

RECEIVED-DOCKETING DIV
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BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application for Recovery)
of Costs, Lost Margin, and Performance)
Incentive Associated with the Implementation) Case No. 08-1227-EL-UNC
of Electric Residential Demand Side)
Management Programs by Duke Energy Ohio.)

In the Matter of the Application for Recovery)
of Costs, Lost Margin, and Performance)
Incentive Associated with the Implementation) Case No. 08-1228-EL-UNC
of Electric Non-Residential Demand Side)
Management Programs by Duke Energy Ohio.)

ENTRY

The attorney examiner finds:

- (1) On November 17, 2008, Duke Energy Ohio (Duke) filed a status report on its existing demand side management (DSM) programs and applications to reconcile and update the DSM riders for recovery of program costs, lost margins, and shared savings associated with the implementation of a set of DSM programs. The application in Case No. 08-1227-EL-UNC (08-1227) is for residential consumers and the application in Case No. 08-1228-EL-UNC (08-1228) is for small/medium size business consumers.
- (2) By entry of February 20, 2009, a prehearing conference was scheduled for 1:00 p.m., on March 19, 2009, at the offices of the Commission.
- (3) On February 24, 2009, Ohio Partners for Affordable Energy (OPAE) filed a motion to intervene in these proceedings. In its motion, OPAE states that it is a non-profit organization representing the interests of over 60 community-based nonprofit organizations providing energy assistance to low income families throughout Ohio. OPAE states that its purpose is to promote affordable energy policies and preserve access to essential energy services for all Ohioans. OPAE claims that it has a real and substantial interest in these proceedings by virtue of the direct impact changes in rates determined through these cases will have on its members located in the service territories of Duke. OPAE contends that its participation in these proceedings will not cause undue delay, will

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not unjustly prejudice any existing party, and will contribute to the just and expeditious resolution of the issues and concerns raised in these proceedings. Further, according to OP&E, no other parties to the proceedings will adequately represent the interests of OP&E.

- (4) There is no opposition to OP&E's motion to intervene. The attorney examiner finds that OP&E has satisfied the requirements of Section 4903.221, Revised Code, and Rule 4901-1-11, Ohio Administrative Code. Therefore, OP&E's motion to intervene should be granted.
- (5) Also on February 24, 2009, a motion was made to admit David C. Rinebolt to practice *pro hac vice* before the Commission. There was no opposition to this motion. The motion shall be granted.

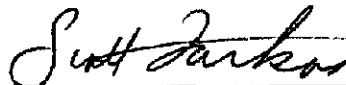
It is, therefore,

ORDERED, That OP&E's motion to intervene be granted. It is, further,

ORDERED, That the motion to admit David C. Rinebolt to practice *pro hac vice* before the Commission be granted. It is, further,

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

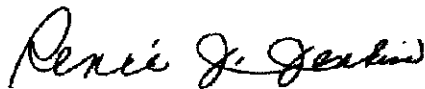
THE PUBLIC UTILITIES COMMISSION OF OHIO



By: Scott Farkas
Attorney Examiner

JRG
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Entered in the Journal
MAR 16 2009



Renee J. Jenkins
Secretary