
S T O L L | K E E N O N | & | P A R K | L L P

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ROBERT M. WATT III
859-231-3043
watt@skp.com

July 11, 2005

RECEIVED

JUL 11 2005

PUBLIC SERVICE
COMMISSION

VIA HAND-DELIVERY

Ms. Elizabeth O'Donnell
Executive Director
Kentucky Public Service Commission
211 Sower Boulevard
P.O. Box 615
Frankfort, Kentucky 40602-0615

Re: In the Matter of The 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

Dear Ms. O'Donnell:

Enclosed please find an original and 11 copies of the Motion for Admission *Pro Hac Vice* to admit Paul R. Newton to represent The Union Light, Heat and Power Company, The Cincinnati Gas & Electric Company and Cinergy Corp., which are being submitted to you for filing in the above-referenced case.

If you have any questions, please feel free to contact me at (859) 231-3043.

Sincerely,

Robert M. Watt III by LWI

Robert M. Watt, III

Enclosures

cc: Hon. Dennis Howard (w/encls.)
Hon. Elizabeth E. Blackford (w/encls.)

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COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED

In the Matter of:

JUN 11 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

MOTION FOR ADMISSION *PRO HAC VICE*

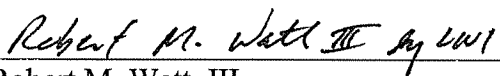
Robert M. Watt, III, an attorney licensed to practice in the Commonwealth of Kentucky, hereby moves the Commission to admit Paul R. Newton to practice law before the Commission *pro hac vice*, on behalf of Duke Energy Corp., Duke Energy Holding Corp., Deer Acquisition Corp., and Cougar Acquisition Corp., in the above-captioned proceeding.

Paul R. Newton is employed by Duke Energy Corp and is Vice President & General Counsel, Duke Power, a division of Duke Energy Corporation. His business address is P.O. Box 1244, Mail code: PB05E, Charlotte, NC 28201. Further, Paul R. Newton, having been admitted in 1991, is a member in good standing with the bars of the states of North Carolina and South Carolina, Membership Nos. 17913 and 062851 respectively, 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 Paul R. Newton, nor is any presently pending against her in any jurisdiction. In connection with this proceeding, Paul R. Newton agrees to be subject to the rules of the Commission and the Kentucky Bar Association. An affidavit executed by Paul R. Newton attesting to these facts is attached hereto.

Furthermore, attached please find the original Kentucky Bar Association Out-Of-State Certification on behalf of Paul R. Newton indicating Paul R. Newton's compliance with Supreme Court Rule 3.030(2), and the attached Affidavit of Paul R. Newton.

WHEREFORE, Duke Energy Corporation, Duke Energy Holding Corp., Deer Acquisition Corp. and Cougar Acquisition Corp., through counsel, specifically requests the Commission to grant this motion to allow Paul R. Newton to appear and practice before it in the above-entitled matter *pro hac vice*.

Respectfully submitted,


Robert M. Watt, III
Stoll Keenon & Park LLP
300 West Vine St., Suite 2100
Lexington, KY 40507-1801
(859) 231-3000
Fax (859) 253-1093
watt@skp.com

CERTIFICATE OF SERVICE

I hereby certify that I have on this 11th day of July, 2005, served the foregoing Motion for *Pro Hac Vice* by mailing copies, first class, postage prepaid, to the parties of record in this case, listed below.


Robert M. Watt, III

Honorable Elizabeth E. Blackford
Assistant Attorney General
Office of the Attorney General
Utility & Rate Intervention Division
1024 Capital Center Drive
Suite 200
Frankfort, Kentucky 40601-8204
Betsy.blackford@law.state.ky.us

AFFIDAVIT OF PAUL R. NEWTON

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

Comes now Paul R. Newton, employed by Duke Energy Corporation, and does hereby attest as follows:

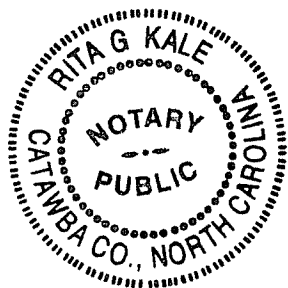
(1) I was admitted to the bars of the states of North Carolina and South Carolina in 1991, Membership Nos. 17913 and 062851, respectively, am a member in good standing with the bars of these states, and have never been suspended, disbarred or resigned as a result of disciplinary charge, investigation, 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.



Sworn and subscribed before me by Paul R. Newton on this 5th day of July, 2005.





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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JUN 27 2005

PAUL R. NEWTON

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 Paul R. Newton 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