

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of Duke)
Energy Ohio for Approval of the Second)
Amended Corporate Separation Plan) Case No. 09-495-EL-UNC
Under Section 4928.17, Revised Code, and)
Chapter 4901:1-37, Ohio Administrative)
Code.)

ENTRY

The Commission finds:

- (1) By finding and order issued in *In the Matter of the Adoption of Rules for Standard Service Offer, Corporate Separation, Reasonable Arrangements, and Transmission Riders for Electric Utilities Pursuant to Sections 4928.14, 4928.17, and 4905.31, Revised Code, as Amended by Amended Substitute Senate Bill No. 221* (December 17, 2008), the Commission, inter alia, adopted Chapter 4901:1-37, Ohio Administrative Code (O.A.C.), which contains rules addressing corporate separation. In addition, the Commission directed each electric utility to file, within 60 days of the effective date of the chapter, an application for approval of its proposed corporate separation plan (CSP) as outlined in Rule 4901:1-37-05, O.A.C. Chapter 4901:1-37, O.A.C., became effective on April 2, 2009.
- (2) On June 11, 2009, as clarified on June 22, 2009, Duke Energy Ohio (Duke) filed its application for approval of its new corporate separation plan, in accordance with Rule 4901:1-37-05(A), O.A.C. As explained by Duke, it is currently operating under a CSP that was approved by the Commission in previous cases. Along with its application, Duke filed a motion for leave to file its CSP instanter. The Commission finds that Duke's motion to file instanter is reasonable and should be granted.
- (3) To assist the Commission with the evaluation of Duke's CSP, the Commission will issue the request for proposal (RFP) for consulting services attached to this entry. The investigation should determine if the methodologies used by affiliated companies that allocate, charge, or assign costs to the Ohio-regulated operating companies are appropriate. In addition, through this audit, the Commission intends to ascertain

whether Duke has implemented its CSP as previously approved by the Commission and whether it complies with the rules set forth in Chapter 4901:1-37, O.A.C.

- (4) Accordingly, we direct staff to issue the RFP that is attached to this entry, in order to obtain consulting services for the purpose of performing the services described in the RFP. All proposals will be due by September 21, 2009. In order to demonstrate the ability to perform the services according to the RFP, the proposal must show, in detail, the consultant's understanding of the project and the work required. Each proposal must address, with specificity, how the consultant will handle all of the issues in the RFP. The consultant must demonstrate that it will be able to perform the required services, showing its clear understanding of the tasks to be completed, the experience and qualification of the personnel who will perform the work, and the anticipated breakdown of costs and timing. The selection criteria to be used by the Commission to determine the selection of the consultant shall be the technical and management capabilities of each firm, as well as the overall cost of each bid. The Commission intends to select the consultant by September 30, 2009.
- (5) Duke shall directly contract for and bear the cost of the consulting services of the consultant chosen by the Commission.
- (6) The Commission shall select and solely direct the work of the consultant. Staff will review and approve payment invoices submitted by the consultant.
- (7) The consultant shall file its report with the Commission by February 12, 2010. Once the consultant's report is filed, the Commission will determine what further process should be followed in this case.
- (8) The deadline for entities to file motions to intervene in this case shall be February 19, 2010.
- (9) The consultant shall perform its audit and investigation as an independent contractor. Any conclusions, results, or recommendations formulated by the consultant may be examined by any participant to this proceeding. Further, it shall be understood that the Commission and/or its staff shall

not be liable for any acts committed by the consultant or its agents in the preparation and presentation of the report.

- (10) The consultant will execute its duties pursuant to the Commission's statutory authority to investigate and acquire records, contracts, reports, and other documentation under Sections 4903.02, 4903.03, 4905.06, 4905.15 and 4905.16, Revised Code. The consultant is subject to the Commission's statutory duty under Section 4901.16, Revised Code, which states:

Except in his report to the public utilities commission or when called on to testify in any court or proceeding of the public utilities commission, no employee or agent referred to in section 4905.13 of the Revised Code shall divulge any information acquired by him in respect to the transaction, property, or business of any public utility, while acting or claiming to act as such employee or agent. Whoever violates this section shall be disqualified from acting as agent, or acting in any other capacity under the appointment or employment of the commission.

- (11) Once disclosure is permitted by Section 4901.16, Revised Code, the following process applies to the release of any document or information marked as confidential. Three days' prior notice of intent to disclose shall be provided to the party claiming confidentiality. Three days after such notice, staff or the consultant may disclose or otherwise make use of such documents or information for any lawful purpose, unless the Commission receives a request for a protective order pertaining to such documents or information within the three-day notice period. The three-day notice period will be computed according to Rule 4901-1-07, O.A.C.
- (12) Upon request of the consultant or staff, Duke shall provide any and all documents or information requested. Duke may conspicuously mark such documents or information "confidential." In no event, however, shall Duke refuse or delay in providing such documents or information.

It is, therefore,

ORDERED, That Duke's motion to file its CSP instanter be granted. It is, further,

ORDERED, That the RFP attached to this entry be issued and the proposals in response to the RFP be due by September 21, 2009. It is, further,

ORDERED, That, in accordance with finding (5), Duke bear the cost of the consulting services of the contractor chosen by the Commission. It is, further,

ORDERED, That Duke and the contractor shall observe the requirements set forth herein. It is, further,

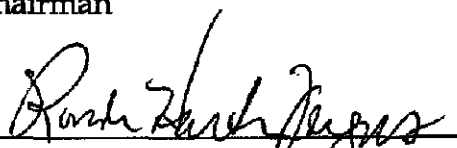
ORDERED, That the deadline for entities to file motions to intervene in this case be February 19, 2010. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO


Alan R. Schriber, Chairman


Paul A. Centolella

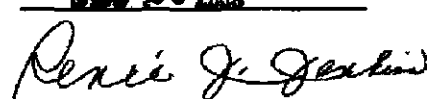

Ronda Hartman Fergus


Valerie A. Lemmie


Cheryl L. Roberto

CMTP/vrm

Entered in the Journal

AUG 26 2009


Renee J. Jenkins
Secretary

REQUEST FOR PROPOSAL NO. U09-CA-1

Issued by:
**THE
PUBLIC UTILITIES COMMISSION OF OHIO**
180 East Broad Street
Columbus, Ohio
43215-3793

PROPOSAL DUE: September 21, 2009

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I. INTRODUCTION

On October 10, 2008, Duke Energy Ohio, Inc. (DE-Ohio, Applicant, or Company) entered into a stipulated agreement which was subsequently approved by The Public Utilities Commission of Ohio (PUCO) on December 17, 2008, regarding, among other things, DE-Ohio's Electric Security Plan, including a Corporate Separation Plan (CSP). *In the Matter of the Application of Duke Energy Ohio for Approval of an Electric Security Plan, Case No. 08-920-EL-SSO, et al.* According to the agreement, DE-Ohio agreed to submit to an annual audit review of compliance with its CSP, including but not limited to a review of its Cost Allocation Manual (CAM). Such audit shall be conducted by an independent third party auditor or Staff, at the Commission's discretion.

In addition, in the stipulated agreement to Case Nos. 08-709-EL-AIR, et al., the parties agreed to, and the PUCO adopted, the Staff recommendation that the scope of the CSP audit referenced above be expanded to include the documentation, examination, and testing of all allocation methods and factors that are used to assign costs to PUCO regulated operations.

On June 11, 2009, and revised on June 22, 2009, DE-Ohio filed in 09-495-EL-UNC its second amended CSP for Commission approval. The filing describes the processes and controls DE-Ohio, has implemented pursuant to the Ohio Revised Code, Ohio Administrative Code, 08-709-EL-AIR and 08-920-EL-SSO.

II. PURPOSE

In accordance with the stipulated agreement in Case Nos. 08-920-EL-SSO et al., and the stipulated agreement to Case Nos. 08-709-EL-AIR, et al., the Commission is seeking proposals to audit and attest to the accuracy of DE-Ohio's compliance with its PUCO approved CSP and the testing of allocation methods and factors that are used to assign costs to PUCO regulated operations. In testing the allocation factors, the audit should include the impact of the transition from Cinergy Corp to Duke Energy Corp. on the allocation methods and the amount of Administrative and General Costs assigned to PUCO regulated operations both pre and post merger.

The auditor shall be familiar with and comply with:

- Section 4928.17, Ohio Revised Code
- Chapter 4901, Revised Code, including Section 4901:1-37, O.A.C.
- Accounting Systems such as the Federal Energy Regulatory Commission (FERC) Uniform System of Accounts.

III. SCOPE OF INVESTIGATION

The auditor's investigation shall determine if DE-Ohio has implemented its PUCO approved CSP and is in compliance with the rules set forth in Ohio Administrative Code Chapter 4901:1-37. In addition, the investigation should determine if the methodologies used by affiliated companies which allocate, charge, or assign costs to the Ohio regulated operating companies are appropriate. Also, the audit should examine the effects of the transition from Cinergy Corp to Duke Energy Corp. on the methodologies used to allocate costs, as well as the amounts being allocated. The audit shall include, but not be limited to:

A. GENERAL PROJECT REQUIREMENTS

The auditor selected shall:

- Review Cases: 08-920-EL-SSO, 08-709-EL-AIR, and 05-732-EL-MER, including supplemental information.
- Read all applicable testimony.
- Review the Staff Reports of Investigation, Opinion and Orders, and Entries on Rehearing from cases: 08-920-EL-SSO, 08-709-EL-AIR, and 05-732-EL-MER, as well as any pertinent historical information.
- Interview the Applicant's management personnel and review both internal and published financial reports, both pre and post merger to assure understanding of the Applicant's operation and organization.
- Obtain and review all appropriate documentation relating to the Company's compliance with its PUCO approved CSP
- Obtain and review all appropriate documentation relating to the Company's allocation policies, practices and procedures

B. CSP AND AFFILIATED CHARGES

The auditor selected shall:

- Review, test, and offer an opinion on DE-Ohio's compliance with Chapter 4901:1-37, O.A.C.
- Review, test, and offer an opinion on affiliate costs assigned to Ohio regulated operations. This opinion should include a discussion of the methodologies and allocation factors used to assign costs as well as the appropriateness of the charges.
- Provide a comparison of Administrative and General Costs assigned to Ohio regulated operations pre and post the transition from Cinergy Corp to Duke Energy Corp.

C. ROLE OF THE AUDITOR

Any auditor who is chosen by the Commission to perform an audit expressly agrees to perform his or her audit as an independent contractor. Any conclusions, results, or recommendations formulated by the auditor may be examined by any participant to the proceeding for which the audit report was generated. Further, it shall be understood that the Commission and/or its Staff shall not be liable for any acts committed by the auditor or its agents in the preparation and presentation of the audit reports.

D. PUCO STAFF SUPERVISION

The PUCO Staff will oversee the project. Staff personnel shall be informed of all correspondence between the auditor selected and the Company, and shall be given at least three working days' notice of all meetings and interviews with the Company to allow Staff the opportunity to attend. The auditor shall meet with PUCO Staff no less than once a week through the duration of the audit. These meetings may occur via telephone.

E. COST OF AUDIT AND QUOTATION OF CHARGES

The proposed cost of the audit shall include all expenses associated with conducting the audit and presenting the findings and recommendations in the audit report. A detailed presentation of costs shall be provided, broken down by phase/task, in conformance with this Request for Proposal. The proposed costs shall be considered firm prices for performing the work described in the proposal.

F. COST OF PRESENTING EXPERT TESTIMONY

The proposed cost of the audit shall include actual costs associated with serving as an expert witness before the Commission during the applicable hearing, including time and materials. These expenses will be billed separately from the cost of the audit. Expenses associated with the presentation of testimony will include the following:

- actual transportation expense (i.e., airfare, etc.)
- actual living expenses (hotels, meals, local transportation)
- actual preparation time, up to 8 hours per witness
- actual hours spent in travel
- actual hours spent presenting testimony

IV. TIMELINE

The timeline presented below is intended to provide the auditor an understanding of the timeframe during which the audit is to be conducted. Although precise dates are used below, the actual dates for awarding the audit and for conducting audit and hearing activities may vary somewhat when they are set through a subsequent Commission entry.

Audit proposals due	September 21, 2009
Award audit (Commission Order)	September 30, 2009
Audit Conducted	October 1, 2009-January 29, 2010
Draft audit report presented to Staff	January 29, 2010
Final audit report filed with Commission	February 12, 2010

V. DEADLINES AND DELIVERABLES

A. AVAILABILITY OF DOCUMENTS

The Company shall provide any and all documents or information requested by the auditor selected and the Commission Staff. The Company may conspicuously mark such documents or information as being "confidential." In no event, however, shall the company refuse or delay to provide such documents or information.

The Staff or the auditor selected shall not publicly disclose any document marked "confidential" by the Company, except upon three days prior notice of intent to disclose served upon the Company's counsel. Three days after such notice, the Staff or auditor may disclose or otherwise make use of such documents or information for any purpose, unless the Company moves the Commission for a protective order pertaining to such documents or information within the three-day notice period.

The three-day notice period will be computed according to Rule 4901-1-07, O.A.C. Service shall be complete upon mailing or delivery in person.

B. FISCAL REPORTS

The auditor will submit invoices when work is 50% complete and when work is 100% complete. The invoices shall include details regarding the dates and activities covered by each invoice, and shall be sufficiently detailed to allow Staff to identify the work completed, the personnel involved, and the corresponding charges in relation to the activity schedule originally set forth in the auditor's proposal. All invoices are to be sent to the Company and copies are to be sent to the PUCO Staff. After approval of the invoice by the Commission Staff, the Company will be authorized to make payment.

The Company shall be ordered by the Commission to enter into a contract, which shall incorporate by reference all provisions of this proposal, with the auditor chosen by the Commission to perform the audit. Auditors shall submit a copy of this contract agreement between the auditor and Company to the Staff member assigned to the audit.

C. INTERIM REPORTING

At the midpoint of the audit activities, the auditor selected will provide a progress report to Staff. This report will briefly describe progress made on required audit activities, as well as initial/tentative findings and conclusions on issues investigated to date. Unless requested by the PUCO staff, this interim report may be made verbally.

D. DRAFT REPORT

Four copies of a draft of the final audit report shall be sent to the Commission Staff at least ten days prior to the due date of the final audit report.

E. FINAL REPORT

Ten copies of the final audit report, plus one reproducible original, shall be delivered to the Commission by the morning of the date specified in Section IV. The final report should include an executive summary of recommendations. The final docketed report should contain an overview of the investigation, recommended adjustments, if any, and an attestation by the auditor that the financial information contained in the application is from a reliable source. Along with the paper copies of the audit report, the auditor shall submit to Staff a computer diskette containing a complete version of the final audit report. If it is necessary to prepare a redacted report, due to confidentiality concerns, two copies of a non-redacted report shall also be provided to both the Commission and the Company. The non-redacted report shall clearly be labeled "confidential."

F. WORKING PAPERS

A complete set of working papers is an integral part of the audit requirements. With the final audit report, the auditor selected shall deliver to the Commission Staff one complete set of working papers that contain documents used and procedures followed to develop the conclusions set forth in the audit report. Working papers should include Applicant's name, case number, description (items in folder), and source documents. Plant work papers should include a copy of the work order, location, age, and value of the property. Plant information should include an explanation of the adjustment, if applicable, and a picture of the inspected project. Voluminous documents may be included only as references in the working papers, upon Staff's agreement. Confidential documents should be clearly marked and provided in a separate section of the work papers.

The auditor selected shall maintain work papers and document all supporting information, including, without limitation, meetings, interviews, or any pertinent information. The auditor selected shall utilize Staff's data request procedures, utilizing a Microsoft Outlook Public Folder for issuing information requests and recording responses.

G. PRODUCTION OF DOCUMENTS

At any time, upon request of the Commission or its Staff, the auditor selected shall immediately produce any document or information obtained or produced within the scope of the audit.

H. TESTIMONY

The auditor shall present expert testimony during the course of any hearing at which the audit report is considered. The individual providing testimony will be one or more persons who conducted or directed the audit activities being considered at any hearing.

VI. MINIMUM CONTENTS OF PROPOSAL

Each proposal shall contain page numbers and a Table of Contents. In a separate section, reflected in the Table of Contents, the following information shall be provided:

- A. Name, mailing address, and telephone number of individual to contact if further information is desired.
- B. An indication of how the bidder plans to incorporate the Staff's participation in the proposed work plan.
- C. The name(s) of all subcontractors to be used in the performance of the proposed work, identification of the specific items to be performed/provided by the subcontractor, and the cost of the proposed subcontractor's work; or if no subcontractors are to be used, the entry "Subcontractor - none". (All such subcontractors indicated in the proposal will be acknowledged as accepted by the Commission upon selection of the proposal for contract awarded unless the auditor is previously notified of the contrary. No addition, deletion, or substitution of subcontractors will be permitted during the course of the contract, unless approved in advance by the Commission Staff in writing.) If subcontractors are proposed, all information required in this section shall be supplied for each subcontractor proposed. Such information shall be supplied in a format parallel to the overall format specified for the contractor.

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- D. The following required Equal Employment Opportunity data must be provided for the auditor and each subcontractor:
1. The total number of employees;
 2. The percentage of the total which are women;
 3. The percentage of the total which are Black, Hispanic, Asian, or American Indian (please specify);
 4. The total number of employees located in Ohio offices;
 5. The percentage of the Ohio total which are women;
 6. The percentage of the Ohio total which are Black, Hispanic, Asian, or American Indian (please specify);
 7. The number of individuals to be assigned to the project;
 8. The percentage of the total assigned which are women;
 9. The percentage of the total assigned which are Black, Hispanic, Asian, or American Indian (please specify).
- E. A listing of contracts the auditor and each subcontractor has with the State of Ohio and:
1. Name of the state agency(s) for each contract;
 2. The cost of each contract;
 3. The duration of each contract;
 4. A brief description of each current contract.
- F. A listing of the auditor's and each subcontractor's clients which may have a financial interest in the Company, or its affiliates. Auditors maintaining any present or on-going contracts or agreements with the Company and affiliates may, at the discretion of the PUCO, be disqualified by reason of possible conflict of interest. In the proposal, such contracts should be described in sufficient detail that the PUCO can determine whether a conflict of interest exists. A response indicating that this information will be provided on request or that such contracts are too numerous to enumerate will be cause for disqualification of the auditor.

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- G. A listing of all the auditor's and each subcontractor's offices, facilities, and equipment to be used in performance under this contract and their locations including a specification of offices, facilities, and equipment located in Ohio. If none, state - none.
- H. A statement of financial responsibility including certification that the auditor, joint partners if the auditor is a conglomerate operation, and any subcontractors have no outstanding liens or claims against them.
- I. Contact persons that the Commission or its Staff may call to receive an assessment of the auditor's and each subcontractor's previous performance. References should be provided for the company or companies proposing and for the individuals designated as principals for the project. The information required for each reference is as follows:
- Name of individual to contact for reference
 - Company/Facility which employed the individual
 - Telephone number
 - Whether reference is for the company or a principal
 - Project or work for which the reference is given
- J. A description of the proposed scope of work to be performed including a work plan, expected deliverable products, and task timing. In a separately numbered section, the auditor will provide a detailed cost breakdown by phase/task of the workplan including the class of personnel performing each phase/task of the work, the hourly rate charged for each class, the number of hours charged for each class, an equivalent breakdown of all subcontracted work, any direct or indirect cost items which the auditor plans to charge, and the total cost.
- The maximum contract price quoted by the auditor shall include all items of work defined in the proposal. The auditor will be expected to deliver the performance described in its proposal within the agreed price.
- K. Identification, by name, of the lead personnel to be employed, the extent of their involvement in the project, and a description of how the proposed person's experience matches project requirements. Contract terms will not permit substitution of lead personnel without prior written approval of the Commission. Identification of lead personnel in the cost proposal will not constitute satisfactory compliance with this requirement.
- L. A description of the qualifications, experience, and proven results achieved by all professional lead or significant personnel to be employed on the project, with a summary of work performed on projects similar to the one contemplated by this RFP, including specific references. The Commission reserves the right to request samples of prior relevant work from any auditor prior to making its final consultant selection.

- M. Identification by name and title, and the hourly rate of pay, and all other related costs of the individual or individuals who will present expert testimony before the Commission during the appropriate hearing.

VII. REVIEW CRITERIA

Proposals will be evaluated on a basis which includes the following criteria:

A. COMPLIANCE WITH MINIMUM CONTENTS REQUIREMENTS

Lack of satisfactory response to the Minimum Contents Requirements will be grounds for elimination of any proposal from further consideration.

B. COST

The total proposed contract price is not specified in the Proposal. Auditors are encouraged to provide as competitive a bid as is practicable.

C. UNDERSTANDING OF PROJECT

Whether the entity bidding on the project has grasped intent of the project; is knowledgeable of the technical aspects required; indicates understanding of potential problems; demonstrates understanding of regulatory issues, trends, and perspectives; and the work plan indicates appropriate phasing. Whether the method of handling the project is indicated, the proposal reflects thorough understanding of project requirements, the methods appear realistic under stated time constraints, and innovative methodologies appear appropriate to the project. The proposal is responsive to the RFP.

D. EXPERIENCE OF PERSONNEL ASSIGNED TO PROJECT AND RELATED ORGANIZATIONAL EXPERIENCE

Relevant experience in field, qualified to undertake assignment. References of previous clients/projects provided.

E. TIMELINES

Demonstrated ability to meet stated deadline; realistic timelines provided; demonstrated proven results of lead personnel.

VIII. OTHER PROPOSAL CRITERIA

A. RELEVANCE

The auditor shall include only relevant information and pertinent exhibits in the proposal. Duplication of materials provided in the RFP, exhaustive resumes, inclusion of standard company promotional materials, etc., will not garner additional points in the evaluation process and may detract from the clarity and conciseness of the proposal.

B. PROPRIETARY DATA IN PROPOSAL

Submissions to the Public Utilities Commission of Ohio become public documents available to open inspection. Proprietary data in a proposal will also assume this status. Therefore, discretionary action is recommended for any proprietary data to be submitted in proposals.

C. DUE DATE AND SUBMITTAL ADDRESS

Any proposal submitted hereunder must be received at the following address no later than 5:00 p.m., September 21, 2009. The proposal should be sent in a sealed container, clearly marked and addressed to:

Joseph Buckley
Response to RFP No. U09-CA-1
The Public Utilities Commission of Ohio
3rd Floor, 180 East Broad Street
Columbus, OH 43215-3793

Note: By responding to this request for proposal, the proposer expressly accepts and is bound by all the terms thereof including all attachments, exhibits, and schedules.

D. COPIES

Five copies of the proposal are to be submitted to the Commission.

E. CONTRACTOR REQUIREMENTS AND MINORITY PARTICIPATION

The PUCO, in awarding the contract, will give preference to Ohio contractors. Ohio contractors include not only established domestic companies actively doing business in Ohio but also encompass multi-state companies with headquarters outside of Ohio, but with substantial commitments of offices, divisions, and facilities within the state. The Commission will consider whether the Auditor is a minority-owned, or socially and economically disadvantaged business.

F. LATE PROPOSALS

A proposal is late if received at any time after the due date set for receipt of the proposals. A late proposal will be considered along with other proposals only if it is received before the evaluation of proposals has, in the sole opinion of the Commission, substantially progressed, and then only if one of the three following conditions exists:

1. Mail delay – the lateness is due solely to a delay in the mail when the response has been sent by registered or certified mail for which an official dated postmark on the original receipt has been obtained.
2. Commission error – if it is received by any reasonable means at the Commission in sufficient time to be delivered at the office designated for the opening and would have been received at such office except the delay due to mishandling at the Commission. Only an appropriate date or time stamp showing the time of the receipt will be accepted as evidence of timely receipt of the proposal.
3. Exceptions – Any other late proposal will not be considered, unless it is the only proposal received or, in the sole judgment of the Commission, it offers some important technical or scientific advantage that is of benefit to the Commission.

G. MODIFICATION OR WITHDRAWAL OF PROPOSAL

Any proposal may be modified or withdrawn upon written request of the auditor, if such request is received by the Commission at the above address by the date set for receipt of original proposals.

H. MODIFICATION OR WITHDRAWAL OF THIS RFP

This Request for Proposal may be modified or withdrawn at any time prior to the time set for receipt of proposals and thereafter as long as no proposal has been opened. Upon any such modification or withdrawal, all bidders will be notified and any person or firm who has expressly requested such notice in writing will also be notified of such changes at the discretion of the Commission.

I. RIGHT TO REJECT ANY AND ALL PROPOSALS

The Commission reserves the right, without limitation or discussion with those submitting proposals, to reject any and all proposals.

J. PENALTY FOR DIVULGING INFORMATION

The auditor selected shall abide by all provisions of Section 4901.16 of the Ohio Revised Code, which states: "Except in his report to the public utilities commission or when called on to testify in any court or proceeding of the public utilities commission, no employee or agent referred to in section 4905.13 of the Revised Code shall divulge any information acquired by him in respect to the transaction, property, or business of any public utility, while acting or claiming to act as such employee or agent. Whoever violates this section shall be disqualified from acting as agent, or acting in any other capacity under the appointment or employment of the commission."

The auditor shall not divulge any information regarding its audit activities to the media or to any other entity, except in its report and testimony before the Commission, before, during, and/or after the audit. All comments or concerns that the auditor wants to address shall be directed to the PUCO Media Office.

K. RFP WEBSITE

All firms wishing to remain on the Commission's bidder list must subscribe to the PUCO RFP list by clicking on the "RFP – Requests for Proposals" link at:

<http://www.puco.ohio.gov/PUCO/Docketing>

Pending RFPs and further information will be posted at the above website.

L. STATUTORY SCOPE OF AUDIT

Any auditor selected by the Commission to perform an audit shall execute its duties pursuant to the Public Utilities Commission's statutory authority to investigate and acquire records, contracts, reports, and other documentation under Sections 4903.02, 4903.03, 4905.06, 4905.15, and 4905.16, Revised Code.

M. AUDITOR SELECTION

The Commission reserves the right to determine that the described audit will not be conducted or will be conducted by the Commission Staff, depending on the Commission's needs and circumstances at the time of the selection.

IX. QUESTIONS

Technical questions regarding this RFP should be directed to Joe Buckley at 614-466-0399. Administrative questions should be directed to Hilde Williamson at 614-466-4687.