

FILE

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January 29, 2008

VIA MESSENGER DELIVERY

Ms. Renee Jenkins
Chief, Docketing Division
Public Utilities Commission of Ohio
180 E. Broad Street, 13th Floor
Columbus, Ohio 43215

RECEIVED - DOCKETING DIV
2008 JAN 29 PM 4:12
PUCO

Re: In The Matter of: The Consolidated Duke Energy Ohio, Inc.
Rate Stabilization Plan Remand and Rider Adjustment Cases
Case Nos. 03-93-EL-ATA, 03-2079-EL-AAM, 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

Dear Ms. Jenkins:

Enclosed please find an original and fifteen copies of a Joint Motion by the Office of Ohio Consumers' Counsel, Duke Energy Ohio, Inc., Duke Energy Retails Sales, LLC, and Cinergy Corp. for extensions of time and for an expedited ruling on the joint motion.

Please accept the original and fifteen copies of this document for filing in the above identified matters. I would appreciate the return of a time stamped copy via the individual who delivers the same to you.

As always, please call me if you have any questions concerning this filing. Thank you.

Very truly yours,



Michael D. Dortch

Enclosures

cc: Ann Hotz, Esq.

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business.
Technician TM Date Processed 1/29/2008

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of)
The Cincinnati Gas & Electric Company)
To Modify its Non-Residential Generation)
Rates to Provide for Market-Based Standard) Case No. 03-93-EL-ATA
Service Offer Pricing and to Establish a Pilot)
Alternative Competitively-Bid Service Rate)
Option Subsequent to Market Development)
Period.)

In the Matter of the Application of The)
Cincinnati Gas & Electric Company for)
Authority to Modify Current Accounting) Case No. 03-2079-EL-AAM
Procedures for Certain Costs Associated)
with The Midwest Independent Transmission)
System Operator.)

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

**JOINT MOTION FOR EXTENSIONS OF TIME
AND
REQUEST FOR EXPEDITED RULING
BY**

**DUKE ENERGY-OHIO, DUKE ENERGY RETAIL SALES, LLC, CINERGY
CORP. AND THE OFFICE OF THE OHIO CONSUMERS' COUNSEL**

Duke Energy-Ohio ("Duke"), Duke Energy Retail Sales, LLC ("DERS"), Cinergy Corp. ("Cinergy") and the Office of the Ohio Consumers' Counsel ("OCC") (collectively, "Joint Movants") move, pursuant to Ohio Adm. Code 4901-1-12 and 4901-1-13, for an extension to file certain pleadings in which to make their differing recommendations to

the Public Utilities Commission of Ohio ("PUCO" or "Commission"). Specifically, Joint Movants request the PUCO to: (1) extend from January 30, 2008 to February 13, 2008, the due date for any memorandum contra to OCC's Motion for Protective order that was filed on January 23, 2007 and (2) allow an extension until February 28, 2008, for OCC to file one reply to any and all memoranda contra on the public records/redactions issue, regardless of when the memoranda contra were filed. The Joint Movants also request that an expedited ruling on this motion be issued by the Commission, the legal director, the deputy legal director, or the attorney examiner, pursuant to Ohio Adm. Code 4901-1-12(C), without the filing of other memoranda, on the basis that none of the parties have objected to the request for expedited ruling.

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

Respectfully submitted,

JANINE L. MIGDEN-OSTRANDER
CONSUMERS' COUNSEL

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Jeffrey L. Small/Counsel of Record

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(with permission)

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Electric Transmission and Distribution)
System And to Establish a Capital)
Investment Reliability Rider to be Effective)
After the Market Development Period.)

MEMORANDUM IN SUPPORT

I. INTRODUCTION

On October 24, 2007, the Commission issued the Order on Remand in the above captioned cases. In the Order, the Commission stated:

[P]ursuant to our ruling on this [confidentiality] issue, those documents must now be redacted to keep confidential only those matters we have ruled to be trade secrets. In order to accomplish this task, Duke shall work with the parties to the side agreements to prepare a redacted version of the confidential information attached to the pre-filed testimony of Ms. Hixon and will file that redacted version within 45 days of the date of this order on remand. Each party will then be required to redact all other sealed documents that such party filed with the Commission.

Redacted versions of all documents filed in these proceedings shall be docketed no later than 60 days after the date of this order on remand.¹

On December 7, 2007, Duke made a voluminous filing of redacted side agreements. Under the Order on Remand, the OCC's redacted documents would have been due on December 24, 2007. Instead, the Commission granted OCC an extension of time to file its Motion for Protective Order Pending the Commission's Granting of OCC's Motion of Approval of Redactions to January 23, 2008.

On January 25, 2008 the Industrial Energy Users-Ohio ("IEU") filed a memorandum contra to OCC's Motion and under the current expedited schedule, Duke's, DERS' and Cinergy's memorandum contra is due January 30, 2008 and OCC's Reply to IEU's memorandum contra is due February 4, 2008.

II. ARGUMENT

A. MOTIONS FOR EXTENSION OF TIME

The schedule established by the Commission requires rapid work on detailed matters, and may not provide the parties with sufficient time to provide the careful attention to the matter. The filings that the Commission kept under seal, in whole or in part, during the hearing were extensive and include numerous pleadings, pre-filed testimony, and transcripts from a number of depositions. As the Commission is aware, the treatment of information as public or sealed in these cases has been a contentious issue. The Commission should provide adequate time to allow parties to diligently perform the work related to recommending what information should be publicly available and what information should be kept under seal.

¹ Order on Remand at 17.

On December 7, 2008 Duke filed a revised redaction of the documents attached to the pre-filed testimony of Ms. Hixon that was 425 pages long. OCC's Motion for Protective Order and attached memorandum filed on January 23, 2008 was 1473 pages long. Because of the voluminous nature of the documents involved in responding to the PUCO's order that parties re-file documents, parties require additional time to perform a review of these documents and prepare their respective recommendations to the Commission.²

Finally, the requested extensions would not prejudice any of the parties to these proceedings. The Joint Movants have inquired of the other parties regarding this Motion for an Extension and none have objected.

B. REQUEST FOR EXPEDITED RULING

Given that Duke's, DERS' and Cinergy's memorandum contra is due within two days and OCC's Reply to IEU's memorandum contra is due on Monday, the Joint Movants request an expedited ruling on these motions, pursuant to Ohio Adm. Code 4901-1-12(C) and (F). Under these provisions of the Ohio Administrative Code the Commission can grant an expedited ruling if all parties have been notified to determine if any parties object to the issuance of an expedited ruling. All parties were contacted and none object to the motions of extension of expedited ruling. Therefore, the Commission should grant the expedited ruling.

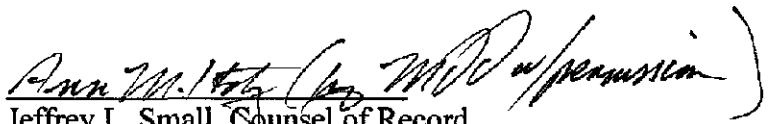
² Order on Remand at 15. ("Specifically, we find that the following information has actual or potential independent economic value from its being not generally known or ascertainable: customer names, account numbers, customer social security or employer identification numbers, contract termination dates or other termination provisions, financial consideration in each contract, price of generation referenced in each contract, volume of generation covered by each contract, and terms under which any options may be exercisable.")

III. CONCLUSION

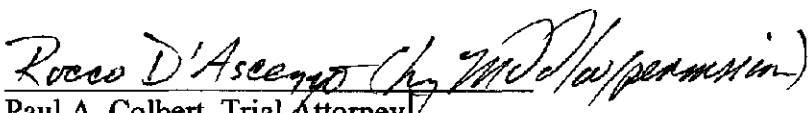
For all the above reasons, good cause exists under Ohio Adm. Code 4901-1-13(A) for extensions of time to file a memorandum contra and to file replies to the memoranda contra. Moreover, the Commission should rule on an expedited basis given the imminent deadlines. This Motion has been submitted according to the requirements of, and is subject to, the expedited procedures for pleadings established in these cases.

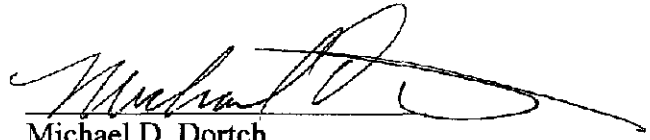
Respectfully submitted,

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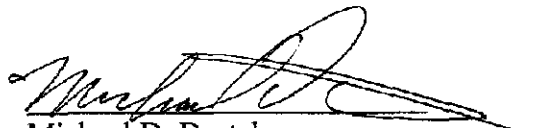

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CERTIFICATE OF SERVICE

I hereby certify that a copy of this pleading was served electronically on the persons listed on the electronic service list, as shown below, this 29th day of January 2008.


Michael D. Dortch

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