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Anita M. Schafer
Sr. Paralegal

VIA OVERNIGHT MAIL

July 24, 2008

Public Utilities Commission of Ohio
Docketing Division
13th Floor
180 East Broad Street
Columbus, OH 43215-3716

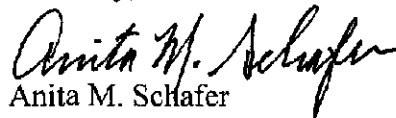
Re: Case No. 08-709-EL-AIR
Case No. 08-710-EL-ATA
Case No. 08-711-EL-AAM

Dear Sir or Madam:

Enclosed please find an original and 20 copies of the Application, Motion to Approve Form of Notice of S-3, and the Standard Filing Requirements, and original and four copies of the Supplemental Information required by OAC 4901-7-01. Also included is an original and 20 copies of a Motion to Consolidate Cases.

Please return file-stamped copies of the enclosed Application, Motions and cover sheets to me in the overnight mail envelope provided via UPS mail.

Sincerely,


Anita M. Schafer
Senior Paralegal

AMS/bsc

RECEIVED-DOCKETING DIV
2008 JUL 25 AM 10:04
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BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In The Matter of the Application of)
Duke Energy Ohio, Inc. for an)
Increase in Electric Distribution Rates)

Case No. 08-709-EL-AIR

In the Matter of the Application of)
Duke Energy Ohio, Inc. for Tariff)
Approval)

Case No. 08-710-EL-ATA

In the Matter of the Application of)
Duke Energy Ohio, Inc. for Approval)
To Change Accounting Methods)

Case No. 08-711-EL-AAM

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MOTION TO APPROVE FORM OF NOTICE

TO THE HONORABLE
PUBLIC UTILITIES COMMISSION OF OHIO:

Now comes Duke Energy Ohio, Inc (DE-Ohio) and represents that it has this day filed an application for authority to change its electric distribution rates and charges for electric service in incorporated communities and unincorporated territory within its service area, pursuant to R.C. 4909.18. This application also contains an application to change accounting methods and for tariff approval.

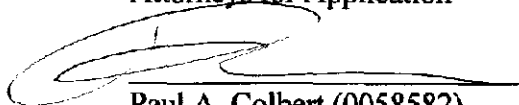
Attached hereto, identified as Schedule S-3 and made part hererof, is a form of notice embodying the substance and prayer of the application hereinabove referred to and this day filed.

WHEREFORE, DE-Ohio respectfully moves the Honorable Commission to issue

an order approving the form of notice, Schedule S-3, attached hereto, for publication pursuant to Section 4909.19 of the Ohio Revised Code.

Respectfully submitted,

Attorneys for Application



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Associate General Counsel
Amy B. Spiller (0047277)
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Elizabeth Watts (0031092)
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Cincinnati OH 45202
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e-mail: paul.colbert@duke-energy.com

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a copy of the foregoing Motion was served on the following parties of record by first class, U.S. mail, postage prepaid this 27th day of July, 2008.

A handwritten signature in dark ink, consisting of a series of loops and a long horizontal stroke extending to the right.

Rocco O. D'Ascenzo

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**FORM OF PROPOSED NOTICE
FOR NEWSPAPER PUBLICATION**

**NOTICE OF APPLICATION TO
THE PUBLIC UTILITIES COMMISSION OF OHIO
FOR AN INCREASE IN ELECTRIC RATES
TO ALL JURISDICTIONAL CUSTOMERS
FOR DUKE ENERGY OHIO, INC.**

TO WHOM IT MAY CONCERN:

Pursuant to the requirements of Section 4909.19 of the Revised Code of Ohio, Duke Energy Ohio, Inc. (DE-Ohio) hereby gives notice that on July 25, 2008 it filed with The Public Utilities Commission of Ohio (Commission) an application for authority to change its electric rates and charges in incorporated communities and the unincorporated territory within its service area which includes all or part of Brown, Butler, Clinton, Clermont, Hamilton, Highland, Montgomery, Preble, and Warren Counties in Ohio. Such Application has been assigned Case Nos. 08-709-EL-AIR, 08-710-EL-ATA, and 08-711-EL-AAM by the Commission. The substance of the application follows.

All electric consumers shall pay a Distribution Rider designed to allow DE-Ohio to recover the incremental revenue requirements associated with changes in distribution investment and distribution expenses made to its electric distribution plant. This Rider shall be adjusted annually. Commission authorization for any such adjustments shall be required.

The following is a description of the proposed electric rates.

**PROPOSED RATE RS
RESIDENTIAL SERVICE**

RESIDENTIAL SERVICE, SHEET NO. 30.11

APPLICABILITY

Applicable to electric service other than three phase service, for all domestic purposes in private residences, single occupancy apartments and separately metered common use areas of multi-occupancy buildings in the entire service territory of the Company where distribution lines are adjacent to the premises to be served.

NET MONTHLY BILL

Computed in accordance with the following charges:

	<u>Summer Period</u>	<u>Winter Period</u>
Distribution Charges:		
(a) Customer Charge	\$10.00 per month	\$10.00 per month
(b) Energy Charge		
First 1,000 kilowatt-hours	1.9217¢ per kWh	1.9217¢ per kWh
Additional kilowatt-hours	1.9217¢ per kWh	1.9217¢ per kWh

The following generation charges are applicable to all customers except those customers who receive their energy from a Certified Supplier.

	<u>Summer Period</u>	<u>Winter Period</u>
Generation Charges		
Energy Charges:		
First 1,000 kilowatt-hours	4.4180¢ per kWh	4.4180¢ per kWh
Additional kilowatt-hours	5.5978¢ per kWh	1.6669¢ per kWh

The minimum charge shall be the Customer Charge as stated above.

The average percentage increase in the total bill of customers under Rate RS, including a firm supply of electric generation, should the increase be granted in full is 4.73%.

PROPOSED RATE ORH OPTIONAL RESIDENTIAL SERVICE WITH ELECTRIC SPACE HEATING

OPTIONAL RESIDENTIAL SERVICE WITH ELECTRIC SPACE HEATING, SHEET NO. 31.11

APPLICABILITY

Applicable to electric service, other than three phase service, used for all domestic purposes in private residences and single occupancy apartments where permanently connected electric heating equipment is installed and in regular use as the primary source of qualified space heating in the entire territory of the Company where distribution lines are adjacent to the premises to be served. In addition, the customer will be required to pay an amount equal to the current installed cost of demand metering equipment in excess of the current installed cost of standard watt-hour metering equipment. All metering equipment shall remain the property of the Company. The Company shall be responsible for the installation, operation, maintenance, testing, replacement and removal of metering equipment.

NET MONTHLY BILL

Computed in accordance with the following charges:

	<u>Summer Period</u>	<u>Winter Period</u>
Distribution Charges:		
(a) Customer Charge	\$10.00 per month	\$10.00 per month
(b) Energy Charge		
First 1,000 kilowatt-hours	2.2115¢ per kWh	2.2115¢ per kWh
Additional kilowatt-hours	2.6196¢ per kWh	1.2215¢ per kWh
In excess of 150 times Customer's		
Monthly Demand	2.6196¢ per kWh	0.8235¢ per kWh

The following generation charges are applicable to all customers except those customers who receive their energy from a Certified Supplier.

	<u>Summer Period</u>	<u>Winter Period</u>
Generation Charges:		
Energy Charge		
First 1,000 kilowatt-hours	3.9442¢ per kWh	3.9440¢ per kWh
Additional kilowatt-hours	4.7266¢ per kWh	2.0417¢ per kWh
In excess of 150 times Customer's		
Monthly Demand	4.7266¢ per kWh	1.2771¢ per kWh

The minimum charge shall be the Customer Charge as stated above.

The average percentage increase in the total bill of customers under Rate ORH, including a firm supply of electric generation, should the increase be granted in full is 0.97%.

PROPOSED RATE TD OPTIONAL TIME-OF-DAY RATE FOR RESIDENTIAL SERVICE

OPTIONAL TIME-OF-DAY RATE FOR RESIDENTIAL SERVICE, SHEET NO. 33.12

APPLICABILITY

Applicable to electric service other than three phase service for all domestic purposes in private residences and single occupancy apartments in the entire territory of the Company where distribution lines are adjacent to the premises to be served. This rate is available only as Company demand meters with programmable time-of-day registers are installed on the customer's premises.

NET MONTHLY BILL

Computed in accordance with the following charges:

	<u>Summer Period</u>	<u>Winter Period</u>
Distribution Charges:		
(a) Customer Charge	\$18.50 per month	\$18.50 per month
(b) Energy Charge		
On Peak kilowatt-hours	3.5777¢ per kWh	2.8430¢ per kWh
Off Peak kilowatt-hours	0.6241¢ per kWh	0.6236¢ per kWh

The following generation charges are applicable to all customers except those customers who receive their energy from a Certified Supplier:

	<u>Summer Period</u>	<u>Winter Period</u>
Generation Charges:		
Energy Charge		
On Peak kilowatt-hours	9.0079¢ per kWh	7.0811¢ per kWh
Off Peak kilowatt-hours	1.3156¢ per kWh	1.3161¢ per kWh

The minimum charge shall be the Customer Charge as state above.

The average percentage increase in the total bill of customers under Rate TD, including a firm supply of electric generation, should the increase be granted in full is 3.33%.

PROPOSED RATE CUR COMMON USE RESIDENTIAL SERVICE

COMMON USE RESIDENTIAL SERVICE, SHEET NO. 34.5

APPLICABILITY

Applicable to electric service other than three phase service for separately metered common use areas of multi-occupancy buildings in the entire territory of the Company where distribution lines are adjacent to the premises to be served.

NET MONTHLY BILL

Computed in accordance with the following charges:

	<u>Summer Period</u>	<u>Winter Period</u>
Distribution Charges:		
(a) Customer Charge	\$10.00 per month	\$10.00 per month
(b) Energy Charge		
First 1,000 kilowatt-hours	1.9217¢ per kWh	1.9217¢ per kWh
Additional kilowatt-hours	1.9217¢ per kWh	1.9217¢ per kWh

MARKET PRICE GENERATION CHARGES – MARKET BASED STANDARD SERVICE OFFER

The generation charges listed below are applicable to all customers except those customers that switch to a Certified Supplier for their generation service:

	<u>Summer Period</u>	<u>Winter Period</u>
Energy Charge		
First 1,000 kilowatt-hours	4.4180¢ per kWh	4.4180¢ per kWh
Additional kilowatt-hours	5.5978¢ per kWh	1.6669¢ per kWh

The minimum charge shall be the Customer Charge as stated above.

The average percentage increase in the total bill of customers under Rate CUR, including a firm supply of electric generation, should the increase be granted in full is 8.77%.

**PROPOSED RATE RS3P
RESIDENTIAL THREE-PHASE SERVICE**

RESIDENTIAL THREE-PHASE SERVICE, SHEET NO. 35.2

APPLICABILITY

Applicable to three phase electric service, for all domestic purposes in private residences and single occupancy apartments and separately metered common use areas of multi-occupancy buildings in the entire territory of the Company where (1) distribution lines are adjacent to the premises to be served, (2) the building load requires three phase service, and (3) where the Company has an existing 208Y/120V network grid.

Residences where not more than two rooms are used for rental purposes will also be included. Where all dwelling units in a multiple-occupancy building are served through one meter and the common use area is metered separately, the kilowatt-hour rate will be applied on a "per residence" or "per apartment" basis, however, the customer charge will be based on the number of installed meters.

Where a portion of a residential service is used for purposes of a commercial or public character, the applicable general service rate is applicable to all service. However, if the wiring is so arranged that the service for residential purposes can be metered separately, this Rate will be applied to residential service, if the service qualifies hereunder.

NET MONTHLY BILL

Computed in accordance with the following charges:

	<u>Summer Period</u>	<u>Winter Period</u>
Distribution Charges:		
(a) Customer Charge	\$12.00 per month	\$12.00 per month
(b) Energy Charge		
First 1,000 kilowatt-hours	1.9217¢ per kWh	1.9217¢ per kWh
Additional kilowatt-hours	1.9217¢ per kWh	1.9217¢ per kWh

The following generation charges are applicable to all customers except those customers who receive their energy from a Certified Supplier.

	<u>Summer Period</u>	<u>Winter Period</u>
Generation Charges:		
Energy Charge		
First 1,000 kilowatt-hours	4.4180¢ per kWh	4.4180¢ per kWh
Additional kilowatt-hours	5.5978¢ per kWh	1.6669¢ per kWh

The minimum charge shall be the Customer Charge as stated above.

The average percentage increase in the total bill of customers under Rate RS3P, including a firm supply of electric generation, should the increase be granted in full is 2.94%.

**PROPOSED RATE DS
SERVICE AT SECONDARY DISTRIBUTION VOLTAGE**

SERVICE AT SECONDARY DISTRIBUTION VOLTAGE, SHEET NO. 40.12

APPLICABILITY

Applicable to electric service for usual customer load requirements is available to a customer only where the Company specifies service at the standard secondary system voltage and where the Company determines that facilities of adequate capacity are available and adjacent to the premises to be served, and the Company determines that the customers average monthly demand is greater than 15 kilowatts. Electric service must be supplied at one point of delivery.

NET MONTHLY BILL

Computed in accordance with the following charges provided, however, that the minimum monthly load factor, expressed as hours-use per month, shall not be less than 71 kWh per kW. When applicable, the minimum monthly load factor shall be achieved by calculating the billing demand as the monthly kWh usage divided by 71 (kilowatt of demand is abbreviated as kW and kilowatt-hours are abbreviated as kWh):

Distribution Charges:

(a) Customer Charge per month	
Single Phase Service	\$20.00
Single and/or Three Phase Service	\$40.00
(b) Demand Charge	
All kilowatts	\$ 5.2145 per kW

**MARKET PRICE GENERATION CHARGES – MARKET BASED
STANDARD SERVICE OFFER**

(a) Demand Charge	
First 1,000 kilowatts	\$7.6574 per kW
Additional kilowatts	\$6.0574 per kW
(b) Energy Charge	
Billing Demand times 300	1.9576¢ per kWh
Additional kWh	1.6266¢ per kWh

The Generation Charges listed above are applicable to all customers except those customers that switch to a Certified Supplier for their generation service.

Customers who return to the Company's energy supply after January 2, 2005, will be billed for generation service for each hour at the higher of the following:

1. The demand-related component of the Market Price Generation Charge, plus the energy-related component of the Market Price Generation Charge, plus Rider FPP, or

2. The demand-related component of the Market Price Generation Charge, plus the incremental dispatch cost of the highest cost generation unit/purchased power to serve Duke Energy Ohio load.

When both single and three phase secondary voltage services are required by a Distribution customer, the monthly kilowatt-hour usage and kilowatt demands shall be the respective arithmetical sums of both services.

The minimum bill shall be 85% of the highest monthly kilowatt demand as established in the summer period and effective for the next succeeding eleven (11) months plus the Customer Charge.

In no case, however, shall the minimum bill be less than the Customer Charge.

The average percentage increase in the total bill of customers under Rate DS, including a firm supply of electric generation, should the increase be granted in full is 5.79%

PROPOSED RATE GS-FL
OPTIONAL UNMETERED GENERAL SERVICE RATE FOR SMALL FIXED LOADS
OPTIONAL UNMETERED GENERAL SERVICE RATE FOR SMALL FIXED
LOADS, SHEET NO. 41.12

APPLICABILITY

Applicable to electric service in the Company's entire territory where secondary distribution lines exist for any fixed electric load that can be served by a standard service drop from the Company's existing secondary distribution system.

NET MONTHLY BILL

Computed in accordance with the following charges:

Distribution Charges

- | | |
|---|-----------------|
| (a) For loads based on a range of 540 to 720 hours use per month of the rated capacity of the connected equipment | 1.9649¢ per kWh |
| (b) For loads of less than 540 hours use per month of the rated capacity of the connected equipment | 2.2543¢ per kWh |

**MARKET PRICE GENERATION CHARGES – MARKET BASED
STANDARD SERVICE OFFER**

Demand Related Component

- | | |
|---|-----------------|
| For loads based on a range of 540 to 720 hours use per month of the rated capacity of the connected equipment | 3.8236¢ per kWh |
| For loads of less than 540 hours use per month of the rated capacity of the connected equipment | 4.3953¢ per kWh |

Energy Related Component

For loads based on a range of 540 to 720 hours use per month of the rated capacity of the connected equipment

2.6805¢ per kWh

For loads of less than 540 hours use per month of the rated capacity of the connected equipment

3.0812¢ per kWh

The Generation Charges listed above are applicable to all customers except those customers that switch to a Certified Supplier for their generation.

Customers who return to the Company's energy supply after January 2, 2005, will be billed for generation service for each hour at the higher of the following:

1. The demand-related component of the Market Price Generation Charge, plus the energy-related component of the Market Price Generation Charge, plus Rider FPP, or
2. The demand-related component of the Market Price Generation Charge, plus the incremental dispatch cost of the highest cost generation unit/purchased power to serve Duke Energy Ohio load.

The minimum charge shall be \$5.00 per Fixed Load Location per month.

The average percentage increase in the total bill of customers under Rate GS-FL, including a firm supply of electric generation, should the increase be granted in full is 3.59%.

**PROPOSED RATE EH
OPTIONAL RATE FOR ELECTRIC SPACE HEATING**

OPTIONAL RATE FOR ELECTRIC SPACE HEATING, SHEET NO. 42.12

APPLICABILITY

Applicable to electric service for heating when customer's wiring is so arranged that heating service can be furnished at one point of delivery and can be metered separately from all other types of service or to any public school, parochial school, private school, or church when supplied at one point of delivery, provided permanently connected and regularly used electrical equipment is installed in compliance with the Company specifications as the primary source of heating or heating and cooling the atmosphere to temperatures of human comfort; and provided all other electrical energy requirements are purchased from the Company. For the purpose of the administration of this tariff schedule, primary source is defined as at least 90 percent. No single water-heating unit shall be wired that the demand established by it can exceed 5.5 kilowatts unless approved by the Company.

NET MONTHLY BILL

Computed in accordance with the following charges:

Winter Period:

Distribution Charges:

- (a) Customer Charge per month

Single Phase Service	\$ 20.00
Three Phase Service	\$ 40.00
Primary Voltage Service	\$200.00

(b) Energy Charge	
All kilowatt-hours	1.6465¢ per kWh

**MARKET PRICE GENERATION CHARGES – MARKET BASED
STANDARD SERVICE OFFER**

Demand Related Component	
All kilowatt-hours	1.5688¢ per kWh

Energy Related Component	
All kilowatt-hours	1.0998¢ per kWh

The Generation Charges listed above are applicable to all customers except those customers that switch to a Certified Supplier for their generation service.

Customers who return to the Company's energy supply after January 2, 2005, will be billed for generation service for each hour at the higher of the following:

1. The demand-related component of the Market Price Generation Charge, plus the energy-related component of the Market Price Generation Charge, plus Rider FPP, or
2. The demand-related component of the Market Price Generation Charge, plus the incremental dispatch cost of the highest cost generation unit/purchased power to serve Duke Energy Ohio load.

Summer Period:

All usage during the summer period shall be billed in accordance with the provisions of the applicable distribution voltage service rate.

The minimum charge shall be the Customer Charge as stated above.

The average percentage increase in the total bill of customers under Rate EH, including a firm supply of electric generation, should the increase be granted in full is 8.75%.

**PROPOSED RATE DM
SECONDARY DISTRIBUTION SERVICE – SMALL**

SECONDARY DISTRIBUTION SERVICE – SMALL, SHEET NO. 43.12

APPLICABILITY

Applicable to electric service for usual customer load requirements is available to a customer only where the Company specifies service at the standard secondary system voltage and the Company determines that facilities of adequate capacity are available and adjacent to the premises to be served and the Company determines that the customer's average monthly demand is 15 kilowatts or less. This tariff schedule is also applicable to electric service to recreation facilities that are promoted, operated and maintained by non-profit organizations where such service is separately metered. Electric service must be supplied at one point of delivery.

NET MONTHLY BILL

Computed in accordance with the following charges:

	<u>Summer Period</u>	<u>Winter Period</u>
Distribution Charges:		
(a) Customer Charge		
Single Phase	\$ 7.50 per month	\$ 7.50 per month
Three Phase	\$15.00 per month	\$15.00 per month
(b) Energy Charge		
First 2,800 kWh	3.0185¢ per kWh	2.1668¢ per kWh
Next 3,200 kWh	0.2511¢ per kWh	0.2511¢ per kWh
Additional kWh	0.1065¢ per kWh	0.1065¢ per kWh

MARKET PRICE GENERATION CHARGES – MARKET BASED STANDARD SERVICE OFFER.

	<u>Summer Period</u>	<u>Winter Period</u>
Demand Related Component		
First 2,800 kWh	3.2108¢ per kWh	2.5484¢ per kWh
Next 3,200 kWh	0.8198¢ per kWh	0.8207¢ per kWh
Additional kWh	0.3575¢ per kWh	0.3394¢ per kWh
Energy Related Component		
First 2,800 kWh	2.6454¢ per kWh	2.0996¢ per kWh
Next 3,200 kWh	0.6754¢ per kWh	0.6762¢ per kWh
Additional kWh	0.2945¢ per kWh	0.2797¢ per kWh

The Generation Charges listed above are applicable to all customers except those customers that switch to a Certified Supplier for their generation service.

Customers who return to the Company's energy supply after January 2, 2005, will be billed for generation service for each hour at the higher of the following:

1. The demand-related component of the Market Price Generation Charge, plus the energy-related component of the Market Price Generation Charge, plus Rider FPP, or
2. The demand-related component of the Market Price Generation Charge, plus the incremental dispatch cost of the highest cost generation unit/purchased power to serve Duke Energy Ohio load.

The minimum charge shall be the Customer Charge as stated above.

When both single and three phase service are required by the customer, the monthly kilowatt-hour usage shall be the arithmetical sum of both services.

The average percentage decrease in the total bill of customers under Rate DM, including a firm supply of electric generation, should the increase be granted in full is (3.15)%.

**PROPOSED RATE DP
SERVICE AT PRIMARY DISTRIBUTION VOLTAGE**

SERVICE AT PRIMARY DISTRIBUTION VOLTAGE, SHEET NO. 44.12

APPLICABILITY

Applicable to electric service for usual customer load requirements where the Company specifies service at nominal primary distribution system voltages of 12,500 volts or 34,500 volts, and the Company determines that facilities of adequate capacity are available and adjacent to the premises to be served. Electric service must be supplied at one point of delivery.

NET MONTHLY BILL

Computed in accordance with the following charges. (Kilowatt of demand is abbreviated as kW and kilowatt-hours are abbreviated as kWh):

Distribution Charges:

- | | | |
|---|-----------|-----------|
| (a) Customer Charge per month | | |
| Primary Voltage Service (12.5 or 34.5 kV) | \$200.00 | per month |
| (b) Demand Charge | | |
| All kilowatts | \$ 5.6495 | per kW |

**MARKET PRICE GENERATION CHARGES – MARKET BASED
STANDARD SERVICE OFFER**

- | | | |
|--------------------------|-----------|---------|
| (a) Demand Charge | | |
| First 1,000 kilowatts | \$ 6.9151 | per kW |
| Additional kilowatts | \$ 5.4550 | per kW |
| (b) Energy Charge | | |
| Billing Demand times 300 | 2.2048¢ | per kWh |
| Additional kWh | 1.7682¢ | per kWh |

The Generation Charges listed above are applicable to all customers except those customers that switch to a Certified Supplier for their generation service.

Customers who return to the Company's energy supply after January 2, 2005, will be billed for generation service for each hour at the higher of the following:

1. The demand-related component of the Market Price Generation Charge, plus the energy-related component of the Market Price Generation Charge, plus Rider FPP, or
2. The demand-related component of the Market Price Generation Charge, plus the incremental dispatch cost of the highest cost generation unit/purchased power to serve Duke Energy Ohio load.

When both single and three phase secondary voltage services are required by a customer, the monthly kilowatt-hour usage and kilowatt demands shall be the respective arithmetical sums of both services.

The minimum bill shall be 85% of the highest monthly kilowatt demand as established in the summer period and effective for the next succeeding eleven (11) months plus the Customer Charge.

In no case, however, shall the minimum bill be less than the Customer Charge.

The average percentage increase in the total bill of customers under Rate DP, including a firm supply of electric generation, should the increase be granted in full is 8.15%.

**PROPOSED RATE SFL-ADPL
OPTIONAL UNMETERED RATE FOR SMALL FIXED LOADS ATTACHED
DIRECTLY TO COMPANY'S POWER LINES**

**OPTIONAL UNMETERED RATE FOR SMALL FIXED LOADS ATTACHED
DIRECTLY TO COMPANY'S POWER LINES, SHEET NO. 46.8**

APPLICABILITY

Applicable to electric service in the Company's entire territory where secondary and/or primary distribution lines exist for any bulk, small, unmetered, fixed-load electric devices that can be connected directly to the Company's power lines within the power zone of Company's poles and which do not require service drops.

NET MONTHLY BILL

Computed in accordance with the following charges:

Distribution Charges:	1.9649¢ per kWh
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**MARKET PRICE GENERATION CHARGES – MARKET BASED
STANDARD SERVICE OFFER**

Energy Related Component	2.6805¢ per kWh
Demand Related Component	3.8236¢ per kWh

The Generation Charges listed above are applicable to all customers except those customers that switch to a Certified Supplier for their generation.

Customers who return to the Company's energy supply after January 2, 2005, will be billed for generation service for each hour at the higher of the following:

1. The demand-related component of the Market Price Generation Charge, plus the energy-related component of the Market Price Generation Charge, plus Rider FPP, or
2. The demand-related component of the Market Price Generation Charge, plus the incremental dispatch cost of the highest cost generation unit/purchased power to serve Duke Energy Ohio load.

The average percentage increase in the total bill of customers under Rate SFL-ADPL, including a firm supply of electric generation, should the increase be granted in full is 3.59%.

**PROPOSED RATE TS
SERVICE AT TRANSMISSION VOLTAGE**

SERVICE AT TRANSMISSION VOLTAGE, SHEET NO. 50.12

APPLICABILITY

Applicable to electric service for usual customer load requirements where the Company specifies service at a nominal transmission system voltage of 69,000 volts or higher, and the Company determines that facilities of adequate capacity are available and adjacent to the premises to be served. Electric service must be supplied at one point of delivery and the customer furnishes and maintains all transformation equipment and appurtenances necessary to utilize the service.

NET MONTHLY BILL

Computed in accordance with the following charges (kilovolt amperes are abbreviated as kVA; kilowatt-hours are abbreviated as kWh):

Distribution Charges:

(a) Customer Charge per month	\$200.00
(b) Demand Charge All kVa	\$ 0.000 per kVA

**MARKET PRICE GENERATION CHARGES – MARKET BASED
STANDARD SERVICE OFFER**

(a) Demand Charge	
First 50,000 kVA	\$8.3831 per kVA
Additional kVA	\$6.0431 per kVA
(b) Energy Charge	
Billing Demand times 300	1.4404¢ per kWh
Additional kWh	1.6381¢ per kWh

The Generation Charges listed above are applicable to all customers except those customers that switch to a Certified Supplier for their generation service.

Customers who return to the Company's energy supply after January 2, 2005, will be billed for generation service for each hour at the higher of the following:

1. The demand-related component of the Market Price Generation Charge, plus the energy-related component of the Market Price Generation Charge, plus Rider FPP, or
2. The demand-related component of the Market Price Generation Charge, plus the incremental dispatch cost of the highest cost generation unit/purchased power to serve Duke Energy Ohio load.

The minimum charge shall be not less than fifty (50) percent of the highest demand charge established during the preceding eleven (11) months or the billing of 1,000 kVA, whichever is higher.

The average percentage decrease in the total bill of customers under Rate TS, including a firm supply of electric generation, should the increase be granted in full is (0.61%).

PROPOSED RATE SL STREET LIGHTING SERVICE

STREET LIGHTING SERVICE, SHEET NO. 60.12

APPLICABILITY

Applicable to municipal, county, state and federal governments, including divisions thereof, and incorporated homeowners associations for the lighting of public streets and roads with Company-owned lighting fixtures.

Mercury Vapor lighting fixtures will not be installed by the Company after June 1, 2003. As currently installed Mercury Vapor fixtures are retired and/or replaced, they may be replaced with either Metal Halide or Sodium Vapor fixtures as the customer chooses.

This service will no longer be available for units installed after December 31, 2004.

NET MONTHLY BILL

The following monthly charge for each unit with lamp and luminaire, controlled automatically, will be assessed:

	Lamp Watts	kW/Unit	Annual kWh	Distribution Energy & Equipment \$/Unit	Market Price Generation Charge \$/Unit
Base Rate					
<u>OVERHEAD DISTRIBUTION AREA</u>					
Fixture Description					
Standard Fixture (Cobra Head)					
Mercury Vapor					
7,000 lumen	175	0.193	803	3.072	1.927
7,000 lumen (Open Refractor)	175	0.205	853	3.013	2.047
10,000 lumen	250	0.275	1,144	3.123	2.746
21,000 lumen	400	0.430	1,789	3.161	4.294
Metal Halide					
14,000 lumen	175	0.193	803	3.072	1.927
20,500 lumen	250	0.275	1,144	3.123	2.746
Sodium Vapor					
9,500 lumen	100	0.117	487	5.434	1.169
9,500 lumen (Open Refractor)	100	0.117	487	5.225	1.169
16,000 lumen	150	0.171	711	5.894	1.707
22,000 lumen	200	0.228	948	5.853	2.275
27,500 lumen	200	0.228	948	5.853	2.275
50,000 lumen	400	0.471	1,959	7.162	4.702
Decorative Fixtures					
Sodium Vapor					
9,500 lumen (Rectilinear)	100	0.117	487	9.430	1.169
22,000 lumen (Rectilinear)	200	0.246	1,023	9.535	2.455
50,000 lumen (Rectilinear)	400	0.471	1,959	9.537	4.702
50,000 lumen (Setback)	400	0.471	1,959	13.093	4.702

Where a street lighting fixture served overhead is to be installed on another utility's pole on which the Company does not have a contact, a monthly pole charge will be assessed.

Spans of Secondary Wiring:

For each increment of 50 feet of secondary wiring beyond the first 150 feet from the pole, the following price per month shall be added to the price per month per street lighting unit: \$0.39.

	Lamp Watts	kW/Unit	Annual kWh	Distribution Energy & Equipment \$/Unit	Market Price Generation Charge \$/Unit
UNDERGROUND DISTRIBUTION AREA					
Fixture Description					
Standard Fixture (Cobra Head)					
Mercury Vapor					
7,000 lumen	175	0.210	874	2.599	2.098
7,000 lumen (Open Refractor)	175	0.205	853	3.169	2.047
10,000 lumen	250	0.292	1,215	2.597	2.917
21,000 lumen	400	0.460	1,914	2.672	4.594
Sodium Vapor					
9,500 lumen	100	0.117	487	5.434	1.169
22,000 lumen	200	0.228	948	5.853	2.275
27,500 lumen	200	0.228	948	5.853	2.275
50,000 lumen	400	0.471	1,959	7.162	4.702
Decorative Fixtures					
Mercury Vapor					
7,000 lumen (Town & Country)	175	0.205	853	5.554	2.047
7,000 lumen (Holophane)	175	0.210	874	5.926	2.098
7,000 lumen (Gas Replica)	175	0.210	874	14.786	2.098
7,000 lumen (Aspen)	175	0.210	874	8.091	2.098
Metal Halide					
14,000 lumen (Granville)	175	0.210	874	8.091	2.098
14,000 lumen (Town & Country)	175	0.205	853	5.554	2.047
14,500 lumen (Gas Replica)	175	0.210	874	14.786	2.098
Sodium Vapor					
9,500 lumen (Town & Country)	100	0.117	487	9.179	1.169
9,500 lumen (Holophane)	100	0.128	532	9.497	1.277
9,500 lumen (Rectilinear)	100	0.117	487	9.639	1.169
9,500 lumen (Gas Replica)	100	0.128	532	17.394	1.277
9,500 lumen (Aspen)	100	0.128	532	10.010	1.277
16,000 lumen (Aspen)	150	0.171	711	5.894	1.401
22,000 lumen (Rectilinear)	200	0.246	1,023	9.535	2.455
50,000 lumen (Rectilinear)	400	0.471	1,959	9.119	4.702
50,000 lumen (Setback)	400	0.471	1,959	13.093	4.702

POLE CHARGES

Pole Description	Pole Type	\$/Pole
Wood		
17 foot (Wood Laminated) (a)	W17	4.13
30 foot	W30	4.51
35 foot	W35	4.77
40 foot	W40	5.52

Aluminum			
12 foot	A12	12.10	
28 foot	A28	6.71	
28 foot (heavy duty)	A28H	6.82	
30 foot (anchor base)	A30	20.18	
Fiberglass			
17 foot	F17	4.14	
30 foot (bronze)	F30	8.96	
35 foot (bronze)	F35	9.07	
40 foot	F40	5.51	
Steel			
27 foot (11 gauge)	S27	16.55	
27 foot (3 gauge)	S27H	22.40	

Spans of Secondary Wiring:

For each increment of 25 feet of secondary wiring beyond the first 25 feet from the pole, the following price per month shall be added to the price per month per street lighting unit: \$0.83.

Additional facilities, other than specified above, if required, will be billed at the time of installation.

MARKET PRICE GENERATION CHARGES – MARKET BASED

STANDARD SERVICE OFFER

Demand Related Component	1.0528¢ per kWh
Energy Related Component	1.8276¢ per kWh

The Generation Charges listed above are applicable to all customers except those customers that switch to a Certified Supplier for their generation service.

Customers who return to the Company's energy supply after January 2, 2005, will be billed for generation service for each hour at the higher of the following:

1. The demand-related component of the Market Price Generation Charge, plus the energy-related component of the Market Price Generation Charge, plus Rider FPP, or
2. The demand-related component of the Market Price Generation Charge, plus the incremental dispatch cost of the highest cost generation unit/purchased power to serve Duke Energy Ohio load.

The average percentage increase in the total bill of customers under Rate SL, including a firm supply of electric generation, should the increase be granted in full is 1.58%.

**PROPOSED RATE TL
TRAFFIC LIGHTING SERVICE**

TRAFFIC LIGHTING SERVICE, SHEET NO. 61.12

APPLICABILITY

Applicable to the supplying of energy for traffic signals or other traffic control lighting on public streets and roads. After January 1, 1992, this tariff schedule shall only be applicable to municipal, county, state and local governments. In the application of this tariff, each point of delivery shall be considered as a separate customer.

NET MONTHLY BILL

Computed in accordance with the following charges:

Base Rate

- (a) Where the Company supplies energy only all kilowatt-hours shall be billed as follows:

Distribution Energy and Equipment Charge	0.3745¢ per kWh
Generation Charge-Demand Related Component	0.6161¢ per kWh
Generation Charge-Energy Related Component	1.0697¢ per kWh
- (b) Where the Company supplies energy from a separately metered source and the Company has agreed to provide limited maintenance for traffic signal equipment all kilowatt-hours shall be billed at 2.5046¢ per kWh
- (c) Where the Company supplies energy and has agreed to provide limited maintenance for traffic signal equipment all kilowatt-hours shall be billed as follows:

Distribution Energy and Equipment Charge	2.6204¢ per kWh
Generation Charge-Demand Related Component	0.6161¢ per kWh
Generation Charge-Energy Related Component	1.0697¢ per kWh

MARKET PRICE GENERATION CHARGES – MARKET BASED STANDARD SERVICE OFFER

Generation Charge – Demand Related Component	0.6161¢ per kWh
Generation Charge – Energy Related Component	1.0697¢ per kWh

The Generation Charges listed above are applicable to all customers except those customers that switch to a Certified Supplier for their generation service.

Customers who return to the Company's energy supply after January 2, 2005, will be billed for generation service for each hour at the higher of the following:

1. The demand-related component of the Market Price Generation Charge, plus the energy-related component of the Market Price Generation Charge, plus Rider FPP, or
2. The demand-related component of the Market Price Generation Charge, plus the incremental dispatch cost of the highest cost generation unit/purchased power to serve Duke Energy Ohio load.

The average percentage increase in the total bill of customers under Rate TL, including a firm supply of electric generation, should the increase be granted in full is 0.39%.

PROPOSED RATE OL OUTDOOR LIGHTING SERVICE

OUTDOOR LIGHTING SERVICE, SHEET NO. 62.12

APPLICABILITY

Applicable for outdoor lighting services on private property with Company owned fixtures in the Company's entire service area where secondary distribution lines are adjacent to the premises to be served. Not applicable for lighting public roadways which are dedicated, or anticipated to be dedicated, except to meet the occasional singular need of a customer who has obtained written approval from the proper governmental authority.

Mercury Vapor lighting fixtures will not be installed by the Company after June 1, 2003. As currently installed Mercury Vapor fixtures are retired and/or replaced, they may be replaced with either Metal Halide or Sodium Vapor fixtures as the customer chooses.

This service will no longer be available for units installed after December 31, 2004.

NET MONTHLY BILL

A. Private Outdoor Lighting Units:

The following monthly charge for each fixture, which includes lamp and luminaire, controlled automatically, mounted on a utility pole, as specified by the Company, with a maximum mast arm of 16 feet for overhead units will be assessed:

	<u>Lamp Watts</u>	<u>KW/ Luminaire</u>	<u>Annual KWh</u>	<u>Distribution Energy & Equipment \$/Unit</u>	<u>Market Price Generation Charge \$/Unit</u>
<u>Standard Fixtures (Cobra Head)</u>					
<u>Mercury Vapor</u>					
7,000 lumen (Open Refractor)	175	0.205	853	5.607	2.047
7,000 lumen	175	0.210	874	9.524	2.098
10,000 lumen	250	0.292	1,215	9.720	2.917
21,000 lumen	400	0.460	1,914	10.705	4.594
<u>Metal Halide</u>					
14,000 lumen	175	0.210	874	9.524	2.098
20,500 lumen	250	0.292	1,215	9.720	2.917
36,000 lumen	400	0.460	1,914	10.705	4.594
<u>Sodium Vapor</u>					
9,500 lumen (Open Refractor)	100	0.117	487	5.727	1.169
9,500 lumen	100	0.117	487	7.442	1.169
16,000 lumen	150	0.171	711	8.782	1.707
22,000 lumen	200	0.228	948	8.385	2.275
27,500 lumen	100	0.117	487	7.442	1.169
27,500 lumen	200	0.228	948	8.385	2.275
50,000 lumen	400	0.471	1,959	7.455	4.702

Decorative Fixtures (a)

Mercury Vapor

7,000 lumen (Town & Country)	175	0.205	853	12.751	2.047
7,000 lumen (Aspen)	175	0.210	874	18.143	2.098

Sodium Vapor

9,500 lumen (Town & Country)	100	0.117	487	19.451	1.169
9,500 lumen (Holophane)	100	0.128	532	20.188	1.277
9,500 lumen (Gas Replica)	100	0.128	532	35.982	1.277
22,000 lumen (Rectilinear)	200	0.246	1,023	21.366	2.455

- (a) When requesting installation of a decorative unit, the customer may elect to make an additional contribution to obtain the monthly rate per unit charge for the same size standard (cobra head) outdoor lighting fixture.

B. Flood lighting units served in overhead distribution areas (FL):

The following monthly charge for each fixture, which includes lamp and luminaire, controlled automatically, mounted on a utility pole, as specified by the Company, will be assessed:

	<u>Lamp Watts</u>	<u>KW/ Luminaire</u>	<u>Annual KWh</u>	<u>Distribution Energy & Equipment \$/Unit</u>	<u>Market Price Generation Charge \$/Unit</u>
<u>Mercury Vapor</u>					
21,000 lumen	400	0.460	1,914	9.899	4.594
<u>Metal Halide</u>					
20,500 lumen	250	0.246	1,023	7.317	2.455
36,000 lumen	400	0.460	1,914	9.899	4.594
<u>Sodium Vapor</u>					
9,500 lumen	100	0.117	487	6.909	1.169
22,000 lumen	200	0.246	1,023	7.317	2.455
30,000 lumen	200	0.246	1,023	7.317	2.455
50,000 lumen	400	0.480	1,997	8.050	4.793

**MARKET PRICE GENERATION CHARGES – MARKET BASED
STANDARD SERVICE OFFER**

Demand Related Component	1.0528¢ per kWh
Energy Related Component	1.8276¢ per kWh

The Generation Charges listed above are applicable to all customers except those customers that switch to a Certified Supplier for their generation service.

Customers who return to the Company's energy supply after January 2, 2005, will be billed for generation service for each hour at the higher of the following:

1. The demand-related component of the Market Price Generation Charge, plus the energy-related component of the Market Price Generation Charge, plus Rider FPP, or
2. The demand-related component of the Market Price Generation Charge, plus the

incremental dispatch cost of the highest cost generation unit/purchased power to serve Duke Energy Ohio load.

The average percentage increase in the total bill of customers under Rate OL, including a firm supply of electric generation, should the increase be granted in full is 1.35%.

PROPOSED RATE NSU STREET LIGHTING SERVICE FOR NON-STANDARD UNITS

STREET LIGHTING SERVICE FOR NON-STANDARD UNITS, SHEET NO. 63.12

APPLICABILITY

Applicable to municipal, county, state and federal governments, including divisions thereof, hereafter referred to as Customer, for the lighting of public streets and roads with existing Company and Customer owned lighting fixtures. This service is not available for units installed after December 2, 1983.

NET MONTHLY BILL

The following monthly charge for each unit with lamp and luminaire, controlled automatically, will be assessed.

	<u>Lamp Watts</u>	<u>kW/ Unit</u>	<u>Annual kWh</u>	<u>Distribution Energy & Equipment \$/Unit</u>	<u>Market Price Generation Charge \$/Unit</u>
1. Base Rate					
A. Company owned					
1) Steel boulevard units and 15 and 30 ft. steel poles served underground					
a. 1,000 lumen incandescent	65	0.065	270	6.246	0.648
b. 4,000 lumen incandescent	295	0.295	1,227	13.093	2.945
c. 6,000 lumen incandescent	405	0.405	1,685	12.652	4.045
d. 50,000 lumen sodium vapor	400	0.471	1,959	11.702	4.702
2) Street light units served over- head on Company owned pole					
a. 2,500 lumen incandescent	148	0.148	616	3.868	1.479
b. 6,000 lumen incandescent	405	0.405	1,685	1.469	4.045
c. 2,500 lumen mercury vapor	100	0.115	478	4.178	1.147
B. Customer owned					
1) Lighting system on steel poles served either overhead or under- ground with limited maintenance by Company					
a. 21,000 lumen mercury vapor	400	0.460	1,914	0.130	4.594
2) Fixtures mounted on Company owned pole served underground in conduit with limited maintenance by Company					
a. 21,000 lumen mercury vapor (Two fixtures per pole)	400	0.460	1,914	10.172	4.594

**MARKET PRICE GENERATION CHARGES – MARKET BASED
STANDARD SERVICE OFFER**

Demand Related Component	1.0528¢ per kWh
Energy Related Component	1.8276¢ per kWh

The Generation Charges listed above are applicable to all customers except those customers that switch to a Certified Supplier for their generation service.

Customers who return to the Company's energy supply after January 2, 2005, will be billed for generation service for each hour at the higher of the following:

1. The demand-related component of the Market Price Generation Charge, plus the energy-related component of the Market Price Generation Charge, plus Rider FPP, or
2. The demand-related component of the Market Price Generation Charge, plus the incremental dispatch cost of the highest cost generation unit/purchased power to serve Duke Energy Ohio load.

The average percentage increase in the total bill of customers under Rate NSU, including a firm supply of electric generation, should the increase be granted in full is 1.47%.

**PROPOSED RATE NSP
PRIVATE OUTDOOR LIGHTING FOR NON-STANDARD UNITS**

PRIVATE OUTDOOR LIGHTING FOR NON-STANDARD UNITS, SHEET NO. 64.12

APPLICABILITY

Applicable to service for outdoor lighting on private property with Company owned overhead lighting fixtures in the Company's entire territory where secondary distribution lines are adjacent to the premise to be served. Not applicable to service for lighting of dedicated or undedicated public thoroughfares.

NET MONTHLY BILL

1. Private outdoor lighting units:

The following monthly charge for Town and Country fixtures installed, or for which customer has contracted with Company to install, prior to March 1, 1991 will be assessed:

	Lamp Watts	kWh/ Unit	Annual kWh	Distribution Energy & Equipment \$/Unit	Market Price Generation Charge \$/Unit
9,500 lumen Sodium Vapor	100	0.117	487	8.802	1.169

The following monthly charge will be assessed for existing facilities, but this unit will not be available to new customers after March 2, 1972:

	<u>Lamp Watts</u>	<u>kW/ Unit</u>	<u>Annual kWh</u>	<u>Distribution Energy & Equipment \$/Unit</u>	<u>Market Price Generation Charge \$/Unit</u>
2,500 lumen Mercury, Open Refractor	100	0.115	478	6.929	1.147
2,500 lumen Mercury, Encl. Refractor	100	0.115	478	9.795	1.147

2. Outdoor lighting units served in underground residential distribution areas:

The following monthly charge will be assessed for existing fixtures which include lamp and luminaire, controlled automatically, with an underground service wire not to exceed 35 feet from the service point, but these units will not be available to new customers after March 1, 1991:

	<u>Lamp Watts</u>	<u>kW/ Unit</u>	<u>Annual kWh</u>	<u>Distribution Energy & Equipment \$/Unit</u>	<u>Market Price Generation Charge \$/Unit</u>
7,000 lumen Mercury, Mounted on a 17-foot Fiberglass Pole	175	0.205	853	12.501	2.047
7,000 lumen Mercury, Mounted on a 30-foot Wood Pole	175	0.205	853	11.255	2.047

3. Flood lighting units served in overhead distribution areas:

The following monthly charge will be assessed for each existing fixture, which includes lamp and luminaire, controlled automatically, mounted on a utility pole, as specified by the Company, with a span of wire not to exceed 120 feet, but these units will not be available to new customers after June 1, 1982:

	<u>Lamp Watts</u>	<u>kW/ Unit</u>	<u>Annual kWh</u>	<u>Distribution Energy & Equipment \$/Unit</u>	<u>Market Price Generation Charge \$/Unit</u>
52,000 lumen Mercury (35-foot Wood Pole)	1,000	1.102	4,584	9.608	11.004

MARKET PRICE GENERATION CHARGES - MARKET BASED
STANDARD SERVICE OFFER

Demand Related Component	1.0528¢ per kWh
Energy Related Component	1.8276¢ per kWh

The Generation Charges listed above are applicable to all customers except those customers that switch to a Certified Supplier for their generation service.

Customers who return to the Company's energy supply after January 2, 2005, will be billed for generation service for each hour at the higher of the following:

1. The demand-related component of the Market Price Generation Charge, plus the energy-related component of the Market Price Generation Charge, plus Rider FPP, or
2. The demand-related component of the Market Price Generation Charge, plus the incremental dispatch cost of the highest cost generation unit/purchased power to serve Duke Energy Ohio load.

The average percentage increase in the total bill of customers under Rate NSP, including a firm supply of electric generation, should the increase be granted in full is 1.75%.

PROPOSED RATE SC STREET LIGHTING SERVICE - CUSTOMER OWNED

STREET LIGHTING SERVICE CUSTOMER OWNED, SHEET NO. 65.12

APPLICABILITY

Applicable to municipal, county, state and federal governments, including divisions thereof, and incorporated homeowners associations for the lighting of public streets and roads when the total investment and installation costs of the fixtures are borne by the customer. The fixture shall be a Company approved unit used in overhead and underground distribution areas.

Mercury Vapor lighting fixtures will not be installed by the Company after June 1, 2003. As currently installed Mercury Vapor fixtures are retired and/or replaced, they may be replaced with either Metal Halide or Sodium Vapor fixtures as the customer chooses.

This service will no longer be available for units installed after December 31, 2008.

NET MONTHLY BILL

The following monthly charge for each lamp with luminaire, controlled automatically, will be assessed:

	<u>Lamp Watts</u>	<u>kW/ Unit</u>	<u>Annual kWh</u>	<u>Distribution Energy & Equipment \$/Unit</u>	<u>Market Price Generation Charge \$/Unit</u>
1. Base Rate					
Fixture Description					
Standard Fixture (Cobra Head)					
Mercury Vapor					
21,000 lumen	400	0.430	1,788	0.287	4.292
Sodium Vapor					
9,500 lumen	100	0.117	487	1.125	1.169
16,000 lumen	150	0.171	711	1.125	1.707
22,000 lumen	200	0.228	948	1.126	2.275

27,500 lumen	250	0.318	1,323	0.431	3.175
50,000 lumen	400	0.471	1,959	0.656	4.702
Decorative Fixtures					
Sodium Vapor					
16,000 lumen (Hadco)	150	0.171	711	1.439	1.707
22,000 lumen (Rectilinear)	200	0.246	1,023	0.947	2.455
50,000 lumen (Rectilinear)	400	0.471	1,959	0.970	4.702

Where a street lighting fixture served overhead is to be installed on another utility's pole on which the Company does not have a contact, a monthly pole charge will be assessed.

<u>Pole Description</u>	<u>Pole Type</u>	<u>\$/ Pole</u>
Wood		
30 foot	W30	4.51
35 foot	W35	4.77
40 foot	W40	5.52
Aluminum		
12 foot	A12	12.10
28 foot	A28	6.71

Customer Owned and Maintained Units

The rate for energy used for this type street lighting will be 1.5849¢ per kilowatt-hour as shown below. The monthly kilowatt-hour usage will be mutually agreed upon between the Company and the customer. Where the average monthly usage is less than 150 kWh per point of delivery, the customer shall pay the Company, in addition to the monthly charge, the cost of providing electric service on the basis of time and material plus overhead charges. An estimate of the cost will be submitted for approval before work is carried out.

Distribution	0.4390¢ per kWh
Generation (Demand Related)	0.4188¢ per kWh
Generation (Energy Related)	0.7271¢ per kWh

MARKET PRICE GENERATION CHARGES – MARKET BASED STANDARD SERVICE OFFER

Demand Related Component	1.0528¢ per kWh
Energy Related Component	1.8276¢ per kWh

The Generation Charges listed above are applicable to all customers except those customers that switch to a Certified Supplier for their generation service.

Customers who return to the Company's energy supply after January 2, 2005, will be billed for generation service for each hour at the higher of the following:

1. The demand-related component of the Market Price Generation Charge, plus the energy-related component of the Market Price Generation Charge, plus Rider FPP, or

2. The demand-related component of the Market Price Generation Charge, plus the incremental dispatch cost of the highest cost generation unit/purchased power to serve Duke Energy Ohio load.

The average percentage increase in the total bill of customers under Rate SC, including a firm supply of electric generation, should the increase be granted in full is 0.49%.

PROPOSED RATE SE STREET LIGHTING SERVICE - OVERHEAD EQUIVALENT

STREET LIGHTING SERVICE – OVERHEAD EQUIVALENT, SHEET NO. 66.12

APPLICABILITY

Applicable to municipal, county, state and federal governments, including divisions thereof, and incorporated homeowners associations, for the lighting of public streets and roads with Company lighting fixtures in underground distribution areas, where the customer elects to make a contribution for the installation of the fixture, mounting, pole and secondary wiring to obtain the rate/unit for the same size standard fixture (cobra head) in an overhead distribution area.

Mercury Vapor lighting fixtures will not be installed by the Company after June 1, 2003. As currently installed Mercury Vapor fixtures are retired and/or replaced, they may be replaced with either Metal Halide or Sodium Vapor fixtures as the customer chooses.

This service will no longer be available for units installed after December 31, 2004.

NET MONTHLY BILL

The following monthly charge for each lamp with luminaire, controlled automatically, will be assessed:

	<u>Lamp Watts</u>	<u>kW/ Unit</u>	<u>Annual kWh</u>	<u>Distribution Energy & Equipment \$/Unit</u>	<u>Market Price Generation Charge \$/Unit</u>
1. Base Rate					
Fixture Description					
Decorative Fixtures					
<u>Mercury Vapor</u>					
7,000 lumen (Town & Country)	175	0.205	853	3.379	2.047
7,000 lumen (Hologhane)	175	0.210	874	3.332	2.098
7,000 lumen (Gas Replica)	175	0.210	874	3.332	2.098
7,000 lumen (Aspen)	175	0.210	874	3.332	2.098
<u>Sodium Vapor</u>					
9,500 lumen (Town & Country)	100	0.117	487	5.434	1.169
9,500 lumen (Hologhane)	100	0.128	532	5.333	1.277
9,500 lumen (Rectilinear)	100	0.117	487	5.434	1.169
9,500 lumen (Gas Replica)	100	0.128	532	5.333	1.277
9,500 lumen (Aspen)	100	0.128	532	5.333	1.277
22,000 lumen (Rectilinear)	200	0.246	1,023	5.685	2.455
50,000 lumen (Rectilinear)	400	0.471	1,959	7.162	4.702

Metal Halide

14,000 lumen (Town & Country)	175	0.205	853	3.379	2.047
14,000 lumen (Granville)	175	0.210	874	3.332	2.098
14,400 (Rectangular Cutoff)	175	0.210	874	9.451	2.098
14,500 (Gas Replica)	175	0.210	874	3.332	2.098
36,000 lumen (Low Profile)	400	0.455	1,893	8.148	4.544

**MARKET PRICE GENERATION CHARGES – MARKET BASED
STANDARD SERVICE OFFER**

Demand Related Component	1.0528¢ per kWh
Energy Related Component	1.8276¢ per kWh

The Generation Charges listed above are applicable to all customers except those customers that switch to a Certified Supplier for their generation service

Customers who return to the Company's energy supply after January 2, 2005, will be billed for generation service for each hour at the higher of the following:

1. The demand-related component of the Market Price Generation Charge, plus the energy-related component of the Market Price Generation Charge, plus Rider FPP, or
2. The demand-related component of the Market Price Generation Charge, plus the incremental dispatch cost of the highest cost generation unit/purchased power to serve Duke Energy Ohio load.

The average percentage increase in the total bill of customers under Rate SE, including a firm supply of electric generation, should the increase be granted in full is 1.33%.

**PROPOSED RATE UOLS
UNMETERED OUTDOOR LIGHTING ELECTRIC SERVICE****UNMETERED OUTDOOR LIGHTING ELECTRIC SERVICE, SHEET NO. 67.12****APPLICABILITY**

Applicable for electric energy usage only for any street or outdoor area lighting system (System), operating during the dusk to dawn time period, on private or public property and owned by the customer or the Company. The customer must be adjacent to an electric power line of the Company that is adequate and suitable for supplying the necessary electric service.

Service under this tariff schedule shall require a written agreement between the customer and the Company specifying the calculated lighting kilowatt-hours. The System shall comply with the connection requirements in the Company's Electric Service Regulations, Section III, Customer's and Company's Installations.

NET MONTHLY BILL

Computed in accordance with the following charge:

Base Rate

Distribution	0.4393¢ per kWh
Generation – Demand Related Component	0.4334¢ per kWh
Generation – Energy Related Component	0.7524¢ per kWh

MARKET PRICE GENERATION CHARGES – MARKET BASED STANDARD SERVICE OFFER

Generation – Demand Related Component	0.4334¢ per kWh
Generation – Energy Related Component	0.7524¢ per kWh

The Generation Charges listed above are applicable to all customers except those customers that switch to a Certified Supplier for their generation service.

Customers who return to the Company's energy supply after January 2, 2005, will be billed for generation service for each hour at the higher of the following:

1. The demand-related component of the Market Price Generation Charge, plus the energy-related component of the Market Price Generation Charge, plus Rider FPP, or
2. The demand-related component of the Market Price Generation Charge, plus the incremental dispatch cost of the highest cost generation unit/purchased power to serve Duke Energy Ohio load.

The average percentage increase in the total bill of customers under Rate UOLS, including a firm supply of electric generation, should the increase be granted in full is 0.27%.

PROPOSED RIDER DR DISTRIBUTION RIDER

DISTRIBUTION RIDER, SHEET NO. 70

APPLICABILITY

Applicable to all customers receiving service under the Company's retail rate groups.

All customers receiving service under Rate RS, Rate RS3P, Rate CUR, Rate ORH, Rate TD, Rate DS, Rate EH, Rate GS-FL, Rate SFL-ADPL, Rate DM, Rate DP, Rate TS, Rate TL, Rate NSU, Rate NSP, Rate SC, Rate SE, Rate UOLS, Rate OL, Rate SL shall be assessed a monthly charge in addition to the Customer Charge Component of their applicable rate schedule that will enable the Company to recover incremental revenue requirements associated with changes in distribution investments and distribution expenses, net of customer growth.

The charges for the respective electric service schedules are:

Rate RS, Residential Service
Rate RS3P, Residential Three Phase Service
Rate CUR, Common Use Residential Service
Rate ORH, Optional Residential Service with Electric Space Heating
Rate TD, Optional Time-of-Day Rate for Residential Service
Rate DS, Service at Secondary Distribution Voltage
Rate GS-FL, Optional Unmetered General Service Rate for Small Fixed Loads
Rate EH, Optional Rate for Electric Space Heating
Rate DM, Secondary Distribution Service – Small
Rate DP, Service at Primary Distribution Voltage
Rate SFL-ADPL, Optional Unmetered Rate for Small Fixed Loads Attached Directly to Company's Power Lines
Rate TS, Service at Transmission Voltage
Rate SL, Street Lighting Service
Rate TL, Traffic Lighting Service
Rate OL, Outdoor Lighting Service
Rate NSU, Street Lighting Service for Non-Standard Units
Rate NSP, Private Outdoor Lighting for Non-Standard Units
Rate SC, Street Lighting Service – Customer Owned
Rate SE, Street Lighting Service – Overhead Equivalent
Rate UOLS, Unmetered Outdoor Lighting Electric Service

These monthly charges shall remain in effect until changed by order of the Public Utilities Commission of Ohio.

PROPOSED RIDER DIR DEVELOPMENT INCENTIVE RIDER

DEVELOPMENT INCENTIVE RIDER, SHEET NO. 71

GENERAL

Under the terms of this Rider, qualifying customers are required to enter into a Service Agreement with the Company. The Development Incentive Rider consists of three separate programs designed to encourage development and/or redevelopment within the Company's service territory. These three programs are 1. the Economic Development Program 2. the Urban Redevelopment Program and 3. the Brownfield Incentive Program. Requirements of these programs are described below.

PROGRAM DESCRIPTIONS

Economic Development Program

Available, at the Company's option, to non-residential customers receiving service under the provisions of one of the Company's non-residential tariff schedules. This Rider is available for load associated with initial permanent service to new establishments, expansion of existing establishments, or new customers in existing establishments who make application to the Company for service under this Rider and the Company approves such application. The new

load applicable under this Rider must be a minimum of 1,000 kW at one delivery point. To qualify for service under this Rider, the customer must meet the qualifications as set forth below. Further, the customer must have applied for and received economic assistance from the State or local government or other public agency before the Company will approve a Service Agreement under this Rider. Where the customer is new to the Company's service area or is an existing customer expanding:

- 1) The customer must employ an additional workforce in the Company's service area of a minimum of twenty-five (25) full-time equivalent (FTE) employees. Employment additions must occur following the Company's approval for service under this Rider, and;
- 2) The customer's new load must result in minimum customer capital investment of one million dollars (\$1,000,000) at the customers' facility within the Company's service area. This capital investment must occur following the Company's approval for service under this Rider. (Item #1 above may be waived where an existing customer's capital investment exceeds \$10 million.)

The Company may also consider applying this Rider to an existing customer who, but for economic incentives being provided by the State and/or local government or public agency, would leave the Company's service area. In this event, the following provision applies:

- 1) The customer must agree, at a minimum, to retain the current number of FTE employees.

Urban Redevelopment Program

Applicable to new customers locating in an existing building of 50,000 square feet or more, which has been unoccupied and/or remained dormant for a period of two years or more, as determined by the Company. The new customer load must be a minimum of 500 kW at one delivery point. In addition, the requested service necessary to serve the new load must not result in additional investment in distribution or transmission facilities by the Company, excepting that minor alterations in the service supplied which can be accomplished feasibly and economically may be allowed.

Brownfield Redevelopment Program

Applicable to customers locating in a qualified "brownfield" redevelopment area so designated by the Ohio Environmental Protection Agency and served by existing service lines. A qualified site must receive direct "economic assistance" from either the State of Ohio or one of its political jurisdictions. The value of the BR Incentive cannot exceed the amount of public participation. Additionally, customers are required to take service under the provisions of one of the Company's non-residential tariff schedules.

The new load applicable under this Rider must be a minimum of 250 kW at one delivery point, with one meter.

TERMS AND CONDITIONS

These Riders are not available to a new customer which results from a change in ownership of an existing establishment. However, if a change in ownership occurs after the customer enters into a Service Agreement for service under this Rider, the successor customer may be allowed to fulfill the balance of the Service Agreement under this Rider. This Rider is also not available for renewal of service following interruptions such as equipment failure, temporary plant shutdown, strike, or economic conditions. This Rider is not available for load shifted from one customer to another within the Company's service area.

The customer must enter into a Service Agreement with the Company which shall specify, among other things, the voltage at which the customer will be served, a description of the amount and nature of the new load and the basis on which the customer requests qualification for this Rider.

For customers entering into a Service Agreement under this Rider due to expansion, the Company may, at the customer's expense, install metering equipment necessary to measure the new load to be billed under the provisions of this Rider separate from the customer's existing load which shall be billed under the applicable standard tariff schedule.

Following the effective date of the Service Agreement, the customer must maintain a minimum demand in accordance with the Service Agreement and maintain a monthly average of 300 hours use of demand. Failure to do so will result in the customer's Service Agreement being terminated.

The Company is not obligated to extend, expand or rearrange its facilities if it determines that existing distribution/transmission facilities are of adequate capacity to serve the customer's load.

NET MONTHLY BILLING

The customer shall comply with all terms of the standard distribution tariff rate under which the customer takes service except the customers' monthly distribution demand charge shall be reduced by up to fifty (50) percent for a period of twenty-four (24) months. The customer will pay the full amount of all riders and the entirety of the applicable market-based standard service offer.

The customer may request an effective date of the Service Agreement which is no later than twelve (12) months after Company's approval of the Service Agreement with the customer. A Service Agreement must be fully executed within 30 days of taking the subject new service from the Company. All subsequent billings shall be at the appropriate full standard service tariff rate.

TYPE OF SERVICE

The service provided shall be 60Hz alternating current provided at the Company's standard distribution or transmission voltage.

SERVICE REGULATIONS

The supplying of, and billing for, service and all conditions applying thereto, are subject to the jurisdiction of the Public Utilities Commission of Ohio, and to the Company's Service Regulations currently in effect, as filed with the Public Utilities Commission of Ohio.

PROPOSED RATE RTP REAL TIME PRICING PROGRAM

REAL TIME PRICING PROGRAM, SHEET NO. 90.5

APPLICABILITY

Applicable to Customers served under the Standard Offer Rate DS, Rate DP, or Rate TS. Service under the RTP Program will be offered through the Market Development Period starting on January 1, 2001. The incremental cost of any special metering required for service under this Program beyond that normally provided under the applicable Standard Tariff shall be borne by the Customer. Customers must enter into a service agreement with a minimum term of one year. Customers electing a Certified Supplier will not be eligible to participate in the Program.

ENERGY DELIVERY CHARGES

The hourly Energy Delivery Charges are charges for using the distribution system to deliver energy to the Customer. The applicable hourly Energy Delivery Charges (Credits) shall be applied on an hour by hour basis to Customer's incremental (decremental) usage from the CBL.

Charge (Credit) For Each kW Per Hour From The CBL:

Rate DS	\$ 0.018495 per kW Per Hour
Rate DP	\$ 0.029502 per kW Per Hour
Rate TS.....	\$ 0.000000 per kW Per Hour

The kW Per Hour incremental or decremental usage from the CBL shall be adjusted to reflect applicable metering adjustments under the standard Rate Schedule.

PROGRAM CHARGE

Company will provide Internet based communication software to be used to provide Customer with the Price Quotes. Customer will be responsible for providing its own Internet access. A charge of \$325 per billing period per Customer shall be added to Customer's bill to cover the additional billing, administrative, and cost of communicating the hourly Price Quotes associated with the RTP Program.

Customer may purchase from either Company or any other third-party suppliers any other necessary equipment or software packages to facilitate participation in this program. While Customers are encouraged to use such equipment or software packages to maximize benefits under this Program, it is not a requirement for program participation. It is Customer's responsibility to ensure the compatibility of third-party equipment or software packages with any Company owned equipment or software packages.

The average percentage increase (decrease) in the total bill of customers under RTP-DS, RTP-DP, and RTP- TS, including a firm supply of electric generation, should the increase be granted in full is 17.21%, 34.90% and (0.34%) respectively.

**PROPOSED RATE PA
POLE ATTACHMENT/CONDUIT OCCUPANCY TARIFF
P.U.C.O NO. 1, SHEET NO. 1.6**

APPLICABILITY

Applicable to any person or entity other than a public utility (hereinafter "Licensee") authorized to complete a "wireline attachment" or an "occupancy", as defined herein, to any distribution pole or in any conduit in the service territory of Duke Energy Ohio, Inc. (hereinafter the "Company"). As used in this Tariff, a "wireline attachment" is the attachment of wire or cable and associated facilities or apparatus within one (1) foot of vertical space to any distribution pole owned by the Company and "occupancy" is the placement of wire or cable and associated facilities or apparatus in conduit space owned by the Company.

Rentals for any requested attachment or occupancy other than those to which this Tariff applies, including but not limited to wireless and WiFi equipment/attachments and overlashing of existing attachments, shall be negotiated separately between the Company and prospective attacher. The size, type, and placements of any attachment or occupancy that is not subject to this Tariff shall be at the sole discretion of the Company and in compliance with a signed agreement between the Company and prospective attacher authorizing such attachment or occupancy.

AGREEMENT

Before any wireline attachment or occupancy is made, Licensee shall enter into and be bound by a Pole Attachment or Conduit Occupancy License Agreement (hereinafter the "Agreement"). The Agreement shall specifically authorize the type of service to be provided, e.g., cable television. In addition to any wireline attachment or occupancy, the Agreement may authorize other attachments to which this Tariff does not apply, as agreed between the Company and Licensee.

The Company expressly reserves the right to establish terms and conditions in the Agreement that are not inconsistent with this Tariff.

ATTACHMENT CHARGES

An annual rental of \$14.42 per wireline attachment shall be charged for the use of the Company's poles. Any attachments outside the one (1) foot of vertical space will be considered another attachment and a separate annual rental charge will apply. The charge will apply if any portion of a pole is occupied or reserved at the Licensee's request.

For conduit occupancy, the occupancy fee per linear foot shall be negotiated by the Company and Licensee based on the location, space availability and other factors.

PAYMENT

All payments due from Licensee shall be invoiced by Company and payment shall be made by Licensee within twenty-one (21) days from the date of invoice. When any payments due from Licensee are not timely made, the amount due shall be adjusted to include interest

equal to one and one-half percent (1.5%) of the unpaid amount, which will accrue monthly until paid.

The annual rental amount shall be paid in advance by Licensee.

As new wireline attachments or occupancies are made after the initial rental year, rentals for such wireline attachments or occupancies shall be paid for the entire year if made within the six-month period after any anniversary date, and for one-half year if made during the following six-month period. For any wireline attachments that Licensee removed or any occupancy that Licensee caused, at its expense, to be removed and for which the Company received written notice from Licensee, the yearly rental shall be adjusted on the same basis.

TERMS AND CONDITIONS

1. APPLICATION

Before any wireline attachment is made by Licensee or any occupancy is made on Licensee's behalf, Licensee shall make written application for permission to install such wireline attachment on any pole of the Company or occupy any conduit of the Company. The written application shall specify the location of each pole or conduit in question, the character of the proposed attachment or occupancy, and the amount and location of space desired. Within forty-five (45) days after receipt of such written application, the Company shall notify Licensee in writing whether or not it is willing to permit the wireline attachment or occupancy and, if so, under what conditions. Licensee is not presumed to have permission to make any wireline attachment or to occupy Company's conduit in the event notification is not made by the Company within forty-five (45) days of its receipt of Licensee's written application. The Company shall have the sole right to determine the availability of such pole or conduit for joint use and shall be under no obligation to grant permission for its use by Licensee. If such permission is granted, Licensee shall have the right to use the space allotted by the Company under the conditions specified in such permit and in accordance with the terms of the Agreement but Company shall not be required to set a pole or install conduit for the sole use by Licensee. Permission to occupy a conduit, if granted, shall not authorize Licensee to access the Company's conduit. Such access shall be limited to the Company or its designated representative.

2. TECHNICAL MANUALS

Upon the execution of the Agreement and before Licensee makes any wireline attachment or causes an occupancy to be made, Licensee shall send the Company all manufacturer's technical manuals and information, construction standards and manuals, and feasibility or loading studies regarding the equipment Licensee proposes to use pursuant to the provisions of the Agreement.

3. TECHNICAL SPECIFICATIONS

All wireline attachments or occupancies are to be placed on poles or in conduit of the Company in a manner satisfactory to the Company and so as not to interfere with the present or any future use that the Company may desire to make of such poles, wires, conduits, or other facilities. All wireline attachments or occupancies shall be installed and maintained by Licensee or on Licensee's behalf and at its expense so as to comply at least with the minimum requirements of the National Electrical Safety Code, any requirements that may be established by the Company, and any other applicable regulations or codes promulgated by federal, state, local or other governmental authority having jurisdiction. Licensee shall take any necessary precautions, by the installation of protective equipment or other means, to protect all persons and property of all kinds against injury or damage occurring by reason of Licensee's wireline attachments on the

Company's poles or occupancy in the Company's conduit. The Company shall be the sole judge as to the requirements for the present or future use of its poles, conduits, and equipment and of any interference therewith.

4. REPLACEMENT COSTS

In any case where it is necessary for the Company to replace a pole or conduit because of the necessity of providing adequate space or strength to accommodate the wireline attachments or occupancy of Licensee thereon, either at the request of Licensee or to comply with the above mentioned codes and regulations, the Licensee shall pay the Company the total cost of this replacement. Such cost shall be the total estimated cost of the new pole or conduit, including material, labor, and applicable overheads, plus the cost of transferring existing electric facilities to the new pole or conduit, plus the cost of removal of the existing pole or conduit and any other incremental cost required to provide for the wireline attachments of or occupancy by the Licensee, including any applicable taxes the Company may be required to pay because of this change in plant, minus salvage value of any facilities removed.

Licensee shall also pay to the Company and other owners thereof the cost of removing all existing attachments from the existing pole or conduit and re-establishing the same or like attachments on the newly installed pole or in the newly installed conduit. The new pole or conduit shall be the property of the Company regardless of any payments by Licensee towards its cost, and Licensee shall acquire no right, title or interest in such pole or conduit.

5. REARRANGING COSTS

If Licensee's proposed wireline attachments or occupancy can be accommodated on existing poles or in existing conduit of the Company by rearranging facilities of the Company and of other licensees thereon and if the Company and other licensees are willing to make such rearrangement, such rearrangement shall be made by the Company and such other licensees, and Licensee shall reimburse the Company and such other licensees for any expense incurred by them in transferring or rearranging such facilities. Any additional guying required by reason of the attachments of Licensee shall be made by Licensee at its expense and to the satisfaction of the Company. The Company shall not be responsible for coordinating the relocation of third party attachments.

6. INSPECTIONS

The Company reserves the right to inspect each new installation of Licensee on its poles and in its conduit and to make periodic inspections/inventories every five (5) years or more often if, in the Company's sole discretion, the conditions may warrant, and Licensee shall reimburse the Company for the expense of such inspections/inventories. The Company's right to make such inspections and any inspection made pursuant to such right shall not relieve Licensee of any responsibility, obligation, or liability imposed by law or assumed under the Agreement. When an unauthorized attachment or occupancy is found during an inspection/inventory, the Licensee will pay the Company an unauthorized attachment or occupancy sanction in the following amounts: \$100 per unauthorized attachment or occupancy plus five (5) years annual rental if an unauthorized attachment or occupancy is found and Licensee has not participated in a required audit; or, \$50 per unauthorized attachment or occupancy plus five (5) years annual rental if the Licensee does participate in the audit or identifies the unauthorized attachment or occupancy on its own.

7. SAFETY VIOLATIONS

Whenever the Company notifies Licensee in writing that the wireline attachments or occupancies of Licensee interfere with the operation of facilities of the Company or

other licensee, constitute a hazard to the service rendered by the Company or other licensee, or fail to comply with codes, regulations, or requirements set forth in Paragraph 3 above or in the Agreement, Licensee shall, within ten (10) days after the date of such notice, remove, rearrange, or change its wireline attachments or ensure that, at its expense, its occupancy is removed, rearranged, or changed as directed by the Company. In case of emergency, the Company reserves the right to remove or relocate the Licensee's wireline attachments or occupancy at Licensee's expense and without notice, and no liability therefore shall be incurred by the Company because of such action.

Licensee shall be assessed a sanction of \$200 dollars for each wireline attachment or occupancy that violates the codes, regulations, or requirements set forth in Paragraph 3 above or in the Agreement.

8. INDEMNIFICATION

Licensee agrees to indemnify and save harmless the Company from and against any and all liability, loss, damage, costs, attorney fees, or expense, of whatsoever nature or character, arising out of or occasioned by any claim or any suit for damages, injunction or other relief, on account of injury to or death of any person, or damage to any property including the loss of use thereof, or on account of interruption of Licensee's service to its subscribers or others, or for public charges and penalties for failure to comply with federal, state or local laws or regulations, growing out of or in connection with any act or omission, negligent or otherwise, of Licensee or its servants, agents or subcontractors in the attachment, operation and maintenance of facilities of Licensee on the poles or in the conduit of the Company, and in the performance of work hereunder, whether or not due in whole or in part to any act, omission or negligence of the Company or any of its representatives or employees (except insofar as such indemnity arising out of such injury or damage caused by the sole negligence of the Company or such representatives or employees may be judicially found to be contrary to law, in which case this Agreement of indemnity shall in all other respects be and remain effective and binding). The Company may require Licensee to defend any suits concerning the foregoing, whether such suits are justified or not.

9. INSURANCE REQUIREMENTS

Licensee agrees to obtain and maintain at all times during the period Licensee has wireline attachments on the Company's poles or occupancy in the Company's conduit, policies of insurance as follows:

- (a) Public liability and automobile liability insurance for itself in an amount as specified by the Company for bodily injury to or death of any one person, and, subject to the same limit for any one person, in an aggregate amount as specified by the Company for any one occurrence.
- (b) Property damage liability insurance for itself in an amount as specified by the Company for any one occurrence.
- (c) Contractual liability insurance in amounts as specified by the Company to cover the liability assumed by the Licensee under the agreements of indemnity set forth in the Agreement.

10. CERTIFICATE OF INSURANCE

Prior to making wireline attachments to the Company's poles or occupancy in the Company's conduit, Licensee shall furnish to the Company two copies of a certificate, from an insurance carrier acceptable to the Company, stating that policies of insurance have been issued by it to Licensee providing for the insurance listed above and that such

policies are in force. Such certificate shall state that the insurance carrier will give the Company thirty (30) days prior written notice of any cancellation of or material change in such policies. The certificate shall also quote in full the agreements of indemnity set forth in the Agreement as evidence of the type of contractual liability coverage furnished. If such certificate recites that it is subject to any exceptions or exclusions contained in the policy or policies of insurance, such exceptions or exclusions shall be stated in full in such certificate, and the Company may, at its discretion, require Licensee before starting work, to obtain policies of insurance that are not subject to any exceptions or exclusions that the Company finds objectionable.

11. DISCONTINUATION OF COMPANY FACILITIES

The Company reserves the right, without liability to Licensee or its subscribers, to discontinue the use of, remove, replace or change the location of any or all of the Company's poles, attachments, conduit, or facilities regardless of any wireline attachment to the Company's poles by Licensee or occupancy in the Company's conduit by Licensee, and Licensee shall, at its sole cost and within ten (10) days after written notice by the Company make or cause to be made such changes in, including removal or transfer of, its wireline attachments or occupancies as shall be required by such action of the Company.

12. ABANDONMENT

Licensee may at any time abandon the use of a pole or conduit under the Agreement hereunder by removing therefrom all of its wireline attachments or by requesting the Company to remove, at Licensee's expense, all of its occupancies and by giving written notice thereof to the Company.

13. PERMITS, EASEMENTS, AND RIGHTS-OF-WAY

Licensee shall secure any right, license or permit from any governmental body, authority, or other person or persons that may be required for the construction or maintenance of Licensee's wireline attachments or occupancies, at its expense. The Company does not guarantee any easements, rights-of-way or franchises for the construction and maintenance of such wireline attachments or occupancies. Licensee hereby agrees to indemnify and save harmless the Company from any and all claims, including the expenses incurred by the Company to defend itself against such claims, resulting from or arising out of the failure of Licensee to secure such right, license, permit or easement for the construction or maintenance of such attachment on the Company's pole or occupancy in the Company's conduit.

14. SUPPLY OF ELECTRIC SERVICE

Electric service for power supplies of a Licensee shall be supplied from the lines of the Company in a manner specified by the Company.

15. USE BY THIRD PARTIES

The Company shall have the right, from time to time during the term of the Agreement, to grant, by contract or otherwise, to others not parties to the Agreement, rights or privileges to use any pole or conduit covered by the Agreement, and the Company shall have the right to continue and extend any such rights or privileges heretofore granted. The wireline attachment and occupancy privileges granted hereunder shall at all times be subject thereto.

16. BOND

Licensee shall furnish a bond, as specified by the Company, to guarantee the performance of the obligations assumed by Licensee under the terms of the Agreement not otherwise covered by the insurance required by paragraph 9. Such bond shall be

submitted to the Company prior to Licensee making attachment to the Company's poles or occupying the Company's conduit.

17. REIMBURSEMENT FOR WORK PERFORMED

In case one Party is obligated to perform certain work at its own expense and the Parties mutually agree in writing that it is desirable for the other Party to do such work, then such other Party shall promptly do the work at the sole expense of the Party originally obligated to perform the same. Bills for expense so incurred shall be due and payable within thirty (30) days after presentation.

18. DEFAULT

If Licensee fails to comply with any of the provisions of the Agreement or defaults in the performance of any of its obligations under the Agreement and fails within sixty (60) days after written notice from the Company to correct such default or non-compliance, the Company may, at its option, forthwith terminate the Agreement, or the specific permit or permits covering the poles or conduit and Licensee's wireline attachments or occupancies to which such default or non-compliance is applicable, and remove wireline attachments or occupancies of Licensee at Licensee's expense, and no liability therefore shall be incurred by the Company because of such action.

19. MAPS

The area covered by the Agreement shall be set forth on a map, attached to, and made a part of the Agreement. Such area may be extended or otherwise modified by a supplemental agreement mutually agreed upon and signed by the Parties to an Agreement with a new map attached thereto showing the changed area to be thereafter covered by the Agreement. Such supplement shall be effective as of the date of final execution thereof and shall be attached to all executed copies of the Agreement.

20. EXPIRATION OF AGREEMENT

If Licensee does not exercise the rights herein granted within six (6) months from the execution date of the Agreement, the Agreement shall be void. The Agreement shall start as of the execution date thereof and shall continue for a period of one year and shall be self-renewing from year to year thereafter unless terminated by either Party's giving to the other Party written notice at least sixty (60) days prior to the end of any yearly term. Licensee shall completely remove its wireline attachments from the Company's poles or direct the Company to remove, at Licensee's expense, its occupancy in the conduit on or prior to the termination date, unless a new Agreement covering such poles or conduit has been executed by the Parties hereto.

21. BINDING EFFECT

The Agreement shall be binding upon and inure to the benefit of the Parties thereto, their respective successors and/or assigns, but Licensee shall not assign, transfer or sublet any of the rights hereby granted or obligations hereby assumed without the prior written consent of the Company and without the execution of a separate agreement between the Company and Licensee's assignee, transferee, or sublessee.

22. DEPOSIT

The Licensee may be required to pay a cash deposit to the Company in order to establish or re-establish credit in an amount not in excess of the total annual rental fees. After the Licensee has established a reasonable credit record by paying the rental fees for two consecutive years within the time specified in the Agreement, the Company shall apply the deposit plus an accrued interest to the next annual rental fee amount which is due and payable with the next subsequent anniversary date. The Company shall pay interest thereon in accordance with Rule 4901:1-17-05 of the Ohio Administrative Code.

23. **FORCE MAJEURE**

Except as may be expressly provided otherwise, neither Party shall be liable to the other for any failure of performance under the Tariff or Agreement due to causes beyond its reasonable control, including: (a) acts of God, fire, explosion, vandalism, storm, or other similar occurrences; (b) national emergencies, insurrections, riots, acts of terrorism, or wars; (c) strikes, lockouts, work stoppages, or other labor difficulties. To the extent practicable, the Parties shall be prompt in restoring normal conditions, establishing new schedules and resuming operations as soon as the force majeure event causing the failure or delay has ceased. Each Party shall promptly notify the other Party of any delay in performance under this paragraph and its effect on performance required under the Tariff or Agreement.

If any pole or conduit of the Company is damaged or destroyed by a force majeure event so that, in the Company's sole discretion, the pole or conduit is rendered materially unfit for the purposes described in the Tariff or Agreement and the Company elects not to repair or replace the pole or conduit, then permission to attach to such pole or occupy such conduit shall terminate as of the date of such damage or destruction.

SERVICE REGULATIONS

The supplying and billing for service, and all conditions applying thereto, are subject to the jurisdiction of the Public Utilities Commission of Ohio, and to Company's Service Regulations currently in effect, as filed with the Public Utilities Commission of Ohio, as provided by law.

OTHER PROPOSED CHANGES

The Company proposes to make the following additional changes to its electric tariff:

1. **Section IV – Customer's and Company's Installations, paragraph 3 – Installation and Maintenance.** The following provision is added:

The Company shall not be required to construct general distribution lines underground unless the cost of such special construction for general distribution lines and/or the cost of any change of existing overhead general distribution lines to underground which is required or specified by a municipality or other public authority (to the extent that such cost exceeds the cost of construction of the Company's standard facilities) shall be paid for by that municipality or public authority.

2. **Section VI – Billing and Payment, paragraph 3 – Temporary Discontinuance of Service.** The following provision is changed:

If any residential customer notifies the Company in writing to discontinue service, the Company will make no minimum charge for any full meter reading period during the period of discontinuance; provided however, that the Company may charge and collect a fee in accordance with paragraph B of Sheet No. 92 prior to reconnecting a service which was discontinued at the customer's request within the preceding twelve months.

3. **Section VI – Billing and Payment, paragraph 6 – Net Metering.** The following sentence is added to the end of the third last subparagraph:

Credits will be limited to generation charges, and will not apply to other metered charges such as those for distribution and transmission service.

The above proposed provisions, rates, and charges are subject to changes, including changes as to amount and form, by The Public Utilities Commission of Ohio following a public hearing on the filed application. Recommendations which differ from the filed application may be made by the Staff of The Public Utilities Commission of Ohio or by intervening parties and may be adopted by the Commission.

Any person, firm, corporation or association may file, pursuant to Section 4909.19 of the Revised Code, an objection to such proposed increased rates by alleging that such proposals are unjust and discriminatory or unreasonable.

Any person, firm, corporation or association may file a motion to intervene. Intervenor may obtain copies of the application and other filings made by the Company by contacting Ms. Anita Schafer at (513) 419-1847, Duke Energy Ohio, Inc.

WHEREFORE, since the rates, prices, charges, and other provisions in DE-Ohio's current electric rate schedules do not yield just and reasonable compensation to DE-Ohio for supplying electric distribution service to the customers to which they are applicable, do not yield a just and reasonable return to DE-Ohio on the value of the property used for furnishing such electric distribution service to such customers, and result in the taking of DE-Ohio's property for public use without compensation and without due process of law, DE-Ohio respectfully prays that your Honorable Commission:

- (a) Accept this Application for filing;
- (b) Find that this Application and the attached Schedules filed herewith and incorporated herein, are in accordance with R. C. 4909.18 and the Rules of the Commission;
- (c) Approve the Form of Notice in the attached Schedule S-3;
- (d) Find that the current rates, prices, and charges for electric service are unjust, unreasonable and insufficient to yield reasonable compensation to DE-Ohio for the electric distribution service rendered;
- (e) Find that the proposed rates, prices, and charges are just and reasonable based upon the test period for the twelve months ending December 31, 2008, and approve such schedules in the form tendered herewith;
- (f) Find that DE-Ohio is in compliance with R. C. 4905.35;
- (h) Approve DE-Ohio's Application for Approval to Change Accounting Methods consistent with the Commission's approval of DE-Ohio's proposed deferrals in Case Nos. 08-711-EL-AAM and 08-710-EL-ATA and its Distribution Reliability Rider, and its Development Incentive Rider;

- (i) Fix the date on or after which applicable services provided to non-residential customers are subject to the proposed rates at January 1, 2009; and
- (j) Fix the date on or after which applicable services provided to residential customers are subject to the proposed rates at January 1, 2009.

A copy of the Application, including a copy of the present and proposed rate sheets, may be inspected by any interested party at the office of the Commission, 180 East Broad Street, Columbus, Ohio 43266-0573; or at the following business offices of the Company: 139 East Fourth Street, Cincinnati, Ohio or 644 Linn St. Cincinnati, Ohio 45203

Any interested party seeking detailed information with respect to all affected rates, charges, regulations and practices may inspect a copy of the application, including supporting schedules and present and proposed rate sheets, at the offices of the Commission at 180 East Broad Street, 13th floor, Columbus, Ohio, 43215-3793; by visiting the Commission's web site at <http://www.puco.ohio.gov>, selecting DIS, inputting 08-709 in the case-lookup box, and selecting the date the application was filed; or by telephoning the Commission at 1-800-686-7826. In addition, a copy of the application and supporting documents may be viewed at the business office of the Company at 139 East Fourth Street, Cincinnati, Ohio or 644 Linn St., Cincinnati, Ohio.

DUKE ENERGY OHIO, INC.