

FILE

BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

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PUCO

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

**MOTION FOR EXTENSION TO FILE MEMORANDUM CONTRA MOTIONS OF
DUKE ENERGY, OHIO, INC.; DUKE ENERGY RETAIL SALES; CINERGY
CORP.; OHIO HOSPITAL ASSOCIATION; AND KROGER FOR PROTECTIVE
ORDERS**

**BY
THE OFFICE OF THE OHIO CONSUMERS' COUNSEL**

The Office of the Ohio Consumers' Counsel ("OCC") moves, pursuant to Ohio Adm. Code 4901-1-12 and 4901-1-13, for an extension to file its responsive pleading to the motions for protective order that were filed in the above-captioned cases on March 2, 2007.¹ The extension, until March 13, should permit an OCC pleading that will simplify these proceedings. The OCC requests an expedited ruling, pursuant to Ohio Adm. Code 4901-1-12(C). All parties were notified electronically regarding the OCC's request, but this filing is made before affirmative responses were obtained from all parties.² Duke Energy Ohio, Inc., Cinergy Corp., Duke Energy Retail Sales, LLC, and the Kroger Company have responded and agree to the extension.

¹ The extension would apply to OCC's response to any such motions or related filings such as letters.

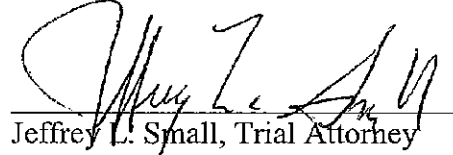
² Several parties have stated that they do not object to the expedited treatment. No party has objected.

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The reasons supporting this motion are contained in the following Memorandum in Support.

Respectfully submitted,

JANINE L. MIGDEN-OSTRANDER
CONSUMERS' COUNSEL

A handwritten signature in black ink, appearing to read "Jeffrey L. Small", is written over a horizontal line.

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MEMORANDUM IN SUPPORT

On February 23, 2007, the Office of the Ohio Consumers' Counsel provided notice (as provided for under the applicable protective orders) to three Duke-affiliated companies and two other parties -- Duke Energy Ohio, Inc. ("Duke Energy Ohio"), Duke Energy Retail Sales, LLC ("DERS"), Cinergy Corp. ("Cinergy"), the Ohio Hospital Association ("OMA"), and Kroger Co. ("Kroger," collectively with the other movants, "Movants") -- that they should either allow certain documents to become available in the public domain or that they should seek to prove to the PUCO under law and rule that the documents are deserving of protection from access in the public domain. Under the expedited procedures for pleadings in these proceedings, the OCC's memorandum contra would be due in seven days and replies would be due in three days.

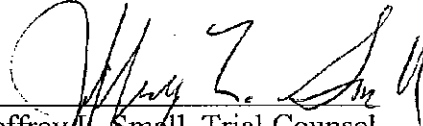
The OCC desires to reduce complexity in these cases and provide the Attorney Examiners a narrowed list of documents that they can review regarding the OCC's desire to conduct the hearing in the public domain. For this purpose, the OCC seeks an extension of time to Tuesday, March 13, 2007, to submit its memorandum contra to the Motions. Counsel for the Duke-affiliated companies as well as the Kroger Company have agreed to the extension. An extension until March 13, 2007 will permit responsive pleadings by Movants three days after OCC files, which will be before the hearing date.

The OCC respectfully requests that its Motion for Extension be granted, and granted on an expedited basis. Ohio Adm. Code 4901-1-12(C) allows for immediate rulings,

without waiting for responsive pleadings, when the requested extension is for five days or less. There is good cause for granting the extension under Ohio Adm. Code 4901-1-13(A).

Respectfully submitted,

JANINE L. MIGDEN-OSTRANDER
CONSUMERS' COUNSEL

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Jeffrey L. Small, Trial Counsel

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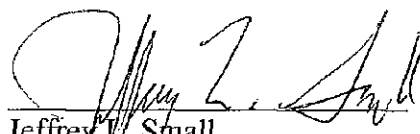
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the OCC's Motion for Extension was served electronically on the persons listed on the electronic service list as shown below (as supplemented for this pleading), provided by the Attorney Examiner, this 8th day of March 2007.


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