

FILE

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ALBERT E. LANE

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JUNE 9, 2009

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

PUCO

2009 JUN 10 AM 10:27

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 Albert E. Lane memorandum. statement. pro retaining all of
Albert E. Lane's correspondence, case docket 08-709- EL-Air, stated in my
motion entry to delay the June 4, 2009 response date, entered June 1, 2009. This
wording begins with the sentence: "I have not been satisfied..." and ending with
"The 1935 PUHA if left active would have killed the Cinergy merger (if Duke
would not divest itself of Crescent Resources.)"**

This intervener Albert E. Lane entry is against the Duke Energy of Ohio motion to
strike as stated in its document filed June 2, 2009.

Qualifications:: Albert E. Lane Duke Energy of Ohio customer, Account # 7170-
0391-20-0, Intervener, (Case # 08-0709 EL-AIR).

Duke Energy of North Carolina, with Charlotte N.C. as its headquarters, owns
Duke Energy of Ohio.

I, Albert E. Lane, intervener, have requested a PUCO Examiner Staff hearing in

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Reference to the late filing of Schedule A-1 by Duke Energy of Ohio. I formally objected on docket # 08-0709-El-Air to Schedule A-1 late filing on May 12, 09 (Schedule A-1 attached, page 5), and to the clarifying letter of May 29, 2009 as filed on June 1, 2009. My objection and request for a hearing was filed on 6/4/09. In addition I filed an entry within the case dockets of # 08-0709-El-Air on December 31, 2008 against the Duke Energy of Ohio requested increase of Residential customers of 4.73 per-cent presumably per year and other Duke Energy of Ohio monetary requests.

I Albert E. Lane have stated on May 30, 2009 (posted June 1, 2009) May 18, 2009, (posted May 19), Feb 28, (posted March 4, 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.

1 believe in "due process." Chairman Schriver and his Commission did not allow Discovery in 2005 during the Duke Energy of N.C. & Cinergy comment time frame. 1 don't trust any entity (especially a public utility) that kept "two sets of books". I don't believe that a public utility in the United States should own non-regulated businesses. 1 believe that the proponent of a rate increase, merger or buyout of a public utility should pay for public opponent ads & printed mailings and opponents legal representation in the present time frame with the OCC signed off since March 31, 2009.

I have asked the Ohio Legislature Public Utilities Committees through my State Senator and Representative to research additional OCC legislation that I believe is required.

The OCC Board must be active and knowledgeable of the OCC actions. There is always the question who is to pay the opponent costs in the event the proponent rate request is frivolous? I am concerned that the PUCO Attorney Examiners are rushing this case through. I have questioned that the three public formal required hearings In mid March in Clermont, Hamilton and Butler Counties were not ethically explained to those present in as much as a procedural compromise was previously agreed to on March 5, 2009. Thus the citizen hearings testimony was superfluous. The PUCO staff and OCC should have stated their procedural agreement at those hearings. This procedural led to the March 31, 2009 stipulation.

Duke Energy of Ohio is attempting with this contra motion to erase any connection what so ever in the relationships/history between Duke Energy of Ohio and Duke Energy of North Carolina, the parent Company, with me

the DEO customer, while retaining their own connections. The PUCO according to the statement made on December 21, 2005 by Chairman Schriver would "diligently Monitor" Duke Energy of Ohio. The facts should be available or obtainable as to referral phone calls re-routed to Charlotte, N. C. All airplane flights from Charlotte to Cincinnati and back should be furnished to PUCO. To this Duke Energy of Ohio customer intervenor the Ohio Duke and the North Carolina Duke are connected. The past and present history of Duke Energy of North Carolina is now connected to Duke Ohio. Two former Cinergy directors are on the Board of Duke Energy of North Carolina. The former CEO of Duke Energy of Ohio is now CEO of Duke Energy of North Carolina.

I as an Ohio Duke customer as well as the PUCO are entitled to know those inter/intra connections discourse (whether written or verbal) as to their effect on utility rates.

Please don't allow my layperson, customer intervenor interest to be disturbed by the Contra Motion of Duke Energy of Ohio effort to make their requested deletion of my writings irrelevant. The information I wrote about is relevant to a Duke Energy of Ohio customer. Keeping in mind that Duke Energy of North Carolina owns Duke Energy of Ohio. Duke Energy of Ohio is a Public Utility who performs a public service and is subject to Governmental regulations and customer inquisitiveness.

Respectfully submitted,

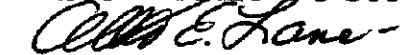


Albert E. Lane

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 9TH DAY OF JUNE 2009.

VERY TRULY YOURS,



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

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DUKE ENERGY OHIO, INC.
CASE NO. 08-708-EL-AIR
OVERALL FINANCIAL SUMMARY
FOR THE TWELVE MONTHS ENDED DECEMBER 31, 2008

SCHEDULE A-1
PAGE 1 OF 1

LINE NO.	DESCRIPTION	APPLICANT FILING	STAFF REPORT MID-POINT	OCC	SETTLEMENT ^(a)
1	Rate Base	\$ 878,480,589	\$ 873,342,332	\$ 938,529,000	\$ 963,787,307
2	Current Operating Income	\$ 34,900,166	\$ 46,817,557	\$ 52,213,000	\$ 47,759,653
3	Earned Rate of Return (Line 2 / Line 1)	3.96%	4.81%	5.56%	4.96%
4	Requested Rate of Return	9.10%	8.61%	8.23%	8.61% ^(b)
5	Required Operating Income (Line 1 x Line 4)	\$ 89,133,644	\$ 83,756,108	\$ 77,218,000	\$ 82,982,087
6	Operating Income Deficiency (Line 5 - Line 2)	\$ 54,233,478	\$ 36,938,541	\$ 25,005,000	\$ 35,222,434
7	Gross Revenue Conversion Factor	1.5784603	1.5700221	1.5700221	1.5700221
8	Revenue Deficiency (Line 6 x Line 7)	\$ 85,605,382	\$ 57,994,326	\$ 39,258,403	\$ 55,300,000 ^(c)
9	Revenue Increase Requested / Recommended	\$ 85,804,451	\$ 57,994,326	\$ 39,258,403	\$ 55,298,336 ^(a)
10	Adjusted Retail Operating Revenues	\$ 310,927,415	\$ 310,927,415	n/a	\$ 310,927,415
11	Total Retail Distribution Revenue	\$ 366,551,866	\$ 368,921,741	n/a	\$ 366,226,780
12	Miscellaneous Revenue - Current	\$ 5,577,489	\$ 5,832,542	n/a	\$ 5,832,902
13	Miscellaneous Revenue - Additional Pole Attachment Fees	\$ 1,206,407	\$ 255,403	n/a	\$ 255,403 ^(c)
14	Total Revenue Requirement	\$ 403,315,772	\$ 375,009,666 ^(a)	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.