteen (14) characters each (including spaces, dollar sign, decimal, and, if applicable, negative sign).
- d) If a Certified Supplier submits a charge description(s) longer than thirty-five (35) characters and there are fewer than five (5) charge amounts in the submission for the account, the Company will wrap the charge description(s) to the next thirty-five (35) character line on its invoice and will continue this process up to the point where all charge descriptions submitted for the account do not exceed a total of five (5) lines of thirty-five (35) characters on the Company's invoice. The corresponding charge amounts will appear in a column to the right of where each charge description ends.
- e) If wrapping causes charge descriptions to exceed five (5) lines of thirty-five (35) characters, each charge description will be truncated at thirty-five (35) characters and will be printed on the Company's current invoice with the corresponding charge amount appearing in a column to the right of each charge description.
- f) If a Certified Supplier submits more than five (5) charge amounts for an account, the Company will reject the entire submission for the account via a standard electronic format.
- g) If a Certified Supplier submits a charge description that contains the name "CG&E" or the name of one of the Company's affiliates, the Company will reject the entire submission for the account via a standard electronic format and the Certified Supplier will be in default as described in Section 20.1 herein.
- h) The Company will allow up to eight (8) lines on its invoice to display the details of the Certified Supplier's charges as follows:
  - i) The Company will display the Certified Supplier's name on line 1.
  - ii) The Company will display the date range for the billing period on line 2.
  - iii) The charge descriptions and charge amounts submitted by the Certified Supplier will be displayed on lines 3 thru 7 (provided that all 5 of the lines are necessary).
  - iv) The Company will sum the charge amounts submitted by the Certified Supplier and display the total on line 8 or on the line following the last charge description submitted by the Certified Supplier.

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**SECTION X**  
**BILLING SERVICES AND OBLIGATIONS (Contd.)**

- v) In situations where the Certified Supplier receives revised usage information for an account from the Company in a standard electronic format, the Company will provide an additional line on its invoice for the total amount of each month of cancelled charges it receives from the Certified Supplier in a standard electronic format. The Company will display the date range and the dollar amount of the cancelled charges, provided that the fourteen (14) character charge amount limit is not exceeded, on an additional line for each month of cancelled charges. The Certified Supplier's corrected charges, submitted to the Company in a standard electronic format, will be displayed on the Company's invoice as described in parts i) through iv) above for each month of corrected charges. Certified Suppliers will not include cancelled charges within the same standard electronic transaction where corrected charges are submitted to the Company.
- i) By July 1, 2002, the Company's information system will have the capability to accept from a Certified Supplier in a standard electronic format five (5) charge amounts and the associated five (5) charge descriptions for each electric meter and one (1) charge amount and the associated charge description for each unmetered rate code billed on an account. The business rules above will be adjusted for the additional lines permitted by this enhanced information system capability.
- j) End-use Customer payments for Certified Supplier charges will be remitted by the Company to the appropriate Certified Supplier as described in Section 11.2 herein.
- k) The Certified Supplier will reimburse the Company for the Company's incremental cost associated with each Company Consolidated and Bill Ready bill the Company generates on behalf of the Certified Supplier. The Charges billable to the Certified Supplier for this service are listed on Sheet No. 52 herein.

**10.10. Budget Billing**

The Consolidated Billing options offered by the Company will include budget billing as an End-use Customer elected option.

**10.11. Special Messages**

Rule 4901:1-24-11 mandates that a Certified Supplier must provide notice of abandonment on each billing statement rendered to its End-use Customers beginning at least ninety (90) days prior to the effective date of the abandonment and continue to provide notice on all subsequent billing statements until the service is abandoned. Where the Company is performing billing services for a Certified Supplier, the Company must provide this notice on the billing statement and the Charge for this service is described in the Certified Supplier Charges. The Company is not offering bill memo services for Certified Suppliers in any other instance.

The Company is not required to send bill inserts or add special attachments to the bill format for Certified Suppliers to communicate to End-use Customers. Any other special messages either required by the Commission or elected are the responsibility of the Certified Supplier.

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**SECTION XI**  
**END-USE CUSTOMER PAYMENT PROCESSING AND COLLECTIONS FOR CONSOLIDATED BILLING**

**11.1. Payments**

- a) Bills are due on the date indicated thereon as being the last day for payment of the net amount, and the due date shall not be less than twenty-one (21) calendar days after the mailing of the bill or amended Company practice as approved by the Commission.
- b) Payment may be made at any commercial office of the Company or at any Company Authorized Payment Agency.
- c) The Company may require that an End-use Customer who is not creditworthy tender payment by means of a certified or cashier's check, electronic funds transfer, cash or other immediately available funds.

**11.2. Payment Processing**

- a) The End-use Customer is responsible for payment in full to the Company for all the Company and Certified Supplier charges when the Company performs Consolidated Billing.
- b) The Company will remit all received payments for Certified Supplier charges on the Company's Consolidated Bill to the appropriate Certified Supplier after processing, on a daily basis. The Company will remit payments to Certified Suppliers involved in the Company's Purchase of Accounts Receivable Program as specified by the Account Receivables Purchase Agreement described in Section 11.5 herein.
- c) All End-use Customer charges are grouped into categories and a payment priority is established for each. If a partial payment is received, the Company will apply the following payment priorities classification. Payments will be applied first to prior gas and electric Regulated Utility Charges, second to current gas and electric Regulated Utility Charges, third to prior electric Certified Supplier charges and gas supplier charges (if applicable), fourth to current electric Certified Supplier charges and gas supplier charges (if applicable), and then on a pro-rata basis for non-regulated products and services. When the priority classification is equal, payments will be applied to the oldest receivables first.

**11.3. End-use Customers in Arrears**

- a) End-use Customer in Arrears for the Company's Regulated Gas and Electric Utility Charges Only

End-use Customers who fail to pay gas and electric Regulated Utility Charges to the Company will be subject to the Company's late payment charge policy and the rules and regulations governing the current credit, collection and disconnection procedures in accordance with Sections, 4901:1-10, 4901:1-17 and 4901:1-18 of the Ohio Administrative Code.

- b) End-use Customers in Arrears to their Certified Supplier

Unless the Certified Supplier has entered into an agreement with the Company for Purchase of Accounts Receivable, the Certified Supplier is ultimately responsible for the collection of such unpaid non-regulated charges regardless of billing option selected for the End-use Customer. However, in the course of following its collection procedures for Regulated Utility Charges, the Company may inform End-use Customers of such arrearages.

- c) End-use Customer in Arrears for the Company's Non-Regulated Products/Services

End-use Customers who fail to pay for the Company's non-regulated products and services will be subject to the Company's current collection procedure which can include a series of letters, retrieval of the product, and discontinuance of the service that is being provided to the End-use Customer.

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**SECTION XI**  
**END-USE CUSTOMER PAYMENT PROCESSING AND COLLECTIONS FOR CONSOLIDATED BILLING (Contd.)**

- d) Certified Suppliers shall determine their own credit/collection policy.

**11.4. Disconnection of Service**

- a) The Company may disconnect service to an End-use Customer for non-payment of Regulated Utility Charges only in accordance with Sections, 4901:1-10 and 4901:1-18 of the Ohio Administrative Code.
- b) Pursuant to Sections 4901:1-10 and 4901:1-18 of the Ohio Administrative Code, the Company is not permitted to disconnect service to the End-use Customer for nonpayment of Certified Supplier charges. Nor are Certified Suppliers permitted to physically disconnect electric service for nonpayment of the Certified Supplier charges.
- c) If the Company disconnects service to an End-use Customer, the End-use Customer's Certified Supplier will be notified within five (5) business days of processing the disconnect order when the final bill is generated.
- d) If the Company restores the End-use Customer's service under the same account number within the five (5) business day period, no notification to that End-use Customer's Certified Supplier will be given.

**11.5 Transfer of End-use Customer Deposit**

If the Certified Supplier participates in the Company's Purchase of Accounts Receivable program and if the Certified Supplier holds a deposit from the End-use Customer, the Certified Supplier shall retain the deposit until required to refund such deposit to the End-use Customer, except where the Company has notified the Certified Supplier that the End-use Customer is 60 days or more in arrears for Certified Supplier charges that the Company has acquired under the Purchase of Accounts Receivable program. In that case, the Certified Supplier shall transfer the End-use Customer's deposit to the Company within three business days of receipt of such notice, unless the Company's Purchase of Accounts Receivable agreement with the Certified Supplier provides otherwise.

**11.6 Purchase of Accounts Receivable (PAR)**

- a) In order to participate in the Company's Purchase of Accounts Receivable (PAR) Program, a Certified Supplier must first sign an Account Receivables Purchase Agreement with the Company, which may include, but will not be limited to, the following provisions:
- i) Purchase price, procedures, and fees
  - ii) Obligations of the parties
  - iii) Representations and warranties
  - iv) Covenants of Seller
  - v) Conditions Precedent
  - vi) Administration and Collection
  - vii) Termination
  - viii) Indemnification
- b) Prior to the effective date of the Account Receivables Purchase Agreement between the Certified Supplier and the Company, all End-use Customer electric service accounts actively enrolled with the Certified Supplier, billed on Company Consolidated and Rate Ready or Bill Ready Billing, and having arrears of 30 days or more totaling \$50.00 or more must have the billing option changed by the Certified Supplier to Certified Supplier billing, or the Company will return the account to the Company's Standard Offer Rate.

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**SECTION XI**  
**END-USE CUSTOMER PAYMENT PROCESSING AND COLLECTIONS FOR CONSOLIDATED BILLING (Contd.)**

- c) If a change DASR for an End-use Customer electric service account actively enrolled with a Certified Supplier is submitted by the Certified Supplier to change the billing option from Certified Supplier billing to Company Consolidated and Rate Ready or Bill Ready billing and the Certified Supplier is participating in the Company's Purchase of Accounts Receivable (PAR) Program, the Company will reject the change DASR if the Company's account with the End-use Customer has an arrears of 30 days or more totaling \$50.00 or more.

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**SECTION XII  
CERTIFIED SUPPLIER BILLING TERMS AND CONDITIONS**

**12.1. Billing and Payments**

By the tenth (10th) day of each month, the Company shall submit an invoice to the Certified Supplier for all services rendered during the preceding calendar month, as well as any unpaid Charges from prior month invoices, including late payment Charges. The invoice shall be paid within ten calendar days of receipt. All payments shall be made in immediately available funds payable to the Company or via electronic funds transfer.

**12.2. Late Payment Charges**

Interest on delinquent amounts shall be an amount equal to one and one-half percent (1.5%) of the unpaid balance at the due date calculated monthly.

**12.3. Netting of End-use Customer Payments and Certified Supplier Charges Billed by the Company**

If the Certified Supplier defaults and the Company is performing Consolidated Billing of End-use Customers for the Certified Supplier, the Company reserves the right to retain the payments collected on behalf of Certified Suppliers and apply the payments to the Company's Charges.

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**SECTION XIII  
LOAD PROFILING AND FORECASTING**

**13.1. Generic Load Profiles**

The Company shall prepare in advance of the calendar year and post on the Company's Certified Supplier web site typical or generic Load Profiles representative of each profile class. The profiles will be average hourly demands by day type (weekday & weekend) for each month of the calendar year.

**13.2. Load Profile Updates**

The typical Load Profiles shall be periodically reviewed by the Company for accuracy to ensure they are statistically representative of the profile class and updated as more recent data is collected, processed and analyzed. The Load Profiles will be updated at a minimum on an annual basis.

**13.3. Certified Supplier Daily Forecasting Process**

- a) The Certified Supplier or its designated TSA is responsible for preparing its own hourly Load Forecast.
- b) For real-time load following, including End-use Customers having interruptible contracts with their Certified Supplier, a Certified Supplier or its designated TSA will have special obligations with respect to both the Company and its Control Area Operator that must be addressed on an End-use Customer-by-End-use Customer basis to ensure operational integrity. A Certified Supplier or its designated TSA, the Company, and its Control Area Operator shall work cooperatively to address the technical and operational issues posed by real-time load following as the need arises. The loads of End-use Customers using real-time load following will not be incorporated into a Certified Supplier's hourly Load Forecasts except as required for Cinergy Control Area Operation and transmission purposes. A Certified Supplier or its designated TSA shall supply specific information regarding the generation resources committed to following the Certified Supplier's load. If the generation resources are located outside the Cinergy Control Area, the Certified Supplier or its designated TSA must arrange for the cooperative involvement of any other parties necessary to institute such dynamic scheduling.

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**SECTION XIV  
LOAD SCHEDULING**

**14.1. Certified Suppliers Using a TSA**

The entity acting as TSA is required to submit daily Schedules as covered in Section 14.4 - Submission of Schedules.

**14.2. Transmission and Distribution Losses**

The hourly Load Forecast shall include Distribution Losses. Transmission losses shall be provided for under the OATT.

**14.3. Whole Megawatts (MWs)**

For any hour when the entity acting as a TSA supplies electric energy to its End-Use Customer it must submit a schedule. Scheduling shall be done in whole MW amounts. Scheduling of ones (1) and zeros (0) will be permitted for loads of less than one (1) MW. All TSAs must follow the required scheduling mechanisms in accordance with the Company's OATT.

**14.4. Submission of Schedules**

Pursuant to the OATT, the entity acting as TSA shall submit daily Schedules, by the time specified in the OATT, one business day before the delivery of power. All Schedules shall be submitted in compliance with NERC tagging guidelines. Schedules may also be communicated to the Cinergy Control Area via a dynamic schedule. Arrangements for dynamic scheduling must be made under a separate agreement with the Cinergy Control Area.

**14.5. Schedule Changes**

Schedule changes may occur as described in business practices posted to Open Access Same-Time Information System, the OATT and NERC policy.



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## **SECTION XV RETAIL ENERGY IMBALANCE SERVICE**

### **15.1. General Description**

Energy Imbalance service reconciles differences between a Certified Supplier's or its designated TSA's scheduled delivery of energy (with the Cinergy Control Area Operator-approved load Schedule changes) for serving its End-use Customers and the energy that was actually used by those End-use Customers.

### **15.2 Preliminary Energy Imbalance**

The Company reserves the right to calculate and bill Energy Imbalance on a more frequent, preliminary basis, if prudent business practice dictates such action. In this scenario, actual weather and the Company system load will be used to Backcast the estimated load for each entity acting as TSA. The comparison of this Backcasted load to the energy scheduled to serve that load, as well as dollar calculations, will be performed in the same fashion as for final billing. The final Energy Imbalance calculation, performed after all meter reading data is collected, will then be used to make any necessary adjustments to the amounts billed using the preliminary numbers.

### **15.3. Meter Data Collection**

Meter data collected by the Company shall be used to calculate the quantity of energy actually consumed by a Certified Supplier's End-use Customers for a particular period. Such collection shall occur at the time of an End-use Customer's monthly meter read. Thus, in order to measure the energy consumed by all End-use Customers on a particular day, at least one month is required for data collection.

### **15.4. Monthly-Metered End-use Customers**

Data from Monthly-Metered End-use Customers is collected in subsets corresponding to End-use Customer Billing Cycles, which close on different days of the month. To reconcile Energy Imbalances on an hourly basis, the Company shall convert such meter data, including estimates, for End-use Customers to the equivalent hourly usage. Metered usage will be applied to customer segment load curves to derive an estimate for the hour-by-hour usage.

### **15.5. Interval-Metered End-use Customers**

Data from Interval Metered End-use Customers will also be collected monthly by the Company on a Billing Cycle basis.

### **15.6. Calculation of Hourly Energy Imbalance**

Energy Imbalance is described in the OATT. In any discrepancy that may arise between this tariff and the OATT, pursuant to R.C. 4928.11, this tariff applies to the extent that such authority is not preempted by Federal law. The following calculations will be used to determine the hourly Energy Imbalance quantities:

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**SECTION XV**  
**RETAIL ENERGY IMBALANCE SERVICE (Contd.)**

**Step 1: Determine End-use Customer Hourly Profiles**

Monthly-metered End-use Customers' billed usage (based on actual or estimated meter readings) will be distributed over each hour in the usage period based on each End-use Customer's representative hourly usage curve based on actual data for the usage period, the Company's system load, and data from the appropriate Load Research Meters. The Monthly-Metered End-use Customer's estimated usage by hour will be multiplied by the appropriate loss factor to determine the End-use Customer's gross usage by hour.

Each Interval-metered End-use Customer's hourly usage will be multiplied by a loss factor to determine the End-use Customer's gross usage by hour.

**Step 2: Aggregate Profiles**

The gross hourly usage quantity for Monthly-metered, and Interval-metered End-use Customers will be aggregated by the Company to arrive at a total gross End-use Customer usage quantity by hour for each Certified Supplier which is then aggregated to each entity acting as TSA.

**Step 3: Allocate Unaccounted for Energy to Profiles**

The gross hourly loads for the Certified Suppliers and the Company for Interval-metered and Monthly-metered End-use Customers will be provided to the Cinergy Control Area. The Cinergy Control Area will compare the aggregate of the Certified Suppliers' and Company's profiled loads to the Company's metered system load for each hour.

Any differences will be allocated to the Certified Suppliers' and Company's aggregate loads based on a ratio of each load to the total profiled load of the Certified Suppliers and the Company on an hourly basis. The Certified Supplier differences will then be aggregated up to the TSA level.

**Step 4: Calculate Energy Imbalances**

Hourly Energy Imbalances are calculated for each TSA's Scheduled energy delivery. For each entity acting as TSA, the aggregated hourly load calculated in Step 1 to Step 3 is subtracted from the TSA's respective energy Schedule(s) for the same hour. The resulting hourly differences are the Energy Imbalances.

**15.7. Energy Imbalance Charges**

- a) In each clock hour, the Company will compare the amount of power scheduled by all Transmission Scheduling Agents (TSA) purchasing OATT Schedule 4R Retail Energy Imbalance Ancillary Service from the Transmission Provider to the amount of power consumed by the Customers of those TSAs, to determine if the net imbalance is under-scheduled or over-scheduled.

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**SECTION XV**  
**RETAIL ENERGY IMBALANCE SERVICE (Contd.)**

- b) If the net imbalance of TSAs purchasing Retail Energy Imbalance Service in a given hour is under-scheduled:
  - i) TSAs that are under-scheduled in that hour will be assessed the sum of:
    - 1. 100% of the Transmission Provider's Incremental Cost during that hour, times the number of megawatts it was under-scheduled for megawatts within a bandwidth which is:
      - a. the greater of 15% or two megawatts for January through December, 2001,
      - b. the greater of 10% or two megawatts for January through December, 2002,
      - c. the greater of 6% or 1 megawatt thereafter; and
    - 2. 110% of the Transmission Provider's Incremental Cost during that hour, times the number of megawatts it was under-scheduled for megawatts outside the bandwidth.
  - ii) TSAs that are over-scheduled in that hour will be credited the sum of:
    - 1. 100% of the Transmission Provider's Incremental Cost during that hour times the number of megawatts it was over-scheduled for megawatts within the bandwidth; and
    - 2. 90% of the Transmission Provider's Incremental Cost during that hour times the number of megawatts it was over-scheduled for megawatts outside the bandwidth.
- c) If the net imbalance of TSAs purchasing Retail Energy Imbalance Service in a given hour is over-scheduled, energy imbalances will be cashed out by individual TSA depending on whether the TSA is under or over-scheduled in that hour.
  - i) A TSA that is under-scheduled during that hour will be assessed the sum of:
    - 1. 100% of the Transmission Provider's Incremental Cost during that hour times the number of megawatts it was under-scheduled for megawatts within the bandwidth; and
    - 2. 110% of the Transmission Provider's Incremental Cost during that hour times the number of megawatts it was under-scheduled for megawatts outside the bandwidth.
  - ii) The Over Schedule Fund is made up of the following:
    - 1. 100% of Transmission Provider's Incremental Cost times the megawatts that were under-scheduled by TSAs during the hour, and
    - 2. 90% of avoided generation costs that the Company avoided to balance the system in that hour.
  - iii) A TSA that is over-scheduled during that hour will be credited with the sum of:
    - 1. 100% of the average rate of the Over Schedule Fund, times the number of megawatts it was over-scheduled within the bandwidth.
    - 2. 90% of the average rate of the Over Schedule Fund, times the number of megawatts it was over-scheduled outside the bandwidth.

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**SECTION XV**  
**RETAIL ENERGY IMBALANCE SERVICE (Contd.)**

- d) If the net imbalance of TSAs purchasing Retail Energy Imbalance Service in a given hour is zero, energy imbalances will be cashed out by individual TSA depending on whether the TSA is under- or over-scheduled in that hour. A TSA that is under-scheduled during that hour will be assessed 100% of the Transmission Provider's Incremental Cost during that hour times the number of megawatts it was under-scheduled. A TSA that is over-scheduled during that hour will be credited 100% of the Transmission Provider's Incremental Cost during that hour times the number of megawatts it was over-scheduled.
- e) Transmission Provider's Incremental Cost shall mean out-of-pocket costs, measured in dollars per megawatt-hour, associated with producing the highest cost MWh of energy on the Transmission Provider's system in a given hour, whether that energy is produced by generation owned or under contract to the Transmission Provider, purchased from a third party or sold to a third party.
- f) Energy Imbalance Service is intended to be used by TSAs when a good faith attempt to schedule power to meet the requirements of the TSA's customers results in a difference between scheduled power and Customer load in any given hour. In no event is Energy Imbalance Service intended to provide TSAs with an alternative power supply option to meet the load of retail customers in the Company's control area. Any TSA found to be misusing Energy Imbalance Service (i.e., underscheduling or overscheduling power on a consistent basis) will be subject to the default provisions set forth in this tariff and may result in Commission revocation of the supplier's certification to provide competitive retail generation service in the State of Ohio.

**15.8. Monthly Settlement**

Energy Imbalances will be calculated and settled within sixty (60) days after the end of a calendar month, unless otherwise stated in accordance with the Company's OATT.

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**SECTION XVI  
TRANSMISSION SCHEDULING AGENTS**

**16.1. Participation through a Transmission Scheduling Agent**

If a Certified Supplier is not eligible to be a Transmission Customer or chooses not to interact directly with the Transmission Provider for scheduling purposes, the Certified Supplier shall enter into a business arrangement with another party that will act as a Transmission Scheduling Agent for that Certified Supplier. All actions of the TSA that relate to one of its Certified Suppliers are binding on, and attributable to, said Certified Supplier.

**16.2. Designation or Change of a Transmission Scheduling Agent**

To designate or change a TSA, a Certified Supplier must provide the Company a completed TSA Designation Agreement fully executed by the Certified Supplier, the TSA, and the Company. The Company will process TSA Designation Agreements as quickly as practicable but in no event in less than five (5) business days. A Certified Supplier may only designate one TSA at a time. Nothing in this Tariff shall prohibit the TSA from transacting with multiple generation sources.

**16.3. Scheduling and Settlement through a Transmission Scheduling Agent**

Certified Suppliers using a TSA can neither submit Schedules, nor can those Certified Suppliers propose Schedule changes. The TSA is responsible for submitting all Schedules and changes. The TSA shall be the sole point of contact with the Cinergy Control Area in regards to all scheduling and settlement activities.

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**SECTION XVII**  
**CONFIDENTIALITY OF INFORMATION**

**17.1. Generally**

All confidential or proprietary information made available by one party to the other in connection with the registration by a supplier with the Company and/or the subsequent provision and receipt of Coordination Services under this Tariff, including but not limited to load curve data, and information regarding the business processes of a party and the computer and communication systems owned or leased by a party, shall be used only for purposes of registration with the Company, receiving Coordination Services and/or providing Competitive Retail Electric Service to Customers in the Company's service territory. Other than disclosures to representatives of the Company or Certified Supplier for the purposes of enabling that party to fulfill its obligations under this Tariff or for a Certified Supplier to provide Competitive Retail Electric Service to Customers in the Company's service territory, a party may not disclose confidential or proprietary information without the prior authorization and/or consent of the other party.

**17.2. Disclosure of Confidential Information**

The Certified Supplier shall keep all End-use Customer-specific information supplied by the Company confidential unless the Certified Supplier has the End-use Customer's written authorization to do otherwise.

**17.3. Use of Confidential Information**

Nothing contained herein shall preclude any disclosure required by any state or federal administrative, judicial, legislative or regulatory entity; provided, however, the disclosing party will immediately advise the other party that the disclosing party has been asked to make the required disclosure to allow the other party to file a timely objection; and provided further, however, the disclosing party shall not be required to delay disclosure while the other party objects if such delay would subject the disclosing party to sanctions.

**17.4. Exclusive Property**

All Information shall be and remain the exclusive property of the Company and none shall be kept by the Certified Supplier. The Certified Supplier agrees promptly to deliver such information to the Company upon (i) the completion of the Certified Supplier's activities associated with the End-use Customer or (ii) the request of the Company, whichever occurs first. All copies of the Information, all written data, information, notes, memoranda, records, and reports of any kind relating to the Information or the subject matter of this Confidentiality of Information Service Regulation, based on and derived therefrom, shall be destroyed by the Certified Supplier, and such destruction shall be certified to by an officer of the Certified Supplier.

**17.5. Breach of Confidentiality**

If either the Certified Supplier or the Company shall breach this Confidentiality of Information Service Regulation, or in the event that such breach is shown to be an imminent possibility, the non-breaching party shall be entitled to seek all legal and equitable remedies afforded to it by law.

**17.6. Rights of the Parties**

No license to any patents or other intellectual property of either party is granted by the Company by providing the confidential information to the Certified Supplier.

**17.7. Applicability**

This confidentiality provision shall be binding upon the Certified Supplier, its designated TSA and the Certified Supplier's legal representatives, successors, and assigns.

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**SECTION XVIII  
VOLUNTARY WITHDRAWAL BY A CERTIFIED SUPPLIER  
FROM THE CUSTOMER CHOICE PROGRAM**

**18.1. Notice of Voluntary Withdrawal to the Company**

A Certified Supplier shall provide electronic notice to the Company, in a form specified by the Company, of withdrawal by the Certified Supplier from retail service in a manner consistent with the Commission's rules. Written notice of a Certified Supplier's intent to withdrawal must be provided by the Certified Supplier to the Company ninety (90) days prior to such withdrawal.

**18.2. Notice to End-use Customers**

A Certified Supplier shall provide notice to its End-use Customers of withdrawal from retail service in accordance with the Commission's rules. A Certified Supplier must provide written notice of its intent to abandon service to its End-use Customers on each billing statement rendered to its End-use Customers beginning at least ninety (90) days prior to such abandonment and on all subsequent billing statements until the service is abandoned.

**18.3. Costs for Noncompliance**

A Certified Supplier that voluntarily withdraws from the Customer Choice Program and fails to provide at least ninety (90) calendar days written notice to the Company of said withdrawal shall be in default as described in Section XX herein.

**18.4. Breach of Contract**

The Certified Supplier, and not the Company, is solely responsible to its End-use Customers for any breach caused by the Certified Supplier's default or voluntary withdrawal from the Customer Choice Program.

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## **SECTION XIX LIABILITY**

### **19.1. General Limitation on Liability**

The Company shall have no duty or liability with respect to Competitive Retail Electric Service before it is delivered by a Certified Supplier toward an interconnection point with the Control Area. After its receipt of Competitive Retail Electric Service at the point of delivery, the Company shall have the same duty and liability for transmission and distribution service to the End-use Customers receiving Competitive Retail Electric Service as to those receiving electric energy and capacity from the Company.

### **19.2. Limitation on Liability for Service Interruptions and Variations**

The Company does not guarantee continuous, regular and uninterrupted supply of service. The Company may, without liability, interrupt or limit the supply of service for the purpose of making repairs, changes, or improvements to any part of its system for the general good of the service or the safety of the public or for the purpose of preventing or limiting any actual or threatened instability or disturbance of the system. The Company is also not liable for any damages due to accident, strike, storm, riot, fire, flood, legal process, state or municipal interference, or any other cause beyond the Company's control.

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**SECTION XX  
DEFAULT, SUSPENSION, AND TERMINATION OF A CERTIFIED SUPPLIER**

**20.1 Default**

A Certified Supplier is in default of its obligations under the Company's Customer Choice Program if any of the following occur:

- a) Notice is received that the Certified Supplier/TSA relationship is terminated and either (1) the Certified Supplier fails to designate a new TSA within five (5) business days or (2) the new entity acting as TSA fails to begin scheduling power within ten (10) business days of such new designation;
- b) the Certified Supplier fails to fully pay an invoice from the Company within three (3) business days following the due date of the invoice;
- c) the Certified Supplier's credit exposure exceeds the unsecured credit limit or the Company's current collateral enhancement requirement by 5% or more and the Certified Supplier has failed to comply with the Company's request for adequate security or adequate assurance of payment within three (3) business days of the Company's request;
- d) the Commission has de-certified the Certified Supplier or otherwise declared it ineligible to participate in the Ohio Customer Choice Program or the Company's Customer Choice Program;
- e) the Certified Supplier's action or inaction has or will jeopardize the operational integrity, safety or reliability of the Company's transmission or distribution system;
- f) the Certified Supplier/TSA misuses the Retail Energy Imbalance service (i.e. underscheduling or overscheduling on a consistent basis);
- g) the Certified Supplier misuses the Company Consolidated and Bill Ready Billing option by using the name "CG&E" or the name of one of the Company's affiliates in a charge description or otherwise using this billing option in a misleading or defamatory manner;
- h) the Certified Supplier voluntarily withdraws from the Company's Customer Choice Program without providing at least ninety (90) calendar days notice to the Company or;
- i) the Certified Supplier has filed a voluntary petition in bankruptcy, has had an involuntary petition in bankruptcy filed against it, is insolvent, has had a receiver, liquidator or trustee appointed to take charge of its affairs, or the Certified Supplier's liabilities exceed its assets, or the Certified Supplier is otherwise unable to pay its debts as they become due.

**20.2 Notice of Suspension or Termination**

Notwithstanding any other provision of this tariff or the Certified Supplier Service Agreement, in the event of default, the Company shall serve a written notice of such default in reasonable detail and with a proposed remedy to the Certified Supplier and the Commission. On, or after, the date the default notice has been served, the Company may file with the Commission a written request for authorization to terminate or suspend the Certified Supplier Service Agreement. Except for default due to non-delivery, if the Commission does not act within ten (10) business days upon receipt of the request, the Company's request to terminate or suspend shall be deemed authorized on the eleventh (11<sup>th</sup>) business day. If the default is due to non-delivery, and if the Commission does not act within five (5) business days upon receipt of the request, the Company's request to terminate or suspend shall be deemed authorized on the sixth (6<sup>th</sup>) business day. Terminations or suspensions shall require authorization from the Commission.

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**SECTION XX**  
**DEFAULT, SUSPENSION, AND TERMINATION OF A CERTIFIED SUPPLIER (Contd.)**

The Company shall send notices pursuant to this section by email, fax, overnight mail, or hand delivery to the Commission and staff at the Commission's offices. The Company shall notify all Commissioners, the Chief of Staff, the Director of the Consumer Services Department, the Director of the Utilities Department, the Director of the Legal Department, and the Chief of the Attorney General's Public Utilities Section. The Company shall send the notice to the address and fax number provided by the Certified Supplier in its Certified Supplier Service Agreement.

**20.3. Suspension**

In addition to the possible reasons for suspension stated in Sections 20.1, a Certified Supplier may be suspended from participation in the Company's Customer Choice Program for any of the following reasons:

- a) the Certified Supplier's credit exposure exceeds its credit limit or collateral enhancement by less than 5%, and the Certified Supplier has failed to comply with the Company's request for adequate security or adequate assurance of payment within three (3) business days of the Company's request;
- b) the Certified Supplier's parent corporation has filed a voluntary petition in bankruptcy, has had an involuntary petition in bankruptcy filed against it, is insolvent, has had a receiver, liquidator or trustee appointed to take charge of its affairs, or the Certified Supplier's parent corporation's liabilities exceed its assets, or the Certified Supplier's parent corporation is otherwise unable to pay its debts as they become due.

**20.4. Effect of Suspension**

In the event of suspension, the Certified Supplier shall not be permitted to enroll any new End-use Customers in the Company's Customer Choice Program. During the period of suspension, the Certified Supplier shall continue to serve its existing End-use customers.

**20.5. Effect of Termination on Certified Supplier's End-use Customers**

In the event of termination, the Certified Supplier's End-use Customers shall be returned to the Company's Standard Offer Rate effective on each End-use Customer's next Meter Read Date after the date of termination.

**20.6. Effect of Termination on Certified Supplier**

- a) The Certified Supplier shall not be permitted to enroll any new End-use Customers in the Company's Customer Choice Program unless it re-registers in the Company's Customer Choice Program.
- b) During the period of time between the Certified Supplier's termination and the next Meter Read Dates for each of its End-use Customers, the Company shall serve the Certified Supplier's End-use Customers and shall charge the Certified Supplier the Company's out-of-pocket costs paid for electric energy during that period, including transmission, distribution and all other applicable charges. End-use Customers will continue to be billed for charges from their Certified Supplier until the next Meter Read Dates. Beginning with the next Meter Read Dates for each of the Certified Supplier's End-use Customers on the Company's Standard Offer Rate, the Company shall serve the End-use Customers and shall bill the Certified Supplier the Company's incremental cost for serving the load during the first June 1 through August 31<sup>st</sup> period after the Certified Supplier default. Incremental cost is defined as Company's out-of-pocket costs paid for electric energy during that period, including transmission, distribution and all other applicable charges less a credit to the Certified Supplier for the shopping credit no longer being granted to the End-use Customer for this period.
- c) The Company may charge the Certified Supplier for additional costs associated with the default such as:

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139 East Fourth Street  
Cincinnati, Ohio 45202

P.U.C.O. Electric No. 20  
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**SECTION XX**  
**DEFAULT, SUSPENSION, AND TERMINATION OF A CERTIFIED SUPPLIER (Contd.)**

- 1) Mailings by the Company to the Certified Supplier's End-use Customers to inform them of the withdrawal and their options;
  - 2) Non-standard/manual bill calculations and production performed by the Company;
  - 3) Certified Supplier data transfer responsibilities that must be performed by the Company; and
  - 4) Charges or penalties imposed on the Company, its agents, or other third parties resulting from the Certified Supplier withdrawing early.
- d) The Company may apply all of the Certified Supplier's credit, collateral and charges collected by the Company from End-use Customers against the Company's Charges to the Certified Supplier.
- 20.7. Survival of Obligations

Suspension or termination of a Certified Supplier for any reason shall not relieve the Company or the Certified Supplier from performing any other obligations under this Certified Supplier Tariff or the Certified Supplier Service Agreement.

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**SECTION XXI**  
**ALTERNATIVE DISPUTE RESOLUTION**

21.1. Alternative Dispute Resolution Procedure

Alternative Dispute Resolution shall be offered to both Certified Suppliers and the Company as a means to address disputes and differences between Certified Suppliers and the Company. Alternative Dispute Resolution shall be conducted in accordance with the Commission rules which provide for the service.

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**SECTION XXII  
MISCELLANEOUS**

**22.1. Notices**

Unless otherwise stated herein, any notice contemplated by the Certified Supplier Tariff shall be in writing and shall be given to the other party at the addresses stated in the notice section of the Certified Supplier Service Agreement. If given by electronic transmission (including fax, telex, telecopy or Internet email), notice shall be deemed given on the date sent and shall be confirmed by a written copy sent by first class mail. If sent in writing by first class mail, notice shall be deemed given on the fifth business day following deposit in the United States mail (as noted by the postmark), properly addressed, with postage prepaid. If sent by same-day or overnight delivery service, notice shall be deemed given on the day of delivery. The Company and a Certified Supplier may change their representatives for receiving notices contemplated by the Certified Supplier Service Agreement by delivering written notice of their new representatives to the other.

**22.2. No Prejudice of Rights**

The failure by either the Company or the Certified Supplier to enforce any of the terms of the Certified Supplier Tariff or any Certified Supplier Service Agreement shall not be deemed a waiver of the right of either to do so.

**22.3. Assignment**

- a) A Certified Supplier Service Agreement hereunder may not be assigned by the Certified Supplier without (i) any necessary regulatory approval and (ii) the consent of the Company, which consent shall not be unreasonably withheld.
- b) Any assignment occurring hereunder shall be binding upon, and oblige and inure to the benefit of, the successors and assigns of the parties to the Certified Supplier Service Agreement.

**22.4. Governing Law**

- a) To the extent not subject to the exclusive jurisdiction of FERC, the formation, validity, interpretation, execution, amendment and termination of the Certified Supplier Tariff or any Certified Supplier Service Agreement shall be governed by the laws of the State of Ohio.
- b) The Certified Supplier Tariff or any Certified Supplier Service Agreement, and the performance of the parties' obligations thereunder, is subject to and contingent upon (i) present and future local, state and federal laws, and (ii) present and future regulations or orders of any local, state or federal regulating authority having jurisdiction over the matter set forth herein.

**22.5. Effect of Future Orders**

If at any time during the term of any Certified Supplier Service Agreement, FERC, the Commission or a court of competent jurisdiction issues an order under which a party hereto believes that its rights, interests and/or expectations under the Certified Supplier Service Agreement are materially affected by said order, the party so affected shall within thirty (30) calendar days of said final order provide the other party with notice setting forth in reasonable detail how said order has materially affected its rights, interests and/or expectations in the Certified Supplier Service Agreement. Within thirty (30) calendar days from the receiving party's receipt of said notice, the parties agree to attempt through good faith negotiations to resolve the issue. If the parties are unable to resolve the issue within thirty (30) calendar days from the commencement of negotiations, either party may at the close of said thirty (30) calendar day period terminate the Certified Supplier Service Agreement, subject to any applicable regulatory requirements, following an additional thirty (30) calendar days prior written notice to the other party without any liability or responsibility whatsoever except for obligations arising under this tariff.

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**RATE CS  
CERTIFIED SUPPLIER CHARGES**

**APPLICABILITY**

These Charges apply to Certified Suppliers providing Competitive Retail Electric Service to End-use Customers located in the Company's service territory.

**TYPES OF CHARGES**

**General Certified Supplier Fees**

Certified Supplier Registration Fee	\$145.00
End-use Customer Enrollment/Switching Fee	\$ 7.00/Switch
Pre-Enrollment End-use Customer Information List Fee (Issued quarterly)	\$150.00/List
Fee for Submitting Required Market Monitoring Reports for Certified Suppliers	\$155.00/Submission

**Customer Usage Request Charges**

One month of electronic Interval Meter data	\$ 24.00
Twelve months of electronic Interval Meter Data	\$ 32.00

**Bill Preparation and Request Charges**

**Consolidated Bill Preparation**

Hourly charge for administrative and technical support to institute program modifications associated with the implementation of consolidated billing on non-standard rates requested by the Certified Supplier \$75.00/Hour

**Other Bill Preparation Requests**

Request by Certified Supplier for a one page Duplicate Bill	\$0.26/Bill
Fee for Providing Commission Mandated Abandonment Notices as Bill Messages	\$0.22/Bill
Fee for Providing a Company Consolidated and Bill Ready Residential Bill	\$0.112/Bill
Fee for Providing a Company Consolidated and Bill Ready Commercial Bill	\$0.536/Bill
Fee for Providing a Company Consolidated and Bill Ready Industrial Bill	\$6.531/Bill
Fee for Providing a Company Consolidated and Bill Ready Bill to Other Public Authorities	\$1.298/Bill

**PURCHASE OF ACCOUNTS RECEIVABLE**

The Company will negotiate a discount rate for purchase of supplier accounts receivable with each individual supplier, consistent with the guidelines approved by the Commission in its Finding and Order dated September 13, 2001 in Case No. 00-813-EL-ED).

**BILLING TERMS AND CONDITIONS**

The billing terms and conditions for the above stated charges shall be in conformance with those specified in Section XII - Certified Supplier Billing Terms and Conditions, of the Certified Supplier Service Regulations.

The supplying and billing for service and all conditions applying thereto, are subject to the jurisdiction of the Public Utilities Commission of Ohio, and to Company's Service Regulations currently in effect, as filed with the Public Utilities Commission of Ohio.

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**RATE CSMS  
CERTIFIED SUPPLIER METER SERVICE CHARGES**

**APPLICABILITY**

These Charges apply to requests by a Certified Supplier to the Company to install Interval Meter equipment and provide certain meter services either required in the Certified Supplier Tariff or requested.

**TYPE OF SERVICE**

**Meter Testing Charges**

To the extent a request is made by a Certified Supplier to test an End-use Customer's meter, the following charges will be billed:

Field Test Single Phase Meter	\$48.00/Meter
Field Test Three Phase Meter	\$58.00/Meter
Shop Test Single Phase Meter	\$43.00/Meter
Shop Test Three Phase Meter	\$48.00/Meter

**Special Meter Reading Requests**

To the extent a request is made by a Certified Supplier to read an End-use Customer's meter, the following Charges will be billed:

Manually obtaining off cycle meter data	\$25.00/Meter
Manually obtaining off cycle Interval Meter data	\$31.00/Meter
Obtaining off cycle Interval Meter data by modem	\$7.00/Meter

**BILLING TERMS AND CONDITIONS**

The billing terms and conditions for the above stated Charges shall be in conformance with those specified in Section XII - Certified Supplier Billing Terms and Conditions, of the Certified Supplier Service Regulations

The supplying and billing for service and all conditions applying thereto, are subject to the jurisdiction of the Public Utilities Commission of Ohio, and to Company's Service Regulations currently in effect, as filed with the Public Utilities Commission of Ohio.

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**RATE BUG  
CERTIFIED SUPPLIER BACK-UP GENERATION CHARGES**

**APPLICABILITY**

If notice is received that the Certified Supplier/TSA relationship is terminated, the Company shall be the back-up supplier of energy under Section 4.13 of the Certified Supplier Service Regulations.

**BACK-UP GENERATION CHARGES**

The Certified Supplier shall be responsible for and agree to pay the Company for all the costs incurred to supply the back-up power to the Certified Supplier's End-use Customer during the back-up generation period as described in Section 4.13 of the Certified Supplier Service Regulations. The agreed upon cost shall be the greater of the Company's out-of-pocket costs plus 10% or \$100 per MWh, per the conditions set forth in the Certified Supplier Service Agreement.

**BILLING TERMS AND CONDITIONS**

The billing terms and conditions for the above stated charges shall be in conformance with those specified in Section XII - Certified Supplier Billing Terms and Conditions, of the Certified Supplier Service Regulations.

The supplying and billing for service and all conditions applying thereto, are subject to the jurisdiction of the Public Utilities Commission of Ohio, and to Company's Service Regulations currently in effect, as filed with the Public Utilities Commission of Ohio.

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**SCHEDULE OF RATES, CLASSIFICATIONS  
RULES AND REGULATIONS**

**FOR**

**RETAIL ELECTRIC SERVICE**

**OF**

**DUKE ENERGY OHIO**

**P.U.C.O. NO. 19**

**This Tariff cancels and supersedes P.U.C.O. No. 17**

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<u>Tariff Sheet No. Series</u>	<u>Description</u>	<u>Summary of Applicability*</u>
-	Title Page	
01	Table of Contents	
10	Index to Tariff Schedules and Communities Services	Complete list of available tariffs by Sheet No. and municipalities and counties served.
20	Service Regulations	Set of rules and regulations of the Company for providing electric service as approved by the Public Utilities Commission of Ohio.
30	Residential Service	Tariffs available to residential customers unless the customer is provided three phase service.
40	Distribution Voltage Service	Tariffs available, principally, to non-residential customers receiving service at 34,500 volts or lower; available to residential customers who request either three phase service or a second point of service.
50	Transmission Voltage Service	Tariffs available, principally, to non-residential customers receiving service at 69,000 volts or higher.
60	Lighting Service	Tariffs available for lighting of areas of a public or private nature.
70-80	Riders	Riders necessary to determine total amount of monthly bill to customers.
90	Miscellaneous	Miscellaneous periodic charges not reflected in standard service tariffs.

\* To determine applicability, available tariff and Company's Service Regulations and other rules and regulations should be reviewed and discussed with the Company.

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139 East Fourth Street  
Cincinnati, Ohio 45202

P.U.C.O. Electric No. 19  
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# INDEX TO APPLICABLE ELECTRIC TARIFF SCHEDULES AND COMMUNITIES SERVED

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## **ELECTRIC SERVICE REGULATIONS**

### **SECTION I - SERVICE AGREEMENTS**

#### **1. Application for Service.**

When a customer desires electric service, application shall be made to the Company, specifying the date service is desired and the place where service is to be furnished. An oral application may be accepted by the Company, although a written application or agreement may be required at the option of the Company at the time of application or at any later time.

When a customer requests to be enrolled in the Customer Choice program he or she shall do so in accordance with the guidelines established in Section III, Customer Choice Enrollment and Participation Guidelines.

#### **2. Customer's Right to Cancel or Suspend Service.**

A customer may terminate electric service by giving the Company reasonable notice, but not less than three (3) business days prior to termination. The Company will accept such notice as a cancellation of service, except as may be provided in a signed service agreement, rate schedules, or elsewhere in these ELECTRIC SERVICE REGULATIONS.

#### **3. Company's Right to Refuse or to Disconnect Service**

The Company, in addition to all other legal remedies, may terminate the service agreement and refuse or discontinue service to an applicant, consumer or customer, for any of the following reasons:

- (a) Upon the request of the customer for temporary disconnection of service for maintenance or other reasons. A residential customer residing in a single family home should contact the Company approximately four (4) hours in advance of the time of requested disconnection. All other residential and non-residential customers shall contact the Company at least three (3) business days in advance of date of the requested disconnections. Note: If any rewiring or change in electric service is being done during the disconnection period, other Company requirements must be met before electric service will be reconnected;
- (b) When the customer has moved from the premises, neglected to request disconnection of service, and an investigation by the Company indicates that service is no longer required;
- (c) When continued service would jeopardize the life or property of the customer, the Company, or the public, service may be disconnected without notice to the customer;
- (d) When supplying electricity to any consumer or customer creates a dangerous condition on the consumer's or customer's premises or where, because of conditions beyond the consumer's or customer's premises, termination of the supply of electricity is reasonably necessary. Service will not be restored until such dangerous condition or conditions have been corrected;

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#### SECTION I - SERVICE AGREEMENTS (Contd.)

- (e) When providing service is in conflict or incompatible with any laws, regulations or orders of the Public Utilities Commission of Ohio, the State of Ohio or any political subdivision thereof, or of the Federal Government or any of its agencies;
- (f) When a customer or applicant refuses to provide reasonable access to the premises or ignores repeated requests for access as set forth in Section II, Paragraph 8, Access to Premises;
- (g) When in the sole opinion of the Company, the customer's equipment interferes with the electric service provided to other customers;
- (h) For any violation of or refusal to comply with these ELECTRIC SERVICE REGULATIONS as filed with the Public Utilities Commission of Ohio;
- (i) For any violation of or refusal to comply with the requirements as outlined in the Company's publications relating to electric service as set forth in Section II, Paragraph 9, Service Voltages and Regulations;
- (j) For any violation of or refusal to comply with requirements contained in special agreements or contracts between the customer and the Company;
- (k) Nonpayment of bills when due, for non-residential customers only.

For the disconnection of service to residential customers for nonpayment of bills, the Company will follow the procedures as set forth in Section VII Paragraph 1, Disconnection for Nonpayment: Residential Customers, of these ELECTRIC SERVICE REGULATIONS; and

- (l) In the event the consumer or customer resorts to theft or any fraudulent representation or practice in the obtaining of electric supplied, or is the beneficiary of any such fraudulent representation or practice, or the meter, metering equipment or other property used to supply the service has been damaged or tampered with by the consumer or customer, his servants or agents.

Service will not be restored until the consumer or customer has given satisfactory assurance that such fraudulent or damaging practice will be discontinued, and has paid to the Company an amount estimated by the Company to be reasonable compensation for service fraudulently obtained and not paid for and for any damage to property of the Company including any cost to repair the damage.

Failure of the Company to exercise any of its rights for the above reasons does not affect its right to resort thereafter to any such remedies for the same or any future default or breach by the customer. Refusal of or disconnection of service is not an exclusive remedy. The Company may exercise any other appropriate remedy provided by law including civil suit and/or criminal prosecution.

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#### **SECTION I - SERVICE AGREEMENTS (Contd.)**

##### **4. Change of Address of the Customer**

When the customer's address changes, the customer must give notice thereof to the Company prior to the date of change. The customer is responsible for all service supplied to the vacated premises until such notice has been received and the Company has had reasonable time, but not less than three (3) business days, to discontinue service.

If the customer moves to an address at which the customer requires electric service for any purpose specified in the service agreement, and at which address the Company has such service available under the same rate schedule, the notice is considered as the customer's request that the Company transfer such service to the new address. If the Company does not have such service available at the new address, the old service agreement is considered cancelled. If the Company does have service available at the new address to which a different rate schedule applies, a new service agreement, including the applicable rate schedule, is offered to the customer. The Company shall transfer service within a reasonable time after receipt of notice.

##### **5. Successors and Assigns**

The benefits and obligations of the application for service shall inure to and be binding upon the successors and assigns, survivors and executors or administrators, as the case may be, of the original parties thereto, for the full term thereof, to the extent permitted by applicable law, provided that no assignment hereof shall be made by the customer without first obtaining the Company's written consent.

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## SECTION II - SUPPLYING AND TAKING OF SERVICE

### 1. Supplying of Service

Service is supplied under and pursuant to these ELECTRIC SERVICE REGULATIONS and any modifications or additions thereto lawfully made and approved by the Public Utilities Commission of Ohio.

Notwithstanding any provisions of Title XLIX of the Revised Code to the contrary and irrespective of the voltage level at which service is taken, any customer that receives non-competitive retail service from the Company shall be considered a retail electric distribution service customer.

Service is supplied under a given rate schedule at such points of delivery as are adjacent to the Company's facilities which are adequate and suitable, as to capacity and voltage, for the service desired; otherwise, special agreements between the customer and the Company may be required. Should the electric power requirements of the customer change, as to capacity or use, the Company may require that the service be supplied from a different facility if the original facility is or becomes inadequate and unsuitable for the service desired. If special agreements between the customer and the Company are required, electric service will not be supplied until the agreements are executed by the customer and the Company.

Service will not be supplied to any premises if at the time of application for service applicant is indebted to Company for service previously supplied at the same or other premises for like services until payment of such indebtedness shall have been made. Unpaid balances of previously rendered final bills may be transferred and included on the initial or subsequent bill for a like service account. Such transferred final bills, if unpaid will be part of the past due balance of the transferee account and subject to the Company's collection and disconnection procedures which are governed by Chapters 4901:1-10 and 4901:1-18 of the Ohio Administrative Code. The transfer of bills is limited to like service, i.e., residential to residential, commercial to commercial, gas to gas, electric to electric, and combination to combination. The unpaid balances for electric and gas service in a combination account shall remain separate. The transfer of unpaid balances from a combination account to a transferee combination account is limited to like service, i.e., electric to electric and gas to gas. Any transfer of gas, electric or combination accounts shall not affect the residential customer's right to elect and maintain an extended payment plan for gas, electric or combination service under Rule 4901:1-18-11 of the Ohio Administrative Code.

The availability of service under this tariff, P.U.C.O. Electric No. 19, to customers who have elected to relieve the Company of its obligation to provide generation service under the Company's regulated Standard Offer Rate shall be subject to the rules, regulations and Orders of the Public Utilities Commission of Ohio.

Commercial service will not be supplied or continued to any premises if at the time of application for commercial service, applicant or customer is merely acting on behalf of or is a business representative of a present or former commercial customer who is indebted to the Company for commercial service previously supplied at the same or other premises until payment of such indebtedness shall have been made. Commercial service will not be supplied where the applicant or customer is a person, or partnership which person or whose general partner is a present or former customer who is indebted to the Company for commercial service previously supplied at the same or other premises until payment of such indebtedness shall have been made.

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## **SECTION II - SUPPLYING AND TAKING OF SERVICE (Contd.)**

### **2. Information Relative to Service**

Information relative to the service that will be supplied at a given location must be obtained from the Company. This information should be requested at least 30 days in advance of the time of construction of the project to allow the necessary time required to determine the exact engineering details for the individual customer installation. Such information will be confirmed in writing, if requested by the customer. The customer's service terminals are to be located at a point readily accessible to the Company's facilities, such point to be determined by the Company.

In any instance where the Company determines that a prospective customer must sign a construction, maintenance, special equipment agreement, or any other written agreement in order to provide for the ongoing and overall service of the customer's electric requirements, all such agreements must be fully executed and received by the Company prior to the energizing of the customer's system. The providing of energy on a temporary basis has no effect on the above requirements relating to permanent service.

### **3. Continuity of Service**

The Company will make reasonable provisions to supply satisfactory and continuous electric service, but does not guarantee a constant or uninterrupted supply of electricity and shall not be liable for any damage or claim of damage attributable to any interruption or reversal of service caused by accident or casualty, extraordinary action of the elements, action of any governmental authority, litigation, deficiency of supply, or by any cause which the Company could not have reasonably foreseen and made provision against.

### **4. Suspension of Service for Repairs and Changes**

When necessary to make repairs to or change in the Company's plant, generating equipment, transmission or distribution systems, or other property, the Company may, without incurring any liability therefor, suspend service for such periods as may be reasonably necessary and in such manner as not to inconvenience the customer unnecessarily.

### **5. Use of Service**

Service is supplied directly to the customer through the meter and is to be used by the customer only for the purposes specified in and in accordance with the provisions of the applicable rate schedule and these regulations and any service agreement.

The customer will not build lines across or under a street, alley, lane, court or avenue or other public space in order to obtain service for adjacent property through one meter, even though such adjacent property be owned by customer, without the prior written approval of the Company.

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## SECTION II - SUPPLYING AND TAKING OF SERVICE (Contd.)

In case of unauthorized sale, extension or other disposition of service, the Company may discontinue the supplying of service to the customer until such unauthorized act is discontinued and full payment is made for all service supplied or used, billed on proper classification and rate schedule, and reimbursement in full made to the Company for all extra expenses incurred, including expenses for clerical work, testing and inspections. Failure of the Company to exercise its right to discontinue the supplying of service in the above situations does not affect its right to resort thereafter to such remedy for the same or any future default or breach by the customer.

No other electric light or power service shall, except under a contract for auxiliary or supplementary service, be used by the customer on the same installation in conjunction with the Company's service, either by means of a "throwover" switch or any other connection.

No emergency power supply of an "on premises" or similar basis shall be connected to the customer's wiring installation, either by means of a "throwover" switch or any other means, without advance notification and written approval from the Company and without provisions to prevent feedback into the Company's equipment which could be a safety hazard to the Company's personnel.

All cogeneration and/or small power production customers shall, in addition to the requirements contained in these ELECTRIC SERVICE REGULATIONS, the latest edition of the National Electrical Code and the latest edition of the Company's "Information & Requirements for Electric Service," be required to meet the requirements contained in the Company's "Guideline Technical Requirements for Parallel Operation of Customer Generation." A separate written contract is required between the owners of all such facilities and the Company.

### 6. Customer's Responsibility

The Customer assumes all responsibility on the customer's side of the point of delivery (the end of the Company's service drop or where the Company's wires are joined to the customer's wires or apparatus) for the service supplied or taken, as well as for the electrical installation and maintenance, appliances, and apparatus used in conjunction therewith, and will save the Company harmless from and against all claims for injury or damage to persons or property occasioned by or in any way resulting from such service or the use thereof on the customer's side of the point of delivery.

### 7. Right-of-Way

The customer, without reimbursement, will make or procure conveyance to the Company of right-of-way satisfactory to it across the property owned or controlled by the customer for the Company's lines or extensions thereof necessary or incidental to the supplying of service to the customer, or customers beyond the customer's property when such rights are limited to installations along dedicated streets and roads in the form of Grant or instrument customarily used by the Company for these facilities.

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## SECTION II - SUPPLYING AND TAKING OF SERVICE (Contd.)

### 8. Access to Premises

The properly authorized agents of the Company shall at all reasonable hours have the right and privilege to enter the premises of customers for the purpose of reading meters, testing or determining the compliance of the customer's installation with the Company's requirements and of examining, repairing, replacing or removing the meters or for removing or disconnecting any or all of the Company's equipment, or other Company property, and for all other purposes incidental to the supplying of service, and for such purpose the customer authorizes and requests his landlord, if any, to permit such access to the premises. Reasonable hours of access are the daylight hours except for emergencies, where requested by the customer, or with the customer's consent and except for disconnection for nonpayment of bills, which hours of access are subject to the provisions under Section VII Paragraph 1, Disconnection for Nonpayment: Residential Customers, of these ELECTRIC SERVICE REGULATIONS.

Upon request, the Company's authorized agent will display his/her identification badge or Company pass and state the reasons for requiring access.

If, after the Company has made reasonable efforts to obtain access to the premises for the purposes described above, the customer fails to grant the Company access, the customer denying access shall be deemed in violation of these ELECTRIC SERVICE REGULATIONS pursuant to Section I Paragraph 3 herein, Company's Right to Refuse or to Disconnect Service. In the case of a non-residential customer, the Company shall give the customer not less than five days written notice before service is disconnected.

If judicial redress against the customer or landlord is necessary to secure access to the premises for the purposes described above, the Company may collect from the customer or the landlord a charge covering the Company's expenses in securing access, including but not limited to court costs and attorney's fees. This charge may be added to any account of the customer or the landlord and shall be due with the current charges on that account.

### 9. Service Voltages and Regulations

The Company will provide service at the nominal voltage levels as stated in the latest revision of the Company's booklet entitled "Information & Requirements for Electric Service," copies of which are available at the Company's offices. Those nominal voltage levels and service configurations are shown below.

- A. The following service voltages, 600 volts or less, are supplied by the Company:
1. Single-phase, 3-wire, 120/240 volts AC at 60 Hz.
  2. Three-phase, 4-wire, 208Y/120 volts AC at 60 Hz.
  3. Three-phase, 4-wire, 480Y/277 volts AC at 60 Hz.

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## SECTION II - SUPPLYING AND TAKING OF SERVICE (Contd.)

### 9. Service Voltages and Regulations (Contd.)

- B. The following service voltages, over 600 volts, are supplied by the Company.
1. Three-phase, 4-wire, 4160Y/2400 volts AC at 60Hz.
  2. Three-phase, 4-wire, 12470Y/7200 volts AC at 60 Hz.
  3. Three-phase, 4-wire, 34500Y/19920 volts AC at 60 Hz.
  4. Three-phase, 3-wire, 69000 volts AC at 60 Hz.
  5. Three-phase, 3-wire, 138000 volts AC at 60 Hz.
- C. The following voltages are available for limited use: (for availability, contact the Company)
1. Single-phase, 3-wire, 120/208 volts AC at 60 Hz.
  2. Three-phase, 4-wire, 240/120 volt AC at 60 Hz
  3. Three-phase, 3-wire, 33000 volts AC at 60 Hz.
- D. These voltages are nominal and may vary depending on operating conditions:
- Three-phase, 4-wire services are supplied with a grounded neutral.
  - Three-phase, 3-wire services are supplied without a neutral.

For all service supplied at nominal voltage levels of 34.5 kV three phase four-wire (3P 4-wire) and lower, except for 34.5 kV three phase three-wire (3P 3-wire), the Company shall design and operate its system as provided for in the current version of the American National Standard ANSI C84.1-1995(R2001), approved by American National Standards Institute, Inc. The limits noted for utilization voltage levels do not apply to momentary voltage excursions that may result from such causes as switching operations, motor starting currents, etc.

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### SECTION III - CUSTOMER CHOICE ENROLLMENT AND PARTICIPATION GUIDELINES

#### 1. Selection of Certified Supplier

In order to obtain Competitive Retail Electric Service from a Certified Supplier, a customer must enter into an agreement with a Certified Supplier who meets the requirements for participation in this Customer Choice Program pursuant to the Certified Supplier Service Rules, Regulations, and Rates, specified in Duke Energy Ohio P.U.C.O. Electric No. 20. Enrollment of customers is done through a Direct Access Service Request (DASR), which may be submitted only by Certified Suppliers. DASRs will be effective on the next regularly scheduled meter read date provided that it is received by the Company at least twelve (12) calendar days before the next regularly scheduled meter read date. Enrollments will be processed on a "first in" priority basis based on the received date, using contract date as the tiebreaker. Should the contract date also be the same, the enrollments will be processed on a first in priority basis, based on the order in which the Company received the DASRs. An account may only be served by one Certified Supplier at a time.

Customers may contact the Company at any time to report that they have been switched without giving consent. To decrease the probability of this occurring, the Company requires that Certified Suppliers obtain, and maintain in their files, customer authorizations as dictated by Commission rules. These authorizations must be made available to the Company, upon request, within three (3) business days.

If Percentage Income Payment Plan (PIPP) customers are aggregated for the purpose of competitively auctioning the supply of Competitive Retail Electric Service, such customers will receive their Competitive Retail Electric Service from the successful bidder. In this event, PIPP customers would not be eligible to select another Certified Supplier or to opt out of the Customer Choice Program.

#### 2. Pre-Enrollment End-use Customer Information List

Upon request, the Company will electronically provide to any supplier certified by the Commission the most recent End-use Customer information list. The Company will offer the End-use Customer information list beginning on October 1, 2000 with updates available quarterly throughout the Market Development Period. Once the list has been updated, a supplier may not use an End-use Customer information list from a prior quarter to contact a customer, but suppliers shall not be required to purchase subsequent lists.

The Company will provide customers the option to have all the customer's information listed in the section below removed from the End-use Customer information list. The Company will also provide customers the option to have all the customer's information listed below reinstated on the End-use Customer information list. The customer will be provided written notice of his or her options quarterly throughout the Market Development Period and prior to the distribution of the first list.

The following information will be provided on the End-use Customer information list for each customer who has not requested that all information be removed from this list:

- (a) End-use Customer name
- (b) Service Address
- (c) Service City
- (d) Service State and Zip Code
- (e) Mailing Address
- (f) Mailing City
- (g) Mailing State and Zip Code

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**SECTION III - CUSTOMER CHOICE ENROLLMENT AND PARTICIPATION GUIDELINES (Contd.)**

- (h) Rate Schedule under which service is rendered, including class and sub-class (if applicable)
- (i) Rider (if applicable)
- (j) Load Profile Reference Category
- (k) Meter Type (will provide information that is readily available)
- (l) Interval Meter data indicator (will provide information that is readily available)
- (m) Budget Bill/PIPP indicator
- (n) Meter Read Cycle
- (o) Most recent twelve (12) months of historical consumption data (actual energy usage plus demand, if available)

**3. Customer Choice Participation Requirements**

To participate in the Customer Choice Program, a customer must have an active electric service account with the Company. After the Company has accepted the customer's application for electric service, the customer may select and contact a Certified Supplier. The Company shall provide a list of all approved Certified Suppliers and which classes of customers the Certified Supplier will serve to a) all of its customers prior to the initiation of competition and quarterly throughout the remainder of the Market Development Period; b) all applicants for new service and customers returning to Standard Offer Service; and c) any customer upon request. The Company shall not endorse any Certified Supplier nor indicate that any Certified Supplier will receive preference because of a corporate relationship.

Interval meters are required for customers who choose a Certified Supplier and have a maximum peak demand equal to or greater than 100 kW for the most recent twelve (12) month period. Interval meters are also required for those customers that have an interruptible load contract with their Certified Supplier. The Company may also require interval metering, at Company expense, for other customers based on a review of the customer's rate schedule, billing history and class load profile information. In addition, a communication link must also be installed. The enrollment DASR for these customers will not be approved until a customer-signed interval meter request work order has been executed and submitted approving the interval meter installation.

Customers are responsible for the incremental costs of the interval meters and the incremental costs associated with the installation of required interval metering. While the Company will install the meter, the Certified Supplier, on behalf of the customer, or the customer, must arrange for the installation of the communication link (analog telephone line, hard wired or cellular). The Company will be allowed access to the communication link for meter interrogation. The interval metering equipment will be maintained and owned by the Company. The charges for the installation of the interval metering equipment are specified on tariff Sheet No. 96 "Meter Service Charges." These charges may be paid over a period not to exceed twenty-four (24) months.

Upon the successful processing of an enrollment and/or drop DASR, the Company will notify the customers in writing with the name and phone number of the Certified Supplier, the previous Certified Supplier (if applicable), the effective service change date, the Company's toll-free telephone number, the right to request an actual meter read prior to the transfer of service and the right to rescind (if applicable).

**4. Switching Rules**

An enrollment DASR must be received by the Company at least twelve (12) calendar days before the effective date, which will be the customer's next regularly scheduled meter reading date, to enroll with or switch to a new Certified Supplier. Enrollment DASRs will be effective according to the following schedule:

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139 East Fourth Street  
Cincinnati, Ohio 45202

P.U.C.O. Electric No. 19  
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**SECTION III - CUSTOMER CHOICE ENROLLMENT AND PARTICIPATION GUIDELINES (Contd.)**

- (a) If an enrollment DASR is received twelve (12) or more days prior to the next regularly scheduled meter read date and no other enrollment DASR is currently pending, the enrollment DASR will be effective on the next regularly scheduled meter read date.
- (b) If an enrollment DASR is received less than twelve (12) days prior to the next regularly scheduled meter read date and no other enrollment DASR is currently pending, the enrollment DASR will be effective on the second regularly scheduled meter read date after the enrollment DASR is received.
- (c) If an enrollment DASR is currently pending, and another enrollment DASR is received, the first enrollment DASR will be effective and the second enrollment DASR will be rejected. There cannot be two pending enrollment DASRs for the same account at the same time.
- (d) If an enrollment DASR for an active electric service account is submitted for Company Consolidated billing, as described in Section 10 herein, and the Certified Supplier is participating in the Company's Purchase of Accounts Receivable (PAR) Program, the DASR will be rejected if the Company's account with the customer has an arrear of 30 days or more totaling \$50.00 or more.
- (e) If an enrollment DASR for an electric service account actively enrolled with a Certified Supplier and billed on Company Consolidated billing is submitted by another Certified Supplier for Company Consolidated billing and both Certified Suppliers are participating in the Company's Purchase of Accounts Receivable (PAR) Program, the DASR will be rejected if the account has an arrear of 60 days or more for Certified Supplier charges.
- (f) If an enrollment DASR for an active electric service account is submitted for the Company Consolidated billing option known as Bill Ready and the account is currently involved in the Company's summary billing program, the DASR will be rejected until the Company's information system has the capability to accept such DASRs, which will occur by July 1, 2002. Prior to July 1, 2002, in order for an enrollment DASR to be accepted for a summary billing account, the Certified Supplier must submit the DASR with a billing option for either separate billing by the Company and the Certified Supplier or the Company Consolidated billing option known as Rate Ready.
- (g) If an enrollment DASR for an active electric service account is submitted for the Company Consolidated billing option known as Bill Ready and the account is currently involved in the Company's adjusted due date program, the DASR will be rejected until the Company's information system has the capability to accept such DASRs, which will occur by November 1, 2002. Prior to November 1, 2002, in order for an enrollment DASR to be accepted for an account with an adjusted due date, the Certified Supplier must submit the DASR with a billing option for either separate billing by the Company and the Certified Supplier or the Company Consolidated billing option known as Rate Ready.

For the purpose of switching rules, customers are divided into three categories: residential, small commercial and industrial, and large commercial and industrial. Residential customers are customers who use electricity for residential purposes. Small commercial and industrial customers are defined as customers who use electricity for nonresidential purposes, consume less than 700,000 kWh of electricity per year and are not part of a national account involving multiple facilities in one or more states. Large commercial and industrial customers are customers who use electricity for nonresidential purposes, consume greater than or equal to 700,000 kWh of electricity per year or are part of a national account involving multiple facilities in one or more states.

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### SECTION III - CUSTOMER CHOICE ENROLLMENT AND PARTICIPATION GUIDELINES (Contd.)

Residential and small commercial and industrial customers, pursuant to Commission rules, have the right to rescind an enrollment. Any residential or small commercial and industrial enrollment, either with a Certified Supplier or with the Company, may be rescinded by contacting the Company within seven days from the postmark date on the notice advising of the enrollment. When the Company receives notice of a rescission, the impending enrollment will be cancelled and the residential or small commercial and industrial customer will remain with their current supplier.

Large commercial and industrial customers using at least 700,000 kWh annually or customers who are part of a national account and that receive the lower shopping credit, will have seven (7) days from the date of the postmark of the confirmation notice to notify the Company, in writing, that the customer chooses to rescind the enrollment due to a conditional contract with the Certified Supplier that is conditional on receiving the higher shopping credit. If the customer fails to notify the Company during the seven (7) day period, then the Company shall deem the enrollment to be final. The Company's switching practices, including the ability to rescind, have no effect on the contractual obligations existing between the Certified Supplier and the customer. Any disputes arising between the Certified Supplier and the customer regarding any provision of the contract must be resolved between the Certified Supplier and the customer.

The following rules apply to any customer receiving service under any rate constituting the Company's Standard Service Offer. The minimum stay provisions below are not currently effective, pending further Commission decision in Case No. 01-2053-EL-ATA. Nothing herein constitutes a waiver of Duke Energy Ohio's legal rights.

#### Residential Customers

- (a) Notwithstanding the following, the minimum stay provisions for residential customers is stayed until the Commission issues its Order in Case No. 01-2053-EL-ATA.
- (b) Beginning May 16, 2002 and throughout the Market Development Period, if a residential customer is on the Standard Offer Rate for any part of the period May 16 through September 15 (the stay out period), that residential customer must remain on the Standard Offer Rate until the following May 15. However, if the residential customer has not previously switched, the residential customer may switch at any time. Following the stay out period through the following May 15, returning residential customers may switch to another Certified Supplier at any time for the remainder of the Market Development Period; however, if the residential customer returns again to the Standard Offer Rate, the customer has the option of the minimum stay requirements or Rider AG, Optional Alternative Generation Service.
- (c) If a residential customer's Certified Supplier defaults or the residential customer opts out of a governmental aggregation program, the residential customer will return to the Company's Standard Offer Rate and may switch to another Certified Supplier at any time. A residential customer opting out of a governmental aggregation program must contact and inform the Company of the "opt out" decision so the Company is aware that the residential customer should not be subject to the minimum stay requirement.

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### SECTION III - CUSTOMER CHOICE ENROLLMENT AND PARTICIPATION GUIDELINES (Contd.)

- (d) To avoid the above minimum stay requirement, residential customers may select the Company's Rider AG, Optional Alternative Generation Service. Rider AG, Optional Alternative Generation Service allows residential customers a minimum stay of one (1) billing cycle and contains market based rates. Market rates are based on the next month NYMEX Cinergy futures contract price, as of the fourth business day prior to the end of the current calendar month, adjusted for load factor and line losses or another publicly available index price, adjusted for load factor and line losses. In no event shall the market based price be below the Standard Offer Rate.

If a residential customer returns to the Company, the residential customer, absent an affirmative action, is placed on the Standard Offer Rate. The residential customer will be mailed a letter the day following the successful processing of a DASR returning the residential customer to the Company. The letter will state (1) the date by which the residential customer must choose Rider AG, Optional Alternative Generation Service, which is an alternative to the minimum stay period; (2) the residential customer will return to the Company's Standard Offer Rate if the residential customer does not choose Rider AG, Optional Alternative Generation Service; and (3) the minimum stay period during which the residential customer will be ineligible to switch if the residential customer returns to the Standard Offer Rate. The residential customer has until twelve (12) calendar days before his or her first meter read after his or her return to the Company to choose the Company's Rider AG, Optional Alternative Generation Service.

The above process provides the residential customer with more than the minimum required fourteen (14) days notice before the residential customer would be subject to a minimum stay. A returning residential customer who does not make such selection between service under Rider AG, Optional Alternative Generation Service or the Standard Offer Rate will remain on the Standard Offer Rate and be subject to the above minimum stay requirements. A returning residential customer who chooses Rider AG, Optional Alternative Generation Service in the appropriate time frame will be billed Rider AG, Optional Alternative Generation Service from the time of his or her initial return until the residential customer selects either a Certified Supplier or the Standard Offer Rate.

#### 5. Certified Supplier Defaults

If a Certified Supplier defaults, the Company will notify the customers of the default. However, service to the affected customers will not be interrupted due to the default. The customers involved will return to the Company's Standard Offer Rate on their next regular scheduled meter read date, unless there is sufficient time to choose an alternative supplier.

#### 6. Certified Supplier Drops Customer

If the Certified Supplier decides to discontinue service to a customer, the Certified Supplier will notify the customer in accordance with Commission rules and submit a Drop DASR to the Company at least twelve (12) calendar days in advance of the requested drop date, which will be the next regular scheduled meter read date. The Company will notify the customer when a Drop DASR is received.

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**SECTION III - CUSTOMER CHOICE ENROLLMENT AND PARTICIPATION GUIDELINES (Contd.)**

**7. Return to Standard Offer Rate Due to Arrears**

A customer's account will be returned to Standard Offer Rate when the customer has an arrears of 60 days or more for Certified Supplier charges on an account billed on Company Consolidated billing and served by a Certified Supplier participating in the Company's Purchase of Accounts Receivable (PAR) Program.

Prior to the effective date of an agreement for the Company to purchase the receivables of a Certified Supplier, a customer's electric service account actively enrolled with the Certified Supplier, billed on Company Consolidated billing, and having arrears of 30 days or more totaling \$50.00 or more must have the billing option changed by the Certified Supplier to separate billing by the Company and the Certified Supplier, as described in Section 10 herein, or the Company will return the account to the Company's Standard Offer Rate.

**8. Requests for Customer Specific Usage Information**

A customer or a Certified Supplier, acting as the customer's authorized agent, may request specific usage information. The customer specific usage request will include twelve (12) months of historical data (if available) including monthly kWh usage, meter read dates, and associated monthly maximum demand history, if applicable. This information will be provided to the customer or the Certified Supplier, acting as the customer's authorized agent, free of charge.

If the customer requests monthly interval metering data, the customer will be required to pay the charge specified on the tariff Sheet No. 95 "Meter Data Charges." Charges to Certified Suppliers for interval data are specified in P.U.C.O. Electric No. 20.

**9. Customer Aggregation**

Customers may be aggregated for purposes of negotiating the purchase of Competitive Retail Electric Services from a Certified Supplier. Customer aggregation is not restricted by the class of customer within an aggregated group. Accordingly, any customer may be represented by an aggregator. However, an aggregator is not a customer, but rather an agent for aggregated customers. Each aggregated customer will be treated as an individual customer of the Company for billing purposes under their otherwise applicable rate schedules, including the billing of applicable Generation Charges and Shopping Credits. Combination of meter registrations of aggregated customers will not be permitted. No charge of a tariff service will be affected by a customer's aggregation status, and aggregation of load cannot be used for qualification under a tariff.

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**SECTION III - CUSTOMER CHOICE ENROLLMENT AND PARTICIPATION GUIDELINES (Contd.)**

**10. Bill Payment Option**

A Certified Supplier must notify the Company which billing option is being chosen for its customers: (1) Company Consolidated billing or (2) separate billing by the Company and the Certified Supplier. When the Company Consolidated billing option is selected, the customer will receive one bill from the Company, which will include both the Company's and the Certified Supplier's charges stated separately. The customer is responsible for payment in full to the Company for both the Company and Certified Supplier charges when the Company performs consolidated billing. The billing option must be identified at the time the enrollment DSR is submitted to the Company. Regardless of the billing option selected by the Certified Supplier, the customer may still choose to have budget billing for bills rendered by the Company.

If a change DSR for a customer's electric service account actively enrolled with a Certified Supplier is submitted to change the billing option from separate billing by the Company and the Certified Supplier to Company Consolidated billing and the Certified Supplier is participating in the Company's Purchase of Accounts Receivable (PAR) Program, the Company will reject the change DSR if the Company's account with the customer has an arrears of 30 days or more totaling \$50.00 or more.

If a change DSR for a customer's electric service account actively enrolled with a Certified Supplier is submitted to change the billing option from separate billing by the Company and the Certified Supplier or from the Company Consolidated billing option known as Rate Ready to the Company Consolidated billing option known as Bill Ready and the account is currently involved in the Company's summary billing program, the DSR will be rejected until the Company's information system has the capability to accept such DSRs, which will occur by July 1, 2002. Prior to July 1, 2002, in order for a billing option change DSR to be accepted for this situation, the change submitted must be from separate billing by the Company and the Certified Supplier to the Company Consolidated billing option known as Rate Ready or from the Company Consolidated billing option known as Rate Ready to separate billing by the Company and the Certified Supplier.

If a change DSR for a customer's electric service account actively enrolled with a Certified Supplier is submitted to change the billing option from separate billing by the Company and the Certified Supplier or from the Company Consolidated billing option known as Rate Ready to the Company Consolidated billing option known as Bill Ready and the account is currently involved in the Company's adjusted due date program, the DSR will be rejected until the Company's information system has the capability to accept such DSRs, which will occur by November 1, 2002. Prior to November 1, 2002, in order for a billing option change DSR to be accepted for this situation, the change submitted must be from separate billing by the Company and the Certified Supplier to the Company Consolidated billing option known as Rate Ready or from the Company Consolidated billing option known as Rate Ready to separate billing by the Company and the Certified Supplier.

For customers who have a maximum annual peak demand greater than or equal to 100 kW for the most recent twelve (12) month period, the required interval metering will be used to support the Certified Suppliers' billing options.

If a customer has a maximum annual peak demand less than 100 kW and the Company must install special metering to support a Certified Supplier's billing option, the customer will be responsible for the incremental costs of upgrading the present meter plus all costs associated with the installation of that metering equipment. The charges for an interval meter will be at the tariffed rate, which may be paid over a period not to exceed twenty-four (24) months.

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**SECTION III - CUSTOMER CHOICE ENROLLMENT AND PARTICIPATION GUIDELINES (Contd.)**

If the Company is providing the consolidated bill option for the Certified Supplier, the Company will remit payments received for Certified Supplier charges including the associated taxes to the Certified Supplier.

All billed charges are grouped into categories and a payment priority is established for each. If a partial payment is received, the Company will apply the following payment priorities classification. Payments will be applied first to prior gas and electric Regulated Utility Charges, second to current gas and electric Regulated Utility Charges, third to prior electric Certified Supplier charges and gas supplier charges (if applicable), fourth to current electric Certified Supplier charges and gas supplier charges (if applicable), and then on a pro-rata basis for non-regulated products and services. When the priority classification is equal, payments will be applied to the oldest receivables first.

If the dual bill option is chosen, the customer will receive separate bills from the Company and the Certified Supplier for their respective charges. The Company and Certified Supplier shall be individually responsible for the collection of their respective charges.

Regardless of the bill option chosen by the Certified Supplier, customers who fail to pay in full their Regulated Utility Charges to the Company will be subject to the Company's late payment charge policy as it applies to those Regulated Utility Charges. The customer will also be subject to the rules and regulations governing the credit, collection and disconnection procedures in accordance with Sections 4901:1-17 and 4901:1-18 of the Ohio Administrative Code.

The Certified Supplier is ultimately responsible for the collection of any unpaid charges for services provided by them, as well as for developing their own credit and collection policies. However, in the course of following its collection procedures for Regulated Utility Charges, the Company may inform customers of such arrearages. In accordance with the rules and regulations governing the credit, collection and disconnection procedures specified in Sections 4901:1-17 and 4901:1-18 of the Ohio Administrative Code, the Company may not disconnect a customer for non-payment of the Certified Supplier's charges, nor may the Certified Supplier physically disconnect customers for non-payment of Certified Supplier charges.

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#### SECTION IV - CUSTOMER'S AND COMPANY'S INSTALLATIONS

##### 1. Nature and Use of Installation

All electric service entrance wiring and equipment furnished and installed by the customer for the purpose of connecting the premises with the Company's service, shall be suitable for the purposes thereof and shall be installed, owned and maintained by the customer at all times in conformity with the National Electrical Code, any other codes and regulations in effect in the area served and the standards contained in the latest revision of the Company's booklet entitled "Information & Requirements for Electric Service," copies of which are available at the Company's offices.

##### 2. Installation of Meters

Electricity will be measured by a meter or meters to be owned and installed by the Company in the customer's meter base at a location approved by the Company. The Company will install upon the customer's premises one meter or one unified set of meters for each standard service connection. Meters for new single-family residences are to be located outside the residence.

##### 3. Installation and Maintenance

Except as otherwise provided in these ELECTRIC SERVICE REGULATIONS, in service agreements or rate schedules, the Company will install and maintain its lines and equipment on its side of the point of delivery, but shall not be required to install or maintain any lines or equipment, except Company owned meters and metering equipment, on the customer's side of the point of delivery without cost to the customer. Only the Company's agents are authorized to connect the Company's service to the customer's service.

All meters and equipment furnished by and at the expense of the Company, which may at any time be on said premises, shall, unless otherwise expressly provided herein, be and remain the property of the Company, and the customer shall protect such property from loss or damage. No one except an agent of the Company shall be permitted to remove or handle same.

Subject to the rules, conditions and riders covering the installation of service connections and extensions, the Company will make one standard service connection to the customer's installation. If three phase service is required and an additional connection is necessary, both will be considered as one service connection.

The rates for each class of service provided for in the rate schedules contemplate the furnishing of service to one location or premises through one standard service connection. Where the customer is receiving service through more than one standard metering installation, the Company will calculate and render a separate bill for service furnished through each metering installation. If the Company elects to provide more than one standard service connection, the Company may, at its option, combine these connections and calculate and render one bill.

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#### SECTION IV - CUSTOMER'S AND COMPANY'S INSTALLATIONS (Contd.)

When a customer or private party requests the Company to relocate the Company's facilities or a customer's service entrance wiring, such requesting party shall pay all expenses related to such relocation.

When the Company relocates its facilities or a customer's service entrance wiring at the request of a governmental entity (or Adminstrating Agency) and if the relocation was related to a project financed through transportation improvement district funding, joint economic development district funding, tax increment funding, or similar quasi-public funding, then the governmental entity (or Adminstrating Agency) shall pay for the cost of relocating Company's facilities in direct proportion to the contributions received from the other funding sources.

#### 4. Special Power Apparatus

In the case of hoists, elevators, welding machines or other installations, where the use of electricity is intermittent or subject to violent fluctuations, the Company reserves the right to use the input rating or the metered instantaneous demand of such equipment under maximum operating conditions for billing purposes, or to require the customer to provide at his own expense, suitable equipment to reasonably limit such intermittence or fluctuation that may affect the service provided to other customers.

#### 5. Changes in Installations

As the Company's service drops, transformers, meters and other facilities used in supplying service to the customer have limited capacity, the customer should give notice to the Company, and obtain the Company's consent, before making any material changes or increases in the customer's installation. After receipt of such notice, the Company will give its written approval of the proposed change or increase, or it will inform the customer of the prerequisites to receipt of service for such change or increase. Any change affecting an estimated billing demand shall be reviewed by the Company's representative and shall become effective from the succeeding meter reading.

The customer shall be solely responsible for all damages sustained by the Company or any person due to the customer's failure to give reasonable advance notice to the Company of such change in the customer's installation.

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## SECTION V - METERING

### 1. Meter Tests

The Company, for the mutual protection of the customer and the Company, will make periodic tests of the meter used in measuring electricity furnished to the customer, and will test a meter upon the written request of a customer. The Company owned meter will be tested and, if found inaccurate, restored to an accurate condition or a new meter will be substituted. Any meter tested and found to be registering not more than two percent (2%) fast or slow will be considered to be correct and accurate.

If a test of any meter is made at the request of a customer, with the result that such meter is found to be correct and accurate as defined above, the Company may charge the customer the expense of such test. However, for the first such meter test the Company will not charge the customer. If, during the subsequent thirty-six month period, the customer requests that a meter test be conducted and the meter is found to be within the tolerances described above, the customer will be billed for the expense of such meter test as specified on Sheet No. 96, Meter Service Charges.

### 2. Basis for Bill Adjustment

The Company will refund to the customer any overcharges if the meter is found to be registering more than two percent (2%) fast and the customer may be billed and will pay the undercharges if the meter is found to be registering more than two percent (2%) slow.

When a period of meter inaccuracy is discernible upon a review of the account history, or if a meter is found to register partially, or not at all, for any period, the overcharge or undercharge may be computed on the basis of a customer's metered consumption prior and/or subsequent to such period in accordance with the rates in effect during the period.

When a period of meter inaccuracy is unknown the overcharge will be determined on the basis of the meter test for the period since the customer's "on" date, the installation date of the inaccurate meter, or for residential customers a period of 365 days prior to the date the inaccuracy is corrected, whichever is less. However, the 365 day restriction for residential customers shall not apply in cases of meter tampering or theft of utility service, or where a physical act of a customer or its agent causes inaccurate or no recording of the electric meter reading, or inaccurate or no measurement of the electricity rendered.

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## SECTION VI - BILLING AND PAYMENT

### 1. Billing Periods - Time and Place for Payment of Bills

Bills ordinarily are rendered at monthly intervals. Non-receipt of bills by the customer does not release or diminish the obligation of the customer with respect to payment thereof.

The word "month" as it pertains to the supply of service shall mean the period of approximately thirty (30) days between meter readings, as fixed and made by the Company. Meters are ordinarily read monthly, however, meters may be read more or less frequently in such instances as, when special readings are required, at the customer's request, or when the Company has been unable to obtain readings. If the Company has been unable to obtain a meter reading for a period of twelve (12) consecutive months, the Company may, at its option, refuse or disconnect service to the premises in accordance with Section I Paragraph 3, Company's Right to Refuse or Disconnect Service, of these ELECTRIC SERVICE REGULATIONS. The Company shall have the right to establish billing districts for the purpose of reading meters and rendering bills to customers at various dates. A change or revision of any rate schedule shall be applicable to all bills on which the final monthly meter reading was taken on or after the effective date of such change or revision, except as otherwise ordered by the Public Utilities Commission of Ohio.

Where the Company is unable to obtain a meter reading, estimated bills, so identified, will be rendered for an estimated amount to permit normal monthly payment, such payments to be credited to the next bill rendered.

When the Company is requested by the customer to terminate service, or when the Company discovers a customer has terminated service by moving from the premises served, or when the Company disconnects service due to nonpayment of the account or for other reasons, the Company will render a final bill addressed to the customer's forwarding address, if known, or to the last known address, for the entire balance of the account, including a bill calculation from the last read date, with special meter readings taken for combination gas and electric and gas only accounts and identified estimated meter readings being used for non-heating electric only accounts. Unpaid balances of previously rendered final bills may be transferred to the new account and included on initial or subsequent bills.

When the customer begins use of service, an initial bill is normally rendered for the period from the initial date of service to the first regular meter reading date for the billing district in which the premises is located, this period normally being less than one month, except that the bill is suspended if the period is less than eight (8) days.

All of the Company's rate schedules are established on a monthly basis which would include monthly billing periods in accordance with the Company's meter reading schedule. A normal meter reading period consists of the number of days between scheduled reads, that is, between twenty-seven (27) and thirty-five (35) days, plus or minus three (3) working days. Where billing amounts reflects a period of more than one (1) month, those amounts shall be prorated based on the normal scheduled meter reading dates and divided into increments of one (1) month or less. If the increments represents less than one (1) month, the appropriate billing components will be billed as a prorated portion of the period defined by the normal scheduled meter reading dates.

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#### **SECTION VI - BILLING AND PAYMENT (Contd.)**

Bills are due on the date indicated thereon as being the last day for payment of the net amount, and the due date shall not be less than twenty-one (21) days after the mailing of the bill. Bills are payable only at the Company's offices or authorized agencies for collection. If a partial payment is made, the amount will be applied to items of indebtedness in the same order as they have accrued.

##### **2. Selection of Rate Schedule**

When a prospective customer makes application for service, the Company will, upon request, assist in the selection of the Rate Schedule most favorable to customer for the service requested. The selection will be based on the prospective customer's statement as to the class of service desired, the amount and manner of use, and any other pertinent information.

A customer being billed under one of two or more optional rate schedules applicable to the customer's class of service may elect to be billed on any other applicable rate schedule by notifying the Company in writing, and the Company will bill the customer under such elected schedule from and after the date of the next meter reading. However, a customer having made such a change of rate schedule may not make another such change within the next twelve months, or as otherwise provided elsewhere in the applicable rate schedules.

##### **3. Temporary Discontinuance of Service**

If any residential customer notifies the Company in writing to discontinue service, the Company will make no minimum charge for any full meter reading period during the period of discontinuance; provided however, that the Company may charge and collect a sum of fifteen dollars (\$15.00) prior to reconnecting a service which was discontinued at the customer's request within the preceding twelve months.

##### **4. Availability of Budget Billing**

The Company has available to its customers a "Budget Billing Plan" which minimizes billing amount fluctuations over a twelve month period. The Company may exercise discretion, as permitted by Rule 4901:1-18-4 (C) of the Ohio Administrative Code, to restrict the availability of such a plan to a customers who:

- (a) Have no arrearages (other than amounts already incorporated in a previously agreed upon extended payment plan); and
- (b) Are not in default on a previously agreed upon extended payment plan.

##### **5. Bill Adjustment**

Overcharges will be refunded to the customer for the entire period of inaccurate billing if that period is discernible. If the period of inaccurate billing is not discernible, the shortest period encompassing the elapsed time since the customer's "on" date, the installation date of the inaccurate meter, or 365 days will form the basis for determining the refund amount.

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139 East Fourth Street  
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P.U.C.O. Electric No. 19  
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#### SECTION VI - BILLING AND PAYMENT (Contd.)

Undercharges may be billed and the customer shall pay the charges for the entire period of inaccurate billing when that period is discernible, except undercharges billed to residential customers shall be limited to a maximum of 365 days prior to the date the billing is corrected. There will be no maximum limit of time for cases involving tampering or theft of utility service, or where a physical act of a customer or its agent causes inaccurate or no recording of the meter reading, or inaccurate or no measurement of the electricity rendered.

##### 6. Net Metering

Customer-generators of electricity are eligible to be billed on a "net-metering" basis. "Net metering" means measuring the difference in an applicable billing period between the electricity supplied by the Company and the electricity generated by a customer-generator that is fed back to the Company. Net metering is available to customer-generators as long as the total rated generating capacity of all customer-generators is less than one percent of the Company's aggregate customer peak demand in Ohio. Net metering is provided upon request and on a first-come, first-served basis.

In order to be billed on a net metering basis, a customer-generator must meet the following requirements:

- a. uses as its fuel either solar, wind, biomass, landfill gas, or hydropower, or uses a microturbine or a fuel cell;
- b. is located on a customer-generator's premises;
- c. operates in parallel with the electric utility's transmission and distribution facilities;
- d. is intended primarily to offset part or all of the customer-generator's requirements for electricity.

The customer-generator must provide a voltage wave shape that is a 60 Hertz sine wave that is clear, free from distortion, readable and otherwise compatible with Company's equipment. The voltage amplitude must be compatible with the service voltage delivered by the utility. Any characteristic of the net generator that degrades the quality of service provided to other Company customers will not be permitted.

Net metering shall be accomplished using a single meter capable of registering the amount (flow) of electricity which flowed in each direction during a billing period. If its existing electrical meter is not capable of measuring the flow of electricity in two directions, the customer-generator shall be responsible for all expenses involved in purchasing and installing a meter that is capable of measuring electricity flow in two directions. The Company, at its own expense and with the written consent of the customer-generator, may install one or more additional meters to monitor the flow of electricity in each direction.

The measurement of net electricity supplied or generated shall be calculated in the following manner:

The Company shall measure the net electricity produced and (or) consumed during the billing period, in accordance with normal metering practices. If the electricity supplied by the Company exceeds the electricity generated by the customer-generator and fed back to the Company during the billing period, the

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#### SECTION VI - BILLING AND PAYMENT (Contd.)

customer-generator shall be billed for the net electricity supplied by the Company in accordance with normal metering practices. If electricity is provided to the Company, the credits for that electricity shall appear in the next billing cycle. Bill charges or credits will be in accordance with the standard tariff that would apply if the customer were not a customer-generator.

A net metering system used by a customer-generator shall meet all applicable safety and performance standards established by the National Electrical Code, the Institute of Electrical and Electronics Engineers, and Underwriters Laboratories, Inc. The net generator must be equipped with protective control equipment that will promptly isolate the net generator from the utility service in the event of an electrical fault on the utility service, or if the utility service becomes unavailable. The Public Utilities Commission of Ohio may adopt rules relating to additional control and testing requirements for customer-generators which the Commission determines are necessary to protect public and worker safety and system reliability. The Company shall not require a customer-generator whose net metering system meets the above standards and requirements to do any of the following: comply with additional safety or performance standards, perform or pay for additional tests, or purchase additional liability insurance.

The net generator control must be compatible with the high speed automatic reclosing typically used on the utility service.

#### 7. Market Development Period

The Market Development Period is the period of time which is designed to enable transition from a regulated market to a competitive market for procurement of electricity in the State of Ohio. The Market Development Period begins on January 1, 2001 for all customers and may be ended for a customer class by the Company when twenty-percent load switching has been achieved by that class. The customer classes are Residential, Commercial, Industrial, and Other Public Authorities. The Company assigns customers to one of these classes based upon the use of their facilities. The duration of the Market Development Period may differ for each customer class. The Market Development Period for residential customers will not end before December 31, 2005.

The switching amount will be determined by customer enrollment on a first-come, first-served basis; the percentage load switching by class (Residential, Commercial, Industrial, and Other Public Authorities) shall be calculated initially based upon 1999 actual sales, and beginning with calendar year 2001, shall be updated annually to reflect actual retail sales in the Company's service territory on a calendar year basis.

For the residential class, twenty-percent load switching will be achieved when the total annual kilowatt-hours of all residential customers who have switched to Certified Suppliers is twenty percent or more of the total annual kilowatt-hours of all residential customers. The kilowatt-hours associated with Percentage of Income Payment Program (PIPP) customers will not be included in the determination of the first 20% of the switching customers' load for the residential class if such customers are aggregated and bid out as a group.

For each non-residential class, twenty-percent load switching will be achieved when the total annual kilowatt demands of all customers in each class who have switched to Certified Suppliers is twenty percent or more of the total annual kilowatt demands of all customers in that class.

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## SECTION VII - CREDIT AND DEPOSIT PROVISIONS

### 1. Disconnection for Nonpayment: Residential Customers

The Company will comply with the provisions of the disconnection rules set forth in Chapters 4901:1-10 and 4901:1-18 O.A.C. (Ohio Administrative Code) as amended.

Failure to pay the Certified Supplier portion of the customer's bill is not a cause for disconnection by the Company.

### 2. Disconnection for Nonpayment: Non-Residential Customers

An account will be considered delinquent and be subject to the Company's disconnection procedures for non-payment if the Company's charges in any bill remains unpaid after the due date. Failure to pay the Certified Supplier portion of customer's bill is not a cause for disconnection by the Company.

The Company will mail or otherwise give notice of impending disconnection for nonpayment to the customer prior to disconnection.

The Company may charge a landlord \$2.50 per notice in situations where a master metered apartment building is subject to disconnection and the Company is required to put a notice on each apartment unit. This provision is subject to 4901:1-18-07 of the Ohio Administrative Code.

### 3. Reconnection of Service

Reconnection of service that has been disconnected for nonpayment shall be made pursuant to the following provisions:

- (a) Upon payment or proof of payment, including any reconnection charge, for service that was previously disconnected, reinstatement of service shall be made by the close of the following regular Company working day.
- (b) If service is disconnected and the customer wishes to guarantee the reinstatement of service the same day on which payment is rendered, the customer must make payment in the Company's business office, or provide proof of payment, and notify the Company before 12:30 p.m. that reinstatement of service is requested the same day. If the Company is notified after 12:30 p.m. of a customer's desire for same day reinstatement of service, the after hour charges specified in PUCO Electric Sheet No. 92 will apply.
- (c) If a Company employee, whose original purpose was to disconnect the service, has provided the customer a means to avoid disconnection, service which otherwise would have been disconnected shall remain intact, and no reconnection charge shall be assessed. However, a collection charge of fifteen dollars (\$15.00) may be assessed.

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#### **SECTION VII - CREDIT AND DEPOSIT PROVISIONS (Contd.)**

- (d) If a guarantor is required in order to re-establish service, the guarantor must sign an acknowledgment of willingness to accept the responsibility for payment of the customer's entire past due billed amount owed the Company in case of the customer's default.

#### **4. Charge for Reconnection of Service**

The Company may charge and collect in advance the dollar amount specified on Tariff Sheet No. 92, Charge for Reconnection of Service for reconnecting a customer's service after service is disconnected because of nonpayment of the bill when due or when service is discontinued because of unauthorized or fraudulent use, tampering with Company equipment, or denial of access to premises as set out in Section II Paragraph 8, Access to Premises.

#### **5. Residential Tenant Rights**

The Company will comply with the provisions of the disconnection rules set forth in Chapters 4901:1-10 and 4901:1-18 O.A.C. as amended.

#### **6. Deposit Provision**

The Company may require a Security Deposit of any customer, residential or non-residential, in addition to the requirement of payment for prior indebtedness, as set forth in Section II, 1. Supplying of Service, in compliance with the provisions of Section 4933.17 of the Ohio Revised Code and the rules set forth in Chapters 4901:1-10 and 4901:1-17 as amended. The Security Deposit may be requested prior to the rendering of utility service or at a later time.

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## **SECTION VIII - APPLICATION OF SERVICE REGULATIONS**

### **1. Application of ELECTRIC SERVICE REGULATIONS and Rate Schedules**

All service agreements as presently in effect or that may be entered into in the future are made expressly subject to these ELECTRIC SERVICE REGULATIONS and any modifications or amendments thereto, and subject to all applicable existing rate schedules and any modifications, substitutions or amendments thereto.

### **2. Agents Cannot Modify Agreement**

No agent has the right to amend, modify or alter the application, rates, terms, conditions, rules or regulations as filed with the Public Utilities Commission of Ohio, or to make any representation not contained in the Company's schedules, supplements thereto and revisions thereof, lawfully filed with said Commission.

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**DUKE ENERGY OHIO  
SERVICE REGULATIONS**

**SUPPLEMENT A**

**RULES AND REGULATIONS  
GOVERNING THE ESTABLISHMENT OF  
CREDIT FOR RESIDENTIAL UTILITY SERVICE**

**Rule 4901:1-17 of the Ohio Administrative Code as  
Adopted by The Public Utilities Commission of Ohio  
in Case No. 03-888-AU-ORD**

**4901:1-17-01 DEFINITIONS**

**4901:1-17-02 WRITTEN CREDIT PROCEDURES REQUIRED**

**4901:1-17-03 ESTABLISHMENT OF CREDIT**

**4901:1-17-03 APPENDIX: GUARANTOR AGREEMENT**

**4901:1-17-04 DEPOSIT TO REESTABLISH CREDITWORTHINESS**

**4901:1-17-05 DEPOSIT ADMINISTRATION PROVISIONS**

**4901:1-17-06 REFUND OF DEPOSIT AND RELEASE OF GUARANTOR**

**4901:1-17-07 RECORD OF DEPOSIT**

**4901:1-17-08 APPLICANT AND/OR CUSTOMER RIGHTS**

**4901:1-17-09 WAIVER REQUESTS**

**4901:1-17-01 Definitions.**

As used in this chapter:

- (A) "Commercial mobile radio service (CMRS)" includes and is specifically limited to mobile telephone, mobile cellular telephone, paging, personal communication services, and specialized mobile radio service providers when serving as a common carrier in Ohio, consistent with rule 4901:1-6-01 of the Administrative Code. Fixed wireless is not considered as CMRS, consistent with rule 4901:1-6-01 of the Administrative Code.
- (B) "Regulated service" means a service offering regulated by the commission.
- (C) "Utility" or "public utility" means all persons, firms, or corporations engaged in the business of providing natural gas, telecommunications (excluding commercial mobile radio service), water or sewage disposal service to consumers as defined in division (G) of section 4929.01 of the Revised Code and divisions (A)(2), (A)(8) and (A)(14) of section 4905.03 of the Revised Code, respectively. Rules for the establishment of credit for electric distribution utilities are included in Chapter 4901:1-10 of the Administrative Code.

**4901:1-17-02 Written credit procedures required.**

Each public utility shall establish written credit procedures consistent with these rules that allow an applicant for residential service to establish, or an existing residential customer to reestablish, credit with the utility. The procedures should be equitable and administered in a nondiscriminatory manner. The utility, without regard to race, color, religion, gender, national origin, age, handicap, or disability, shall base its credit procedures upon the credit risk of the individual as determined by the utility without regard to the collective credit reputation of the area in which the residential applicant or customer lives.

**4901:1-17-03 Establishment of credit.**

- (A) Each utility may require an applicant for residential service to satisfactorily establish financial responsibility. If the applicant has previously been a customer of that utility, the utility may require the residential applicant to establish financial responsibility pursuant to paragraph (C) of rule 4901:1-17-04 of the Administrative Code. An applicant's financial responsibility will be deemed established if the applicant meets one of the following criteria:
  - (1) The applicant is the owner of the premises to be served or of other real estate within the territory served by the utility and has demonstrated financial responsibility.
  - (2) The applicant demonstrates that he/she is a satisfactory credit risk by means that may be quickly and inexpensively checked by the utility. In determining whether the applicant is a financially responsible person, the public utility may request from the applicant and shall consider information including, but not limited to, the following: name of employer, place of employment, position held, length of service, letters of reference, and names of credit cards possessed by the applicant.

- (3) The applicant demonstrates that he/she has had the same class and a similar type of utility service within a period of twenty-four consecutive months preceding the date of application, unless utility records indicate that the applicant's service was disconnected for nonpayment during the last twelve consecutive months of service, or the applicant had received two consecutive bills with past due balances during that twelve-month period and provided further that the financial responsibility of the applicant is not otherwise impaired.

When an applicant requests a copy of his/her payment history to satisfy paragraph (A)(3) of this rule, each utility shall provide a customer, at his/her request, written information reflecting the customer's payment history. The utility shall provide this information within five business days of this request.

- (4) The applicant makes a cash deposit to secure payment of bills for the utility's service as prescribed in rule 4901:1-17-05 of the Administrative Code.
- (5) The applicant furnishes a creditworthy guarantor to secure payment of bills in an amount sufficient for a sixty-day supply for the service requested. If a third party agrees to be a guarantor for a utility customer, he or she shall meet the criteria as defined in paragraph (A) of this rule or otherwise be creditworthy.
- (a) Telecommunications service providers shall further comply with the provisions set forth in rule 4901:1-5-14 of the Administrative Code.
- (b) For all utilities, including telecommunications service providers, the guarantor shall sign a written guarantor agreement that shall include, at a minimum, the information shown in the appendix to this rule. The company shall provide the guarantor with a copy of the signed agreement and shall keep the original on file during the term of the guaranty.
- (c) For all utilities, including telecommunications providers, the company shall send all disconnection notifications for the guaranteed customer also to the guarantor, unless the guarantor affirmatively waives that right.
- (d) For all utilities, including telecommunication providers, the company shall send a notice to the guarantor when the guaranteed customer requests a transfer of service to a new location. The transfer of service notice shall display all of the following information:
- (i) The name of the guaranteed customer.
- (ii) The address of the current guaranteed customer service location.
- (iii) A statement that the transfer of service to the new location may affect the guarantor's liability.
- (iv) A statement that, if the guarantor does not want to continue the guaranty at the new service location, the guarantor must provide thirty days' written notice to the company to end the guaranty.

- (B) The establishment of credit under the provisions of these rules, or the reestablishment of credit under the provisions of rule 4901:1-17-04 of the Administrative Code, shall not relieve the applicant or customer from compliance with the regulations of the utility

regarding advance payments and payment of bills by the due date, and shall not modify any regulations of the utility as to the discontinuance of service for nonpayment.

- (C) Upon default by a customer who has furnished a guarantor as provided in paragraph (A)(5) of this rule, the utility may pursue collection actions against the defaulting customer and the guarantor in the appropriate court, or if the guarantor is a customer of the same utility, that utility may transfer the defaulting customer's bill to the guarantor's. The defaulted amount transferred to the guarantor's bill shall not be greater than the amount billed to the customer for sixty days of service or two monthly bills. After thirty days from the transfer, the utility may make the guarantor subject to disconnection procedures, if the amount transferred still remains unpaid.
- (D) An applicant who owes an unpaid bill for previous residential service, whether the bill is owed as a result of service provided to that applicant or is owed under a guarantor agreement, shall not have satisfactorily established or reestablished his/her financial responsibility as long as the bill remains unpaid.

**Rule 4901:1-17-03-Appendix: Guarantor Agreement**

**Guarantor Agreement**

I, (name of guarantor), agree to be the guarantor for the (utility type) service provided by (name of utility company) for (customer's name) at the service address of (location).

As the guarantor for (customer's name), I agree to be obligated for charges for the (type of utility) services provided to the guaranteed customer, (customer's name), through the date of termination of the guaranty.

I understand that the company will send a notice to me when the customer requests to transfer service to a new location.

I understand that the company will also send to me all disconnection notifications sent to (name of customer), unless I affirmatively waive that right.

If (customer's name) defaults on the account, I will be held legally responsible for and agree to pay the defaulted amount. As guarantor, I understand that the defaulted amount may be transferred to my account and that my service may be subject to disconnection, if the transferred amount remains unpaid for thirty days. I understand that this amount will not be more than the amount of the bill for sixty days of service.

I understand that I may terminate this guarantor agreement upon thirty days' written notice to (name of company). I also understand that, if I terminate this guarantor agreement, (customer's name) may be required to reestablish creditworthiness when I terminate the guaranty.

I understand that the company shall annually review the account history of each customer who has provided a guarantor. Once (customer's name) satisfies the requirements for the release of a guarantor, as stated in Rule 4901:1-17-06, of the Ohio Administrative Code, (name of company) shall, within thirty days, notify me in writing that I am released from all further responsibility for the account.

I agree to be a guarantor for (customer's name).

\_\_\_\_\_  
(signature of guarantor)

I waive the right to receive all disconnection notices regarding (customer's name) guaranteed service.

\_\_\_\_\_  
(signature of guarantor)

**4901:1-17-04 Deposit to reestablish creditworthiness.**

- (A) A utility may require a customer to make a deposit or an additional deposit on an account, as set forth in this rule and pursuant to rules 4901:1-17-03 and 4901:1-17-05 of the Administrative Code, to reestablish creditworthiness for tariffed service based on the customer's credit history on that account with that company. After considering the totality of the circumstances, the utility may require a customer whose service has been disconnected to pay a deposit, the delinquent bill, and the reconnection charges prior to restoring service.
- (B) A utility may require a deposit if the customer account meets one of the following criteria:
  - (1) The customer has not made full payment or payment arrangements by the due date for two consecutive bills during the preceding twelve months.
  - (2) The customer has been issued a disconnection notice for nonpayment on two or more occasions during the preceding twelve months.
- (C) A utility may require a deposit if the applicant for service was a customer of that utility, during the preceding twelve months, and had service disconnected for nonpayment, a fraudulent practice, tampering, or unauthorized reconnection.

**4901:1-17-05 Deposit administration provisions.**

- (A) No public utility, as defined in this chapter, except telecommunications providers, shall require a cash deposit to establish or reestablish credit in an amount in excess of one-twelfth of the estimated charge for regulated service(s) provided by that distribution utility for the ensuing twelve months, plus thirty per cent of the monthly estimated charge. No telecommunications provider shall require a cash deposit to establish or reestablish credit in an amount in excess of that prescribed in rule 4901:1-5-13 of the Administrative Code. Each utility, upon request, shall furnish a copy of these rules to the applicant/customer from whom a deposit is required. If a copy of the rule is provided to a customer/applicant, the utility shall also provide the name, address, website address, and telephone number of the public utilities commission of Ohio.
- (B) Upon receiving a cash deposit, the utility shall furnish to the applicant/customer a receipt that displays all of the following information:

- (1) The name of the applicant/customer.
  - (2) The address of the premises to be served.
  - (3) The billing address for the service.
  - (4) The amount of the deposit and a statement that the rate of interest to be paid on the deposit will be not less than three per cent per annum if the deposit is held for one hundred eighty days or longer.
- (C) Each utility shall accrue interest at a rate of at least three per cent per annum per deposit held for one hundred eighty days or longer. Interest shall be paid to the customer when the deposit is refunded or deducted from the customer's final bill. A utility shall not be required to pay interest on a deposit it holds for less than one hundred eighty days. No utility shall be required to pay additional interest on a deposit after discontinuance of service, if the utility has made a reasonable effort to refund the deposit. A utility shall dispose of any unclaimed deposit, plus accrued interest, in conformity with Chapter 169. of the Revised Code.

**4901:1-17-06 Refund of deposit and release of guarantor.**

- (A) After discontinuing service, the utility shall promptly apply the customer's deposit, including any accrued interest, to the final bill. The utility shall promptly refund to the customer any deposit, plus any accrued interest, remaining. A transfer of service from one customer location to another within the service area of the utility does not prompt a refund of the deposit or a release of the guarantor.
- (B) The utility shall review each account holding a deposit or a guarantor agreement every twelve months and promptly refund the deposit, plus any accrued interest, or release the guarantor, if the account meets the following criteria:
- (1) The customer has paid his/her bills for service for twelve consecutive months without having had service disconnected for nonpayment.
  - (2) The customer has not had more than two occasions on which his/her bill was not paid by the due date.
  - (3) The customer is not then delinquent in the payment of his/her bills.
- (C) The utility shall promptly return the deposit, plus any accrued interest, upon the customer's request at any time the customer's credit has been otherwise established or reestablished, in accordance with this chapter of the Administrative Code.
- (D) Once the customer satisfies the requirements for release of the guarantor, pursuant to paragraph (B) of this rule, the utility shall notify the guarantor in writing, within thirty days, that the guarantor is released from all further responsibility for the account.

**4901:1-17-07 Record of deposit.**

Until the deposit is refunded or otherwise disposed of in accordance with applicable law, each utility holding a cash deposit shall maintain a record that displays all of the following information:



- (A) The name and current or last known billing address of each depositor.
- (B) The amount and date of the deposit.
- (C) Each transaction concerning the deposit.

**4901:1-17-08 Applicant and/or customer rights.**

- (A) Each public utility that requires a cash deposit shall notify the applicant/customer of all options available to establish credit as listed in paragraph (A) of rule 4901:1-17-03 of the Administrative Code.
- (B) If a public utility requires a cash deposit to establish or reestablish service and the customer expresses dissatisfaction with the utility's decision, the company shall inform the customer of the following:
  - (1) The reason(s) for its decision.
  - (2) How to contest the utility's decision and show creditworthiness.
  - (3) The right to have the utility's decision reviewed by an appropriate utility supervisor.
  - (4) The right to have the utility's decision reviewed by the commission staff, and provide the applicant/customer the local or toll-free numbers and/or TDD/TTY numbers, address, and the website address of the commission as stated below:

The public utilities commission of Ohio (PUCO) toll-free at 1-800-686-7826 or 1-614-466-3292, or for TDD/TTY toll-free at 1-800-686-1570 or 1-614-466-8180, from 8:00 a.m. to 5:00 p.m. weekdays, or the PUCO website at [www.PUCO.ohio.gov](http://www.PUCO.ohio.gov).
- (C) Each public utility, upon request, shall provide in writing to the applicant/customer the information required by paragraph (B) of this rule.

**4901:1-17-09 Waiver requests.**

The public utilities commission of Ohio may waive any rule or any part of a rule contained in this chapter of the Administrative Code for good cause upon its own motion or upon application by a company.

The application for a waiver shall include the specific rule(s) requested to be waived. If the request is to waive only a part or parts of a rule, then the application should identify the appropriate paragraphs, sections, or subsections to be waived. The waiver request shall provide sufficient explanation by rule, including advantages and possible disadvantages, to allow the commission to thoroughly evaluate the waiver request.

**DUKE ENERGY OHIO  
SERVICE REGULATIONS**

**SUPPLEMENT B**

**RULES, REGULATIONS AND PRACTICES  
GOVERNING THE DISCONNECTION OF  
GAS, NATURAL GAS, OR ELECTRIC  
SERVICE TO RESIDENTIAL CUSTOMERS**

**Rule 4901:1-18 of the Ohio Administrative Code as  
Adopted by The Public Utilities Commission of Ohio  
in Case No. 03-888-AU-ORD**

4901:1-18-01	DEFINITIONS
4901:1-18-02	GENERAL PROVISIONS
4901:1-18-03	DELINQUENT BILLS
4901:1-18-04	EXTENDED PAYMENT PLANS AND RESPONSIBILITIES
4901:1-18-05	DISCONNECTION PROCEDURES FOR NATURAL GAS AND ELECTRIC COMPANIES.
4901:1-18-06	RECONNECTION OF SERVICE
4901:1-18-07	LANDLORD-TENANT PROVISIONS.
4901:1-18-07	APPENDICES & FORMS
4901:1-18-08	WAIVER REQUESTS
4901:1-18-09	RESIDENTIAL NATURAL GAS BILLS
4901:1-18-10	COMBINATION UTILITY COMPANIES
4901:1-18-11	INSUFFICIENT REASONS FOR REFUSING OR DISCONNECTING SERVICE
4901:1-18-12	RESTRICTIVE LANGUAGE PROHIBITION

**4901:1-18-01 Definitions.**

- (A) "Collection charge" means a tariffed charge assessed to a residential customer by a company for dispatching an employee or agent to a residence who is authorized to accept payment for utility service.
- (B) "Commission" means the public utilities commission of Ohio.
- (C) "Company" means a natural gas company as defined in division (G) of section 4929.01 of the Revised Code or an electric distribution utility as defined in division (A)(6) of section 4928.01 of the Revised Code.
- (D) "Consumer" means any person who is the ultimate user of electric or gas service.
- (E) "Customer" means any person who enters into a contractual agreement with the company to receive residential electric or gas service.
- (F) "Default" means the failure to make the required payment on an extended payment plan by the due date.
- (G) "Extended payment plan" means an agreement between the customer and the company that requires the customer to make payments over a set period of time to the company on unpaid amounts owed to the company.
- (H) "Household income" has the meaning attributed to it by the Ohio department of development, office of community services, in the administration of the home energy assistance program.
- (I) "Primary source of heat" means the energy that is the heat source for the central heating system of the residence or, if the residence is not centrally heated, the energy that makes up the bulk of the energy used for space heating.
- (J) "Secondary source of heat" means the energy that is the heat source for space heating other than that provided by the central heating system of the residence or, if the residence is not centrally heated, the energy that does not make up the bulk of the energy used for space heating or, if the residence is centrally heated using some other form of energy, the energy required to operate equipment needed for the proper functioning of the central heating system.

**4901:1-18-02 General provisions.**

Natural gas or electric companies under the jurisdiction of the commission may disconnect service to residential customers only for the following reasons:

- (A) For any violation of or refusal to comply with a contract and/or the general service rules and regulations on file with the commission that apply to the customer's service.
- (B) When a consumer uses electricity or gas in a manner detrimental to the service to other consumers.
- (C) When providing service is in conflict or incompatible with any order of the commission, court of law, laws of the state of Ohio or any political subdivision thereof, or of the federal government or any of its agencies.
- (D) When the customer has moved from the customer location.

- (E) When supplying electricity or gas creates a safety hazard to consumers or their premises, the public, or to the company's personnel or facilities or where, because of conditions beyond the consumer's premises, disconnection of the supply of electricity or gas is reasonably necessary. The company shall not restore service until the hazardous condition(s) has been corrected.
- (F) When a customer, consumer, or his/her agent:
  - (1) Prevents utility company personnel from reading the meter for a year or more, unless the company suspects tampering or other fraudulent activities.
  - (2) After notice and a reasonable period of time under the circumstances, continues to prevent company personnel from calibrating, maintaining, or replacing the company's meter, metering equipment, or other company property used to supply service.
  - (3) Resorts to any fraudulent practice to obtain electric or gas service, is the beneficiary of the fraudulent practice, or damages the company's meter, metering equipment or other property used to supply the service. Under the circumstances stated in this paragraph the company need not restore service until the consumer or customer has completed each of the following:
    - (a) Given assurance that the fraudulent or damaging practice has been discontinued.
    - (b) Paid to the company an amount estimated by the company to be reasonable compensation for unauthorized usage obtained and not paid for at the time of disconnection.
    - (c) Paid for any damage to property of the company including any cost to repair the damage.
    - (d) All other fees and charges authorized by tariff resulting from the fraudulent practice or tampering.
- (G) For repairs, provided that notice to consumers is given prior to scheduled maintenance interruptions in excess of six hours.
- (H) Upon the request of the customer.
- (I) For nonpayment, including nonpayment of security deposits applied to delinquent bills as a condition for continued service, only after the provisions and procedures set forth in the rules in this chapter have been complied with by the natural gas or electric company.

**4901:1-18-03 Delinquent bills.**

- (A) Individually metered residential service accounts will be considered delinquent and subject to the company's disconnection procedures for nonpayment if the account meets one of the following criteria:
  - (1) The customer has not made full payment or arrangements for payment by the due date, for any given bill containing a previous balance for regulated services provided by the distribution utility.
  - (2) The customer is in default on an extended payment plan.

- (3) The customer fails to make the initial payment on an extended payment plan.
- (B) The minimum payment necessary in order to avoid the disconnection procedures shall not be greater than the delinquent amount, i.e., that portion of the bill that represents a previous balance for regulated services provided by the distribution utility.

**4901:1-18-04 Extended payment plans and responsibilities.**

- (A) Upon contact by a customer whose account is delinquent or who desires to avoid a delinquency, the company shall inform the customer that it will make extensions or other extended payment plans appropriate for both the customer and the company. The company may require the customer to demonstrate an inability to pay. If the customer proposes payment terms, the company may exercise discretion in the acceptance of the payment terms based upon the account balance, the length of time that the balance has been outstanding, the customer's recent payment history, the reasons why payment has not been made, and any other relevant factors concerning the circumstances of the customer, including health, age, and family circumstances. If the customer fails to propose payment terms acceptable to the company, the company shall then advise the customer of the availability of one of the extended payment plans as set forth in paragraphs (A)(1) and (A)(2) of this rule and of the availability of the extended payment plan set forth in paragraph (B) of this rule for a customer whose income qualifies him/her for such a plan. A customer who is in default on an extended payment plan other than one set forth in paragraphs (A)(1), (A)(2), or (B) of this rule is eligible for an extended payment plan as set forth in paragraphs (A)(1), (A)(2), and (B) of this rule provided he/she meets the qualifications for those plans. A customer who is in default on one of the extended payment plans set forth in paragraph (A)(1) or (A)(2) of this rule is eligible for the extended payment plan set forth in paragraph (B) of this rule provided he/she meets the qualifications for that plan.

If a customer informs the company of a medical problem, the company shall inform the customer of the medical certification program as provided in paragraph (C) of rule 4901:1-18-05 of the Administrative Code.

Each company shall offer the customer at least one of the following extended payment plans:

- (1) A plan that requires six equal monthly payments on the arrearages in addition to full payment of current bills.
- (2) A plan that requires payment of one-third of the balance due each month (arrearages plus current bill). This plan shall be offered during the winter heating season as required by paragraph (B)(3) of rule 4901:1-18-05 of the Administrative Code.
- (B) No company shall disconnect the service of any residential customer for nonpayment or refuse to reconnect, because of an arrearage, the service of a residential customer who has requested to transfer his/her service from one address to another as long as that customer meets each of the following qualifications:
  - (1) The customer has a household income for the past three months, which if annualized, would equal one hundred fifty per cent of the federal poverty level or less or, if the household income for the past three months annualized is more than one hundred fifty per cent of the federal poverty level, the customer has a household income for the past twelve months equal to one hundred fifty per cent of the federal poverty level or less.

- (2) For usage during any billing period all or part of which is within the winter period as defined by paragraph (B) of rule 4901:1-18-05 of the Administrative Code, the customer pays at least one of the following amounts:
    - (a) Ten per cent of his/her monthly household income to the jurisdictional company that provides the customer with his/her primary source of heat and pays at least five per cent of his/her monthly household income to the jurisdictional company that provides the customer a secondary source of heat.
    - (b) Fifteen per cent of his/her monthly household income to the jurisdictional company that provides both primary and secondary source of heat.
    - (c) Fifteen per cent of his/her monthly household income to the jurisdictional electric company that provides the totality of energy used for heating purposes to his/her residence.
    - (d) Ten per cent of his/her monthly household income to the jurisdictional company that provides the primary source of heat when a non-jurisdictional utility company or other person provides the secondary source of heat.
    - (e) Five per cent of his/her monthly household income to the jurisdictional company that provides the secondary source of heat when a non-jurisdictional utility company or other person provides the primary source of heat.
  - (3) For usage during any billing period, no part of which is within the winter period as defined by paragraph (B) of rule 4901:1-18-05 of the Administrative Code, the customer pays that percentage of his/her income required by paragraph (B)(2) of this rule or the current bill for actual non winter usage, whichever is greater.
  - (4) The customer applies for all public energy assistance for which he/she is eligible.
  - (5) The customer applies for all weatherization programs for which he/she is eligible.
  - (6) The customer provides proof to the jurisdictional company or the Ohio department of development, whichever is appropriate, no less often than once in every twelve months that he/she meets the household income requirements of paragraph (B)(1) of this rule. For customers determined to have zero income under paragraph (B)(1) of this rule, the jurisdictional company may require the customer to verify the household income no more than once every ninety days.
  - (7) The customer signs a waiver permitting the affected jurisdictional company to receive information from any public agency or private agency providing income or energy assistance and from any employer whether public or private.
- (C) For purposes of paragraphs (B)(1) and (B)(2) of this rule, any money provided to the jurisdictional company from the regular home energy assistance program (HEAP), or similar program, on behalf of the customer as energy assistance shall not be considered as household income or counted as part of the monies paid by the customer to meet the percentage of income requirement. Any money provided to the jurisdictional company on an irregular or on an emergency basis by a public or private agency for the purpose of paying utility bills shall not be considered as household income. These monies shall first be applied to the customer's current monthly payment obligation as determined in accordance with paragraph (B)(2) of this rule, with any money in excess of the amount necessary to satisfy the current monthly payment obligation being applied to either the

amount the customer is in default on an extended payment plan or, if no such default exists, then to the customer's arrearages.

- (D) The company shall provide an optional uniform payment plan (budget plan) on an annual basis for any customer who is not in default on a previously agreed upon extended payment plan. Arrearages need not be included in the optional uniform payment plan (budget plan).
- (E) A customer's failure to make any payment provided for under paragraph (A) or (B) of this rule shall entitle the company to disconnect service in accordance with the procedures set forth in rule 4901:1-18-05 of the Administrative Code.
- (F) The company shall furnish upon the request of the customer entering into an extended payment plan a written, typed, printed, or computer-generated copy of the plan and, if the extended payment plan was arranged by a company employee, the name of that employee.

**4901:1-18-05 Disconnection procedures for natural gas and electric companies.**

- (A) If a residential customer is delinquent in paying for regulated services provided by the distribution utility, the company may, after proper and reasonable notice of pending disconnection of service (not less than fourteen days), disconnect the customer's service during normal company business hours in compliance with all of the following conditions:
  - (1) No disconnections for nonpayment shall be made after twelve-thirty p.m. on the day preceding a day on which all services necessary for the customer to arrange and the company to perform reconnection are not regularly performed.
  - (2) On the day of disconnection of service, the company shall provide the customer with personal notice. If the customer is not at home, the company shall provide personal notice to an adult consumer. If neither the customer nor an adult consumer is at home, the company shall attach written notice to the premises in a conspicuous location prior to disconnecting service.
  - (3) Third-party or guarantor notification.
    - (a) Each company shall permit a residential customer to designate a third party to receive notice of the pending disconnection of the customer's service or of any other credit notices sent to the customer. If the customer has a guarantor, the guarantor shall receive notice of the pending disconnection of the guaranteed customer's service or of any other credit notices sent to the guaranteed customer, except where the guarantor has affirmatively waived the right to receive notices pursuant to rule 4901:1-17-03 of the Administrative Code. The company shall notify the third party or the guarantor at least fourteen days prior to disconnecting the customer's service.
    - (b) The company shall inform the third party that his/her receipt of such notices does not constitute acceptance of any liability by the third party for payment for service provided to the customer unless the third party has also agreed, in writing, to be a guarantor for the customer.
    - (c) In compliance with division (E) of section 4933.12 and division (D) of section 4933.121 of the Revised Code, if the company plans to disconnect the residential utility service of a customer for the nonpayment of his/her bill, and that customer resides in a county in which the department of job and family

services has provided the company with a written request for prior notification of residential service disconnection, then the company shall provide the appropriate county department of job and family services with a listing of those customers whose service will be disconnected for nonpayment at least twenty-four hours before the action is taken.

- (d) Upon the request of a property owner or the agent of a property owner, each company shall provide the property owner or the agent of a property owner with at least three-days advance notice when service to his/her property is to be disconnected either at the request of a residential customer who is a tenant or for nonpayment.
- (4) Employees or agents who disconnect service at the premises may or may not, at the discretion of the company, be authorized to make extended payment arrangements. Company employees or agents who disconnect service shall be authorized to complete one of the following:
  - (a) Accept payment in lieu of disconnection.
  - (b) Dispatch an employee to the premises to accept payment.
  - (c) Make available to the customer another means to avoid disconnection.
- (5) The following information shall be either clearly displayed on the disconnection notice or included in documents accompanying the disconnection notice:
  - (a) The delinquent billing account number, the total amount required to prevent disconnection of the regulated services provided by the distribution utility and any security deposit owed at the time of the notice.
  - (b) The earliest date when disconnection may occur.
  - (c) The local or toll-free number and address of the company's office for customers to contact about their account.
  - (d) A statement that the commission staff is available to render assistance with unresolved complaints, the current address, local or toll-free number and the TDD/TTY number of the commission's public interest center, and the commission's website.
  - (e) A statement that the customer's failure to pay the amount required at the company's office or to one of its authorized agents by the date specified in the notice may result in a security deposit and a charge for reconnection being required. The statement shall also include the amount of the security deposit and the reconnection charge.
  - (f) If applicable, a statement that the failure to pay charges for non-tariffed and/or non-regulated products or services may result in the loss of those products and/or services.
  - (g) An explanation of the payment plans and options available to a customer whose account is delinquent, as provided in this rule and rule 4901:1-18-04 of the Administrative Code, and, when applicable, rule 4901:1-18-10 of the Administrative Code.



- (h) If disconnection of service is to occur, as a result of nonpayment, a statement that a medical certification program and forms are available from the company.
  - (i) A statement that a listing of the company's authorized payment agents is available by calling the company's toll-free customer service number.
- (B) The company shall not disconnect service to residential customers for nonpayment during the period of November first through April fifteenth unless, in addition to the other requirements of this rule, the company completes each of the following:
  - (1) Makes contact with the customer or other adult consumer at the premises ten days prior to disconnection of service by personal contact, telephone, or hand-delivered written notice.
  - (2) Informs the customer or adult consumer that sources of federal, state, and local government aid for payment of utility bills and for home weatherization are available at the time the company delivers the notice required in paragraph (B)(1) of this rule, and provides sufficient information to allow the customer to further pursue available assistance.
  - (3) Informs the customer of the right to enter into a payment plan as set forth in paragraph (A)(2) of rule 4901:1-18-04 of the Administrative Code, unless the customer qualifies for the payment plan set forth in paragraph (B) of rule 4901:1-18-04 of the Administrative Code, in which event the company shall inform the customer of the availability of both plans. The company may require reasonable verification of the customer's household income, including but not necessarily limited to verification by the local agency providing governmental aid in paying utility bills. If the customer does not respond to the notice described in paragraph (B)(1) of this rule, or refuses to accept a payment plan or fails to make the initial payment on a payment plan referenced in this paragraph, the company may disconnect service after the ten-day notice expires.
- (C) Medical Certification
  - (1) The company shall not disconnect service for nonpayment if the disconnection of service would be especially dangerous to health. The health condition must be certified in accordance with this rule.
  - (2) When the disconnection of service would make operation of necessary medical or life-supporting equipment impossible or impractical, the company shall not disconnect service for nonpayment, if the customer establishes an inability to pay the amount due in full and enters into and makes payments in accordance with an extended payment plan. The necessary medical or life-supporting equipment must be certified in accordance with this rule.
  - (3) The electric distribution company shall give notice of availability of medical certification to its residential customers by means of bill inserts or special notices at the beginning of the winter heating period and at the beginning of the summer cooling period. The natural gas company shall give notice of the availability of medical certification to its residential customers by means of bill inserts or special notices at the beginning of the winter heating period.
  - (4) The company shall provide application forms for health care professionals or local board of health physicians for certification upon request of any residential consumer.

- (5) Any consumer who is a permanent resident of the premises where the service is rendered may qualify for certification.
- (6) The condition shall be certified to the company by a licensed physician, physician assistant, clinical nurse specialist, certified nurse practitioner, certified nurse-midwife, or local board of health physician.
  - (a) The certification required by paragraphs (C)(1) and (C)(2) of this rule shall be in writing and shall include the name of the person to be certified, a statement that the person is a permanent resident of the premises in question, the name, business address, and telephone number of the certifying party, the nature of the condition, and a signed statement by the certifying party that disconnection of service will be especially dangerous to health.
  - (b) Initial certification by the certifying party may be by telephone if written certification is forwarded to the company within seven days.
  - (c) In the event service has been disconnected within twenty-one days prior to certification of special danger to health for a qualifying resident, service shall be restored to that residence if proper certification is made in accordance with the foregoing provisions and the customer agrees to an extended payment plan.
  - (d) Certification shall prohibit disconnection of service for thirty days. Certification may be renewed two additional times (thirty days each) by a licensed physician, physician assistant, clinical nurse specialist, certified nurse practitioner, certified nurse-midwife, or local board of health physician by providing an additional certificate to the company. The total certification period is not to exceed ninety days per household in any twelve-month period.
  - (e) Upon renewal of certification, company personnel shall personally contact the customer and advise the customer of the governmental assistance programs that may be available. In the event that the best efforts of the company fail to result in personal contact, the company shall provide assistance information by mail.
  - (f) If a medical certificate is used to avoid disconnection, the customer shall enter into an extended payment plan prior to the end of the medical certification period or be subject to disconnection. The initial payment on the plan shall not be due until the end of the certification period.
- (D) Upon request of the customer, the company shall provide an opportunity for review of the initial decision to disconnect the service. The company shall review the circumstances surrounding the disconnection, escalate the review to an appropriate supervisor if requested, and inform the customer of the decision upon review as soon as possible. At the customer's request, the company shall respond in writing.
- (E) The company when contacted by the commission's public interest center shall respond to an inquiry concerning a pending disconnection or actual disconnection within two business days. At the request of commission staff, the company shall respond in writing. Commission staff will notify the customer of the company's response.

- (F) The company shall include in its tariff its current standard practices and procedures for disconnection, including the applicable collection and reconnect charges. The company shall submit a sample disconnection notice for approval.

**4901:1-18-06 Reconnection of service.**

The company shall reconnect service that has been disconnected for nonpayment pursuant to the following provisions:

- (A) Upon payment or proof of payment, including any reconnection charge, of the amount owed for the service that was previously disconnected or of an amount sufficient to cure the default on any extended payment plan described in Rule 4901:1-18-04 of the Administrative Code, including any reconnection charge, the company shall reconnect service by the close of the following regular company working day. The amount sufficient to cure the default includes all amounts that would have been due and owing under the terms of the applicable extended payment plan, absent default, on the date on which service is reconnected.
- (B) If service is disconnected and the customer wishes to guarantee the reconnection of service the same day on which payment is rendered:
- (1) The customer must provide proof of payment, and notify the company no later than twelve-thirty p.m. that reconnection of service is requested the same day.
  - (2) The company may require the customer to pay or agree to pay the company's approved tariff charges for reconnection of service if reconnection of service occurs after normal company business hours. The company may collect this fee prior to reconnection or with the customer's next monthly billing.
- (C) The company shall not assess a reconnection charge unless the company has actually disconnected the service. The company may, however, assess a collection charge if a collection charge is part of the company's approved tariff.
- (D) If the company requires a guarantor in order to reestablish service, the guarantor shall sign an acknowledgment that he/she is willing to accept the responsibility to secure payment of the customer's bill in an amount sufficient for a sixty-day supply of service.

**4901:1-18-07 Landlord-tenant provisions.**

A company may disconnect utility service of individuals whose utility services are included in rental payments and of consumers residing in a multi-unit dwelling (i.e., tenants who receive master-metered services) for which the customer is the landlord, only in accordance with the following:

- (A) The company shall give a notice of disconnection of service to the landlord/agent at least fourteen days before the disconnection would occur. If, at the end of the fourteen-day notice period, the customer has not paid or made payment arrangements for the bill to which the fourteen-day notice relates, the company shall then make a good faith effort by mail, or otherwise, to provide a separate ten-day notice of pending disconnection to the landlord/agent, and to each unit of a multi-unit dwelling (i.e., each tenant who receives master-metered service). This ten-day notice shall be in addition to the fourteen-day notice given to the landlord/agent. This notice requirement shall be complied with throughout the year. In a multi-unit dwelling, written notice shall also be placed in a conspicuous place.
- (B) The company shall also provide the following information in its ten-day notice:

- (1) A summary of the remedies tenants may choose to prevent disconnection or to have service reconnected.
  - (2) A statement to inform tenants that a list of procedures and forms to prevent disconnection or to have service reconnected are available from the company upon request. A model form of the tenants' ten-day notice is attached as appendix A to this rule.
- (C) The company shall inform any consumer inquiring about the notice, posted pursuant to paragraph (A) of this rule, of the amount due for the current month's bill and that the disconnection of service may be prevented if the consumer(s) makes a single payment to the company in the amount of the current month's bill.
- (D) The company shall credit to the appropriate account any payment made by tenants equal to or exceeding the landlord's current bill for those premises. The company is under no obligation to accept partial payment from individual tenants. The company may choose to accept only a single payment from a representative acting on behalf of all the tenants.
- (E) No company shall disconnect service to master-metered premises when all of the following actions take place:
- (1) A tenant delivers to the company a copy of the written notice required by division (A) of section 5321.07 of the Revised Code, signed by fifty per cent or more of the tenants of the occupied dwelling units, which notice shall designate the imminent disconnection of utility service (as shown by the disconnection notices received) as a reason for the notice.
  - (2) A tenant informs the company in writing of the date of the last day on which rent may be paid before a penalty is assessed or the date on which default on the lease or rental agreement can be claimed.
  - (3) The tenants timely invoke the remedies provided in divisions (B)(1) and (B)(2) of section 5321.07 of the Revised Code, including but not limited to:
    - (a) Depositing all rent that is due and thereafter becomes due to the landlord, with the clerk of the municipal or county court having jurisdiction, and
    - (b) Applying to the court for an order to use the rent deposited to remedy the condition or conditions specified in the tenant's notice to the landlord (including but not necessarily limited to payment to the company rendering the disconnection notice).
- (F) Each company that delivers notice pursuant to paragraph (A) of this rule shall provide to each tenant, upon request, the procedures to avoid disconnection or to have service reconnected as described in appendix B to this rule. The forms referenced in appendix B to this rule shall be made available by the company and also will be available on the commission's website at [www.puc.state.oh.us/PUCO/forms/index.cfm](http://www.puc.state.oh.us/PUCO/forms/index.cfm) or by contacting the commission's public interest center toll-free (in Ohio) at 1-800-686-7826 or TDD/TTY at 1-800-686-1570. The company shall also identify for the tenant any resources in the community where he/she can obtain assistance in pursuing his/her claim, including but not limited to:
- (1) The telephone number(s) of the local legal services program (in cities over one hundred thousand served by that company),

- (2) The toll-free number(s) for the Ohio state legal services association,
  - (3) The toll-free number(s) of the office of consumers' counsel,
  - (4) The telephone number(s) of the local bar association, and
  - (5) The telephone number(s) of the local tenant organization(s).
- (G) If a company disconnects service to consumers whose utility services are included in rental payments or who are residing in master-metered premises, the company, upon inquiry, shall inform the consumer that service will be reconnected upon payment of the amount due for the current month's bill plus any reconnection charge if the payment is made within fourteen days of disconnection. The company shall continue service at the premises as long as the tenant's representative continues to pay for each month's service (based upon actual or estimated consumption) by the due date of the bill for that service. The company shall also reconnect service for those consumers who, within fourteen days of the disconnection of service, invoke the provisions of section 5321.07 of the Revised Code, as specified in paragraph (E) of this rule. If the consumers choose to have their service reconnected by paying the current month's bill and payment is not made by the due date each month, the company shall post the notice in a conspicuous location on the premises and make a good faith effort by mail or otherwise to notify each household unit of a multi-unit dwelling or tenant receiving service in the master-metered premises of the impending service disconnection. The company is not required to reconnect service pursuant to this paragraph where the landlord resides on the premises.
- (H) The company shall only provide service to a master-metered premise if the customer is the landlord/owner of the premises. Company acceptance of new applications for service to master-metered premises requires the landlord/owner to provide to the company an accurate list specifying the individual mailing addresses of each unit served at the master-metered premises.
- (I) The company may charge the landlord/owner of the master-metered premises a reasonable fee, as set forth in the company's tariffs, designed to pay the company's incurred cost for providing the notice to tenants required by paragraph (A) of this rule.
- (J) The company has the burden of collecting any amounts in arrears.
- (K) If a customer, who is a property owner or the agent of a property owner, requests disconnection of service when residential tenants reside at the premises, the company shall perform both of the following actions:
- (1) Provide at least a ten-day notice prior to the disconnection of service by mail to the residential tenants or by posting the notice in conspicuous places on the premises.
  - (2) Inform such customer of the customer's liability for all utility service consumed during the ten-day notice period.
- (L) Notwithstanding any notice requirement of a company under paragraph (K) of this rule and paragraph (A)(3)(d) of rule 4901:1-18-05 of the Administrative Code, a company will not be found to have violated these rules if:
- (1) The company uses reasonable efforts to determine the status of the customer/consumer as either a property owner, the agent of a property owner, or a tenant; or

- (2) The customer/consumer misrepresents the status of the customer/consumer as either a property owner, or the agent of a property owner, or tenant.

**4901:1-18-07 Appendices & Forms**

**4901:1-18-08 Waiver requests.**

The public utilities commission of Ohio may waive any rule or any part of a rule contained in this chapter of the Administrative Code for good cause upon its own motion or upon application by a company.

The application for a waiver shall include the specific rule(s) requested to be waived. If the request is to waive only a part or parts of a rule, then the application should identify the appropriate paragraphs, sections, or subsections to be waived. The waiver request shall provide sufficient explanation by rule, including advantages and possible disadvantages, to allow the commission to thoroughly evaluate the waiver request.

**4901:1-18-09 Residential natural gas bills.**

- (A) This rule applies to natural gas company bills that do not include any retail gas supplier charges. Requirements for natural gas consolidated billing appear in rule 4901:1-29-12 of the Administrative Code.
- (B) Bills issued by or for the natural gas company shall be accurate and rendered at regular intervals and shall contain clear and understandable form and language. Each bill shall display the following information:
  - (1) The customer's name, billing address, service address, and account number.
  - (2) The natural gas company's name and its payment address.
  - (3) The natural gas company's twenty-four hour, local or toll-free telephone number for reporting service emergencies.
  - (4) A statement that customers with bill questions or complaints should call or write the natural gas company first. The bill shall list the natural gas company's local or toll-free telephone number(s) and the address where a question or complaint may be sent.
  - (5) The following text:

"If your questions are not resolved after you have called (name of company), you may call the Public Utilities Commission of Ohio (PUCO) toll-free at 1-800-686-7826 or 1-614-466-3292, or for TDD/TTY toll-free at 1-800-686-1570 or 1-614-466-8180, from 8:00 a.m. to 5:00 p.m. weekdays, or visit the PUCO website at [www.PUCO.ohio.gov](http://www.PUCO.ohio.gov).

Residential customers may also call the Ohio Consumers' Counsel (OCC), toll-free at 1-877-742-5622 from 8:30 a.m. to 5:30 p.m. weekdays, or visit the OCC website at [www.pickocc.org](http://www.pickocc.org)."
  - (6) A rate schedule, if applicable.
  - (7) The dates of the service period covered by the bill.
  - (8) The billing determinants, if applicable:

- (a) Beginning meter reading(s),
  - (b) Ending meter reading(s),
  - (c) Demand meter reading(s),
  - (d) Multiplier(s),
  - (e) Consumption, and/or
  - (f) Demand(s).
- (9) The gas cost recovery rate expressed in dollars and cents per MCF or CCF.
  - (10) The total charge attributable to the gas cost recovery rate expressed in dollars and cents.
  - (11) The identification of estimated bills.
  - (12) The due date for payment.
  - (13) The total charges for current billing period.
  - (14) Any late payment charge or gross and net charges, if applicable.
  - (15) Any unpaid amounts due from previous bills, customer credits, and total amounts due and payable.
  - (16) The current balance of the account, if the residential customer is billed according to a budget plan.
  - (17) The current gas and electric charges separately, if the customer is billed for gas and electric service on the same bill.
  - (18) If applicable, each charge for non-tariffed, non-regulated service(s).
  - (19) Any nonrecurring charge(s).
  - (20) Any payment(s) or credit(s) applied to the account during the current billing period.
  - (21) If applicable, the percentage of income payment program (PIPP) billing information:
    - (a) Current PIPP payment,
    - (b) PIPP payments defaulted (i.e., past due),
    - (c) Total PIPP amount due, and
    - (d) Total account arrearage.
  - (22) An explanation of codes and abbreviations used.

- (23) If applicable, the name of the selected competitive retail natural gas supplier or governmental aggregator and a statement that such provider is responsible for billing the gas supplier charges.
  - (24) The customer's historical consumption during each of the preceding twelve months, with a total and average consumption for such twelve-month period.
  - (25) A prominently displayed "apples-to-apples" notice, if the company has a choice program.
  - (26) A statement, either appearing directly on the bill, in a bill insert, or as a separate mailing, of any payment arrangement agreed upon by the customer and the company.
  - (27) Other information required by Ohio law or commission rule or order.
- (C) A natural gas company proposing any new bill format shall file its proposed bill format with the commission for approval. If the commission does not act upon an application for sample bill approval within forty-five days, the sample bill shall be approved.
- (D) Each natural gas company shall maintain an appropriate listing of its customer service number(s) in the directory of each certified local telephone service provider operating in the natural gas company's service area.
- (E) Each natural gas company shall, upon request, provide customers with an updated list of the name and street address/location of the nearest payment center and/or local authorized agent, and alternative methods available for payment of customer bills. Customers shall not be charged more than two-times the cost of a first-class postage stamp for processing their payments by cash, check or money order at authorized agent locations.
- (F) When a customer pays a bill at the natural gas company's business office or to an authorized agent of the company, the payment, including any partial payment, shall be immediately credited to the customer's account where feasible and in any event be credited to the customer's account as of the date received at the business office or by the agent. No natural gas company shall disconnect service to a customer who pays to the company or an authorized agent of the company the total amount due (or an amount agreed upon between the natural gas company and the customer to prevent disconnection) on the account by the close of business on the disconnection date listed on the disconnection notice. Payment received by an authorized agent of the natural gas company shall constitute receipt of payment by the company.
- (G) Each natural gas company shall establish a written policy for its personnel at its business offices and for its authorized agents to handle billing disputes, requests for payment arrangements, and reporting payments to prevent disconnection of service. If these matters cannot be handled by an agent authorized to accept payments, the agent shall provide customers with the natural gas company's local or toll-free number.
- (H) Any natural gas company wishing to issue billing statements online shall comply with each of the following requirements:
- (1) A customer shall not be required to use online billing.
  - (2) No enrollment or usage fees shall be assessed to a customer who chooses to receive bills and/or customer information online.



- (3) The online billing statement shall include all requirements listed in paragraph (B) of this rule.
- (4) The company shall maintain a secure and encrypted site that is to be accessed only by the customer of record after completing a secure registration process.
- (5) Any fees to accept online payments shall be clearly disclosed in payment window(s).
- (6) Any payment made online shall be treated as a payment made at the company business office and shall be posted to the account in accordance with paragraph (F) of this rule. The time needed to post the payment to the account shall be clearly stated.
- (7) If a customer chooses to use online billing, the customer shall not be restricted to making payments online in the future. All payment methods shall continue to be available to the customer.

**4901:1-18-10 Combination utility companies.**

- (A) The residential customers and consumers of a combination utility company that provides both natural gas and electric service shall have the same rights pursuant to Chapter 4901:1-18 of the Administrative Code as customers and consumers who are served by separate natural gas and electric companies. In the event of disconnection or pending disconnection of both gas and electric services, a residential customer of a combination utility company has the right to choose to retain or have reconnected both utility services or one service, either gas or electric.
- (B) A combination utility company shall apply the payments from residential customers to their gas and electric accounts separately and shall apportion the payments based on the total balance for each service, including any arrearage plus the current month's charge(s). For purposes of applying these payments:
  - (1) For customers billed only for services provided by the combination utility company, the company shall apply payments first to past due amounts, then to current regulated charges, and finally to any non-regulated charges.
  - (2) For customers billed by the combination utility company for any competitive services provided by either a competitive retail natural gas supplier and/or a competitive retail electric provider, the company shall apply payments as provided for in paragraph (J) of rule 4901:1-29-12 and paragraph (H) of rule 4901:1-10-33 of the Administrative Code.
- (C) Whenever a residential customer receiving both gas and electric service from a combination utility company has received a disconnection of service notice, the company shall give the customer each of the following options:
  - (1) An extended payment plan for both gas and electric as provided for in rule 4901:1-18-04 of the Administrative Code.
  - (2) An extended payment plan to retain either gas or electric service as chosen by the customer. Such extended payment plan shall include an extended payment plan as provided in rule 4901:1-18-04 of the Administrative Code.
- (D) If a residential customer of a combination utility company who has entered into one extended payment plan for both gas and electric service receives a disconnection of service notice and notifies the company of an inability to pay the full amount due under

such plan, the company shall offer the customer, if eligible pursuant to paragraph (A) of rule 4901:1-18-04 of the Administrative Code, another payment plan to maintain both services. The company shall give the customer the opportunity to retain only one service by paying the defaulted payment plan portion attributable to that service and by continuing payment on the portion of the extended payment plan attributable to that service subject to paragraph (B) of rule 4901:1-18-05 of the Administrative Code.

- (E) If both the gas and electric service of a residential customer of a combination utility have been discontinued for nonpayment, the company shall reconnect both services, or either service, as designated by the customer, pursuant to rule 4901:1-18-06 of the Administrative Code.
- (F) The combination utility company shall in its disconnection of service notice, as provided for in Chapter 4901:1-18 of the Administrative Code, advise combination residential customers of their rights to select the service(s) for retention or reconnection as provided for in paragraphs (C), (D), and (E) of this rule. The notice shall state with specificity the conditions under which customers may exercise their rights and shall state the telephone number and business address of a company representative to be contacted to inquire about those rights.
- (G) For a customer who has received a disconnection of service notice and who contacts the combination utility company, the company shall inform the customer of the total past due amount for each service, and with respect to the extended payment plans available under this rule, the monthly payment due on the past due amount for each service.

**4901:1-18-11 Insufficient reasons for refusing or disconnecting service.**

The company shall not refuse service to or disconnect service to any applicant/customer for any of the following reasons:

- (A) Failure to pay for service furnished to a former customer unless the former customer and the new applicant for service continue to be members of the same household.
- (B) Failure to pay a nonresidential account.
- (C) Failure to pay any amount which is in bona fide dispute. Where the customer has registered a complaint with the commission's public interest center or filed a formal complaint with the commission which reasonably asserts a bona fide dispute, the company shall not disconnect service if the customer pays either the undisputed portion of the bill, if known or can reasonably be determined, or the amount billed for the same billing period in the previous year.
- (D) Failure to pay any non-regulated service charges.

**4901:1-18-12 Restrictive language prohibition.**

Except as provided in rules 4901:5-37 and 4901:5-25-06 of the Administrative Code or other commission-approved curtailment provisions, no natural gas company or electric distribution utility shall deny service to a prospective customer or discontinue service to a present customer because the company would be or is providing only auxiliary, stand-by or emergency service as an alternative energy source.

Upon application to and approval by the commission, a natural gas company or electric distribution utility may file a separate applicable tariff containing rates which reflect the costs incurred by that company to provide such services.

Duke Energy Ohio  
139 East Fourth Street  
Cincinnati, Ohio 45202

P.U.C.O. Electric No. 19  
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## RATE RS

### RESIDENTIAL SERVICE

#### APPLICABILITY

Applicable to electric service other than three phase service, for all domestic purposes in private residences and single occupancy apartments and separately metered common use areas of multi-occupancy buildings in the entire territory of the Company where distribution lines are adjacent to the premises to be served.

Residences where not more than two rooms are used for rental purposes will also be included. Where all dwelling units in a multi-occupancy building are served through one meter and the common use area is metered separately, the kilowatt-hour rate will be applied on a "per residence" or "per apartment" basis, however, the customer charge will be based on the number of installed meters.

Where a portion of a residential service is used for purposes of a commercial or public character, the applicable general service rate is applicable to all service. However, if the wiring is so arranged that the service for residential purposes can be metered separately, this Rate will be applied to the residential service, if the service qualifies hereunder.

For customers taking service under any or all of the provisions of this tariff schedule, this same schedule shall constitute the Company's Standard Service Offer.

#### TYPE OF SERVICE

Alternating current 60 Hz, single phase at Company's standard secondary voltage.

#### NET MONTHLY BILL

Computed in accordance with the following charges:

	<u>Summer Period</u>	<u>Winter Period</u>
1. Distribution Charges		
(a) Customer Charge	\$4.50 per month	\$4.50 per month
(b) Energy Charge		
First 1,000 kilowatt-hours	\$0.019949 per kWh	\$0.019949 per kWh
Additional kilowatt-hours	\$0.019949 per kWh	\$0.019949 per kWh

Filed pursuant to an Order dated March 29, 2006 in Case No. 06-407-GE-ATA before the Public Utilities Commission of Ohio.

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**NET MONTHLY BILL (Contd.)**

**2. Applicable Riders**

The following riders are applicable pursuant to the specific terms contained within each rider:

Sheet No. 57, Rider TCR, Transmission Cost Recovery Rider  
Sheet No. 80, Rider RGR, Residential Generation Rider  
Sheet No. 81, Rider EER, Energy Efficiency Revolving Loan Program Rider  
Sheet No. 83, Rider OET, Ohio Excise Tax Rider  
Sheet No. 84, Rider RTC, Regulatory Transition Charge Rider  
Sheet No. 85, Rider SC, Shopping Credit Rider  
Sheet No. 86, Rider USR, Universal Service Fund Rider  
Sheet No. 89, Rider AG, Optional Alternative Generation Rider

Effective January 1, 2006 the following additional riders apply:

Sheet No. 51, Rider AAC, Annually Adjusted Component Rider  
Sheet No. 52, Rider DSMR, Demand Side Management Cost Recovery Rider  
Sheet No. 53, Rider FPP, Fuel and Economy Purchased Power Rider  
Sheet No. 54, Rider IMF, Infrastructure Maintenance Fund Rider  
Sheet No. 55, Rider RSC, Rate Stabilization Charge Rider  
Sheet No. 56, Rider SRT, System Reliability Tracker  
Sheet No. 59, Rider RSS, Rate Stabilization Surcredit Rider  
Sheet No. 103, Rider MSR-E, Merger Savings Credit Rider-Electric

**3. Generation Charges**

	<u>Summer Period</u>	<u>Winter Period</u>
Energy Charge		
First 1,000 kilowatt-hours	\$0.050664 per kWh	\$0.050664 per kWh
Additional kilowatt-hours	\$0.063534 per kWh	\$0.020546 per kWh

The Generation Charges listed above are applicable to all residential customers including those customers who receive their energy from a Certified Supplier, through December 31, 2005. Effective with the first billing cycle in January 2006, the following generation charges are applicable to all customers except those customers who receive their energy from a Certified Supplier:

	<u>Summer Period</u>	<u>Winter Period</u>
Energy Charge		
First 1,000 kilowatt-hours	\$0.037553 per kWh	\$0.037553 per kWh
Additional kilowatt-hours	\$0.047581 per kWh	\$0.014169 per kWh

**MINIMUM CHARGE**

The minimum charge shall be the Customer Charge as stated above.

**BILLING PERIODS**

For purposes of administration of the above charges, the summer period is defined as that period represented by the Company's billing for the four (4) revenue months of June through September. The winter period is defined as that period represented by the Company's billing for the eight (8) revenue months of January through May and October through December.

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**LATE PAYMENT CHARGE**

Payment of the total amount due must be received in the Company's office by the due date shown on the bill. When not so paid, an additional amount equal to one and one-half percent (1.5%) of the unpaid balance is due and payable.

The late payment charge is not applicable to:

- Unpaid account balances of customers enrolled in income payment plans pursuant to Section 4901:1-18-04(B), Ohio Administrative Code; and
- Unpaid account balances for services received from a Certified Supplier.

**TERMS AND CONDITIONS**

This rate is available upon application in accordance with the Company's Service Regulations.

The supplying and billing for service and all conditions applying thereto, are subject to the jurisdiction of the Public Utilities Commission of Ohio, and to the Company's Service Regulations currently in effect, as filed with the Public Utilities Commission of Ohio.

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## RATE ORH

### OPTIONAL RESIDENTIAL SERVICE WITH ELECTRIC SPACE HEATING

#### APPLICABILITY

Applicable to electric service, other than three phase service, used for all domestic purposes in private residences and single occupancy apartments where permanently connected electric heating equipment is installed and in regular use as the primary source of qualified space heating in the entire territory of the Company where distribution lines are adjacent to the premises to be served. In addition, the customer will be required to pay an amount equal to the current installed cost of demand metering equipment in excess of the current installed cost of standard watt-hour metering equipment. All metering equipment shall remain the property of the Company. The Company shall be responsible for the installation, operation, maintenance, testing, replacement and removal of metering equipment.

This rate is only available as Company demand meters are installed on the customer's premises. Due to the limited availability of metering equipment and Company personnel, a demand meter will be installed as metering equipment and Company personnel are available.

Where a portion of a residential service is used for purposes of a commercial or public character, the applicable general service rate is applicable to all service. However, if the wiring is so arranged that the service for residential purposes can be metered separately, this Rate will be applied to the residential service, if the service qualifies hereunder.

For customers taking service under any or all of the provisions of this tariff schedule, this same schedule shall constitute the Company's Standard Service Offer.

#### TYPE OF SERVICE

Alternating current 60 Hz, single phase at Company's standard secondary voltage.

#### NET MONTHLY BILL

Computed in accordance with the following charges:

	<u>Summer Period</u>	<u>Winter Period</u>
1. Distribution Charges		
(a) Customer Charge	\$4.50 per month	\$4.50 per month
(b) Energy Charge		
First 1,000 kilowatt-hours	\$0.023426 per kWh	\$0.023426 per kWh
Additional kilowatt-hours	\$0.027749 per kWh	\$0.012939 per kWh
In excess of 150 times Customer's		
Monthly Demand	\$0.027749 per kWh	\$0.008723 per kWh

Filed pursuant to an Order dated March 29, 2006 in Case No. 06-407-GE-ATA before the Public Utilities Commission of Ohio.

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**NET MONTHLY BILL (Contd.)**

**2. Applicable Riders**

The following riders are applicable pursuant to the specific terms contained within each rider:

Sheet No. 57, Rider TCR, Transmission Cost Recovery Rider  
Sheet No. 80, Rider RGR, Residential Generation Rider  
Sheet No. 81, Rider EER, Energy Efficiency Revolving Loan Program Rider  
Sheet No. 83, Rider OET, Ohio Excise Tax Rider  
Sheet No. 84, Rider RTC, Regulatory Transition Charge Rider  
Sheet No. 85, Rider SC Shopping Credit Rider  
Sheet No. 86, Rider USR, Universal Service Fund Rider  
Sheet No. 89, Rider AG, Optional Alternative Generation Rider

Effective January 1, 2006 the following additional riders apply:

Sheet No. 51, Rider AAC, Annually Adjusted Component Rider  
Sheet No. 52, Rider DSMR, Demand Side Management Cost Recovery Rider  
Sheet No. 53, Rider FPP, Fuel and Economy Purchased Power Rider  
Sheet No. 54, Rider IMF, Infrastructure Maintenance Fund Rider  
Sheet No. 55, Rider RSC, Rate Stabilization Charge Rider  
Sheet No. 56, Rider SRT, System Reliability Tracker  
Sheet No. 59, Rider RSS, Rate Stabilization Surcredit Rider  
Sheet No. 103, Rider MSR-E, Merger Savings Credit Rider

	<u>Summer Period</u>	<u>Winter Period</u>
<b>3. Generation Charges</b>		
Energy Charge		
First 1,000 kilowatt-hours	\$0.047202 per kWh	\$0.047200 per kWh
Additional kilowatt-hours	\$0.056310 per kWh	\$0.025057 per kWh
In excess of 150 times Customer's Monthly Demand	\$0.056310 per kWh	\$0.016156 per kWh

The Generation Charges listed above are applicable to all residential customers, including those customers who receive their energy from a Certified Supplier, through December 31, 2005. Effective January 1, 2006 the following generation charges are applicable to all customers except those customers who receive their energy from a Certified Supplier:

	<u>Summer Period</u>	<u>Winter Period</u>
<b>Generation Charges</b>		
Energy Charge		
First 1,000 kilowatt-hours	\$0.033526 per kWh	\$0.033524 per kWh
Additional kilowatt-hours	\$0.040176 per kWh	\$0.017354 per kWh
In excess of 150 times Customer's Monthly Demand	\$0.040176 per kWh	\$0.010855 per kWh

**MINIMUM CHARGE**

The minimum charge shall be the Customer Charge as stated above.

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#### **BILLING PERIODS**

For purposes of administration of the above charges, the summer period is defined as that period represented by the Company's billing for the four (4) revenue months of June through September. The winter period is defined as the period represented by the Company's billing for the eight (8) revenue months of January through May and October through December.

#### **DEMAND**

Customer's monthly demand will be the kilowatts as determined from the Company's demand metering equipment for the fifteen (15) minute period of customer's greatest use in each month during the winter period.

Minimum demand shall be ten (10) kilowatts.

#### **QUALIFIED SPACE HEATING**

"Qualified" space heating is the heating of residential living quarters primarily through the regular use of permanently connected electric heating equipment, the installation of which meets the Company's specifications.

#### **LATE PAYMENT CHARGE**

Payment of the total amount due must be received in the Company's office by the due date shown on the bill. When not so paid, an additional amount equal to one and one-half percent (1.5%) of the unpaid balance is due and payable.

The late payment charge is not applicable to:

- Unpaid account balances of customers enrolled in income payment plans pursuant to Section 4901:1-18-04(B), Ohio Administrative Code; and
- Unpaid account balances for services received from a Certified Supplier.

#### **TERMS AND CONDITIONS**

This rate is available upon application in accordance with the Company's Service Regulations and the minimum contract period shall be one (1) year terminable thereafter on thirty (30) days written notice by either the customer or the Company.

The supplying and billing for service and all conditions applying thereto, are subject to the jurisdiction of the Public Utilities Commission of Ohio, and to Company's Service Regulations currently in effect, as filed with the Public Utilities Commission of Ohio.

Filed pursuant to an Order dated March 29, 2006 in Case No. 06-407-GE-ATA before the Public Utilities Commission of Ohio.

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## **RATE HEC**

### **HOME ENERGY CHECK-UP SERVICE PROGRAM**

#### **PROGRAM DESCRIPTION**

Upon request of an eligible customer, the Company shall provide an on-site energy audit for a charge of \$15.00. The customer shall remit the amount prior to the performance of the audit.

Company will provide only one (1) Energy Audit hereunder for an eligible customer for the same premises. Successors will be classified as an eligible customer.

In the case of duplicate audits, the customer shall be provided an estimate of those direct costs which the utility intends to assess, and shall pay the total direct costs.

If the service requested by the customer is not performed, all money remitted by the customer for the HEC Program shall be refunded to such customer.

#### **ELIGIBLE CUSTOMER**

An eligible customer means any single family residence or multi-family unit, individually or centrally heated, serving up to four (4) units.

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## RATE TD

### OPTIONAL TIME-OF-DAY RATE FOR RESIDENTIAL SERVICE

#### APPLICABILITY

Applicable to electric service other than three phase service for all domestic purposes in private residences and single occupancy apartments in the entire territory of the Company where distribution lines are adjacent to the premises to be served. This rate is available only as Company demand meters with programmable time-of-day registers are installed on the customer's premises.

For customers taking service under any or all of the provisions of this tariff schedule, this same schedule shall constitute the Company's Standard Service Offer.

#### NET MONTHLY BILL

Computed in accordance with the following charges:

	<u>Summer Period</u>	<u>Winter Period</u>
1. Distribution Charges		
(a) Customer Charge	\$13.00 per month	\$13.00 per month
(b) Energy Charge		
On Peak kilowatt-hours	\$0.037141 per kWh	\$0.029514 per kWh
Off Peak kilowatt-hours	\$0.006479 per kWh	\$0.006474 per kWh

#### 2. Applicable Riders

The following riders are applicable pursuant to the specific terms contained within each rider:

Sheet No. 57, Rider TCR, Transmission Cost Recovery Rider  
Sheet No. 80, Rider RGR, Residential Generation Rider  
Sheet No. 81, Rider EER, Energy Efficiency Revolving Loan Program Rider  
Sheet No. 83, Rider OET, Ohio Excise Tax Rider  
Sheet No. 84, Rider RTC, Regulatory Transition Charge Rider  
Sheet No. 85, Rider SC, Shopping Credit Rider  
Sheet No. 86, Rider USR, Universal Service Fund Rider  
Sheet No. 89, Rider AG, Optional Alternative Generation Rider

Effective January 1, 2006 for residential customers, the following additional riders apply:

Sheet No. 51, Rider AAC, Annually Adjusted Component Rider  
Sheet No. 52, Rider DSMR, Demand Side Management Cost Recovery Rider  
Sheet No. 53, Rider FPP, Fuel and Economy Purchased Power Rider  
Sheet No. 54, Rider IMF, Infrastructure Maintenance Fund Rider  
Sheet No. 55, Rider RSC, Rate Stabilization Charge Rider  
Sheet No. 56, Rider SRT, System Reliability Tracker  
Sheet No. 59, Rider RSS, Rate Stabilization Surcredit Rider  
Sheet No. 103, Rider MSR-E, Merger Savings Credit Rider-Electric

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**NET MONTHLY BILL (Contd.)**

**3. Generation Charges**

	<u>Summer Period</u>	<u>Winter Period</u>
Energy Charge		
On Peak kilowatt-hours	\$0.106570 per kWh	\$0.084072 per kWh
Off Peak kilowatt-hours	\$0.016734 per kWh	\$0.016739 per kWh

The Generation Charges listed above are applicable to all residential customers, including those customers who receive their energy from a Certified Supplier, through December 31, 2005. Effective January 1, 2006 for residential customers, the following generation charges are applicable to all customers except those customers who receive their energy from a Certified Supplier:

	<u>Summer Period</u>	<u>Winter Period</u>
Energy Charge		
On Peak kilowatt-hours	\$0.076567 per kWh	\$0.060189 per kWh
Off Peak kilowatt-hours	\$0.011183 per kWh	\$0.011187 per kWh

**MINIMUM CHARGE**

The minimum charge shall be the Customer Charge as stated above.

**BILLING PERIODS**

For purposes of administration of the above charges, the summer period is defined as that period represented by the Company's billing for the four (4) revenue months of June through September. The winter period is defined as that period represented by the Company's billing for the eight (8) revenue months of January through May and October through December.

**RATING PERIODS**

The rating periods applicable to the above kilowatt-hour charges are as follows:

- a) Summer On Peak Period - 11:00 a.m. to 8:00 p.m. Monday through Friday, excluding holidays.
- b) Winter On Peak Period - 9:00 a.m. to 2:00 p.m. and 5:00 p.m. to 9:00 p.m. Monday through Friday, excluding holidays.
- c) Off Peak Period - All hours Monday through Friday not included above plus all day Saturday and Sunday as well as New Year's Day, President's Day, Good Friday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veteran's Day, Thanksgiving Day and Christmas Day or on the day nationally designated to be celebrated as such with the exception that if the foregoing holidays occur on a Sunday, the following Monday is considered a holiday.

**LATE PAYMENT CHARGE**

Payment of the total amount due must be received in the Company's office by the due date shown on the bill. When not so paid, an additional amount equal to one and one-half percent (1.5%) of the unpaid balance is due and payable. The late payment charge is not applicable to unpaid account balances for services received from a Certified Supplier.

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**TERMS AND CONDITIONS**

This rate is available upon application in accordance with the Company's Service Regulations.

The initial term of service under this rate is three (3) years. If the customer desires to cancel service under this tariff within three (3) years, a termination fee may be charged by the Company. The termination fee will be determined by applying the above Customer Charge times the remaining months of the initial service agreement.

Where the Company is denied access to read the customer's time-of-day meter for more than two (2) consecutive months, the Company may, after notifying the customer, place the customer on the Company's standard residential rate. If the Company moves the customer to the standard rate, the customer shall not be billed for the termination fee.

The supplying and billing for service and all conditions applying thereto, are subject to the jurisdiction of the Public Utilities Commission of Ohio, and to Company's Service Regulations currently in effect, as filed with the Public Utilities Commission of Ohio.

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## RATE CUR

### COMMON USE RESIDENTIAL SERVICE

#### APPLICABILITY

Applicable to electric service other than three phase service for separately metered common use areas of multi-occupancy buildings in the entire territory of the Company where distribution lines are adjacent to the premises to be served.

For customers taking service under any or all of the provisions of this tariff schedule, this same schedule shall constitute the Company's Standard Service Offer.

#### TYPE OF SERVICE

Alternating current 60 Hz, single phase at Company's standard secondary voltage.

#### NET MONTHLY BILL

Computed in accordance with the following charges:

	<u>Summer Period</u>	<u>Winter Period</u>
1. Distribution Charges		
(a) Customer Charge	\$4.50 per month	\$4.50 per month
(b) Energy Charge		
First 1,000 kilowatt-hours	\$0.019949 per kWh	\$0.019949 per kWh
Additional kilowatt-hours	\$0.019949 per kWh	\$0.019949 per kWh

#### 2. Applicable Riders

The following riders are applicable pursuant to the specific terms contained within each rider:

Sheet No. 51, Rider AAC, Annually Adjusted Component Rider  
Sheet No. 52, Rider DSMR, Demand Side Management Cost Recovery Rider  
Sheet No. 53, Rider FPP, Fuel and Economy Purchased Power Rider  
Sheet No. 54, Rider IMF, Infrastructure Maintenance Fund Rider  
Sheet No. 55, Rider RSC, Rate Stabilization Charge Rider  
Sheet No. 56, Rider SRT, System Reliability Tracker  
Sheet No. 57, Rider TCR, Transmission Cost Recovery Rider  
Sheet No. 58, Rider DRI, Distribution Reliability Investment Rider  
Sheet No. 59, Rider RSS, Rate Stabilization Surcredit Rider  
Sheet No. 81, Rider EER, Energy Efficiency Revolving Loan Program Rider  
Sheet No. 83, Rider OET, Ohio Excise Tax Rider  
Sheet No. 84, Rider RTC, Regulatory Transition Charge Rider  
Sheet No. 85, Rider SC, Shopping Credit Rider  
Sheet No. 86, Rider USR, Universal Service Fund Rider  
Sheet No. 89, Rider AG, Optional Alternative Generation Rider  
Sheet No. 103, Rider MSR-E, Merger Savings Credit Rider

Filed pursuant to an Order dated March 29, 2006 in Case No. 06-407-GE-ATA before the Public Utilities Commission of Ohio.

Issued: March 31, 2006

Effective: April 3, 2006

Issued by Sandra P. Meyer, President

Duke Energy Ohio  
139 East Fourth Street  
Cincinnati, Ohio 45202

P.U.C.O. Electric No. 19  
Sheet No. 34.3  
Cancels and Supersedes  
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**NET MONTHLY BILL (Contd.)**

3. **Market Price Generation Charges – Market Based Standard Service Offer**

Effective January 1, 2005 the following generation charges are applicable to all customers except those customers who receive their energy from a Certified Supplier:

	<u>Summer Period</u>	<u>Winter Period</u>
Demand Related Component		
First 1,000 kilowatt-hours	\$0.019579 per kWh	\$0.019579 per kWh
Additional kilowatt-hours	\$0.024807 per kWh	\$0.007387 per kWh
Energy Related Component		
First 1,000 kilowatt-hours	\$0.017974 per kWh	\$0.017974 per kWh
Additional kilowatt-hours	\$0.022774 per kWh	\$0.006782 per kWh

Customers who return to the Company's energy supply after January 2, 2005, will be billed for generation service for each hour at the higher of the following:

1. The demand-related component of the Market Price Generation Charge, plus the energy-related component of the Market Price Generation Charge, plus Rider FPP, or
2. The demand-related component of the Market Price Generation Charge, plus the incremental dispatch cost of the highest cost generation unit/purchased power to serve Duke Energy Ohio load.

The Generation Charges listed above are applicable to all customers following the end of the Market Development Period except those customers that switch to a Certified Supplier for their generation service after the end of the Market Development Period. For customers who are procuring their energy supply from a Certified Supplier and receiving a shopping credit at the end of the Market Development Period, the Generation Charges shown below will continue to apply until December 31, 2005. (See definition of Market Development Period in the Company's Electric Service Regulations, Section VI, Item 7).

	<u>Summer Period</u>	<u>Winter Period</u>
Energy Charge		
First 1,000 kilowatt-hours	\$0.050664 per kWh	\$0.050664 per kWh
Additional kilowatt-hours	\$0.063534 per kWh	\$0.020546 per kWh

**MINIMUM CHARGE**

The minimum charge shall be the Customer Charge as stated above.

**BILLING PERIODS**

For purposes of administration of the above charges, the summer period is defined as that period represented by the Company's billing for the four (4) revenue months of June through September. The winter period is defined as that period represented by the Company's billing for the eight (8) revenue months of January through May and October through December.

Filed pursuant to an Order dated March 29, 2006 in Case No. 06-407-GE-ATA before the Public Utilities Commission of Ohio.

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**LATE PAYMENT CHARGE**

Payment of the total amount due must be received in the Company's office by the due date shown on the bill. When not so paid, an additional amount equal to one and one-half percent (1.5%) of the unpaid balance is due and payable.

The late payment charge is not applicable to:

- Unpaid account balances for services received from a Certified Supplier.

**TERMS AND CONDITIONS**

This rate is available upon application in accordance with the Company's Service Regulations.

The supplying and billing for service and all conditions applying thereto, are subject to the jurisdiction of the Public Utilities Commission of Ohio, and to the Company's Service Regulations currently in effect, as filed with the Public Utilities Commission of Ohio.

Filed pursuant to an Order dated March 29, 2006 in Case No. 06-407-GE-ATA before the Public Utilities Commission of Ohio.

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**RATE DS**

**SERVICE AT SECONDARY DISTRIBUTION VOLTAGE**

**APPLICABILITY**

Applicable to electric service for usual customer load requirements is available to a customer only where the Company specifies service at the standard secondary system voltage and where the Company determines that facilities of adequate capacity are available and adjacent to the premises to be served and the Company determines that the customers average monthly demand is greater than 15 kilowatts. Electric service must be supplied at one point of delivery.

For customers taking service under any or all of the provisions of this tariff schedule, this same schedule shall constitute the Company's Standard Service Offer.

**TYPE OF SERVICE**

Alternating current 60 Hz, single phase or three phase, at Company's standard distribution voltage.

**NET MONTHLY BILL**

Computed in accordance with the following charges provided, however, that the minimum monthly load factor, expressed as hours-use per month, shall not be less than 71 kWh per kW. When applicable, the minimum monthly load factor shall be achieved by calculating the billing demand as the monthly kWh usage divided by 71 (kilowatt of demand is abbreviated as kW and kilowatt-hours are abbreviated as kWh):

**1. Distribution Charges**

**(a) Customer Charge per month**

Single Phase Service	\$ 7.50
Single and/or Three Phase Service	\$15.00

**(b) Demand Charge**

All kilowatts	\$ 3.7908 per kW
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**2. Applicable Riders**

The following riders are applicable pursuant to the specific terms contained within each rider:

Sheet No. 51, Rider AAC, Annually Adjusted Component Rider  
Sheet No. 52, Rider DSMR, Demand Side Management Cost Recovery Rider  
Sheet No. 53, Rider FPP, Fuel and Economy Purchased Power Rider  
Sheet No. 54, Rider IMF, Infrastructure Maintenance Fund Rider  
Sheet No. 55, Rider RSC, Rate Stabilization Charge Rider  
Sheet No. 56, Rider SRT, System Reliability Tracker  
Sheet No. 57, Rider TCR, Transmission Cost Recovery Rider  
Sheet No. 58, Rider DRI, Distribution Reliability Investment Rider  
Sheet No. 59, Rider RSS, Rate Stabilization Surcredit Rider  
Sheet No. 81, Rider EER, Energy Efficiency Revolving Loan Program Rider  
Sheet No. 83, Rider OET, Ohio Excise Tax Rider  
Sheet No. 84, Rider RTC, Regulatory Transition Charge Rider  
Sheet No. 85, Rider SC, Shopping Credit Rider  
Sheet No. 86, Rider USR, Universal Service Fund Rider  
Sheet No. 103, Rider MSR-E, Merger Savings Credit Rider-Electric

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**NET MONTHLY BILL (Contd.)**

**3. Market Price Generation Charges – Market Based Standard Service Offer**

(a) Demand Charge	
First 1,000 kilowatts	\$6.5088 per kW
Additional kilowatts	\$5.1488 per kW
(b) Energy Charge	
Billing Demand times 300	\$0.016640 per kWh
Additional kWh	\$0.013826 per kWh

The Generation Charges listed above are applicable to all customers except those customers that switch to a Certified Supplier for their generation service. For customers who are procuring their energy supply from a Certified Supplier and receiving a shopping credit on December 31, 2004, the Generation Charges shown below will continue to apply until December 31, 2005.

Customers who return to the Company's energy supply after January 2, 2005, will be billed for generation service for each hour at the higher of the following:

1. The demand-related component of the Market Price Generation Charge, plus the energy-related component of the Market Price Generation Charge, plus Rider FPP, or
2. The demand-related component of the Market Price Generation Charge, plus the incremental dispatch cost of the highest cost generation unit/purchased power to serve Duke Energy Ohio load.

The following Generation Charges apply to customers receiving a Shopping Credit during 2005:

(a) Demand Charge	
First 1,000 kilowatts	\$7.8574 per kW
Additional kilowatts	\$6.0574 per kW
(b) Energy Charge	
Billing Demand times 300	\$0.028568 per kWh
Additional kWh	\$0.016366 per kWh

When both single and three phase secondary voltage services are required by a Distribution customer, the monthly kilowatt-hour usage and kilowatt demands shall be the respective arithmetical sums of both services.

**MINIMUM BILL PROVISION**

The minimum bill shall be 85% of the highest monthly kilowatt demand as established in the summer period and effective for the next succeeding eleven (11) months plus the Customer Charge.

In no case, however, shall the minimum bill be less than the Customer Charge.

**METERING**

The Company may meter at secondary or primary voltage as circumstances warrant. If the Company elects to meter at primary voltage, the kilowatt-hours registered on the Company's meter will be reduced one and one-half (1.5) percent for billing purposes.

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#### **DEMAND**

The demand shall be the kilowatts derived from the Company's demand meter for the fifteen-minute period of customer's greatest use during the billing period, as determined by the Company, adjusted for power factor, as provided herein. At the Company's option, a demand meter may not be installed if the nature of the load clearly indicates the load will have a constant demand, in which case the demand will be the calculated demand.

In no event will the billing demand be taken as less than the higher of the following:

- a) 85% of the highest monthly kilowatt demand as established in the summer period and effective for the next succeeding eleven (11) months; or
- b) One (1) kilowatt for each single phase meter and five (5) kilowatts for each three phase meter.

The Company may re-determine customer's billing demand at any time in recognition of a permanent change in load due to such occurrences as the installation of load control equipment or a temporary change due to malfunctions of such equipment.

If a customer requests reconnection of an account within twelve (12) months of a disconnection order, the customer's demand record for the period of disconnection will be re-established for purposes of billing and administration of the preceding clause.

For purposes of administration of the above clause, the summer period is defined as that period represented by the Company's billing for the four (4) revenue months of June through September. The winter period is defined as that period represented by the Company's billing for the eight (8) revenue months of January through May and October through December.

#### **POWER FACTOR ADJUSTMENT**

The power factor to be maintained shall be not less than 90% lagging. If the Company determines customer's power factor to be less than 90%, the billing demand will be the number of kilowatts equal to the kilovolt amperes multiplied by 0.90.

Power factor may be determined by the following methods, at the Company's option:

- a) Continuous measurement
  - the power factor, as determined during the interval in which the maximum kW demand is established, will be used for billing purposes; or
- b) Testing
  - the power factor, as determined during a period in which the customer's measured kW demand is not less than 90% of the measured maximum kW demand of the preceding billing period, will be used for billing purposes until superseded by a power factor determined by a subsequent test made at the direction of Company or request of customer.

#### **LATE PAYMENT CHARGE**

Payment of the total amount due must be received in the Company's office by the due date shown on the bill. When not so paid, an additional amount equal to one and one-half percent (1.5%) of the unpaid balance is due and payable. The late payment charge is not applicable to unpaid account balances for services received from a Certified Supplier.

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**TERMS AND CONDITIONS**

The initial term of contract shall be for a minimum period of three (3) years terminable thereafter by a minimum notice of either the customer or the Company as prescribed by the Company's Service Regulations.

The Company is not obligated to extend, expand or rearrange its transmission system voltage if it determines that existing distribution and/or transmission facilities are of adequate capacity to serve the customer's load.

If the Company offers to provide the necessary facilities for transmission service, in accordance with its Service Regulations, an annual facilities charge, applicable to such additional facilities, is established at twenty (20) percent of actual cost. The annual facilities charge shall be billed in twelve monthly installments to be added to the demand charge.

**SERVICE REGULATIONS**

The supplying and billing for service and all conditions applying thereto, are subject to the jurisdiction of the Public Utilities Commission of Ohio, and to the Company's Service Regulations currently in effect, as filed with the Public Utilities Commission of Ohio.

Filed pursuant to an Order dated March 29, 2006 in Case No. 06-407-GE-ATA before the Public Utilities Commission of Ohio.

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139 East Fourth Street  
Cincinnati, Ohio 45202

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## **RATE GS-FL**

### **OPTIONAL UNMETERED GENERAL SERVICE RATE FOR SMALL FIXED LOADS**

#### **APPLICABILITY**

Applicable to electric service in the Company's entire territory where secondary distribution lines exist for any fixed electric load that can be served by a standard service drop from the Company's existing secondary distribution system.

For customers taking service under any or all of the provisions of this tariff schedule, this same schedule shall constitute the Company's Standard Service Offer.

#### **TYPE OF SERVICE**

Alternating current 60 Hz, at nominal voltages of 120, 120/240 or 120/208 volts, single phase, unmetered. Service of other characteristics, where available, may be furnished at the option of the Company.

#### **NET MONTHLY BILL**

Computed in accordance with the following charges:

1. Distribution Charges

- (a) For loads based on a range of 540 to 720 hours use per month of the rated capacity of the connected equipment \$0.015329 per kWh
- (b) For loads of less than 540 hours use per month of the rated capacity of the connected equipment \$0.017587 per kWh

2. Applicable Riders

The following riders are applicable pursuant to the specific terms contained within each rider:

Sheet No. 51, Rider AAC, Annually Adjusted Component Rider  
Sheet No. 52, Rider DSMR, Demand Side Management Cost Recovery Rider  
Sheet No. 53, Rider FPP, Fuel and Economy Purchased Power Rider  
Sheet No. 54, Rider IMF, Infrastructure Maintenance Fund Rider  
Sheet No. 55, Rider RSC, Rate Stabilization Charge Rider  
Sheet No. 56, Rider SRT, System Reliability Tracker  
Sheet No. 57, Rider TCR, Transmission Cost Recovery Rider  
Sheet No. 58, Rider DRI, Distribution Reliability Investment Rider  
Sheet No. 59, Rider RSS, Rate Stabilization Surcredit Rider  
Sheet No. 81, Rider EER, Energy Efficiency Revolving Loan Program Rider  
Sheet No. 83, Rider OET, Ohio Excise Tax Rider  
Sheet No. 84, Rider RTC, Regulatory Transition Charge Rider  
Sheet No. 85, Rider SC, Shopping Credit Rider  
Sheet No. 86, Rider USR, Universal Service Fund Rider  
Sheet No. 103, Rider MSR-E, Merger Savings Credit Rider-Electric

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Duke Energy Ohio  
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Cincinnati, Ohio 45202

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**NET MONTHLY BILL (Contd.)**

**3. Market Price Generation Charges – Market Based Standard Service Offer**

**Demand Related Component**

For loads based on a range of 540 to 720 hours use per month of the  
rated capacity of the connected equipment \$0.032501 per kWh

For loads of less than 540 hours use per month of the rated capacity of  
the connected equipment \$0.037360 per kWh

**Energy Related Component**

For loads based on a range of 540 to 720 hours use per month of the  
rated capacity of the connected equipment \$0.022784 per kWh

For loads of less than 540 hours use per month of the rated capacity of  
the connected equipment \$0.026190 per kWh

The Generation Charges listed above are applicable to all customers except those customers that switch to a Certified Supplier for their generation service. For customers who are procuring their energy supply from a Certified Supplier and receiving a shopping credit on December 31, 2004, the Generation Charges shown below will continue to apply until December 31, 2005.

Customers who return to the Company's energy supply after January 2, 2005, will be billed for generation service for each hour at the higher of the following:

1. The demand-related component of the Market Price Generation Charge, plus the energy-related component of the Market Price Generation Charge, plus Rider FPP, or
2. The demand-related component of the Market Price Generation Charge, plus the incremental dispatch cost of the highest cost generation unit/purchased power to serve Duke Energy Ohio load.

The following Generation Charges apply to customers receiving a Shopping Credit during 2005:

**Energy Charge**

For loads based on a range of 540 to 720 hours use per month of the  
rated capacity of the connected equipment \$0.071760 per kWh

For loads of less than 540 hours use per month of the rated capacity of  
the connected equipment \$0.081484 per kWh

**MINIMUM CHARGE**

The minimum charge shall be \$5.00 per Fixed Load Location per month.

**LATE PAYMENT CHARGE**

Payment of the total amount due must be received in the Company's office by the due date shown on the bill. When not so paid, an additional amount equal to one and one-half percent (1.5%) of the unpaid balance is due and payable. The late payment charge is not applicable to unpaid account balances for services received from a Certified Supplier.

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**SERVICE PROVISIONS**

1. Each separate point of delivery of service shall be considered a Fixed Load Location.
2. Only one supply service will be provided to a customer under this Schedule as one Fixed Load Location.
3. The customer shall furnish switching equipment satisfactory to the Company.
4. The customer shall notify the Company in advance of every change in connected load, and the Company reserves the right to inspect the customer's equipment at any time to verify the actual load. In the event of the customer's failure to notify the Company of an increase in load, the Company reserves the right to refuse to serve the Fixed Load thereafter under this Schedule, and shall be entitled to bill the customer retroactively on the basis of the increased load for the full period such load was connected.

**TERM OF SERVICE**

One (1) year, terminable thereafter on thirty (30) days written notice by either customer or Company.

**SERVICE REGULATIONS**

The supplying of, and billing for, service and all conditions applying thereto, are subject to the jurisdiction of the Public Utilities Commission of Ohio, and to the Company's Service Regulations currently in effect, as filed with the Public Utilities Commission of Ohio.

Filed pursuant to an Order dated March 24, 2006 in Case No. 06-407-GE-ATA before the Public Utilities Commission of Ohio.

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**RATE EH**

**OPTIONAL RATE FOR ELECTRIC SPACE HEATING**

**APPLICABILITY**

Applicable to electric service for heating when customer's wiring is so arranged that heating service can be furnished at one point of delivery and can be metered separately from all other types of service or to any public school, parochial school, private school, or church when supplied at one point of delivery, provided permanently connected and regularly used electrical equipment is installed in compliance with the Company specifications as the primary source of heating or heating and cooling the atmosphere to temperatures of human comfort; and provided all other electrical energy requirements are purchased from the Company. For the purpose of the administration of this tariff schedule, primary source is defined as at least 90 percent. No single water-heating unit shall be wired that the demand established by it can exceed 5.5 kilowatts unless approved by the Company.

For customers taking service under any or all of the provisions of this tariff schedule, this same schedule shall constitute the Company's Standard Service Offer.

**TYPE OF SERVICE**

Alternating current 60 Hz, single or three phase at Company's standard secondary voltage.

**NET MONTHLY BILL**

Computed in accordance with the following charges:

Winter Period:

1. Distribution Charges

(a) Customer Charge per month

Single Phase Service	\$ 7.50
Three Phase Service	\$ 15.00
Primary Voltage Service	\$150.00

(b) Energy Charge

All kilowatt-hours	\$0.011356 per kWh
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**NET MONTHLY BILL (Contd.)**

**2. Applicable Riders**

The following riders are applicable pursuant to the specific terms contained within each rider:

Sheet No. 51, Rider AAC, Annually Adjusted Component Rider  
Sheet No. 52, Rider DSMR, Demand Side Management Cost Recovery Rider  
Sheet No. 53, Rider FPP, Fuel and Economy Purchased Power Rider  
Sheet No. 54, Rider IMF, Infrastructure Maintenance Fund Rider  
Sheet No. 55, Rider RSC, Rate Stabilization Charge Rider  
Sheet No. 56, Rider SRT, System Reliability Tracker  
Sheet No. 57, Rider TCR, Transmission Cost Recovery Rider  
Sheet No. 58, Rider DRI, Distribution Reliability Investment Rider  
Sheet No. 59, Rider RSS, Rate Stabilization Surcredit Rider  
Sheet No. 81, Rider EER, Energy Efficiency Revolving Loan Program Rider  
Sheet No. 83, Rider OET, Ohio Excise Tax Rider  
Sheet No. 84, Rider RTC, Regulatory Transition Charge Rider  
Sheet No. 85, Rider SC, Shopping Credit Rider  
Sheet No. 86, Rider USR, Universal Service Fund Rider  
Sheet No. 103, Rider MSR-E, Merger Savings Credit Rider-Electric

**3. Market Price Generation Charges – Market Based Standard Service Offer**

**Demand Related Component**

All kilowatt-hours \$0.013335 per kWh

**Energy Related Component**

All kilowatt-hours \$0.009348 per kWh

The Generation Charges listed above are applicable to all customers except those customers that switch to a Certified Supplier for their generation service. For customers who are procuring their energy supply from a Certified Supplier and receiving a shopping credit on December 31, 2004, the Generation Charges shown below will continue to apply until December 31, 2005.

Customers who return to the Company's energy supply after January 2, 2005, will be billed for generation service for each hour at the higher of the following:

1. The demand-related component of the Market Price Generation Charge, plus the energy-related component of the Market Price Generation Charge, plus Rider FPP, or
2. The demand-related component of the Market Price Generation Charge, plus the incremental dispatch cost of the highest cost generation unit/purchased power to serve Duke Energy Ohio load.

The following Generation Charges apply to customers receiving a Shopping Credit during 2005:

**Energy Charge**

All kilowatt-hours \$0.033405 per kWh

**Summer Period:**

All usage during the summer period shall be billed in accordance with the provisions of the applicable distribution voltage service rate.

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**MINIMUM CHARGE**

The minimum charge shall be the Customer Charge as stated above.

**BILLING PERIODS**

For purposes of administration of the above charges, the summer period is defined as that period represented by the Company's billing for the four (4) revenue months of June through September. The winter period is defined as that period represented by the Company's billing for the eight (8) revenue months of January through May and October through December.

**LATE PAYMENT CHARGE**

Payment of the total amount due must be received in the Company's office by the due date shown on the bill. When not so paid, an additional amount equal to one and one-half percent (1.5%) of the unpaid balance is due and payable. The late payment charge is not applicable to unpaid account balances for services received from a Certified Supplier.

**TERMS AND CONDITIONS**

The term of contract shall be for a minimum period of one (1) year terminable thereafter on thirty (30) days written notice by either the customer or the Company.

The supplying and billing for service and all conditions applying thereto, are subject to the jurisdiction of the Public Utilities Commission of Ohio, and to the Company's Service Regulations currently in effect, as filed with the Public Utilities Commission of Ohio.

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## RATE DM

### SECONDARY DISTRIBUTION SERVICE - SMALL

#### APPLICABILITY

Applicable to electric service for usual customer load requirements is available to a customer only where the Company specifies service at the standard secondary system voltage and the Company determines that facilities of adequate capacity are available and adjacent to the premises to be served and the Company determines that the customer's average monthly demand is 15 kilowatts or less. This tariff schedule is also applicable to electric service to recreation facilities that are promoted, operated and maintained by non-profit organizations where such service is separately metered. Electric service must be supplied at one point of delivery.

For customers taking service under any or all of the provisions of this tariff schedule, this same schedule shall constitute the Company's Standard Service Offer.

#### TYPE OF SERVICE

Alternating current, 60 Hz, single phase or three phase at Company's standard secondary distribution voltage.

#### NET MONTHLY BILL

Computed in accordance with the following charges:

	<u>Summer Period</u>	<u>Winter Period</u>
1. Distribution Charges		
(a) Customer Charge		
Single Phase	\$ 7.50 per month	\$ 7.50 per month
Three Phase	\$15.00 per month	\$15.00 per month
(b) Energy Charge		
First 2,800 kWh	\$0.035471 per kWh	\$0.025462 per kWh
Next 3,200 kWh	\$0.002951 per kWh	\$0.002951 per kWh
Additional kWh	\$0.001252 per kWh	\$0.001252 per kWh

#### 2. Applicable Riders

The following riders are applicable pursuant to the specific terms contained within each rider:

Sheet No. 51, Rider AAC, Annually Adjusted Component Rider  
Sheet No. 52, Rider DSMR, Demand Side Management Cost Recovery Rider  
Sheet No. 53, Rider FPP, Fuel and Economy Purchased Power Rider  
Sheet No. 54, Rider IMF, Infrastructure Maintenance Fund Rider  
Sheet No. 55, Rider RSC, Rate Stabilization Charge Rider  
Sheet No. 56, Rider SRT, System Reliability Tracker  
Sheet No. 57, Rider TCR, Transmission Cost Recovery Rider  
Sheet No. 58, Rider DRI, Distribution Reliability Investment Rider  
Sheet No. 59, Rider RSS, Rate Stabilization Surcredit Rider  
Sheet No. 81, Rider EER, Energy Efficiency Revolving Loan Program Rider  
Sheet No. 83, Rider OET, Ohio Excise Tax Rider  
Sheet No. 84, Rider RTC, Regulatory Transition Charge Rider  
Sheet No. 85, Rider SC, Shopping Credit Rider  
Sheet No. 86, Rider USR, Universal Service Fund Rider  
Sheet No. 103, Rider MSR-E, Merger Savings Credit Rider-Electric

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Duke Energy Ohio  
139 East Fourth Street  
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P.U.C.O. Electric No. 19  
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**NET MONTHLY BILL (Contd.)**

**3. Market Price Generation Charges – Market Based Standard Service Offer**

	<u>Summer Period</u>	<u>Winter Period</u>
Demand Related Component		
First 2,800 kWh	\$0.027292 per kWh	\$0.021661 per kWh
Next 3,200 kWh	\$0.006968 per kWh	\$0.006976 per kWh
Additional kWh	\$0.003039 per kWh	\$0.002885 per kWh
Energy Related Component		
First 2,800 kWh	\$0.022486 per kWh	\$0.017847 per kWh
Next 3,200 kWh	\$0.005741 per kWh	\$0.005748 per kWh
Additional kWh	\$0.002503 per kWh	\$0.002377 per kWh

The Generation Charges listed above are applicable to all customers except those customers that switch to a Certified Supplier for their generation service. For customers who are procuring their energy supply from a Certified Supplier and receiving a shopping credit on December 31, 2004, the Generation Charges shown below will continue to apply until December 31, 2005.

Customers who return to the Company's energy supply after January 2, 2005, will be billed for generation service for each hour at the higher of the following:

1. The demand-related component of the Market Price Generation Charge, plus the energy-related component of the Market Price Generation Charge, plus Rider FPP, or
2. The demand-related component of the Market Price Generation Charge, plus the incremental dispatch cost of the highest cost generation unit/purchased power to serve Duke Energy Ohio load.

The following Generation Charges apply to customers receiving a Shopping Credit during 2005:

	<u>Summer Period</u>	<u>Winter Period</u>
Energy Charges		
First 2,800 kWh	\$0.070728 per kWh	\$0.056302 per kWh
Next 3,200 kWh	\$0.018173 per kWh	\$0.018172 per kWh
Additional kWh	\$0.009004 per kWh	\$0.008633 per kWh

**MINIMUM CHARGE**

The minimum charge shall be the Customer Charge as stated above.

When both single and three phase service are required by the customer, the monthly kilowatt-hour usage shall be the arithmetical sum of both services.

**BILLING PERIODS**

For purposes of administration of the above charges, the summer period is defined as that period represented by the Company's billing for the four (4) revenue months of June through September. The winter period is defined as that period represented by the Company's billing for the eight (8) revenue months of January through May and October through December.

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**LATE PAYMENT CHARGE**

Payment of the total amount due must be received in the Company's office by the due date shown on the bill. When not so paid, an additional amount equal to one and one-half percent (1.5%) of the unpaid balance is due and payable. The late payment charge is not applicable to unpaid account balances for services received from a Certified Supplier.

**TERMS AND CONDITIONS**

The initial term of contract shall be for a minimum period of one (1) year terminable thereafter by a minimum notice either of the customer or the Company as prescribed by the Company's Service Regulations.

For purposes of the administration of this rate, the Company will determine the customer's average monthly demand based upon customer's most recent twelve month usage each year after the initial term of service has been fulfilled by the customer. If the customer's average demand exceeds 15 kW or if the customer's monthly demand exceeds 30 kW in two (2) or more months in any twelve month period, the Company may require the customer to be billed under the provisions of Rate DS.

The supplying and billing for service and all conditions applying thereto, are subject to the jurisdiction of the Public Utilities Commission of Ohio and to the Company's Service Regulations currently in effect, as filed with the Public Utilities Commission of Ohio.

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## RATE DP

### SERVICE AT PRIMARY DISTRIBUTION VOLTAGE

#### APPLICABILITY

Applicable to electric service for usual customer load requirements where the Company specifies service at nominal primary distribution system voltages of 12,500 volts or 34,500 volts, and the Company determines that facilities of adequate capacity are available and adjacent to the premises to be served. Electric service must be supplied at one point of delivery.

For customers taking service under any or all of the provisions of this tariff schedule, this same schedule shall constitute the Company's Standard Service Offer.

#### TYPE OF SERVICE

Alternating current 60 Hz, single phase or three phase at Company's standard distribution voltage of 34,500 volts or lower.

#### NET MONTHLY BILL

Computed in accordance with the following charges. (Kilowatt of demand is abbreviated as kW and kilowatt-hours are abbreviated as kWh):

1. Distribution Charges
  - (a) Customer Charge per month  
Primary Voltage Service (12.5 or 34.5 kV) \$150.00 per month
  - (b) Demand Charge  
All kilowatts \$ 2.937 per kW

2. Applicable Riders

The following riders are applicable pursuant to the specific terms contained within each rider:

Sheet No. 51, Rider AAC, Annually Adjusted Component Rider  
Sheet No. 52, Rider DSMR, Demand Side Management Cost Recovery Rider  
Sheet No. 53, Rider FPP, Fuel and Economy Purchased Power Rider  
Sheet No. 54, Rider IMF, Infrastructure Maintenance Fund Rider  
Sheet No. 55, Rider RSC, Rate Stabilization Charge Rider  
Sheet No. 56, Rider SRT, System Reliability Tracker  
Sheet No. 57, Rider TCR, Transmission Cost Recovery Rider  
Sheet No. 58, Rider DRI, Distribution Reliability Investment Rider  
Sheet No. 59, Rate RSS, Rate Stabilization Surcredit Rider  
Sheet No. 81, Rider EER, Energy Efficiency Revolving Loan Program Rider  
Sheet No. 83, Rider OET, Ohio Excise Tax Rider  
Sheet No. 84, Rider RTC, Regulatory Transition Charge Rider  
Sheet No. 85, Rider SC, Shopping Credit Rider  
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**NET MONTHLY BILL (Contd.)**

3. Market Price Generation Charges – Market Based

Standard Service Offer

(a) Demand Charge

First 1,000 kilowatts	\$5.8778	per kW
Additional kilowatts	\$4.6368	per kW

(b) Energy Charge

Billing Demand times 300	\$0.018741	per kWh
Additional kWh	\$0.015030	per kWh

The Generation Charges listed above are applicable to all customers except those customers that switch to a Certified Supplier for their generation service. For customers who are procuring their energy supply from a Certified Supplier and receiving a shopping credit on December 31, 2004, the Generation Charges shown below will continue to apply until December 31, 2005.

Customers who return to the Company's energy supply after January 2, 2005, will be billed for generation service for each hour at the higher of the following:

1. The demand-related component of the Market Price Generation Charge, plus the energy-related component of the Market Price Generation Charge, plus Rider FPP, or
2. The demand-related component of the Market Price Generation Charge, plus the incremental dispatch cost of the highest cost generation unit/purchased power to serve Duke Energy Ohio load.

The following Generation Charges apply to customers receiving a Shopping Credit during 2005:

Generation Charges

(a) Demand Charge

First 1,000 kilowatts	\$6.9150	per kW
Additional kilowatts	\$5.4550	per kW

(b) Energy Charge

Billing Demand times 300	\$0.028898	per kWh
Additional kWh	\$0.017782	per kWh

When both single and three phase secondary voltage services are required by a customer, the monthly kilowatt-hour usage and kilowatt demands shall be the respective arithmetical sums of both services.

**MINIMUM BILL PROVISION**

The minimum bill shall be:

85% of the highest monthly kilowatt demand as established in the summer period and effective for the next succeeding eleven (11) months plus the customer charge.

In no case, however, shall the minimum bill be less than the Customer Charge.

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#### **PRIMARY VOLTAGE METERING DISCOUNT**

The Company may meter at secondary or primary voltage as circumstances warrant. If the Company elects to meter at primary voltage, the kilowatt-hours registered on the Company's meter will be reduced one and one-half percent (1.5%) for billing purposes.

#### **DEMAND**

The demand shall be the kilowatts derived from the Company's demand meter for the fifteen-minute period of customer's greatest use during the billing period, as determined by the Company, adjusted for power factor, as provided herein. At its option, the Company may not install a demand meter if the nature of the load clearly indicates the load will have a constant demand, in which case the demand will be the calculated demand.

In no event will the billing demand be taken as less than the higher of the following:

- a) 85% of the highest monthly kilowatt demand as established in the summer period and effective for the next succeeding eleven (11) months; or
- b) Five (5) kilowatts.

The Company may re-determine customer's billing demand at any time in recognition of a permanent change in load due to such occurrences as the installation of load control equipment or a temporary change due to malfunctions of such equipment.

If a customer requests reconnection of an account within twelve (12) months of a disconnection order, the customer's demand record for the period of disconnection will be re-established for purposes of billing and administration of the preceding clause.

For purposes of administration of the above clause, the summer period is defined as that period represented by the Company's billing for the four (4) revenue months of June through September. The winter period is defined as that period represented by the Company's billing for the eight (8) revenue months of January through May and October through December.

#### **POWER FACTOR ADJUSTMENT**

The power factor to be maintained shall be not less than 90% lagging. If the Company determines customer's power factor to be less than 90%, the billing demand will be the number of kilowatts equal to the kilovolt amperes multiplied by 0.90.

At the Company's option, power factor may be determined by the following methods:

- a) Continuous measurement
  - the power factor, as determined during the interval in which the maximum kW demand is established, will be used for billing purposes; or

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**POWER FACTOR ADJUSTMENT (Contd.)**

b) Testing

- the power factor, as determined during a period in which the customer's measured kW demand is not less than 90% of the measured maximum kW demand of the preceding billing period, will be used for billing purposes until superseded by a power factor determined by a subsequent test made at the direction of Company or request of customer.

**LATE PAYMENT CHARGE**

Payment of the total amount due must be received in the Company's office by the due date shown on the bill. When not so paid, an additional amount equal to one and one-half percent (1.5%) of the unpaid balance is due and payable. The late payment charge is not applicable to unpaid account balances for services received from a Certified Supplier.

**TERMS AND CONDITIONS**

The initial term of contract shall be for a minimum period of three (3) years terminable thereafter by a minimum notice of either the customer or the Company as follows:

- (1) For customers with a most recent twelve month average demand of less than 10,000 kVA, thirty (30) days written notice.
- (2) For customers with a most recent twelve month average demand of greater than 10,000 kVA, twelve (12) months written notice.

The Company is not obligated to extend, expand or rearrange its transmission system voltage if it determines that existing distribution and/or transmission facilities are of adequate capacity to serve the customer's load.

If the Company offers to provide the necessary facilities for transmission service, in accordance with its Service Regulations, an annual facilities charge, applicable to such additional facilities, is established at twenty (20) percent of actual cost. The annual facilities charge shall be billed in twelve monthly installments to be added to the demand charge.

**SERVICE REGULATIONS**

The supplying and billing for service and all conditions applying thereto, are subject to the jurisdiction of the Public Utilities Commission of Ohio, and to the Company's Service Regulations currently in effect, as filed with the Public Utilities Commission of Ohio.

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**RATE SFL - ADPL**

**OPTIONAL UNMETERED RATE FOR SMALL FIXED LOADS ATTACHED DIRECTLY TO COMPANY'S POWER LINES**

**APPLICABILITY**

Applicable to electric service in the Company's entire territory where secondary and/or primary distribution lines exist for any bulk, small, unmetered, fixed-load electric devices that can be connected directly to the Company's power lines within the power zone of Company's poles and which do not require service drops.

For customers taking service under any or all of the provisions of this tariff schedule, this same schedule shall constitute the Company's Standard Service Offer.

**TYPE OF SERVICE**

Alternating current 60 Hz, at nominal voltages of 120, 120/240 or 120/208, 12,500 or 34,500 volts, single phase, unmetered. Service of other characteristics, where available, may be furnished at the option of the Company.

**NET MONTHLY BILL**

Computed in accordance with the following charges:

1. Distribution Charges \$0.015329 per kWh

2. Applicable Riders

The following riders are applicable pursuant to the specific terms contained within each rider:

Sheet No. 51, Rider AAC, Annually Adjusted Component Rider  
Sheet No. 52, Rider DSMR, Demand Side Management Cost Recovery Rider  
Sheet No. 53, Rider FPP, Fuel and Economy Purchased Power Rider  
Sheet No. 54, Rider IMF, Infrastructure Maintenance Fund Rider  
Sheet No. 55, Rider RSC, Rate Stabilization Charge Rider  
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**NET MONTHLY BILL (Contd.)**

3. Market Price Generation Charges – Market Based Standard Service Offer
- |                          |                    |
|--------------------------|--------------------|
| Energy Related Component | \$0.022784 per kWh |
| Demand Related Component | \$0.032501 per kWh |

The Generation Charges listed above are applicable to all customers except those customers that switch to a Certified Supplier for their generation service. For customers who are procuring their energy supply from a Certified Supplier and receiving a shopping credit on December 31, 2004, the Generation Charges shown below will continue to apply until December 31, 2005.

Customers who return to the Company's energy supply after January 2, 2005, will be billed for generation service for each hour at the higher of the following:

1. The demand-related component of the Market Price Generation Charge, plus the energy-related component of the Market Price Generation Charge, plus Rider FPP, or
2. The demand-related component of the Market Price Generation Charge, plus the incremental dispatch cost of the highest cost generation unit/purchased power to serve Duke Energy Ohio load.

The following Generation Charges apply to customers receiving a Shopping Credit during 2005:

Energy Charge	\$0.071760 per kWh
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**LATE PAYMENT CHARGE**

Payment of the total amount due must be received in the Company's office by the due date shown on the bill. When not so paid, an additional amount equal to one and one-half percent (1.5%) of the unpaid balance is due and payable. Company and customer may agree to different late payment terms in the Service Agreement. The late payment charge is not applicable to unpaid account balances for services received from a Certified Supplier.

**SERVICE PROVISIONS**

1. Each separate point of delivery of service shall be considered a Fixed Load Location.
2. The Company shall determine the monthly kWhs associated with each Fixed Load Location.
3. The customer shall enter into a Service Agreement with the Company setting forth the terms and conditions under which the customer may connect devices to the Company's power lines.
4. The customer shall be responsible for all costs associated with connecting the device to the power lines.
5. The customer shall notify the Company in advance of the connection of any device to Company's power lines, and in advance of every change in connected load, and the Company reserves the right to inspect the customer's equipment at any time to verify the actual load. In the event of the customer's failure to notify the Company of an increase in load, the Company reserves the right to refuse to serve the Fixed Load thereafter under this Schedule, and shall be entitled to bill the customer retroactively on the basis of the increased load for the full period such load was connected.

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**SERVICE PROVISIONS (Contd.)**

6. The Company may, at its sole discretion, refuse to attach devices that it reasonably believes may impede the operation, maintenance, reliability, or safety of the electric distribution lines or pose a danger to Company personnel or other persons.
7. To the extent it is commercially feasible to do so, the Company will combine all fixed load locations for a given customer onto a single monthly bill. Billing calculations will be performed for each Fixed Load Location, but the results of the individual calculations will be summarized on the monthly bill.

**TERM OF SERVICE**

Minimum one (1) year, terminable thereafter on thirty (30) days written notice by either customer or Company. Company and customer may agree to a different term in the Service Agreement.

**SERVICE REGULATIONS**

The supplying of, and billing for, service and all conditions applying thereto, are subject to the jurisdiction of the Public Utilities Commission of Ohio, and to the Company's *Service Regulations* currently in effect, as filed with the Public Utilities Commission of Ohio.

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## RATE D1

### DISTRIBUTION INTERCONNECTION PROCEDURES

#### APPLICABILITY

Applicable in the entire territory where tariff P.U.C.O. No. 19 applies, this tariff applies to those situations where an Interconnection Service Customer seeks to physically connect such customer's electric generation facility to, and may operate it in parallel with, the Company's Distribution system. An Interconnection Service Customer who has a facility that does not qualify for Simplified Interconnection pursuant to the Technical Requirements incorporated herein by reference may negotiate a separate Interconnection Agreement with the Company and the terms and conditions of this tariff apply to such Interconnection Service Customers to the extent that the negotiated Interconnection Agreement does not conflict with this tariff.

#### PURPOSE

The purpose of this tariff is to implement Ohio Revised Code Section 4928.11, which calls for uniform interconnection standards that are not unduly burdensome or expensive and also ensure safety and reliability, to the extent governing authority is not preempted by Federal law. This Tariff states the terms and conditions that govern the Interconnection and Parallel Operation of an Interconnection Service Customer's facility with the Company's Distribution System.

#### PROCEDURES

Any Interconnection Service Customer seeking to physically connect facilities to the Company's Distribution System, which facilities may be used in Parallel Operation with the Company's Distribution System, shall file an Interconnection Application (Exhibit A) and sign an Interconnection Agreement with the Company for Interconnection. For facilities for which the referenced Technical Requirements for Interconnection and Parallel Operation of Distributed Generation are applicable, the Interconnection Service Customer and Company shall execute a Simplified Interconnection Agreement (Exhibit B). For small photovoltaic installations with a capacity of 10 kW or less, the agreement contained in Exhibit C shall be executed instead of Exhibit B. For all other facilities, the Customer and the Company shall execute an Interconnection Agreement which may be different from Exhibit B but which shall conform with the provisions of this tariff, to the extent applicable.

To the extent possible, Interconnection to the Company's Distribution System shall take place within the following time frames:

1. Where the Company requires no construction and the facility qualifies for Simplified Interconnection pursuant to the screening process contained in the Technical Requirements, Interconnection shall be permitted within four weeks of the Company's receipt of a completed Interconnection Application (Exhibit A) in compliance with the terms and conditions of this tariff. Prior to actual Interconnection the Interconnection Service Customer must execute the Interconnection Agreement.

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**PROCEDURES (Contd.)**

2. Where construction or system upgrades of the Company's Distribution System are required, the Company shall provide the Interconnection Service Customer in a timely fashion an estimate of the schedule and the Interconnection Service Customer's cost for the construction or upgrades. If the Interconnection Service Customer desires to proceed with the construction or upgrades, the Interconnection Service Customer and the Company shall enter into a contract. The contract shall contain a construction schedule listing target commencement and completion dates, and an estimate of the Interconnection Service Customer's costs for construction or upgrades. Assuming the Interconnection Service Customer is ready, the Interconnection Service shall take place no later than two weeks following the completion of such construction or upgrades. The Company shall employ best reasonable efforts to complete such system construction or upgrades in the shortest time reasonably practical.
3. All Interconnection Applications shall be processed by the Company in a non-discriminatory manner. The Company shall promptly provide each Interconnection Service Customer a written Notice of the company's receipt of the Application. The Company will endeavor to place such notice in the U.S. Mail within 3 business days after the Application has been received by the Company's personnel designated on the application form. The Company shall provide each Interconnection Service Customer with a copy of the Screening Process and a target date for processing the Application. If the Application is viewed as incomplete, the Company must provide a written Notice within 10 days of receipt of the Application by the Company's personnel designated on the application form that the Application is not complete together with a description of the information needed to complete the Application and a statement that processing of the Application cannot begin until the information is received. The Company's target date shall permit Interconnection in a timely manner pursuant to the requirements of O.A.C. 4901:1-22-04(C). Interconnection Applications will be processed in the order that they are received. It is recognized that certain Interconnection Applications may require minor modifications while they are being reviewed by the Company. Such minor modifications to a pending application shall not require that it be considered incomplete and treated as a new or separate application. Minor modifications would not include at least the following: changes in facility size or location; any change requiring a new impact study; any other substantive change.
4. If the Company determines that it cannot connect the Interconnection Service Customer's facility within the time frames required by O.A.C. § 4901:1-22-04(C), the Company will notify the Interconnection Service Customer in writing of that fact as soon as possible. The notification will identify the reason or reasons Interconnection Service could not be performed within the time frames stated in O.A.C. § 4901:1-22-04(C), and provide an estimated date for interconnection service. This section shall not limit the rights of an Interconnection Service Customer for relief under Ohio Revised Code Chapter 4905.

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**TECHNICAL REQUIREMENTS FOR INTERCONNECTION AND PARALLEL OPERATION OF FACILITIES OWNED OR OPERATED BY AN INTERCONNECTION SERVICE CUSTOMER**

The Company shall maintain a copy of the Technical Requirements for Interconnection at its place of business such that the Technical Requirements are readily available to the public. The Company shall provide the Commission Staff with a copy of the Technical Requirements. Standards adopted by IEEE shall supersede the applicable provisions of the Company's Technical Requirements effective the date that IEEE adopts such standards. However, any Interconnection made or initiated prior to the adoption of any national standard promulgated by IEEE shall be grandfathered. Regarding any IEEE minimum standard, or any guideline that the IEEE may promulgate, the Company may amend the Technical Requirements to the minimum extent required to address unique local conditions, and shall provide such amendments to the Staff and make such amendments available to the Interconnection Service Customers. All Technical Requirements for Interconnection, including superseding standards adopted by IEEE, are incorporated herein by reference.

**METERING**

Any metering installation, testing, or recalibration required by the installation of the Interconnection Service Customer's distributed generation equipment shall be provided consistent with the Electric Service and Safety Standards pursuant to Ohio Revised Code Chapter 4928, and specifically O.A.C. § 4901:1-10-05 (Metering) and, as applicable, § 4901:1-10-28 (C) (Net Metering).

**LIABILITY INSURANCE**

Prior to any Interconnection with the Company, the Interconnection Service Customer must provide the Company with proof of insurance or other suitable financial instrument sufficient to meet its construction, operating and liability responsibilities pursuant to this tariff. At no time shall the Company require that the Applicant negotiate any policy or renewal of any policy covering any liability through a particular insurance company, agent, solicitor, or broker.

**SYSTEM IMPACT AND FACILITIES STUDIES**

For those Applications that do not qualify for the Simplified Interconnection Agreement pursuant to the Screening Process included in the Technical Requirements, the Company may require supplemental review, a service study, coordination study, facilities study or Company system impact study prior to Interconnection. In instances where such studies are required, the scope of such studies shall be based on the characteristics of the particular generation facility to be interconnected and the Company's system at the specific proposed location. By agreement between the Company and the Interconnection Service Customer, studies related to Interconnection of the generation facility may be conducted by a qualified third party. The cost of an impact facilities study performed by the Company shall be included in the costs set forth in the Interconnection Fees section of this tariff, set forth below. The Company shall provide the Applicant for Interconnection service with a target date for completion of any required system impact or facilities study. Any such study conducted by the Company shall be shared with the Interconnection Service Customer.

**INTERCONNECTION FEES**

The Company shall not charge any fees for Interconnection other than those authorized by this tariff.

The Company will not charge any fee for the Interconnection Application or for any studies defined in the System Impact and Facilities Studies section of this tariff.

Filed pursuant to an Order dated March 29, 2006 in Case No. 06-407-GE-ATA before the Public Utilities Commission of Ohio.

Issued: March 31, 2006

Effective: April 3, 2006

Issued by Sandra P. Meyer, President

Duke Energy Ohio  
139 East Fourth Street  
Cincinnati, Ohio 45202

P.U.C.O. Electric No. 19  
Sheet No. 49.1  
Cancels and Supersedes  
Sheet No. 49  
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#### CONSTRUCTION OR UPGRADE FEES

If the Interconnection requires construction or an upgrade of the Company's system which, save for the generation facility would not be required, the Company will assess the Interconnection Service Customer the actual cost including applicable taxes of such construction or upgrade. Payment terms for such construction or upgrade will be agreed to and specified in the construction contract. The Company and the Interconnection Service Customer may negotiate for alternatives in order to reduce any costs or taxes applicable thereto.

#### RESOLUTION OF DISPUTES

The Company or the Interconnection Service Customer who is a non-mercantile, non-residential customer may seek resolution of any disputes which may arise out of this tariff, including the Interconnection and the referenced Technical Requirements in accordance with the Commission's Rules for Alternative Dispute Resolution.

#### DEFINITIONS

For the purpose of this Interconnection tariff, the following words shall have the meanings set forth:

- (1) **CERTIFIED TERRITORY** — This term shall have the same meaning as found in R.C. 4928.01(A)(3).
- (2) **COMPANY** — Duke Energy Ohio.
- (3) **FACILITY** — An electrical generating installation consisting of one or more generation units as defined in the Interconnection Application for Service.
- (4) **INTERCONNECTION** — The physical connection of the Interconnection Service Customer's Facilities to the Company's Distribution System for the purpose of electrical power service.
- (5) **INTERCONNECTION AGREEMENT** — The standard form of agreement between the Interconnection Service Customer and the Company (Exhibit B attached) or the negotiated agreement between the Interconnection Service Customer and the Company as referenced in the Procedures section above.
- (6) **INTERCONNECTION APPLICATION** — The standard form of application approved by the Commission (See Exhibit A).
- (7) **INTERCONNECTION SERVICE CUSTOMER** — This term shall have the same meaning as found in O.A.C §4901:1-22-02 (J).
- (8) **PARALLEL OPERATION** — This term shall have the same meaning as found in OAC §4901:1-22-02 (L).
- (9) **TECHNICAL REQUIREMENTS** — The Technical Requirements consist of the following: Part A contains the standardized Technical Requirements common to all Ohio Electric Distribution Utilities. Part A shall be amended as necessary to conform to adopted IEEE Standards. Part B contains the Screening Process applicable to all Interconnection Service Customer facilities. The Company shall provide upon request specific Technical Requirements necessary to fill in any gaps in Part A or for facilities that do not conform with the Part A Technical Requirements.

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**EXHIBIT A**

**APPLICATION FOR INTERCONNECTION AND PARALLEL OPERATION WITH  
THE COMPANY'S DISTRIBUTION SYSTEM**

Return Completed Application to: Duke Energy Ohio  
Attention: Accounts Services  
139 East Fourth Street  
Cincinnati, Ohio 45202

Customer's Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Contact Person: \_\_\_\_\_  
Telephone Number: \_\_\_\_\_  
Service Point Address: \_\_\_\_\_  
Information Prepared and Submitted By: \_\_\_\_\_  
(Name and Address) \_\_\_\_\_

The following information shall be supplied by the Customer or Customer's designated representative. All applicable items must be accurately completed in order that the Customer's generating facilities may be effectively evaluated for interconnection with the Company's Distribution System.

**GENERATOR**

Number of Units: \_\_\_\_\_  
Manufacturer: \_\_\_\_\_  
Type (Synchronous, Induction, or Inverter): \_\_\_\_\_  
Fuel Source Type (Solar, Natural Gas, Wind, etc.): \_\_\_\_\_  
Kilowatt Rating (95 F at location) \_\_\_\_\_  
Kilovolt-Ampere Rating (95 F at location): \_\_\_\_\_  
Power Factor: \_\_\_\_\_  
Voltage Rating: \_\_\_\_\_  
Ampere Rating: \_\_\_\_\_  
Number of Phases: \_\_\_\_\_  
Frequency: \_\_\_\_\_  
Do you plan to export power:    \_\_\_ Yes    \_\_\_ No  
If Yes, maximum amount expected: \_\_\_\_\_



Expected Energizing and Start-up Date: \_\_\_\_\_

Normal Operation of Interconnection: (examples: provide power to meet base load, demand management, standby, back-up, other) (please describe) \_\_\_\_\_

One-line diagram attached: \_\_\_\_\_ Yes

Have testing results been supplied to the Company documenting conformance with the Company's technical requirements: \_\_\_\_\_ Yes [Note: Requires a Yes for complete Application.]

Have all necessary government permits and approvals been obtained for the project prior to this application? \_\_\_\_\_ Yes [Note: Requires a Yes for an Application to be considered complete.]

Have the generator Manufacturer machine characteristics been supplied to the Company? \_\_\_\_\_ Yes [Note: Requires a Yes for complete Application.]

Layout sketch showing lockable, "visible" disconnect device: \_\_\_\_\_ Yes

DATE:

[CUSTOMER NAME]

\_\_\_\_\_  
(Signature)

By: \_\_\_\_\_

Title: \_\_\_\_\_

**EXHIBIT B  
INTERCONNECTION AGREEMENT  
FOR INTERCONNECTION AND PARALLEL OPERATION  
OF DISTRIBUTED GENERATION**

This Interconnection Agreement ("Agreement") is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by DUKE ENERGY OHIO, ("Company"), and \_\_\_\_\_ ("Interconnection Service Customer"), a \_\_\_\_\_ [specify whether corporation, and if so name state, municipal corporation, cooperative corporation, or other], each hereinafter sometimes referred to individually as "Party" or both referred to collectively as the "Parties". In consideration of the mutual covenants set forth herein, the Parties agree as follows:

1. **Scope of Agreement** – This Agreement is applicable to conditions under which the Company and the Interconnection Service Customer agree that one or more generating facility or facilities of \_\_\_\_\_ KW to be interconnected at 35 kV or less ("Facility or Facilities") may be interconnected to the Company's Distribution System, as described in Appendix A.
2. **Establishment of Point(s) of Interconnection** – Company and Interconnection Service Customer agree to interconnect their Facility or Facilities at the locations specified in this Agreement, in accordance with the Company's Interconnection Tariff, including the Company's Technical Requirements referenced in such Tariff, and Revised Code §4928.67, and the Uniform Electric Interconnection Standards (§4901:1-22-01, et seq.) of the Ohio Administrative Code (Rules) or any successor Rule addressing interconnection standards, and as described in the attached Appendix A (the "Point(s) of Interconnection").
3. **Responsibilities of Company and Interconnection Service Customer** – Each Party will, at its own cost and expense, operate, maintain, repair, and inspect, and shall be fully responsible for, Facility or Facilities which it now or hereafter may own unless otherwise specified on Appendix A. Interconnection Service Customer shall conduct operations of its facility(s) in compliance with all aspects of the Interconnection Tariff, and Company shall conduct operations on its utility system in compliance with all aspects of the Interconnection Tariff, or as further described and mutually agreed to in the applicable Facility Schedule. Maintenance of Facilities or interconnection facilities shall be performed in accordance with the applicable manufacturer's recommended maintenance schedule. The Parties agree to cause their Facilities or systems to be constructed in accordance with any applicable safety and performance standards including but not limited to those established by the National Electrical Code, the National Electrical Safety Code, the Institute of Electrical and Electronics Engineers, and Underwriters Laboratories, in effect at the time of construction.

Each Party covenants and agrees to design, install, maintain, and operate, or cause the design, installation, maintenance, and operation of, its distribution system and related Facilities and Units so as to reasonably minimize the likelihood of a disturbance, originating in the system of one Party, affecting or impairing the system of the other Party, or other systems with which a Party is interconnected.

Company will notify Interconnection Service Customer if there is evidence that the Facility operation causes disruption or deterioration of service to other customers served from the same grid or if the Facility operation causes damage to Company's system.

The Interconnection Service Customer shall provide the Company with proof of Insurance or other suitable financial instrument sufficient to meet its construction, operating and liability responsibilities pursuant to this Agreement.

Interconnection Service Customer will notify Company of any emergency or hazardous condition or occurrence with the Interconnection Service Customer's Unit(s) which could affect safe operation of the system.

#### 4. Limitation of Liability and Indemnification

- a. Neither Company nor Interconnection Service Customer shall be liable to the other for damages for any act that is beyond such party's control, including any event that is a result of an act of God, labor disturbance, act of the public enemy, war, insurrection, riot, fire, storm or flood, explosion, breakage or accident to machinery or equipment, a curtailment, order, or regulation or restriction imposed by governmental, military, or lawfully established civilian authorities, or by the making of necessary repairs upon the property or equipment of either party.
- b. Notwithstanding Paragraph 4.a of this Agreement, Company shall assume all liability for and shall indemnify Interconnection Service Customer for any claims, losses, costs, and expenses of any kind or character to the extent that they result from Company's negligence in connection with the design, construction, or operation of its facilities as described on Appendix A; provided, however, that Company shall have no obligation to indemnify Interconnection Service Customer for claims brought by claimants who cannot recover directly from Company. Such indemnity shall include, but is not limited to, financial responsibility for: (a) Interconnection Service Customer's monetary losses; (b) reasonable costs and expenses of defending an action or claim made by a third person; (c) damages related to the death or injury of a third person; (d) damages to the property of Interconnection Service Customer; (e) damages to the property of a third person; (f) damages for the disruption of the business of a third person. In no event shall Company be liable for consequential, special, incidental or punitive damages, including, without limitation, loss of profits, loss of revenue, or loss of production. The Company does not assume liability for any costs for damages arising from the disruption of the business of the Interconnection Service Customer or for the Interconnection Service Customer's costs and expenses of prosecuting or defending an action or claim against the Company. This paragraph does not create a liability on the part of the Company to the Interconnection Service Customer or a third person, but requires indemnification where such liability exists. The limitations of liability provided in this paragraph do not apply in cases of gross negligence or intentional wrongdoing.
- c. Notwithstanding Paragraph 4.a of this Agreement, Interconnection Service Customer shall assume all liability for and shall indemnify Company for any claims, losses, costs, and expenses of any kind or character to the extent that they result from Interconnection Service Customer's negligence in connection with the design, construction or operation of its facilities as described on Appendix A; provided, however, that Interconnection Service Customer shall have no obligation to indemnify Company for claims brought by claimants who cannot recover directly from Interconnection Service Customer. Such indemnity shall include, but is not limited to, financial responsibility for: (a) Company's monetary losses; (b) reasonable costs and expenses of defending an action or claim made by a third person; (c) damages related to the death or injury of a third person; (d) damages to the property of Company; (e) damages to the property of a third person; (f) damages for the disruption of the business of a third person. In no event shall Interconnection Service Customer be liable for consequential, special, incidental or punitive damages, including, without limitation, loss of profits, loss of revenue, or loss of production. The Interconnection Service Customer does not assume liability for any costs for damages arising from the disruption of the business of the Company or for the Company's costs and expenses of prosecuting or defending an action or claim against the Interconnection Service Customer. This paragraph does not create a liability on the part of the Interconnection Service Customer to the Company or a third person, but requires indemnification where such liability exists. The limitations of liability provided in this paragraph do not apply in cases of gross negligence or intentional wrongdoing.

- d. Company and Interconnection Service Customer shall each be responsible for the safe installation, maintenance, repair and condition of their respective lines and appurtenances on their respective sides of the point of delivery. The Company does not assume any duty of inspecting the Interconnection Service Customer's lines, wires, switches, or other equipment and will not be responsible therefore. Interconnection Service Customer assumes all responsibility for the electric service supplied hereunder and the facilities used in connection therewith at or beyond the point of delivery, the point of delivery being the point where the electric energy first leaves the wire or facilities provided and owned by Company and enters the wire or facilities provided by Interconnection Service Customer.
  - e. For the mutual protection of the Interconnection Service Customer and the Company, only with Company prior authorization are the connections between the Company's service wires and the Interconnection Service Customer's service entrance conductors to be energized.
  - f. Neither by inspection, if any, or non-rejection, nor in any other way, does the Company give any warranty, express or implied, as to the adequacy, safety, or other characteristics of any structures, equipment, wires, appliances or devices owned, installed or maintained by the Customer or leased by the Customer from third parties, including without limitation the Unit and any structures, equipment, wires, appliances or devices appurtenant thereto.
5. **Right of Access, Equipment Installation, Removal & Inspection**— Upon reasonable notice, the Company may send a qualified person to the premises of the Interconnection Service Customer at or immediately before the time the Facility first produces energy to inspect the interconnection, and observe the Facility's commissioning (including any testing), startup, and operation for a period of up to no more than three days after initial startup of the unit.

Following the initial inspection process described above, at reasonable hours, and upon reasonable notice, or at any time without notice in the event of an emergency or hazardous condition, Company shall have access to Interconnection Service Customer's premises for any reasonable purpose in connection with the performance of the obligations imposed on it by this Agreement or if necessary to meet its legal obligation to provide service to its customers.

6. **Disconnection of Unit** – Interconnection Service Customer retains the option to disconnect from Company's utility system. Interconnection Service Customer will notify the Company of its intent to disconnect by giving the Company at least thirty days' prior written notice. Such disconnection shall not be a termination of the agreement unless Interconnection Service Customer exercises rights under Section 7.

Interconnection Service Customer shall disconnect Facility from Company's system upon the effective date of any termination under Section 7.

Subject to Commission Rule, for routine maintenance and repairs on Company's utility system, Company shall provide Interconnection Service Customer with seven business days' notice of service interruption.

Company shall have the right to suspend service in cases where continuance of service to Interconnection Service Customer will endanger persons or property. During the forced outage of the Company's utility system serving Interconnection Service Customer, Company shall have the right to suspend service to effect immediate repairs on Company's utility system, but the Company shall use its best efforts to provide the Interconnection Service Customer with reasonable prior notice.