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May 1, 2009

Docketing Division
Public Utilities Commission of Ohio
180 East Broad Street
Columbus, Ohio 43215

Re: Case No. 08-709-EL-AIR

Dear Docketing Division:

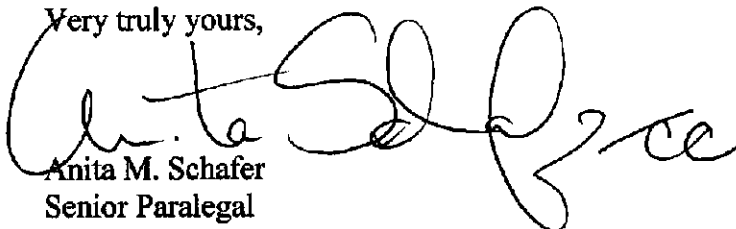
Pursuant to the Commission's Entry dated March 2, 2009 which set the date and required the publications of the notice of the public hearings, enclosed please find the proofs of publication and the affidavits of DE-Ohio's notices. Please note that the publication ran for the required two consecutive weeks plus one additional week.

The Cincinnati Enquirer	March 10, 2009; March 16, 2009; March 23, 2009
Cincinnati.com	March 10, 2009; March 16, 2009; March 23, 2009

Please note that, in the interest of time, the original affidavit will be filed on Monday, May 1, 2009. The version filed with this letter was provide via email.

Should you have any questions, please contact me at (513) 419-1847.

Very truly yours,



Anita M. Schafer
Senior Paralegal

Enclosure

cc: Parties of Record

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business.
Technician _____ Date Processed - MAY 1 2009

www.duke-energy.com

Affidavit of Publication

Publisher's Fee Affidavit Charge

State of Ohio

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SS.

Hamilton County

Personally appeared

Doris Thomas

Of the The Enquirer, a newspaper printed in Cincinnati, Ohio and published in Cincinnati, in said County and State, and of general circulation in said county, who being duly sworn, depose and saith that the advertisement of which the annexed is a true copy, has been published in the said newspaper times, once, in each issue as follows:

3/10, 3/16, 3/23/2009 MAIN NEWS SECTION

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Doris Thomas

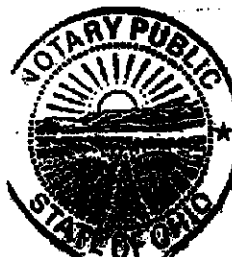
AFFIANT

Sworn to before me, this

May 1, 2009

Crystal Williams

Notary Public of Ohio



CRYSTAL WILLIAMS
Notary Public, State of Ohio
My Commission Expires
August 9, 2010

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For updates on the market, send a text message with #enq and tag, #ENI or text updated tag, #ENI. Note: #ENI offers the service for free. But charges may apply based on your wireless plan coverage.

Email: Lee Ann Hamilton, Hamilton@enquirer.com, 513-785-6772

For Starters

What's ahead for the week in business

STARTING POINTS

Last week's closing market indexes

DOW JONES INDUSTRIALS: 7,274.34

S&P 500: 764.54

NASDAQ COMPOSITE: 1,457.27

NYSE VOLUME: \$1.35B

CRUDE OIL (per barrel): \$116.06

30 YEAR T-BOND: 7.54%

WATCH LIST

Local and national events this week, Friday

Local realtors release existing home sales numbers for February

Tuesday

Senate Banking, Housing and Urban Affairs Committee hearing on bank reform and regulation; Treasury Secretary Timothy Geithner and Federal Reserve Chairman Ben Bernanke testify about the American Insurance Group at a House Financial Services Committee hearing

Wednesday

Commerce Department releases durable goods and new home sales for February

Thursday

Labor Department releases weekly jobless claims

Friday

Commerce Department releases personal income and spending for February

BANK RAILROADS

Treasury's toxic asset plan could cost \$1 trillion

By Maria Oshagor
The Associated Press

WASHINGTON — The Obama administration's latest attempt to tackle the banking crisis and get loans flowing to families and businesses relies on a new government entity, the Public Investment Corp., to help purchase as much as \$1 trillion in toxic assets on banks' books.

The plan that Treasury Secretary Timothy Geithner intends to announce today aims to use the resources of the \$700 billion bank bailout fund, the Federal Reserve and the Federal Deposit Insurance Corp.

The initiative will seek to raise private investments, including big hedge funds, to help purchase billions of dollars in nonperforming loans to businesses, mortgages and other assets that the banks are reluctant to sell.

Christina Heuser, head of the Council of Economic Advisors, said Sunday it's important for investors to know the administration is bringing a full array of programs to confront the problem.

WEAK ECONOMY REDUCING BUSINESS



Shoppers at Johnny's Toys in Covington will find an expanded area for educational entertainment, due to be completed by year's end, and less space for standard toys.

Johnny's Toys reducing size of its retail sales area

By Jeff Maloney
jeffmaloney@enquirer.com

COVINGTON — Johnny's Toys, the 70-year-old toy store here, is about to undergo a major transformation.

Covington's Tom Martin said Johnny's is shrinking its retail space to make room to expand its educational entertainment center for kids inside the store at 4314 Reno Drive.

He said plans call for Johnny's to keep only about 7,000 square feet of the 30,000-square-foot retail space it now uses to sell toys. Most of the remaining square footage will be used to expand Toys 'R Us, including adding areas for performing arts, sports and a nature center.

The conversion will begin in April and is expected to be completed by year's end.

Martin, who owns Johnny's with his brother, John, said the store is being restructured because the weak economy has reduced toy sales about 15 percent over the past two years. He declined to give sales figures.

Martin said Johnny's will focus on selling year-round toys such as puzzles, games and puppets instead of mass-market toys sold at big-box toy stores and discounters. It plans to keep its train and hobby departments.

He said all return policies for Johnny's will remain unchanged, and its gift cards and gift certificates remain valid or may be returned for a refund. A clearance sale under way at the store will continue until the end of April. Business at Toys 'R Us, which is open during the conversion, has been steady, Martin said. He said attendance at Uterville

has increased 30 percent annually over the past two years, driven largely by the expansion of play areas. It has 37 play areas now, including dance and arts studios, up from 18 play areas two years ago.

The conversion will add: A performing arts complex with musical instruments, puppets, stage shows, dancing and other attractions.

A sports complex, including areas for golf, tennis and a small equestrian center with five ponies.

A nature center that will feature learning activities that will focus on conservation, science and the environment.

"Each time we expand with a new area, we find a lot of demand and desire from parents and children for year-of-these-animal," Martin said.

Contact: 452-5151-5552 or www.johnnystoys.com

SOCIAL WEB SITES

Who's watching the watchers?

By Rachel Hite
The Associated Press

SAN JOSE, Calif. — You can police itself on being a safe place where people can write reviews about pretty much anything and connect with similar by critical peers. Yet as the site grows, some of the businesses scrutinized on Yelp are turning the tables and getting angry about the company itself.

The complaints highlight an ongoing struggle for Web sites that claim to be the voice of consumers and let users speak their minds. As the sites make the world more transparent, giving people the power to dis-

cuss everything from a good place to a bad date, the sites' own transparency as consumers and businesses struggle to understand how they operate. This tug-of-war has become increasingly public with the explosive popularity of social Web sites such as Facebook, Twitter and MySpace, as well as niche sites such as Yelp, which has more than 5 million reviews on establishments in dozens of cities.

Properly balancing the interests of various constituencies — and retaining their loyalty, perhaps through improved chan-

nels of communication — will prove key to whether the sites can grow into robust, money-making operations. Many sites have expanded so fast that explanations about what they are doing often come late — after their users have had plenty of time to air complaints. Facebook has felt such growing pains, and now Yelp is too.

Yelp is not the only social site grappling with this. Facebook, which has more than 175 million users, provided a quietly made policy

change that appeared to let Facebook gain more control of photos, messages and other information that people share on the site.

Facebook Chief Executive Mark Zuckerberg responded by asserting users that they not Facebook, own their content. Lowenstein, director of the Pew Internet & American Life Project, thinks social media sites are in a head-on collision — phase, hoping to figure out what their various stakeholders will tolerate.

"Right now, it's much more of a free-for-all," he said. "Because the rules aren't clear."

Money remains to keep heat on

More fight shutoffs

By Mike Royer
mroyer@enquirer.com

Despite a flood of new applicants because of the sour economy, nearly \$1 million in federal emergency home heating assistance is still available in Cincinnati and Northern Kentucky, but the deadline for applying is March 31.

After that date, the one-time assistance to prevent utility shutoffs will be gone, but shutoff notices typically increase in the spring when winter-time bans on shutoffs expire.

Robin Avant, heating assistance manager with the Cincinnati-Hamilton County Community Action Agency, said she still has about \$200,000 available despite dispensing about \$1.2 million in emergency home heating assistance to more than 4,000 families this winter.

"We're seeing a lot of new applicants because of layoffs," she said. To handle the flood of applicants the Hamilton County agency opened on Saturdays this month.

The Northern Kentucky Community Action Commission, which provides assistance in eight counties, said it has about \$500,000 available in its crisis program.

"It's very unusual to still have money available this late," said spokeswoman Karen Bishop.

Although the commission received about \$1 million this year, Bishop said. "We're seeing a lot of families for the first time."

Kim Weigel, spokeswoman for Butler County's Support to Grow Strong Low-income Families in Hamilton, said her agency still has funds available. Through last Monday, SGI had provided emergency heating aid to 1,221 families since November, more than 1,000 more than the same period a year ago and the second highest total in the program's 13-year history.

Duke Energy, which encourages those behind in their bills to call their customer service line, 1-800-544-6600, to arrange payments or seek other assistance, says its Ohio HeatShare program still has more than \$300,000 for customers struggling with utility bills. The money is distributed by the Salvation Army to local food banks.

Eligibility for federal emergency home heating assistance is based on federal poverty guidelines. Applicants need proof of income, a Social Security card, a communication notice from their utility, and photo identification to apply.

Armed says customers who haven't received a shutoff notice in the mail can call Duke and obtain a printout of their own bill showing their service is about to be cut off so they can apply for emergency funds before March 31.

Bishop said heating aid and propane customers within four days of running out of fuel are also eligible for aid.

HAMILTON COUNTY BOARD OF ELECTIONS
VOTER REGISTRATION INFORMATION
FOR THE MAY 5, 2009 PRIMARY/ELECTION
City of Blue Ash Republican Primary District 5
City of Sharonville Republican Primary
City of Union
Office of Hamilton
Cincinnati Hamilton House District
Springfield Township
Sharonville Community City School District
Winton Woods City School District
Forest Hills Local School District
The Office of Registration Daytime for the Election on Tuesday, May 5, 2009, is Monday, April 20, 2009.
You must:
• Be a U.S. Citizen
• Be at least 18 years of age by Election Day
• Be a resident of Ohio for 30 days
• Be a resident of the county, and present where you intend to vote
FOR QUALIFYING TO REGISTER TO VOTE
You must:
• Vote at least once every four (4) years.
• Notify your county board of elections in writing of any change of address or name.
VOTER REGISTRATION LOCATIONS
• At the Office of any Bureau of Motor Vehicles
• At the Office of the Board of Elections
• Public Libraries
• County Treasurer's Office
• At the offices of any designated agencies which provide public assistance or provide services to persons with disabilities
By Mail: You may request a registration form from the Board of Elections or the Secretary of State's office by mail telephone, in person or by having another person obtain it for you.
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We're featured in The Cincinnati Enquirer, US News and World Report, and Google. The New York Times, and in ABC, CBS, FOX, NBC, and PBS.

LEGAL NOTICE
The Public Utilities Commission of Ohio has awarded local public utilities in Case No. 03-705-01-001, 03-710-01-001, and 03-711-01-001, in the Matter of the Application of Duke Energy Ohio, Inc., for an increase in Electric Rates, Fuel Adjustment, and Approval of Change Accounting Method. The hearings are scheduled for the purpose of providing an opportunity for interested persons to be heard in these proceedings. The local hearings will be held as follows:
10:00 a.m., March 16, 2009, at 6002 N. at the Union Township Civic Center Hall, 4300 Johnson Road, Cincinnati, OH 45230.
Thursday, March 19, 2009, at 10:00 a.m., at Cincinnati City Hall, Council Chambers, 541 Plain Street, 28th and Plain Streets, Cincinnati, OH 45202.
Tuesday, March 24, 2009, at 9:00 a.m., at Lakota East High School, Franklin Campus, Franklin, OH 45005.
Any application, Duke Energy Ohio, Inc., seeks a rate increase which would generate approximately \$85,884,461 of additional revenue, or an increase of 22.24 percent over current distribution revenue. Under the company's regulations, a special residential revenue surcharge of \$1.00 per month would be added to a retail bill increase of \$4.75 (including both the customer charge and company-based energy charges).
After its review of the company's records and application, the staff of the Commission recommends an increase in distribution revenue of between \$85,884,461 and \$92,003,074.
The major issues in the case, raised by the parties to the case, are as follows:
(a) The appropriate rate base, rate of return, level of rate pass-through, operating expenses, and operating and non-operating expenses.
(b) The extent to which it is warranted to determine the company's allowance rate of return.
(c) Cost of service and the appropriate rate design and customer charge for various customer classes.
(d) The appropriate rates and amount of revenue increase to which the company is entitled and the extent to which rate increases on different customer classes.
(e) Measures of system reliability and their impact on customers.
(f) Measures for determining persons and the calculation of appropriate amount of taxes.
(g) The accuracy of cost allocation expenses by the company.
Further information regarding the case or the local public hearings may be obtained by contacting the Public Utilities Commission at 100 East Broad Street, Columbus, Ohio 43260-1775, where the Commission's web page at www.puc.state.oh.us is located, or contacting the Commission's toll-free at 1-800-650-1970 or in Columbus at 614-464-6464. Participants in the proceedings may request a sign language interpreter by calling the Commission's TDD Relay Service at 614-464-6464 or by calling the Commission's TDD Relay Service at 1-800-650-1970.

Tea: Protesters decry bailouts

From Page A1

The anti-bailout protesters lined up outside the Chicago Board of Trade where they held a protest against the government's plan to bail out the financial system. The protesters were seen in the background of the Chicago Board of Trade where they held a protest against the government's plan to bail out the financial system.



The protesters in front of the Chicago Board of Trade where they held a protest against the government's plan to bail out the financial system.

His call for a Chicago Tea Party along Lake Michigan spread rapidly via the Web, and people started showing up in person. The protesters were seen in the background of the Chicago Board of Trade where they held a protest against the government's plan to bail out the financial system.

Chicago's police said that about 4,000 protesters showed up Sunday, less than the thousands that organizer Mike Wilson had projected. "The American people are outraged. All you have to do is look around," said Dave Kern, a Liberty Township resident who made a political statement last month by voting against asking for state money to build a new house and township hall.

A lone Obama supporter made her way through the edge of the crowd, shouting "Obama is just from the crowd." Other, less vocal protesters of the evening plan identified in some passerby turned disapproving look. "I'm sure they're all right now," said Kathy Meier of Westfield.

Holding a "Speed, baby, speed" sign in the air, she said she agreed with the protesters' plan, although she knew Sunday she was in the crowd. "This is the worst economic crisis in our lives. We've got to do something."

Board: Member, colleagues clash

From Page A1

These tensions, he predicted, may lead to a jump in executive salaries. Great luck with that, says Scott Hildner, spokesman for the Ohio School Boards Association, which helps train Ohio's 644 school boards on conducting their business.

Unlike some other elected bodies, school boards have no power to censure a member, says Hildner. "We're in a frustrating new situation where we have to live with the fact that the only power any board member really has is the power to persuade," he says.

Miller frequently clashes with other board members. Some of these clashes have been captured on video by The Enquirer. Markisha Culbertson is a 15-year veteran of the board. She says the early endorsement was an embarrassing first for the board.

and wrong in my mind." Culbertson and other board members say Miller's comments could lead to litigation by the affected teacher, or by other employees who feel they were not treated fairly.

"This type of behavior is not in the best interest of the community," says board President Connie Tynan. "We have made numerous requests and had numerous conversations with Jennifer about these issues."

Some citizens support Miller's approach, including Sharon Lee, a former school board candidate and a frequent critic of the school administration. "It is Jennifer's duty to let the public know why she is opposed to the promotion of this employee," she says.



The protesters in front of the Chicago Board of Trade where they held a protest against the government's plan to bail out the financial system.

Before you file Consider these factors in deciding whether to file a board of revision complaint: Cost: Filing a complaint - is free, but an appraiser may charge a couple hundred dollars more if they're asked to testify. And you may want to have an attorney guide you through the process. In fact, an attorney is required if the property is held by a corporation, partnership or trust.

Benefit: Each \$4,000 change in value only saves you \$10 to \$27 a year, depending on the tax rates in your district. The reduction could last two years. A minor reduction may not be worth the trouble.

Timing: Is everything falling apart? A natural disaster or other unusual circumstance, you can file only one complaint in any two-year valuation cycle, and this year's reappraisals are due on January 2008.

Value: Is the value of your property going to increase? If you expect property values to continue to decline, you might consider waiting off your appeal. Banks must rely on their own independent appraisals - not the auditor's - in deciding whether to make a home sale.

But many appraisers use the auditor's value as a starting point, and it may be difficult to ask for one value from a lender and another from the tax collector. Plus, to make it pay, you can keep in mind that prospective buyers may view the auditor's value as a benchmark.

Deadline: The deadline to file is March 31, that's the state law, and the county cannot accept late appeals. And while Hamilton County used to take appeals presented by March 31, a recent legal opinion from the prosecutor convinces that the appeal must be physically presented at the Board of Revision by 4 p.m.

By extending school hours and eliminating a day of classes, officials say they could save thousands of money on transportation and utilities. It was introduced by Rep. Mendon during the 2009 bill cycle, the abbreviated school week is gaining fresh momentum in state and district bills by the economic downturn. Districts in about 17 states already fol-

Taxes: Boards of revision busy

From Page A1

In Hamilton County, that can be as many as full-time jobs with back-to-back hearings every 15 minutes, all day, every day. Soon, the county will have to expand a second board division just to keep up with the case load.

The proceedings are quasi-judicial, with witnesses sworn in and rules of evidence observed. But the board is informal, and the board goes out of its way to be accommodating to homeowners who file without an attorney. (Only individuals may do so; corporations and trusts must be represented by a lawyer.)

Still, some complain of the hassle. "What really irks me more than anything is the nuisance of it all," said Terrell Stephens, a Clinton Township homeowner who would see a \$100 reduction in his home's \$140,000 value because of recent foreclosures in the neighborhood. With a house down there, speed 45 miles per hour to find a place to park, and then find a place to park, and then find a place to park, and then find a place to park.

Stephens was doubly annoyed that the county auditor countered with a value higher than the original appraisal - meaning that filing an appeal could have resulted in an increase. "It's a hassle," he said.

In the end, however, the Board of Revision kept the value the same. Sometimes, though, an owner can get an even bigger reduction than requested. That happened to Amy Barker. A bank had placed a lien on the 17 percent increase in taxable value the county auditor gave her home in Oakley. Barker said the auditor's increase in the region.

"With these drive-by appraisals, if they're throwing a dart at a target, they're missing," Barker said. "With that drive-by, they can't see the value of the property." She asked for a reduction from \$274,500 to the original value of \$235,000. But the auditor took a second look at the property and dropped the value all the way down to \$226,000 - saving Barker more than \$1,000 a year in taxes. "It became a lot more thorough," Barker said. "It was a fair process."

Valuations have pitfalls By necessity, the county's auditor's value is an estimate. And while Hamilton County's chief deputy auditor, a mass appraisal can cost \$25 per parcel, looking at miles of comparable properties in the neighborhood. But an independent appraisal can cost hundreds of dollars, and take into account the interior and exterior condition of the house - fac-

Odds of winning

■ Butler County: Last year, 335 cases involving single-family homes went to the Board of Revision. Of those, 71 percent saw decreases in value, with an average decrease of 23 percent, or \$33,502.

■ Clinton County: Over the past three years, the Board of Revision completed 1,000 cases. Of those, 87 percent saw some reduction in value, with an average decrease of 21 percent, or \$14,902.

■ Hamilton County: Over the past three years, the Board of Revision completed 1,000 cases. Of those, 78 percent saw some reduction in value, with an average decrease of 22 percent, or \$42,730.

■ Warren County: Last year, the Board of Revision received 297 total complaints (including commercial, industrial and agricultural properties). Most were resolved through informal hearings. Of the 55 cases that went to formal hearings, 40 percent saw a decrease.

Each county conducts full reappraisals of every parcel every three years, and an update of those values every three years. Board of revision activity usually spikes after those reappraisals. Hamilton County completed a two-year update in 2008, and Butler and Clinton counties conducted full six-year reappraisals last year. Warren County is scheduled to complete a full reappraisal this year.

homeowners - more than 1,500 total - how to appeal their value. "We try to scare people to their rights," he said. "It's a declining economy, people are looking for any dollar to save. And in this marketplace, the home values are declining faster than the auditor can keep up with them."

A report from a licensed appraiser carries the most weight in the board of revision, especially if the appraisal is well documented or the appraiser tends to be conservative. Short of that, a board may consider an opinion from a real estate broker - many of whom generate a report for potential clients as a courtesy - or do a visual inspection of recent sales in the neighborhood.

Indeed, boards are seeing more successful appeals put together by homeowners without professional help. That's because the Internet makes it easier than ever to find property sales data. "We have a lot of information on our Web site, and people are absolutely throwing it in our face," said Chuck Tibbitts, chief deputy Clinton County auditor and a member of the county's Board of Revision.

It's not complaining. "If you're trying to bring about the residential complaints, a lot of the time you're coming in with emotion - not statistical data," he said. "They'll say, 'Because of the market conditions, I can't sell my house. Therefore the house is worth nothing.' That's the frustrating part. I don't know how to deal with that."

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Public Notice

The Public Utilities Commission of Ohio has scheduled public hearings in Case Nos. 08-095-EL-000, 08-095-EL-001, and 08-095-EL-002, at the Office of the Secretary of State, Ohio Statehouse, 100 North Front Street, Columbus, Ohio 43260.

The hearings are scheduled for the purpose of providing an opportunity for interested members of the public to testify in these proceedings. The local hearings will be held as follows:

Monday, March 16, 2009, at 9:00 a.m., at the Union Township Civic Center Hall, 4300 North Front Street, Cincinnati, OH 45206.

Thursday, March 19, 2009, at 10:00 a.m., at Cincinnati City Hall, Council Chambers, 300 Plum Street, 8th and Plum Streets, Cincinnati, Ohio 45202.

Tuesday, March 24, 2009, at 6:00 p.m., at Leitchville High School, Freshman Campus, Leitchville, 7800 Leitchville Road, Leitchville, Ohio 45424.

In its resolution, the Public Utilities Commission of Ohio, under the authority of the Public Utilities Code, Ohio Revised Code Chapter 4906, has adopted the following:

(a) The proposed rate schedule of the public utilities, including the proposed rates for electric service, gas service, and other services, and the proposed rates for the proposed services.

(b) The proposed rates for the proposed services, including the proposed rates for the proposed services, including the proposed rates for the proposed services.

(c) The proposed rates for the proposed services, including the proposed rates for the proposed services, including the proposed rates for the proposed services.

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