

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Duke Energy)	
Ohio, Inc. for the Establishment of a Charge)	Case No. 12-2400-EL-UNC
Pursuant to Revised Code Section 4909.18.)	
In the Matter of the Application of Duke Energy)	
Ohio, Inc. for Approval to Change Accounting)	Case No. 12-240-1-EL-AAM
Methods.)	
In the Matter of the Application of Duke Energy)	
Ohio, Inc. for the Approval of a Tariff for a New)	Case No.12-2402-EL-ATA
Service.)	

MOTION TO INTERVENE OF CINCINNATI BELL INC.

Cincinnati Bell Inc. 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, Cincinnati Bell Inc. 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 its interests in these proceedings and that 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 August 29, 2012 Duke Energy Ohio, Inc. (“Duke”) filed an Application in the above captioned proceedings for approval of additional capacity charges over and above what it agreed to accept in Case No. 11-3549-EL-SSO. Cincinnati Bell Inc.’s subsidiary companies are substantial consumers of electricity in Duke’s electric distribution service area. Cincinnati Bell Inc. was a signatory to the Stipulation and Recommendation that resolved Case No. 11-3549-EL-SSO. The current application filed by Duke seeks to recover substantially more than the amount Duke agreed to accept for its legacy capacity costs in that case and could significantly impact the prices paid by the Cincinnati Bell companies for electric 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 August 29, 2012 and the Commission has not yet established a deadline for intervention. Therefore, this Motion to Intervene is timely.

Cincinnati Bell Inc. has a real and substantial interest in this proceeding because its subsidiaries are electric distribution service customers of Duke. The Cincinnati Bell companies use commercial electric power to operate their communications networks and data centers and consume over a hundred million kWh annually at hundreds of different service locations in Duke's distribution territory. Utility costs represent a substantial expense for communications and data center businesses, which affects the cost of these services in Ohio. Cincinnati Bell Inc. was a party to Duke Energy Ohio's most recent SSO proceeding, Case No. 10-2586-EL-SSO, and the Stipulation and Recommendation that resolved that case. Cincinnati Bell Inc. intervened in that case largely to protect its interests with respect to capacity charges. Among many other things, the Stipulation resolved the amount that Duke Energy Ohio would be allowed to charge for capacity during its current ESP term, which term coincides with the period Duke Energy Ohio will be an FRR entity in PJM. The recent filing would set aside that agreement and add over \$775 million in capacity costs over a three year period.

While several other parties have already sought intervention in this proceeding, none of them is similarly situated to or represents the interests of the Cincinnati Bell companies.

Consistent with the requirements of Revised Code § 4903.221 and Commission Rule 4901-1-11, this motion is timely; Cincinnati Bell Inc. 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, Cincinnati Bell Inc. respectfully request 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 4th day of September, 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 Inc.