

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)
Energy Ohio, Inc., for Approval to) Case No. 08-711-EL-AAM
Change Accounting Methods.)

In the Matter of the Application of the)
Cincinnati Gas & Electric Company for) Case No. 06-718-EL-ATA
Approval of its Rider BDP, Backup)
Delivery Point.)

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) On February 5, 2009, the attorney examiner scheduled the evidentiary hearing in the proceedings to commence on March 31, 2009.
- (4) At the evidentiary hearing, all but two parties were present and made their appearances on the record. Those parties informed the examiners that they had reached a settlement of all of the issues, memorialized in a stipulation and recommendation (stipulation). They stated that they were prepared to file that

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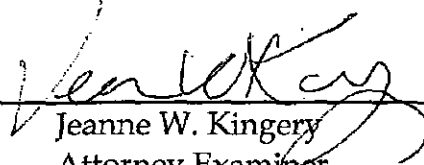
stipulation, as well as testimony in support thereof, on March 31, 2009. In addition, the stipulating parties indicated that each one was willing to waive cross examination of the two witnesses whose testimony was to be filed in support of the stipulation.

- (5) In order to ensure that the parties not present at the hearing have notice of the filing of the stipulation and the testimony of the two witnesses supporting the stipulation, and have an opportunity to cross-examine those two witnesses, the examiners established the following procedure:
 - (a) If any party not present at the evidentiary hearing held on March 31, 2009, desires the opportunity to cross-examine staff witness Hodgden or Duke witness Smith with regard to testimony filed on March 31, 2009, in support of the stipulation, such parties shall file a request for a hearing, no later than Monday, April 6, 2009.
 - (b) If any request for a hearing is filed by April 6, 2009, or if the examiners otherwise deem a hearing to be appropriate, then the hearing will commence at 10:00 a.m., Tuesday, April 7, 2009, in Hearing Room 11-C, at the offices of the Commission, 180 East Broad Street, Columbus, Ohio 43209.
 - (c) If no request for a hearing is filed by the two parties not present, they will be deemed to have waived their right to cross-examine the two witnesses.
- (6) The parties present on March 31, 2009, waived the right to file post-hearing briefs. If a hearing is held, under the procedure set forth in this entry, then such waiver may be reconsidered.

ORDERED, That any party not present at the evidentiary hearing on March 31, 2009, may request the opportunity to cross-examine witnesses in support of the stipulation, as set forth in this entry. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO


By: Jeanne W. Kingery
Attorney Examiner

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Entered in the Journal

MAR. 31 2009


Renee J. Jenkins

Renee J. Jenkins
Secretary