

FILE

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ALBERT E. LANE

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March 1, 2010

The Public Utilities Commission of Ohio (via Fed Ex this date)  
Attention Docketing Division, Ms. Renee Jenkins  
180 East Broad Street  
13<sup>th</sup> Floor  
Columbus, Ohio 43215-3793

In the Matter of the Application of Duke ) Case No-09-1946-EL-ATA  
Energy Ohio, Inc. to Establish and Adjust ) Case No-09-1946-EL-RDR  
The initial Level of its Distribution Rate ) Case No-05-0732-EL-MER  
RIDER DR ) CASE NO-08-0709-EL-AIR

Motion by Duke Energy of Ohio customer consumer\* Albert E. Lane requesting  
The Attorney Examiners of the PUCO in Case No-09-1946-EL-ATA and Case  
No-09-1946-EL-RDR to accept my late comments filed March 1, 2010 on both of  
those dockets. (six days late) The deadline for filing was February 23, 2010

PUCO Docket # 08-0709-EL-AIR shows that Albert E. Lane, as a recognized  
PUCO intervener had previously participated in opposition to DEO in that Duke  
Energy of Ohio rate increase case which included a DEO request for "Ike"  
windstorm money. The DEO "Ike" windstorm request was deferred by a  
stipulation meeting/signing that I Albert E. Lane choose not to attend nor sign, on  
March 31, 2009. (This is explained in my March 1, 2010 Docket Case No 09-  
1946-EL-ATA/RDR filing.)

I also was a commenter against the merger of Cinergy of Ohio with Duke Energy  
of North Carolina to form a holding Company-DEO. PUCO Case # 05-0732-EL-  
MER.

As a previous intervener in PUCO Case # 08-0709-EL-AIR, I Albert E. Lane did  
not receive notice from DEO nor the PUCO that there was a new DEO "IKE"  
windstorm \$31 mil cost retrieval docket #-09-1946-EL-ATA/RDR. I Albert E.  
Lane had no idea that deferred meant creating a new PUCO Docket. Further, I  
Albert E. Lane saw or heard no published advertisement or words about the  
revived DEO "IKE" windstorm money request docket until early February 2010.

The *Cincinnati Enquirer* called me and quoted me in the Feb 2, 2010 local bus-

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iness news captioned "Duke seeks to recover windstorm costs." "Albert Lane, a retired Amberley Village resident and a vocal opponent of the last rate hike, said recovering the storm costs in a separate case is wrong. He said opposition expressed in last year's case won't be part of the new proceeding."

On Feb 25, 2010 the *Cincinnati Enquirer* business summary printed a paragraph about the Ohio Office of Consumer Counsel (OCC) titled. "Consumer counsel opposes Duke recouping storm cost". "Duke Energy should not be allowed to collect \$31 million in storm costs the OCC said in comments filed Tuesday (Feb 23, 2010) at the PUCO".

The OCC PUCO filing article prompted me to start writing my comments on Feb 26, 2010 about the DEO "IKE" windstorm \$31 mil money request, which I went to and sent by FED EX to the PUCO docketing on Feb 27, 2010.

When I returned to my study on Feb 27, 2010, after sending my Feb 27, 2009 filing of March 1, 2009 I went to my computer. I Albert E. Lane opened up the PUCO Docket of Case # 09-1946-EI-ATA/RDR and found and read for the first time the Honorable PUCO Attorney Examiner Katie L. Stenman statement filed Feb 9, 2010, that motions to intervene in Case # 09-1946-EI-ATA/RDR be filed at PUCO docketing by March 23, 2010.

Your Honor, Kindly extend the deadline to March 3, 2010 so that this motion dated March 1, 2010 and my comments of February 27, 2010 (Posted at PUCO docketing on March 1, 2010) will both be legal and valid.

Thank you

  
Albert E. Lane

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CC: SHIRLEY HAYES

*Cincinnati Enquirer*