

FILE

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December 6, 2010

Ms. Renee Jenkins
Chief, Docketing Division
The Public Utilities Commission of Ohio
180 East Broad Street
Columbus, OH 43215-3793

Re: Case No. 10-2586-EL-SSO

Dear Ms. Jenkins:

Enclosed please find an original and 21 copies of the Motion to Intervene and Memorandum in Support of Eagle Energy, LLC. Please file the original and 20 copies in the above referenced proceedings and please date stamp and return the additional copy to me in the enclosed self-addressed stamped envelope.

Very truly yours,



Douglas E. Hart

DEH

Enclosures

cc: All counsel of record

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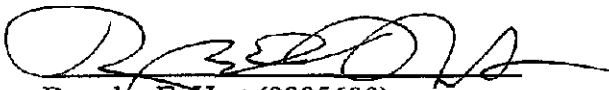
**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Duke Energy)	
Ohio, for Approval of a Market Rate Offer to)	
Conduct a Competitive Bidding Process for)	Case No. 10-2586-EL-SSO
Standard Service Offer Electric Generation Supply,)	
Accounting Modifications, and Tariffs for)	
Generation Service.)	

**MOTION TO INTERVENE AND MEMORANDUM IN SUPPORT
OF EAGLE ENERGY, LLC**

Eagle Energy, LLC ("Eagle") 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, Eagle 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 Eagle'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. Eagle is a Competitive Retail Electric Service Provider certificated by the Commission to provide aggregation, power marketer and power broker services within the State of Ohio. Eagle is active within the service area of DE-Ohio. The application filed by DE-Ohio could significantly impact competition for 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. Eagle has a real and substantial interest in this proceeding. Eagle provides alternative energy supply, electricity and natural gas consulting and aggregation services to commercial, industrial and governmental entities. Eagle is active in the energy market served by Duke Energy Ohio and many Eagle customers are substantial customers

of Duke Energy Ohio. The availability of robust competition in the business of electric supply is critical to Eagle's business. Eagle has substantial experience with procuring alternative energy supplies in a competitive market and with aggregation service and will assist in reaching a just resolution of this case. No other party is situated the same as Eagle or represents its interests. Eagle's participation in this case will not delay the proceeding as Eagle is aware of the existing procedural schedule and will comply with it.

Consistent with the requirements of Revised Code § 4903.221 and Commission Rule 4901-1-11, Eagle 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, Eagle respectfully requests that this motion to intervene in the above-captioned proceedings be granted.

Respectfully submitted,

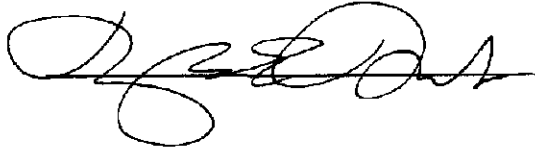
A handwritten signature in black ink, appearing to read 'D. Hart', is written over a horizontal line.

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Attorney for Eagle Energy, LLC

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 6th day of December, 2010 by first class U.S. Mail, postage prepaid.



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