

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of The) Cincinnati Gas & Electric Company to Modify) Its Nonresidential Generation Rates to) Provide for Market-Based Standard Service) Offer Pricing and to Establish an Alternative) Competitive-Bid Service Rate Option Sub-) Sequent to the Market Development Period.)	Case No. 03-93-EL-ATA
In the Matter of the Application of The) Cincinnati Gas & Electric Company for) Authority to Modify Current Accounting) Procedures for Certain Costs Associated with) the Midwest Independent Transmission) System Operator.)	Case No. 03-2079-EL-AAM
In the Matter of the Application of The) Cincinnati Gas & Electric Company for) Authority to Modify Current Accounting) Procedures for Capital Investment in its) Electric Transmission and Distribution System) And to Establish a Capital Investment) Reliability Rider to be Effective after the) Market Development Period.)	Case No. 03-2081-EL-AAM Case No. 03-2080-EL-ATA

ENTRY

The attorney examiner finds:

- (1) The applicant, The Cincinnati Gas & Electric Company (CG&E), filed applications in these matters to modify its non-residential generation rates to provide for market-based standard service offer pricing and to establish an alternative competitive-bid process subsequent to the end of the market development period, to permit it to defer costs and investments, and to establish a rider to recover certain capital investments.
- (2) On November 23, 2004, the Commission issued an entry on rehearing in the above-captioned cases.
- (3) On December 8, 2004, CG&E filed a Motion for Approval of its Legal Notice and Request for an Expedited Ruling (motion). In the motion, CG&E states that it is proposing to offer non-residential consumers that are currently receiving shopping credits a choice of either paying the system reliability tracker

(SRT) during 2005 and having the option to return to the market-based standard service offer any time prior to January 1, 2006, or avoid paying the SRT during 2005 and return to CG&E, if at all, at the "highest hourly cost of power for each hour during which CG&E [serves] the consumer." CG&E also proposes to allow nonresidential consumers until December 30, 2004, to give notice as to (a) whether or not they choose to pay the SRT during 2005 (in the case of a shopping credit customer) and (b) whether they will remain off the standard service offer through the end of 2008 without providing a 60-day notice.

- (4) In its motion, CG&E also requested an expedited ruling and set forth a proposed schedule for the filing of memoranda contra and reply memoranda. CG&E did not state whether it has contacted all other parties to determine whether any party objects to the issuance of such ruling without the filing of memoranda, as required by Rule 4901-1-12, Ohio Administrative Code. However, in light of the timing of the matters covered by CG&E's motion and the need for Commission action to resolve these matters, the attorney examiners in these proceedings find that it is appropriate that the procedure related to this motion be expedited.
- (5) The schedule proposed by CG&E provides more time for reply memoranda than for memoranda contra. The attorney examiners do not find that this is reasonable. Therefore, any memoranda contra CG&E's motion should be filed no later than 12:00 noon on Monday, December 13, 2004, and any reply memoranda shall be filed no later than 12:00 noon on Tuesday, December 14, 2004. In order to facilitate this schedule, this entry will be forwarded to all parties by electronic mail, as well as by ordinary mail. Any memoranda contra and reply memoranda should be similarly served on all parties by electronic mail and ordinary mail.

It is, therefore,

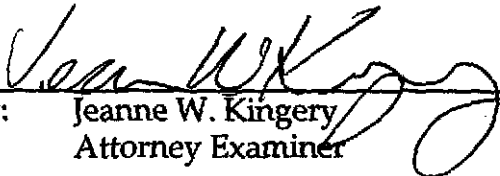
ORDERED, That memoranda contra CG&E's motion, as filed on December 8, 2004, be filed no later than 12:00 noon on Monday, December 13, 2004. It is, further,

ORDERED, That reply memoranda be filed no later than 12:00 noon on Tuesday, December 14, 2004. It is, further,

ORDERED, That the parties comply with service requirements set forth in finding (5). It is, further,

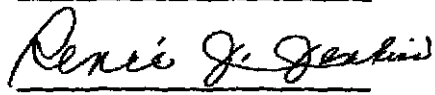
ORDERED, That a copy of this entry be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO


By: Jeanne W. Kingery
Attorney Examiner

ERG/ct

Entered in the Journal
DEC 08 2004


Renee J. Jenkins
Renee J. Jenkins
Secretary