

FILE

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JUNE 8, 2009

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

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

UPDATING, "UPDATED ALBERT E. LANE, INTERVENER SYNOPSIS OF FILING OF JUNE 6, 2008."

"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. "

The compromise \$55 mil stipulation correct amount is \$55.3 mil per DEO filing 3/31/09. Albert E. Lane intervener assumes that the \$55.3 mil compromise is per year.

The secret meeting was held March 5, 2009. not March 1, 2009 as filed on June 1, 2009.

Attached hereto as (Page 3 of 3 pages)for the docket record is a copy of the Office of Ohio Consumers' Counsel Press (news release) of March 31, 2009. Captioned " Duke Energy's residential consumers to benefit from agreement in electric distribution rate case"

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 8TH DAY OF JUNE 2009.

VERY TRULY YOURS, *Albert E. Lane*

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

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Office of the Ohio Consumers' Counsel

**News Release****Office of the Ohio Consumers' Counsel
FOR IMMEDIATE RELEASE****- Printer friendly copy****- Email this press release****Contact: Ryan Lippe
(614) 466-7289****Duke Energy's residential consumers to benefit from agreement in electric distribution rate case**

COLUMBUS, Ohio – March 31, 2009 – Residential customers of Duke Energy will benefit from an electric rate case agreement filed by the Office of the Ohio Consumers' Counsel (OCC), the staff of the Public Utilities Commission of Ohio (PUCO), the utility and other parties, the OCC announced today.

Residential customers of Duke Energy will benefit from an electric rate case agreement filed by the Office of the Ohio Consumers' Counsel (OCC), the staff of the Public Utilities Commission of Ohio (PUCO), the utility and other parties, the OCC announced today.

The agreement also provides additional benefits for residential consumers, including a commitment by Duke to provide up to \$40,000 monthly for payment assistance to as many as 10,000 households with incomes at or below 200 percent of the federal poverty level and not enrolled in the Percentage of Income Payment Plan. Customers already enrolled in a similar payment assistance program for Duke's natural gas service will be enrolled automatically in this new electric program, while additional households will be able to sign up by contacting the utility.

"By sharply reducing the amount of the revenue increase provided to Duke, we have minimized the impact to customers' rates at a time when households know that every dollar counts," said Consumers' Counsel Janine Migden-Ostrander. "In addition, the payment assistance for low-income households is crucial, especially because it will be open to customers whose incomes exceed the level served through existing opportunities such as the Home Energy Assistance Program."

The parties also agreed that Duke will not be entitled to increase rates as part of this case for Hurricane Ike costs. Instead, Duke will have to file a separate application with the PUCO to request the recovery of costs associated with the September 2008 windstorm. Duke will have to prove whether its storm restoration activities were prudent and the costs incurred by the company were reasonable. A hearing will be held if one or more stakeholders have unresolved objections. The company is seeking \$31 million in storm-related costs that would be passed onto its customers.

About the Office of the Ohio Consumers' Counsel

The Office of the Ohio Consumers' Counsel (OCC), the residential utility consumer advocate, represents the interests of 4.5 million households in proceedings before state and federal regulators and in the courts. The state agency also educates consumers about electric, natural gas, telephone and water issues and resolves complaints from individuals. To receive utility information, brochures, schedule a presentation or file a utility complaint, residential consumers may call 1-877-PICKOCC (1-877-742-5622) toll free in Ohio or visit the OCC Web site at www.pickocc.org.