

**FAX
FILE**

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ALBERT E. LANE

7200 FAIR OAKS DRIVE CINCINNATI, OHIO 45237-2922

(513) 631-6601

E-MAIL AELMICTEN@AOL.COM

JUNE 8, 2009

**PUBLIC UTILITIES COMMISSION OF OHIO
DOCKETING DIVISION
13th FLOOR, Attn: Renee Jenkins
180 EAST BROAD STREET
COLUMBUS, OHIO 43215-3793**

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of Duke Energy Ohio, Inc. for an Increase in Elec. 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. 08-710-EL-AAM

In the Matter of the Application of Duke Energy Ohio, Inc for Approval of its Rider BDP, Backup Delivery Point Rider Case No. 06-718-EL-ATA

AND-----Case # 05-0732-EL-MER

UPDATING, "UPDATED ALBERT E. LANE, INTERVENER SYNOPSIS OF FILING OF JUNE 6, 2008."

"It is Albert E. Lane intervener's contention that The Office of Ohio Consumer Counsel signed off its representation of 607,000 Duke Energy of Ohio customers on March 31, 2009, which is contrary to its State Legislature requirement to represent all the people in utility proceedings. The compromise \$55 million stipulation of March 31, 2009) was not beneficial (stated as beneficial in a press release by OCC), to Duke Energy of Ohio customers of which I am one. "

The compromise \$55 mil stipulation correct amount is \$55.3 mil per DEO filing 3/31/09. Albert E. Lane intervener assumes that the \$55.3 mil compromise is per year. **The secret meeting was held March 5, 2009. not March 1, 2009 as filed on June 1, 2009.** Attached hereto as (Page 3 of 3 pages)for the docket record is a copy of the Office of Ohio Consumers' Counsel Press (news release) of March 31, 2009. Captioned " Duke Energy's residential consumers to benefit from agreement in electric distribution rate case"

I Albert E. Lane, intervener agree to comply with all requirements of the PUCO Attorney Examiner Scott Farkas entry of June 3, 2009.

CERTIFICATE OF SERVICE

I CERTIFY THAT A COPY OF THE FOREGOING WAS SERVED VIA ORDINARY MAIL OR OVERNIGHT DELIVERY ON THE FOLLOWING PARTIES THIS THE 8TH DAY OF JUNE 2009.

**VERY TRULY YOURS, *Albert E. Lane*
ALBERT E. LANE, INTERVENER CASE # 08-0709-EL-AIR**

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 *TM* Date Processed *6/11/09*

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Ohio Consumers' Counsel
Ann M. Hotz, Counsel of Record
10 W Broad Street
Suite 1800
Columbus, OH 43215-3420

Boehm, Kurtz & Lowry
David Boehm/ Michael Kurtz
36 East 7th Street
URS Building
Suite 1510
Cincinnati, OH 45202-4454

Chester, Willcox & Saxbe LLP
John W. Bentine/ Mark Yurick
65 E State Street
Suite 1000
Columbus, OH 43215-4216

Bricker & Eckler, LLP
Thomas O'Brien
100 S. Third Street
Columbus, OH 43215-4236

Ohio Partners for Affordable Energy
David Rinebolt/ Colleen Mooney
231 West Lima Street
Findaly, OH 45840-3033

People Working Cooperatively, Inc.
Mary W. Christensen, Esq.
100 E. Campus View Blvd.
Columbus, OH 43235-4679

Rocco O D'Ascenzo
Amy B. Spiller
Elizabeth H. Watts
Duke Energy of Ohio
139 East 4th Street
P.O. Box 960
Cincinnati, Ohio 45201-0960

tw telecom of ohio LLC
Pamela Sherwood
4625 W. 8th Street, Suite 500
Indianapolis, IN 46268

Greater Cincinnati Health Council
Douglas E. Hart
441 Vine Street
Suite 4192
Cincinnati, OH 45202-2852

Vorys, Sater, Seymour & Pease
Steven M. Howard/ Gardner F. Gillespie
52 E Gay Street
P.O. Box 1008
Columbus, OH 43215-3108

Stephen Reilly
Attorney General's Office
180 East Broad Street
9th Floor
Columbus, OH 43215-3707

Mr. Mike Boyer
Utility Writer
Cincinnati Enquirer
312 Elm Street
Cincinnati, Ohio 45202

Office of the Ohio Consumers' Counsel**News Release**Office of the Ohio Consumers' Counsel
FOR IMMEDIATE RELEASE[- Printer friendly copy](#)[- Email this press release](#)Contact: Ryan Lippe
(614) 468-7289**Duke Energy's residential consumers to benefit from agreement in electric distribution rate case**

COLUMBUS, Ohio – March 31, 2009 – Residential customers of Duke Energy will benefit from an electric rate case agreement filed by the Office of the Ohio Consumers' Counsel (OCC), the staff of the Public Utilities Commission of Ohio (PUCO), the utility and other parties, the OCC announced today.

Residential customers of Duke Energy will benefit from an electric rate case agreement filed by the Office of the Ohio Consumers' Counsel (OCC), the staff of the Public Utilities Commission of Ohio (PUCO), the utility and other parties, the OCC announced today.

The agreement also provides additional benefits for residential consumers, including a commitment by Duke to provide up to \$40,000 monthly for payment assistance to as many as 10,000 households with incomes at or below 200 percent of the federal poverty level and not enrolled in the Percentage of Income Payment Plan. Customers already enrolled in a similar payment assistance program for Duke's natural gas service will be enrolled automatically in this new electric program, while additional households will be able to sign up by contacting the utility.

"By sharply reducing the amount of the revenue increase provided to Duke, we have minimized the impact to customers' rates at a time when households know that every dollar counts," said Consumers' Counsel Janine Migden-Ostrander. "In addition, the payment assistance for low-income households is crucial, especially because it will be open to customers whose incomes exceed the level served through existing opportunities such as the Home Energy Assistance Program."

The parties also agreed that Duke will not be entitled to increase rates as part of this case for Hurricane Ike costs. Instead, Duke will have to file a separate application with the PUCO to request the recovery of costs associated with the September 2008 windstorm. Duke will have to prove whether its storm restoration activities were prudent and the costs incurred by the company were reasonable. A hearing will be held if one or more stakeholders have unresolved objections. The company is seeking \$31 million in storm-related costs that would be passed onto its customers.

About the Office of the Ohio Consumers' Counsel

The Office of the Ohio Consumers' Counsel (OCC), the residential utility consumer advocate, represents the interests of 4.5 million households in proceedings before state and federal regulators and in the courts. The state agency also educates consumers about electric, natural gas, telephone and water issues and resolves complaints from individuals. To receive utility information, brochures, schedule a presentation or file a utility complaint, residential consumers may call 1-877-PICKOCC (1-877-742-6822) toll free in Ohio or visit the OCC Web site at www.pickocc.org.