

FILE

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Before  
The Public Utilities Commission of Ohio

In the Matter of the Application )  
of Duke Energy Ohio, Inc., for ) Case No. 08-920-EL-SSO  
Approval of an Electric Security )  
Plan )

In the Matter of the Application )  
of Duke Energy Ohio, Inc., for ) Case No. 08-921-EL-AAM  
Approval to Amend accounting )  
Methods )

In the Matter of the Application )  
of Duke Energy Ohio, Inc., for )  
Approval of a Certificate of Public )  
Convenience and Necessity to ) Case No. 08-922-EL-UNC  
establish Unavoidable Capacity )  
Charge(s) )

In the Matter of the Application )  
of Duke Energy Ohio, Inc., for ) Case No. 08-923-EL-ATA  
Approval to Amend its Tariff )

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**Motion to Intervene of the Ohio Farm Bureau Federation**

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Now comes the Ohio Farm Bureau Federation (OFBF) pursuant to Section 4903.221 of the Ohio Revised Code (ORC) and Rule 4901-1-11 of the Ohio Administrative Code (OAC), and moves for intervention in the above docket as a full party of record. OFBF has a real and substantial interest in this matter for the reasons set forth in the accompanying memorandum of support.

Wherefore, for the reasons stated below, OFBF requests that its motion for intervention be granted and that it be made a full party of record.

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Respectfully Submitted,

A handwritten signature in black ink that reads "Larry Gearhardt". The signature is fluid and cursive, with the first name "Larry" and last name "Gearhardt" clearly legible.

Larry Gearhardt

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**Before  
The Public Utilities Commission of Ohio**

<b>In the Matter of the Application of Duke Energy Ohio, Inc., for Approval of an Electric Security Plan</b>	) ) )	<b>Case No. 08-920-EL-SSO</b>
<b>In the Matter of the Application of Duke Energy Ohio, Inc., for Approval to Amend accounting Methods</b>	) ) )	<b>Case No. 08-921-EL-AAM</b>
<b>In the Matter of the Application of Duke Energy Ohio, Inc., for Approval of a Certificate of Public Convenience and Necessity to establish Unavoidable Capacity Charge(s)</b>	) ) ) ) ) )	<b>Case No. 08-922-EL-UNC</b>
<b>In the Matter of the Application of Duke Energy Ohio, Inc., for Approval to Amend its Tariff</b>	) )	<b>Case No. 08-923-EL-ATA</b>

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**Memorandum in Support of Motion to Intervene  
of the Ohio Farm Bureau Federation**

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On July 31, 2008, Duke Energy Ohio, Incorporated (Duke) filed an application to establish a standard service offer in the form of an electric security plan pursuant to Section 4928.143, ORC. These filings reflect provisions detailed in Amended Substitute Senate Bill Number 221 (SB 221), the recently enacted legislation amending Ohio's original electric restructuring plan created by Amended Substitute Senate Bill Number 3 (SB 3) in 1999. OFBF has been active in rate restructuring proceedings concerning implementation of SB 221 and the ability of OFBF's members to participate in the restructured electric market in the respective electric utility's service area will be affected by the outcome of this case.

**I. OFBF Should be Granted Intervention as a Party of Record**

Pursuant to Section 4903.221, ORC and Rule 4901-1-11, ORC, OFBF moves for intervention in the above docket as a full party of record. OFBF has a real and substantial interest in this matter for the reasons set forth herein.

Rule 4901-1-11 of the OAC states in part:

Upon timely motion, and person shall be permitted to intervene in a proceeding that:

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(2) The person has a real and substantial interest in the proceeding, and the person is so situated that the disposition of the proceeding may, as a particular matter, impair or impede his or her ability to protect that interest, unless the person's interest is adequately represented by existing parties.

Included as factors to be considered are the nature of the intervenor's interests, the extent net those interests are represented by existing parties, the intervenor's potential contribution to the resolution of issues and whether intervention would result in undue delay of the proceeding. Similar provisions are detailed in Section 4903.221(B), ORC.

The Ohio Farm Bureau Federation (OFBF) and its member county Farm Bureaus maintain a non-profit organization representing agricultural interests at the state and local levels. Over 230,000 member families belong to the organization. Farm Bureau members engage in a variety of industrial activities – food processing, commodity processing/conditioning/handling, biofuel production and general manufacturing; and mercantile operations – farms, agribusiness support, feed processing, grain conditioning and green house operation. Some members are involved in small business enterprises – restaurants, cleaners and other services. Moreover, all are residential energy consumers – Many of Farm Bureau's members in rural, suburban and residential neighborhoods are served by this investor-owned utility.

OFBF represents a diverse group of industrial, mercantile, small business and residential energy consumers. Over the past two decades the organization has worked with the Public Utilities Commission of Ohio (PUCO), other government agencies, public utilities and energy service providers to establish self-help electric aggregation programs. The

organization has conducted electric load profiling and data analysis programs specifically for farm and agribusiness energy users. Farm Bureau members have been involved in a variety of electric transmission and distribution infrastructure issues. Moreover, the organization is engaged in technical work concerning utility-scale and on-site renewable energy generation, customer friendly interconnection, demand side management and energy efficiency programs. The ability for Farm Bureau members to use collaboration and create programs and new tools to help them control energy costs will be affected by the outcome of this proceeding. The full potential for SB 221 to help these consumers will be impacted.

OFBF leaders will be able to share their program experiences and unique perspectives with the Commission as it works with the utility and others to develop effective outcomes for this case. Moreover, OFBF's participation in these proceedings will not cause undue delay, will not unjustly prejudice any existing party and will contribute to the just and quick resolution of issues and concerns raised.

Given the diverse, yet unique energy needs of its members, self-help experience, technical interests and support for collaboration, the Ohio Farm Bureau Federation submits that good cause exists to grant it leave for intervene in this proceeding.

## **II. Conclusion**

Wherefore, for the means explained above, the Ohio Farm Bureau Federation requests that its motion for intervention be granted and that it be made a full party of record.

Respectfully Submitted,



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### Certificate of Service

The undersigned hereby certifies that a true and accurate copy of the foregoing document was served on this 4<sup>th</sup> day of September, 2008 by regular U.S. Mail, postage prepaid, or by electronic mail, upon the persons listed below.

  
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