

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Duke Energy	)	
Ohio, Inc. for an Increase in Gas Rates	)	Case No. 12-1685-GA-AIR
In the Matter of the Application of Duke Energy	)	
Ohio, Inc. for Tariff Approval	)	Case No. 12-1686-GA-ATA
In the Matter of the Application of Duke Energy	)	
Ohio, Inc. for Approval of an Alternative Rate Plan	)	Case No.12-1687-GA-ALT
for Gas Distribution Service	)	
In the Matter of the Application of Duke Energy	)	
Ohio, Inc. for Approval to Change Accounting	)	Case No.12-1688-GA-AAM
Methods	)	

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**MOTION TO INTERVENE OF CINCINNATI BELL TELEPHONE COMPANY LLC**

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Cincinnati Bell Telephone Company LLC (“CBT”) hereby moves the Commission pursuant to Revised Code § 4903.221 and Commission Rule 4901-1-11, to intervene as a party to the above-captioned proceedings. As set forth in the Memorandum in Support, CBT submits that this motion is timely, it has a real and substantial interest in these proceedings, it is so situated that the disposition of these proceedings without its participation may impair or impede its ability to protect those interests, and its participation in these proceedings will contribute to a just result. No existing party represents CBT’s interests in these proceedings and granting this motion to intervene will not unduly delay these proceedings or unjustly prejudice any existing party.

Respectfully submitted,

/s/ Douglas E. Hart

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### **MEMORANDUM IN SUPPORT**

On June 7, 2012 Duke Energy Ohio, Inc. (“Duke”) filed notice of intent to file an application for increase in rates pursuant to R.C. § 4909.18. On July 9, 2012, Duke filed its application for a rate increase. CBT is a substantial consumer of natural gas in Duke’s gas distribution service area. The application filed by Duke, if granted by the Commission, would directly impact CBT and could significantly impact the prices paid by it for gas distribution service.

The standard for intervention in Commission proceedings is governed by Revised Code § 4903.221, as further stated in Commission Rule 4901-1-11, Ohio Administrative Code:

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.

Factors that the Commission considers when applying the rule include 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.

Duke just filed its application on July 9, 2012 and the Commission has not yet established a deadline for intervention. Therefore, this Motion to Intervene is timely.

CBT has a real and substantial interest in this proceeding because it is a major gas distribution service customer of Duke. CBT purchases gas service for approximately thirty different building locations in Duke's distribution territory. Utility costs represent a substantial expense for communications businesses, which affects the cost of these services in Ohio. While several other parties have already sought intervention in this proceeding, none of them is similarly situated to or represents the interests of CBT.

Consistent with the requirements of Revised Code § 4903.221 and Commission Rule 4901-1-11, this motion is timely; CBT has a real and substantial interest herein; its interests are not represented by existing parties; it will contribute to the just and expeditious resolution of the issues and concerns raised in these proceedings; and its participation in these proceedings will not cause undue delay or unjustly prejudice any existing party.

For these reasons, CBT respectfully requests that this motion to intervene in the above-captioned proceedings be granted.

Respectfully submitted,

/s/ Douglas E. Hart

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## **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Motion to Intervene and Memorandum in Support was served upon the parties of record listed below this 12th day of July, 2012 by electronic service.

/s/ Douglas E. Hart

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Summary: Motion to Intervene electronically filed by Mr. Douglas E. Hart on behalf of Cincinnati Bell Telephone Company LLC