

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) Case No. 03-93-EL-ATA
Offer Pricing and to Establish an Alternative)
Competitive-Bid Service Rate Option Sub-)
Sequent to the Market Development Period.)

In the Matter of the Application of The)
Cincinnati Gas & Electric Company for)
Authority to Modify Current Accounting) Case No. 03-2079-EL-AAM
Procedures for Certain Costs Associated with)
the Midwest Independent Transmission)
System Operator.)

In the Matter of the Application of The)
Cincinnati Gas & Electric Company for)
Authority to Modify Current Accounting)
Procedures for Capital Investment in its) Case No. 03-2081-EL-AAM
Electric Transmission and Distribution System) Case No. 03-2080-EL-ATA
And to Establish a Capital Investment)
Reliability Rider to be Effective after the)
Market Development Period.)

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) CG&E has suggested that settlement discussions should be held in this matter and has requested that Commission offices be used for the purpose. A settlement conference will therefore be held on Wednesday, March 31, 2004, at 1:30 p.m.,

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at the offices of the Commission, 180 East Broad Street, 11th floor, in Hearing Room D, Columbus, Ohio 43215-3793. Parties may also participate in the conference by calling the Commission's conference line at 614-644-1099.

- (3) As currently scheduled, testimony is due to be filed by CG&E on April 1, 2004, by the staff on April 8, 2004, and by other parties on April 15, 2004. The evidentiary hearing is currently scheduled for April 26, 2004. Due to the holding of settlement discussions on the day immediately prior to the due date for CG&E's testimony, this schedule will need to be revised. Consequently, the attorney examiner will discuss the scheduling of these items with the parties at the time of the settlement conference described in finding (2).
- (4) Motions to intervene were filed by Communities United for Action, Constellation Power Source, Inc., FirstEnergy Solutions Corp., The Kroger Company, Green Mountain Energy Company, Ohio Hospital Association, Ohio Manufacturers' Association, People Working Cooperatively, Inc., and PSEG Energy Resources & Trade LLC (collectively, intervenors). As the attorney examiner finds that the proceedings may have a direct effect on all CG&E customers and that the intervenors have set forth valid reasons for intervention, all of the motions to intervene filed by the intervenors will be granted.
- (5) In addition, a motion for admission *pro hac vice* was filed to admit Shawn P. Leyden to practice before the Commission in these matters. This motion will also be granted.
- (6) Finally, a motion to intervene was filed by Energy America, LLC. This party subsequently filed a motion to withdraw from these matters. This latter motion will be granted.

It is, therefore,

ORDERED, That a settlement conference will be held as set forth in finding (2). It is, further,

ORDERED, That the procedural schedule in these matters will be discussed at the settlement conference, as set forth in finding (3). It is, further,


ORDERED, That the motions of Communities United for Action, Constellation Power Source, Inc., FirstEnergy Solutions Corp., The Kroger Company, Green Mountain Energy Company, Ohio Hospital Association, Ohio Manufacturers' Association, People Working Cooperatively, Inc., and PSEG Energy Resources & Trade LLC, for intervention in these proceedings be granted. It is, further,


ORDERED, That the motion for admission of Shawn P. Leyden, *pro hac vice*, as set forth in finding (5), be granted. It is, further,

ORDERED, That the motion for the withdrawal of Energy America, LLC, be granted. It is, further,

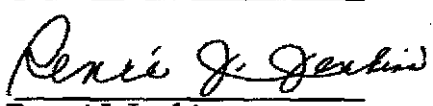
ORDERED, That a copy of this entry be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO


By: Jeanne W. Kingery
Attorney Examiner


JWK:ct

Entered in the Journal
MAR 25 2004


Renee J. Jenkins
Secretary