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**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In The Matter Of The Commission's)
Investigation Of The Customer Choice) Case No. 98-595-GA-COI
Program Of The Cincinnati Gas &)
Electric Company.)

**MEMORANDUM CONTRA MOTION TO STRIKE
AND FILE OUT OF TIME A REPLY MEMORANDUM**

Now comes Enron Energy Services, Inc. ("Enron"), by its attorneys,
which respectfully submits this memorandum contra in response to the CG&E
motion to strike and file its reply memorandum filed on November 3, 1998.

On October 5, 1998, the Cincinnati Gas & Electric Company
("CG&E") filed a Motion for Stay or Waiver of this Commission's Opinion and
Order requiring CG&E to assume the receivables of gas marketers. On
October 23, 1998, Enron filed a Memorandum Contra CG&E's Motion. On
November 3, 1998, CG&E filed a pleading entitled "Motion to Strike and File Out
of Time a Reply Memorandum to the Memorandum Contra of United Gas
Management, Inc., and Enron Energy Services Inc. to Cincinnati Gas & Electric
Company's Motion for Stay or Waiver and Cincinnati Gas & Electric Company's
Reply Memorandum." CG&E moves to strike Enron's October 23, 1998
Memorandum Contra as untimely filed and seeks permission to file a Reply
Memorandum out of time.

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With respect to the Motion to Strike, CG&E has apparently overlooked Rule 4901-1-07(B) of the Ohio Administrative Code.

CG&E filed its Motion to Stay or Waiver on October 5, 1998. It did not request an expedited ruling. The Commission did not require an expedited response. CG&E served its Motion for Stay or Waiver via ordinary mail on counsel for Enron.

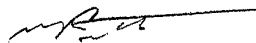
Rule 4901-1-12(B)(1) of the Ohio Administrative Code indicates that any party may file a memorandum contra within 15 days after the service of a motion. Rule 4901-1-07(B) of the Ohio Administrative Code indicates that if a party is permitted or required to take some action within a prescribed period of time after a pleading is served upon him or her and service is made by mail, three days shall be added to the prescribed period of time. Thus, Enron had 18 days, not 15 days, after service of the October 5, 1998 Motion for Stay or Waiver to file its Memorandum Contra. Therefore, Enron timely filed its Memorandum Contra on October 23, 1998 within the 18 days required. CG&E's Motion to Strike should be denied.

With respect to CG&E's Reply Memorandum, Enron served its Memorandum Contra on counsel for CG&E by ordinary U.S. mail on Friday, October 23, 1998. Pursuant to Rules 4901-1-12(B)(2) and Rule 4901-1-07(B) of the Ohio Administrative Code, CG&E's Reply Memorandum would be due on Monday, November 2. Enron does not object to the filing CG&E Reply Memorandum out of time. Practitioners before this Commission have generally

been civil and receptive to requests for extension of time where extenuating circumstances, like those mentioned by CG&E, exist. Had CG&E simply called Enron's counsel to request an additional day or days for the purpose of filing a reply memorandum under the circumstances alleged, Enron would have consented and offered no objection to the requested extension.

Rather than spend resources on procedural motions to strike and motions to file pleadings out of time, Enron respectfully requests that the Commission or the Attorney Examiner schedule an informal settlement conference so that interested stake holders might discuss how to implement the Commission's directive.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Memorandum Contra was served by regular U.S. Mail, postage prepaid this 5th day of November, 1998:

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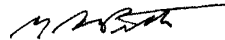
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