

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Transmission Rates)
Contained in the Rate Schedules of Duke) Case No. 05-727-EL-UNC
Energy Ohio, Inc., and Related Matters.)

In the Matter of the Application of Duke)
Energy Ohio, Inc. for Authority to Modify) Case No. 05-728-EL-AAM
Current Accounting Procedures for Certain)
Transmission Costs.)

ENTRY

The Commission 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 Nos. 03-93-EL-ATA *et al.*, the Commission authorized Duke Energy Ohio, Inc. (Duke), formerly the Cincinnati Gas & Electric Company, to establish a transmission cost rider (rider TCR), pursuant to the terms of a stipulation.
- (2) On June 3, 2005, Duke filed an application in the above-captioned proceedings to establish rider TCR. In its October 5, 2005, finding and order, the Commission directed Duke to make semi-annual filings to modify the level for rider TCR at least 45 days prior to the date on which each such modification should be effective. The Commission also noted that any interested person may file comments regarding Duke's filings. Pursuant to the finding and order, if the Commission does not suspend a modification to rider TCR, it will become effective on the 46th day after the semi-annual filing.
- (3) On April 16, 2007, Duke filed proposed tariffs for Commission approval to modify its rider TCR. On May 7, 2007, the Office of the Ohio Consumers' Counsel (OCC) filed a motion to intervene, comments, a motion for reply opportunity, and a formal request for resolution (motion). OCC's motion to intervene should be granted.

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- (4) In its motion, OCC states that it "is evaluating Duke's filing and has worked with Duke during the last 20 days to resolve any questions, disputes or other matters." It notes that "several matters" remain unresolved and requests the resolution of "such matters." These "matters" are unidentified. OCC does, subsequently in its motion, discuss issues that were raised by staff in a staff filing relating to a prior semi-annual modification of rider TCR, but those staff filings are unrelated to the current modification.
- (5) The Commission would note that rider TCR includes a periodic reconciliation. Thus, while we recognize that OCC may have outstanding questions that relate to the current modification of rider TCR, those questions have not been presented to us and can, if necessary, be the subject of subsequent reconciliation. We therefore find that Duke's proposed tariff rate adjustment to rider TCR should become effective automatically on the 46th day after filing.
- (6) The parties are directed to continue discussions relating to rider TCR such that, at the time of the next semi-annual adjustment, any remaining issues can be addressed. Any filing by OCC at that time should identify issues with specificity.

It is, therefore,

ORDERED, That the motion by OCC to intervene be granted. It is, further,

ORDERED, That the motions by OCC for a reply opportunity and for resolution by the Commission be stayed, pending further discussion between OCC, Duke and the Commission staff prior to the next semi-annual adjustment. It is, further,

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

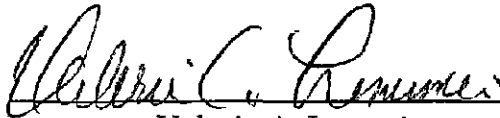
THE PUBLIC UTILITIES COMMISSION OF OHIO



Alan R. Schriber, Chairman

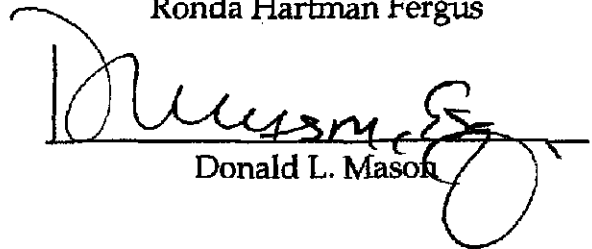


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Renee J. Jenkins
Secretary