

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 14, 2005

Hon. Beth A. O'Donnell  
Executive Director  
Public Service Commission  
211 Sower Boulevard  
P.O. Box 615  
Frankfort, Kentucky 40601

RECEIVED

JUL 14 2005

PUBLIC SERVICE  
COMMISSION

Re: Duke/Cinergy Merger  
Case No 2005-00228

Dear Ms. O'Donnell:

We submit herewith for filing originals and ten copies of the Restated Motions for Admission Pro Hac Vice relating to Paul R. Newton and Kodwo Ghartey-Tagoe in the above-captioned matter. Thank you for your attention to this matter.

Sincerely,



Robert M. Watt, III

Rmw  
Encl.

Cc: Counsel of Record (w/encl.)  
Paul R. Newton, Esq. (w/encl.)  
Kodwo Ghartey-Tagoe, Esq. (w/encl.)

**COMMONWEALTH OF KENTUCKY**  
**BEFORE THE PUBLIC SERVICE COMMISSION**

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PUBLIC SERVICE  
COMMISSION

**In the Matter of:**

**JOINT APPLICATION OF DUKE )  
ENERGY CORPORATION, DUKE )  
ENERGY HOLDING CORP., DEER )  
ACQUISITION CORP., COUGAR )  
ACQUISITION CORP., CENERGY )  
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***

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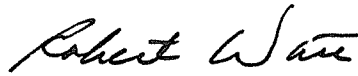
Counsel for the Joint Applicants, Robert M. Watt, III, an attorney licensed to practice in the Commonwealth of Kentucky, hereby moves the Commission to admit Paul R. Newton to practice law before the Commission *pro hac vice*, on behalf of Duke Energy Corporation, Duke Energy Holding Corp., Deer Acquisition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

Paul R. Newton is employed by Duke Energy Corporation and is Vice President and General 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. Newton, having been admitted in 1991, is a member in good standing with the bars 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 Mr. Newton nor is any presently pending against him in any jurisdiction. In connection with this proceeding, Mr. Newton agrees to be subject to the rules of the Commission and the Kentucky Bar Association. An affidavit executed by Mr. Newton attesting to these facts is attached hereto. In addition, the Kentucky Bar Association Out-of-State Certification on behalf of Mr. Newton 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 Paul R. Newton 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 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.

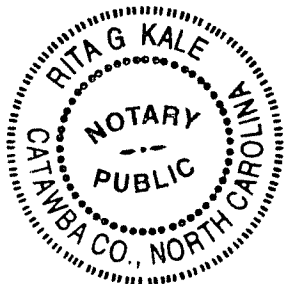
(3) I have complied with Supreme Court Rule 3.030(2), and hereby attach a copy of the Kentucky Bar Association Out-Of-State Certification provided to me.

  
\_\_\_\_\_

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