

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of The)
 Cincinnati Gas & Electric Company to Modify)
 its Nonresidential Generation Rates to)
 Provide for Market-Based Standard Service) Case No. 03-93-EL-ATA
 Offer Pricing and to Establish an Alternative)
 Competitive-Bid Service Rate Option Sub-)
 sequent to the Market Development Period.)

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

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

ENTRY

The Commission finds:

- (1) On September 29, 2004, following a hearing, the Commission issued its opinion and order in the above cases, approving a stipulated rate stabilization plan for Duke Energy Ohio, Inc. (Duke), with certain modifications. Following applications for rehearing, the office of the Ohio Consumers' Counsel (OCC) filed notices of appeal to the Supreme Court of Ohio. The court issued its opinion on November 22, 2006, upholding the Commission's decisions on most issues, but remanding the cases with regard to two issues, one of which is relevant to this entry. Specifically, the court required that the

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Commission provide evidence of its reasoning regarding the infrastructure maintenance fund (IMF) rider.

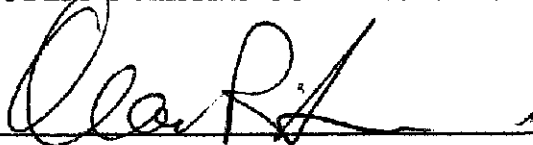
- (2) Following discovery and another hearing, the Commission issued its order on remand on October 24, 2007, and an entry on rehearing on December 19, 2007.
- (3) On February 15, 2008, OCC moved the Commission to stay implementation of the order on remand regarding the IMF charge.
- (4) We also note that OCC filed a notice of appeal of the Commission's December 19, 2007, entry on rehearing to the Supreme Court of Ohio. In that appeal process, OCC has also moved the court for a stay.
- (5) This Commission has already considered the merits of the IMF charge, through evidence collected at multiple hearings, as explained in our order on remand and entry on rehearing. We found that it was an appropriate charge. We still believe that our orders were correct as issued and were justified. We see no reason to stay implementation of the IMF. Therefore, we will deny OCC's motion for a stay in this case.

It is, therefore,

ORDERED, That OCC's motion for a stay be denied. It is, further,

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

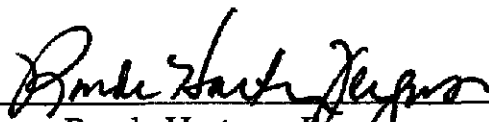
THE PUBLIC UTILITIES COMMISSION OF OHIO



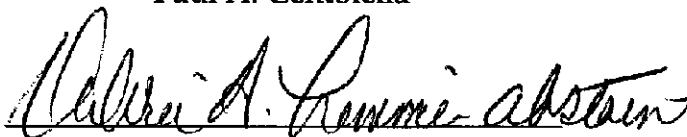
Alan R. Schriber, Chairman



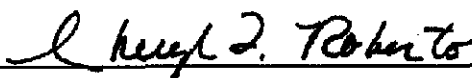
Paul A. Centolella



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Cheryl L. Roberto

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Renee J. Jenkins
Secretary