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Attorney at Law

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PUCO

December 1, 2008

Ms. Renee Jenkins  
Chief, Docketing Division  
The Public Utilities Commission of Ohio  
180 East Broad Street  
Columbus, OH 43215-3793

Re: Case No. 08-709-EL-AIR  
Case No. 08-710-EL-ATA  
Case No. 08-711-EL-AAM  
Case No. 06-~~708~~-EL-ATA

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Dear Ms. Jenkins:

Enclosed please find an original and 21 copies of the Motion to Intervene and Memorandum in Support of The Greater Cincinnati Health Council. Please file the original and 20 copies in the above referenced proceedings and please date stamp and return the additional copy to me in the enclosed self-addressed stamped envelope.

Very truly yours,



Douglas E. Hart

DEH  
Enclosures  
cc: All counsel of record

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**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

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
In the Matter of the Application of the Cincinnati Gas & Electric Company for Approval of its Rider BDP, Backup Delivery Point.	)	Case No. 06-718-EL-ATA

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**MOTION TO INTERVENE AND MEMORANDUM IN SUPPORT  
OF THE GREATER CINCINNATI HEALTH COUNCIL**

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The Greater Cincinnati Health Council ("GCHC") hereby moves, pursuant to Revised Code § 4903.221 and Commission Rule 4901-1-11, to intervene in these proceedings. The grounds for this Motion are set forth in the accompanying Memorandum in Support.

Respectfully submitted,



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Attorney for The Greater Cincinnati  
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**MEMORANDUM IN SUPPORT**

On July 25, 2008 Duke Energy Ohio ("DE-Ohio") filed an Application in the above captioned proceedings for approval of an increase in its electric distribution rates under Revised Code § 4909.18 that would change DE-Ohio's charges for electric distribution service. On September 12, 2008, the Commission ordered the consolidation of pending Case No. 06-718-EL-ATA, in which DE-Ohio sought approval of a rider for backup delivery points, with the most recent application.

GCHC is a non-profit association of hospitals and other health care facilities who individually are substantial consumers of electric energy and are generally located within the service area of DE-Ohio. The application filed by DE-Ohio, if granted by the Commission, would significantly impact the price paid by GCHC's members 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 intervenor's interest, the extent that interest is represented by existing parties, the intervenor's potential contribution to a just and expeditious resolution of the issues involved, and whether intervention would result in an undue delay of the proceeding.

The Commission has not established any deadline for intervention in this proceeding. Other than DE-Ohio's initial filings and the Commission's initial procedural entries setting the test period and date certain, waiving certain standard filing requirements and ordering consolidation, nothing of substance has occurred as of yet. A number of motions to intervene by other parties remain pending. In its July 23, 2008 Entry, the Commission established a test period for this case of January 1, 2008 to December 31, 2008. Because the test period has not yet ended, the DE-Ohio's relevant distribution expenses are not yet known. Therefore, this Motion to Intervene is timely.

The GCHC has a real and substantial interest in this proceeding because many of its members are hospitals who are substantial electric distribution service customers of DE-Ohio. Almost all of GCHC's hospital members are not for profit organizations. Utility costs represent a substantial portion of hospitals' operating expenses, which affects the cost of health care in Ohio. The availability of a reliable and robust electric supply is also critical to patient safety and disaster preparedness. Many of GCHC's members have their own standby electrical generation capacity in order to assure the constant availability of necessary electric power, which distinguishes them from most DE-Ohio customers.


The GCHC was granted intervention in DE-Ohio's Electric Security Plan, Case No. 08-920-EL-SSO, and it joined in the Stipulation filed in that case. Some of the matters to which DE-Ohio agreed in the Stipulation directly impact the provision of distribution service to GCHC members. These include the terms under which DE-Ohio will provide distribution reserve capacity and additional distribution feeders to GCHC members and development of a service improvement program with respect to distribution feeder reliability and service interruptions to GCHC members. While a number of other parties have already sought intervention in this

proceeding, none of them is similarly situated to or represents the interests of the GCHC or its members.

Consistent with the requirements of Revised Code § 4903.221 and Commission Rule 4901-1-11, this Motion is timely, the GCHC is a real party in interest herein, its interest is not represented by existing parties, it will contribute to the just and expeditious resolution of the issues and concerns raised in these proceedings, and its participation in these proceedings will not cause undue delay or unjustly prejudice any existing party.

For these reasons, the GCHC respectfully requests that this motion to intervene in the above-captioned proceedings be granted.

Respectfully submitted,

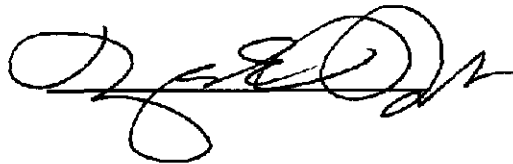


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**CERTIFICATE OF SERVICE**

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 1<sup>st</sup> day of December, 2008 by first class U.S. mail, postage prepaid and by electronic service.



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