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VIA OVERNIGHT DELIVERY

December 12, 2006

Docketing Division
Public Utilities Commission of Ohio
180 East Broad Street
Columbus, OH 43215

Re: Case No. 03-93-EL-ATA, et al.

Dear Docketing Division:

Enclosed please find an original and seventeen copies of the Motion for the Entry of Orders Permitting Appearances Pro Hac Vice for Paul R. Newton and the Affidavit in Support of Motion for Appearance Pro Vice in the above-referenced case.

Please stamp file and return the extra two copies of the filing.

Should you have any questions please do not hesitate to call me at 513-287-4326.

Very truly yours,

Rocco O. D'Ascenzo
Counsel

Enclosure

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Technician SB Date Processed 12-13-06

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of)
 The Cincinnati Gas & Electric Company) Case No. 03-93-EL-ATA
 To Modify its Non-Residential Generation)
 Rates to Provide for Market-Based)
 Standard Service Offer Pricing and to)
 Establish an Alternative Competitively-Bid)
 Service Rate Option Subsequent to the)
 Market Development Period.)

In the Matter of the Application of)
 The Cincinnati Gas & Electric Company for) Case No. 03-2079-EL-AAM
 Authority to Modify Current Accounting)
 Procedures for Certain Costs Associated)
 With The Midwest Independent)
 Transmission System Operator.)

In the Matter of the Application of)
 The Cincinnati Gas & Electric Company for) Case No. 03-2080- EL-ATA
 Authority to Modify Current Accounting) Case No. 03-2081--EL-AAM
 Procedures for Capital Investment in its)
 Electric Transmission and Distribution)
 System and to Establish a Capital)
 Investment Reliability Rider to be Effective)
 After The Market Development Period.)

In the Matter of the Application of)
 The Cincinnati Gas & Electric Company to)
 Modify its Quarterly Fuel and Purchase) Case No. 05-725-EL-UNC
 Power Component of its Market Based)
 Standard Service Offer.)

In the Matter of the Application of)
 The Cincinnati Gas & Electric Company to) Case No. 05-724-EL-UNC
 Adjust and Set its System Reliability Tracker)
 Market Price)

In the Matter of the Application of) Case No. 06-1068-EL-UNC
 Duke Energy Ohio, Inc. to Modify its)
 Quarterly Fuel and Purchase Power)
 Component of its Market Based)
 Standard Service Offer)

In the Matter of the Application of) Case No. 06-1069-EL-UNC

Duke Energy Ohio, Inc. to Adjust and Set its System Reliability Tracker)	
)	
In the Matter of the Application of Duke Energy Ohio, Inc., to Adjust and Set the Annually Adjusted Component of its Market Based Standard Service Offer.)	Case No 06-1085-EL-UNC
)	

MOTION FOR THE ENTRY OF ORDERS PERMITTING APPEARANCES PRO HAC VICE

Pursuant to Rule 4901-1-08(B) of the Ohio Administrative Code, Rocco O. D’Ascenzo, an attorney in good standing with the Supreme Court of the State of Ohio and authorized to practice in this State, respectfully petitions the Public Utilities Commission of Ohio (Commission) for the Entry of Orders permitting the appearance *pro hac vice*, of Paul R. Newton, in the above-referenced proceedings.

Paul R. Newton is employed by Duke Energy Corp., as Vice President & General Counsel of Duke Energy’s US Franchised Electric and Gas Operations. Mr. Newton is a member in good standing with the bars of the states of North Carolina and South Carolina, Membership Nos. 17913 and 062851 respectively, and has never been suspended, disbarred or resigned as a result of disciplinary charge, investigation, or proceeding from the practice of law in any jurisdiction. No disciplinary proceeding has ever been filed against Paul R. Newton, nor is any presently pending against him in any jurisdiction. Mr. Newton has practiced law continuously since his admission to the North Carolina Bar in 1991. In connection with the above-captioned proceedings, Paul R. Newton wishes to appear before this Commission on behalf of Duke Energy Ohio, Inc. (DE-Ohio), and agrees to be subject to the rules of the

Commission and the Ohio State Bar Association. An affidavit executed by Paul R. Newton attesting to these facts is attached hereto.

Respectfully submitted,



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BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of The Cincinnati Gas & Electric Company To Modify its Non-Residential Generation Rates to Provide for Market-Based Standard Service Offer Pricing and to Establish an Alternative Competitively-Bid Service Rate Option Subsequent to the Market Development Period.)))))))))))	Case No. 03-93-EL-ATA
In the Matter of the Application of The Cincinnati Gas & Electric Company for Authority to Modify Current Accounting Procedures for Certain Costs Associated With The Midwest Independent Transmission System Operator.)))))))))	Case No. 03-2079-EL-AAM
In the Matter of the Application of The Cincinnati Gas & Electric Company for Authority to Modify Current Accounting Procedures for Capital Investment in its Electric Transmission and Distribution System and to Establish a Capital Investment Reliability Rider to be Effective After The Market Development Period.)))))))))))	Case No. 03-2080- EL-ATA Case No. 03-2081--EL-AAM
In the Matter of the Application of The Cincinnati Gas & Electric Company to Modify its Quarterly Fuel and Purchase Power Component of its Market Based Standard Service Offer.)))))))))	Case No. 05-725-EL-UNC
In the Matter of the Application of The Cincinnati Gas & Electric Company to Adjust and Set its System Reliability Tracker Market Price)))))))))	Case No. 05-724-EL-UNC
In the Matter of the Application of Duke Energy Ohio, Inc. to Modify its Quarterly Fuel and Purchase Power Component of its Market Based Standard Service Offer)))))))))	Case No. 06-1068-EL-UNC
In the Matter of the Application of)	Case No. 06-1069-EL-UNC

Duke Energy Ohio, Inc. to Adjust and Set its System Reliability Tracker)

In the Matter of the Application of Duke Energy Ohio, Inc., to Adjust and Set the Annually Adjusted Component of its Market Based Standard Service Offer.)

Case No 06-1085-EL-UNC

AFFIDAVIT IN SUPPORT OF MOTION FOR APPEARANCE PRO VICE

I, Paul R. Newton, being duly sworn according to law, depose and say:

1. I am an attorney in good standing having been admitted to practice in the States of New Mexico, Virginia, The District of Columbia, North Carolina and South Carolina, and I am the Vice President & General Counsel of Duke Energy's US Franchised Electric and Gas Operations. I am not admitted to practice in Ohio.

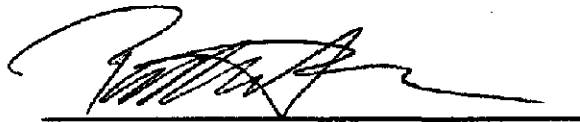
2. Duke Energy Ohio (DE-Ohio) is a utility operating company owned by Duke Energy Corp. DE-Ohio is a party in good standing in this case.

3. There is good cause for my admission *pro hac vice* as my client, DE-Ohio is party to this proceeding and will be participating in the prehearing conference scheduled for December 14, 2006. My admission will not unduly burden or delay this proceeding.

4. My request for admission is for the purposes of representing DE-Ohio and Duke Energy Corporation in the above captioned proceedings.

5. If this application to appear is granted, I agree to abide by the Public Utilities Commission of Ohio's Rules and Regulations and all applicable Ohio Court Rules, including

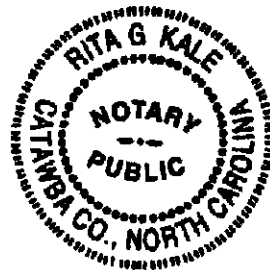
disciplinary rules, and notify the commission immediately of any matter affecting my standing at the bar of any court.



A handwritten signature in black ink, appearing to be "Rita G. Kale", written over a solid horizontal line.

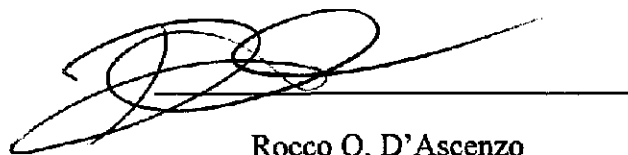
Sworn and subscribed to before me this 12
day of December, 2006.

Rita G. Kale
Notary Public



CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Duke Energy Ohio Motion for Clarification was served by US Mail or hand delivered on the following parties this 13th day of December 2006.



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