

FILE

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BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

2010 NOV 22 AM 8:54

In the Matter of the Application of Duke Energy)
Ohio, for Approval of a Market Rate Offer to)
Conduct a Competitive Bidding Process for)
Standard Service Offer Electric Generation Supply,)
Accounting Modifications, and Tariffs for)
Generation Service.)

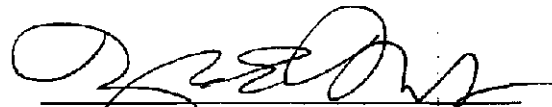
Case No. 10-2586-EL-SSO

PUCO

**MOTION TO INTERVENE AND MEMORANDUM IN SUPPORT
OF THE GREATER CINCINNATI HEALTH COUNCIL**

The Greater Cincinnati Health Council ("GCHC") hereby moves the Public Utilities Commission of Ohio ("Commission") pursuant to Revised Code § 4903.221 and Commission Rule 4901-1-11, to intervene as a party to the above-captioned proceedings. As set forth in the Memorandum in Support, this motion is timely, GCHC has a real and substantial interest in these proceedings, is so situated that the disposition of these proceedings without its participation may impair or impede its ability to protect that interest, and its participation will contribute to a just result. No existing party represents GCHC's interest in these proceedings and its intervention will not unduly delay these proceedings or unjustly prejudice any existing party.

Respectfully submitted,



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MEMORANDUM IN SUPPORT

On November 15, 2010, Duke Energy Ohio ("DE-Ohio") filed an Application in the above captioned proceedings for approval of a standard service offer under Revised Code § 4928.143 that proposes to change DE-Ohio's method for establishing electric generation rates to a market approach from the current ESP plan. GCHC is a non-profit association of hospitals and other health care facilities who are substantial consumers of electric energy and are generally located within the service area of DE-Ohio. The application filed by DE-Ohio could significantly impact rates paid by GCHC's members and other terms of their electric service.

The standard for intervention in Commission proceedings is governed by Revised Code § 4903.221, as further stated in Commission Rule 4901-1-11, Ohio Administrative Code:

Upon timely motion, any person shall be permitted to intervene in a proceeding upon a showing that:

* * *

(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 practical matter, impair or impede his or her ability to protect that interest, unless the person's interest is adequately represented by existing parties.

Factors that the Commission considers when applying the rule include the nature of the intervenor's interest, the extent that interest is represented by existing parties, the intervenor's potential contribution to a just and expeditious resolution of the issues involved, and whether intervention would result in an undue delay of the proceeding.

The Commission has established a December 7, 2010 deadline for intervention. Therefore, this Motion to Intervene is timely. The GCHC has a real and substantial interest in this proceeding. Many GCHC members are hospitals who are substantial customers of Duke Energy Ohio. The GCHC participated in DE Ohio's SSO case, Case No. 08-920-EL-SSO, the resolution of which included a stipulation regarding a number of issues of special interest to

GCHC members. Almost all of GCHC's hospital members are not for profit organizations. Utility costs represent a substantial portion of GCHC members' operating expenses, which affects the cost of health care in Ohio. The availability of a reliable and robust electric supply is also critical to patient safety and disaster preparedness. Many GCHC members have their own standby electrical generation capacity in order to assure the constant availability of necessary electric power, which distinguishes them from most DE-Ohio customers. While a number of other parties may intervene in this proceeding, none of them is similarly situated to or represents the interests of the GCHC or its members.

Consistent with the requirements of Revised Code § 4903.221 and Commission Rule 4901-1-11, the GCHC is a real party in interest herein; its interest is not represented by existing parties; it will contribute to the just and expeditious resolution of the issues and concerns raised in these proceedings; and its participation in these proceedings will not cause undue delay or unjustly prejudice any existing party. For these reasons, the GCHC respectfully requests that this motion to intervene in the above-captioned proceedings be granted.

Respectfully submitted,

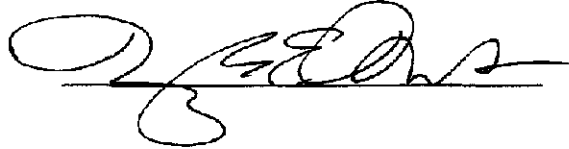


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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion to Intervene and Memorandum in Support was served upon the parties of record listed below this 22nd day of November, 2010 by first class U.S. Mail, postage prepaid.



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