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June 9, 2005

Public Utilities Commission of Ohio
PUCO Docketing
180 E. Broad Street, 10th Floor
Columbus, Ohio 43215

In re: Case No. 05-732-EL-MER and 05-733-EL-AAM

Dear Sir/Madam:

Please find enclosed an original and ten (10) copies of the Motion for Leave to Intervene and Memorandum in Support of The Kroger Co. filed in the above-referenced matter.

Copies have been served on all parties on the attached certificate of service. Please place this document of file.

Respectfully yours,



Michael L. Kurtz, Esq.
BOEHM, KURTZ & LOWRY

MLKkew
Encl.

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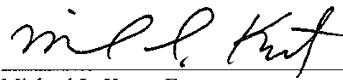
CINCINNATI GAS & ELECTRIC COMPANY
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Michael L. Kurtz, Esq.

**BEFORE THE
PUBLIC UTILITY COMMISSION OF OHIO**

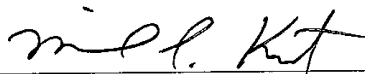
Joint Application Of Cinergy Corp. On Behalf Of The Cincinnati Gas & Electric Company and Deer Holding Corp. For Consent And Approval Of A Change Of Control Of The Cincinnati Gas & Electric Company : Case No. 05-732-EL-MER
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The Application Of The Cincinnati Gas & Electric Company For Authority To Modify Current Accounting Procedures In Order To Defer Costs Incurred In Order To Realize Cost Savings As A Result Of The Merger Transaction : Case No. 05-733-EL-AAM
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**MOTION FOR LEAVE TO INTERVENE
OF THE KROGER CO.**

Pursuant to the Ohio Rev. Code §4903.22.1 and Ohio Admin. Code §4901-1-11, the Kroger Co. ("Kroger") moves for leave to intervene in this proceeding. The Public Utility Commission of Ohio ("Commission") should grant Kroger leave to intervene because Kroger has a real and substantial interest in the proceeding, and the Commission's disposition of this proceeding may impair or impede Kroger's ability to protect that interest.

Respectfully submitted,



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June 9, 2005

COUNSEL FOR THE KROGER CO.

BOEHM, KURTZ & LOWRY

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To:	Mariruth	Fax:	1-614.466.0303
From:	Kim Nonelle		June 13, 2005
Re:	05-732-EL-MER 05-733-EL-AAM	Pages:	2 (including cover)

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Thanks for your help Mariruth.

Kim

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**BEFORE THE
PUBLIC UTILITY COMMISSION OF OHIO**

Joint Application Of Cinergy Corp. On Behalf Of The Cincinnati Gas & Electric Company and Deer Holding Corp. For Consent And Approval Of A Change Of Control Of The Cincinnati Gas & Electric Company	:	Case No. 05-732-EL-MER
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The Application Of The Cincinnati Gas & Electric Company For Authority To Modify Current Accounting Procedures In Order To Defer Costs Incurred In Order To Realize Cost Savings As A Result Of The Merger Transaction	:	Case No. 05-733-EL-AAM
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**MEMORANDUM IN SUPPORT OF
THE KROGER CO.'S
MOTION TO INTERVENE**

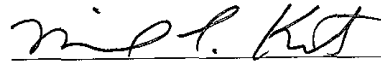
Pursuant to Ohio Rev. Code §4903.22.1 and Ohio Admin. Code §4901-01-11, the Public Utility Commission of Ohio ("Commission") should grant The Kroger Co. ("Kroger") leave to intervene in this proceeding.

Kroger operates approximately 200 grocery stores throughout Ohio. Approximately 50 of those stores are served by CG&E. Kroger is one of the largest commercial customers in the state. The grocery stores operated by Kroger are high load factor facilities that use energy for food storage, lighting, heating, cooling and distribution, often on a 24 hour a day, 7 day a week basis. Therefore, the interests of Kroger may be directly affected by the outcome of this proceeding. Kroger intends to play a constructive role in this case and provide information which will assist the Commission.

No other party to this proceeding can adequately represent Kroger's interest. Intervention would not unduly delay the proceeding nor unjustly prejudice any existing party.

Accordingly, Kroger has a real and substantial interest and is entitled to intervene in this action under Ohio Rev. Code §4903.22.1 and Ohio Admin. Code §4901-1-11.

Respectfully submitted,



Michael L. Kurtz, Esq.

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COUNSEL FOR THE KROGER CO.

June 9, 2005