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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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Index and Entries

ICN

<u>5/15/2007</u>	In the matter of the application of Duke Energy Ohio Inc. for an increase in gas rates.	1
<u>5/15/2007</u>	In the matter of the application of Duke Energy Ohio Inc. for approval of an alternative rate plan for its gas distribution service.	2
<u>5/15/2007</u>	In the matter of the application of Duke Energy Ohio Inc. for approval to change accounting methods.	3
<u>6/18/2007</u>	Motion of Duke Energy Ohio, Inc. to set test period and for waiver of certain filing requirements filed by J. Finnigan, Jr.	4
<u>6/18/2007</u>	Pre-filing notice of Duke Energy Ohio, Inc. filed by S. Meyer. (Part 1 of 2)	5
<u>6/18/2007</u>	Notice continued. (Part 2 of 2)	6
<u>7/11/2007</u>	Entry ordering that the request for waivers made by the applicant are granted as set forth in Findings 5, 6 and 7.	7
<u>7/12/2007</u>	Motion to intervene and memorandum in support on behalf of OCC by L. Sauer.	8
<u>7/18/2007</u>	Application on behalf of Duke Energy Ohio, Inc., filed by S. Meyer.	9
<u>7/18/2007</u>	Application, motions, alternative regulation schedules and schedules "A" through "D" on behalf of Duke Energy Ohio, Inc. by J. Finnigan. (Volume 1)	10
<u>7/18/2007</u>	Motion for waiver and memorandum in support, filed on behalf of Duke Energy Ohio, Inc., by J. Finnigan.	11
<u>7/18/2007</u>	Motion on behalf of Duke Energy Ohio, Inc. to approve the form of notice, filed by J. Finnigan.	12
<u>7/18/2007</u>	Motion to intervene and memorandum in support on behalf of Stand Energy Corporation by J. Dosker.	13
<u>7/18/2007</u>	Schedule S-41 filed on behalf of Duke Energy Ohio, Inc. by J. Finnigan. (Volume 3)	14
<u>7/18/2007</u>	Schedules E through S-3, filed on behalf of Duke Energy Ohio, Inc. by J. Finnigan. (Volume 2) part 1 of 3	15

<u>7/18/2007</u>	Schedules E through S-3 filed on behalf of Duke Energy Ohio, Inc. by J. Finnigan. (Volume 2) part 2 of 3	16
<u>7/18/2007</u>	Schedules E through S-3 filed on behalf of Duke Energy Ohio, Inc. by J. Finnigan. (Volume 2) part 3 of 3	17
<u>7/18/2007</u>	Schedules S-4.2 VOL. 4, VOL. 5 and VOL. 6 filed on behalf of Duke Energy Ohio, Inc. by J. Finnigan. (Volume 1) part 1 of 7	18
<u>7/18/2007</u>	Schedules S-4.2 VOL. 4, VOL. 5 and VOL. 6 filed on behalf of Duke Energy Ohio, Inc. by J. Finnigan. part 2 of 7	19
<u>7/18/2007</u>	Schedules S-4.2 VOL. 4, VOL. 5 and VOL. 6 filed on behalf of Duke Energy Ohio, Inc. by J. Finnigan. part 3 of 7	20
<u>7/18/2007</u>	Schedules S-4.2 VOL. 4, VOL. 5 and VOL. 6 filed on behalf of Duke Energy Ohio, Inc. by J. Finnigan. part 4 of 7	21
<u>7/18/2007</u>	Schedules S-4.2 VOL. 4, VOL. 5 and VOL. 6 filed on behalf of Duke Energy Ohio, Inc. by J. Finnigan. part 5 of 7	22
<u>7/18/2007</u>	Schedules S-4.2 VOL. 4, VOL. 5 and VOL. 6 filed on behalf of Duke Energy Ohio, Inc. by J. Finnigan. part 6 of 7	23
<u>7/18/2007</u>	Schedules S-4.2 VOL. 4, VOL. 5 and VOL. 6 on behalf of Duke Energy Ohio, Inc. by J. Finnigan. part 7 of 7	24
<u>7/18/2007</u>	Supplemental information "(C) (1)" through "(C) (4)" Volume 7, on behalf of Duke Energy Ohio, Inc. by J. Finnigan. part 1 of 3	25
<u>7/18/2007</u>	Supplemental information "(C) (1)" through "(C) (4)" Volume 7, on behalf of Duke Energy Ohio, Inc. by J. Finnigan. part 2 of 3	26
<u>7/18/2007</u>	Supplemental information "(C) (1)" through "(C) (4)" Volume 7, on behalf of Duke Energy Ohio, Inc. by J. Finnigan. part 3 of 3	27
<u>7/18/2007</u>	Supplemental information "(C) (5)" Volume 8, on behalf of Duke Energy Ohio, Inc. by J. Finnigan. part 1 of 4	28
<u>7/18/2007</u>	Supplemental information "(C) (5)" Volume 8, on behalf of Duke Energy Ohio, Inc. by J. Finnigan. part 2 of 4	29
<u>7/18/2007</u>	Supplemental information "(C) (5)" Volume 8, on behalf of Duke Energy Ohio, Inc. by J. Finnigan. part 3 of 4	30
<u>7/18/2007</u>	Supplemental information "(C) (5)" Volume 8, on behalf of Duke Energy Ohio, Inc. by J. Finnigan. part 4 of 4	31
<u>7/18/2007</u>	Supplemental information "(C) (6)" Volume 9, on behalf of Duke Energy Ohio, Inc. by J. Finnigan. Part 1 of 3	32

<u>7/18/2007</u>	Supplemental information "(C) (6)" Volume 9, on behalf of Duke Energy Ohio, Inc. by J. Finnigan. part 2 of 3	33
<u>7/18/2007</u>	Supplemental information "(C) (6)" Volume 9, on behalf of Duke Energy Ohio, Inc. by J. Finnigan. part 3 of 3	34
<u>7/18/2007</u>	Supplemental information "(C) (7)" Volume 10, on behalf of Duke Energy Ohio, Inc. by J. Finnigan.	35
<u>7/18/2007</u>	Supplemental information "(C) (8)" through "(C) (25)" Volume 11, on behalf of Duke Energy Ohio, Inc. by J. Finnigan.	36
<u>7/19/2007</u>	Application on behalf of Duke Energy Ohio, Inc. motion for waiver, motion to approve the form of notice and memorandum in support by J. Finnigan.	37
<u>7/26/2007</u>	Motion to intervene, memorandum in support and motion to practice Pro Hac Vice before the Commission filed by D. Rinebolt on behalf of Ohio Partners for Affordable Energy.	38
<u>7/27/2007</u>	Monthly report of revenues and expenses filed by W. Wathen on behalf of Duke Energy Ohio.	39
<u>7/27/2007</u>	Report of gross additions, retirements and transfer from April 1, 2001 to March 1, 2007 filed on behalf of Duke Energy Ohio.	40
<u>7/27/2007</u>	Supplemental pages to application filed on July 17, 2007 filed by J. Finnigan on behalf of Duke Energy Ohio, Inc. (part 1 of 2)	41
<u>7/27/2007</u>	Supplemental pages to application continued. (Part 2 of 2)	42
<u>8/1/2007</u>	Direct testimony of Keith G. Butler, Carl J. Council, Jr., Brian P. Davey, Stephen G. DeMay, Gary J. Hebbeler, Sandra P. Meyer, David W. Mohler and Dr. Roger A. Morin on behalf of Duke Energy, Ohio, Inc. filed by J. Finnigan, Jr. (Part 1 of 3)	43
<u>8/1/2007</u>	Direct testimony continued of Dr. Roger A. Morin, Laura Gwen Pate, James A. Riddle, Paul G. Smith, John J. Spanos and Donald L. Storck on behalf of Duke Energy, Ohio, Inc. filed by J. Finnigan, Jr. (Part 2 of 3)	44
<u>8/1/2007</u>	Testimony continued of Donald L. Storck, Patricia K. Walker, William Don Wathen, Jr. and James E. Ziokowski, on behalf of Duke Energy, Ohio, Inc. filed by J. Finnigan, Jr.. (Part 3 of 3).	45
<u>8/1/2007</u>	Entry ordering that the Commission's staff shall issue a request for proposal, and evaluate all responses received, as described in this entry; that Duke and the auditor shall observe the requirements set forth in this entry.	46

<u>8/1/2007</u>	Motion for leave to intervene and memorandum in support filed by D. Boehm on behalf of the Ohio Energy Group.	47
<u>8/6/2007</u>	Entry ordered that a technical conference be held on August 20, 2007, at 1:00 p.m., at the offices of the Commission, 180 E. Broad Street, 11th floor, Hearing room 11-C, Columbus, Ohio 43215. (GP)	48
<u>8/14/2007</u>	Motion for leave to intervene and memorandum in support filed by M. Kurtz Esq. on behalf of the Kroger Co.	49
<u>8/17/2007</u>	Motion for intervention and memorandum in support filed by J. Bentine Esq., on behalf of Interstate Gas Supply, Inc.	50
<u>8/20/2007</u>	Request for a waiver from OAC 4901:1-19-05(C)(2)(h) and (i). filed by J. Finnigan Jr. on behalf of Duke Energy Ohio, Inc..	51
<u>8/24/2007</u>	Motion to intervene and memorandum in support filed by T. O'Brien on behalf of the City of Cincinnati.	52
<u>8/30/2007</u>	Motion to compel Duke to respond to discovery and memorandum in support by the Office of the Ohio Consumers' Counsel filed by L. Sauer.	53
<u>9/5/2007</u>	Entry approving Duke's application for filing as of July 18,2007.	54
<u>9/17/2007</u>	Memorandum contra Ohio Consumers' Counsel's motion to compel Duke to respond to discovery filed by J. Finnigan Jr. on behalf of Duke Energy Ohio, Inc.	55
<u>9/18/2007</u>	Notice to take deposition upon oral examination of Gary J. Hebbeler and request for production of documents filed on behalf of the Ohio Consumers' Counsel by L. Sauer.	56
<u>9/18/2007</u>	Notice to take deposition upon oral examination of William Don Wathen, Jr. and request for production of documents filed on behalf of Ohio Consumers' Counsel by L. Sauer.	57
<u>9/27/2007</u>	Reply to Duke Energy Ohio Inc.'s memorandum contra motion to compel discovery filed by L. Sauer on behalf of OCC.	58
<u>10/26/2007</u>	Entry ordering that OCC's motion to compel filed August 30, 2007 be granted. (GP)	59
<u>11/30/2007</u>	Motion of Duke Energy Ohio, Inc. to modify filing date for rider AMRP application and memorandum in support filed by J. Finnigan, Jr.	60
<u>11/30/2007</u>	Ohio AMRP cap calculation annualized revenue requirement filed on behalf of Duke Energy Ohio.	61

<u>11/30/2007</u>	Pre-filing notice of Duke Energy Ohio's intent to file an application for approval of an increase in gas rates for its gas distribution service filed by S. Meyer.	62
<u>12/17/2007</u>	Memorandum contra to the motion of Duke Energy Ohio, Inc to modify the filing date for rider AMRP application filed by L. Sauer on behalf of the Ohio Consumers' Counsel.	63
<u>12/20/2007</u>	Report of conclusions and recommendations on the Financial Audit of Duke Energy Ohio, Inc. filed by Blue Ridge Consulting Services, Inc.	64
<u>12/20/2007</u>	Staff Report filed.	65
<u>12/21/2007</u>	Entry ordering that a prehearing conference be held January 25, 2008, at 10:00 a.m., at the offices of the Commission, 180 E. Broad Street, Columbus, Ohio 43215. (GAP)	66
<u>12/24/2007</u>	Motion for extension of time to file testimony and request for expedited ruling and memorandum in support on behalf of OCC by L. Sauer.	67
<u>12/27/2007</u>	Reply motion to modify filing date for Rider AMPR application and memorandum in support on behalf of Duke Energy Ohio, Inc. filed by J. Finnigan.	68
<u>1/3/2008</u>	Notice to take deposition upon oral examination of Brian P. Davey and request for production of documents filed on behalf of OCC by M. Idzkowski.	69
<u>1/3/2008</u>	Notice to take deposition upon oral examination of Carl J. Council, Jr. and request for production of documents filed on behalf of OCC by M. Idzkowski.	70
<u>1/3/2008</u>	Notice to take deposition upon oral examination of David W. Mohler and request for production of documents filed on behalf of OCC by M. Idzkowski.	71
<u>1/3/2008</u>	Notice to take deposition upon oral examination of Donald L. Storck and request for production of documents filed on behalf of OCC by M. Idzkowski.	72
<u>1/3/2008</u>	Notice to take deposition upon oral examination of Dr. Roger A. Morin and request for production of documents filed on behalf of OCC by M. Idzkowski.	73
<u>1/3/2008</u>	Notice to take deposition upon oral examination of Gary J. Hebbeler and request for production of documents filed on behalf of OCC by M. Idzkowski.	74
<u>1/3/2008</u>	Notice to take deposition upon oral examination of Howard Solganick and request for production of documents filed on behalf of OCC by M. Idzkowski.	75

<u>1/3/2008</u>	Notice to take deposition upon oral examination of James A. Riddle and request for production of documents filed on behalf of OCC by M. Idzkowski.	76
<u>1/3/2008</u>	Notice to take deposition upon oral examination of James E. Ziolkowski and request for production of documents filed on behalf of OCC by M. Idzkowski.	77
<u>1/3/2008</u>	Notice to take deposition upon oral examination of John J. Spanos and request for production of documents filed on behalf of OCC by M. Idzkowski.	78
<u>1/3/2008</u>	Notice to take deposition upon oral examination of Keith G. Butler and request for production of documents filed on behalf of OCC by M. Idzkowski.	79
<u>1/3/2008</u>	Notice to take deposition upon oral examination of Laura Gwen Pate and request for production of documents filed on behalf of OCC by M. Idzkowski.	80
<u>1/3/2008</u>	Notice to take deposition upon oral examination of Michael J. McGarry, Sr. and request for production of documents filed on behalf of OCC by M. Idzkowski.	81
<u>1/3/2008</u>	Notice to take deposition upon oral examination of Patricia K. Walker and request for production of documents filed on behalf of OCC by M. Idzkowski.	82
<u>1/3/2008</u>	Notice to take deposition upon oral examination of Paul G. Smith and request for production of documents filed on behalf of OCC by M. Idzkowski.	83
<u>1/3/2008</u>	Notice to take deposition upon oral examination of Sandra P. Meyer and request for production of documents filed on behalf of OCC by M. Idzkowski.	84
<u>1/3/2008</u>	Notice to take deposition upon oral examination of Stephen G DeMay and request for production of documents filed on behalf of OCC by M. Idzkowski.	85
<u>1/3/2008</u>	Notice to take deposition upon oral examination of Warren R. Fischer and request for production of documents filed on behalf of OCC by M. Idzkowski.	86
<u>1/3/2008</u>	Notice to take deposition upon oral examination of William Don Wathen, Jr. and request for production of documents filed on behalf of OCC by M. Idzkowski.	87
<u>1/7/2008</u>	Entry ordered that the motion for an extension of time to file testimony filed by OCC be granted. (GP)	88

<u>1/16/2008</u>	Letter regarding the billing practice of Duke Energy filed by L.F.	Corres.
<u>1/16/2008</u>	Motion to intervene and memorandum in support filed on behalf of People Working Cooperatively, Inc. by M. Christensen.	89
<u>1/18/2008</u>	Motion to intervene of Direct Energy Services, LLC, memorandum in support electronically filed by Howard Petricoff on behalf of Direct Energy.	90
<u>1/18/2008</u>	Motion to Intervene of Integrys Energy Services, Inc. and memorandum in support electronically filed by Howard Petricoff on behalf of Integrys Energy Services, LLC	91
<u>1/18/2008</u>	Objections to the staff report and summary of issues filed by M. Christensen on behalf of People Working Cooperatively, Inc.	92
<u>1/18/2008</u>	Objections to the Staff Report of Investigation by Integrys Energy Services, Inc. and Direct Energy Services LLC and Summary of Major Issue electronically filed by Howard Petricoff on behalf of Direct Energy and Integrys Energy Services, LLC.	93
<u>1/18/2008</u>	Objections to the staff report of investigation submitted by Interstate Gas Supply, Inc., filed by J. Bentine.	94
<u>1/18/2008</u>	Summary of major issues submitted by Interstate Gas Supply, Inc. by J. Bentine.	95
<u>1/22/2008</u>	Objections to staff report of investigation and summary of major issues by the Ohio Energy Group filed by D. Boehm.	96
<u>1/22/2008</u>	Objections to staff report of investigation and summary of major issues filed by J. Finnigan on behalf of Duke Energy Ohio, Inc.	97
<u>1/22/2008</u>	Objections to the staff report of investigation and list of major issues filed by D. Rinebolt on behalf of Ohio Partners for Affordable Energy.	98
<u>1/22/2008</u>	Objections to the Staff Report of Investigation and summary of major issues filed on behalf of The Office of The Ohio Consumers' Counsel by L. Sauer.	99
<u>1/29/2008</u>	Direct testimony and exhibits of Richard A Baudino filed by D. Boehm on behalf of Ohio Energy Group.	100
<u>1/29/2008</u>	Direct testimony of Anthony J. Yankel filed by L. Sauer on behalf of OCC.	101
<u>1/29/2008</u>	Direct testimony of Aster R. Adams filed on behalf of OCC.	102
<u>1/29/2008</u>	Direct testimony of Bruce M. Hayes filed by L. Sauer on behalf of OCC.	103
<u>1/29/2008</u>	Direct testimony of Kathy L. Hagans filed by L. Sauer on behalf of OCC.	104

<u>1/29/2008</u>	Direct testimony of Steven B. Hines filed by L. Sauer on behalf of OCC.	105
<u>1/29/2008</u>	Direct testimony of Wilson Gonzalez filed by L. Sauer on behalf of OCC.	106
<u>1/29/2008</u>	Motion to strike certain objections to the staff report of Duke Energy Ohio, Inc., Interstate Gas Supply, Inc., Ohio Energy Group, Integrity's Energy Services, Inc. and Direct Energy Services, Inc. and memorandum in support filed by L. Sauer on behalf of OCC.	107
<u>1/29/2008</u>	Supplemental Testimony of William Don Wathen Jr. on Behalf of Duke Energy Ohio, Inc. electronically filed by Mr. John J. Finnigan, Jr. on behalf of Duke Energy Ohio, Inc.	108
<u>1/29/2008</u>	Supplemental testimony of William Don Wathen, Jr., Donald L. Storck, Paul G. Smith, Gary J. Hebbeler, Roger A. Morin and motion to strike objections to staff report of investigation of Ohio Partners for Affordable Energy filed on behalf of Duke Energy by J. Finnigan. (FAX)	109
<u>1/30/2008</u>	Motion to strike objections to the staff report of investigation of Ohio Partners for Affordable Energy filed by J. Finnigan, Jr. on behalf of Duke Energy Ohio, Inc.	110
<u>1/30/2008</u>	Supplemental testimony of Donald L. Storck filed by J. Finnigan, Jr. on behalf of Duke Energy Ohio, Inc.	111
<u>1/30/2008</u>	Supplemental testimony of Dr. Roger A. Morin filed by J. Fiinnigan, Jr. on behalf of Duke Energy, Ohio, Inc.	112
<u>1/30/2008</u>	Supplemental testimony of Gary J. Hebbeler filed by J. Finnigan, Jr. on behalf of Duke Energy Ohio, Inc.	113
<u>1/30/2008</u>	Supplemental testimony of Paul G. Smith filed by J. Fiinnigan, Jr. on behalf of Duke Energy Ohio, Inc.	114
<u>1/30/2008</u>	Supplemental testimony of William Don Wathen Jr. filed by J. Fiinnigan, Jr. on behalf of Duke Energy Ohio, Inc.	115
<u>2/1/2008</u>	Entry granting motions to intervene filed by OEG, Kroger, Interstate, the City, OCC, PWC, Integrys and DES; that local public hearings in these proceedings be held on Thursday, February 21, 2008, at 6:30 p.m., at Mason Intermediate School, MI-45 Kiva, 6307 Mason-Montgomery Road, Mason, Ohio 45040; Monday, February 25, 2008, at 3:00 - 5:00 p.m., at Cincinnati City Council Chambers, 801 Plum Street, Conference Room 312, Cincinnati, Ohio; and Monday, February 25, 2008, at 6:30 p.m., at Cincinnati City Council Chambers, 801 Plum Street, Conference Room 300, Cincinnati, Ohio; that the evidentiary hearing in these proceedings commence on Tuesday, February 26, 2008, at 10:00 a.m., Hearing Room 11-C, 11th floor, at the office of the Commission, 180 East Broad Street, Columbus, Ohio 43215. (GS)	116

<u>2/4/2008</u>	Memorandum contra of Duke Energy Ohio Inc. to motion to strike certain objections to the staff report filed by the Ohio Consumers' Counsel electronically filed by Mr. John J. Finnigan, Jr.	117
<u>2/4/2008</u>	Memorandum contra of Integrys Energy Services, Inc. and Direct Energy Services LLC electronically filed by Howard Petricoff on behalf of Integrys Energy Services, LLC and Direct Energy.	118
<u>2/5/2008</u>	Entry ordering any obligation Duke may have to file its next Rider AMRP application be suspended to the extent set forth in this entry; that the Commission's pilot program be expanded as set forth in this entry to include the E-filing and service of documents in these proceedings.	119
<u>2/5/2008</u>	Memorandum Contra Motion to Strike Objections electronically filed by Ms. Colleen L. Mooney on behalf of Ohio Partners for Affordable Energy.	120
<u>2/5/2008</u>	Memorandum contra the Office of the Ohio Consumers' Counsel's motion to strike certain objections to the staff report filed on behalf of Interstate Gas Supply by J. Bentine.	121
<u>2/5/2008</u>	Motion of DE-Ohio to compel discovery from The Ohio Consumers' Counsel, request for expedited ruling and affidavit of John J. Finnigan, Jr. electronically filed by ANITA M SCHAFFER on behalf of Finnigan, John J. Jr.	122
<u>2/8/2008</u>	Amended notice to take deposition upon oral examination of David W. Mohler and request for production of documents filed on behalf of the OCC by L. Sauer.	123
<u>2/8/2008</u>	Amended notice to take deposition upon oral examination of Donald L. Storck and request for production of documents filed on behalf of the OCC by L. Sauer.	124
<u>2/8/2008</u>	Amended notice to take deposition upon oral examination of James A. Riddle and request for production of documents filed on behalf of the OCC by L. Sauer.	125
<u>2/8/2008</u>	Amended notice to take deposition upon oral examination of Paul G. Smith and request for production of documents filed on behalf of OCC by L. Sauer.	126
<u>2/8/2008</u>	Memorandum contra to the motion to compel of Duke Energy Ohio, Inc. filed on behalf of the OCC by L. Sauer.	127
<u>2/11/2008</u>	Proof of publication. (Brown, Highland, Clinton, Hamilton, Butler, Warren, and Montgomery Counties)	P.O.P.
<u>2/14/2008</u>	Notice of Designation of Witnesses for cross examination by Duke Energy Ohio, Inc. electronically filed by Anita M. Schafer on behalf of John Finnigan, Duke Energy Ohio, Inc.	128

<u>2/15/2008</u>	Correspondence letter opposing Duke Energy Ohio Inc.'s request for a rate increase filed by K. Hebbeler.	Corres.
<u>2/15/2008</u>	Correspondence letter protesting the rate increase requested by Duke Energy Ohio Inc. filed by D. Jetter.	Corres.
<u>2/15/2008</u>	Entry granting the motions to intervene filed by Stand and OP&E; that the motion to admit David Rinebolt pro hac vice is granted; that Duke be permitted to depose OCC's witnesses as set forth in this entry. (RB)	129
<u>2/15/2008</u>	Letter of Notification electronically filed by Mrs. Bonnie C Morava on behalf of Office of the Ohio Consumers' Counsel.	130
<u>2/15/2008</u>	Notice of Designation of Witnesses of The Staff of the Public Utilities Commission of Ohio, electronically filed by Ms. Karen J. Ansel on behalf of Ohio Attorney General and Mr. Thomas G. Lindgren and Mr. William L. Wright and Ms. Sarah J. Parrott.	131
<u>2/19/2008</u>	Notice of Deposition of Anthony Yankel electronically filed by ANITA M SCHAFFER on behalf of Finnigan, John J. Mr.	132
<u>2/19/2008</u>	Notice of Deposition of Aster Adams electronically filed by ANITA M SCHAFFER on behalf of Finnigan, John J.	133
<u>2/19/2008</u>	Notice of Deposition of Bruce M. Hayes electronically filed by ANITA M SCHAFFER on behalf of Finnigan, John J. Mr.	134
<u>2/19/2008</u>	Notice of Deposition of Kathy L. Hagans electronically filed by ANITA M SCHAFFER on behalf of Finnigan, John J. Mr.	135
<u>2/19/2008</u>	Notice of Deposition of Steven B. Hines electronically filed by ANITA M SCHAFFER on behalf of Finnigan, John J. Mr.	136
<u>2/19/2008</u>	Notice of Deposition of Wilson Gonzalez electronically filed by ANITA M SCHAFFER on behalf of Finnigan, John J. Mr.	137
<u>2/20/2008</u>	Letter opposing Duke Energy's rate increase filed by M.J. Newborn.	Corres.
<u>2/20/2008</u>	Letter opposing the Duke Energy rate increase filed by D. Aufderbeck.	Corres.
<u>2/20/2008</u>	Motion for protective order and memorandum in support electronically filed by ANITA M SCHAFFER on behalf of Duke Energy Ohio, Inc. by J. Mr. John Finnigan.	138
<u>2/20/2008</u>	Motion to Compel Discovery Depositions and Request for Expedited Ruling and memorandum in support with Attachment A - Affidavit of Larry S. Sauer electronically filed by Mrs. Bonnie C Morava on behalf of Office of the Ohio Consumers' Counsel.	139
<u>2/21/2008</u>	Confidential target for Attachment MGS-1 filed by A. Schafer on behalf of Duke Energy.	Conf.

<u>2/21/2008</u>	Letter of Notification withdrawing portions of written testimony of OCC witness Aster Adams electronically filed by Mrs. Bonnie C Morava on behalf of Office of the Ohio Consumers' Counsel.	140
<u>2/21/2008</u>	Motion for continuance and request for expedited ruling electronically filed by Ms. Colleen L. Mooney on behalf of Ohio Partners for Affordable Energy.	141
<u>2/21/2008</u>	Motion for protective order to protect the confidentiality of information contained in attachment MGS-1 to the direct testimony of Matthew G. Smith and memorandum in support filed by J. Fannigan (A. Schafer) on behalf of Duke Energy Ohio, Inc.	142
<u>2/21/2008</u>	Motion for subpoena and memorandum in support filed by L. Sauer in behalf of Office of the Ohio Consumers' Counsel.	143
<u>2/21/2008</u>	Notice of filing deposition Donald Storck by the Office of the Ohio Consumers' Counsel filed by L. Sauer.	144
<u>2/21/2008</u>	Notice of filing deposition of Howard Solganick by the Office of the Ohio Consumers' Counsel filed by L. Sauer.	145
<u>2/21/2008</u>	Notice of filing deposition of James A. Riddle by the Office of the Ohio Consumers' Counsel filed by L. Sauer.	146
<u>2/21/2008</u>	Notice of filing deposition of Matthew Smith by the Office of the Ohio Consumers' Counsel filed by L. Sauer.	147
<u>2/21/2008</u>	Notice of filing deposition of Michael J. McGarry, Sr. by the Office of the Ohio Consumers' Counsel filed by L. Sauer.	148
<u>2/21/2008</u>	Notice of filing deposition of P. Smith by the Office of the Ohio Consumers' Counsel filed by L. Sauer.	149
<u>2/21/2008</u>	Notice of filing deposition of W. Fischer by the Office of the Ohio Consumers' Counsel filed by L. Sauer.	150
<u>2/22/2008</u>	Correspondence letter opposing Duke Energy Ohio Inc.'s request for a rate increase filed by M. Burwinkel.	Corres.
<u>2/22/2008</u>	Deposition of Steven Hines electronically filed by ANITA M SCHAFFER on behalf of Duke Energy Ohio, Finnigan, John J. Mr.	151
<u>2/22/2008</u>	Direct Testimony of C. James O'Connor electronically filed by ANITA M SCHAFFER on behalf of Duke Energy Ohio, Inc., Finnigan, John J. Mr.	152
<u>2/22/2008</u>	Direct Testimony of Matthew Smith electronically filed by ANITA M SCHAFFER on behalf of Duke Energy Ohio, Inc., Finnigan, John J. Mr.	153
<u>2/22/2008</u>	Memorandum Contra OPAE Motion for Continuance electronically filed by ANITA M SCHAFFER 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 SCHAFFER 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 SCHAFFER 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 SCHAFFER 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 SCHAFFER 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 SCHAFFER 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 SCHAFFER 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 SCHAFFER 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 SCHAFFER 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 SCHAFFER on behalf of Finnigan, John J. Mr.	165
<u>2/25/2008</u>	Deposition of K. Hagans electronically filed by ANITA M SCHAFFER 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 SCHAFFER 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 SCHAFFER 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 flat 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 SCHAFFER 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 SCHAFFER 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 OPAE'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 OP&E 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)

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.)

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