

*file*

RECEIVED-DOCKETING DIV

**BEFORE**  
**THE PUBLIC UTILITIES COMMISSION OF OHIO**

APR 17 PM 3:33

IN THE MATTER OF THE APPLICATION )  
OF THE CINCINNATI GAS & ELECTRIC ) CASE NO. 01-1228-GA-AIR  
COMPANY FOR AN INCREASE IN GAS )  
RATES IN ITS SERVICE AREA )

**FWJOO**

IN THE MATTER OF THE APPLICATION )  
OF THE CINCINNATI GAS & ELECTRIC )  
COMPANY FOR APPROVAL OF AN ) CASE NO. 01-1478-GA-ALT  
ALTERNATIVE RATE PLAN FOR ITS )  
GAS DISTRIBUTION SERVICE )

IN THE MATTER OF THE APPLICATION )  
OF THE CINCINNATI GAS & ELECTRIC ) CASE NO. 01-1539-GA-AAM  
COMPANY FOR APPROVAL TO CHANGE )  
ACCOUNTING METHODS )

---

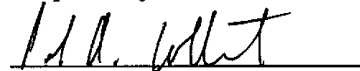
**MOTION TO DISMISS**

---

The Cincinnati Gas & Electric Company (CG&E) respectfully requests the Public Utilities Commission of Ohio (Commission) to dismiss and close the record of Case No. 01-1478-GA-ALT on the 61<sup>st</sup> day after the Commission's Entry on Rehearing approving the Stipulation and Recommendation filed on April 17, 2002, in Cases No. 01-1228-GA-AIR and 01-1539-GA-AAM respectively. The signatory Parties to the Stipulation and Recommendation referenced above agreed to this Motion to Dismiss in paragraph nine of the Stipulation and Recommendation. This Motion to Dismiss is fully supported by the attached Memorandum in Support.

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business  
Technician LDH Date Processed 4-17-02

Respectfully submitted

A handwritten signature in black ink, appearing to read "P.A. Colbert", is written over a horizontal line.

Paul A. Colbert

Senior Counsel

Cinergy Corporation

National City Plaza, 21<sup>st</sup> Floor

155 East Broad Street

Columbus, Ohio 43215

(614) 221-7551

Attorney for The Cincinnati  
Gas & Electric Company

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

IN THE MATTER OF THE APPLICATION )  
OF THE CINCINNATI GAS & ELECTRIC ) CASE NO. 01-1228-GA-AIR  
COMPANY FOR AN INCREASE IN GAS )  
RATES IN ITS SERVICE AREA )

IN THE MATTER OF THE APPLICATION )  
OF THE CINCINNATI GAS & ELECTRIC )  
COMPANY FOR APPROVAL OF AN ) CASE NO. 01-1478-GA-ALT  
ALTERNATIVE RATE PLAN FOR ITS )  
GAS DISTRIBUTION SERVICE )

IN THE MATTER OF THE APPLICATION )  
OF THE CINCINNATI GAS & ELECTRIC ) CASE NO. 01-1539-GA-AAM  
COMPANY FOR APPROVAL TO CHANGE )  
ACCOUNTING METHODS )

---

**MEMORANDUM IN SUPPORT OF THE CINCINNATI GAS & ELECTRIC  
COMPANY'S MOTION TO DISMISS**

---

On April 17, 2002, the Cincinnati Gas & Electric Company reached an agreement to settle Cases No. 01-1228-GA-AIR, 01-1478-GA-ALT, and 01-1539-GA-AAM with all of the Parties except for the Utility Workers Union of America and IUU. All of the signatory Parties to the Stipulation and Recommendation agree to the dismissal of Case No. 01-1478-GA-ALT upon the Commission's issuance of a final non-appealable order in the above referenced cases. The agreement of the signatory parties is embodied in paragraph 9 of the Stipulation and Recommendation. Case No. 01-1478-GA-ALT is unnecessary because the Commission possesses

the requisite authority to approve and enact the terms and conditions of the Stipulation and Recommendation in these cases. For the reasons stated above CG&E prays that this honorable Commission grant this Motion to Dismiss.

Respectfully submitted



Paul A. Colbert  
Senior Counsel  
Cinergy Corporation  
National City Plaza, 21<sup>st</sup> Floor  
155 East Broad Street  
Columbus, Ohio 43215  
(614) 221-7551

Attorney for The Cincinnati  
Gas & Electric Company

#### **CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that a copy of the foregoing Motion to Dismiss and Memorandum in Support was served on the following, via hand delivery or overnight delivery, postage prepaid on April 17, 2002.



Paul A. Colbert

Colleen L. Mooney, Esq.  
Ohio Consumers' Counsel  
10 West Broad Street, 18th Floor  
Columbus, OH 43215-3485

Gretchen Hummel, Esq.  
IEU-Ohio  
McNees, Wallace & Nurick  
21 East State St., 7<sup>th</sup> Floor  
Columbus, OH 43215

David C. Rinebolt, Esq.  
Ohio Partners for Affordable Energy  
337 S. Main Street  
4<sup>th</sup> Floor – Suite 5  
Findlay, OH 45840

M. Howard Petricoff, Esq.  
The New Power Company  
Vorys, Sater, Seymour & Pease  
52 East Gay Street  
P. O. Box 1008  
Columbus, OH 43216-1008

Charles Harak, Esq./Jerrold Oppenheim, Esq.  
IUU  
77 Summer Street, 10<sup>th</sup> Floor  
Boston, MA 02110

Noel M. Morgan  
Communities United for Action  
215 East Ninth Street  
Suite 200  
Cincinnati, OH 45202

Jodi J. Bair, Esq.  
Assistant Attorney General  
Public Utilities Commission of Ohio  
180 East Broad Street, 9<sup>th</sup> Floor  
Columbus, Ohio 43215

Henry W. Eckhart, Esq.  
People Working Cooperatively, Inc.  
50 West Broad Street, #2117  
Columbus, Ohio 43215

Kimberly W. Bojko  
The Ohio Home Builders Association  
McNees, Wallace & Nurick LLC  
Fifth Third Center  
21 East State Street, 17<sup>th</sup> Floor  
Columbus, OH 43215-4228