

ALBERT E. LANE

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JUNE 6, 2009

**PUBLIC UTILITIES COMMISSION OF OHIO
DOCKETING DIVISION**

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PUCO

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, (Duke Energy of Ohio customer from Hamilton County, Cincinnati, Ohio), notice of omission of source of cross examination date for the hearing of June 17, 2009 as stated in my June 4, 2009 filing.

The source of the date for the hearing was the PUCO Attorney Examiner Scott Farkas filing of June 3, 2009 at 4:13:02 PM at PUCO Docketing, Columbus, Ohio.

The purpose of of this hearing as stated in the June 3, 2009 Attorney Examiner filing is for cross-examination of witnesses with regard to the Schedule A-1, filed on May 8, 2009 for Duke Energy of Ohio by Elizabeth H. Watts, or the clarifying letter, filed on May 29, 2009 by/for the PUCO staff, filed by The Assistant Attorney General of Ohio Stephen Reilly.

The Attorney Examiner Scott Farkas filing of June 3, 2009 said that the hearing on those two items only will commence at 10:00 a.m. on June 17, 2009, in Hearing Room II-C, at the offices of the Commission, 180 East Broad Street, Columbus, Ohio 43209.

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I, Albert E. Lane, intervener, have requested a PUCO Examiner Staff hearing in reference to the late filing of Schedule A-1 (page 5 attached) by Duke Energy of Ohio. I formally objected on docket # 08-0709-El-Air to Schedule A-1 late filing on May 12, 09 and clarifying letter of May 29, 2009. This request was filed on 6/4/09.

UPDATED 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.

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 stipulation. The procedural leading up to the signing of the March 31, 2009 stipulation originated from a so-called secret meeting that I Albert E. Lane did not attend on March 1, 2009.

On March 16, 2009 *The Cincinnati Enquirer*, *Cincinnati.com* web site article (page 6 attached) prior to the Clermont, Hamilton & Butler County required public hearings printed that the PUCO staff recommended Duke to receive \$54.2 mil to \$62.3 mil after reviewing Duke Energy of Ohio's request for \$86 million per year for electric distribution rate increase. In the same web site article the OCC, representing residential customers says. "that Duke should receive no more then \$39 million per year"

It is Albert E. Lane intervener'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 of March 31, 2009) was not beneficial (stated as beneficial in a press release by OCC), to Duke Energy of Ohio customers of which I am one.

On May 8, 2009 Duke Energy of Ohio filed a motion to file late filed exhibits Schedule A-1 showing their Accounting numbers requested, including PUCO Staff and OCC's. (All different). Schedule A-1 is shown as page 4 of my June 6, 2009 entry and Page 5 of this document.

On May 9, 2009, posted on this 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 My 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/suggest 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 attorney examiner instructions posted on the Case Docket on May 29, 2009 and June 3, 2009.

PAGE 3 OF 6 PAGES

PUCO WITNESSES:

OFFICE OF OHIO CONSUMERS COUNSEL

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

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

I Albert E. Lane, intervener agree to comply with all requirements of the PUCO Attorney Examiner Scott Farkas entry of June 3, 2009.

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 6RD DAY OF JUNE 2009.**

Albert E. Lane -

VERY TRULY YOURS,

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

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Bricker & Eckler, LLP
Thomas O'Brien
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Rocco D'Ascenzo
Amy B. Spiller
Elizabeth H. Watts
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tw telecom of ohio LLC
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Stephen Reilly
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Mr. Mike Boyer
Utility Writer
Cincinnati Enquirer
312 Elm Street
Cincinnati, Ohio 45202

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	\$ 979,480,589	\$ 973,342,332	\$ 938,529,000	\$ 983,787,307
Current Operating Income	\$ 34,900,168	\$ 48,817,587	\$ 52,213,000	\$ 47,759,853
Earned Rate of Return (Line 2 / Line 1)	3.66%	4.81%	5.56%	4.96%
Requested Rate of Return	9.10%	8.61%	8.23%	8.61% ^(b)
Required Operating Income (Line 4 x Line 3)	\$ 89,133,644	\$ 83,756,106	\$ 77,218,000	\$ 82,982,087
Operating Income Deficiency (Line 5 - Line 2)	\$ 54,233,478	\$ 38,999,541	\$ 25,005,000	\$ 35,222,434
Gross Revenue Conversion Factor	1.5784803	1.5700221	1.5700221	1.5700221
Revenue Deficiency (Line 6 x Line 7)	\$ 85,605,392	\$ 57,994,328	\$ 39,258,403	\$ 66,300,000 ^(c)
Revenue Increase Requested / Recommended	\$ 85,604,451	\$ 57,994,328	\$ 39,258,403	\$ 55,299,335 ^(d)
Adjusted Retail Operating Revenues	\$ 310,927,415	\$ 310,927,415	n/a	\$ 310,927,415
Total Retail Distribution Revenue	\$ 398,531,866	\$ 368,921,741	n/a	\$ 386,228,750
Miscellaneous Revenue - Current	\$ 6,577,489	\$ 5,832,542	n/a	\$ 5,832,902
Miscellaneous Revenue - Additional Pole Attachment Fees	\$ 1,206,407	\$ 255,403	n/a	\$ 255,403 ^(e)
Total Revenue Requirement	\$ 403,315,772	\$ 375,009,686 ^(a)	n/a	\$ 372,316,055

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 58.26% for purposes of any riders that require a rate of return.

^(c) Represents the actual agreed to amounts per the Stipulation.



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Last Updated: 10:09 am | Monday, March 16, 2009

PUCO opens hearings on Duke increase

By Mike Boyer • mboyer@enquirer.com • March 16, 2009

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Residential customers of Duke Energy Ohio tonight have the first of three opportunities to weigh in on the utility's request for an additional \$86 million in electric delivery rates and its plan to recover \$31 million in costs from last September's windstorm.

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The Public Utilities Commission of Ohio holds the first of three public hearings at 6 p.m. today at the Union Township Civic Center, on the rate hike. The PUCO says the rate hike, if approved by the five commissioners, would mean an additional \$4.78 a month for the typical residential customer using 1,000 kilowatt hours of power.

Duke, which said it has invested more than \$235 million in improvements to its network of wires, poles and meters since its last distribution rate hike in 2006, said the increase should result in little or no change in the typical residential customer's bill of about \$110 a month because regulator surcharges in current bills are expiring.

The PUCO staff recommended Duke get an additional \$54.2 million to \$82.3 million after reviewing the request.

The Ohio Consumers' Counsel, representing residential customers, says Duke should get no more than \$39 million. The OCC also objects to the utility's plan to increase the fixed monthly charge in bills from \$4.50 to \$10 offset by a reduction in usage charges, arguing that doesn't encourage energy efficiency.

The utility's proposal to recoup the windstorm costs over three years through a rider on customers' bills has triggered the most consumer opposition on the PUCO's web site.

"Doesn't Duke insure its infrastructure?" wrote customer Rachel Hughes, who opposed the rider. Duke says insuring against a catastrophic event like the Sept. 14 storm would be so expensive the commission has determined it wouldn't be prudent.

The commission will also accept comments Thursday at 12:30 p.m. at Cincinnati City Hall and March 24 at 6 p.m. at Lakota East High School, 7630 Bethany Road, Liberty Township.

Comments can also be submitted online at www.PUCO.ohio.gov. A decision is expected by summer.

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