

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of Duke Energy Ohio to Adjust and Set its Gas and Electric Recovery Rate for SmartGrid Deployment Under Riders AU and DR-IM.)	Case No. 09-543-GE-UNC
)	
In the Matter of the Application of Duke Energy Ohio for Tariff Approval.)	Case No. 09-544-GE-ATA
)	
In the Matter of the Application of Duke Energy Ohio to Change its Accounting Methods.)	Case No. 09-545-GE-AAM
)	

ENTRY

The attorney examiner finds:

- (1) By opinion and order issued May 28, 2008, in *In the Matter of the Application of Duke Energy Ohio, Inc., for an Increase in Rates*, Case No. 07-589-GA-AIR, et al. (*Gas Distribution Rate Case*), the Commission approved a stipulation that, *inter alia*, provided a process for filing deployment plans for the installation of a gas SmartGrid system, and a method for recovering costs associated with the plans, which was designated the advanced utility rider (Rider AU).
- (2) By opinion and order issued December 17, 2008, in *In the Matter of the Application of Duke Energy Ohio, Inc., for Approval of an Electric Security Plan*, Case No. 08-920-EL-SSO, et al. (*ESP Case*), the Commission approved a stipulation that, *inter alia*, provided a process for recovering costs associated with the deployment of an electric SmartGrid system, designated the distribution rider-infrastructure modernization rider (Rider DR-IM).
- (3) On June 30, 2009, Duke filed an application to adjust the gas and electric recovery rates for SmartGrid deployment, pursuant to the processes approved in the *Gas Distribution Rate Case* and the *ESP Case*. On August 19, 2009, the attorney examiner set the procedural schedule for the matter. That entry stated that, if necessary, a hearing on the matter would commence on November 16, 2009.

- (4) On November 13, 2009, Duke filed a motion for cancellation or continuation of the hearing, and a request for an expedited ruling. In its motion, Duke asserts that Duke and all of the other parties to these proceedings have negotiated a stipulation that will resolve all of the issues in these proceedings.
- (5) Duke also asserts, in its November 13, 2009, motion, that, in the event the Commission determines a hearing should still be held, the Commission should continue the hearing date from one to four days, in order to allow for the filing of testimony supporting the stipulation. Duke certifies, in the memorandum in support of its motion, that no party to the proceedings objects to the issuance of an expedited ruling or to Duke's motion.
- (6) Despite Duke's representation that all parties to these proceedings have negotiated a stipulation that will resolve all of the issues raised in the proceedings, to date, no such stipulation has been filed with the Commission. In light of this circumstance, and the other arguments advanced in the memorandum in support of the motion, the attorney examiner finds that Duke's motion should be granted and the hearing should be continued until Friday, November 20, 2009, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, 11th floor, hearing room C, Columbus, Ohio 43215.
- (7) In addition, the attorney examiner finds that, the parties must file with the Commission, by 9:00 a.m. on November 19, 2009, one of the following documents:
 - (a) A stipulation signed by all or some of the parties;
 - (b) A statement that no stipulation will be forthcoming and the hearing should go forward on Friday, November 20, 2009; or
 - (c) A motion to continue the hearing.

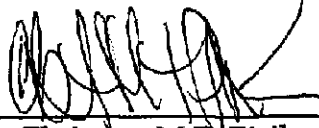
It is, therefore,

ORDERED, That Duke's motion to continue be granted, as set forth in finding (6). It is, further,

ORDERED, That the parties file one of the documents described in finding (7) by 9:00 a.m. on November 19, 2009. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO



By: Christine M.T. Pirik
Attorney Examiner

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Entered in the Journal

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Renee J. Jenkins
Secretary