

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.*, this Commission authorized Duke Energy Ohio, Inc.,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.
- (3) On March 19, 2007, the attorney examiners, in a bench ruling, granted pending motions for orders protecting the confidentiality of certain documents, conditioning that ruling on the ability of the Commission to modify the examiners' ruling if deemed appropriate.

¹ DE-Ohio was formerly known as the Cincinnati Gas & Electric Company.

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- (4) On July 26, 2007, the Commission received a public records request asking for the following documents to be provided no later than August 8, 2007:
- (a) "Any and all documents, from January 1, 2003 to the present, in PUCO's possession related to any and all 'Option Agreements,' between Cinergy Retail Services, LLC ('CRS') and any other firm or business entity, arising out of, or in connection with, the rate increase CG&E requested in 2003."
 - (b) "Any and all records, from January 1, 2003 to the present, of any communications between PUCO (and/or any PUCO employees) and CG&E, Cinergy, CRS, Duke Energy (and/or their personnel, employees or agents) or any other entity concerning any and all 'Option Agreements,' between CRS and any other firm or business entity, arising out of, or in connection with, the rate increase CG&E requested in 2003."
 - (c) "Any and all documents, from January 1, 2003 to the present, related to any 'Option Payments' made by CRS to any other firm or business entity in connection with any of the 'Option Agreements' referenced in Items 3 and 4 [sic]²."
- (5) Certain documents responsive to the public records request may be included within those covered by the protective order issued by the examiners from the bench.
- (6) To assist with the determination of the appropriate response to the public records request, parties may file memoranda discussing why the Commission should or should not modify the protective order granted by the examiners from the bench as it relates to all protected information. Specifically, parties should address appropriate confidential treatment of (a) document titles, (b) identification of persons or entities, (c) dates, (d) payments, (e) quantities and load information, (f) account numbers, (g) other customer identification, and (h) other terms and conditions. Parties should support their responses, citing and applying all relevant law.

² While the public records request specifically references "Items 3 and 4," the examiner believes that this was intended to refer to the preceding two paragraphs (that is, the requester's items 1 and 2). In this entry, paragraphs originally designated as 1, 2, and 3 have been labeled (a), (b), and (c).

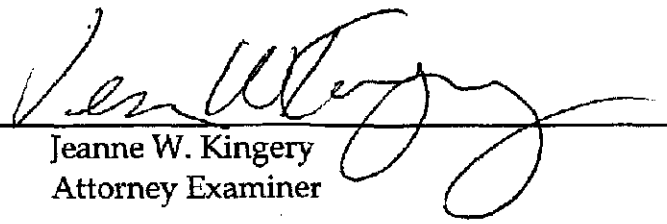
- (7) Memoranda discussed in the entry must be filed no later than 12:00 noon on Thursday, August 16, 2007.

It is, therefore,

ORDERED, That memoranda be filed in accordance with findings (6) and (7). It is, further,

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

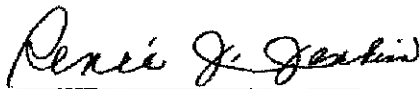
THE PUBLIC UTILITIES COMMISSION OF OHIO

By: 
Jeanne W. Kingery
Attorney Examiner


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Entered in the Journal

AUG 08 2007



Renee J. Jenkins
Secretary