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BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO 2009 JAN -9 PM 2: 56

PUCO

In the Matter of the Application of Duke Energy)
Ohio, Inc. for an Increase in Electric Distribution) Case No. 08-709-EL-AIR
Rates.)

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) Case No. 08-711-EL-AAM
Methods.)

**MOTION TO INTERVENE
OF
tw telecom of ohio, llc**

tw telecom of ohio, llc ("TWTC") 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, TWTC submits that it has a real and substantial interest in these proceedings, that it is so situated that the disposition of these proceedings without TWTC'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. TWTC 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.

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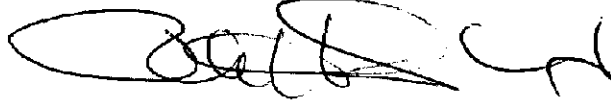
MEMORANDUM IN SUPPORT

TWTC has a pole attachment agreement with Duke Energy Ohio, Inc. (Cincinnati Gas & Electric) ("DE - Ohio") that charges a rate for pole attachments based on the Federal Communications Commission's telecom pole attachment formula. TWTC has a significant number of attachments to DE - Ohio poles. The pole attachment rate applications filed by DE - Ohio in this case, if granted by the Commission, could significantly impact the price paid and terms of use by TWTC for such pole attachments and conduit occupancy once its current pole attachment agreement expires if that rate applies in a nondiscriminatory fashion regardless of the underlying technology used by the entity who is attaching to the pole.

Consistent with the requirements of R.C. Section 4903.221 and OAC Rule 4901-1-11, TWTC 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. TWTC 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 set forth in these proceedings; and that its participation in these proceedings will not cause undue delay or unjustly prejudice any existing party.

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

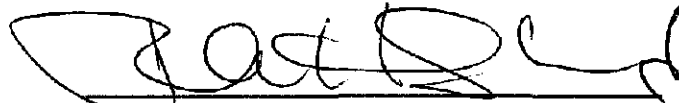
Respectfully submitted on behalf of
tw telecom of ohio, llc



Pamela H. Sherwood
Vice President of Regulatory Affairs, Midwest Region
tw telecom
4625 West 86th Street, Suite 500
Indianapolis, IN 46268
Telephone: (317) 713-8977
Facsimile: (317) 713-8937
e-mail: pamela.sherwood@twtelecom.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 9th day of January 2009 *via* regular mail.



Pamela H. Sherwood

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
Amy.spiller@duke-energy.com
Elizabeth.watts@duke-energy.com
Rocco.dascenzo@duke-energy.com

David F. Boehm
Michael L. Kurtz
36 East Seventh Street, Suite 1510
Cincinnati, OH 45202
dboehm@bklawfirm.com
mkurtz@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
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
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
small@occ.state.oh.us
roberts@occ.state.oh.us
idzkowski@occ.state.oh.us

Thomas J. O'Brien
Bricker & Eckler LLP
100 South Third Street
Columbus, OH 43215-4291
tobrien@bricker.com

Mary W. Christensen
Christensen Christensen Donchatz
Kettlewell & Owens LLP
100 East Campus View Blvd, Suite 360
Columbus, OH 43235-4679
mchristensen@columbuslaw.org

Douglas E. Hart
441 Vine Street, Suite 4192
Cincinnati, OH 45202
dhart@douglashart.com

Stephen M. Howard
Vorys, Sater, Seymour and Pease LLP
52 East Gay Street
PO Box 1008
Columbus, OH 43216-1008
smhoward@vorys.com

Gardner F. Gillespie
Hogan & Hartson LLP
Columbia Square
555 Thirteenth Street, NW
Washington DC 20004
gfgillespie@hhlaw.com