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Cincinnati Bell™

221 E. Fourth St.  
P.O. Box 2301  
Cincinnati, Ohio 45201-2301

July 14, 2011

VIA FAX

Ms. Renee Jenkins  
Chief, Docketing Division  
The Public Utilities Commission of Ohio  
180 East Broad Street  
Columbus, OH 43215-3793

RE: In the Matter of Application of Duke Energy Ohio, Inc. for Authority to Establish a Standard Service Offer Pursuant to Section 4928.143, Revised Code, in the Form of an Electric Security Plan, Accounting Modifications and Tariffs for Generation Service, Case No. 11-3549-EL-SSO

In the Matter of Application of Duke Energy Ohio, Inc. for Authority to Amend its Certified Supplier Tariff, P.U.C.O. No. 20, Case No. 11-3550-EL-ATA

In the Matter of Application of Duke Energy Ohio, Inc. for Authority to Amend its Corporate Separation Plan, Case No. 11-3551-EL-UNC

Dear Ms. Jenkins:

Enclosed, please find the Motion to Intervene and Request for Leave to File Motion to Intervene Out of Time of Cincinnati Bell Inc. to be filed in this proceeding. The original and twenty (20) copies will be sent by overnight delivery. All parties will be served copies by email as indicated in the Certificate of Service.

Respectfully yours,

Jollett K. Brenzel

Enclosures

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.  
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**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of Application of Duke Energy Ohio, Inc. for Authority to Establish a Standard Service Offer Pursuant to Section 4928.143, Revised Code, in the Form of an Electric Security Plan, Accounting Modifications and Tariffs for Generation Service	)	)	)	Case No. 11-3549-EL-SSO
In the Matter of Application of Duke Energy Ohio, Inc. for Authority to Amend its Certified Supplier Tariff, P.U.C.O. No. 20	)	)	)	Case No. 11-3550-EL-ATA
In the Matter of Application of Duke Energy Ohio, Inc. for Authority to Amend its Corporate Separation Plan	)	)	)	Case No. 11-3551-EL-UNC

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**MOTION TO INTERVENE  
AND  
REQUEST FOR LEAVE TO FILE MOTION TO INTERVENE OUT OF TIME  
OF CINCINNATI BELL INC.**

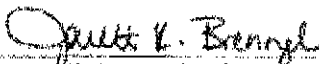
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Cincinnati Bell Inc. ("Cincinnati Bell") hereby moves the Commission, pursuant to Ohio Revised Code § 4902.221 and Ohio Administrative Code 4901-1-11, to intervene as a party to the above-captioned proceedings. As set forth in the accompanying Memorandum in Support, Cincinnati Bell has a real and substantial interest in these proceedings, is so situated that the disposition of these proceedings without its participation may impair or impede its ability to protect its interest, and its participation will contribute to a just and expeditious resolution of the issues involved. Further, Cincinnati Bell's interest in these proceedings is not represented by any existing party, and its intervention will not unduly delay or unjustly prejudice any existing party.

Cincinnati Bell also respectfully requests that the Commission entertain its motion to intervene out of time. Cincinnati Bell was not a party to the most recent Standard Service Offer ("SSO") proceeding of Duke Energy Ohio, Inc. ("Duke") and, thus, was not served with a copy of Duke's application filed on June 20, 2011. While Cincinnati Bell realizes that motions to intervene were required to be filed by July 6, 2011, Cincinnati Bell only became aware of these proceedings on July 13, 2011, five business days after the specified filing date. Cincinnati Bell maintains that granting it leave to file its motion to intervene out of time is consistent with the disposition of similar requests to file motions to intervene out of time in other SSO proceedings (*see, e.g.*, Duke Energy Ohio, Case No. 08-920-PL-SSO, Entry dated September 17, 2008 at 4) and with the Commission's policy of encouraging the broadest possible participation in its proceedings (*see, e.g.*, Cleveland Elec. Illum. Co., Case No. 85-675-PL-AIR, Entry dated January 14, 1986 at 2). Further, in view of the procedural schedule set forth in the Commission's June 21, 2011 Entry, no party will be prejudiced by granting Cincinnati Bell's request. If its motion to intervene is granted, Cincinnati Bell will accept the record as it finds it.

WHEREFORE, Cincinnati Bell respectfully requests that the Commission grant its request for leave to file out of time and grant its motion to intervene.

Respectfully submitted,

  
Jochen K. Brenzel (0073508)  
221 E. Fourth Street, 103-1280  
Cincinnati, OH 45202  
(513) 397-7260

Attorney for Cincinnati Bell Inc.

**MEMORANDUM IN SUPPORT**

Section 4903.221, Revised Code and Rule 4901-1-11 of the Ohio Administrative Code, establish the standard for intervention in the above-styled proceedings. Rule 4901-1-11 of the Ohio Administrative Code states in part:

Upon timely motion, any person shall be permitted to intervene in a proceeding upon a showing that:

\* \* \*

(2) The person has a real and substantial interest in the proceeding, and the person is so situated that the disposition of the proceeding may, as a practical matter, impair or impede his or her ability to protect that interest, unless the person's interest is adequately represented by existing parties.

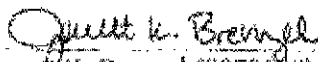
In addition to establishment of a direct interest, the factors that the Commission considers when applying the rule are the nature of the intervenor's interest, the extent that interest is represented by existing parties, the intervenor's potential contribution to a just and expeditious resolution of the issues involved, and whether intervention would result in an undue delay of the proceeding.

On June 20, 2011, Duke Energy Ohio, Inc. ("Duke") filed an application for a Standard Service Offer ("SSO") pursuant to Section 4928.141, Revised Code. Duke's current Electric Security Plan will expire on December 31, 2011, and Duke is proposing an Electric Security Plan that is intended to last nearly ten years. Cincinnati Bell has at least four subsidiaries that would be affected by the outcome of these proceedings: Cincinnati Bell Telephone Company LLC ("CBT"), Cincinnati Bell Wireless LLC ("CBW"), Cincinnati Bell Extended Territories LLC, and Cincinnati Bell Technology Solutions Inc. In 2010, CBT and CBW alone had 599 locations served by Duke that consumed approximately 94 million kWh. If the Commission approves Duke's application, the price and reliability of Cincinnati Bell's electric generation service may be substantially affected, which may, in turn, have a significant effect on Cincinnati Bell's ability to serve its customers. Thus, Cincinnati Bell has a real and substantial interest in these proceedings.

Further, Cincinnati Bell's interest is not represented by an existing party, it will contribute to the just and expeditious resolution of the issues and concerns raised in these proceedings, and its participation will not unduly delay this proceeding or unjustly prejudice any existing party.

For these reasons, Cincinnati Bell respectfully requests that the Commission grant its request for leave to file out of time and grant its motion to intervene.

Respectfully submitted,

  
Jovett K. Brenzel (0073508)  
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Attorney for Cincinnati Bell Inc.

### CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing documents was served upon the persons listed below this 14<sup>th</sup> day of July, 2011 by electronic mail.

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