

BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO

RECEIVED-DOCKETING DIV  
2008 AUG 13 PM 3:07  
PUCO

In the Matter of the Application of Duke Energy Ohio, Inc. for an Increase in Electric 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. 08-711-EL-AAM

---

MOTION TO INTERVENE  
OF  
THE CITY OF CINCINNATI

---

The City of Cincinnati ("Cincinnati" or "City") hereby moves, pursuant to Ohio Revised Code ("R.C.") Section 4903.221 and Ohio Administrative Code ("OAC") Rule 4901-1-11, to intervene in the above-captioned proceedings. As set forth in the Memorandum in Support, Cincinnati submits that it has a real and substantial interest in these proceedings, that it is so situated that the disposition of these proceedings without Cincinnati's participation may impair or impede its ability to protect that interest, and that its participation in these proceedings will contribute to a just result. Cincinnati further submits that no existing party represents its interest in these proceedings and that granting its motion to intervene will not unduly delay these proceedings or unjustly prejudice any existing party.

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business  
Technician                      Date Processed 8-13-08

---

## MEMORANDUM IN SUPPORT

---

Cincinnati relies upon Duke Energy Ohio ("DE - Ohio") to deliver the electric power necessary for various city-owned and/or operated governmental facilities that exclusively rely upon DE - Ohio for generation services. These facilities include the Greater Cincinnati Water Works, a department of the City, and the Metropolitan Sewer District of Greater Cincinnati, a sewer district owned by Hamilton County, but managed and operated by the City. In addition, the vast majority of Cincinnati residents rely upon DE - Ohio for the provision of their electric services. The applications filed by DE - Ohio, if granted by the Commission, will significantly impact the price paid by the City and its residents for electricity services.

Cincinnati also relies upon DE - Ohio to provide electric power and in certain cases equipment, maintenance and repair services for street lights throughout Cincinnati. Those street lights currently number in excess of 20,000 and provide illumination for the safety and security of the City, its residents and visitors. DE - Ohio is currently the sole provider of street lighting services to Cincinnati. The applications filed by DE - Ohio, if granted by the Commission, will impact the price paid by the City for street lighting electrification and the future availability of certain types of currently available street lighting services.

Finally, Cincinnati has a significant number of items that are attached to DE - Ohio poles and are located in or on DE - Ohio conduit or other DE - Ohio owned facilities within the geographic limits of the City. Those items as currently located provide for the general public convenience, Cincinnati's governmental communications and the advancement of public safety. The applications filed by DE - Ohio, if granted by the Commission, will significantly impact the price paid and terms of use by Cincinnati for such pole attachment and conduit occupancy.

Consistent with the requirements of R.C. Section 4903.221 and OAC Rule 4901-1-11, Cincinnati is a real party in interest herein, whose interest is not now represented, who can make a contribution to these proceedings and who will not unduly delay these proceedings or prejudice any existing party. Cincinnati submits that its interest is not represented by existing parties; that it will contribute to the just and expeditious resolution of the issues and concerns raised in these proceedings; and that its participation in these proceedings will not cause undue delay or unjustly prejudice any existing party.

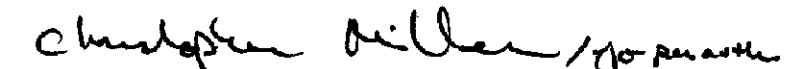
WHEREFORE, the City of Cincinnati respectfully requests that its motion to intervene in the above-captioned proceedings be granted.

Respectfully submitted on behalf of  
CITY OF CINCINNATI



Thomas J. O'Brien  
Counsel of Record  
Sally W. Bloomfield  
BRICKER & ECKLER LLP  
100 South Third Street  
Columbus, OH 43215-4291  
Telephone: (614) 227-2335  
Facsimile: (614) 227-2390  
E-mail: tobrien@bricker.com  
sbloomfield@bricker.com

and



Christopher L. Miller  
SCHOTTENSTEIN ZOX & DUNN CO., LPA  
250 West Street  
Columbus, OH 43215  
Telephone: (614) 462-5033  
Facsimile: (614) 224-3886  
E-mail: cmiller@szd.com

## CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Motion to Intervene was served upon the parties of record listed below this 13th day of August 2008 *via* regular mail.

  
Thomas J. O'Brien

Paul A. Colbert  
Amy B. Spiller  
Elizabeth H. Watts  
Rocco D'Ascenzo  
Duke Energy Ohio, Inc.  
139 Fourth Street, 25 Atrium II  
Cincinnati, OH 45202  
[Paul.colbert@duke-energy.com](mailto:Paul.colbert@duke-energy.com)  
[Amy.spiller@duke-energy.com](mailto:Amy.spiller@duke-energy.com)  
[Elizabeth.watts@duke-energy.com](mailto:Elizabeth.watts@duke-energy.com)  
[Rocco.dascenzo@duke-energy.com](mailto:Rocco.dascenzo@duke-energy.com)

David F. Boehm  
Michael L. Kurtz  
36 East Seventh Street, Suite 1510  
Cincinnati, OH 45202  
[dboehm@bklawfirm.com](mailto:dboehm@bklawfirm.com)  
[mikurtz@bklawfirm.com](mailto:mikurtz@bklawfirm.com)

David C. Rinebolt  
Colleen L. Mooney  
Ohio Partners for Affordable Energy  
231 West Lima Street  
PO Box 1793  
Findlay, OH 45839-1793  
[drinebolt@aol.com](mailto:drinebolt@aol.com)  
[cmooney2@columbus.rr.com](mailto:cmooney2@columbus.rr.com)

John W. Bentine  
Mark S. Yurick  
Chester, Willcox & Saxbe LLP  
65 East State Street, Suite 1000  
Columbus, OH 43215-4213  
[jbentine@cwslaw.com](mailto:jbentine@cwslaw.com)  
[myurick@cwslaw.com](mailto:myurick@cwslaw.com)

Ann M. Hotz  
Jeffrey L. Small  
Jacqueline Lake Roberts  
Michael E. Idskowski  
Office of the Ohio Consumers' Counsel  
10 West Broad Street, Suite 1800  
Columbus, OH 43215-3485  
[hotz@occ.state.oh.us](mailto:hotz@occ.state.oh.us)  
[small@occ.state.oh.us](mailto:small@occ.state.oh.us)  
[roberts@occ.state.oh.us](mailto:roberts@occ.state.oh.us)  
[idzkowski@occ.state.oh.us](mailto:idzkowski@occ.state.oh.us)