

FILE



## The Public Utilities Commission of Ohio

Monitoring marketplaces and enforcing rules to assure safe,  
adequate, and reliable utility services.

36  
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April 2, 2008

Kristina D. Frost  
Clerk of the Court  
Supreme Court of Ohio  
65 South Front Street, 8<sup>th</sup> Fl.  
Columbus, Ohio 43215-3431

PUCO

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RECEIVED-DOCKETING DIV

Re: *Office of the Ohio Consumers' Counsel, et.al. v. Pub. Util. Cmm'n, Ohio Supreme Court*  
Case No. 08-0466 (Public Utilities Commission Case Nos. 05-724-EL-UNC, 05-725-EL-UNC,  
06-1068-EL-UNC, 06-1069-EL-UNC, 06-1086-EL-UNC).

Dear Ms. Frost:

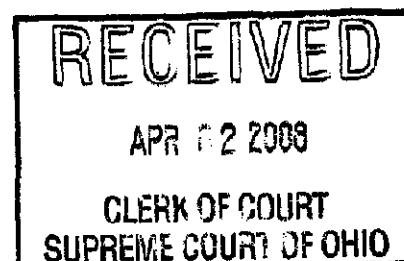
Please note that the Public Utilities Commission consolidated the cases involved in *Office of the Ohio Consumers' Counsel, et.al. v. Pub. Util. Cmm'n, Ohio Supreme Court Case No. 08-0466* (Public Utilities Commission Case Nos. 05-724-EL-UNC, 05-725-EL-UNC, 06-1068-EL-UNC, 06-1069-EL-UNC, 06-1086-EL-UNC) with those appealed by the Office of Consumers' Counsel in *Office of the Ohio Consumers' Counsel v. Pub. Util. Cmm'n, Ohio Supreme Court Case No. 08-0367* (Public Utilities Commission Case Nos. 03-93-EL-ATA, 03-2079-EL-AAM, 03-2080-EL-AAM, 03-2081-EL-ATA). That resulted in a consolidated record. Part of that record was filed with the Ohio Supreme Court on March 17, 2008 in response to the appeal in *Office of the Ohio Consumers' Counsel, et.al. v. Pub. Util. Cmm'n, Ohio Supreme Court Case No. 08-0367*. Due to the consolidation, the record filed in that case is also part of this one, *Office of the Ohio Consumers' Counsel, et.al. v. Pub. Util. Cmm'n, Ohio Supreme Court Case No. 08-0466*, along with the documents this letter accompanies. You will note the "Index and Docket Entries" references the part of the record filed previously where appropriate.

Very truly yours,

A handwritten signature in cursive script that reads "Betty McCauley".

Betty McCauley  
Chief, Docketing  
Public Utilities Commission of Ohio

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**Before  
THE SUPREME COURT OF OHIO**

The Office of the Ohio Consumers' Counsel	)	
Ohio Partners for Affordable Energy	)	
	)	
	)	
VS	)	Supreme Court No. 08-0466
	)	
The Public Utilities Commission	)	
of Ohio	)	
	)	
	)	
Appellee.	)	

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

In the matter of the application of The Cincinnati	)	Case No. 05-724-EL-UNC
Gas & Electric Company to adjust and set its System	)	
Reliability Tracker Market Price .	)	
	)	
	)	
In the matter of the application of The	)	Case No. 05-725-EL-UNC
Cincinnati Gas & Electric Company	)	
To modify its fuel economy purchased power	)	
Component of its market based standard service	)	
offer .	)	
	)	
	)	
In the matter of the application of Duke Energy	)	Case No. 06-1068-EL-UNC
Ohio to modify its fuel economy purchased power	)	
component of its market based standard service offer	)	
for summary report period of September 28, 2006 to	)	
January 1, 2007.	)	
	)	
	)	
In the matter of the application of Duke Energy Ohio,	)	Case No. 06-1069-EL-UNC
Inc. to adjust and set its system reliability tracker	)	
Market place.	)	
	)	
	)	
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<u>9/29/2006</u>	Entry ordered; that Energy Ventures Analysis, Inc. is granted a two week extension in the time to file the auditor's report, that report is now due no later than October 13, 2006; that the company's motion to consolidate be denied; that the company's motion for a protective order be granted for a period of eighteen months from September 1, 2006; that Exhibits A, B, and C attached to the testimony of Charles R. Whitlock and William Don Wathen, and the unredacted version of the testimony of Mr. Wathen, shall remain under seal in the Commission's docketing division for that eighteen month period. (JWK)	79
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<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)	122
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<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.	129
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<u>2/5/2007</u>	Confidential portion of the subpoena duces tecum filed on behalf of Cinergy Corp., Duke Energy by OCC. (2 pages) <b>Please reference SC# 08-0367</b>	Conf.
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<u>2/5/2007</u>	Motion for Subpoena Duces Tecum (Public Version) filed by J. Small on behalf of Ohio Consumers' Counsel.	137
<u>2/5/2007</u>	Redacted subpoena duces tecum filed by Ohio Consumers' Counsel.	138

<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.	139
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<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.	145
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<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.	149



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<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.	152
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<u>2/23/2007</u>	Return of service on behalf of OCC.	166
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<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.	169
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<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.	184
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<u>3/9/2007</u>	Confidential document: Testimony of Beth E. Hixon filed by OCC. (495 pgs) (FILED UNDER SEAL) Please reference SC# 08-0367	Conf.

<u>3/9/2007</u>	Corrected supplemental testimony of L'Nard E. Tufts, PUCO staff.	187
<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)	188
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<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.	190
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<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.	200
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<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.	203
<u>3/15/2007</u>	Confidential document: Deposition transcript, exhibits of Denis George, filed by Ohio Office of Consumers' Counsel. (125 pgs) <b>Please reference SC# 08-0367</b>	Conf.
<u>3/15/2007</u>	Confidential document: Deposition transcript, exhibits of Gregory Ficke filed by the Ohio Consumers' Counsel. (305 pgs) <b>Please reference SC# 08-0367</b>	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) <b>Please reference SC# 08-0367</b>	Conf.
<u>3/15/2007</u>	Confidential Document: Reply of Duke Energy Ohio filed by M. Pahutski. (41 pages) <b>Please reference SC# 08-0367</b>	Conf.
<u>3/15/2007</u>	Confidential Document: Reply of Duke Energy Retail Sales filed by M. Pahutski . (37 pages) <b>Please reference SC# 08-0367</b>	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) <b>Please reference SC# 08-0367</b>	Conf.
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<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.	208
<u>3/15/2007</u>	Motion for protective order of Duke Energy Retail Sales and memorandum in support filed by M. Pahutski.	209
<u>3/15/2007</u>	Motion of Duke Energy Ohio, Inc. for protective order, memorandum in support filed by R. D'Ascenzo.	210
<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.	211
<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)	212
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<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.	222
<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.	223
<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.	224
<u>4/2/2007</u>	Notice of withdrawal by Formica Corporation filed by C. Smith.	225
<u>4/3/2007</u>	Confidential target for excerpts of confidential paper filed with transcripts Vol .I , hearing held on March 19, 2007 of Duke Energy, Ohio, Inc. <b>Please reference SC# 08-0367</b>	Conf.

<u>4/3/2007</u>	Confidential target for OCC exhibits #5 filed with transcript Volume I for hearing held on March 19, 2007. <b>Please reference SC# 08-0367</b>	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. <b>Please reference SC# 08-0367</b>	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) <b>Please reference SC# 08-0367</b>	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) <b>Please reference SC# 08-0367</b>	Trans.
<u>4/4/2007</u>	Confidential document: Excerpts of Charles Whitlock deposition. (12 pgs) <b>Please reference SC# 08-0367</b>	Conf.
<u>4/4/2007</u>	Confidential document: Transcript. <b>Please reference SC# 08-0367</b>	Conf.
<u>4/4/2007</u>	Confidential target for Correction sheet to the testimony and exhibits of Beth E. Hixon OCC Exhibit 2B, filed by OCC. <b>Please reference SC# 08-0367</b>	Conf.
<u>4/4/2007</u>	Confidential target for Deposition transcript and exhibits of Gregory C. Ficke taken February 20, 2007 filed by OCC. <b>Please reference SC# 08-0367</b>	Conf.
<u>4/4/2007</u>	Confidential target of Testimony and exhibits of Beth E. Hixon, OCC Exhibit 2A, filed by OCC. <b>Please reference SC# 08-0367</b>	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) <b>Please reference SC# 08-0367</b>	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) <b>Please reference SC# 08-0367</b>	Trans.
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<u>4/9/2007</u>	Confidential document: Stipulation and recommendation filed by S. Reilly. (25 pgs) <b>Please reference SC# 08-0367</b>	Conf.
<u>4/9/2007</u>	Direct testimony of Paul G. Smith on behalf of Duke Energy Ohio, Inc. filed by P. Colbert.	228
<u>4/9/2007</u>	Prepared testimony of Richard C. Cahaan filed by Staff.	229
<u>4/9/2007</u>	Stipulation and recommendation filed by P. Colbert on behalf of Duke Energy Ohio, Inc.	230
<u>4/13/2007</u>	Confidential document: Initial post-remand brief, hearing phase 1 filed by OCC. (76 pgs) <b>Please reference SC# 08-0367</b>	Conf.
<u>4/13/2007</u>	Confidential document: Merit brief of Duke Energy filed by P. Colbert. (49 pgs) <b>Please reference SC# 08-0367</b>	Conf.
<u>4/13/2007</u>	Confidential document: Post-Hearing brief of the Ohio Marketers Group filed by M. Petricoff. (31 pgs) <b>Please reference SC# 08-0367</b>	Conf.
<u>4/13/2007</u>	Confidential target for Initial brief filed on behalf of Ohio Partners for Affordable Energy by C. Mooney. <b>Please reference SC# 08-0367</b>	Conf.
<u>4/13/2007</u>	Confidential target for merit brief filed on behalf of Cinergy Corp and Duke Energy by M. Dortch. <b>Please reference SC# 08-0367</b>	Conf.
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<u>4/13/2007</u>	Initial post-hearing brief of the Ohio Marketers Group filed by M. Petricoff. (public version)	232

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<u>4/23/2007</u>	Confidential, now public version of supplemental testimony of Michael P. Haugh on behalf of The Ohio Consumers' Counsel. <b>Please reference SC# 08-0367</b>	Conf.
<u>4/24/2007</u>	Confidential document target of reply post hearing brief of The Ohio Marketers Group by H. Petricoff. <b>Please reference SC# 08-0367</b>	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. <b>Please reference SC# 08-0367</b>	Conf.
<u>4/24/2007</u>	Reply Brief filed on behalf of Dominion Retail, Inc. by B. Royer.	240
<u>4/24/2007</u>	Reply post hearing brief filed on behalf of The Ohio Marketing Group by H. Petricoff.	241

<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. <b>Please reference SC# 08-0367</b>	Trans.
<u>4/27/2007</u>	Confidential document: Reply Brief filed on behalf of Cinergy Corporation by Kravitz, Brown & Dortch LLC. <b>Please reference SC# 08-0367</b>	Conf.
<u>4/27/2007</u>	Confidential target for document filed on behalf of Ohio Consumers' Counsel. (42 pages) <b>Please reference SC# 08-0367</b>	Conf.
<u>4/27/2007</u>	Confidential target: Reply Brief filed on behalf of Duke Energy Ohio, by P. Colbert. <b>Please reference SC# 08-0367</b>	Conf.
<u>4/27/2007</u>	Confidential target: Reply Brief filed on behalf of Ohio Partners for Affordable Energy by C. Mooney. <b>Please reference SC# 08-0367</b>	Conf.
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<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.	246
<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.	247
<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)	248
<u>4/30/2007</u>	Reply brief filed on behalf of Ohio Energy Group by M. Kurtz.	249

<u>5/3/2007</u>	Transcript continued. (Part 2 of 2) <b>Please reference SC# 08-0367</b>	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) <b>Please reference SC# 08-0367</b>	Trans.
<u>5/4/2007</u>	Memorandum contra motion to strike of Ohio Partners for Affordable Energy filed by D. Rinebolt. (FAX)	250
<u>5/7/2007</u>	Memorandum contra motion to strike filed by D. Rinebolt on behalf of Ohio Partners for Affordable Energy.	251
<u>5/14/2007</u>	Reply of People Working Cooperatively Inc. to OPAC'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.	252
<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)	253
<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.) <b>Please reference SC# 08-0367</b>	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.) <b>Please reference SC# 08-0367</b>	Conf.
<u>5/17/2007</u>	Initial brief Phase 2 for Ohio Partners for Affordable Energy Public Version filed by C. Mooney. (public version)	254
<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)	255
<u>5/17/2007</u>	Notice of Industrial Energy Users-Ohio filed by D. Neilsen.	256
<u>5/17/2007</u>	Post-hearing brief of Public Utilities Commission of Ohio filed by Staff.	257

<u>5/17/2007</u>	Remand rider merit brief filed by P. Colbert on behalf of Duke Energy Ohio.	258
<u>5/30/2007</u>	Confidential document: Remand Rider Reply Brief filed on behalf of Duke Energy Ohio by R. D'Ascenzo. (50 pgs) <b>Please reference SC# 08-0367</b>	Conf.
<u>5/30/2007</u>	Confidential Document: Reply post-remand brief, Hearing Phase 2 filed by OCC. <b>Please reference SC# 08-0367</b>	Conf.
<u>5/30/2007</u>	Facts, data, and other information pertinent to Duke Energy Ohio, Inc. fuel, economy purchased power, and emission allowance component of its market-based standard service offer (EPP), filed by L. Steinkuhl.	259
<u>5/30/2007</u>	Remand rider reply brief on behalf of Duke Energy Ohio filed by R. D'Ascenzo.	260
<u>5/30/2007</u>	Reply brief Phase 2 filed by C. Mooney on behalf of Ohio Partners for Affordable Energy.	261
<u>5/30/2007</u>	Reply brief submitted on behalf of the staff of the PUCO by S. Reilly.	262
<u>5/30/2007</u>	Reply post-remand brief, Hearing Phase II on behalf of OCC filed by J. Small.	263
<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.	264
<u>6/1/2007</u>	Rider FPP, fuel, economy purchased power tracker for the period of June 29, 2007 to September 27, 2007, filed by L. Steinkuhl on behalf of Duke Energy Ohio.	265
<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.	266
<u>6/8/2007</u>	Memorandum contra of Ohio Partners for Affordable Energy filed by C. Mooney .	267

<u>6/8/2007</u>	Motion to strike and memorandum in support, filed on behalf of Ohio Partners for Affordable Energy, by C. Mooney.	268
<u>6/11/2007</u>	Reply of People Working Cooperatively, Inc. to Ohio Partners for Affordable Energy's memorandum contra filed by M. Christensen.	269
<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.	270
<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.	271
<u>6/18/2007</u>	Reply of Ohio Partners for Affordable Energy to memorandum contra filed by C. Mooney.	272
<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)	273
<u>8/16/2007</u>	Letter stating OPAE supports the release of materials currently under seal, filed by C. Mooney.	274
<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.	275
<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.	276
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<u>8/16/2007</u>	Memorandum regarding modification of the protective order by the office of the Ohio Consumers' Counsel filed by L. Sauer.	278
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<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.	280
<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.	281
<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.	282
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<u>11/6/2007</u>	Entry ordered that Duke file a notice regarding the confidential portions of the record in accordance with finding (2).(SF)	284
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<u>11/16/2007</u>	Comments on Duke Energy Ohio, Inc.'s notice as to confidential protection filed by A. Hotz on behalf of Ohio Consumers' Council.	286
<u>11/20/2007</u>	Opinion and order approving and adopting the stipulation; that the motions to strike filed by PWC and OPAE be denied; that Duke work with staff to determine reasonable period over which the amounts authorized by this Order should be trued-up and collected; that Duke file revised tariffs to reflect the terms of this Order.	287
<u>11/21/2007</u>	Application for rehearing and memorandum in support of Industrial Energy Users-Ohio filed by D. Neilsen.	288
<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)	289
<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.	290
<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.	291
<u>12/3/2007</u>	Industrial Energy Users-Ohio's memorandum contra the Ohio Consumers' Counsel's application for rehearing filed by D. Neilsen.	292

<u>12/3/2007</u>	Memorandum contra of the Ohio Marketers Group filed by M. Petricoff.	293
<u>12/5/2007</u>	Revised tariff pages, PUCO Tariff No. 19 filed on behalf of Duke Energy Ohio Inc. by D. Wathen.	294
<u>12/7/2007</u>	Redacted exhibits filed by R. D'Ascenzo on behalf of Duke Energy Ohio. (Part 1 of 3) <b>Please reference SC# 08-0367</b>	295
<u>12/7/2007</u>	Redacted exhibits continued. (Part 2 of 3) <b>Please reference SC# 08-0367</b>	296
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<u>12/20/2007</u>	Application for rehearing of Ohio Partners for Affordable Energy and memorandum in support filed by C. Mooney.	300
<u>12/20/2007</u>	Confidential document; application for rehearing filed by J. Small on behalf of OCC. (44 pgs) <b>Please reference SC# 08-0367</b>	Conf.
<u>12/20/2007</u>	Motion for protective order regarding portions of an application for rehearing and memorandum in support by the office of the Ohio Consumers' Counsel. filed by J. Small.	301
<u>12/20/2007</u>	Revised tariff pages PUCO Electric No. 19 filed by D. Wathen on behalf of Duke Energy Ohio, Inc.	302
<u>12/31/2007</u>	Confidential document: memorandum contra OCC's and OPAC's application for rehearing filed by P. Colbert on behalf of Duke Energy Ohio. (27 pages) <b>Please reference SC# 08-0367</b>	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.	303



<u>1/2/2008</u>	Motion for protective order and memorandum in support filed on behalf of Duke Energy Ohio by P. Colbert.	304
<u>1/16/2008</u>	Entry ordering that applications for rehearing be denied.	305
<u>1/23/2008</u>	Confidential document: Motion for protective order filed by J. Small on behalf of Ohio Consumers' Counsel. (1473 pages) <b>Please reference SC# 08-0367</b>	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)	306
<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) <b>Please reference SC# 08-0367</b>	307
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3/3/2008 Notice of appeal of the Ohio Consumers' Counsel filed by J. Small. (S. C. # 08-0466) 315

3/11/2008 Notice of appeal of appellant, Ohio Partners for Affordable Energy filed by C. Mooney. 316

**Before  
THE SUPREME COURT OF OHIO**

The Office of the Ohio Consumers' Counsel	)	
Ohio Partners for Affordable Energy	)	
	)	
	)	
VS	)	Supreme Court No. 08-0466
	)	
The Public Utilities Commission	)	
of Ohio	)	
	)	
	)	
Appellee.	)	

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

In the matter of the application of The Cincinnati	)	Case No. 05-724-EL-UNC
Gas & Electric Company to adjust and set its System	)	
Reliability Tracker Market Price .	)	
	)	
In the matter of the application of The	)	Case No. 05-725-EL-UNC
Cincinnati Gas & Electric Company	)	
To modify its fuel economy purchased power	)	
Component of its market based standard service	)	
offer .	)	
	)	
In the matter of the application of Duke Energy	)	Case No. 06-1068-EL-UNC
Ohio to modify its fuel economy purchased power	)	
component of its market based standard service offer	)	
for summary report period of September 28, 2006 to	)	
January 1, 2007.	)	
	)	
In the matter of the application of Duke Energy Ohio,	)	Case No. 06-1069-EL-UNC
Inc. to adjust and set its system reliability tracker	)	
Market place.	)	
	)	
In the matter of the application of Duke Energy Ohio,	)	Case No. 06-1085-EL-UNC
Inc. to adjust and set the annually adjusted component	)	
of its market based standard service offer.	)	

## 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. 1-316, the **Finding and Order** dated 12/19/2007 and the **Entry on Rehearing** dated 1/16/2008 inclusive; and the Certification of the record in Case No. 05-724-EL-UNC, 05-726-EL-UNC, 06-1068-EL-UNC, 06-1069-EL-UNC and 06-1085-EL-UNC.

IN WITNESS THEREOF, I have thereunto set my hand  
and affixed the official seal of The Public Utilities Commission  
of Ohio this 1st day of April, 2008.

Renee J. Jenkins

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

THE PUBLIC UTILITIES COMMISSION OF OHIO