

## BEFORE

## THE PUBLIC UTILITIES COMMISSION OF OHIO

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
In the Matter of the Application of The Cincinnati Gas & Electric Company for Authority to Modify Current Accounting Procedures for Certain Costs Associated with the Midwest Independent Transmission System Operator.	)	Case No. 03-2079-EL-AAM
In the Matter of the Application of The Cincinnati Gas & Electric Company for Authority to Modify Current Accounting Procedures for Capital Investment in its Electric Transmission and Distribution System and to Establish a Capital Investment Reliability Rider to be Effective after the Market Development Period.	)	Case No. 03-2081-EL-AAM Case No. 03-2080-EL-ATA

ENTRY

The attorney examiner finds:

- (1) On October 24, 2007, the Commission issued its order on remand in the above-captioned cases. In part, the order on remand directed Duke Energy Ohio, Inc. (Duke) to prepare a redacted version of certain confidential exhibits and file that redacted version within 45 days of the date of the order on remand. The order on remand also directed that any other party file redactions of any sealed documents it filed with the Commission no later than 60 days after the date of the order on remand.
- (2) On December 7, 2007, Duke filed its version of the redacted exhibits.

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- (3) By entry of December 20, 2007, all parties were granted an extension of time until January 23, 2008, to file their versions of the redacted exhibits.
- (4) On January 23, 2008, OCC filed redacted versions of the confidential exhibits. OCC also filed a motion for a protective order.
- (5) On January 25, 2008, Industrial Energy Users-Ohio (IEU) filed a memorandum contra OCC's motion for protective order. In its memorandum contra, IEU indicated, in part, that it reserves the right to supplement its memorandum contra up to and through the deadline for filing memoranda contra OCC's motion.
- (6) On January 28, 2008, OCC filed a motion for a five-day extension of time to file a reply to IEU's memorandum contra and a request for expedited ruling without the filing of memoranda. OCC indicated that, because IEU filed its memorandum contra prior to the deadline for such memoranda contra, it requests a five-day extension of time so that it will not file a reply to IEU today and, thereafter, need to file a second reply in the event IEU chooses to file a supplement to its memorandum contra or any other party files a memorandum contra OCC's motion for a protective order.
- (7) Rule 4901-1-12(C), Ohio Administrative Code, provides that any motion may include a specific request for an expedited ruling and, if the motion requests an extension of time to file pleadings of five days or less, an immediate ruling may be issued without the filing of memoranda.
- (8) The examiner notes that, by entry of February 18, 2004, in these proceedings, an expedited schedule was established for the filing of pleadings, such that all pleadings must be served electronically and memoranda contra are due in seven days after the service of motions and replies are due three days after the service of memoranda contra. Upon review, the attorney examiner finds that there is good cause to grant OCC's motion for a five-day extension of time (resulting in a deadline of February 4, 2008, due to the fifth day falling on a weekend) to file a reply to IEU's memorandum contra and any other memorandum contra that may be filed within the timeframe established in these proceedings.

It is, therefore,

ORDERED, That OCC's motion for an extension of time be granted. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

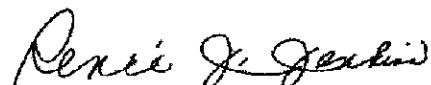


By: Scott Farkas  
Attorney Examiner

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Entered in the Journal

JAN 29 2004



Reneé J. Jenkins  
Secretary