

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

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| In the Matter of the Application of Duke Energy Ohio, Inc. for an Increase in Rates.  | ) | Case No. 07-589-GA-AIR |
| In the Matter of the Application of Duke Energy Ohio, Inc. for Approval of an Alternative Rate Plan for Gas Distribution Service. | ) | Case No. 07-590-GA-ALT |
| In the Matter of the Application of Duke Energy Ohio, Inc. for Approval to Change Accounting Methods.                             | ) | Case No. 07-591-GA-AAM |

ENTRY

The Commission finds:

- (1) The Applicant, Duke Energy Ohio, Inc. (Duke) is a public utility as defined in Section 4905.02, Revised Code, and, as such, is subject to the jurisdiction of this Commission.
- (2) In the Opinion and Order issued on May 28, 2008 in these cases, the Commission ordered Duke to cancel and withdraw its present tariffs governing gas service to customers affected by these applications and to file new tariffs consistent with the discussion and findings as set forth in the order.
- (3) On May 30, 2008, Duke provided the updated tariffs and proposed customer notice pursuant to that order.
- (4) On June 3, 2008, the Ohio Partners for Affordable Energy (OPAE) filed a motion to stay implementation of the opinion and order and the issuance of an entry to approve the updated tariffs submitted by Duke. OPAE asserts that such stay is necessary to prevent harm to the residential class, especially low-use residential customers, and that there is a strong likelihood that the opinion will be reversed.
- (5) The Commission finds that the new tariffs and the proposed customer notice, as modified by staff, are consistent with the discussion and findings as set forth in the order and should be approved. Further, the Commission finds OPAE's motion to

stay the approval of these tariffs and to stay the implementation of the opinion and order should be denied. The Commission devoted a great amount of time to the levelized rate design issue that was approved in this case and OPAE has not raised any issue in its motion that the Commission has not previously considered. While the Commission will consider any issues raised in applications for rehearing, we find no reason has been presented thus far to justify a stay of our opinion and order or the tariffs resulting therefrom. Accordingly, we find that the public interest would be best served by denying OPAE's motion.

It is, therefore,

ORDERED, That the tariffs of Duke Energy Ohio, Inc., provided on May 30, 2008, and the customer notice, as modified by staff, are approved. It is, further,

ORDERED, That the motion to stay filed by Ohio Partners for Affordable Energy is denied. It is, further,

ORDERED, That the Applicant is authorized to file in final form four complete copies of the tariff consistent with this Entry. Applicant shall file one copy in its TRF docket (or may make such filing electronically as directed in Case No 06-900-AU-WVR) and one copy in this case docket. The remaining two copies shall be designated for distribution to the Rates and Tariffs, Energy and Water Division of the Commission's Utilities Department. It is, further,

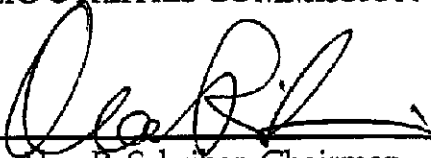
ORDERED, That the tariffs shall be effective for bills rendered beginning June 4, 2008. It is, further,

ORDERED, That the Applicant shall notify all affected customers within 30 days of the effective date of the rider. The Applicant *should file a finalized copy of the customer notice* within seven days of the issuance of this entry. It is, further,

ORDERED, That nothing in this Entry shall be binding upon this Commission in any future proceeding or investigation involving the justness or reasonableness of any rate, charge, rule or regulation. It is, further,

ORDERED, That a copy of this Entry be served upon the Applicant and all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

  
Alan R. Schriber, Chairman

  
Paul A. Centolella

  
Ronda Hartman Fergus

  
Valerie A. Lemmie

  
Cheryl L. Roberto

RBF/RMB/GNS/vrm

Entered in the Journal

**JUN 04 2008**



Renee J. Jenkins  
Secretary