

FILE

Page 1 of 4 pages

ALBERT E. LANE

7200 FAIR OAKS DRIVE CINCINNATI, OHIO 45237-2922

(513) 631-6601

E-MAIL AELMICTEN@AOL.COM

JUNE 3, 2009

**PUBLIC UTILITIES COMMISSION OF OHIO
DOCKETING DIVISION
13th FLOOR
180 EAST BROAD STREET
COLUMBUS, OHIO 43215-3793**

PUCO

2009 JUN -4 AM 9:40

RECEIVED-DOCKETING DIV

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of Duke Energy Ohio, Inc. for an Increase in Elec.
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. 08-710-EL-AAM

In the Matter of the Application of Duke Energy Ohio, Inc for Approval of its
Rider BDP, Backup Delivery Point Rider Case No. 06-718-EL-ATA

AND----- Case # 05-0732-EL-MER

Intervener, (Case # 08-0709 EL-AIR) Albert E. Lane response to PUCO
Examiner Staff docket posting of May 29, 2009.

I, Albert E. Lane, intervener, hereby request a PUCO Examiner Staff hearing in
reference to the late filing of Schedule A-1 (copy attached) by Duke Energy of
Ohio. I formally objected on docket # 08-0709-El-Air to Schedule A-1 late filing on
May 12, 2009 and clarifying letter of May 29, 2009.

The hearing with my cross-examination of the witnesses individually will commence at 10:00 a.m.
on June 17, 2009, in Hearing Room 11-C, at the offices of the Commission, 180 East Broad Street,
Columbus, Ohio 43209.as per staff instructions posted on this Case Docket on May 29, 2009.
I ask that Section 4901.22 of the Ohio Revised Code be followed by the PUCO Examiner Staff.

ALBERT E. LANE, INTERVENER SYNOPSIS

Note: Albert E. Lane is not an Attorney.

Albert E. Lane Duke is a Duke Energy of Ohio residential customer # 7170-0391-20-0.

Albert E. Lane was acknowledged as an intervener by the PUCO Attorney Examiners on 2/5/09.

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 Am Date Processed 6/4/09

Page 2 of 4 pages

On March 31, 2009 Duke Energy of Ohio, The Public Utilities Commission of Ohio staff, & the Office of Consumer Counsel and other interveners signed a stipulation posted that same date of a 55 million dollar compromise annually for residential customers. Duke Energy of Ohio wanted 86 mill dollars annually Albert E. Lane and Time Warner Telecom did not sign the waiver.

It is Albert E. Lane's contention that The Office of Ohio Consumer Counsel signed off its representation of 607,000 Duke Energy of Ohio customers on March 31, 2009, which is contrary to its State Legislature requirement to represent all the people in utility proceedings. The compromise 55 million stipulation was not beneficial (stated as beneficial in press release by OCC of March 31, 2009) to Duke Energy customers of which I am one.

On May 8, 2009 Duke Energy of Ohio filed a motion to file late filed exhibits showing their Accounting numbers requested, PUCO;s & OCCS. (All Different) (Page 4 attached.)

On May 9, 2009, posted on Case docket on May 12, 2009, I stated that I disapprove of Schedule A-1 and would not sign approving it.

I Albert E. Lane have stated on May 30, 2009 (posted June 1, 2009) May 18, 2009, (posted May 19), Feb 28, (posted March 4th 2009), Feb 2, (posted Feb 3, 2009. That I want an outside neutral party/auditor to review Duke Energy of Ohio and Cinergy's accounting records back to 1995..

THEREFORE

I Albert E. Lane request the following individual witnesses to appear for my cross-examination at 10 AM Jun 17, 2009 in Hearing Room 11-C, at the offices of the Public Utilities Commission, 180 East Broad Street, Columbus, Ohio 43209.as per staff instructions posted on the Case Docket on May 29, 2009.

PUCO WITNESSES:

Barbara Bossart
Carlos Garcia
Stephen R. Chaney
Donald Howard
Edrick J. Richardson
Taisha J. Smith
Syeda Achdudhur
Victor P. Gallin
Mary Alice Sutton

OFFICE OF OHIO CONSUMERS COUNSEL

David J. Effron
David D. Parcell
Scott Rubin

Duke Energy of Ohio

Julie Janson, President
Roger A. Morin
Donald L. Storck
Stephen R. Lee
Todd W. Arnold

William Don Wathen, Jr.
Richard G. Stevie
PAUL G. SMITH
TODD W. ARNOLD

CERTIFICATE OF SERVICE

**I CERTIFY THAT A COPY OF THE FOREGOING WAS SERVED
VIA ORDINARY MAIL OR OVERNIGHT DELIVERY ON THE
FOLLOWING PARTIES THIS THE 3RD DAY OF JUNE 2009.
VERY TRULY YOURS,**

Albert E. Lane

ALBERT E. LANE, INTERVENER CASE # 08-0709-EL-AIR

Ohio Consumers' Counsel
Ann M. Hotz, Counsel of Record
10 W Broad Street
Suite 1800
Columbus, OH 43215-3420

Boehm, Kurtz & Lowry
David Boehm/ Michael Kurtz
36 East 7th Street
URS Building
Suite 1510
Cincinnati, OH 45202-4454

Chester, Willcox & Saxbe LLP
John W. Bentine/ Mark Yurick
65 E State Street
Suite 1000
Columbus, OH 43215-4216

Bricker & Eckler, LLP
Thomas O'Brien
100 S. Third Street
Columbus, OH 43215-4236

Ohio Partners for Affordable Energy
David Rinebolt/ Colleen Mooney
231 West Lima Street
Findaly, OH 45840-3033

People Working Cooperatively, Inc.
Mary W. Christensen, Esq.
100 E. Campus View Blvd.
Columbus, OH 43235-4679

**ROCCO O. D'ASCENZO
AMY B. SPILLER
ELIZABETH H. WATTS
2500 ATRIUM II
139 EAST 4TH STREET
P.O. BOX 960
CINCINNATI, OH. 45201-0960**

tw telecom of ohio LLC
Pamela Sherwood
4625 W. 8th Street, Suite 500
Indianapolis, IN 46268

Greater Cincinnati Health Council
Douglas E. Hart
441 Vine Street
Suite 4192
Cincinnati, OH 45202-2852

Vorys, Sater, Seymour & Pease
Steven M. Howard/ Gardner F. Gillespie
52 E Gay Street
P.O. Box 1008
Columbus, OH 43215-3108

Stephen Reilly
Attorney General's Office
180 East Broad Street
9th Floor
Columbus, OH 43215-3707

DUKE ENERGY OHIO, INC.
CASE NO. 08-709-EL-AIR
OVERALL FINANCIAL SUMMARY
FOR THE TWELVE MONTHS ENDED DECEMBER 31, 2008

SCHEDULE A-1
PAGE 1 OF 1

DESCRIPTION	APPLICANT FILING	STAFF REPORT MID-POINT	OCC	SETTLEMENT ^(a)
Rate Base	\$ 979,490,589	\$ 973,342,332	\$ 938,529,000	\$ 963,787,307
Current Operating Income	\$ 34,900,169	\$ 46,817,587	\$ 52,213,000	\$ 47,759,653
Earned Rate of Return (Line 2 / Line 1)	3.68%	4.81%	5.56%	4.96%
Requested Rate of Return	9.10%	8.51%	8.23%	8.61% ^(b)
Required Operating Income (Line 1 x Line 4)	\$ 89,133,644	\$ 83,756,108	\$ 77,218,000	\$ 82,982,087
Operating Income Deficiency (Line 5 - Line 2)	\$ 54,233,478	\$ 36,638,541	\$ 25,005,000	\$ 35,222,434
Gross Revenue Conversion Factor	1.5784603	1.5700221	1.5700221	1.5700221
Revenue Deficiency (Line 6 x Line 7)	\$ 85,605,392	\$ 57,994,326	\$ 39,258,403	\$ 66,300,000 ^(c)
Revenue Increase Requested / Recommended	\$ 85,604,451	\$ 57,994,326	\$ 39,258,403	\$ 55,299,335 ^(c)
Adjusted Retail Operating Revenues	\$ 310,927,415	\$ 310,927,415	n/a	\$ 310,927,415
Total Retail Distribution Revenue	\$ 396,531,866	\$ 368,921,741	n/a	\$ 366,226,750
Miscellaneous Revenue - Current	\$ 6,677,499	\$ 5,832,542	n/a	\$ 5,832,902
Miscellaneous Revenue - Additional Pole Attachment Fees	\$ 1,206,407	\$ 255,403	n/a	\$ 255,403 ^(c)
Total Revenue Requirement	\$ 403,315,772	\$ 375,009,686 ^(c)	n/a	\$ 372,315,055

Notes for Settlement Column:

- ^(a) The Parties to the Stipulation agreed to the overall revenue increase, the increase in Pole Attachment rental fees and the overall revenue requirement. All other items shown in the "Settlement" column are for illustration only.
- ^(b) The mid-point of the Staff's rate of return range is 8.61% based on a return on equity of 10.63% and a hypothetical equity ratio of 51.59%. The Stipulation specifically indicates that DE-Ohio will use the 10.63% return on equity mid-point but at the actual adjusted equity ratio of 58.28% for purposes of any riders that require a rate of return.
- ^(c) Represents the actual agreed to amounts per the Stipulation.

PAGE 4 OF 4
JUNE 3, 2009



Mr. Albert E. Lane
7200 Fair Oaks Dr.
Cincinnati, OH 45237-2922