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Feb 28, 2009

PUCO
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Ref: Docket # 08-709-EL-AIR
Docket # 05-0732-EL-MER

Dear Ms. Jenkins:

Please enter all of the following 8 pages of this entry on the PUCO Docket Case Numbers shown on the next page.

Page 7 should be in color.

Thanks,



Albert E. Lane
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Page 1 of 8 pages

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RES: 7200 FAIR OAKS DRIVE CINCINNATI, OHIO, 45237
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Feb 28, 2009

THE PUBLIC UTILITIES COMMISSION OF OHIO
ATTENTION DOCKETING DIVISION, MS. RENEE JENKINS
80 EAST BROAD STREET
13TH FLOOR
COLUMBUS, Ohio 43215-3793

DEAR COMMISSIONER SCHRIEBER AND FELLOW COMMISSIONERS:
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 merger application between

Duke Energy of Charlotte North Carolina &

Cinergy of Cincinnati, Ohio CASE NO. 05-0732-EL-MER

In reference to the above cases of which I am now a qualified and an accepted PUCO Duke Energy of Ohio Customer intervenor, my residential Ohio Duke Account is # 7170-0391-20-0. I (LANE) herewith ask the PUCO staff and Duke Energy of Ohio the following sequentially 27 numbered Discovery questions.

A- Reference to my Feb 2, 2009 (7 page objection to the PUCO staff report posted Feb 3, 2009, subsequently extended by me to 11 pages on Feb 25, 2009:

I requested that another (different) impartial electric rate authoritative PUCO staff should review and rewrite the entire PUCO staff report on Duke Energy of Ohio's present request for a residential electric distribution rate increase of 4.73%. This is fortified by the questions raised in the filings for Discovery made by qualified specialists in researching accounting and operations of Duke Energy of Ohio filed by legal staff of fellow opponents of the present Duke Energy of Ohio requested electric distribution rate increase.

(1) Why were the many posted accounting questions/observations raised by these opponents not previously researched and quantified by PUCO staff before their staff report was approved, printed and distributed?

NOTE: I had pointed out in my extended and corrected Feb 3, 2009 filing that the parent of Duke Energy of Ohio, Duke Energy of Charlotte, North Carolina had signed a S.E.C. of the U.S. consent decree. file # 3-11974 dated July 8, 2005. "Duke Energy was ordered to "cease and desist" under Section 21C of the Securities exchange Act of 1934" "Duke maintained separate books".....i.e. **ACCOUNTING**. The signing of this S.E.C. consent decree by Duke Energy of Charlotte, North Carolina took place during the PUCO Ohio comment time frame for their proposed merger with Cinergy, where the staff of PUCO did not recommend that there be Discovery. I wrote on Case # 05-0732-EL-MER during that comment time frame that I wanted to ask Cinergy during the Discovery process, "what they knew about Duke Energy of North Carolina S.E.Cs. consent decree and when did they know it"? I was not allowed to do this because at that time I was not permitted to be a PUCO intervenor on that Case.

I stated in my Feb 3, 2009 amended filing that the present PUCO staff has a conflict of interest because of their prior staff report on Case No.05-0732-EL-MER which allowed for the eradication of Cinergy an Ohio Corporation, in favor of Cinergy merging with Duke Energy of Charlotte, North Carolina.. This merger was approved on Dec 21, 2005 by the PUCO who never allowed Discovery.

As a former Cincinnati Gas & Electric and Cinergy customer, now a customer of Duke Energy of Ohio and an opponent of the Duke Energy of Ohio Electric distribution rate increase request I would like the present PUCO staff (attorneys) to answer the following question. **(2) Does the Staff of the PUCO have a conflict of interest in the formatting and evaluating the present electric distribution requested increase because of their past involvements with the creation of Duke Energy of Ohio and the Cinergy merger, with Duke Energy of Charlotte, North Carolina from a Duke Energy of Ohio customer's perspective?**

(3) (Did the PUCO staff carefully evaluate the Accounting methods and yearly comparisons of Duke Energy of Ohio in preparing the PUCO Staff Report?

(4) Did PUCO staff use their own internal "in house" CPA's in reviewing the Duke Energy of Ohio electric distribution rate increase request? **(5)** Have Ohio neutral CPA's (independent public Accountants) employed by PUCO staff certified that the Ohio math figures supplied, omitted or if placed in the wrong category by Duke Energy of Ohio justifying the proposed Electric rate increase, are reliable and correct? **(6)** If so, who paid these independent public accountants? How much were these Accountants paid? **(7)** What are the names of these accountants and their firms? **(8)** Have any of these Accounting firms or their employees ever worked directly or indirectly for Duke Energy of Ohio/Duke Energy of Charlotte, North Carolina?

On Dec 21, 2005 on the merger docket # 05-0732-EL-MER. Alan Schriber, Chmn. PUCO said that the "PUCO will continue to monitor the service, safety and reliability performance of the Company" (meaning Duke Energy of Ohio), following the merger. **(9)** Since my Dec 31, 2008 docket comment quotes that this monitoring information is provided to PUCO once every 18 months when customer service audits are taken, how does the PUCO staff know what is going on with Duke Energy of Ohio customers as to service, safety and reliability in between each of the past 18 month time-frames?

(10a) If Duke Energy of Ohio would not refill any and all of the Ohio Electric overhead distribution (in house) Ohio workers positions as they become available now (Feb 28, 2009) on their payroll by attrition in the future, the same as Duke Energy and Cinergy have done with attrition in past years with overhead electric distribution workers slots by randomly hiring sub-contracted "on call" workers as the so-called replacements; At what point would safety, service, reliability, Ohio Workmens Comp & equal opportunity set in for DE Ohio? **((10b)** Would savings to the consumer customer take place, since there is also no retirement benefit for "on Call" workers and it would be a factor to be considered by PUCO & DE Ohio, if these workers work for short term or long term time-frames obviously cheaper then "in house" workers? **(11)** If Duke Energy of Ohio had no "in house" overhead electric distribution employees, would that be al-right with the PUCO staff as it relates to their Chairmen's words, "service, safety and reliability" and the PUCO credo providing electric at fair marketable competitive rates?

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The Ohio Senate passed amended Substitute Senate Bill 221 signed by Governor Strickland on May 1, 2008. PUCO had to adopt rules to implement Ohio 's new energy law which the PUCO enacted on Sept 17, 2008.

Page 1 of the PUCO news release of Sept 17, 2008 has a sentence within same that says the following: " The purpose of these economic development reasonable arrangements is to facilitate the state's effectiveness in the global economy and promote job growth and retention in the state." The electric Overhead work for the widening of the street at 3200 Vine Street by the Cincinnati Zoo and U.S. Veterans Hospital was done with long term "on call" workers as well as the work for the widening of East Galbraith Road in the 4500-4700 blocks opposite of the Jewish Hospital in Sycamore Twp, Hamilton County. (12) Does the PUCO staff and Commission say it is all-right for Duke Energy of Ohio to use "on call" workers for the overhead pole work described in the previous sentence.? (13) Was that the intent of the September 17th PUCO rule implementation, that long term "on call" workers could be used for the previously mentioned pole moving jobs vs having "in house" workers do that work or other work? (14) Who for the PUCO monitors Duke Energy of Ohio work with "on Call" out of state and "out of house" workers to make sure the Sept 17, 2008 rules and other Ohio rules and laws are being complied with by Duke Energy of Ohio on all of their electric distribution work in Ohio?

(B) I omitted by error with my PUCO docket amendment of Feb 25, 2009 a colored copy insert of a one page article from the *Cincinnati Enquirer*, Cincinnati .Com web site that included advertising.

That copy includes an article about me, Albert E. Lane, an official (intervenor-opponent) referenced to the present PUCO Duke Energy of Ohio requested electric rate hike distribution case. **Please note the top of the article page about my opposition to**

the Duke rate increase, sent as page 7 of these 8 pages, (includes a Duke Energy colored advertising masthead above the article about me.). That Duke Energy advertisement says "Rising Energy Costs?, bring your bill down."

(15) My question to the staff of the PUCO: Is this article about Duke Energy of Ohio and Albert E. Lane an opponent of Dukes requested electric distribution rate increase (Case # 08-709-El-Air and the Duke Energy advertising content of "rising energy costs, bring your bill down", a dichotomy?

(16) Please refer to view the juxtaposition of the two opposite thoughts evolving from Duke's Electric rate Distribution request increase and its offer To" bring your bill down." Are the two opposite thoughts compatable?

(17) Is Duke Energy of Ohio making a mockery of the PUCO rule process by taking these two opposing views simultaneously here and in other Ohio media ie, one view to increase electric distribution rates and the other to lower your Ohio Duke Energy utility bill?

(18) Has the PUCO staff, its in house or out of house CPA's since 1994 and recently looked at Cinergy,Duke Energy of Ohio's accounting papers and charts to find out where the Ohio money that paid the overhead distribution line workers who have reached retirement etc. has gone when they have not been replaced.?

(19) Why is the Duke Energy of Ohio call center in Southern Indiana and not Ohio and how come the various departments of DE of Ohio at 4th Street, in downtown Cincinnati are not reachable by the consumer?

(20) What Cincinnati departments and how many employees were moved from Ohio after the Duke Energy-Cinergy merger when Duke Energy of Ohio became my utility?

(21) How many sq. ft. of owned or controlled Duke Energy of Ohio office space in Ohio is now empty?

(22) How many gross total Ohio employees did Cinergy have in Ohio in 2005 and how many does Duke Energy of Ohio have in Ohio in 2009, now?

23) How are all Ohio operating costs/ all Ohio income & all Ohio profits computed for Duke Energy of Ohio and attributed to its parent Company Duke Energy of Charlotte North Carolina from Duke Energy of Ohio?

(24) Why are calls to call center in Indiana referred to Duke Energy in Charlotte North Carolina?

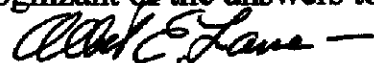
(25) Does Duke Energy of Ohio have heavy equipment in Ohio with Ohio operators available in the event of an emergency, around the clock, compared to what Cincinnati Gas & Electric had in 1994?

(26a) How much Duke Energy of Ohio utility bill income is used for rental space in North Carolina? **(26b)** What will be the net increase in rents for Duke Energy of North Carolina in the recently agreed new Charlotte North Carolina, Duke Energy 500,000 sq. ft. leased office building announced Feb 26, 2009? **(26c)** How much of the increase in the 500,000 sq ft rent, if any, will be taken from Ohio Duke Energy income?

(27) How are the operating income & costs (including wages and the shifting of workers between States) divided between Ohio, Kentucky & Indiana where applicable?

As a Duke Energy of Ohio customer and a citizen of Ohio I am awaiting answers to the questions I raised and would hope that in making future decisions the PUCO staff (replacement staff) will be cognizant of the answers to the questions herein asked.

Respectfully submitted



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Note: Albert E. Lane is not an attorney. Albert E. Lane did not go to Law School.
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Last Updated: 1:33 pm | Monday, February 23, 2009

Amberley man fights Duke rate hike

By Mike Boyer • mboyer@enquirer.com • February 23, 2009

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An Amberley Village resident has joined Duke Energy Corp.'s pending request for an \$86 million increase in electric distribution rates as an official party to the case slated to come before the Public Utilities Commission of Ohio (PUCO) next month.

-1- 1/25/2009

Albert E. Lane, a former village council candidate, is the only private citizen among 10 official interveners in the case including the Kroger Co., the Ohio Energy Group, the city of Cincinnati and Greater Cincinnati Health Council among others.

Lane, a critic of 2006 merger of the former Cinergy Corp. into Duke Energy, said he wants the PUCO to investigate Duke's use of outside contractors to supplement its in-house staff to determine if it is compliance with state requirements for "customer service, safety and reliability."

In December, the commission approved Duke's three-year generation rate plan which included a 3.8 percent decline for a typical residential customers this year due to lower fuel costs. The commission has also allowed the utility to setup a customer bill rider to recover \$31 million in costs from the Sept. 14 wind storm over three years.

In filing for a 5 percent increase in distribution rates last July, Duke said the request would result in a slight decrease in a typical customer's monthly bill after elimination of transition charges which expired last year. The PUCO staff report on the rate request last month recommended Duke receive revenues between \$53.9 million and \$62 million instead of the \$86 million sought by the utility. An evidentiary hearing into the request is set for March 31 in Columbus. Local public hearings haven't been scheduled.



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