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Before
THE SUPREME COURT OF OHIO

The Office of the Ohio Consumers' Counsel)
Ohio Partners for Affordable Energy)

Appellant,)

VS)

Supreme Court No. 08-1837

The Public Utilities Commission)
of Ohio)

Appellee.)

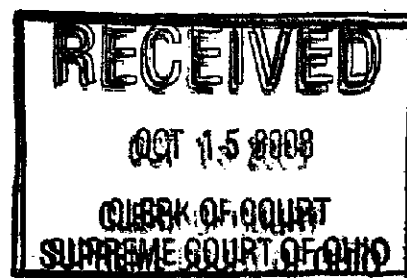
Being Before
THE PUBLIC UTILITIES COMMISSION OF OHIO

In the matter of the application of Duke Energy) Case No. 07-589-GA-AIR
Ohio, Inc. for an increase in gas rates.)

In the matter of the application of Duke Energy)
Ohio, Inc. for approval of an alternative rate plan) Case No. 07-590-GA-ALT
For its gas distribution service.)

In the matter of the application of Duke Energy) Case No 07-591-GA-AAM
Ohio, Inc. for approval to change accounting)
Methods.)

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<u>2/22/2008</u>	Memorandum Contra OPAC Motion for Continuance electronically filed by ANITA M SCHAFER on behalf of Duke Energy Ohio, Inc., Finnigan, John J. Mr.	154

<u>2/22/2008</u>	Notice of errata filed by L. Sauer on behalf of office of the Ohio Consumers' Counsel.	155
<u>2/22/2008</u>	Notice of filing of deposition electronically filed by ANITA M SCHAFER on behalf of Duke Energy Ohio, Finnigan, John J. Mr.	156
<u>2/22/2008</u>	Notice to take deposition of Bruce Hayes electronically filed by ANITA M SCHAFER on behalf of Duke Energy Ohio Finnigan, John J. Mr.	157
<u>2/22/2008</u>	Return of service by L. Sauer on behalf of Ohio Consumers' Counsel.	158
<u>2/22/2008</u>	Second Supplemental Testimony of Don Storck electronically filed by ANITA M SCHAFER on behalf of Duke Energy Ohio, Inc., Finnigan, John J. Mr.	159
<u>2/22/2008</u>	Second Supplemental Testimony of Dr. Roger Morin electronically filed by ANITA M SCHAFER on behalf of Duke Energy Ohio, Inc., Finnigan, John J. Mr.	160
<u>2/22/2008</u>	Second Supplemental Testimony of Gary Hebbeler electronically filed by ANITA M SCHAFER on behalf of Duke Energy Ohio, Inc., Finnigan, John J. Mr.	161
<u>2/22/2008</u>	Second Supplemental Testimony of William Don Wathen, Jr. electronically filed by ANITA M SCHAFER on behalf of Duke Energy Ohio, Inc., Finnigan, John J. Mr.	162
<u>2/22/2008</u>	Supplemental Testimony of James Riddle electronically filed by ANITA M SCHAFER on behalf of Duke Energy Ohio, Inc., Finnigan, John J. Mr.	163
<u>2/25/2008</u>	Correspondence opposing the Duke Energy rate increase filed by P. Ruge.	Corres.
<u>2/25/2008</u>	Correspondence opposing the rate increase of Duke Energy, filed by C. P. Derney.	Corres.
<u>2/25/2008</u>	Deposition of Anthony Yankel electronically filed by ANITA M SCHAFER on behalf of Duke Energy Ohio, Finnigan, John J. Mr.	164
<u>2/25/2008</u>	Deposition of Bruce Hayes electronically filed by ANITA M SCHAFER on behalf of Finnigan, John J. Mr.	165
<u>2/25/2008</u>	Deposition of K. Hagans electronically filed by ANITA M SCHAFER on behalf of Duke Energy Ohio, Finnigan, John J. Mr.	166
<u>2/25/2008</u>	Deposition of Wilson Gonzalez electronically filed by ANITA M SCHAFER on behalf of Duke Energy Ohio, Finnigan, John J. Mr.	167
<u>2/25/2008</u>	Entry ordered that the local public hearing in Mason, Ohio be rescheduled for Tuesday, March 10, 2008, at 6:30 p.m. at the Mason Middle School Commons, 6370 Mason-Montgomery Road, Mason, Ohio. (RB)	168

<u>2/25/2008</u>	Motion for waiver and leave to file depositions instanter electronically filed by ANITA M SCHAFER on behalf of Duke Energy Ohio, Finnigan, John J. Mr.	169
<u>2/25/2008</u>	Proof of Publication (Butler, Brown, Montgomery, Highland, Hamilton, Clinton, and Warren County) filed by J. Finnigan on behalf of Duke Energy Ohio, Inc.	P.O.P.
<u>2/25/2008</u>	Smart metering workshop and utility of the future initiative pamphlet submitted by Duke Energy.	170
<u>2/26/2008</u>	Correspondence opposing the rate structure and adamantly opposing a fiat rate filed by M. Doty.	Corres.
<u>2/26/2008</u>	Entry nunc pro tunc ordered that the local public hearing in Mason, Ohio be rescheduled for Tuesday, March 11, 2008, at 6:30 p.m., at the Mason Middle School Commons, 6370 Mason-Montgomery Road, Mason, Ohio. (RB)	171
<u>2/28/2008</u>	Prefiled Testimony of J. Edward Hess submitted on behalf of the Staff of the Public Utilities Commission of Ohio electronically filed by Mrs. Kimberly L Keeton on behalf of Public Utilities Commission of Ohio.	172
<u>2/28/2008</u>	Prefiled Testimony of Stephen E. Puican submitted on behalf of the Staff of the Public Utilities Commission of Ohio electronically filed by Mrs. Kimberly L Keeton on behalf of Public Utilities Commission of Ohio.	173
<u>2/28/2008</u>	Settlement supporting testimony of Paul G. Smith filed on behalf of Duke Energy Ohio, Inc. (FAX)	174
<u>2/28/2008</u>	Stipulation & Recommendation electronically filed by ANITA M SCHAFER on behalf of Duke Energy Ohio, Finnigan, John J. Mr.	175
<u>2/28/2008</u>	Stipulation and recommendation filed on behalf of Duke Energy Ohio by J. Finnigan, PUCO, T. Lindgren, OCC, L. Sauer, The Kroger Co., M. Kurtz, Ohio Energy Group, D. Boehm, Integrys Energy Service, Inc., D. Verbanac, Direct Energy Services, S. Howard, Intrastate Gas Supply, Inc., J. Bentine, Stand Energy Corp., J. Dosker, City of Cincinnati, T. O'Brien, OP&E, D. Rinebolt, People Working Cooperatively, M. Christensen.	176
<u>2/28/2008</u>	Testimony of Paul Smith Supporting the Stipulation electronically filed by ANITA M SCHAFER on behalf of Duke Energy Ohio, Finnigan, John J. Mr.	177
<u>2/29/2008</u>	AMRP update filing filed on behalf of Duke Energy Ohio by A. Schafer. (FAX)	178
<u>2/29/2008</u>	Correspondence letter expressing concern over the rate increase requested by Duke Energy filed by P. Stoermer.	Corres.
<u>2/29/2008</u>	Correspondence letter objecting to the rate increase of Duke Energy filed by J. Akers.	Corres.

<u>2/29/2008</u>	Correspondence letter regarding the rate increase requested by Duke Energy Ohio Inc. filed by B. Hubbard.	Corres.
<u>2/29/2008</u>	Notice of Withdrawal of Motion to Compel Discovery Depositions by The Office of The Ohio Consumers' Counsel electronically filed by Mrs. Bonnie C Morava on behalf of Office of the Ohio Consumers' Counsel.	179
<u>2/29/2008</u>	Settlement supporting testimony of Paul G. Smith on behalf of Duke Energy Ohio, Inc. by J. Finnigan.	180
<u>2/29/2008</u>	Transcript of proceedings held February 26, 2008 before AE R. Bulgrin, electronically filed by Mrs. Jennifer D. Duffer on behalf of Armstrong & Okey, Inc.	Trans.
<u>3/3/2008</u>	AMRP update filing filed on behalf of Duke Energy Ohio by A. Schafer.	181
<u>3/3/2008</u>	Correspondence opposing rate increase filed by consumer, W. Sortman.	Corres.
<u>3/3/2008</u>	Correspondence opposing the Duke Energy's request for increased rates filed on behalf of concerned consumer, J. Dierig.	Corres.
<u>3/4/2008</u>	Correspondence in opposition of Duke Energy Ohio's request to increase rates filed by A. Andrews.	Corres.
<u>3/4/2008</u>	Correspondence in opposition of Duke Energy Ohio's request to increase rates filed by E. Wells.	Corres.
<u>3/4/2008</u>	Correspondence in opposition of Duke Energy Ohio's request to increase rates filed by J. Griffin.	Corres.
<u>3/4/2008</u>	Correspondence in opposition of Duke Energy Ohio's request to increase rates filed by L. Lynn.	Corres.
<u>3/4/2008</u>	Correspondence in opposition of Duke Energy Ohio's request to increase rates filed by L. McKinney, E. Karr, and J. Willenburg.	Corres.
<u>3/4/2008</u>	Correspondence in opposition of Duke Energy Ohio's request to increase rates filed by P. Menninger.	Corres.
<u>3/4/2008</u>	Correspondence in opposition of Duke Energy Ohio's request to increase rates filed by V. Romine.	Corres.
<u>3/4/2008</u>	Correspondence in opposition of Duke Energy Ohio's request to increase rates filed by W. Hicks.	Corres.
<u>3/4/2008</u>	Correspondence in opposition of Duke Energy's request for rate increase filed by D. Herbe.	Corres.
<u>3/4/2008</u>	Correspondence in opposition of Duke Energy's request for rate increase filed by V. Trout.	Corres.

<u>3/4/2008</u>	Correspondence in opposition to Duke Energy's request for rate increase by C. Stone.	Corres.
<u>3/5/2008</u>	Correspondence in opposition of Duke Energy Ohio's request to increase rates filed by Bob and Ellen Poplin.	Corres.
<u>3/6/2008</u>	Correspondence in opposition of Duke Energy Ohio's request to increase rates filed by L. Stone.	Corres.
<u>3/6/2008</u>	Correspondence regarding the proposed Duke Energy rate increase filed by consumer J. Akers.	Corres.
<u>3/6/2008</u>	Rebuttal Testimony of Wilson Gonzalez on Behalf of the Office of the Ohio Consumers' Counsel electronically filed by Mrs. Bonnie C Morava on behalf of Office of the Ohio Consumers' Counsel	182
<u>3/6/2008</u>	Testimony Rebuttal Testimony of Anthony J. Yankel on Behalf of the Office of the Ohio Consumers' Counsel electronically filed by Mrs. Bonnie C Morava on behalf of Office of the Ohio Consumers' Counsel	183
<u>3/7/2008</u>	Transcript Duke Energy Ohio Composite Index 3-5-08, 3-6-08 electronically filed by Mrs. Jennifer D. Duffer on behalf of Armstrong & Okey, Inc.	Trans.
<u>3/7/2008</u>	Transcript Duke Energy Ohio Vol I - March 5, 2008 electronically filed by Mrs. Jennifer D. Duffer on behalf of Armstrong & Okey, Inc.	Trans.
<u>3/7/2008</u>	Transcript Duke Energy Ohio Vol II - March 6, 2008 electronically filed by Mrs. Jennifer D. Duffer on behalf of Armstrong & Okey, Inc.	Trans.
<u>3/10/2008</u>	Correspondence regarding the proposed Duke Energy rate increase filed by consumer C. Waitas and Family.	Corres.
<u>3/11/2008</u>	Resolution No. 2009-03 regarding the proposed Duke Energy rate increase filed by J. Smith on behalf of the Village of South Lebanon.	184
<u>3/11/2008</u>	Transcript and exhibits for hearing held February 26, 2008 before AE R. Bulgrin.	Trans.
<u>3/12/2008</u>	Correspondence regarding the proposed Duke Energy rate increase filed by consumer T. Wright.	Corres.
<u>3/12/2008</u>	Proof of Pub Rescheduled public hearing. electronically filed by Anita M Schafer on behalf of Finnigan, John J. Mr.	P.O.P.
<u>3/13/2008</u>	Proof of publication. (Hamilton County) original	P.O.P.
<u>3/13/2008</u>	Transcript for hearing held February 25, 2008, 6:30 p.m., at the Cincinnati City Hall, Cincinnati, Ohio before AE G. See.	Trans.

<u>3/13/2008</u>	Transcript for hearing held March 11, 2008 at Mason Middle School Commons, Cincinnati, Ohio before AE R. Bulgrin.	Trans.
<u>3/13/2008</u>	Transcript for hearing held on February 25, 2008, 4:00 p.m., at Cincinnati City Hall, Cincinnati, Ohio before AE G. See.	Trans.
<u>3/14/2008</u>	Correspondence opposing rate increase filed on behalf of concerned consumers.	Corres.
<u>3/14/2008</u>	Correspondence regarding the proposed Duke Energy rate increase filed by M. Detcher.	Corres.
<u>3/14/2008</u>	Motion of waiver of 90-day Update Filing, memorandum in support electronically filed by Anita M Schafer on behalf of Finnigan, John J. Mr.	185
<u>3/17/2008</u>	Brief filed on behalf of DE-Ohio. electronically filed by Anita M Schafer on behalf of Finnigan, John J. Mr.	186
<u>3/17/2008</u>	Post-Hearing Brief electronically filed by Ms. Colleen L. Mooney on behalf of Ohio Partners for Affordable Energy	187
<u>3/17/2008</u>	Post-Hearing Brief of the Office of the Ohio Consumers' Counsel electronically filed by Mrs. Bonnie C Morava.	188
<u>3/17/2008</u>	Post-Hearing Brief submitted on behalf of the Staff of the Public Utilities Commission of Ohio electronically filed by Mrs. Kimberly L Keeton on behalf of Public Utilities Commission of Ohio.	189
<u>3/19/2008</u>	Correspondence In objection of the proposal of Duke Energy for a flat rate basis rather than a level of use basis filed on behalf of concerned consumers, Helen and John Hunter.	Corres.
<u>3/20/2008</u>	Correspondence concerning Duke Energy's request for rate increase filed on behalf of City of Mason by D. Prince.	Corres.
<u>3/21/2008</u>	Correspondence to make clear that Stand Energy Corporation did not oppose the SFV rate design, but also did not take a position in support thereof filed by J. Dosker.	Corres.
<u>3/21/2008</u>	Reply brief filed on behalf of the Ohio Energy Group by D. Boehm.	190
<u>3/24/2008</u>	Correspondence letter of clarification submitted on behalf of the City of Cincinnati electronically filed by Mr. Thomas J O'Brien on behalf of City of Cincinnati.	Corres.
<u>3/24/2008</u>	Reply Brief electronically filed by Ms. Colleen L. Mooney on behalf of Ohio Partners for Affordable Energy.	191
<u>3/24/2008</u>	Reply Brief of DE-Ohio electronically filed by Anita M Schafer on behalf of Colbert, Paul A. Mr.	192

<u>3/24/2008</u>	Reply Brief of Direct Energy Services, LLC and Integrys Energy Services, Inc. electronically filed by Stephen M Howard on behalf of Direct Energy Services, LLC and INTEGRYS ENERGY SERVICES INC	193
<u>3/24/2008</u>	Reply Brief of the Office of the Ohio Consumers' Counsel. electronically filed by Mrs. Bonnie C Morava on behalf of the Office of the Ohio Consumers' Counsel.	194
<u>3/24/2008</u>	Reply Brief submitted on behalf of the Staff of the Public Utilities Commission of Ohio. electronically filed by Ms. Karen J. Ansel on behalf of Ohio Attorney General and Lindgren, Thomas G. Mr. and Wright, William L. Mr. and Parrott, Sarah J. Ms.	195
<u>3/27/2008</u>	Correspondence letter regarding First Energy proposed rate increase filed by consumer, R. Brubaker.	Corres.
<u>4/29/2008</u>	Notice to the PUCO regarding Statement of Additional Authority of the Office of the Ohio Consumers' Counsel electronically filed by Ms. Deb J. Bingham on behalf of Office of the Ohio Consumers' Counsel.	196
<u>5/7/2008</u>	Letter addressing a claim made by the Office of Consumer's Counsel in regard to SB211 filed by S. Jones State Representative 67th House District.	197
<u>5/8/2008</u>	Memorandum Contra filed on behalf of the Staff of the Public Utilities Commission in response to OCC's Statement of Additional Authority electronically filed by Kimberly L Keeton on behalf of Public Utilities Commission of Ohio.	198
<u>5/9/2008</u>	Correspondence letter regarding First Energy proposed rate increase filed by R. Cavanagh, National Resource Defense Council.	Corres.
<u>5/9/2008</u>	Correspondence to Chairman Schriber regarding the term "decoupling" and its relationship to "straight fixed variable" ratemaking from Ralph Cavanagh, Director of the Energy Program of the Natural Resources Defense Council, filed by M. Kushler PhD. on behalf of American Council for and Energy-Efficient Economy. (FAX)	199
<u>5/12/2008</u>	Reply to the PUCO Staff's Memorandum Contra by the Office of the Ohio Consumers' Counsel, electronically filed by Ms. Deb J. Bingham on behalf of Office of the Ohio Consumers' Counsel.	200
<u>5/13/2008</u>	Letter to consumer in response to proposed rate increase for Duke Energy Ohio filed by S. Jones on behalf of Ohio House of Representatives.	201

<u>5/28/2008</u>	Opinion & Ordered that Duke's request for a protective order in regards to Attachment MGS-1 is granted for 18 months from the date this order is issued; that the Stipulation filed on February 28, 2008 is approved in its entirety; that Duke's applications to increase its rates and charges for gas service, to implement an alternative rate plan and to modify accounting methods are granted to the extent provided in this opinion and order; Concurring opinion of Chairman Alan R. Schriber; Opinion of Commissioner Paul A. Centolella concurring in part and dissenting in part.	202
<u>6/3/2008</u>	Motion to stay implementation of the May 28, 2008, opinion and order and issuance of the entry approving the tariffs and memorandum in support filed by C. Mooney on behalf of Ohio Partners for Affordable Energy.	203
<u>6/4/2008</u>	Correspondence letter in support of OPAC's motion to stay electronically filed by Ms. Deb J. Bingham on behalf of Office of the Ohio Consumers' Counsel	Corres.
<u>6/4/2008</u>	Correspondence letter regarding the Duke Energy rate increase filed by A. Donley.	Corres.
<u>6/4/2008</u>	Entry approving tariffs and customer notice as modified and shall be effective for bills rendered beginning June 4, 2008; that the motion to stay filed by Ohio Partners for Affordable Energy is denied.	204
<u>6/4/2008</u>	Tariff, PUCO No. 18, gas service rates filed by E. Watts. on behalf of Duke Energy.	205
<u>6/9/2008</u>	Finalized copy of the customer notice filed by D. Storck on behalf of Duke Energy Ohio.	206
<u>6/11/2008</u>	Correspondence opposing rate increase filed by various consumers.	Corres.
<u>6/23/2008</u>	Revised tariff pages, PUCO Gas Tariff No. 18, filed on behalf of Duke Energy Ohio by T. Reid-McIntosh.	207
<u>6/27/2008</u>	Application for rehearing and attachment, memorandum in support by the Office of the Ohio Consumers' Counsel electronically filed by Patti Mallarnee on behalf of Sauer, Larry S.	208
<u>6/27/2008</u>	Application for rehearing and memorandum in support filed on behalf of Ohio Partners for Affordable Energy by D. Rinebolt.	209
<u>7/1/2008</u>	Correspondence expressing concern over Duke Energy's asking for an increase filed by J. Wander.	Corres.
<u>7/7/2008</u>	Duke Energy Ohio, Inc's memorandum in opposition to the applications for rehearing of the office of The Ohio Consumers' Counsel and Ohio Partners for Affordable Energy filed by P. Colbert.	210

<u>7/9/2008</u>	Entry ordered that the tariffs of Duke Energy Ohio, Inc. filed on June 23, 2008, are approved.	211
<u>7/10/2008</u>	Letter expressing disappointment in the approval of the Duke Energy rate increase filed by L. Stone.	Corres.
<u>7/11/2008</u>	Revised tariff pages, PUCO Tariff No. 18 filed by D. Storck on behalf of Duke Energy Ohio.	212
<u>7/15/2008</u>	Letter opposing the 300+% increase Duke Energy will charge natural gas customers filed by R.G. Kamp and M. Johns.	Corres.
<u>7/23/2008</u>	Entry on rehearing ordering the applications for rehearing filed by OCC and OPAE on June 27, 2008, are denied; the video file of the April 23, 2008, Commission webcast, which was electronically filed by OCC with its application for rehearing, is hereby stricken from the record in these proceedings.	213
<u>7/28/2008</u>	Motion for a protective order and memorandum in support filed by E. Watts on behalf of Duke Energy Ohio, Inc.	214
<u>7/28/2008</u>	Confidential document: Testimony filed by E. Watts on behalf of Duke Energy Ohio, Inc. (68 pages)	Conf.
<u>7/28/2008</u>	Direct testimony of Christopher D. Kiergan on behalf of Duke Energy Ohio filed by E. Watts.	215
<u>7/28/2008</u>	Direct testimony of Dr. Richard G. Stevie on behalf of Duke Energy Ohio filed by E. Watts.	216
<u>7/28/2008</u>	Direct testimony of Todd W. Arnold on behalf of Duke Energy Ohio, Inc. filed by E. Watts.	217
<u>7/28/2008</u>	Report of Duke Energy Ohio, Inc. regarding deployment of Smart Grid Technology filed by E. Watts.	218
<u>7/28/2008</u>	Third supplemental testimony of William Don Wathen, Jr. on behalf of Duke Energy Ohio filed by E. Watts.	219
<u>8/29/2008</u>	Correspondence opposing rate increase filed by L. McKinney.	Corres.
<u>9/16/2008</u>	Notice of appeal of the Office of the Ohio Consumers' Counsel, SC# 08-1837 filed by L.S. Sauer	220
<u>9/19/2008</u>	Notice of appeal of appellant Ohio Partners for Affordable Energy filed by C. Mooney. (S.C. # 08-1837)	221

**Before
THE SUPREME COURT OF OHIO**

The Office of the Ohio Consumers' Counsel)
Ohio Partners for Affordable Energy)

Appellant,

VS

The Public Utilities Commission)
of Ohio)

Appellee.

Supreme Court No. 08-1837

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

In the matter of the application of Duke Energy) Case No. 07-589-GA-AIR
Ohio, Inc. for an increase in gas rates.)

In the matter of the application of Duke Energy)
Ohio, Inc. for approval of an alternative rate plan) Case No. 07-590-GA-ALT
For its gas distribution service.)

In the matter of the application of Duke Energy) Case No 07-591-GA-AAM
Ohio, Inc. for approval to change accounting)
Methods.)

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. 1-221, the Entry dated 7/9/2008 and the Entry on Rehearing dated 7/23/2008 inclusive; and the Certification of the record in Case No.'s 07-589-GA-AIR, 07-590-GA-ALT, and 08-591-GA-AAM.

IN WITNESS THEREOF, I have thereunto set my hand
and affixed the official seal of The Public Utilities Commission
of Ohio this 15th day of October, 2008.

Renee J. Jenkins

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

THE PUBLIC UTILITIES COMMISSION OF OHIO