

FILE

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BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

Consolidated Duke Energy Ohio, Inc., Rate)	Case Nos. 03-93-EL-ATA
Stabilization Plan Remand and Rider)	03-2079-EL-AAM
Adjustment Cases)	03-2081-EL-AAM
)	03-2080-EL-ATA
)	05-724-EL-UNC
)	05-725-EL-UNC
)	06-1068-EL-UNC
)	06-1069-EL-UNC
)	06-1085-EL-UNC

ENTRY

The attorney examiner finds:

- (1) In *In the Matter of the Application of The Cincinnati Gas & Electric Company to Modify Its Nonresidential Generation Rates to Provide for Market-Based Standard Service Offer Pricing and to Establish an Alternative Competitive-Bid Service Rate Option Subsequent to the Market Development Period*, Case No. 03-93-EL-ATA, et al. (RSP case), this Commission authorized Duke Energy Ohio (DE-Ohio)¹ to establish a rate stabilization plan and, as a part of that plan, to recover various costs through identified riders. The Commission's entry on rehearing, *inter alia*, modified or created various riders, as part of the rate stabilization plan.
- (2) On appeal of that Commission decision, the Ohio Supreme Court remanded the proceedings to the Commission, requesting, *inter alia*, that the Commission provide additional record evidence and sufficient reasoning to support the modification of its opinion and order on rehearing. *Ohio Consumers' Counsel v. Pub. Util. Comm.*, 111 Ohio St.3d 300, 2006-Ohio-5789 (*Consumers' Counsel*).
- (3) On November 29, 2006, the attorney examiner issued an entry, finding "that a hearing should be held in the remanded RSP case, in order to obtain the record evidence required by the court."

¹ DE-Ohio was formerly known as the Cincinnati Gas & Electric Company. In this entry, it will be referred to as DE-Ohio, regardless of its name at the time being discussed. Case names, however, will not be modified.

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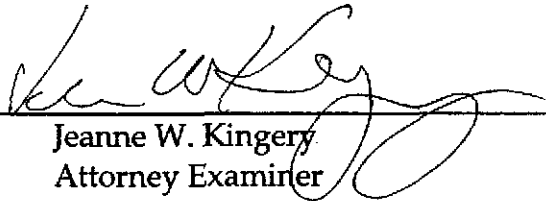
- (4) On December 14, 2006, a prehearing conference was held in these proceedings. At that conference, the examiners indicated that they would address various issues, including the schedule for responding to outstanding discovery requests.
- (5) On January 3, 2007, the Commission issued an entry affirming that a hearing will be held and addressing the scope of that hearing.
- (6) In light of the Commission entry of January 3, 2007, the examiner finds that responses to any discovery requests made prior to January 3, 2007, shall be due no later than January 15, 2007. Any discovery requests made on or after January 3, 2007, shall be subject to the expedited discovery schedule ordered at the prehearing conference.

It is, therefore,

ORDERED, That discovery responses be filed in accordance with this entry. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO


 By: Jeanne W. Kingery
 Attorney Examiner

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Entered in the Journal

JAN 04 2007

Renee J. Jenkins

Renee J. Jenkins
Secretary