

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of Duke Energy Ohio, Inc., for an Increase in Electric Rates.)	Case No. 08-709-EL-AIR
)	
In the Matter of the Application of Duke Energy Ohio, Inc., for Tariff Approval.)	Case No. 08-710-EL-ATA
)	
In the Matter of the Application of Duke Energy Ohio, Inc., for Approval to Change Accounting Methods.)	Case No. 08-711-EL-AAM
)	
In the Matter of the Application of the Cincinnati Gas & Electric Company for Approval of its Rider BDP, Backup Delivery Point.)	Case No. 06-718-EL-ATA
)	

ENTRY

The attorney examiner finds:

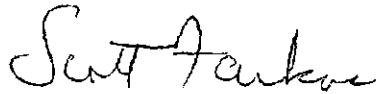
- (1) Duke Energy Ohio, Inc. (Duke), formerly known as the Cincinnati Gas & Electric Company, is an electric light company as defined in Section 4905.03(A)(4), Revised Code, and a public utility as defined in Section 4905.02, Revised Code. As such, Duke is subject to the jurisdiction of the Commission.
- (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) At the evidentiary hearing on March 31, 2009, all but two parties were present. 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 stipulation, as well as testimony in support thereof, later on March 31, 2009. In addition, each stipulating party indicated that it was willing to waive cross-examination of the witnesses whose testimony was to be filed in support of the stipulation.

- (4) By entry dated March 31, 2009, the parties not present at the hearing were provided with notice of the filing of the stipulation and the testimony of the witnesses supporting the stipulation, and were given an opportunity to request a hearing to cross-examine those witnesses. No party filed a request for such a hearing.
- (5) On May 8, 2009, Duke filed a motion for admission of a late-filed Schedule A-1, which it stated should have been attached to the stipulation. On May 12, 2009, one intervenor in the proceeding, Albert Lane, filed an objection to the admission of the Schedule A-1 as a late-filed exhibit. On May 29, 2009, staff of the Commission filed a letter to the attorney examiners, for the purpose of clarifying the Schedule A-1. The clarifying letter is executed by all parties to the stipulation, with the exception of the Ohio Consumers' Counsel.
- (6) In order to ensure that all parties have an opportunity to cross-examine witnesses with regard to the late-filed Schedule A-1, as clarified, the following procedure shall be established:
 - (a) If any party desires the opportunity to cross-examine any witness in the proceeding with regard to the Schedule A-1 filed on May 8, 2009, or the clarifying letter filed on May 29, 2009, such party shall file a request for a hearing, no later than Thursday, June 4, 2009.
 - (b) If any request for a hearing is filed by June 4, 2009, then the hearing will commence at 10:00 a.m. on June 8, 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, all parties will be deemed to have waived their right to cross-examine witnesses with regard to the Schedule A-1 filed on May 8, 2009, or the clarifying letter filed on May 29, 2009.
- (7) 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 may request the opportunity to cross-examine witnesses concerning the Schedule A-1 filed on May 8, 2009, or the clarifying letter filed on May 29, 2009, 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: Scott E. Farkas
Attorney Examiner



Entered in the Journal
MAY 29 2009



Renee J. Jenkins
Secretary