

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Duke Energy	)	
Ohio, Inc. for an Increase in its Electric Distribution	)	Case No. 12-1682-EL-AIR
Rates	)	
In the Matter of the Application of Duke Energy	)	
Ohio, Inc. for Tariff Approval	)	Case No. 12-1683-EL-ATA
In the Matter of the Application of Duke Energy	)	
Ohio, Inc. for Approval to Change Accounting	)	Case No.12-1684-EL-AAM
Methods	)	

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**MOTION TO INTERVENE OF CINCINNATI BELL TELEPHONE COMPANY LLC,  
CINCINNATI BELL WIRELESS, LLC, AND CYRUSONE INC.**

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Cincinnati Bell Telephone Company LLC, Cincinnati Bell Wireless, LLC, and CyrusOne Inc. (collectively "the Cincinnati Bell companies") hereby move the Commission pursuant to Revised Code § 4903.221 and Commission Rule 4901-1-11, to intervene as a parties to the above-captioned proceedings. As set forth in the Memorandum in Support, the Cincinnati Bell companies submit that this motion is timely, they have a real and substantial interest in these proceedings, they are so situated that the disposition of these proceedings without their participation may impair or impede their ability to protect those interests, and their participation in these proceedings will contribute to a just result. No existing party represents their interests in these proceedings and that granting this motion to intervene will not unduly delay these proceedings or unjustly prejudice any existing party.

Respectfully submitted,

/s/ Douglas E. Hart

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## **MEMORANDUM IN SUPPORT**

On June 7, 2012 Duke Energy Ohio, Inc. (“Duke”) filed notice of intent to file an application for increase in rates pursuant to R.C. § 4909.18. On July 9, 2012, Duke filed its application for a rate increase. The Cincinnati Bell companies are substantial consumers of electricity in Duke’s electric distribution service area. The application filed by Duke, if granted by the Commission, would directly impact the Cincinnati Bell companies and could significantly impact the prices paid by them for electric distribution service.

The standard for intervention in Commission proceedings is governed by Revised Code § 4903.221, as further stated in Commission Rule 4901-1-11, Ohio Administrative Code:

Upon timely motion, any person shall be permitted to intervene in a proceeding upon a showing that:

\* \* \*

(2) The person has a real and substantial interest in the proceeding, and the person is so situated that the disposition of the proceeding may, as a practical matter, impair or impede his or her ability to protect that interest, unless the person’s interest is adequately represented by existing parties.

Factors that the Commission considers when applying the rule include the nature of the intervenors’ interest, the extent that interest is represented by existing parties, the intervenors’ potential contribution to a just and expeditious resolution of the issues involved, and whether intervention would result in an undue delay of the proceeding.

Duke just filed its application on July 9, 2012 and the Commission has not yet established a deadline for intervention. Therefore, this Motion to Intervene is timely.

The Cincinnati Bell companies have a real and substantial interest in this proceeding because they are electric distribution service customers of Duke. The Cincinnati Bell companies use commercial electric power to operate their communications networks and data centers and

consume over a hundred million kWh annually at hundreds of different service locations in Duke's distribution territory. Utility costs represent a substantial expense for communications and data center businesses, which affects the cost of these services in Ohio. While several other parties have already sought intervention in this proceeding, none of them is similarly situated to or represents the interests of the Cincinnati Bell companies.

Consistent with the requirements of Revised Code § 4903.221 and Commission Rule 4901-1-11, this motion is timely; the Cincinnati Bell companies have a real and substantial interest herein; their interests are not represented by existing parties; they will contribute to the just and expeditious resolution of the issues and concerns raised in these proceedings; and their participation in these proceedings will not cause undue delay or unjustly prejudice any existing party.

For these reasons, the Cincinnati Bell companies respectfully request that this motion to intervene in the above-captioned proceedings be granted.

Respectfully submitted,

/s/ Douglas E. Hart

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## **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Motion to Intervene and Memorandum in Support was served upon the parties of record listed below this 12th day of July, 2012 by electronic service.

/s/ Douglas E. Hart

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**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

**7/12/2012 2:26:24 PM**

**in**

**Case No(s). 12-1682-EL-AIR, 12-1683-EL-ATA, 12-1684-EL-AAM**

Summary: Motion to Intervene electronically filed by Mr. Douglas E. Hart on behalf of Cincinnati Bell Telephone Company LLC and Cincinnati Bell Wireless, LLC and CyrusOne Inc.