

file

Before
THE SUPREME COURT OF OHIO

Office of the Ohio Consumers' Counsel)

Appellant,)

vs)

Supreme Court No. 09-0669

The Public Utilities Commission of Ohio)

Appellee.)

Being Before
THE PUBLIC UTILITIES COMMISSION OF OHIO

In the matter of the application of Duke
Energy Ohio for approval of an Electric
Security Plan.)

Case No. 08-0920-EL-SSO

In the matter of the application of Duke
Energy Ohio for approval to amend
accounting methods.)

Case No. 08-0921-EL-AAM

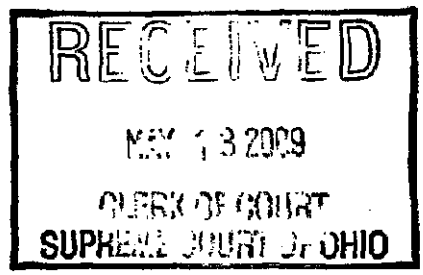
In the matter of the application of Duke
Energy Ohio for approval of a certificate
of public convenience and necessity to
establish an unavoidable capacity charge.)

Case No. 08-0922-EL-UNC

In the matter of the application of Duke
Energy Ohio for approval to amend its tariff.)

Case No. 08-0923-EL-ATA

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business.
Technician SM Date Processed SEP 02 2009



INDEX AND DOCKET ENTRIES

ICN

<u>7/31/2008</u>	In the matter of the application of Duke Energy Ohio for approval of an Electric Security Plan.	1
<u>7/31/2008</u>	Application; Volume 2 of 2, Section 1 filed by Duke Energy Ohio.	2
<u>7/31/2008</u>	Application; Volume 2 of 2, Section 2 filed on behalf of Duke Energy.	3
<u>7/31/2008</u>	Motion for protective order and memorandum in support to protect the confidentiality of information contained in the direct testimony and attachments to the direct testimony of Christopher D. Kiergan, the direct testimony and work papers of Judah Rose, the direct testimony of James Northrup, and the integrated resource plan contained in part C of Duke Energy Ohio's application for approval of an electric security plan filed by P. Colbert.	4
<u>7/31/2008</u>	Confidential document target for testimony of Judah Rose, Christopher D. Kiergan, Richard G. Stevie, James S. Northrup and attachments filed by P. Colbert on behalf of Duke Energy.	Conf.
<u>7/31/2008</u>	Direct testimony of Barry W. Wood Jr. on behalf of Duke Energy Ohio.	5
<u>7/31/2008</u>	Direct testimony of Charles R. Whitlock on behalf of Duke Energy Ohio.	6
<u>7/31/2008</u>	Direct testimony of Christopher D. Kiergan on behalf of Duke Energy Ohio.	7
<u>7/31/2008</u>	Direct testimony of Daniel L. Jones on behalf of Duke Energy Ohio.	8

<u>7/31/2008</u>	Direct testimony of James B. Gainer on behalf of Duke Energy Ohio.	9
<u>7/31/2008</u>	Direct testimony of James M. Lefeld on behalf of Duke Energy Ohio.	10
<u>7/31/2008</u>	Direct testimony of James S. Northrup on behalf of Duke Energy Ohio.	11
<u>7/31/2008</u>	Direct testimony of Judah L. Rose filed on behalf of Duke Energy Ohio.	12
<u>7/31/2008</u>	Direct testimony of Paul G. Smith on behalf of Duke Energy Ohio.	13
<u>7/31/2008</u>	Direct testimony of Richard G Stevie, PhD. on behalf of Duke Energy Ohio.	14
<u>7/31/2008</u>	Direct testimony of Sandra P. Meyer on behalf of Duke Energy Ohio.	15
<u>7/31/2008</u>	Direct testimony of Theodore E. Schultz on behalf of Duke Energy Ohio.	16
<u>7/31/2008</u>	Direct testimony of Todd W. Arnold on behalf of Duke Energy Ohio.	17
<u>7/31/2008</u>	Direct testimony of Tony R. Adcock on behalf of Duke Energy Ohio.	18
<u>7/31/2008</u>	Direct testimony of William Don Wathen Jr. on behalf of Duke Energy Ohio.	19

<u>8/4/2008</u>	Motion for leave to intervene and memorandum in support filed by D. Boehm on behalf of The Ohio Energy Group.	20
<u>8/5/2008</u>	Entry ordering that the procedural schedule for this proceeding be adopted as set forth in finding (4); that a technical conference will be held on August 21, 2008, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, 11th floor, Hearing Room 11-E, Columbus, Ohio 43215; that the evidentiary hearing commence on October 20, 2008, at 10:00 a.m., at the offices of the Commission, Hearing Room 11-C, 180 East Broad Street, Columbus, Ohio 43215. (JK)	21
<u>8/5/2008</u>	Motion for intervention and memorandum in support filed by M. White on behalf of The Kroger Co.	22
<u>8/5/2008</u>	Motion to intervene and memorandum in support filed by A. Hotz on behalf of Ohio Consumers' Counsel.	23
<u>8/7/2008</u>	Motion to intervene and memorandum in support filed by B. Royer on behalf of The Ohio Environmental Council.	24
<u>8/13/2008</u>	Entry ordering that the technical conference scheduled for August 21, 2008, at 10:00 a.m., will be webcast. (JK)	25
<u>8/13/2008</u>	Motion to intervene and memorandum in support filed by J. Clark on behalf of Industrial Energy Users-Ohio.	26
<u>8/13/2008</u>	Motion to intervene and memorandum in support filed by T. O'Brien on behalf of The City of Cincinnati.	27
<u>8/14/2008</u>	Motion of Ohio Partners for Affordable Energy to intervene, memorandum in support, and motion to practice pro hac vice filed by D. Rinebolt.	28

<u>8/20/2008</u>	Correspondence opposing rate increase filed by G. Smith.	Corres.
<u>8/20/2008</u>	Motion for admission pro hac vice of Cynthia A. Fonner electronically filed by Howard Petricoff on behalf of Constellation NewEnergy and Constellation Energy Commodities Group, Inc.	29
<u>8/20/2008</u>	Motion for leave to intervene and memorandum in support of Constellation NewEnergy, Inc. and Constellation Energy Commodities Group, Inc. electronically filed by Howard Petricoff on behalf of Constellation NewEnergy and Constellation Energy Commodities Group, Inc.	30
<u>8/21/2008</u>	Motion to intervene and memorandum in support filed by B. Royer on behalf of Dominion Retail, Inc.	31
<u>8/22/2008</u>	Motion to intervene and memorandum in support by Communities United for Action electronically filed by Mr. Noel M Morgan on behalf of Communities United for Action	32
<u>8/26/2008</u>	Joint motion for continuance of the hearing, extensions of time and memorandum in support filed by J. Roberts on behalf of OCC; by N. Moser on behalf of The Ohio Environmental Council; by D. Rinebolt on behalf of Ohio Partners for Affordable Energy.	33
<u>8/26/2008</u>	Joint motion for local public hearings and memorandum in support filed by J. Roberts on behalf of OCC; by N. Moser on behalf of The Ohio Environmental Council; by D. Rinebolt on behalf of Ohio Partners for Affordable Energy.	34
<u>8/28/2008</u>	Motion Pro Hac Vice electronically filed by Stephen M Howard on behalf of National Energy Marketers Association	35
<u>8/28/2008</u>	Motion to intervene and memorandum in support filed by H. Eckhart on behalf of The Natural Resources Defense Council.	36

<u>8/28/2008</u>	Motion to intervene and memorandum in support filed by H. Eckhart on behalf of The Sierra Club, Ohio Chapter.	37
<u>8/28/2008</u>	Motion to Intervene electronically filed by Stephen M Howard on behalf of National Energy Marketers Association	38
<u>8/29/2008</u>	Memorandum in opposition to the joint motion for continuance of hearing and extension of time and response to joint motion for local public hearings filed by E. Watts on behalf of Duke Energy Ohio.	39
<u>8/29/2008</u>	Motion for Leave to Intervene of Direct Energy Services, LLC and memorandum in support electronically filed by Howard Petricoff on behalf of Direct Energy	40
<u>8/29/2008</u>	Motion for Leave to Intervene of Integrys Energy Services, Inc. and memorandum in support electronically filed by Howard Petricoff on behalf of Integrys Energy Services, Inc.	41
<u>8/29/2008</u>	Notice of withdrawal of counsel, electronically filed by Teresa Orahood on behalf of T O'Brien and the City of Cincinnati.	42
<u>9/2/2008</u>	Motion to Intervene and Memorandum in Support electronically filed by Mr. Douglas E. Hart on behalf of Greater Cincinnati Health Council.	43
<u>9/2/2008</u>	Motion to intervene and memorandum in support filed on behalf of People Working Cooperatively, Inc. by M. Christensen.	44
<u>9/2/2008</u>	Motion to intervene and memorandum in support filed on behalf of the Ohio Manufacturers' Association by L. Bell.	45
<u>9/3/2008</u>	Motion to intervene and memorandum in support filed on behalf of People Working Cooperatively, Inc. by M. Christensen.	46

<u>9/3/2008</u>	Motion to intervene and memorandum in support filed on behalf of the Ohio Farm Bureau Federation by L. Gearhardt.	47
<u>9/3/2008</u>	Motion to intervene and memorandum in support filed on behalf of the Village of Terrace Park by R. Malloy. (FAX)	48
<u>9/4/2008</u>	Joint motion for leave to intervene and memorandum in support of The Ohio Association of School Business Officials, The Ohio School Boards Association and The Buckeye Association of School Administrators fled by M. Howard Petricoff.	49
<u>9/4/2008</u>	Joint motion to intervene and memorandum in support of The American Wind Association, Wind on Wires, and Ohio Advance Energy filed by S. Bloomfield.	50
<u>9/4/2008</u>	Motion for leave to intervene and memorandum in support of The University of Cincinnati filed by M. Howard Petricoff.	51
<u>9/4/2008</u>	Motion to intervene and memorandum in support filed on behalf of the Village of Terrace Park by R. Malloy.	52
<u>9/4/2008</u>	Reply to Duke Energy Ohio's memorandum in opposition to the joint motion for continuance of the hearing and extensions of time, filed on behalf of the Office of the Ohio Consumers' Counsel by A. Hotz.	53
<u>9/5/2008</u>	Entry ordering that the evidentiary hearing in these proceedings be continued until November 3, 2008, and the procedural schedule be extended as set forth in finding (5), it is further ordered that the parties comply with the filing and service requirements set forth in findings (7) and (8). (JWK)	54
<u>9/5/2008</u>	Motion for admission Pro Hac Vice of Cynthia A. Fonner filed by S. Howard.	55
<u>9/5/2008</u>	Motion for leave to intervene and memorandum in support filed on behalf of Constellation NewEnergy, Inc. and Constellation Energy Commodities Group, Inc. by M. Petricoff.	56

<u>9/5/2008</u>	Motion for leave to intervene and memorandum in support filed on behalf of Direct Energy Services, LLC by H. Petricoff.	57
<u>9/5/2008</u>	Motion for leave to intervene and memorandum in support filed on behalf of Integrys Energy Services, Inc. by M. Petricoff.	58
<u>9/5/2008</u>	Motion pro hac vice to admit Craig G. Goodman to practice before the Commission in this proceeding, filed on behalf of the National Energy Marketers Association by S. Howard.	59
<u>9/5/2008</u>	Motion to intervene and memorandum in support filed by S. Howard on behalf of National Energy Marketers Association.	60
<u>9/5/2008</u>	Notice of withdrawal of counsel, Sally Bloomfield from the City of Cincinnati, Thomas J. O'Brien should be designated as counsel of record for the city filed by T. O'Brien.	61
<u>9/8/2008</u>	Motion and memorandum in support for admission Pro Hac Vice of Gregory K. Lawrence filed by D. Mancino.	62
<u>9/8/2008</u>	Motion to intervene and memorandum in support of Morgan Stanley Capital Group, Inc., filed by D. Mancino.	63
<u>9/9/2008</u>	Motion for admission Pro Hac Vice of Grace C. Wung filed to represent The Commercial Group filed by D. Mancino. (FAX)	64
<u>9/9/2008</u>	Motion for leave to file out of time, motion to intervene and memorandum in support filed on behalf of the Commercial Group by D. Mancino. (FAX)	65
<u>9/9/2008</u>	Refiled motion to intervene and memorandum in support filed on behalf of the Greater Cincinnati Health Council by D. Hart.	66
<u>9/11/2008</u>	Motion for admission Pro Hac Vice of Grace C. Wung filed on behalf of D. Mancino.	67

<u>9/11/2008</u>	Motion for leave to file out of time, motion to intervene and memorandum in support filed on behalf of the "Commercial Group" Wal-Mart Stores East LP, Sam's Club East and Macy's Inc. by D. Mancino. (Original)	68
<u>9/16/2008</u>	Confidential document target for attachment 4 - supplemental direct testimony of Richard G. Stevie. (2 pgs)	Conf.
<u>9/16/2008</u>	Motion and memorandum in support for protective order to protect the confidentiality of information contained in the supplemental direct testimony attachment 4 of Richard G. Stevie filed on behalf of Duke Energy, Inc. by E. Watts.	69
<u>9/16/2008</u>	Supplemental direct testimony of Paul G. Smith on behalf of Duke Energy Ohio.	70
<u>9/16/2008</u>	Supplemental direct testimony of Richard G. Stevie on behalf of Duke Energy Ohio, Inc.	71
<u>9/16/2008</u>	Supplemental direct testimony of Theodore E. Schultz on behalf of Duke Energy Ohio, Inc.	72
<u>9/17/2008</u>	Entry ordered that local public hearings in the proceeding be held Tuesday, October 7, 2008, at 12:30 p.m. at Cincinnati State Technical and Community College, Main Building, Room 344-346, 3520 Central Parkway, Cincinnati, Ohio 45223 and Tuesday, October 7, 2007, at 6:30 p.m. at Union Township Civic Center Hall, 4350 Aicholtz Road, Cincinnati, Ohio 45245; that motions to intervene filed by various parties be granted in accordance with findings (5) and (7); that Communities United for Action comply with finding (6); that motions for admission pro hac vice filed on behalf of various individuals be granted in accordance with finding (8). (JWK)	73
<u>9/19/2008</u>	Motion for a continuance and extension of time or, in the alternative, motion to compel discovery by the Office of the Ohio Consumers' Counsel and memorandum in support filed by A. Hotz.	74

<u>9/22/2008</u>	Joint interlocutory appeal request for certification to full commission and application for review by the Office of the Ohio Consumers' Counsel, The Sierra Club, The Natural Resource Defense Council and Communities United for Action, memorandum in support filed by A. Holz, H. Eckhart and N. Morgan.	75
<u>9/22/2008</u>	Letter asking the PUCO to not approve the rate increase sought by Duke Energy filed by M. Reis.	Corres.
<u>9/24/2008</u>	Memorandum in opposition to the motion for a continuance and extensions of time, or in the alternative, motion to compel by the Office of the Ohio Consumers' filed by A. Spiller on behalf of Duke Energy Ohio.	76
<u>9/26/2008</u>	Memorandum contra joint interlocutory appeal, request for certification to full Commission and application for review by the Office of the Ohio Consumers' Counsel, The Sierra Club, The Natural Resource Defense Council and Communities United for Action filed by R. D'Ascenzo on behalf of Duke Energy Ohio.	77
<u>9/26/2008</u>	Memorandum in support of motion for leave to file out of time by Communities United For Action (CUFA) filed by N. Morgan. (FAX)	78
<u>9/26/2008</u>	Motion to intervene and memorandum in support by Communities United For Action filed by N. Morgan. (FAX)	79
<u>9/29/2008</u>	Motion and memorandum in support to stay negotiations between the company and the parties filed by A. Hotz, Office of the Ohio Consumers' Counsel; C. Mooney, Ohio Partners for Affordable Energy; N. Morgan Communities United for Action; H. Eckhart, The Sierra Club and The Natural Resource Defense Council.	80
<u>9/29/2008</u>	Motion for leave to file out of time by Communities United For Action (CUFA) filed by N. Morgan. (original)	81
<u>9/29/2008</u>	Motion to intervene and memorandum in support by Communities United For Action files by N. Morgan.	82

<u>9/29/2008</u>	Reply to Duke Energy Ohio's memorandum in opposition to OCC's motion for continuance and extensions of time, or in the alternative, motion to compel filed by A. Hotz on behalf of the Office of the Ohio Consumers' Counsel.	83
<u>10/1/2008</u>	Entry ordering OCC's motion for a continuance be denied; OCC's motion to compel discovery be granted; appellants' joint request for certification be denied; additional local public hearings be scheduled as set forth in finding (18); Duke publish notice as required by finding (19). (JK)	84
<u>10/3/2008</u>	Memorandum in opposition to the motion to stay negotiations between Duke Energy Ohio and the parties by the OCC , Ohio Partners For Affordable Energy, Communities United For Action, The Sierra Club and The Natural Resource Defense Council filed by E. Watts on behalf of Duke Energy Ohio.	85
<u>10/6/2008</u>	Correspondence opposing the proposed Duke Energy rate increase filed by L. Taylor.	Corres.
<u>10/7/2008</u>	Attachment TES-1, to be included with direct testimony of Theodore E. Shultz, Attachment 4, to direct testimony of Richard G. Stevie, PhD, Direct testimony of Christopher D. Kiergan, Direct testimony of Richard G. Stevie filed on behalf of Duke Energy by E. Watts.	86
<u>10/8/2008</u>	Correspondence in opposition of Duke Energy on behalf of consumer, E. McIntyre.	Corres.
<u>10/8/2008</u>	Reply to Duke Energy Ohio's memorandum in opposition to the motion to stay negotiations between Duke Energy Ohio and the parties by The Office of the Ohio Consumers' Counsel, Ohio Partners for Affordable Energy, Communities United for Action, The Sierra Club and The Natural Resources Defense Council filed by A. Hotz.	87
<u>10/9/2008</u>	Correspondence opposing the proposed Duke Energy rate increase filed by G. Haas.	Corres.
<u>10/9/2008</u>	Correspondence opposing the proposed rate increase of Duke Energy, filed by A. Orr, consumer.	Corres.

<u>10/10/2008</u>	Correspondence concerning Duke Energy's request to increase rates filed by concerned consumer, W. Hopfensperger.	Corres.
<u>10/10/2008</u>	Correspondence opposing Duke's request to increase rates filed on behalf of concerned consumer, R. Tucker.	Corres.
<u>10/10/2008</u>	Correspondence opposing the proposed rate increase of Duke Energy filed by D. Henson.	Corres.
<u>10/15/2008</u>	Entry ordering that the procedural schedule be modified as set forth in finding (4). (JK)	88
<u>10/15/2008</u>	Letter opposing the proposed rate increase of Duke Energy filed by F. and A. Taylor.	Corres.
<u>10/15/2008</u>	Letter opposing the proposed rate increase of Duke Energy filed by T. and M. Nicholl.	Corres.
<u>10/15/2008</u>	Letter stating DE-Ohio will withdraw all additional testimony supporting the transfer of its previously used and useful generating assets filed by P. Colbert.	89
<u>10/15/2008</u>	Notice to take deposition upon oral examination and request for production of documents filed by A. Hotz on behalf of OCC.	90
<u>10/17/2008</u>	Correspondence opposing the proposed rate increase of Duke Energy filed by P. Gill.	Corres.
<u>10/17/2008</u>	Correspondence regarding the proposed rate increase of Duke Energy filed by M. Maxey.	Corres.

<u>10/17/2008</u>	Letter regarding the proposed rate increase of Duke Energy filed by R. Milton.	Corres.
<u>10/20/2008</u>	Report profiling specific energy efficiency programs in other states and shows how they benefit homeowners, businesses and industry, filed by A. Gomberg on behalf of Environment Ohio.	91
<u>10/21/2008</u>	Letter opposing the proposed rate increase of Duke Energy filed by E. Watkins.	Corres.
<u>10/21/2008</u>	Motion for extension of time to file intervenor testimony and request for expedited ruling and memorandum in support, filed by A. Hotz on behalf of the OCC.	92
<u>10/22/2008</u>	Entry ordering that OCC's motion be granted and that the procedural schedule be modified as set forth in finding (4). (JK)	93
<u>10/22/2008</u>	Letter opposing the proposed rate increase of Duke Energy filed by W. Briner.	Corres.
<u>10/22/2008</u>	Letter opposing the proposed rate increase of Duke Energy Ohio. filed by J. and A. Dalton.	Corres.
<u>10/22/2008</u>	Letter regarding the proposed rate increase Duke Energy filed by Mr. McCants.	Corres.
<u>10/22/2008</u>	Letter regarding the proposed rate increase of Duke Energy Ohio filed by concern consumer.	Corres.
<u>10/23/2008</u>	Letter opposing the proposed rate increase of Duke Energy filed by G. Volkart.	Corres.

<u>10/24/2008</u>	Letter regarding the proposed rate increase of Duke Energy filed by C. Salyers.	Corres.
<u>10/27/2008</u>	Addendum to the stipulation and recommendation filed by P. Colbert on behalf of Duke Energy Ohio.	94
<u>10/27/2008</u>	Correspondence opposing rate increase filed by E. and R. Poplin.	Corres.
<u>10/27/2008</u>	Correspondence opposing rate increase filed by H. Friedman.	Corres.
<u>10/27/2008</u>	Correspondence opposing rate increase filed by M. Detcher.	Corres.
<u>10/27/2008</u>	Correspondence supporting energy efficiency programs with additional information filed by D. Marshall on behalf of Eagle Energy, LLC.	Corres.
<u>10/27/2008</u>	Direct Testimony of Kevin M. Murray filed by J. Clark on behalf of Industrial Energy Users-Ohio.	95
<u>10/27/2008</u>	Direct testimony of Michael Gorman filed by D. Mancino on behalf of The Commercial Group.	96
<u>10/27/2008</u>	Stipulation and recommendation filed by P. Colbert on behalf of Duke Energy Ohio.	97
<u>10/28/2008</u>	Second supplemental testimony of Paul G. Smith filed by P. Colbert on behalf of Duke Energy Ohio.	98
<u>10/30/2008</u>	Duke Energy Ohio's motion to set a procedural schedule, memorandum in support and for expedited treatment filed by P. Colbert.	99

<u>10/30/2008</u>	Letter submitting page 3 of the stipulation, attachment 9, which was inadvertently omitted from the filing dated October 27, 2008 filed by A. Schafer on behalf of Duke Energy Ohio.	100
<u>10/31/2008</u>	Entry granting Duke's motion, and that the procedural schedule be modified as set forth in finding (6). (SF)	101
<u>10/31/2008</u>	Notice of withdrawal of counsel of Daniel J. Neilsen filed by J. Clark on behalf of Industrial Energy Users- Ohio.	102
<u>10/31/2008</u>	Prefiled testimony of Tamara S. Turkenton filed by PUCO staff.	103
<u>11/3/2008</u>	Public hearing held on October 7, 2008 at Cincinnati State Technical and Community College before Alan R. Schriber, Chairman and Valerie A. Lammie, Commissioner, Public Utilities Commission Of Ohio filed by K. Patton on behalf of Cin-Tel Corporation.	Trans.
<u>11/3/2008</u>	Transcript for hearing held October 7, 2008 at the Union Township Civic Center, Cincinnati, Ohio before Chairman Alan Schriber.	Trans.
<u>11/4/2008</u>	Correspondence opposing Duke Energy's rate increase filed by M. Detcher.	Corres.
<u>11/4/2008</u>	Notice to take deposition of Kevin Murray, witness for Industrial Energy Users Group, Ohio upon oral examination and request for production of documents filed by A. Spiller on behalf of Duke Energy Ohio.	104
<u>11/5/2008</u>	Correspondence opposing Duke Energy' s rate increase filed by Mr. and Mrs. Thompson.	Corres.
<u>11/5/2008</u>	Correspondence with alternative ideas to a rate increase requested by Duke Energy filed on behalf of concerned consumers, S. Carmack and J. Taylor.	Corres.

<u>11/5/2008</u>	Direct testimony of Wilson Gonzales filed by A. Hotz on behalf of OCC.	105
<u>11/5/2008</u>	Notice to take deposition of Wilson Gonzalez, witness for OCC, upon oral examination and request for production of documents filed by A. Spiller on behalf of Duke Energy Ohio.	106
<u>11/5/2008</u>	Supplemental testimony of Kevin M. Murray filed by J. Clark on behalf of Industrial Energy Users-Ohio.	107
<u>11/10/2008</u>	Deposition of Kevin M. Murray.	108
<u>11/10/2008</u>	Deposition of Wilson Gonzalez.	109
<u>11/10/2008</u>	Letter stating that the City of Cincinnati joins the Stipulation and Recommendation filed on October 27, 2008 filed on behalf of the City of Cincinnati by T. O'Brien.	110
<u>11/10/2008</u>	Motion to strike parts of Paul Smith's second supplemental testimony for Duke Energy Ohio and memorandum in support filed on behalf of The Ohio Consumers' Counsel by A. Hotz.	111
<u>11/12/2008</u>	Exhibits for transcript electronically filed for hearing held on November 10, 2008 before AEs Jeanne Kingery and Scott Farkas, Franklin County.	Exh.
<u>11/12/2008</u>	Transcript for Duke Energy hearing held 11/10/08 before AEs J. Kingery and S. Farkas electronically filed by Mrs. Jennifer D. Duffer on behalf of Armstrong & Okey, Inc.	Trans.
<u>11/14/2008</u>	Notarized errata sheet of Kevin Murray for the deposition conducted of him by counsel for Duke Energy on November 7, 2008 filed by J. Clark.	112
<u>11/17/2008</u>	Brief filed on behalf of the Ohio Energy Group by D. Boehm. (FAX)	113

<u>11/17/2008</u>	Brief on encouraging and promoting residential governmental aggregation under senate bill 221 filed on behalf of the Office of the Ohio Consumers' Counsel by A. Hotz.	114
<u>11/17/2008</u>	Initial brief filed on behalf of Industrial Energy Users-Ohio by J. Clark.	115
<u>11/17/2008</u>	Initial brief filed on behalf of the Ohio Environmental Council by B. Royer.	116
<u>11/17/2008</u>	Merit brief filed on behalf of Duke Energy Ohio by P. Colbert.	117
<u>11/17/2008</u>	Post hearing brief filed on behalf of the Staff of the Public Utilities Commission of Ohio by T. McNamee.	118
<u>11/18/2008</u>	Brief filed on behalf of the Ohio Energy Group by D. Boehm.	119
<u>11/18/2008</u>	Transcript for local hearing held October 15, 2008 at Lakota East High School, Liberty Township, Ohio before Chairman A. Schriber, PH.D.	Trans.
<u>11/19/2008</u>	Letter advising that the Village of Terrace Park joins the Stipulation and Recommendation filed on October 27, 2008 filed by R. Malloy.	120
<u>11/26/2008</u>	Duke Energy Ohio's reply brief filed by E. Watts.	121
<u>11/26/2008</u>	Reply brief filed on behalf of Industrial Energy Users-Ohio by J. Clark.	122

<u>11/26/2008</u>	Reply brief filed on behalf of the Office of the Ohio Consumers' Counsel by J. Small.	123
<u>11/26/2008</u>	Reply brief filed on behalf of The Ohio Energy Group by D. Boehm. (FAX)	124
<u>11/26/2008</u>	Reply brief filed on behalf of The Ohio Environmental Council by B. Royer.	125
<u>11/26/2008</u>	Reply brief submitted on behalf of the Staff of the Public Utilities Commission of Ohio by T. McNamee.	126
<u>12/2/2008</u>	Reply brief of the Ohio Energy Group filed by D. Boehm.	127
<u>12/11/2008</u>	Revised tariff pages PUCO Tariff No.19 & 20 filed by A. Schafer on behalf of Duke Energy. (part 1 of 2)	128
<u>12/11/2008</u>	Revised tariff pages continued PUCO Tariff No.19 & 20 filed by A. Schafer on behalf of Duke Energy. (part 2 of 2)	129
<u>12/15/2008</u>	Letter regarding a decrease in rates effective January 1, 2009 if the Fuel and Purchased Power Rider and System Reliability Tracker is approved filed by P. Smith on behalf of Duke Energy.	130
<u>12/16/2008</u>	Letter in regard to the letter filed by Duke Energy on 12/15/08 filed by S. Randazzo.	131
<u>12/17/2008</u>	Entry ordering the incorrect references, on pages 40 and 43, to Case Nos. 08-974-EL-UNC and 08-975-EL-UNC shall be corrected to refer to Case Nos. 07-974-EL-UNC and 07-974-EL-UNC. (JK)	132

<u>12/17/2008</u>	Opinion and order stating that the stipulation be adopted as modified; application for approval of a standard service offer by Duke Energy be granted, to the extent set forth; Duke shall notify customers of the changes approved by this opinion and order and that the Commission's docketing division file a copy of this order in cases 08-974-EL-UNC and 08-975-EL-UNC.	133
<u>12/22/2008</u>	Revised tariff pages, PUCO Electric No. 19 and 20, filed by D. Storck on behalf of Duke Energy Ohio Inc.	134
<u>12/23/2008</u>	Tariff pages for PUCO No. 19 of Cincinnati Gas and Electric Company filed by D. Storck.	135
<u>12/29/2008</u>	Correspondence opposing Duke Energy Ohio's request for increase filed on behalf of concerned consumer, S. Rutkowski.	Corres.
<u>1/16/2009</u>	Application for rehearing and memorandum in support filed on behalf of the Ohio Environmental Council by B. Royer.	136
<u>1/16/2009</u>	Application for rehearing and memorandum in support of The Sierra Club Ohio Chapter filed by H. Eckhart and OCC filed by A. Hotz.	137
<u>1/26/2009</u>	Memorandum Contra applications for rehearing filed by J. Clark on behalf of Industrial Energy Users-Ohio.	138
<u>1/26/2009</u>	Memorandum in opposition to the application for rehearing of the Office of the Ohio Consumers' Counsel and the Sierra Club Ohio Chapter filed on behalf of Duke Energy Ohio by E. Watts.	139
<u>2/11/2009</u>	Entry on rehearing ordered that the applications for rehearing by OEC and by OCC and Sierra be denied.	140
<u>3/16/2009</u>	Correspondence letter expressing concern over Duke Energy Ohio's proposed rate increase filed by Consumer.	Corres.

<u>3/19/2009</u>	Correspondence letter opposing Duke Energy Ohio's proposed rate increase filed by B. Applegate.	Corres.
<u>3/19/2009</u>	Correspondence opposing Duke Energy Ohio's proposed rate increase filed by K. Olverson.	Corres.
<u>3/23/2009</u>	Correspondence opposing Duke Energy Ohio's proposed rate increase filed by J. Jansen.	Corres.
<u>3/30/2009</u>	Letter expressing concern over the rate increase sought by Duke Energy filed by M. Jones.	Corres.
<u>4/13/2009</u>	Letter in opposition to the proposed Duke Energy rate increase filed by consumer D. Massey.	Corres.
<u>4/13/2009</u>	Notice of appeal of the Office of the Ohio Consumers' Counsel filed by A. Hotz. (SC# 09-0669)	141

Before
THE SUPREME COURT OF OHIO

Office of the Ohio Consumers' Counsel)

Appellant,)

vs)

Supreme Court No. 09-0669)

The Public Utilities Commission of Ohio)

Appellee.)

Being Before
THE PUBLIC UTILITIES COMMISSION OF OHIO

In the matter of the application of Duke
Energy Ohio for approval of an Electric
Security Plan.)

Case No. 08-0920-EL-SSO)

In the matter of the application of Duke
Energy Ohio for approval to amend
accounting methods.)

Case No. 08-0921-EL-AAM)

In the matter of the application of Duke
Energy Ohio for approval of a certificate
of public convenience and necessity to
establish an unavoidable capacity charge.)

Case No. 08-0922-EL-UNC)

In the matter of the application of Duke
Energy Ohio for approval to amend its tariff.)

Case No. 08-0923-EL-ATA)

CERTIFICATION

I, Renee' J. Jenkins, the duly appointed and qualified Secretary of The Public Utilities Commission of Ohio, in whose custody the books, records, and files of said Commission are kept, do hereby certify there is transmitted herewith the docket entries of the Commission, ICN No. 1-141, the **Opinion and Order dated 12/17/2008** and the **Entry on Rehearing dated 2/11/2009** inclusive; and the Certification of the record in Case No. **08-0920-EL-SSO, 08-0921-EL-AAM, 08-0922-EL-UNC and 08-0923-EL-ATA.**

IN WITNESS THEREOF, I have thereunto set my hand
and affixed the official seal of The Public Utilities Commission
of Ohio this 13 day of May, 2009.

Renee' J. Jenkins

Renee' J. Jenkins, Secretary
Betty McCauley, Acting Secretary
Mariruth C. Wright, Acting Secretary