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**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In The Matter of the Application of Duke)	
Energy Ohio, Inc.)	Case No. 09- 780 -EL-ATA
To Modify Its Tariff for Rider PLM)	
)	

**APPLICATION OF DUKE ENERGY OHIO, INC.
TO MODIFY ITS TARIFF FOR RIDER PLM
AND FOR EXPEDITED APPROVAL**

Duke Energy Ohio, Inc. (Duke Energy Ohio or Company) is an Ohio Corporation engaged in the business of supplying electric generation, transmission and distribution service to approximately 660,000 customers in southwestern Ohio. Duke Energy Ohio is a public utility as defined by R.C. 4905.02 and R.C. 4905.03.

Duke Energy Ohio is filing this Application pursuant to R.C. 4909.18 to modify its tariff for Rider Peak Load Management (Rider PLM) as set forth in Duke Energy's Rider PLM Tariff, P.U.C.O. Electric Tariff No. 19, Sheet No. 87 (Rider PLM Tariff). Exhibits A and B attached hereto set forth the current and proposed changes to this Tariff.

The PLM Program is voluntary and offers customers the opportunity to reduce their electric costs by managing their electric usage during Company's peak load periods. This arrangement is effectuated by an agreement with the customer wherein the customer may curtail its load or buy through under certain circumstances. Rider PLM Tariff presently specifies in its first paragraph that customers electing to choose an alternative supplier will not be eligible to participate in the PLM program.

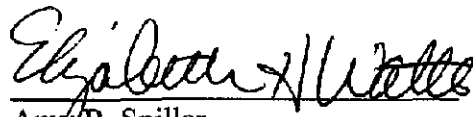
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The Ohio General Assembly enacted S.B. 221, effective on July 31, 2008, which mandated, among other things that electric distribution utilities achieve certain benchmarks with respect to energy efficiency and renewable energy. Among the requirements set forth in S.B. 221 was the mandate to implement peak demand reduction programs designed to achieve a one per cent reduction in peak demand in 2009 and an additional seventy-five hundredth of one per cent reduction each year through 2018. R.C. 4928.66 (A)(1)(b). The Rider PLM program is one of the means by which Duke Energy expects to achieve this demand reduction.

As a result of a downward trend in market prices for energy, Duke Energy Ohio has been experiencing an increase in customers switching to competitive suppliers in its service territory. If this trend continues, and if Duke Energy Ohio cannot offer this program to customers choosing alternative suppliers, then its ability to reduce demand is significantly hampered. Indeed, if Duke Energy Ohio lost its entire load to customers switching, it would be unable to comply with the mandates at all. For these reasons, Duke Energy Ohio respectfully requests that the Commission consider this request on an expedited basis.

Accordingly, Duke Energy Ohio respectfully requests that the Commission authorize the changes to Rider PLM. Upon approval of this Application, the Companies will file a sufficient number of copies of its revised tariff sheets, as directed by the Commission.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Elizabeth H. Watts", written over a horizontal line.

Amy B. Spiller

Associate General Counsel

Elizabeth H. Watts

Assistant General Counsel

Duke Energy Ohio Business Services

2500 Atrium II, 139 East Fourth Street

P.O. Box 960

Cincinnati, Ohio 45201-0960