

FILE

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of)
The Cincinnati Gas & Electric Company, now)
known as Duke Energy Ohio, Inc.,)
Complainant,) Case No. 05-1116-EL-PWC
v.)
Amberley Village,)
Respondent.)

ENTRY

The attorney examiner finds:

- (1) On September 7, 2005, the Cincinnati Gas & Electric Company, now known as Duke Energy Ohio, Inc., filed a complaint pursuant to Sections 4939.06 and 4905.26, Revised Code, stating that it does not accept Amberley Village's Ordinance 2005-14, relating to rights of way, and that the ordinance is unreasonable, unjust, unjustly discriminatory and/or unlawful.
- (2) On October 5, 2005, the attorney examiner filed an entry establishing a procedural schedule in this matter, including the commencement of a hearing on November 16, 2005. That hearing was postponed pursuant to a joint motion by the parties.
- (3) On January 9, 2006, the attorney examiner granted a motion by Time Warner Telecom of Ohio, LLC, for intervention in this proceeding.
- (4) At the request of the parties, this proceeding has been repeatedly postponed. As noted by the attorney examiner in an entry dated January 9, 2007, however, Ohio law relating to public way fees reflects the legislature's intent that complaints regarding such fees be resolved expeditiously. Therefore, in light of the parties' apparent inability to settle this matter without assistance, the attorney examiner finds that this matter should be scheduled for a settlement conference.

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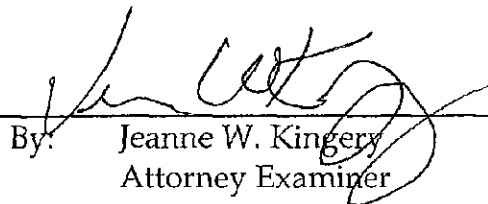
- (5) Accordingly, this case should be scheduled for a settlement conference on Thursday, April 5, 2007, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, Legal Conference Room, 12th Floor, Columbus, Ohio 43215-3793.
- (6) The purpose of the conference will be to continue negotiating a resolution of this complaint in lieu of an evidentiary hearing. An attorney examiner from the Commission's legal department will facilitate the settlement process. The parties should bring with them all documents relevant to this matter.
- (7) The parties should be prepared to discuss and resolve any and all disputed issues. If representatives of the parties who are in attendance at the conference will not have authority to settle this matter, they should ensure that they are able to obtain any necessary approval during the course of the conference. In the event that a complete settlement is not reached during the conference, this matter will be scheduled for hearing and disposition by the Commission.

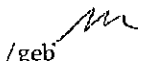
It is, therefore,

ORDERED, That a settlement conference be scheduled, as set forth in finding (5).
It is, further,

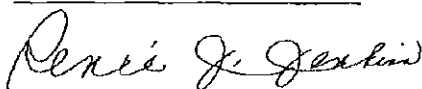
ORDERED, That a copy of this entry be served upon all parties and interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

By: 
Jeanne W. Kingery
Attorney Examiner


/geb
Entered in the Journal

MAR 02 2007



Renee J. Jenkins
Secretary