



Anita M. Schafer  
Sr. Paralegal

**Duke Energy Corporation**  
139 East Fourth Street, Room 2500 AT II  
P.O. Box 960  
Cincinnati, Ohio 45201-0960  
513-419-1847  
513-419-1846 fax  
[anita.schafer@duke-energy.com](mailto:anita.schafer@duke-energy.com)

RECEIVED

MAR 26 2008

PUBLIC SERVICE  
COMMISSION

**VIA OVERNIGHT MAIL**

March 25, 2008

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

Re: Case No. 2007-477

Dear Ms. O'Donnell:

Enclosed please find an original and 10 copies of the Motion to Admit Rocco O. D'Ascenzo Pro Hac Vice in the above captioned case.

Please date stamp and return the two extra copies of the Motion in the enclosed, self-addressed envelope.

If you have any questions, please do not hesitate to contact me at (513) 419-1847.

Sincerely,

Anita M. Schafer  
Senior Paralegal

cc: Parties of Record

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

IN THE MATTER OF AN )  
INVESTIGATION OF THE ENERGY AND )  
REGULATORY ISSUES IN SECTION 50 ) CASE NO. 2007-00477  
OF KENTUCKY'S 2007 ENERGY ACT )

**MOTION TO ADMIT ROCCO O. D'ASCENZO PRO HAC VICE**

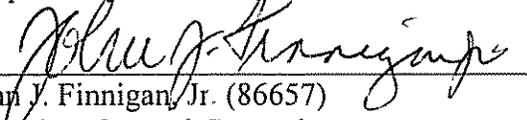
John J. Finnigan, Jr., an attorney licensed to practice in the Commonwealth of Kentucky, hereby moves the Commission to admit Rocco O. D'Ascenzo to practice law before the Commission *pro hac vice*, on behalf of Duke Energy Kentucky, Inc. ("Duke Energy Kentucky"), in the above-captioned proceeding.

Rocco O. D'Ascenzo is Regulatory Counsel, employed by Duke Energy Shared Services, Inc., a subsidiary of Duke Energy Corporation. Applicant's business address is 139 East Fourth Street, Cincinnati, Ohio 45201. Further, Rocco O. D'Ascenzo having been admitted in 2004, is a member in good standing with the bar of the state of Ohio, Registration No. 0077651, 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 Rocco O. D'Ascenzo nor is any presently pending against him in any jurisdiction. In connection with this proceeding, Rocco O. D'Ascenzo agrees to be subject to the rules of the Commission and the Kentucky Bar Association. An affidavit executed by Rocco O. D'Ascenzo attesting to these facts is attached hereto.

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

WHEREFORE, Duke Energy Kentucky, through counsel, specifically requests the Commission to grant its motion to allow Rocco O. D'Ascenzo to appear and practice before it in the above-entitled matter *pro hac vice*.

Respectfully submitted,

  
\_\_\_\_\_  
John J. Finnigan, Jr. (86657)  
Associate General Counsel  
Duke Energy Shared Services, Inc.  
139 E. Fourth Street, 2500 Atrium II  
Cincinnati, Ohio 45201  
(513) 419-1843  
Fax (513) 419-1846  
[John.Finnigan@duke-energy.com](mailto:John.Finnigan@duke-energy.com)

**AFFIDAVIT OF ROCCO O. D'ASCENZO, JR.**

State of Ohio            )  
                                  )        SS:  
County of Hamilton    )

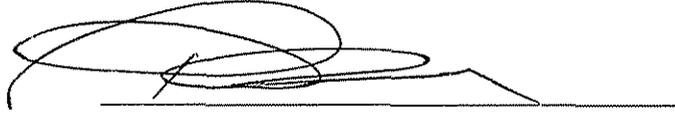
Comes now Rocco O. D'Ascenzo, Jr., employed by Duke Energy Shared Services, Inc., and does hereby attest as follows:

(1) I submit this Affidavit to the Kentucky Public Service Commission in connection with my request to be admitted to practice Pro Hac Vice before the Commission in Case No. 2007-00477.

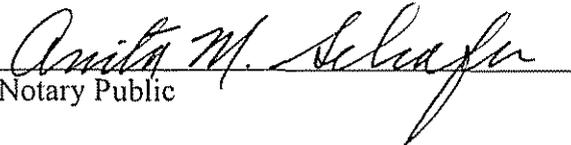
(2) I was admitted to the bar of the State of Ohio in 2004, Registration No. 0077651, am a member in good standing with the bar of that state, and have never been suspended, disbarred or resigned as a result of disciplinary charge, investigation, or proceeding from the practice of law in any jurisdiction. No disciplinary proceedings have ever been filed against me, nor are any presently pending against me in any jurisdiction.

(3) 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. 2007-00477. In accordance with Supreme Court Rule 3.030(2), I agree to have a member of the Kentucky Bar Association present with me as co-counsel during the hearing in Case No. 2007-00477 and at all other times required by the Commission.

(4) 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 by the Kentucky Bar Association to me for this proceeding.



Sworn and subscribed before me by Rocco D'Ascenzo this 7<sup>th</sup> day of MARCH 2008.

  
Notary Public

My Commission Expires:



**ANITA M. SCHAFER**  
Notary Public, State of Ohio  
My Commission Expires  
November 4, 2009

**CERTIFICATE OF SERVICE**

I certify that a copy of the attached motion on behalf of Duke Energy Kentucky, Inc. has been served by UPS overnight mail to the following parties on this 15th day of March, 2008:

Paul D Adams  
Office of the Attorney General Utility &  
Rate  
1024 Capital Center Drive  
Suite 200  
Frankfort, KY 40601

Lisa Kilkelly  
Attorney at Law  
Legal aid Society  
416 West Muhammad Ali Boulevard  
Suite 300  
Louisville, KY 40202

Ronnie Thomas  
Operation Superintendent  
East Kentucky Power Cooperative  
4775 Lexington Road  
Winchester, KY 40392

Lonnie E Bellar  
Vice President – State Regulation  
Kentucky Utilities Company  
220 West Main Street  
Louisville, KY 40202

Michael L Kurtz  
Attorney at Law  
Boehm, Kurtz & Lowry  
36 East Seventh Street  
Suite 1510  
Cincinnati, OH 45202

Joe F Childers  
Getty & Childers  
1900 Lexington Financial Center  
250 West Main Street  
Lexington, KY 40507

Charles A Lile  
Senior Corporate Counsel  
East Kentucky Power Cooperative, Inc  
4775 Lexington Road  
Winchester, KY 40392

Michael H Core  
President/CEO  
Big Rivers Electric Corporation  
201 third Street  
Henderson, KY 42420

Timothy C Mosher  
President  
Kentucky Power /American Electric Power  
101A Enterprise Drive  
Frankfort, KY 40602

John M Dosker  
General Counsel  
Stand Energy Corporation  
1077 Celestial Street  
Building 3, Suite 110  
Cincinnati, OH 45202

Mark R Overstreet  
Attorney at Law  
Stites & Harbison  
421 West Main Street  
Frankfort, KY 40602

Tyson A Kamuf  
Attorney at Law  
Sullivan, Mountjoy, Stainback & Miller,  
PSC  
100 St Ann Street  
Owensboro, KY 42302

Stephen A Sanders  
Appalachian Citizens Law Center, Inc  
52 Broadway  
Suite B  
Whitesburg, KY 41858

  
Richard G Beach  
KBA # 88171

# 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 Kentucky Public Service Commission

CASE NO. 2007-00477

### 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 Rocco O. D'Ascenzo Jr. has paid the per case fee of \$100.00 in the above referenced case as required in SCR 3.030(2).

Nicole A. Key, Deputy Registrar



KENTUCKY BAR ASSOCIATION
OUT-OF-STATE CERTIFICATION REQUEST FORM



PLEASE PROVIDE THIS OFFICE WITH THE FOLLOWING INFORMATION:

NAME: Rocco O. D'Ascenzo Jr.
(PLEASE PRINT)

DATE OF BIRTH: 1/24/75

ADDRESS TO BE USED FOR KBA RECORDS:
139 E. 4th Street
25th Floor AT II
Cincinnati, OH 45202

TELEPHONE NUMBER: (Please indicate if this is a business or home telephone number)
513-419-1852
Home Business

FAX NUMBER: 513-419-1846

E-MAIL ADDRESS: rocco.d'ascenzo@duke-energy.com

STATE BARS OF WHICH YOU ARE A MEMBER IN GOOD STANDING: (Please include membership number)
Ohio

KY COURT AND CASE NUMBER FOR WHICH YOU SEEK CERTIFICATION:
Kentucky Public Service Commission Case No. 2007-00477
(REQUIRED)

KENTUCKY CO-COUNSEL / BAR #: John J. Finnigan, Jr. , 86657
(REQUIRED)

Since January 1, 2005, have you practiced a case in Kentucky under SCR 3.030? [X] YES [ ] NO

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.

[X] I have read and agree to comply with the requirements set forth in SCR 3.030(2), including submitting to the Rules of Professional Conduct of The Kentucky Supreme Court

I certify by signing this form that I am a member in good standing in my state(s) of licensure, and that the information provided by me on this form is true and correct.



ANITA M. SCHAFER
Notary Public, State of Ohio
My Commission Expires
November 4, 2009

SIGNATURE

STATE OF OHIO ) COUNTY OF HAMILTON )

Acknowledged, subscribed & sworn to by Rocco O. D'Ascenzo
(Attorney's Name)
who personally appeared before me on the 12th day of MARCH, 2008

Anita M. Schaffer
NOTARY PUBLIC
My Commission expires: 11-4-09

RETURN ORIGINAL FORM TO:
KENTUCKY BAR ASSOCIATION
ATTN: MEMBERSHIP DEPARTMENT
614 W MAIN ST
FRANKFORT KY 40601-1812
Phone (602)564-3795

# The Supreme Court of Ohio

## C E R T I F I C A T E

I, SUSAN B. CHRISTOFF, Director of the Attorney Services Division of the Supreme Court of Ohio, do hereby certify that I am the custodian of the records of the Office of Attorney Services of the Supreme Court and that the Attorney Services Division is responsible for reviewing Court records to determine the status of Ohio attorneys. I further certify that, having fulfilled all of the requirements for admission to the practice of law in Ohio,

Rocco Ormano D'Ascenzo

was admitted to the practice of law in Ohio on November 08, 2004; has registered as an active attorney pursuant to the Supreme Court Rules for the Government of the Bar of Ohio; is in good standing with the Supreme Court of Ohio; and is entitled to practice law in this state.

IN TESTIMONY WHEREOF, I have subscribed my name and affixed the seal of the Supreme Court, this 22nd day of February, 2008.

SUSAN B. CHRISTOFF  
*Director, Attorney Services Division*

*Lei Moore*  
*Attorney Registration Specialist*