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May 14, 2004

VIA FACSIMILE AND
UPS NEXT DAY AIR

Public Utilities Commission of Ohio
Docketing Division
180 East Broad Street; 13th Floor
Columbus, Ohio 43215-3793

RECEIVED-DOCKETING DIV
2004 MAY 17 AM 11:19
PUCO

RE: Cincinnati Gas & Electric Company
Case Nos. 03-93-EL-ATA; 03-2079-EL-AAM; 03-2081-EL-AAM;
and 03-2080-ATA

Dear Docketing Division:

Attached for filing please find the Motion To Intervene Of Cognis Corporation. The original and 12 copies of the motion will be sent UPS Next Day Air to be filed stamped.

Please return all extra filed stamped copies to my office in the self-addressed stamped envelope that will be provided. Thank you for your assistance in this matter. Should you have any questions, please feel free to contact me.

Very truly yours,

Theodore J. Schneider

JSG/jbm
Enclosures

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Technician Ann Date Processed 5/17/04

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application Of The)
Cincinnati Gas & Electric Company to Modify)
Its Nonresidential Generation Rates to Provide)
For Market-Based Standard Service Offer)
Pricing and to Establish an Alternative)
Competitive-Bid Service Rate Option)
Subsequent to the Market Development Period.)

Case No. 03-93-EL-ATA

In the Matter of the Application of The)
Cincinnati Gas & Electric Company for)
Authority to Modify Current Accounting)
Procedures for Certain Costs Associated with)
The Midwest Independent Transmission System)
Operator.)

Case No. 03-2079-EL-AAM

In the Matter of the Application of The)
Cincinnati Gas & Electric Company for)
Authority to Modify Current Accounting)
Procedures for Capital Investment in its Electric)
Transmission and Distribution System And to)
Establish a Capital Investment Reliability Rider)
To be Effective after the Market Development)
Period.)

Case No. 03-2081-EL-AAM
Case No. 03-2080-EL-ATA

RECEIVED-DOCKETING DIV
2004 MAY 17 AM 11:20
PUCO

**MOTION TO INTERVENE
OF
COGNIS CORPORATION**

Cognis Corporation ("Cognis") hereby moves to intervene in the above-captioned proceedings pursuant to Ohio Revised Code ("R.C.") Section 4903.221, and Ohio Administrative Code ("OAC") Rule 4901-1-11(F). As set forth in the Memorandum in Support, Cognis submits that, as a large industrial electric customer of The Cincinnati Gas & Electric Company ("CG&E"), it has a real and substantial interest in these proceedings, and that it is so situated that the disposition of these proceedings without

Cognis' participation may impair or impede its ability to protect that interest, and that its participation in these proceedings will contribute to a just result. Cognis further submits that its interest in these proceedings is not adequately represented by an existing party and that granting its motion to intervene will not unduly delay these proceedings or unjustly prejudice any existing party. Cognis recognizes that this filing is being made after the date for interventions has expired and that its participation would be based upon the record that currently exists in these proceedings, and that this intervention should be approved based upon the information set forth in the memorandum below.

MEMORANDUM IN SUPPORT

Cognis Corporation is a large oleochemical manufacturer located in Cincinnati, Ohio. oleochemical Manufacturing requires tremendous electrical energy. Consequently, the electric rate increase proposed in the present action would significantly impact Cognis. Further, International competition in the chemical manufacturing market place is exceptionally stringent. Consequently, while Cognis is generally supportive of CG&E's request to recover its operating costs, Cognis requests the opportunity to protect its interests to remain competitive by intervening in this matter.

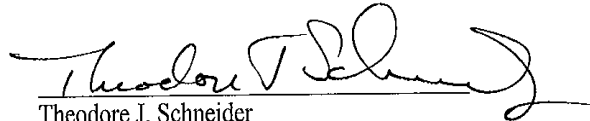
Since there has been no hearing in this matter and discovery is ongoing, even though this motion is being filed late, it should not prejudice any party. Moreover, the Commission has accepted other late-filed motions to intervene in other proceedings where the requesting intervenes have participated from the point of intervention forward, accepting the record as of the date they were permitted to intervene. *See, In the Matter of the Review of Ameritech Ohio's Economics Costs for Interconnection, Unbundled*

Network Elements, and Reciprocal Compensation for Transport and Terminated of Local Telecommunications Traffic, et al., Case No. 96-922-TP-UNC and Case No. 00-1368-YP-ATA, 2001 Ohio PUC LEXIS 719, October 4, 2001; *In the Matter of the Complaint of Sprint Communications Company v. Ameritech Ohio*, Case No. 96-142-TO-CSS, 1997 Ohio PUC LEXIS 660, September 11, 1997; *In the Matter of the Regulation of the Electric Fuel Component Contained within the Rate Schedules of the Dayton Power and Light Company and Related Matters*, Case No. 89-105-EL-EFC, 1989 Ohio PUC LEXIS 1390, December 28, 1989; and *In the Matter of the Complaint of Allnet Communications Services, Inc., MCI Telecommunications Corporation, AT&T Communications of Ohio, Inc. v. The Ohio Bell Telephone Company*, Case No. 86-771-TP-CSS, 1989 Ohio PUCO LEXIS 357, May 1, 1989.

Consistent with the requirements of R.C. Section 4903.221, and OAC Rule 4901-1-11(F), Cognis is a real party in interest herein, whose interest is not now represented, who can make a contribution to the proceeding, and which will not unduly delay the proceeding or prejudice any existing party. Cognis submits that its interest is not represented by any existing party; that it will contribute to the just and expeditious resolution of the issues and concerns raised in this proceeding; that its participation in this proceeding will not cause undue delay or unjustly prejudice any existing party; and that it agrees to be bound by record with respect to other matters previously made in the proceeding.

WHEREFORE, Cognis Corporation respectfully requests the Commission to grant this motion to intervene.

Respectfully Submitted on behalf of
COGNIS CORPORATION,

A handwritten signature in black ink, appearing to read "Theodore J. Schneider", written over a horizontal line.

Theodore J. Schneider
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Motion to Intervene was served upon the parties of record indicated on the attached service list this 14th day of May, 2004, via U.S. mail, postage prepaid and electronic service.

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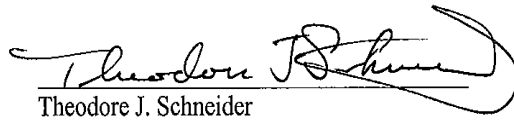
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