

**FILE**

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September 8, 2008

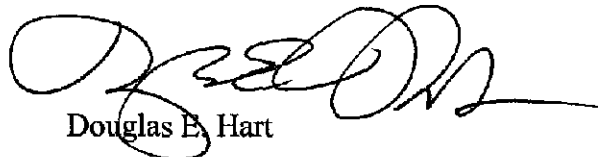
Ms. Renee Jenkins  
Chief, Docketing Division  
The Public Utilities Commission of Ohio  
180 East Broad Street  
Columbus, OH 43215-3793

**Re: Case No. 08-920-EL-SSO**  
**Case No. 08-921-EL-AAM**  
**Case No. 08-922-EL-UNC**  
**Case No. 08-923-EL-ATA**

Dear Ms. Jenkins:

Enclosed please find an original and 21 copies of the Refiled Motion to Intervene and Memorandum in Support of The Greater Cincinnati Health Council. Please file the original and 20 copies in the above referenced proceedings and please date stamp and return the additional copy to me in the enclosed self-addressed stamped envelope.

Very truly yours,



Douglas E. Hart

DEH  
Enclosures  
cc: All counsel of record

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**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Duke Energy Ohio, Inc. for Approval of an Electric Security Plan.	)	Case No. 08-920-EL-SSO
	)	
In the Matter of the Application of Duke Energy Ohio, Inc. for Approval to Amend Accounting Methods.	)	Case No. 08-921-EL-AAM
	)	
In the Matter of the Application of Duke Energy Ohio, Inc. for Approval of a Certificate of Public Convenience and Necessity to Establish an Unavoidable Capacity Charge(s).	)	Case No. 08-922-EL-UNC
	)	
In the Matter of the Application of Duke Energy Ohio, Inc. for Approval to Amend its Tariff.	)	Case No. 08-923-EL-ATA
	)	

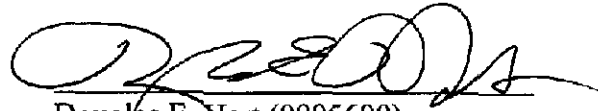
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**REFILED MOTION TO INTERVENE AND MEMORANDUM IN SUPPORT  
OF THE GREATER CINCINNATI HEALTH COUNCIL**

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The Greater Cincinnati Health Council ("GCHC") hereby refiles its Motion to Intervene pursuant to Revised Code § 4903.221 and Commission Rule 4901-1-11, to intervene as a party to the above-captioned proceedings. As set forth in the Memorandum in Support, GCHC submits that this motion is timely, that GCHC has a real and substantial interest in these proceedings, that it is so situated that the disposition of these proceedings without GCHC's participation may impair or impede its ability to protect that interest, and that its participation in these proceedings will contribute to a just result. GCHC further submits that no existing party represents its interest in these proceedings and that granting its motion to intervene will not unduly delay these proceedings or unjustly prejudice any existing party.

Respectfully submitted,



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**MEMORANDUM IN SUPPORT**

On July 31, 2008 Duke Energy Ohio ("DE-Ohio") filed an Application in the above captioned proceedings for approval of a standard service offer under Revised Code § 4928.143 that would change DE-Ohio's charges for electric service. GCHC is a non-profit association of hospitals and other health care facilities who individually are substantial consumers of electric energy and are generally located within the service area of DE-Ohio. The application filed by DE-Ohio, if granted by the Commission, would significantly impact the price paid by GCHC's members for electric service.

The standard for intervention in Commission proceedings is governed by Revised Code § 4903.221, as further stated in Commission Rule 4901-1-11, Ohio Administrative Code:

Upon timely motion, any person shall be permitted to intervene in a proceeding upon a showing that:

\* \* \*

(2) The person has a real and substantial interest in the proceeding, and the person is so situated that the disposition of the proceeding may, as a practical matter, impair or impede his or her ability to protect that interest, unless the person's interest is adequately represented by existing parties.

Factors that the Commission considers when applying the rule include the nature of the intervenor's interest, the extent that interest is represented by existing parties, the intervenor's potential contribution to a just and expeditious resolution of the issues involved, and whether intervention would result in an undue delay of the proceeding.

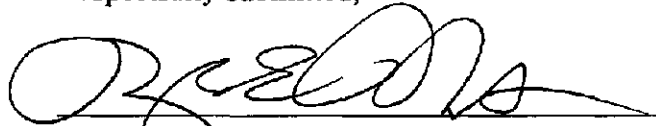
In its August 5, 2008 Entry, the Commission originally established a September 4, 2008 deadline for intervention. The GCHC originally filed its Motion to Intervene electronically on September 2, 2008. In a September 5, 2008 Entry, the Attorney Examiner indicated that electronic filing is not available in this case and requested that all electronically filed motions be refiled using the paper method by September 12, 2008. Therefore, this refiled Motion to Intervene is timely.

The GCHC has a real and substantial interest in this proceeding because many of its members are hospitals who are substantial electric service customers of Duke Energy Ohio. The GCHC participated in the legislative process related to SB 221 and has commented on the Commission's proposed rules in Case Nos. 08-777-EL-ORD and 06-653-EL-ORD. Almost all of GCHC's hospital members are not for profit organizations. Utility costs represent a substantial portion of hospitals' operating expenses, which affects the cost of health care in Ohio. The availability of a reliable and robust electric supply is also critical to patient safety and disaster preparedness. Many of GCHC's members have their own standby electrical generation capacity in order to assure the constant availability of necessary electric power, which distinguishes them from most DE-Ohio customers. While a number of other parties have already sought intervention in this proceeding, none of them is similarly situated to or represents the interests of the GCHC or its members.

Consistent with the requirements of Revised Code § 4903.221 and Commission Rule 4901-1-11, the GCHC is a real party in interest herein; its interest is not represented by existing parties; it will contribute to the just and expeditious resolution of the issues and concerns raised in these proceedings; and its participation in these proceedings will not cause undue delay or unjustly prejudice any existing party.

For these reasons, the GCHC respectfully requests that this motion to intervene in the above-captioned proceedings be granted.

Respectfully submitted,

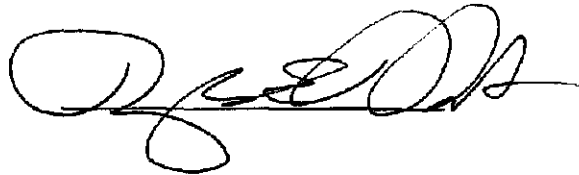
A handwritten signature in black ink, appearing to read 'Douglas E. Hart', written over a horizontal line.

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## CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion to Intervene and Memorandum in Support was served upon the parties of record listed below this 8<sup>th</sup> day of September, 2008 by first class U.S. mail, postage prepaid and by electronic service.



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