

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of Duke)	
Energy Ohio, Inc., for an Increase in)	Case No. 08-709-EL-AIR
Electric Rates.)	
 In the Matter of the Application of Duke)	 Case No. 08-710-EL-ATA
Energy Ohio, Inc., for Tariff Approval.)	
 In the Matter of the Application of Duke)	 Case No. 08-711-EL-AAM
Energy Ohio, Inc., for Approval to)	
Change Accounting Methods.)	

ENTRY

The attorney examiner finds:

- (1) Duke Energy Ohio, Inc. (Duke), formerly known as the Cincinnati Gas & Electric Company, is an electric light company as defined in Section 4905.03(A)(4), Revised Code, and a public utility as defined in Section 4905.02, Revised Code. As such, Duke is subject to the jurisdiction of the Commission.
- (2) On July 25, 2008, Duke filed applications in Case Nos. 08-709-EL-AIR, 08-710-EL-ATA, and 08-711-EL-AAM (collectively, rate cases) for approval of an increase in electric rates and related applications for tariff approval and approval of a change in accounting methods.
- (3) By entry of February 5, 2009, an evidentiary hearing was scheduled in these matters at 10:00 a.m., on March 31, 2009, at the offices of the Commission, Hearing Room 11-C, 180 E. Broad Street, Columbus, Ohio 43215. The February 5, 2009, entry also directed that prefiled testimony should be filed in accordance with Rule 4901-1-29, Ohio Administrative Code (O.A.C.), and that testimony by staff of the Commission should be filed no later than 3:00 p.m. on March 26, 2009.
- (4) On March 25, 2009, the Commission staff filed a motion for a four-day extension of time, from March 26, 2009, until the end of the day on March 30, 2009, to file its testimony and a request for an expedited ruling on its motion. Staff notes that the extension of time will allow staff additional time to devote to

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negotiations aimed at a potential settlement of these cases. Staff also notes that the extension of time is short and will not delay the proceedings or prejudice any party because staff's testimony is typically presented last in the case and the Ohio Cable Telecommunications Association represented at the pre-hearing conference that it could not present its witnesses before the middle of April 2009, because of scheduling difficulties. Staff also notes that Rule 4901-1-12(C), O.A.C., allows an immediate ruling without the filing of memoranda where the motion requests an extension of time of five days or less.

- (5) Rule 4901-1-12, O.A.C., provides that if a motion requests an extension of time to file pleadings or other papers of five days or less, an immediate ruling may be issued without the filing of memoranda.
- (6) The attorney examiner finds good cause to grant staff's motion. Accordingly, staff should file its testimony and electronically serve a copy of its testimony on all parties by no later than 5:00 p.m. on March 30, 2009.

It is, therefore,

ORDERED, That staff's motion for an extension of time and a request for an expedited ruling be granted. It is, further,

ORDERED, That staff file its testimony and electronically serve a copy of its testimony on all parties by no later than 5:00 p.m. on March 30, 2009. 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

grg/ct

Entered in the Journal

MAR 26 2009



Renee J. Jenkins
Secretary