

FILE

BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

| | | |
|---|---|------------------------|
| In the Matter of the Application of Duke Energy Ohio for an Increase in Electric Distribution Rates |) | Case No. 08-709-EL-AIR |
| In the Matter of the Application of Duke Energy Ohio for Tariff Approval |) | Case No. 08-710-EL-ATA |
| In the Matter of the Application of Duke Energy Ohio for Approval To Change Accounting Methods |) | Case No. 08-711-EL-AAM |

**MOTION FOR ADMISSION OF
LATE FILED EXHIBIT OF DUKE ENERGY OHIO**

Duke Energy Ohio, Inc. (DE-Ohio) respectfully moves for admission of two exhibits which were inadvertently omitted at the hearing of this matter on March 31, 2009. The reason for this motion is set forth more fully in a memorandum in support below.

Respectfully submitted,
Duke Energy Ohio

Elizabeth H. Watts
 Amy B. Spiller (0047277)
 Associate General Counsel
 Elizabeth H. Watts (0031092)
 Assistant General Counsel
 Duke Energy Business Services, Inc.
 Room 2500 Atrium II
 P.O. Box 960
 Cincinnati, Ohio 45201-0960
 (614) 222-1331

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MEMORANDUM IN SUPPORT

Duke Energy Ohio, Inc. (DE-Ohio) requests that the attached Exhibits 20 and 21 be admitted into evidence in this proceeding as late-filed exhibits. Exhibit 20 is the proof of publication for Hamilton County filed on March 11, 2009 and Exhibit 21 is the proof of publication for Butler County filed on March 13, 2009. The Exhibits were originally to have been entered into the record during the hearing of March 31, 2009. They were marked as exhibits during the hearing but counsel for DE-Ohio neglected to request that these exhibits be admitted. Counsel for Staff of the Public Utilities Commission of Ohio, The Ohio Consumers' Counsel, The Ohio Energy Group, the City of Cincinnati, the Ohio Cable Telecommunications Association, The Kroger Company, Ohio Partners for Affordable Energy and the Greater Cincinnati Hospital Council, have no objection to these documents being admitted. Counsel for People Working Cooperatively and twTelecom were not responsive. Mr. Albert Lane stated via email that he opposes this motion.

Respectfully submitted,



Amy B. Spiller (0047277)
Associate General Counsel
Elizabeth H. Watts (0031092)
Assistant General Counsel
Duke Energy Business Services, Inc.
Room 2500 Atrium II
P.O. Box 960
Cincinnati, Ohio 45201-0960
(513) 419-1810

Counsel for Duke Energy Ohio, Inc.

Proof of Publication

The State of Ohio

Butler County

**Personally Appeared before me, a Notary Public, in and for Butler County, Ohio
Cristina Ashbrook, who, being duly sworn, says that the annexed Advertisement
was published in the**

X The Middletown Journal

X The Hamilton Journal

-

on the following dates: Tuesday October 21, 2008

Cristina Ashbrook
Affiant

Sworn to and subscribed before me this 19th day of December 2008.

Vicki L. Housh
**_____
Notary Public**



**VICKI L. HOUSH
Notary Public, State of Ohio
My Commission Expires Aug. 3, 2010**

NOTICE OF APPLICATION TO THE PUBLIC UTILITIES COMMISSION OF OHIO FOR AN INCREASE IN ELECTRIC RATES TO ALL JURISDICTIONAL CUSTOMERS FOR DUKE ENERGY OHIO, INC.

GENERAL NOTICE

The Public Utilities Commission of Ohio (the "Commission") has received an application for an increase in electric rates to all jurisdictional customers of Duke Energy Ohio, Inc. ("Duke Energy Ohio") for the period of January 1, 2008 through December 31, 2008.

DATE OF FILING

| | |
|---------|-------------------------------|
| Rate 15 | \$0.0980 per kWh for Day |
| Rate 16 | \$0.0980 per kWh for Night |
| Rate 17 | \$0.0980 per kWh for Off-Peak |

This filing is being filed in accordance with Rule 305 of the Commission's Rules of Practice and Procedure.

GENERAL STATEMENT

Duke Energy Ohio has filed an application for an increase in electric rates to all jurisdictional customers of Duke Energy Ohio for the period of January 1, 2008 through December 31, 2008. This application is filed in accordance with Rule 305 of the Commission's Rules of Practice and Procedure.

Customer service providers may file rate changes or other rate-related applications with the Commission at any time. These providers include, but are not limited to, power companies, energy service companies, and other entities that provide services to customers under contracts with the Commission.

The filing is being filed in accordance with Rule 305 of the Commission's Rules of Practice and Procedure. The filing is being filed in accordance with Rule 305 of the Commission's Rules of Practice and Procedure.

APPLICANT'S NAME

DUKE ENERGY OHIO, INC.

APPLICANT'S ADDRESS

1000 DEADERICK ST., CINCINNATI, OH 45202

APPLICANT'S PHONE NUMBER

(513) 283-2000

APPLICANT'S FAX NUMBER

(513) 283-2000

APPLICANT'S E-MAIL ADDRESS

DUKE@DUKE.EDU

APPLICANT'S WEBSITE

WWW.DUKE.EDU

APPLICANT'S BUSINESS NUMBER

1000 DEADERICK ST.

APPLICANT'S TAX ID NUMBER

1000 DEADERICK ST.

APPLICANT'S SIC CODE

1000 DEADERICK ST.

APPLICANT'S NAICS CODE

1000 DEADERICK ST.

APPLICANT'S CAGE CODE

1000 DEADERICK ST.

APPLICANT'S DUNS NUMBER

1000 DEADERICK ST.

APPLICANT'S MCGRAW HILL NUMBER

1000 DEADERICK ST.

APPLICANT'S CUSIP NUMBER

**NOTICE OF APPLICATION TO THE PUBLIC UTILITIES COMMISSION OF OHIO FOR AN INCREASE IN ELECTRIC RATES
TO ALL JURISDICTIONAL CUSTOMERS FOR DUKE ENERGY OHIO, INC.**

STATEMENT AND CERTIFICATION

Presented before representatives of the Ohio Department of Natural Resources, State Energy Office, Ohio Public Utility Commission, October 14, 2008 by Duke Energy Ohio, Inc., a corporation organized under the laws of the State of Ohio, whose principal office is located at 1000 Mayfield Road, Suite 1000, Cleveland, Ohio 44135, telephone number (216) 468-4400, (800) 468-4400, (216) 468-4401 by its authorized representative, Robert Clegg, Counsel, Cleveland, Ohio 44135, telephone number (216) 468-4401, fax number (216) 468-4401, email address robert.clegg@duke-energy.com.

All documents filed with the Ohio Department of Natural Resources, Ohio Public Utility Commission, or the Ohio Attorney General are subject to public inspection and copying, except those documents which are specifically designated as confidential by the filer.

The filer certifies that the present document:

**REPRESENTS THE
ACCURATE STATEMENT
OF THE FILER'S
KNOWLEDGE**

**EXHIBIT A
GENERAL SERVICE RATE SCHEDULE**

GENERAL SERVICE, 1000 KW & LESS

APPENDIX A

Appended to this document are the three service rates, the current proposed rate increase, the proposed rate changes, and proposed rate changes for each customer class. The proposed rate increase represents the proposed rate increase for all customers in the jurisdictional area of the Company's Ohio distribution system. This filing shall not affect existing customer rates or the jurisdictional area of the Company's Ohio distribution system.

NOTWITHSTANDING

Customer classes with the following charges:

**GENERAL SERVICE
GENERAL SERVICE**

GENERAL SERVICE, 1000 KW & LESS

NOTICE OF APPLICATION TO THE PUBLIC UTILITIES COMMISSION OF OHIO FOR AN INCREASE IN ELECTRIC RATES TO ALL JURISDICTIONAL CUSTOMERS FOR DUKE ENERGY OHIO, INC.

PREPARED DUE TO REGULATORY CHANGES, MARKET CHANGES AND GENERAL BUSINESS CONDITIONS

APPLICANT:
Duke Energy Ohio, Inc., formerly known as FirstEnergy Ohio, Inc., is a wholly-owned subsidiary of Duke Energy Corp., headquartered in Charlotte, North Carolina. The Company's service territory includes all or substantially all of the state of Ohio, plus portions of Indiana, Michigan, and West Virginia.

KEY NUMBERS:

1. Powerplants - Ohio

The following table groups by location the Company's generating, transmission and distribution facilities:

| | Electric Utility Power Plants | | | |
|-----------------------|-------------------------------|-------------|-------|-------|
| | Lignite | Natural Gas | Coal | Wind |
| 2007 Gross Generation | 1,026 | 617 | 1,162 | 1,130 |
| 2006 Gross Generation | 1,025 | 615 | 1,153 | 1,131 |

The Company's generating, transmission, and distribution facilities are located in the following states:

| | Ohio | Michigan | Indiana | West Virginia |
|-----------------------|-------|----------|---------|---------------|
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| --- | --- | --- | --- | --- |

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Affidavit of Publication

Publisher's Fee Affidavit Charge

State of Ohio

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} SS.

}

Hamilton County

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Personally appeared

Rose Marie Wending

Of the The Enquirer, a newspaper printed in Cincinnati, Ohio and published in Cincinnati, in said County and State, and of general circulation in said county, who being duly sworn, deposeth and saith that the advertisement of which the annexed is a true copy, has been published in the said newspaper times, once in each issue as follows: 10/17/2008

Cincinnati Enquirer

Kentucky Enquirer

Cincinnati.Com

Rose M. Wending,

AFFIANT

Sworn to before me, this

Nov 25, 2008

Doris Thomas

Notary Public of Ohio



Doris Thomas
Notary Public, State of Ohio
My Commission Expires 02-21-2012

NOTICE OF APPLICATION TO THE PUBLIC UTILITIES COMMISSION OF OHIO FOR AN INCREASE IN ELECTRIC RATES

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PROTECTED AREA

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NOTICE OF APPLICATION TO THE PUBLIC UTILITIES COMMISSION OF OHIO FOR AN INCREASE IN ELECTRIC RATES TO ALL JURISDICTIONAL CUSTOMERS FOR DUKE ENERGY OHIO, INC.

TO READING AND CONCERN:

Demand in the jurisdiction of the Ohio PUCB for the Duke Energy Ohio Inc. (DE Ohio) facility, filed a notice on May 25, 2005, that included the Duke Energy Ohio Inc. application for rate relief in accordance with the Public Utilities Commission of Ohio's (PUCB) requirements for filing such applications. The application was filed in response to a rate increase in electric rates, which resulted in a rate of return, before taxes, of 10.2%, which exceeded the maximum allowed by law. Specifically, the application was filed in response to a rate increase in electric distribution rates. This rate increase is proposed to begin on October 1, 2008, and will be submitted to the Commission. The application also includes the following:

1) Specific circumstances that led to the application filed, including the reasons for the rate increase; 2) the historical revenue requirements associated with changes in distribution rates, and the projected revenues and costs that support rates in existing distribution rates; 3) the rate analysis proposed, including, if any, specific details for key rate components; and 4) the required financial information.

The following is a description of the proposed rate relief:

PROPOSED RATE RELIEF

REGULATED SERVICE

APPLICABILITY

Applicable to residential customers who have their primary residence, or place of business, in Ohio, and to domestic properties, private residences, single-family dwellings, multi-family dwellings, and mobile homes, including buildings used for other services, including those owned by the applicant, or related to the applicant, or DE Ohio.

NET INVENTORY

Composed of two components, the following charges:

| Customer Charge | Summer Period | Winter Period |
|------------------------|------------------|------------------|
| On Demand Charge | \$0.00 per month | \$0.00 per month |
| Off Peak (Residential) | 1.8270 per kWh | 1.8270 per kWh |

The following components of the rate apply to all customers except those customers who reside in their own home, or own their own home, and do not reside in a Duke Ohio Service Area.

Customer Charge

Summer Period

Winter Period

| | | |
|-----------------------|----------------|----------------|
| Energy Charge | 1.8270 per kWh | 1.8270 per kWh |
| Additional Components | 1.8270 per kWh | 1.8270 per kWh |

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Customer Charge

Summer Period

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CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a copy of the foregoing Motion for Admission of Late Filed Exhibits was served on the following parties of record by first class, U.S. mail, postage prepaid or via overnight delivery this 30th day of April 2009.



Elizabeth H. Watts

Ohio Consumers' Counsel
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