

THE SUPREME COURT OF OHIO

Duke Energy Ohio, Inc.)
The Office of the Ohio Consumers' Counsel)
Appellant,)
VS) Supreme Court No. 08-0367
The Public Utilities Commission)
of Ohio)
Appellee.

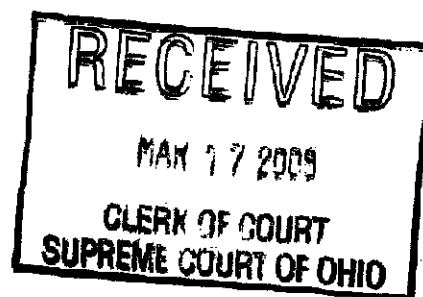
Being Before
THE PUBLIC UTILITIES COMMISSION OF OHIO

In the matter of the application of Cincinnati)
Gas & Electric Company to modify its non-)
residential generation rates to provide for)
market-based standard service offer pricing) Case No. 03-93-EL-ATA
and to establish an alternative for competitively)
bid service rate options subsequent to market)
development period.)

In the matter of the application of Cincinnati)
Gas & Electric Company for authority to)
modify current accounting procedures for) Case No. 03-2079-EL-AAM
certain costs associated with the Midwest)
Independent Transmission System Operator.)

In the matter of the application of Cincinnati)
Gas & Electric Company for authority to modify)
current accounting procedures for Capital) Case No. 03-2080-EL-ATA
Investment in its electric transmission and)
distribution system and to establish a Capital) Case No. 03-2081-EL-ATA
Investment reliability rider to be effective after)
the Market Development Period.)

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<u>5/13/2004</u>	Notice to take deposition of Frank Lacey, witness for Strategic Energy, LLC and MidAmerican Energy Co; Thomas E. Gantzer, witness for Constellation NewEnergy, Inc.; and Michael D. Smith, witness for Constellation Power Source, Inc. upon oral examination, and request for production of documents, filed on behalf of CG&E Co. by J. Finnigan, Jr.	145
<u>5/13/2004</u>	Entry ordering that CG&E's motion for protective order be granted to the extent that the documents filed by CG&E under seal with that motion shall be maintained under seal and confidential treatment shall be afforded for a 24 month period; that OCC's motion to compel discovery be granted to the extent that CG&E shall be compelled to respond to OCC discovered information as a trade secret, pursuant to the terms of its proposed protective agreement; that the motions by WPS and Cincinnati for intervention in these proceedings, as set forth in findings (10) and (11) be granted. (JK)	146
<u>5/14/2004</u>	Entry ordering that CG&E's motion to compel discovery from Green Mountain be denied, that CG&E's motion to compel discovery from Dominion be granted to the extent that it covers sales in CG&E's service territory, during the period of January 1, 2003, through the present date, provided that the CG&E and Dominion enter into discussions regarding the format of such responses and a confidentiality agreement to preserve the confidentiality of the information in question, as described in finding (10). (JK)	147

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<u>5/18/2004</u>	Confidential OMC-POD-01-002 (Supplemental) responses Trade Secret Information filed on behalf of CG&E Co. by J. Finnigan. (FILED UNDER SEAL)	Conf.
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<u>5/19/2004</u>	Notice of withdrawal filed on behalf of General Electric Company by B. Kahn.	161
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<u>5/19/2004</u>	Letter stating that Ohio Energy Group will not be filing testimony, but does reserve that right to file rebuttal, filed by D. Boehm.	162
<u>5/20/2004</u>	Notice of withdrawal of Duke Realty Corporation filed by M. Petricoff.	163
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<u>5/24/2004</u>	Supplemental prepared testimony of Richard Cahaan, filed on behalf of PUCO staff.	168
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<u>5/26/2004</u>	Supplemental testimony of Frank Lacey for Strategic Energy, LLC and MidAmerican Energy Company by H. Petricoff.	172
<u>5/26/2004</u>	Prepared supplemental testimony of F. Ross Pultz, filed on behalf of OCC by J. Small.	173
<u>5/26/2004</u>	Supplemental testimony of Nell H. Talbot on behalf of OCC by J. Small.	174
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<u>6/4/2004</u>	Entry ordering that initial briefs shall be filed no later than June 22, 2004, and reply briefs shall be filed not later than July 2, 2004, that the instructions set forth in finding (5) shall be followed. (JK)	176
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<u>6/10/2004</u>	Transcript of proceedings held before Hearing Examiners J. Kingery and S. Farkas on May 26, 2004 at the Commission. (Vol. IV)	Trans.
<u>6/10/2004</u>	Confidential pages 11-16 of transcript Vol. IV. (FILED UNDER SEAL)	Conf.

<u>6/11/2004</u>	Transcript for hearing held May 27,2004 at 9:00 AM in hearing room 11B before Attorney Examiners Jeanne Kingery and Scott Farkas. (VOL. V) (PART 1 OF 2)	Trans.
<u>6/11/2004</u>	Transcript for hearing held May 27,2004 at 9:00 AM in hearing room 11B before Attorney Examiners Jeanne Kingery and Scott Farkas. (VOL. V) (PART 2 OF 2)	Trans.
<u>6/14/2004</u>	Transcript Volume VI for hearing held May 28, 2004 at the offices if the Commission at 9:00 AM. (PART 1 OF 2)	Trans.
<u>6/14/2004</u>	Transcript Volume VI for hearing held May 28, 2004 at the offices if the Commission at 9:00 AM. (PART 2 OF 2)	Trans.
<u>6/15/2004</u>	Transcript and exhibits of hearing held before Attorney Examiners J. Kingery and S. Farkas at the Commission on 6/1/2004. (Vol VII)	Trans.
<u>6/22/2004</u>	Post hearing brief of Industrial Energy Users-Ohio filed by L. McAlister.	177
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<u>6/22/2004</u>	Initial brief of Ohio Partners for Affordable Energy, filed by D. Rinebolt. (FAX)	181
<u>6/22/2004</u>	Initial brief of The Cincinnati Gas & Electric Company, filed by P. Colbert.	182
<u>6/22/2004</u>	Post hearing merit brief of the office of the Ohio Consumers' Counsel filed by J.Small.	183
<u>6/22/2004</u>	Initial brief filed on behalf of PUCO staff T. McNamee.	184
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<u>7/2/2004</u>	Reply brief filed on behalf of The Public Utilities Commission of Ohio by T. McNamee.	189
<u>7/2/2004</u>	Correspondence in opposition of CG&E's proposed plan filed on behalf of a consumer B. and J. Bowman.	Corres.
<u>7/2/2004</u>	Reply Brief filed on behalf of Ohio Manufacturers' Association filed by T. O'Brien.	190
<u>7/2/2004</u>	Reply Brief filed on behalf of Industrial Energy Users-Ohio by L. McAlister.	191
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<u>7/2/2004</u>	Reply Brief filed on behalf of Green Mountain Energy Company by D. Stinson.	193
<u>7/2/2004</u>	Post Hearing Reply Brief filed on behalf of The Office of the Ohio Consumers' Counsel.	194
<u>7/2/2004</u>	Reply Brief filed on behalf of Constellation New Energy, Inc./ MidAmerican Energy Company, Strategic Energy, LLC, and WPS Energy Services, Inc. and Constellation Power Source, Inc. filed by H. Petricoff.	195
<u>7/2/2004</u>	Reply Brief filed on behalf of Ohio Energy Group by D. Boehm.	196
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<u>7/16/2004</u>	Confidential memorandum relating to ongoing settlement discussions filed on behalf of Ohio Partners for Affordable Energy and Citizens United for Action by D. Rinebolt. (FILED UNDER SEAL)	Conf.
<u>7/27/2004</u>	Correspondence regarding concerns of a settlement proposed by CG&E to increase rates filed by D. Nunneker.	Corres.
<u>7/29/2004</u>	Memorandum contra the motion of Ohio Partners for Affordable Energy to strike portions of the Cincinnati Gas & Electric Company's reply brief, filed on behalf of The Cincinnati Gas & Electric Co. by P. Colbert.	202
<u>9/2/2004</u>	Request of the Ohio Marketers Group and Constellation Power Source, Inc. to take Administrative Notice of an order of the Federal Energy Regulatory Commission filed by H. Petricoff. (Part 1 of 2)	203
<u>9/2/2004</u>	Request of the Ohio Marketers Group and Constellation Power Source, Inc. to take Administrative Notice of an order of the Federal Energy Regulatory Commission filed by H. Petricoff. (Part 2 of 2)	204
<u>9/28/2004</u>	Entry granting CG&E's motions for protective order to the extent that the documents filed by CG&E be maintained under seal for an 18-month period; that OP&E's motion for protective order be granted to the extent that the document be maintained under seal for an 18-month period; that OP&E's motion for a waiver of Rule 4901-1-24(F) be denied; that OP&E's motion to strike be granted. (JK)	205
<u>9/29/2004</u>	Opinion and Order stating that the stipulation be approved to the extent and subject to the modifications and conditions set forth; that OCC's request to reopen is denied; that CG&E file tariffs within 75 days of this order; that CG&E file proposed transmission costs riders for review and residential demand side management tracker for review by Commission staff; that CG&E's accounting deferrals be approved; that if CG&E does not implement the stipulation as modified than they must fully separate its generating assets as directed in Commission's ETP order. Concurring opinion of Chairman Alan Schriber.	206

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<u>10/29/2004</u>	Application for rehearing and memorandum in support filed by A. Hotz on behalf of Ohio Consumers' Council.	209
<u>10/29/2004</u>	Application for rehearing and memorandum in support filed by P. Colbert on behalf of Cincinnati Gas & Electric Company.	210
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<u>11/8/2004</u>	Memorandum contra application for rehearing by Constellation NewEnergy, Inc. MidAmerican Energy Company, Strategic Energy LLC and WPS Energy Services filed by H. Petricoff on behalf of Ohio Marketers Group.	212
<u>11/8/2004</u>	Memorandum in response to CG&E's application for rehearing and alternative proposal filed by S. Randazzo on behalf of Industrial Energy Users-Ohio.	213
<u>11/8/2004</u>	Response of Dominion Retail, Inc. to application for rehearing of The Cincinnati Gas & Electric Company filed by B. Royer.	214
<u>11/8/2004</u>	Memorandum contra of CG&E to the application for rehearing by The Ohio Marketers Group filed by J. Finnigan, Jr.	215
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<u>11/8/2004</u>	Memorandum in response to The Cincinnati Gas & Electric Company's Ohio Consumers' Counsel's, Ohio Marketers Group's and Constellation Power Service, Inc.'s applications for rehearing filed by D. Stinson on behalf of Green Mountain Energy Company.	219
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<u>11/8/2004</u>	Memorandum in response to application for rehearing filed by R. Sites on behalf of Ohio Hospital Association.	223
<u>11/8/2004</u>	Memorandum contra of CG&E to application for rehearing by The Ohio Consumers Counsel by J. Finnigan.	224
<u>11/8/2004</u>	Memorandum contra to the application for rehearing of CG&E filed by D. Rinebolt on behalf of Ohio Partners for Affordable Energy.	225
<u>11/9/2004</u>	Amended memorandum in response to The Cincinnati Gas & Electric Company's application for rehearing filed by D. Boehm on behalf of the Ohio Energy Group.	226
<u>11/18/2004</u>	Motion for leave to supplement its memorandum contra and memorandum in support filed by H. Petricoff on behalf of Ohio Marketers Group.	227
<u>11/18/2004</u>	Supplement to memorandum contra filed H. Petricoff on behalf of Ohio Marketers Group.	228

<u>11/23/2004</u>	Entry on Rehearing that the application for rehearing by OCC be denied; that application for rehearing filed by OMG be granted and denied in part; that the application for rehearing by CPS be denied; that the Stipulation be approved.	229
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<u>12/14/2004</u>	Reply memorandum in support of the motion for approval of its legal notice and request for expedited ruling filed by P. Colbert on behalf of The Cincinnati Gas & Electric Company.	235
<u>12/14/2004</u>	Proposed tariff schedules PUCO No.19 and PUCO No.20 to implement the alternative rate stabilization plan filed by J. Finnigan, Jr. on behalf of Cinergy.	236
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<u>12/21/2004</u>	Application for Rehearing filed by H. Petricoff on behalf MidAmerican Energy Company.	238
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<u>12/30/2004</u>	Memorandum contra MidAmerican Energy Company's application for rehearing filed on behalf of the Cincinnati Gas & Electric Company by P. Colbert.	245
<u>12/30/2004</u>	Motion to dismiss and memorandum contra, the Ohio Consumers' Counsel's application for rehearing filed on behalf of the Cincinnati Gas & Electric Company by P. Colbert.	246
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<u>1/11/2005</u>	Memorandum to the Ohio Consumer's Counsel memorandum contra filed by P. Colbert on behalf of The Cincinnati Gas & Electric Company.	250

<u>1/12/2005</u>	Correspondence letter regarding rate increase plan filed by J. Costello.	Corres.
<u>1/13/2005</u>	Comments of Eagle Energy, LLC concerning the interim rates of The Cincinnati Gas & Electric Company filed by Donald I. Marshall.	251
<u>1/19/2005</u>	Second entry on rehearing stating that the application for rehearing filed in these matters by MidAmerican Energy Company be granted for further consideration of the matters set forth in Findings (8) and (9) of this second entry on rehearing; that comments may be filed in accordance with finding (9); that the application for rehearing filed in these matter by Dominion Retail, Inc., be denied; that the motion by The Cincinnati Gas & Electric Company to dismiss the second application for rehearing filed by OCC be denied; that the second application for rehearing filed in these matters by OCC be denied.	252
<u>1/20/2005</u>	Request of Constellation NewEnergy for a declaratory ruling and memorandum in support filed by H. Petricoff.	253
<u>1/21/2005</u>	Entry stating that any memoranda contra the request by Constellation for declaratory ruling by the Commission be filed no later that Wednesday, January 26, 2005(JK).	254
<u>1/25/2005</u>	Letter opposing CG&E rate plan filed by J. Pfenning.	Corres.
<u>1/26/2005</u>	Memorandum Contra the request of Constellation NewEnergy for a declaratory ruling and motion to dismiss filed on behalf of The Cincinnati Gas & Electric Company by P. Colbert.	255
<u>1/27/2005</u>	Letter supporting the approved Rate Stabiliation Plan filed by R. Losekamp on behalf of Skidmore Sales & Distributing Company, Inc.	Corres.
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<u>1/31/2005</u>	Comments regarding return pricing by The Office of the Ohio Consumers' Counsel filed by A. Hotz.	258
<u>2/2/2005</u>	Correspondence supporting the recent petition to allow customers to elect to pay the new rate stabilization charge and POLR fee filed by Grand Antique Mall.	Corres.
<u>2/2/2005</u>	Correspondence supporting the recent petition to allow customers to elect to pay the new rate stabilization charge and POLR fee filed by Lee Woodruff on behalf of Richards Industries Valve Group.	Corres.
<u>2/2/2005</u>	Correspondence supporting the recent petition to allow customers to elect to pay new Rate Stabilization charge and POLR fee filed by P. Maue.	Corres.
<u>2/9/2005</u>	Entry ordered that the form of notice proposed by Constellation is adequate and reasonable, that CG&E modify its agreement as discussed in this entry.	259
<u>2/18/2005</u>	Amended proposed tariffs (red-line version) filed by CG&E.	260
<u>2/18/2005</u>	Tariff schedules filed by D. Rottinghaus on behalf of CG&E.	261
<u>3/2/2005</u>	Finding and order stating that the proposed tariffs of the Cincinnati Gas & Electric Company are accepted as filed on February 18, 2005 subject to possible further modification regarding return pricing for shopping customers; that the proposed tariff sheets reflecting the availability of certain schedules be effective upon filing in final form.	262
<u>3/7/2005</u>	Tariff schedules for PUCO No. 19 filed on behalf of The Cincinnati Gas & Electric Company by D. Rottinghaus.	263
<u>3/9/2005</u>	Correspondence asking that the PUCO reconsider CG&E request for a rate increase filed by R. Boyce.	Corres.
<u>3/18/2005</u>	Notice of appeal of The Office of the Ohio Consumers' Counsel filed by J. Small.	264
<u>4/13/2005</u>	Entry on Rehearing ordered that CG&E shall charge returning, nonresidential shopping customers on the basis described in this order on rehearing, that CG&E shall allow nonresidential shopping customers the option to pay the RSC and the AAC in exchange for the right to return to CG&E at the rate stabilized price under CG&E's rate stabilization plan, that CG&E file tariffs for Commission approval that reflect the terms of this order within 45 days.	265

<u>4/22/2005</u>	Rider FPP, Fuel and Economy Purchased Power Rider for the three months of April through June 2005, filed on behalf of Cinergy Corp. by D. Rottinghaus.	266
<u>5/20/2005</u>	Amended PUCO electric No.19 tariff schedules filed by D. Rottinghaus on behalf of Cinergy.	267
<u>5/23/2005</u>	Notice of Appeal of The Office of the Consumers' Counsel(Supreme Court #05-0946).	268
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<u>4/18/2005</u>	Service Notice for Supreme Court Transmittal papers.	270
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<u>6/27/2005</u>	Rider FPP, Fuel and Economy Purchased Power Rider for the three months of July through September 2005, filed on behalf of applicant by R. Butts, Jr.	272
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<u>12/15/2005</u>	The Cincinnati Gas & Electric Company's Sheet No. 51, Rider AAC, Annually Adjusted Rider for 2006 filed by D. Rottinghaus. (FAX)	274
<u>12/16/2005</u>	The Cincinnati Gas & Electric Company's Sheet No. 51, Rider AAC, Annually Adjusted Rider for 2006 filed by D. Rottinghaus. (Original)	275

<u>12/27/2005</u>	Revise tariff PUCO Electric No.19 filed by R. Butts Jr. filed by The Cincinnati Gas and Electric Company.	276
<u>12/28/2005</u>	Entry ordered that the proposed rider AAC filed on December 16, 2005, be approved; that the CG&E be authorized to file in final form four complete copies of tariffs consistent with this entry; one copy shall be included with this case docket, on shall be filed with CG&E TRF docket and the remaining two copies shall be designated for distribution to the rates and tariff division of the Commission's Utilities Department. CG&E shall also update its tariffs previously filed electronically with the Commission's Docketing Division, ordered that the effective date of the new tariffs shall be for service rendered on or after January 3, 2006; that the applicant shall notify all affected customers of the tariff changes via a bill message of via a bill insert within 30 days of the effective date of the tariffs.	277
<u>12/30/2005</u>	Revised tariff PUCO Electric No.19, Rider AAC filed by D. Rottinghaus on behalf of The Cincinnati Gas and Electric Company.	278
<u>2/21/2006</u>	Revised tariff for PUCO Electric No.19 filed by D. Rottinghaus on behalf of Cincinnati Gas & Electric Company	279
<u>3/24/2006</u>	Rider FPP, Fuel and Economy Purchased Power Rider the three months of April through June, 2006, filed on behalf of Cincinnati Gas and Electric Company by R. Butts, Jr.	280
<u>3/28/2006</u>	Motion for continuation of the protective order, filed on behalf of The Cincinnati Gas & Electric Company by P. Colbert.(fax)	281
<u>3/29/2006</u>	Motion for continuance of the protective order, memorandum in support filed by P. Colbert on behalf of The Cincinnati Gas & Electric Company.	282
<u>3/31/2006</u>	Letter requesting that the Rider FPP, sheet No. 53.5 was subsequently filed in case number 05-724 when actually it was to be docketed in 05-725 filed on behalf of Cincinnati Gas & Electric by D. Rottinghaus.	283
<u>5/2/2006</u>	Entry ordering that for a period of 18 months from the date of this entry, the Docketing Division shall maintain under seal the information ordered held confidential by our May 13, 2004 entry in this docket(SF).	284
<u>6/20/2006</u>	Revised tariff PUCO No.19 filed on behalf of Duke Energy Ohio by L. Steinkuhl.	285

<u>9/28/2006</u>	Rider FPP, Fuel and Economy Purchase Power Rider for three months of October through December 2006 for Electric Tariff PUCO No. 19 filed by L. Steinkuhl on behalf of Duke Energy Ohio.	286
<u>11/29/2006</u>	Entry ordered that the testimony in the FPP and SRT proceedings not be filed until further notice; that the hearing currently set for December 5, 2006 in the AAC proceedings is continued; that a prehearing conference be held at 10:00 a.m. on Thursday, December 14, 2006, in the legal conference room on the 12th floor of the offices of the Commission, 180 East Broad Street, Columbus, Ohio 43215; that Duke disclose to OCC the information requested in discovery with regard to side agreements. (JK)	287
<u>12/7/2006</u>	Letter filed P. Colbert on behalf of Duke Energy notifying the Commission and the parties that there is only one agreement between CG&E and the City of Cincinnati that is responsive to the OCC's specific document request.	288
<u>12/12/2006</u>	Motion to stay Duke Energy's rate increases, motion to render all rate increases after the market development period subject to refund on an ongoing basis, and memoranda contra Duke Energy Ohio's motions to extend the annually adjusted component, to reconcile the annually adjusted component through a true-up, and to implement the 2007 system reliability tracker subject to true-up, memorandum in support filed on behalf of the Ohio Consumers' Counsel by J. Small.	289
<u>12/13/2006</u>	Motion for clarification, memorandum in support filed by P. Colbert on behalf of Duke Energy Ohio.	290
<u>12/13/2006</u>	Motion for subpoena duces tecum, memorandum in support filed by J. Small, K. Bojko, and A. Hotz on behalf of Ohio Consumers' Counsel.	291
<u>12/13/2006</u>	Motion for the entry of orders permitting appearances pro hac vice of Paul R. Newton, affidavit in support of motion, filed on behalf of Duke Energy-Ohio by R. D'Ascenzo.	292
<u>12/13/2006</u>	Response of the Office of the Ohio Consumers' Counsel filed by J. Small.	293
<u>12/13/2006</u>	Return of service filed by OCC.	294
<u>12/14/2006</u>	Correspondence letter regarding rate increase filed by C. Neumann.	Corres.

<u>12/14/2006</u>	Correspondence letter with attachments filed by C. J. Neumann.	Corres.
<u>12/15/2006</u>	Memorandum contra on behalf of Duke Energy Ohio's to the OCC motion to stay Duke Energy's rate increases, motion to render all rate increases after the market development period subject to refund on an on going basis, and Duke Energy Ohio's reply to the OCC's memoranda contra Duke Energy Ohio's motions to extend the annually adjusted component, to reconcile the annually adjusted component through true-up, and implement the 2007 system reliability tracker subject to true-up filed by P. Colbert.	295
<u>12/18/2006</u>	Motion for Subpoena Duces Tecum and memorandum in support filed on behalf of Ohio Consumers' Counsel by J. Small.	296
<u>12/18/2006</u>	Reply to Duke Energy's memorandum contra motion to stay Duke Energy's rate increases and motion to render all rate increases after the market development period subject to refund on an ongoing basis on behalf of OCC filed by K. Bojko.	297
<u>12/18/2006</u>	Return of service filed by OCC.	298
<u>12/18/2006</u>	Revised page 2 to original reply to Duke Energy's Memorandum Contra motion to stay on behalf of OCC filed by J. Small.	299
<u>12/20/2006</u>	Entry ordered that DE-Ohio's motions and OCC's motions be granted in part and denied in part as discussed in this entry.	300
<u>12/20/2006</u>	Memorandum contra filed by J. Small on behalf of the Office of the Ohio Consumers' Counsel.	301
<u>12/20/2006</u>	Motion for a protective order and memorandum in support of the motion to quash filed by P. Colbert on behalf of Duke Energy Retail Sales LLC.	302
<u>12/20/2006</u>	Objections and motion to quash, memorandum in support filed by M. Pahutski on behalf of Duke Energy Retail Sales.	303
<u>12/21/2006</u>	Memorandum in support of motion to quash and motion for protective order, filed on behalf of Industrial Energy Users-Ohio by L. McAlister.	304
<u>12/26/2006</u>	Reply to the Ohio Consumers' Counsel memorandum contra to Duke Energy's motion for clarification filed by P. Colbert on behalf of Duke Energy Ohio.	305

<u>12/26/2006</u>	Rider FPP-Fuel and Economy Purchased Power, Rider SRT-System Reliability Tracker, and Rider AAC-Annually Adjusted Component, effective January 2, 2007, filed on behalf of Duke Energy-Ohio by L. Steinkuhl.	306
<u>12/27/2006</u>	Return of service for subpoena served, filed by office of the Ohio Consumers' Counsel.	307
<u>12/28/2006</u>	Motion and memorandum in support to strike the motion to quash subpoenas filed by non-party Duke Energy Retail Sales, LLC, memorandum contra Duke Energy Ohio's motion for protective order, and motion to strike Industrial Energy Users-Ohio's memorandum in support of motion to quash and motion for protective order, filed on behalf of the office of the Ohio Consumers' Counsel by J. Small.	308
<u>1/2/2007</u>	Entry ordered; that the motion to strike the filing by IEU-Ohio be denied; that the motion by DE-Ohio for a protective order be denied; that the motion to strike the motion to quash be denied; that the motion to quash be granted in part and denied in part; and that the motion by DERS for a protective order be denied. (JWK)	309
<u>1/2/2007</u>	Memorandum contra to the Ohio Consumers' Counsel's motion to strike Duke Energy Retail Sales motion to quash the two subpoena duces tecum filed by the OCC and motion to intervene on a limited basis, filed on behalf of Duke Energy Retail Sales by M. Pahutski.	310
<u>1/2/2007</u>	Reply to the Ohio Consumers' Counsel's memorandum contra to Duke Energy Ohio's motion for protective order, filed on behalf of Duke Energy Ohio by P. Colbert.	311
<u>1/3/2007</u>	Entry ordered; that the hearing in these consolidated proceedings shall include the presentation of testimony and introduction of evidence as set forth in this entry.	312
<u>1/4/2007</u>	Entry ordered; that responses to any discovery requests made prior to January 3, 2007, shall be due no later than January 15, 2007; that any discovery requests made on or after January 3, 2007, shall be subject to the expedited discovery schedule ordered at the prehearing conference. (JWK)	313
<u>1/8/2007</u>	Confidential document: Transcript pages 46-62 for hearing held December 14, 2006. (17 pgs.)	Corres.
<u>1/8/2007</u>	Transcript for hearing held on December 14, 2006 before Jean Kingery And Scott Farkas, attorney examiners.	Trans.

<u>1/26/2007</u>	Motion for subpoena duces tecum and memorandum in support filed on behalf of Ohio Consumers Counsel by J. Small.	314
<u>1/29/2007</u>	Return of service; Randolph Freking, filed by J. Small on behalf of OCC.	315
<u>2/1/2007</u>	Application for rehearing, memorandum in support filed by J. Small on behalf of the Office of the Ohio Consumers' Counsel.	316
<u>2/1/2007</u>	Entry ordering that the schedule for discovery, the filing of testimony and depositions, and the hearing be established in accordance with this entry; that the parties comply with the schedule for filing of responses to motions, as set forth in finding (8); that the motion to intervene by DERS be considered as moot. (JWK)	317
<u>2/2/2007</u>	Cinergy Corp.'s motion in limine to exclude irrelevant contracts and related documents from these proceedings and memorandum in support filed by M. Dortch.	318
<u>2/2/2007</u>	Cinergy Corp.'s motion to intervene for the limited purpose of allowing it to protect certain confidential information and memorandum in support of Cinergy Corp.'s motion to intervene filed by M. Dortch.	319
<u>2/2/2007</u>	Duke Energy Ohio's motion in limine to exclude irrelevant contracts and related documents from these proceedings and memorandum in support filed by P. Colbert.	320
<u>2/2/2007</u>	Duke Energy Retail Sales motion in limine to exclude irrelevant contracts and related documents from these proceedings and memorandum in support filed by M. Pahutski.	321
<u>2/2/2007</u>	Duke Energy Retail Sales motion to intervene for the limited purpose of protecting its interest in contracts to which it is a party and memorandum in support filed by M. Pahutski.	322
<u>2/5/2007</u>	Confidential portion of the subpoena duces tecum filed on behalf of Cinergy Corp., Duke Energy by OCC. (2 pages)	Conf.
<u>2/5/2007</u>	Motion for protective order regarding portions of a motion for subpoena to be issued to Cinergy Corp. and associated filings, memorandum in support by The Office of The Ohio Consumers' Counsel filed by J. Small.	323

<u>2/5/2007</u>	Motion for Subpoena Duces Tecum (Public Version) filed by J. Small on behalf of Ohio Consumers' Counsel.	324
<u>2/6/2007</u>	Letter stating that Duke Energy and affiliated companies failed to serve a copy of pleadings upon the office of the Ohio Consumers' Counsel, therefore as a result, the deadline that would otherwise apply to the OCC's responsive pleadings is not in effect and the OCC does not consider, pursuant to Ohio Adm. Code 4901:2-5, that the pleadings are pending for a PUCO ruling, filed on behalf of the office of the Ohio Consumers' Counsel by J. Small.	325
<u>2/6/2007</u>	Return of Service for subpoena served upon M. Dortch-attorney for Cinergy Corp., filed on behalf of OCC by W. King.	326
<u>2/7/2007</u>	Memorandum in response to motions in Limine, filed on behalf of PUCO staff by T. McNamee-Attorney General Section.	327
<u>2/8/2007</u>	Motion for Subpoena Duces Tecum and memorandum in support filed on behalf of the office of the Ohio Consumers' Counsel by J. Small.	328
<u>2/8/2007</u>	Subpoena Duces Tecum served upon G. Fickle, filed by PUCO staff..	329
<u>2/9/2007</u>	Memorandum in response to motions in limine by the Ohio Marketers Group filed by M. Petricoff.	330
<u>2/9/2007</u>	Motion to limit scope of OCC deposition and memorandum in support filed by K. Boehm on behalf of The Kroger Co.	331
<u>2/12/2007</u>	Memorandum contra the application for rehearing by the Office of the Ohio Consumers' Counsel, filed on behalf of Duke Energy Ohio by P. Colbert.	332
<u>2/12/2007</u>	Memorandum contra the application for rehearing by the Office of the Ohio Consumers' Counsel, filed on behalf of Duke Energy Retail Sales by M. Pahutski.	333
<u>2/12/2007</u>	Memorandum in opposition to the February 1, 2007 application for rehearing by the Ohio Consumers' Counsel, filed on behalf of Cinergy Corp. by M. Dortch.	334

<u>2/13/2007</u>	Memorandum contra motions to intervene by Duke Energy Retail Sales and Cinergy Corp. and memorandum contra motions limine by Duke Energy, Duke Energy Retail Sales, and Cinergy Corp., filed on behalf of the office of the Ohio Consumers' Counsel by L. Sauer.	335
<u>2/13/2007</u>	Motion for protective order and memorandum in support regarding portions of a deposition transcript and exhibits, filed on behalf of the office of the Ohio Consumers' Counsel by L. Sauer.	336
<u>2/13/2007</u>	Notice of filing of deposition, filed on behalf of the Office of the Ohio Consumers' Counsel by L. Sauer.	337
<u>2/13/2007</u>	Transcript for deposition of Charles R. Whitlock filed on behalf of Ohio Consumers' Counsel.	Trans.
<u>2/14/2007</u>	Confidential documents 1) Excerpts from deposition 2) Exhibit C, filed on behalf of the office of the Ohio Consumers' Counsel by J. Small. (FILED UNDER SEAL)	Conf.
<u>2/14/2007</u>	Reply to OMG's memorandum in response to motions in limine, filed on behalf of Duke Energy Retail Sales by M. Pahutski.	338
<u>2/14/2007</u>	Reply to OMG's memorandum in response to motions, motions in limine, filed on behalf of Duke Energy Ohio, Inc. by P. Colbert.	339
<u>2/14/2007</u>	Reply to the Ohio Marketers Group's February 9, 2007 response to Cinergy Corp.'s motion in limine, filed on behalf of Cinergy Corp. by M. Dortch.	340
<u>2/15/2007</u>	Memorandum contra Kroger's motion to limit scope of deposition by The Office of The Ohio Consumers Counsel filed by J. Small.	341
<u>2/15/2007</u>	Notice of withdrawal of counsel and designation of trial attorney filed by J. Small on behalf of the OCC.	342
<u>2/16/2007</u>	Motion for subpoena duces tecum and memorandum in support filed by L. Sauer on behalf of Ohio Consumers' Counsel.	343
<u>2/16/2007</u>	Motion for subpoena duces tecum for Lon Mitchell, CFO of Duke Energy Retail Sales, memorandum in support filed by L. Sauer on behalf of Ohio Consumers' Counsel.	344
<u>2/16/2007</u>	Reply to OCC's memorandum contra Cinergy Corp.'s motion to intervene and motion in limine filed by M. Dortch.	345

<u>2/16/2007</u>	Reply to the Ohio Consumers' Counsel's memorandum contra Duke Energy Ohio's, Duke Energy Retail Sales' and Cinergy Corp.'s motions in limine and motions to intervene filed by R. D'Ascenzo.	346
<u>2/16/2007</u>	Reply to the Ohio Consumers' Counsel's memorandum contra Duke Energy Retail Sales' motions in limine and to intervene filed by M. Pahutski.	347
<u>2/16/2007</u>	Return of service filed by B. Enneking.	348
<u>2/21/2007</u>	Notice of withdrawal on behalf of Kroger's Co. Motion to Limit Scope of OCC deposition filed by M. Kurtz.	349
<u>2/22/2007</u>	Motion for subpoena duces tecum and memorandum in support filed by J. Small on behalf of OCC.	350
<u>2/23/2007</u>	Return of service on behalf of OCC.	351
<u>2/26/2007</u>	Ohio Hospital Association's response to Duke Energy Ohio's First Set Of Interrogatories and requests for production of documents filed by R. Sites.	352
<u>2/28/2007</u>	Direct testimony of Sandra P. Meyer on behalf of Duke Energy Ohio, Inc.	353
<u>2/28/2007</u>	Entry ordering that the motions to intervene for the limited purpose of protecting confidential information, by DERS and Cinergy, be granted and that the motions in limine by Duke, DERS, and Cinergy be denied.	354
<u>2/28/2007</u>	Second supplemental testimony of John P. Steffen on behalf of Duke Energy Ohio.	355
<u>2/28/2007</u>	Second supplemental testimony of Judah Rose on behalf of Duke Energy Ohio.	356
<u>2/28/2007</u>	Supplemental testimony of William Don Wathen, Jr. on behalf of Duke Energy Ohio.	357
<u>3/2/2007</u>	Letter urging the Commission to immediately direct OCC to cease and desist from any efforts to make protected information public or to take actions which will increase the risk that such information will become public filed by S. Randazzo on behalf of IEU-Ohio.	358

<u>3/2/2007</u>	Motion for a protective order and memorandum in support filed on behalf of Duke Energy Ohio by R. D'Ascenzo.	359
<u>3/2/2007</u>	Motion for protective order and memorandum in support filed by M. Dortch on behalf of Cinergy Corp.	360
<u>3/2/2007</u>	Motion for protective order and memorandum in support filed by M. Pahutski on behalf of Duke Energy Retail Sales LLC.	361
<u>3/2/2007</u>	Motion for protective order to prevent public disclosure and memorandum in support filed by S. Bloomfield on behalf of the Ohio Hospital Association.	362
<u>3/2/2007</u>	Response on behalf of the Kroger Company to OCC's notice and motion for protective order, memorandum in support, and affidavit of M. Kurtz, filed by K. Boehm.	363
<u>3/5/2007</u>	Letter opposing the change in position of OCC and to support DERS in its opposition to the disclosure of protective agreements, filed on behalf of The Ohio Energy Group by D. Boehm.	Corres.
<u>3/7/2007</u>	Letter stating that OCC is in material breach of the protective agreements signed by DE-Ohio and OCC filed by P. Colbert on behalf of DE-Ohio.	364
<u>3/7/2007</u>	Letter stating that OCC is in material breach of the protective agreements signed by DERS and OCC filed by M. Pahutski on behalf of DERS.	365
<u>3/8/2007</u>	Motion for extension to file memorandum contra motions for protective orders filed by J. Small on behalf of the Ohio Consumers' Counsel.	366
<u>3/8/2007</u>	Motion for subpoena to Denis George and memorandum in support, filed on behalf of the office of the Ohio Consumers' Counsel by J. Small.	367
<u>3/8/2007</u>	Motion for subpoena to Gregory Ficke and memorandum in support, filed on behalf of the office of the Ohio Consumers' Counsel by J. Small.	368

<u>3/8/2007</u>	Motion for subpoena to James Ziolkowski and memorandum in support, filed on behalf of the office of the Ohio Consumers' Counsel by J. Small.	369
<u>3/9/2007</u>	Confidential document: Testimony of Beth E. Hixon filed by OCC. (495 pgs) (FILED UNDER SEAL)	Conf.
<u>3/9/2007</u>	Corrected supplemental testimony of L'Nard E. Tufts, PUCO staff.	370
<u>3/9/2007</u>	Entry ordered; that OCC's motion for an extension of time to file memoranda contra be granted; however, in light of the limited time prior to the start of the hearing, OCC shall file any memoranda contra by 12:00 noon on Tuesday, March 13, 2007; in addition, any replies shall be filed no later than 12:00 noon on Thursday, March 15, 2007. (JWK)	371
<u>3/9/2007</u>	Memorandum in response to motion for protective order of Kroger Company, filed on behalf of Constellation NewEnergy by M. H. Petricoff.	372
<u>3/9/2007</u>	Notice to take deposition of Beth Hixon, witness for Ohio Consumers' Counsel, upon oral examination, and request for production of documents, filed on behalf of Duke Energy Ohio by R. D'Ascenzo.	373
<u>3/9/2007</u>	Notice to take deposition of Neil Talbot, witness for Ohio Consumers' Counsel, upon oral examination, and request for production of documents, filed on behalf of Duke Energy Ohio by R. D'Ascenzo.	374
<u>3/9/2007</u>	Notification that the Ohio Marketers Group is contemplating calling as a witness, as on cross-examination, the designated spokesperson for Duke Retail Energy Services, LLC, Charles Whitlock, concerning certain information produced in discovery in order to place that information into the record, filed by M. H. Petricoff.	375
<u>3/9/2007</u>	Prepared testimony of Beth E. Hixon on behalf of the office of the Ohio Consumers' Counsel filed by J. Small. (Public Version)	376
<u>3/9/2007</u>	Prepared testimony of Michael P. Haugh on behalf of the office of the Ohio Consumers' Counsel filed by J. Small.	377
<u>3/9/2007</u>	Prepared testimony of Neil H. Talbot of Synapse Energy Economics, Inc. on behalf of the office of the Ohio Consumers' Counsel by J. Small.	378

<u>3/9/2007</u>	Prepared testimony of Richard C. Cahaan of PUCO staff.	379
<u>3/9/2007</u>	Supplemental testimony of L'Nard E. Tufts-PUCO staff.	380
<u>3/9/2007</u>	Supplemental testimony of Trisha J. Smith of PUCO staff.	381
<u>3/12/2007</u>	Motion and memorandum in support for subpoena of Charles Whitlock, filed on behalf of the Ohio Marketers Group by S. Howard.	382
<u>3/13/2007</u>	Confidential target.	Conf.
<u>3/13/2007</u>	Letter stating that the office of the Ohio Consumers' Counsel will be filing documents under seal along with Duke Energy Ohio, Inc., Duke Energy Retail Sales, LLC, Cinergy Corp. the Ohio Hospital Association, and Kroger Company pursuant to Ohio Adm. Code 4901-2-24, filed by J. Small.	383
<u>3/13/2007</u>	Memorandum contra motions of Duke Energy, Ohio, Inc., Duke Energy Retail Sales, Cinergy Corp, Ohio Hospital Association, and Kroger's for protective orders and motion for rehearing conference, request for expedited ruling, argument and memorandum in support, filed on behalf of the office of the Ohio Consumers' Counsel by A. Hotz.	384
<u>3/14/2007</u>	Reply to OCC's memorandum contra OHA's motion for a protective order to prevent public disclosure filed by S. Bloomfield.	385
<u>3/14/2007</u>	Return of Service for subpoena served on Mr. Charles Whitlock, filed on behalf of Ohio Marketers Group by S. Howard.	386
<u>3/15/2007</u>	Confidential document: Deposition transcript, exhibits of Denis George, filed by Ohio Office of Consumers' Counsel. (125 pgs)	Conf.
<u>3/15/2007</u>	Confidential document: Deposition transcript, exhibits of Gregory Ficke filed by the Ohio Consumers' Counsel. (305 pgs)	Conf.
<u>3/15/2007</u>	Confidential document: Deposition transcript, exhibits of James Ziolkowski, filed by the office of the Ohio Consumers' Counsel. (104 pgs)	Conf.
<u>3/15/2007</u>	Confidential Document: Reply of Duke Energy Ohio filed by M. Pahutski. (41 pages)	Conf.

<u>3/15/2007</u>	Confidential Document: Reply of Duke Energy Retail Sales filed by M. Pahutski . (37 pages)	Conf.
<u>3/15/2007</u>	Confidential document: Reply to OCC's memorandum contra Cinergy Corp's motion for a protective order filed by M. Dortch on behalf of Cinergy Corp. (15 pgs)	Conf.
<u>3/15/2007</u>	Deposition of Denis George from Kroger.	387
<u>3/15/2007</u>	Deposition of Gregory C. Ficke, consultant to Duke Energy.	388
<u>3/15/2007</u>	Deposition of James E. Ziolkowski from Duke Energy.	389
<u>3/15/2007</u>	Letter in response to letters dated March 7, 2007 that were filed by Duke Energy Ohio, Inc. and Duke Energy Retail Sales, LLC and collectively with Duke Energy Ohio, filed on behalf of the office of the Ohio Consumers' Counsel by J. Small.	390
<u>3/15/2007</u>	Motion for protective order and memorandum in support regarding portions of deposition transcript and exhibits, filed on behalf of the office of the Ohio Consumers' Counsel by J. Small.	391
<u>3/15/2007</u>	Motion for protective order of Duke Energy Retail Sales and memorandum in support filed by M. Pahutski.	392
<u>3/15/2007</u>	Motion of Duke Energy Ohio, Inc. for protective order, memorandum in support filed by R. D'Ascenzo.	393
<u>3/15/2007</u>	Notice of filing deposition (transcript and exhibits) of Gregory Ficke, James Ziolkowski, and Denis George under seal, filed on behalf of the office of the Ohio Consumers' Counsel by J. Small.	394
<u>3/15/2007</u>	Reply of Duke Energy Ohio to the memorandum of Ohio Consumers' Counsel contra the motion for protective order of Duke Energy Ohio, Duke Energy Retail Sales, Cinergy Corp. and Kroger and memorandum contra the motion for a pre-hearing conference filed by P. Colbert. (public version)	395

<u>3/15/2007</u>	Reply of Duke Energy Retail Sales to memorandum of Ohio Consumers' Counsel contra motions for protective order of Duke Energy Ohio, Duke Energy Retail Sales, Cinergy Corp. and Kroger and memorandum contra the motion for a pre-hearing conference filed by M. Pahutski. (public version)	396
<u>3/15/2007</u>	Reply to 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 filed by D. Neilsen on behalf of IEU-Ohio.	397
<u>3/15/2007</u>	Reply to OCC's memorandum contra Cinergy Corp.'s motion for protective order filed by M. Dortch on behalf Cinergy Corp. (public version)	398
<u>3/15/2007</u>	Return of service for Denis George of Butler County.	399
<u>3/15/2007</u>	Return of service for subpoena served up Gregory C. Ficke, filed by the office of the Ohio Consumers' Counsel .	400
<u>3/15/2007</u>	Return of service for subpoena served upon James Ziolkowski by the office of the Ohio Consumers' Counsel.	401
<u>3/16/2007</u>	Confidential document: 1) deposition of Beth Hixon 2) stipulation and recommendation 3) exhibits (FILED UNDER SEAL) by OCC.	Conf.
<u>3/16/2007</u>	Deposition and exhibits of Beth Hixon on behalf of Ohio Consumers' Counsel.	402
<u>3/16/2007</u>	Deposition of Neil H. Talbot on behalf of the Ohio Consumers' Counsel.	403
<u>3/16/2007</u>	Motion for protective order and memorandum in support, filed on behalf of Duke Energy Ohio by R. D'Ascenzo.	404
<u>3/16/2007</u>	Notice of filing of the depositions of Beth Hixon and Neil H. Talbot of Ohio Consumers' Counsel with portions of these depositions to be filed under seal, filed on behalf of Duke Energy Ohio by R. D'Ascenzo.	405

<u>3/26/2007</u>	Notice of Duke Energy Ohio to take deposition of Michael P. Haugh, witness for Ohio Consumers' Counsel, upon oral examination, and request for production of documents filed by R. D'Ascenzo.	406
<u>3/27/2007</u>	Fuel Economy Purchased Power Rider for the three months of April through June 2007 filed by L. Steinkuhl on behalf of Duke Energy Ohio.	407
<u>4/3/2007</u>	Confidential target for OCC exhibits #5 filed with transcript Volume I for hearing held on March 19, 2007.	Conf.
<u>4/3/2007</u>	Confidential Target	Conf.
<u>4/3/2007</u>	Confidential target for Settlement agreement - OCC Exhibits # 6 for hearing held March 20, 2007, before J. Kingery and S. Farkas Hearing Examiners.	Conf.
<u>4/3/2007</u>	Transcript and exhibits for hearing held March 19, 2007 before J. Kingery and S. Farkas, Hearing Examiners. (Volume I)	Trans.
<u>4/3/2007</u>	Transcript and exhibits for hearing held on March 20, 2007 before J. Kingery and S. Farkas Hearing Examiners. (Volume II)	Trans.
<u>4/4/2007</u>	Confidential document: Excerpts of Charles Whitlock deposition. (12 pgs)	Conf.
<u>4/4/2007</u>	Confidential document: Transcript.	Conf.
<u>4/4/2007</u>	Confidential Correction sheet to the testimony and exhibits of Beth E. Hixon OCC Exhibit 2B, filed by OCC.	Conf.
<u>4/4/2007</u>	Confidential Deposition transcript and exhibits of Gregory C. Ficke taken February 20, 2007 filed by OCC.	Conf.
<u>4/4/2007</u>	Confidential Testimony and exhibits of Beth E. Hixon, OCC Exhibit 2A, filed by OCC.	Conf.
<u>4/4/2007</u>	Transcript and exhibits for hearing held March 21, 2007 before J. Kingery and S. Farkas Hearing examiner, Vol. 3. (part 1 of 2)	Trans.
<u>4/4/2007</u>	Transcript and exhibits for hearing held March 21, 2007 before J. Kingery and S. Farkas Hearing examiner. Volume III (part 2 of 2)	Trans.

<u>4/5/2007</u>	Deposition of Michael P. Haugh on behalf of Duke Energy Ohio, Inc.	408
<u>4/5/2007</u>	Notice of filing of deposition filed by P. Colbert on behalf of Duke Energy Ohio.	409
<u>4/9/2007</u>	Direct testimony of Paul G. Smith on behalf of Duke Energy Ohio, Inc. filed by P. Colbert.	410
<u>4/9/2007</u>	Prepared testimony of Richard C. Cahaan filed by Staff.	411
<u>4/9/2007</u>	Stipulation and recommendation filed by P. Colbert on behalf of Duke Energy Ohio, Inc.	412
<u>4/13/2007</u>	Confidential document: Initial post-remand brief, hearing phase 1 filed by OCC. (76 pgs)	Conf.
<u>4/13/2007</u>	Confidential document: Merit brief of Duke Energy filed by P. Colbert. (49 pgs)	Conf.
<u>4/13/2007</u>	Confidential document: Post-Hearing brief of the Ohio Marketers Group filed by M. Petricoff. (31 pgs)	Conf.
<u>4/13/2007</u>	Confidential target for Initial brief filed on behalf of Ohio Partners for Affordable Energy by C. Mooney.	Conf.
<u>4/13/2007</u>	Confidential target for merit brief filed on behalf of Cinergy Corp and Duke Energy by M. Dortch.	Conf.
<u>4/13/2007</u>	Initial brief on remand submitted on behalf of the Staff of the PUCO.	413
<u>4/13/2007</u>	Initial post-hearing brief of the Ohio Marketers Group filed by M. Petricoff. (public version)	414
<u>4/13/2007</u>	Initial post-remand brief, Hearing Phase 1, by the Office of Consumers' Counsel filed by J. Small. (public version)	415
<u>4/13/2007</u>	Merit brief of Duke Energy Ohio filed by P. Colbert. (public version)	416
<u>4/13/2007</u>	Merit Brief of the Ohio Energy Group filed by D. Boehm.	417
<u>4/13/2007</u>	Notice of the Industrial Energy Users-Ohio filed by D. Neilsen.	418

<u>4/13/2007</u>	Ohio Partners for Affordable Energy's Initial Brief filed by C. Mooney.	419
<u>4/13/2007</u>	Public version of Merit Brief filed on behalf of Cinergy Corp's and Duke Energy Retail Sales, LLC by M. Dortch.	420
<u>4/17/2007</u>	Confidential document filed under seal supplemental testimony of Michael P. Haugh file by OCC. (12 pgs)	Conf.
<u>4/17/2007</u>	Supplemental testimony of Michael P. Haugh on behalf of OCC by J. Small.	421
<u>4/23/2007</u>	Confidential, now public version of supplemental testimony of Michael P. Haugh on behalf of The Ohio Consumers' Counsel.	422
<u>4/24/2007</u>	Confidential document target of reply post hearing brief of The Ohio Marketers Group by H. Petricoff.	Conf.
<u>4/24/2007</u>	Confidential target for excerpt from the Duke Energy Rider Remand hearing on Tuesday, April 10, 2007 and Commission ordered Exhibit # 1 filed on October 12, 2006.	Conf.
<u>4/24/2007</u>	Reply Brief filed on behalf of Dominion Retail, Inc. by B. Royer.	423
<u>4/24/2007</u>	Reply post hearing brief filed on behalf of The Ohio Marketing Group by H. Petricoff.	424
<u>4/24/2007</u>	Transcript for proceedings held Tuesday, April 10, 2007 at 10:00 a.m. at 180 East Broad Street, Columbus, Ohio, in hearing room 11-C before Ms. Jeanne Kingery and Mr. Scott Farkas	Trans.
<u>4/27/2007</u>	Confidential document: Reply Brief filed on behalf of Cinergy Corporation by Kravitz, Brown & Dortch LLC.	Conf.
<u>4/27/2007</u>	Confidential target for document filed on behalf of Ohio Consumers' Counsel. (42 pages)	Conf.
<u>4/27/2007</u>	Confidential target: Reply Brief filed on behalf of Duke Energy Ohio, by P. Colbert.	Conf.
<u>4/27/2007</u>	Confidential target: Reply Brief filed on behalf of Ohio Partners for Affordable Energy by C. Mooney.	Conf.

<u>4/27/2007</u>	Reply brief filed by M. Dortch on behalf of Cinergy Corp and Duke Energy Retail Sales, LLC.	425
<u>4/27/2007</u>	Reply brief filed on behalf of Duke Energy by R. D'Ascenzo. (public version)	426
<u>4/27/2007</u>	Reply Brief filed on behalf of Industrial Energy Users-Ohio, by D. Neilson.	427
<u>4/27/2007</u>	Reply brief filed on behalf of Ohio Partners for Affordable Energy, by C. Mooney.	428
<u>4/27/2007</u>	Reply brief of People Working Cooperatively, Inc. and motion to strike a portion of the brief of Ohio Partners for Affordable Energy by People Working Cooperatively, Inc., memorandum in support filed by M. Christensen.	429
<u>4/27/2007</u>	Reply brief on remand submitted on behalf of the staff of The Public Utilities Commission of Ohio by W. Margard.	430
<u>4/27/2007</u>	Reply post-remand brief, hearing phase I, filed on behalf of The Ohio Consumers' Counsel by J. Small. (public version)	431
<u>4/30/2007</u>	Reply brief filed on behalf of Ohio Energy Group by M. Kurtz.	432
<u>5/3/2007</u>	Confidential Target.	Conf.
<u>5/3/2007</u>	Transcript continued. (Part 2 of 2)	Trans.
<u>5/3/2007</u>	Transcript with exhibits for hearing held on Thursday, April 19, 2007 before Jeanne Kingery and Scott Farkas, Hearing Examiners. (Part 1 of 2)	Trans.
<u>5/4/2007</u>	Memorandum contra motion to strike of Ohio Partners for Affordable Energy filed by D. Rinebolt. (FAX)	433
<u>5/4/2007</u>	Request of Integrys Energy Services, Inc. for a declaratory ruling, memorandum in support filed by M. Petricoff.	434
<u>5/7/2007</u>	Memorandum contra motion to strike filed by D. Rinebolt on behalf of Ohio Partners for Affordable Energy.	435
<u>5/11/2007</u>	Memorandum contra and comments to the request of Integrys Energy Services, Inc. for a declaratory ruling and memorandum in support filed by R. D'Ascenzo on behalf of Duke Energy Ohio, Inc.	436

<u>5/14/2007</u>	Confidential document filed by Cincinnati Gas & Electric on May 14, 2004, released to the public on May 14, 2007.	437
<u>5/14/2007</u>	Confidential document filed on May 14, 2004 by Cincinnati Gas & Electric, released to the public on May 14, 2007.	438
<u>5/14/2007</u>	Memorandum released from confidential status filed by Dave Rinebolt on behalf of Ohio Partners of Affordable Energy and Citizens United for Action..	439
<u>5/14/2007</u>	Reply of People Working Cooperatively Inc. to OPAE's memorandum contra PWC's motion to strike a portion of the phase initial brief of Ohio Partners for Affordable Energy filed by M. Christensen on behalf of PWC.	440
<u>5/16/2007</u>	Entry ordered that the Commissions docketing division file the April 9, 2007 stipulation as directed in finding (5) and that these cases have been consolidated and the parties are directed to docket any briefs in all of the consolidated cases. (JWK)	441
<u>5/17/2007</u>	Confidential document: Initial Brief - Phase 2 filed by C. Mooney on behalf of Ohio Partners for Affordable Energy. (24 pgs.)	Conf.
<u>5/17/2007</u>	Confidential document: Initial post-remand brief, phase 2 filed by J. Small on behalf of Ohio Consumers' Counsel. (38 pgs.)	Conf.
<u>5/17/2007</u>	Initial brief Phase 2 for Ohio Partners for Affordable Energy Public Version filed by C. Mooney. (public version)	442
<u>5/17/2007</u>	Initial post-remand brief, hearing phase II by the Office of the Ohio Consumers' Counsel filed by J. Small. (public version)	443
<u>5/17/2007</u>	Notice of Industrial Energy Users-Ohio filed by D. Neilsen.	444
<u>5/17/2007</u>	Post-hearing brief of Public Utilities Commission of Ohio filed by Staff.	445
<u>5/17/2007</u>	Remand rider merit brief filed by P. Colbert on behalf of Duke Energy Ohio.	446
<u>5/17/2007</u>	Reply to Duke Energy's memorandum contra Integritys' request for a declaratory ruling by the Office of the Ohio Consumers' Counsel filed by J. Small.	447

<u>5/18/2007</u>	Reply of Integrys Energy Services, Inc. filed by M. Howard Petricoff.	448
<u>5/30/2007</u>	Confidential document: Remand Rider Reply Brief filed on behalf of Duke Energy Ohio by R. D'Ascenzo. (50 pgs)	Conf.
<u>5/30/2007</u>	Confidential Document: Reply post-remand brief, Hearing Phase 2 filed by OCC.	Conf.
<u>5/30/2007</u>	Remand rider reply brief on behalf of Duke Energy Ohio filed by R. D'Ascenzo.	449
<u>5/30/2007</u>	Reply brief Phase 2 filed by C. Mooney on behalf of Ohio Partners for Affordable Energy.	450
<u>5/30/2007</u>	Reply brief submitted on behalf of the staff of the PUCO by S. Reilly.	451
<u>5/30/2007</u>	Reply post-remand brief, Hearing Phase II on behalf of OCC filed by J. Small.	452
<u>6/1/2007</u>	Motion for extension of time to file reply brief Phase II, of People Working Cooperatively, Inc. and renewal of motion to strike a portion of the brief of Ohio Partners For Affordable Energy by People Working Cooperatively Inc. filed by M. Christensen.	453
<u>6/6/2007</u>	Memorandum contra People Working Cooperatively's motion for extension of time to file reply brief, Phase II and memorandum contra renewal of motion to strike by OCC filed by L. Sauer.	454
<u>6/8/2007</u>	Memorandum contra of Ohio Partners for Affordable Energy filed by C. Mooney .	455
<u>6/8/2007</u>	Motion to strike and memorandum in support, filed on behalf of Ohio Partners for Affordable Energy, by C. Mooney.	456
<u>6/11/2007</u>	Reply of People Working Cooperatively, Inc. to Ohio Partners for Affordable Energy's memorandum contra filed by M. Christensen.	457
<u>6/11/2007</u>	Reply of People Working Cooperatively, Inc. to the Office of the Ohio Consumers' Counsel memorandum contra People Working Cooperatively's motion for an extension of time to file reply brief, phase II, and memorandum contra renewal of motion to strike by the office of the Ohio Consumers' Counsel filed by M. Christensen.	458

<u>6/15/2007</u>	Memorandum contra Ohio Partner's for Affordable Energy's motion to strike, filed by P. Colbert on behalf of Duke Energy Ohio.	459
<u>6/18/2007</u>	Reply of Ohio Partners for Affordable Energy to memorandum contra filed by C. Mooney.	460
<u>6/27/2007</u>	Entry granting Integrys' request for the implementation of a telephonic bypass process and the telephonic script set forth in Attachment A to Integrys' motion amended in this entry; that the letter in Attachment B to the motion, as modified, constitutes sufficient notice of a CRES provider contract and documentation of a request to bypass Duke charges.	461
<u>8/8/2007</u>	Entry ordered that the memoranda must be filed no later than 12:00 noon on Thursday, August 16, 2007. (JWK)	462
<u>8/16/2007</u>	Letter stating OPAE supports the release of materials currently under seal, filed by C. Mooney.	Corres.
<u>8/16/2007</u>	Memorandum in response to the attorney examiner's August 8, 2007, entry regarding public records request filed by M. Dortch on behalf of Duke Energy.	463
<u>8/16/2007</u>	Memorandum opposing modification of the protective order granted by the attorney examiners on March 19, 2007, filed by P. Colbert on behalf of Duke Energy Ohio.	464
<u>8/16/2007</u>	Memorandum opposing the modification of the protective order granted on March 19, 2007, in response to public records request and renewing objections to admissibility filed by D. Neilsen on behalf of Industrial Energy Users-Ohio.	465
<u>8/16/2007</u>	Memorandum regarding modification of the protective order by the office of the Ohio Consumers' Counsel filed by L. Sauer.	466
<u>8/16/2007</u>	Memorandum regarding the modification of the protective order filed by S. Bloomfield on behalf of Ohio Hospital Association.	467
<u>8/20/2007</u>	Correspondence letter regarding Waite, Schneider, Bayless & Chesley's position with respect to its July 26, 2007, public records request filed by S. Chesley and P. DeMarco.	Corres.

<u>8/29/2007</u>	Letter that was mailed to Mr. Alan Schriber at the Public Utilities Commission with regard to the above rider adjustment cases filed by M. Dortch on behalf of Duke Energy Retail Sales, LLC.	Corres.
<u>8/30/2007</u>	Response to the letter dated August 17, 2007, from Mr. Stanley M. Chesley filed by P. Colbert on behalf of Duke Energy Ohio.	468
<u>9/17/2007</u>	Motion for continuation of protective order, memorandum in support of Duke Energy Ohio filed by P. Colbert.	469
<u>9/24/2007</u>	Letter stating that the requirement that the OCC respond on an expedited basis would be prejudicial to the OCC and any other party who would like to address Duke Energy's pleading filed by J. Small.	470
<u>10/5/2007</u>	Memorandum contra Duke Energy Ohio's motion for continuation of the protective order by the Office of the Ohio Consumers' Counsel filed by J. Small.	471
<u>10/9/2007</u>	Reply to the Ohio Consumers' Counsel's memorandum contra Duke Energy Ohio's motion for continuation of the protective order filed by R. D'Ascenzo.	472
<u>10/24/2007</u>	Entry ordered that Duke RSP, as modified by this order on remand, be approved and file tariffs for Commission approval that reflect the terms of this order within 45 days. The applications in case nos. 03-2079-EL-AAM, 03-2080-EL-ATA, and 03-2081-EL-AAM be dismissed and that all arguments raised in these consolidated proceedings but not addressed in this order on remand be denied.	473
<u>11/21/2007</u>	Application for rehearing and memorandum in support of Industrial Energy Users-Ohio filed by D. Neilsen.	474
<u>11/23/2007</u>	Application for rehearing and memorandum in support filed by P. Colbert on behalf of Duke Energy Ohio.	475
<u>11/23/2007</u>	Application for rehearing of Ohio Partners for Affordable Energy and memorandum in support filed by C. Mooney.	476
<u>11/23/2007</u>	Confidential target for the rehearing application, filed on behalf of the office of the Ohio Consumers' Counsel by J. Small.	Conf.
<u>11/23/2007</u>	Motion for protective order and memorandum in support regarding portions of an application for rehearing filed on behalf of the office of the Ohio Consumers' Counsel by J. Small.	477

<u>11/23/2007</u>	Public version redacted application for rehearing and memorandum in support, filed on behalf of the office of the Ohio Consumers' Counsel by J. Small.	478
<u>11/28/2007</u>	Entry ordering that the deadline for Duke to file proposed tariffs reflecting the terms of the Commission's order on remand be extended until such date as the Commission establishes. (JWK)	479
<u>12/3/2007</u>	Cinergy Corp.'s and Duke Energy Retail Sales, LLC's memorandum contra the application for rehearing filed by the office of the Ohio Consumers' Counsel by M. Dortch.	480
<u>12/3/2007</u>	Confidential document target: Memorandum contra for application for rehearing filed on behalf of Duke Energy.	Conf.
<u>12/3/2007</u>	Dominion retail, Inc., memorandum contra applications for rehearing of Duke Energy Ohio, Inc., and Industrial Energy Users-Ohio, filed by B. Royer.	481
<u>12/3/2007</u>	Duke Energy Ohio's memorandum contra the application for rehearing by the Ohio Consumers' Counsel and the application for rehearing of Ohio Partners for Affordable Energy filed by P. Colbert.	482
<u>12/3/2007</u>	Duke Energy Ohio's motion and memorandum in support for protective order filed by P. Colbert.	483
<u>12/3/2007</u>	Industrial Energy Users-Ohio's memorandum contra the Ohio Consumers' Counsel's application for rehearing filed by D. Neilsen.	484
<u>12/3/2007</u>	Memorandum contra applications for rehearing and motion to strike portions of Duke Energy's application for rehearing by the office of the Ohio Consumers' Counsel by J. Small.	485
<u>12/3/2007</u>	Memorandum contra of the Ohio Marketers Group filed by M. Petricoff.	486
<u>12/3/2007</u>	Ohio Partners for Affordable Energy's memorandum contra filed by C. Mooney.	487
<u>12/7/2007</u>	Redacted exhibits continued. (Part 2 of 3)	Exh.
<u>12/7/2007</u>	Redacted exhibits continued. (Part 3 of 3)	Exh.

<u>12/7/2007</u>	Redacted exhibits filed by R. D'Ascenzo on behalf of Duke Energy Ohio. (Part 1 of 3)	Exh.
<u>12/13/2007</u>	Motion for extension of time to file OCC's redactions in compliance with Commission's order on remand dated October 24, 2007, by the Ohio Office of the Ohio Consumers Counsel and memorandum in support filed by L. Sauer.	488
<u>12/18/2007</u>	Memorandum contra the Ohio Consumers' Counsel's motion to strike filed by P. Colbert on behalf of Duke Energy Ohio.	489
<u>12/19/2007</u>	Entry ordered that the applications for rehearing by OCC and OPAE be denied; that Duke's fifth ground for rehearing be granted; that the application for rehearing by IEU be granted in part and denied in part.	490
<u>12/20/2007</u>	Application for rehearing of Ohio Partners for Affordable Energy and memorandum in support filed by C. Mooney.	491
<u>12/20/2007</u>	Entry ordered that the motion for extension of time be granted. (SF)	492
<u>12/20/2007</u>	Revised tariff pages PUCO Electric No. 19 filed by L. Steinkuhl on behalf of Duke Energy Ohio.	493
<u>12/31/2007</u>	Confidential document: memorandum contra OCC's and OPAE's application for rehearing filed by P. Colbert on behalf of Duke Energy Ohio. (27 pages)	Conf.
<u>12/31/2007</u>	Duke Energy Ohio's memorandum contra the Ohio Consumers' Counsel's and Ohio Partners for Affordable Energy's application for rehearing filed by P. Colbert.	494
<u>1/2/2008</u>	Motion for protective order and memorandum in support filed on behalf of Duke Energy Ohio by P. Colbert.	495
<u>1/23/2008</u>	Confidential document: Motion for protective order filed by J. Small on behalf of Ohio Consumers' Counsel. (1473 pages)	Conf.
<u>1/23/2008</u>	Motion for protective order and memorandum in support filed by J. Small on behalf of Ohio Consumers' Counsel. (Public Version)	496
<u>1/23/2008</u>	Redacted documents continued. (Part 2 of 7)	497
<u>1/23/2008</u>	Redacted documents continued. (Part 3 of 7)	498

<u>1/23/2008</u>	Redacted documents continued. (Part 4 of 7)	499
<u>1/23/2008</u>	Redacted documents continued. (Part 5 of 7)	500
<u>1/23/2008</u>	Redacted documents continued. (Part 6 of 7)	501
<u>1/23/2008</u>	Redacted documents continued. (Part 7 of 7)	502
<u>1/23/2008</u>	Redacted documents filed pursuant to the October 24, 2007 order by M. Dortch on behalf of Duke Energy Ohio. (Part 1 of 7)	503
<u>1/25/2008</u>	Memorandum of Industrial Energy Users-Ohio contra motion for protective order pending Commission granting OCC's motion for approval of redactions and motion for approval of such redactions, filed in compliance with Commission's October 24, 2007 order and December 20, 2007 entry filed S. Randazzo.	504
<u>1/28/2008</u>	Motion of extension of time, request for expedited ruling and memorandum in support filed by A. Hotz on behalf of OCC.	505
<u>1/29/2008</u>	Entry granting OCC the motion for an extension of time. (SF)	506
<u>1/29/2008</u>	Joint motion for extension of time and memorandum in support filed by A. Hotz on behalf of OCC, by R. D'Ascenzo on behalf of Duke Energy Ohio, by M. Dortch on behalf of Duke Energy Retail Sales, LLC.	507
<u>1/30/2008</u>	Entry granting the joint motion for extension of the procedural schedule for responses. (JK)	508
<u>2/4/2008</u>	Revised tariff pages, PUCO Tariff No. 19, filed on behalf of Duke Energy Ohio Inc by T. Reid-McIntosh.	509
<u>2/13/2008</u>	Confidential target for Exhibits 1-12 & memorandum in response to the 1/23/08 motions filed by OCC.(137 pgs.)	Conf.

<u>2/13/2008</u>	Memorandum contra the motion for protective order pending commission granting OCC's motion for approval of redactions and motion for approval of such redactions, filed in compliance with Commission's October 24, 2007 order and December 20, 2007 entry by the Office of the Ohio Consumers' Counsel filed by J. Clark on behalf of Industrial Energy Users-Ohio.	510
<u>2/13/2008</u>	Memorandum in response to the January 23, 2008 motions filed by the Office of the Ohio Consumers' Counsel filed on behalf of Duke Energy Ohio, Inc., Cinergy Corp., and Duke Energy Retail Sales LLC by M. Dortch.	511
<u>2/13/2008</u>	Motion for the entry of a protective order and memorandum in support filed on behalf of Duke Energy Ohio Inc., Cinergy Corp., and Duke Energy Retail Sales, LLC by M. Dortch.	512
<u>2/14/2008</u>	Confidential document: Amendment to Exhibit 2. (1 pg)	Conf.
<u>2/14/2008</u>	Notice of amendment to Exhibit 2 to Duke Energy-Ohio, Inc.'s Cinergy Corp's and Duke Energy Retail Sales, LLC's memorandum in response to the January 23, 2008 motions filed on behalf of the Office of Ohio Consumers' Counsel by M. Dortch.	513
<u>2/15/2008</u>	Motion to stay the Commission's order by the Office of the Ohio Consumers' Counsel and memorandum in support filed by A. Hotz.	514
<u>2/15/2008</u>	Notice of appeal filed on behalf of Duke Energy Ohio, Inc. by P. Colbert and R. D'Ascenzo.	515
<u>2/19/2008</u>	Notice of appeal of the office of the Ohio Consumes' Counsel filed by J. Small.	516

THE SUPREME COURT OF OHIO

Duke Energy Ohio, Inc.)	
The Office of the Ohio Consumers' Counsel)	
)	
)	
Appellant,)	
)	
VS)	Supreme Court No. 08-0367
)	
The Public Utilities Commission)	
of Ohio)	
)	
Appellee.		

**Being Before
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the matter of the application of Cincinnati)	
Gas & Electric Company to modify its non-)	
residential generation rates to provide for)	
market-based standard service offer pricing)	Case No. 03-93-EL-ATA
and to establish an alternative for competitively)	
bid service rate options subsequent to market)	
development period.)	
)	
In the matter of the application of Cincinnati)	
Gas & Electric Company for authority to)	
modify current accounting procedures for)	Case No. 03-2079-EL-AAM
certain costs associated with the Midwest)	
Independent Transmission System Operator.)	
)	
In the matter of the application of Cincinnati)	
Gas & Electric Company for authority to modify)	
current accounting procedures for Capital)	Case No. 03-2080-EL-ATA
Investment in its electric transmission and)	
distribution system and to establish a Capital)	Case No. 03-2081-EL-ATA
Investment reliability rider to be effective after)	
the Market Development Period.)	

CERTIFICATION

I, Renee' J. Jenkins, the duly appointed and qualified Secretary of The Public Utilities Commission of Ohio, in whose custody the books, records, and files of said Commission are kept, do hereby certify there is transmitted herewith the docket entries of the Commission, ICN No. 1-516, the **Entry dated 11/28/2007** and the **Entry on Rehearing dated 12/19/2007** and inclusive; and the Certification of the record in Case No.'s **03-93-EL-ATA, 03-2079-EL-AAM, 03-2080-EL-ATA, and 03-2081-EL-AAM.**

IN WITNESS THEREOF, I have thereunto set my hand
and affixed the official seal of The Public Utilities Commission
of Ohio this 17th day of March, 2008.

Renee' J. Jenkins

Renee' J. Jenkins, Secretary
Betty McCauley, Acting Secretary
Mariruth C. Wright, Acting Secretary

THE PUBLIC UTILITIES COMMISSION OF OHIO