

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED

In the Matter of:

JUL 14 2005

PUBLIC SERVICE  
COMMISSION

JOINT APPLICATION OF DUKE )  
ENERGY CORPORATION, DUKE )  
ENERGY HOLDING CORP., DEER )  
ACQUISITION CORP., COUGAR )  
ACQUISITION CORP., CINERGY )  
CORP., THE CINCINNATI GAS & )  
ELECTRIC COMPANY AND THE )  
UNION LIGHT, HEAT AND POWER )  
COMPANY FOR APPROVAL OF A )  
TRANSFER AND ACQUISITION OF )  
CONTROL )

CASE NO. 2005-00228

\* \* \* \* \*

RESTATED MOTION FOR ADMISSION  
*PRO HAC VICE*

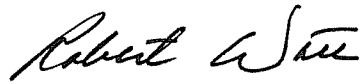
Counsel for the Joint Applicants, Robert M. Watt, III, an attorney licensed to practice in the Commonwealth of Kentucky, hereby moves the Commission to admit Kodwo Ghartey-Tagoe to practice law before the Commission *pro hac vice*, on behalf of Duke Energy Corporation, Duke Energy Holding Corp., Deer Acquisition Corp. and Cougar Acquisition Corp., in the above-captioned proceeding.

Kodwo Ghartey-Tagoe is employed by Duke Energy Corporation and is Chief Regulatory Counsel, Duke Power, a division of Duke Energy Corporation. His business address is P.O. Box 1244, Mail Code: PB05E, Charlotte, North Carolina 28201. Further, Mr. Ghartey-Tagoe, having been admitted in 1988, is a member in good standing with the bar of North Carolina, Membership No. 15876, and has never been suspended, disbarred or resigned as a result of disciplinary charge, investigation or proceeding from the practice of law in any jurisdiction. No disciplinary proceeding has ever been filed against

Mr. Gharthey-Tagoe nor is any presently pending against him in any jurisdiction. In connection with this proceeding, Mr. Gharthey-Tagoe agrees to be subject to the rules of the Commission and the Kentucky Bar Association. An affidavit executed by Mr. Gharthey-Tagoe attesting to these facts is attached hereto. In addition, the Kentucky Bar Association Out-of-State Certification on behalf of Mr. Gharthey-Tagoe indicating his compliance with Supreme Court Rule 3.030(2) is attached hereto.

WHEREFORE, Duke Energy Corporation, Duke Energy Holding Corp., Deer Acquisition Corp. and Cougar Acquisition Corp., through counsel for the Joint Applicants, specifically requests the Commission to grant this motion to allow Kodwo Gharthey-Tagoe to appear and practice before it in the within-styled matter *pro hac vice*.

Respectfully submitted,



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Robert M. Watt, III  
Stoll, Keenon & Park, LLP  
300 West Vine Street, Suite 2100  
Lexington, Kentucky 40507  
859-231-3000  
[robert.watt@skp.com](mailto:robert.watt@skp.com)

Counsel for Joint Applicants

**CERTIFICATE OF SERVICE**

This is to certify that the foregoing pleading has been served by mailing a copy of same, postage prepaid, to the following persons on this 14<sup>th</sup> day of July 2005:

Elizabeth E. Blackford, Esq.  
Dennis Howard, II, Esq.  
Office of the Attorney General  
Utility & Rate Intervention Division  
1024 Capital Center Drive, Suite 200  
Frankfort, Kentucky 40601-8204

Kate E. Moriarty, Esq.  
John J. Finnigan, Jr., Esq.  
Cinergy Services, Inc.  
139 E. Fourth Street, 2500 Atrium II  
Cincinnati, Ohio 45201

  
\_\_\_\_\_  
Counsel for Joint Applicants

**AFFIDAVIT OF KODWO GHARTEY-TAGOE**

State of North Carolina                    )  
  )     SS:  
County of Mecklenburg                    )

Comes now Kodwo Gharthey-Tagoe, employed by Duke Energy Corporation, and does hereby attest as follows:

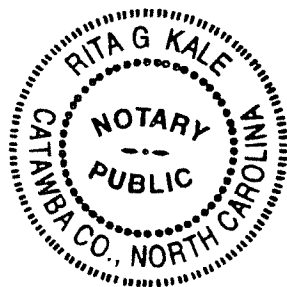
(1) I was admitted to the bar of the state of North Carolina in 1988, Membership No. 15876, am a member in good standing with the bar of that state, and have never been suspended, disbarred or resigned as a result of disciplinary charge, investigation, or proceeding from the practice of law in any jurisdiction. No disciplinary proceedings have ever been filed against me, nor are any presently pending against me in any jurisdiction.

(2) I agree to be subject to the rules of the Commission and the Kentucky Bar Association in connection with the proceedings before the Public Service Commission in Case No. 2005-00228.

(3) I have complied with Supreme Court Rule 3.030(2), and hereby attach a copy of the Kentucky Bar Association Out-Of-State Certification provided to me.

Kodwo Gharthey-Tagoe

Sworn and subscribed before me by Kodwo Gharthey-Tagoe on this 5th day of July 2005.



Rita G Kale  
Notary Public: Rita G Kale

My Commission Expires: 6/17/07

# KENTUCKY BAR ASSOCIATION

514 WEST MAIN STREET  
FRANKFORT, KENTUCKY 40601-1883  
(502) 564-3795  
FAX (502) 564-3225



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## KENTUCKY BAR ASSOCIATION OUT-OF-STATE CERTIFICATION FORM

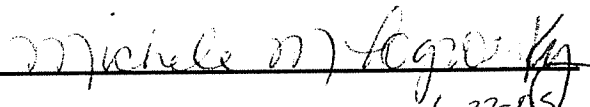
COURT KY Public Service Commission

CASE NO. 2005-00228

### SCR 3.030 Membership, practice by nonmembers and classes of membership

(2) A person admitted to practice in another state, but not in this state, shall be permitted to practice a case in this state only if that attorney subjects himself or herself to the jurisdiction and rules of the court governing professional conduct, pays a per case fee of \$100.00 to the Kentucky Bar Association and engages a member of the association as co-counsel, whose presence shall be necessary at all trials and at other times when required by the court. No motion for permission to practice in any state court in this jurisdiction shall be granted without submission to the admitting court of a certification from the Kentucky Bar Association of receipt of this fee.

The Kentucky Bar Association certifies that Kodwo Gharthey-Tagoe has paid the per case fee of \$100.00 in the above referenced case as required in SCR 3.030(2).

  
Michele M. Pogrotsky  
Director of Accounting / Membership