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FILE FAX includes Page 1 & 2 of 7 pages/ filed Feb 3, 2009.
Page 2, 2nd last paragraph should read "in my Dec 29,
2008 filing posted Dec 31, 2008" instead of Jan 12, 2009.
This FAX INCLUDES: new page 8-Ohio Equal Employment Opportunity is the law.
Page 10-Ohio Rule # 06:653-EL-ORD.
PAGE 1 OF 7 PAGES
Feb 2, 2009

ALBERT E. LANE

Albert E. Lane Feb 25, 2009

RES: 7200 FAIR OAKS DRIVE CINCINNATI, OHIO, 45237
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THE PUBLIC UTILITIES COMMISSION OF OHIO
ATTENTION DOCKETING DIVISION, MS. RENEE JENKINS
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PUCO

RECEIVED-DOCKETING DIV
2009 FEB -3 PM 12:39

DEAR COMMISSIONER SCHRIER AND FELLOW COMMISSIONERS:
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
In the Matter of the merger application between
Duke Energy of Charlotte North Carolina &
Cinergy of Cincinnati, Ohio CASE NO. 05-0732-EL-MER

RECEIVED-DOCKETING DIV
2009 FEB 25 AM 9:24

As an Ohio residential customer of Duke Energy of Ohio at the
above address, (Account # 7170-0391-20-0) I OBJECT to the
entire staff report of the PUCO in reference to Case No. 08-709-
El-AIR, et al. posted on PUCO docket Jan 27, 2009, to wit:
Various items and alternatives were not reviewed. Per example,
the bottom of page 9, wage annualization of payroll
and continuing with the top two paragraphs of page 10 of this staff
report are incomplete. The Duke Energy of Ohio filings for an
increase in electric Distribution Rates, Parts I & II, filed June 25,
2008 are incomplete as to existing "in house" verses "Sub-
Contractor, on call" electric distribution labor rates annualization
comparisons. The PUCO staff report and Duke Energy of Ohio did
not show all contract costs with sub-contractors supplying, "on call"
workers vehicles, insurance & temporary help, caused by natural
disaster, replacing poles and wires where street patterns are changed,
or neglect of overhead wire infrastructure by Duke Energy of Ohio.

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Neither the PUCO staff nor Duke Energy of Ohio showed comparison costs to adhere to other PUCO requirements for prompt compliance as to Service, Safety, Reliability at fair prices to the consumer. Please read on page 4 & 5 of this objection letter as to the formal requirements for Duke Energy complying with PUCO objectives. This is stated in the PUCO Chairman's written Docket press release of Dec 21, 2005, where he states that the "merger of Duke Energy and Cinergy would be beneficial to Cincinnati." My request is for PUCO to compare and study Duke Energy of Ohio Wage Annualization tables with the following guidelines. Duke Energy of Ohio would have more of its own "in house" employees and vehicles for overhead wire maintenance, thus preventing future neglect and service (with "in house" overtime, if necessary). Duke Energy of Ohio would have more "in house" employees available when a natural disaster occurs or for pole and wire change because of change in street patterns? All of these should eliminate the additional costs of many "on call" sub contractors and their workmen and be a saving to customer consumers. This would enable adherence to the words of the Chairman of the PUCO. Thus the PUCO merger decision allowing for Duke Energy of Ohio to supply electric at "fair competitive prices doesn't mean and should not be interpreted as meaning "on call" sub contractor workers to be used randomly all the time.

Why are these Duke Filings incomplete with omissions and ambiguities? Why doesn't Duke Energy of Ohio hire more "in house" permanent overhead wire electric distribution employees? Wouldn't that be cheaper to the consumer customer, faster and in accordance with the Chairman of the PUCO's letter of Dec 21, 2005 instead of bringing in "on call" sub-contractor workers from the Carolinas or other parts of the U.S.? It is my opinion as a customer that all of these items including service, safety, reliability and fair rates are connected and therefore must be addressed by Duke Energy of Ohio and required to be addressed by PUCO staff fairly in comparing electric distribution overhead wire rates for their consumer customers. "Annualization"! A PUCO formal inquiry as previously requested by me would open all of these unanswered questions to the consumer public.

I mentioned the following "on call" labor sub-contractors with vehicles and equipment used within Duke Energy of Ohio franchised Ohio area in my Jan 12, 2009 case # 08-709-El-Air letter: Pike, Bowlin, Shaw & McGillbert and probably others.

It is general knowledge that Cinergy had around 1950 full time employees in the mid 1990's (PUCO should check with Cinergy's books), and that now this has been cut down by so called attrition to approximately 1,050 full time "in house" overhead wire electric distribution employees. Where did the Cinergy/Duke Energy of Ohio money go to that

Know Your Rights



EQUAL EMPLOYMENT OPPORTUNITY IS THE LAW

The Ohio Civil Rights Act protects applicants and employees of private employers, state, county and local governments, educational institutions, labor organizations, employment agencies and personnel placement services from unlawful discriminatory employment practices.

Race and Color

Ohio law prohibits discrimination on the basis of race or color in hiring, promotion, tenure, discharge, pay, fringe benefits, job training, classification, referral, terms, conditions and privileges of employment, or any other matter directly or indirectly related to employment.

In addition, any facially neutral employment policy or practice that results in a discriminatory impact on the basis of race or color is a prohibited form of discrimination unless such policy or practice is job-related and based upon business necessity.

National Origin and Ancestry

Ohio law prohibits discrimination on the basis of national origin or ancestry in hiring, promotion, tenure, discharge, pay, fringe benefits, job training, classification, referral, terms, conditions and privileges of employment, or any other matter directly or indirectly related to employment.

In addition, any policy or practice leading to prohibiting the use of any language in the workplace is a prohibited form of discrimination unless such limitation or prohibition is job-related and based upon business necessity.

Military Status

Ohio law prohibits discrimination on the basis of military status in hiring, promotion, tenure, discharge, pay, fringe benefits, job training, classification, referral, terms, conditions and privileges of employment, or any other matter directly or indirectly related to employment.

In addition, employees who leave employment to perform military service, which includes the performance of duty on a voluntary or involuntary basis, in a uniformed service, under conscript authority, must be reemployed upon conclusion of such service.

Harassment

Ohio law prohibits harassment in the workplace on any basis and includes the creation of a hostile or sexually hostile work environment, verbally or physically abusive treatment, and requiring submission to sexual advances as a condition of employment, continued employment or promotion.

In addition, all reasonable steps should be taken to prevent and promptly correct harassment in the workplace, which includes the establishment of a policy against harassment and a procedure for receiving, investigating and remedying complaints of workplace harassment.

The Ohio Civil Rights Commission (OCRC) investigates complaints of discrimination and harassment in employment.

Complaints must be filed with the OCRC within six months of the last act of discrimination or harassment.

Sex and Pregnancy

Ohio law prohibits discrimination on the basis of sex or pregnancy in hiring, promotion, tenure, discharge, pay, fringe benefits, job training, classification, referral, terms, conditions and privileges of employment, or any other matter directly or indirectly related to employment.

In addition, women affected by pregnancy, childbirth or related medical condition must be afforded leave for a reasonable period of time and may not be discharged under a policy providing intermittent or no leave.

Disability

Ohio law prohibits discrimination on the basis of disability in hiring, promotion, tenure, discharge, pay, fringe benefits, job training, classification, referral, terms, conditions and privileges of employment, or any other matter directly or indirectly related to employment.

In addition, applicants and employees must be provided with a reasonable accommodation for their disability, except where the accommodation imposes an undue hardship.

Age

Ohio law prohibits discrimination against persons 40 years of age or older on the basis of age in hiring, promotion, tenure, discharge, pay, fringe benefits, job training, classification, referral, terms, conditions and privileges of employment, or any other matter directly or indirectly related to employment.

Religion

Ohio law prohibits discrimination on the basis of religion in hiring, promotion, tenure, discharge, pay, fringe benefits, job training, classification, referral, terms, conditions and privileges of employment, or any other matter directly or indirectly related to employment.

In addition, applicants and employees must be provided with a reasonable accommodation for religious beliefs and practices, except where the accommodation imposes an undue hardship.

Retaliation

Ohio law prohibits retaliation against any person because that person has opposed any unlawful discriminatory practice, or because that person has made a charge, testified, assisted or participated in any manner in any investigation, proceeding or hearing.

ENFORCEMENT

For assistance in filing a complaint, or for any other information on the Ohio Rights Act, please call 1-800-276-7761 or (614) 763-0221 (TDD), or visit our website at: ocrc.ohio.gov



The Strickland Governor
Alan A. Schrier, Chairman

The Public Utilities
Commission of Ohio

**News Release
For Immediate Release**

Contact: Shana Eisenstein
Phone: (614) 466-7750

PUCO adopts rules to implement part of Ohio's new energy law

Rules address electric security plans (ESPs), market rate options (MROs),

economic development, and energy efficiency

COLUMBUS, OHIO (September 17, 2008) – The Public Utilities Commission of Ohio (PUCO) today adopted rules to implement portions of Amended Substitute Senate Bill 221.

The rules adopted today outline the requirements and procedures for Ohio's electric distribution utilities to submit electric security plans and market rate options, and describe reasonable economic development and energy efficiency arrangements.

Specifically, the rules require that electric utilities file a standard service offer application consisting of an electric security plan (ESP). In addition, the utility may also file an application to pursue a market rate option (MRO) and competitively procure electric generation services. Electric utilities seeking to establish a MRO must file a plan for a competitive bidding process.

Electric utilities seeking to establish an ESP must include a complete description of the plan along with supporting testimony for each aspect and projected rate impacts by customer class. SB 221 allows an electric utility to seek recovery for new generation assets and environmental controls.

The electric utility may also seek recovery for infrastructure modernization incentives for improving the reliability of its distribution service. Utilities seeking this recovery must include a description of the infrastructure modernization plan, the benefits of the plan, the costs of the plan and the proposed recovery mechanism.

The process for the ESP at the PUCO will include discovery, an evidentiary hearing and local public hearings. The PUCO has 180 days from the date the ESP is filed to rule on the first application. Each year, the electric utility must submit a filing with the PUCO demonstrating if any of the rate adjustments approved by the PUCO as part of the ESP resulted in significant excessive earnings.

The rules adopted today by the Commission also allow an electric utility or merchant customer to file an application for a reasonable arrangement for economic development. This will apply to new or expanding companies and for existing companies likely to cease, reduce or relocate operations out of state. The purpose of these economic development reasonable arrangements is to facilitate the state's effectiveness in the global economy and promote job growth and retention in the state.

The rules also allow an electric utility to file an application for reasonable arrangements for new or expanded energy efficiency production facilities to promote energy efficiency in Ohio. These arrangements will also provide appropriate incentives for clean, renewable energy.

On May 1, 2008, Gov. Ted Strickland signed SB 221 into law, marking the one year anniversary of the date he outlined his Energy, Jobs, and Progress Plan to stabilize electricity prices, create jobs, and expand Ohio's green energy industry. SB 221 became effective on July 31, 2008 and incorporates a system under which rates would be set by the PUCO and outlines a path for electric utilities to implement market-based pricing.

On July 2, 2008, the Commission issued for comment PUCO staff proposed rules on the requirements and procedures for Ohio's electric distribution utilities to submit electric security plans and market rate options, file corporate separation plans and describe special economic development and energy efficiency arrangements. Interested stakeholders filed initial and reply comments with the PUCO on the staff proposal in mid-July and early-August.

The rules adopted today will be filed with the Joint Committee on Agency Rule Review, the Secretary of State and the Legislative Service Commission. The rules will be effective on the earliest day permitted by law.

A copy of today's Commission finding and order is available at www.PUCO.ohio.gov. Click on the link to the Docketing Information System (DIS) and enter the case number 08-777-EL-ORD. A copy of the rules adopted today by the Commission can be access at www.PUCO.ohio.gov/PUCO/rules.



Ted Strickland, Governor
Alan R. Schrieber, Chairman

The Public Utilities
Commission of Ohio

**News Release
For Immediate Release**

Contact: Shana Eisenstein
Phone: (614) 466-7750

PUCO revises and adopts rules for Ohio's new energy law

Rules incorporate new or revised requirements for electric line extension and minimum service and safety standards

COLUMBUS, OHIO (Nov. 5, 2008) – The Public Utilities Commission of Ohio (PUCO) today revised and adopted rules that are consistent with Amended Substitute Senate Bill 221 (SB 221).

The rules revised and adopted today incorporate new or revised requirements for electric line extensions and minimum service and safety standards.

Specifically, the rules include a modified definition for line extension to clarify that line extensions and related costs are for facilities necessary to provide service to new or expanded customer loads. The rules also establish a uniform upfront contribution of 40 percent of the total cost of the line extension requested by a nonresidential customer, plus the incremental costs of premium services.

The revisions to the electric service and safety standards adopted today provide a balance between public transparency and legal process, the electric utility's responsibility for meeting service standards and implementing corrective plans when needed, and consequences to the electric utility for failure to meet the standards.

On May 1, 2008, Gov. Ted Strickland signed SB 221 into law, marking the one year anniversary of the date he outlined his Energy, Jobs, and Progress Plan to stabilize electricity prices, create jobs, and expand Ohio's green energy industry. SB 221 became effective on July 31, 2008 and incorporates a system under which rates would be set by the PUCO and outlines a path for electric utilities to implement market-based pricing.

On July 23, 2008, the Commission issued for comment PUCO staff proposed rules on the for electric line extensions, minimum service and safety standards, operations by competitive retail electric suppliers and interconnection standards. Interested stakeholders filed initial and reply comments with the PUCO on the staff proposal in August.

The rules adopted today will be filed with the Joint Committee on Agency Rule Review, the Secretary of State and the Legislative Service Commission. The rules will be effective on the earliest day permitted by law.

A copy of today's Commission finding and order is available at www.PUCO.ohio.gov. Click on the link to the Docketing Information System (DIS) and enter the case number 08-653-EL-ORD. A copy of the rules adopted today by the Commission can be access at www.PUCO.ohio.gov/PUCO/rules.

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08-653-EL-ORD

The Public Utilities Commission of Ohio (PUCO) is the sole agency charged with regulating public utility service. The role of the PUCO is to assure all residential, business, and industrial consumers have access to adequate, safe, and reliable utility services at fair prices while facilitating an environment that provides competitive choices. Consumers with utility-related questions or concerns can call the PUCO hotline at (800) 686-PUCO (7826) and speak with a representative.

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The U.S. Equal Employment Opportunity Commission

Federal Equal Employment Opportunity (EEO) Laws

The Federal laws prohibiting job discrimination are:

- Title VII of the Civil Rights Act of 1964 (Title VII), which prohibits employment discrimination based on race, color, religion, sex, or national origin;
- the Equal Pay Act of 1963 (EPA), which protects men and women who perform substantially equal work in the same establishment from sex-based wage discrimination;
- the Age Discrimination in Employment Act of 1967 (ADEA), which protects individuals who are 40 years of age or older;
- Title I and Title V of the Americans with Disabilities Act of 1990 (ADA), which prohibit employment discrimination against qualified individuals with disabilities in the private sector, and in state and local governments;
- Sections 501 and 505 of the Rehabilitation Act of 1973, which prohibit discrimination against qualified individuals with disabilities who work in the federal government; and
- the Civil Rights Act of 1991, which, among other things, provides monetary damages in cases of intentional employment discrimination.

Celebrating the Laws



Celebrating the 40th Anniversary of Title VII: 1964 - 2004

See also ...

- The Equal Pay Act Turns 40: 1963 - 2003
- The Americans with Disabilities Act (ADA): 1990 - 2002

The U.S. Equal Employment Opportunity Commission (EEOC) enforces all of these laws. EEOC also provides oversight and coordination of all federal equal employment opportunity regulations, practices, and policies.

Other federal laws, not enforced by EEOC, also prohibit discrimination and reprisal against federal employees and applicants. The Civil Service Reform Act of 1978 (CSRA) contains a number of prohibitions, known as prohibited personnel practices, which are designed to promote overall fairness in federal personnel actions. 5 U.S.C. 2302. The CSRA prohibits any employee who has authority to take certain personnel actions from discriminating for or against employees or applicants for employment on the bases of race, color, national origin, religion, sex, age or disability. It also provides that certain personnel actions can not be based on attributes or conduct that do not adversely affect employee performance, such as marital status and political affiliation. The Office of Personnel Management (OPM) has interpreted the prohibition of discrimination based on conduct to include discrimination based on sexual orientation. The CSRA also prohibits reprisal against federal employees or applicants for whistleblowing, or for exercising an appeal, complaint, or grievance right. The CSRA is enforced by both the Office of Special Counsel (OSC) and the Merit Systems Protection Board (MSPB).

Additional information about the enforcement of the CSRA may be found on the OPM web site at <http://www.opm.gov/er/address2/guide01.htm>; from OSC at (202) 653-7188 or at <http://www.osc.gov>; and from MSPB at (202) 653-6772 or at <http://www.mspb.gov>.

This page was last modified on April 20, 2004.



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