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BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE)
)
JOINT APPLICATION OF CINERGY CORP.)
ON BEHALF OF THE CINCINNATI GAS &)
ELECTRIC COMPANY and DEER)
HOLDING CORP. FOR CONSENT AND)
APPROVAL OF A CHANGE OF CONTROL)
OF THE CINCINNATI GAS & ELECTRIC)
COMPANY)

Case No. 05-732-EL-MER

The APPLICATION OF)
)


THE CINCINNATI GAS & ELECTRIC)
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)

Case No. 05-733-EL-AAM

THE CINCINNATI GAS & ELECTRIC COMPANY'S MEMORANDUM CONTRA
TO THE OFFICE OF THE OHIO CONSUMERS' COUNSEL MOTION FOR A
TECHNICAL CONFERENCE AND REQUEST FOR EXPEDITED RULING

Now comes Applicant, the Cincinnati Gas & Electric Company (CG&E), by and through counsel, and hereby respectfully requests the Commission grant the Office of the Ohio Consumers' Counsel's (OCC) Motion for a Technical Conference, but order the conference to occur at a later date than OCC's proposed date of July 14, 2005.

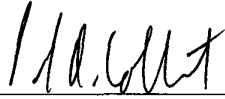
While CG&E is not opposed to OCC's request to conduct such a conference or for its request for an expedited ruling, CG&E respectfully requests this Commission conduct the Technical Conference on August 4, 2005. Due to the rapidly approaching July 14, 2005 deadline, CG&E is unable to compile the necessary information and arrange for the necessary individuals to appear, to be able to participate in any meaningful dialogue. As

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such, August 4, 2005 is a more reasonable period for such a Technical Conference to occur. CG&E has consulted with OCC regarding changing OCC's proposed date for a technical conference to August 4, 2005, and OCC agrees to that date.

For the foregoing reasons as well as those contained in the accompanying memorandum in support, CG&E respectfully requests this Commission grant OCC's request for a Technical Conference and schedule such a conference to occur on August 4, 2005.

Respectfully Submitted,



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MEMORANDUM IN SUPPORT

I. INTRODUCTION:

On June 1, 2005, Cinergy Corp., on behalf of CG&E and Deer Holding Company (Applicants), filed the above styled cases, via Applications for Consent and Approval of a Change of the Control of CG&E and 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 (Applications).¹ In said Applications, Applicants requested the Commission find the proposed merger advances both the public interest and convenience.²

On or about June 14, 2005, following OCC's Motion to Intervene, the Commission issued an Entry, which among other things, suspended the Applications, stayed Discovery in the above styled cases, and set August 1, 2005, as a date for any interested parties to file comments.³ Now OCC has filed its Motion for a Technical Conference (Conference) to occur on July 14, 2005.⁴ Specifically, OCC states such a Conference will "contribute to a more informed and expeditious resolution of this matter."⁵

Due to the short period of time in which OCC requests such a Conference to occur, CG&E respectfully requests this honorable Commission deny OCC's Motion and instead Order the Conference to occur on August 4, 2005.

II. ARGUMENT:

Applicants are not opposed to OCC's request for this Commission to conduct a Conference as outlined in OCC's Motion. In fact, Applicants concur with OCC's statements

¹ See Applications, Case Nos. 05-732-EL-Mer and 05-0733-El-MER, filed June 1, 2005.

² *Id.*

³ *Entry*, Case No. 05-732-EL-MER, June 14, 2005 at 3.

⁴ Motion for a Technical Conference and Request for Expedited Ruling By The Office OF the Ohio Consumers' Counsel, June 27, 2005.

⁵ *Id. at 3.*

that such a Conference would allow parties to focus their comments and add to the productivity of any settlement discussions.

However, due to the relatively short time frame in which OCC has requested such a conference to occur, Applicants do not believe a July 14, 2005 conference date would facilitate or further these objectives. Applicants are not seeking to delay the proceedings in any way. As the July 14 date is less than two (2) weeks away, Applicants simply need more time to compile the necessary information, and to coordinate with, and schedule the necessary individuals to appear at such a Conference so that a meaningful dialogue may occur. As such, Applicants respectfully suggest August 4, 2005, beginning at 10:00 a.m. as a more suitable time for such the Conference. CG&E has consulted with OCC regarding changing OCC's proposed date for a technical conference to August 4, 2005, and OCC agrees to that date.

III. CONCLUSION:

For the foregoing reasons, Applicants respectfully request the Commission grant OCC's Motion and Order such a conference to occur on August 4, 2005.

Respectfully Submitted,



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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Memorandum Contra was served via first class U.S. Mail, postage prepaid, this 5TH day of July, 2005, upon the following parties of record:

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