

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application for Recovery)
of Costs, Lost Margin, and Performance)
Incentive Associated with the Implementation) Case No. 08-1227-EL-UNC
of Electric Residential Demand Side)
Management Programs by Duke Energy Ohio.)

In the Matter of the Application for Recovery)
of Costs, Lost Margin, and Performance)
Incentive Associated with the Implementation) Case No. 08-1228-EL-UNC
of Electric Non-Residential Demand Side)
Management Programs by Duke Energy Ohio.)

ENTRY

The attorney examiner finds:

- (1) On November 17, 2008, Duke Energy Ohio (Duke) filed a status report on its existing demand side management (DSM) programs and applications to reconcile and update the DSM riders for recovery of program costs, lost margins, and shared savings associated with the implementation of a set of DSM programs. The application in Case No. 08-1227-EL-UNC (08-1227) is for residential consumers and the application in Case No. 08-1228-EL-UNC (08-1228) is for small/medium size business consumers.
- (2) A prehearing conference was held on May 13, 2009.
- (3) On September 10, 2009, a stipulation and recommendation (stipulation) entered into by Duke, staff, and Ohio Partners for Affordable Energy was filed in this proceeding. The other parties to these cases, Office of the Ohio Consumers' Counsel, The Kroger Company, and The Ohio Energy Group, were not signatories to the stipulation.
- (4) Accordingly, a hearing should be held in this proceeding on October 15, 2009, at 10:00 a.m., in the offices of the Commission, Hearing Room 11-F, 180 East Broad Street, Columbus, Ohio 43215.

- (5) Any party intending to present direct, expert testimony should comply with Rule 4901-1-29(A)(1)(h), Ohio Administrative Code, which requires that all such testimony to be offered in this type of proceeding be filed and served upon all parties no later than seven days prior to the commencement of the hearing.

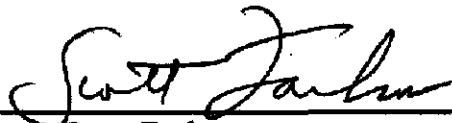
It is, therefore,

ORDERED, That a hearing be held as set forth in Finding 4. It is, further,

ORDERED, That any party intending to present direct, expert testimony comply with Finding 5. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

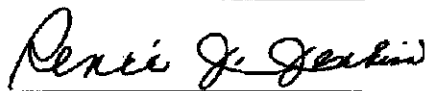


By: Scott Farkas
Attorney Examiner

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Entered in the Journal

SEP 15 2009



Renee J. Jenkins
Secretary