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January 17, 2006

Public Utilities Commission of Ohio
PUCO Docketing
180 E. Broad Street, 10th Floor
Columbus, Ohio 43215

In re: Case No. 05-732-EL-MER, 05-733-EL-AAM and 05-974-GA-AAM

Dear Sir/Madam:

Please find enclosed an original and ten (10) copies of the Petition for Rehearing of the Ohio Energy Group filed in the above-referenced matter.

Copies have been served on all parties on the attached certificate of service. Please place this document of file.

Respectfully yours,

David F. Boehm

David F. Boehm, Esq.
Michael L. Kurtz, Esq.
BOEHM, KURTZ & LOWRY

MLKkew
Encl.

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CERTIFICATE OF SERVICE

I hereby certify that true copy of the foregoing was served by ordinary mail, unless otherwise noted, this 17th day of January, 2006 to the following:

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A handwritten signature in black ink that reads "David F. Boehm" with a small flourish at the end.

David F. Boehm, Esq.
Michael L. Kurtz, Esq.

**BEFORE THE
PUBLIC UTILITY COMMISSION OF OHIO**

Joint Application of Cinergy Corp. On Behalf of The Cincinnati : Case No. 05-732-EL-MER
Gas & Electric Company and Deer Holding Corp. For Consent :
And Approval Of A Change Of Control Of The Cincinnati :
Gas & Electric Company :

The Application Of The Cincinnati Gas & Electric Company For : Case No. 05-733-EL-AAM
Authority To Modify Current Accounting Procedures In Order :
To Defer Costs Incurred In Order To Realize Cost Savings As A :
Result Of The Merger Transaction :

In the Matter of the Application of the Cincinnati Gas & Electric : Case No. 05-974-GA-AAM
Company for Authority to Modify Current Accounting Procedures :
In Order to Defer Costs Incurred in Order to Realize Cost Savings :
As a Result of the Merger Transaction :

**PETITION FOR REHEARING
OF OHIO ENERGY GROUP**

Pursuant to RC § 4903.10, the Ohio Energy Group ("OEG") Petitions the Public Utilities Commission of Ohio ("the Commission") for rehearing of its December 21, 2005 Opinion and Order ("the Order") in the above-captioned matter.

OEG agrees with the Commission's resolution of all substantive issues, but believes that the Order can be improved by incorporating certain concessions made by Cinergy Corp. ("the Company") that were left out of the Order. The Order did not incorporate concessions made by the Company that are contained in Exhibit E of the Stipulation and Recommendation ("the Stipulation") of December 15, 2005, signed by the City of Cincinnati, the Buckeye Association of School Administrators, Interstate Gas Supply, Inc., the Kroger Co., OEG and

the Company. In its Order the Commission adopted many of the terms contained in the Stipulation but failed to approve the Stipulation in its entirety,¹ thus leaving the concessions made by the Company contained in Exhibit E on the table. OEG requests that these concessions be included in the Order on rehearing as a condition to the Commission's approval of the acquisition of Cinergy. The Commission need not approve the Stipulation in order to include the Exhibit E concessions in its Order.

The Exhibit E concessions relate to reliability, customer service, ratemaking and accounting, affiliate transactions, ring fencing, maintaining a local presence in Cinergy's service territory, corporate governance and environmental responsibility. The Exhibit E concessions are commitments made by Cinergy that benefit ratepayers without a corresponding detriment to ratepayers, and should not be a point of contention with the Company because it has already agreed to these concessions in the Stipulation.

Given that the Commission has included many of the core terms of the Stipulation into its Order it is appropriate to also include the benefits that Cinergy has agreed to provide ratepayers in an Order approving the Cinergy acquisition. OEG requests that the Commission grant this Petition for the limited purpose of incorporating the concessions contained in Exhibit E.

¹ Order p. 20.

CONCLUSION

WHEREFORE, pursuant to RC §4903.10 OEG respectfully request that the Commission grant this Petition for Rehearing and incorporate the concessions contained in Exhibit E of the Stipulation into its approval of the acquisition of the Company.

Respectfully submitted,



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January 17, 2006