

FILE

6

BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of Application of Duke)
Energy Ohio, Inc. for Authority to)
Establish a Standard Service Offer) Case No. 11-3549-SSO
Pursuant to Section 4928.143, Revised)
Code, in the form of an Electric Security)
Plan, Accounting Modifications and)
Tariffs for Generation Service.)

In the Matter of Application of Duke)
Energy Ohio, Inc. for Authority to) Case No. 11-3550-EL-ATA
Amend its Certified Supplier Tariff)
PUCO No. 20.

In the Matter of Application of Duke)
Energy Ohio Inc. for Authority to) Case No. 11-3551-EL-UNC
Amend its Corporate Separation Plan.)

PUCO

RECEIVED-DOCKETING DIV
2011 SEP 20 PM 5:06

**MOTION TO INTERVENE
AND
REQUEST FOR LEAVE TO FILE MOTION TO INTERVENE OUT OF TIME
BY THE
SIERRA CLUB**

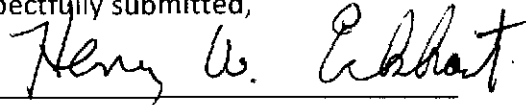
The Sierra Club ("Sierra Club") moves the Public Utilities Commission of Ohio ("Commission") for leave to Intervene in the above styled proceedings pursuant to Sec. 4903.221 revised Code of Ohio, and Rule 4901-1-11, of the Ohio Administrative Code, with full powers and rights granted by the Commission, specifically by statute or by the provisions of the Ohio Administrative Code, to intervening parties.

This is to certify that the images appearing are an
accurate and complete reproduction of a case file
document delivered in the regular course of business
technician DM Date Processed SEP 21 2011

The Sierra Club recognizes that the procedural schedule set forth in the Entry issued in this proceeding on June 21, 2011 provided that motions to intervene should be filed by July 6, 2011.

The Sierra Club therefore also respectfully requests that the Commission entertain its Motion to intervene, notwithstanding that it is being filed after the specified due date. Given the procedural posture of this proceeding the Sierra Club believes that no party will be prejudiced by granting this request. If the motion to intervene is granted the Sierra Club will accept the record as it exists at that time.

Respectfully submitted,



Henry W. Eckhart, Counsel of Record
For the Sierra Club

1200 Chambers Road, Suite 106
Columbus OH 43212-1703
Phone: (614) 461-0984
Fax: (614) 485-9487
E-mail: henryeckhart@aol.com

MEMORANDUM IN SUPPORT OF MOTION TO INTERVENE

In support of this Motion to Intervene, and the Request for Leave to File the Motion Out of Time, the Sierra Club states that it is the world's oldest and largest grassroots environmental organization. It has approximately 1.4 million members and supporters in 65 Chapters and over 400 local groups nationwide.

The very size and complexity of the organization sometimes works to cause administrative delays and that is part of the reason for the failure of the Ohio Chapter of the

Sierra Club to timely obtain the necessary approval for this Intervention from the Sierra Club Headquarters in San Francisco, California.

The Sierra Club statement of purpose is “To explore, enjoy and protect the wild places of the Earth; to practice and promote the responsible use of the Earth’s ecosystem and resources; to educate and enlist humanity to protect and restore the quality of the natural and human environment, and to use all lawful means to carry out these objectives.” The Sierra Club has been involved in the promotion of responsible energy policy almost since its first year.

The Ohio Chapter has over 17,000 members throughout the State. Global Warming is the Sierra Club’s highest priority issue. The Ohio Chapter has been actively promoting energy efficiency as the lowest cost, most environmentally accepted resource since 1984.

The Ohio Chapter has been involved in approximately 40 separate cases before the Commission since the 1990’s to date involving all of the major electric IOU’s in Ohio, including Duke Energy Ohio, Inc. The Sierra Club Ohio Chapter was a key proponent of the energy efficiency measures in Ohio Sub. S. B. 221.

Many of the Sierra Club’s members are served by Duke Energy Ohio, Inc. that is the Applicant in this proceeding.

The Sierra Club has a real and substantial interest as these proceedings may directly impact the environment of the State of Ohio, and also other areas of the United States.

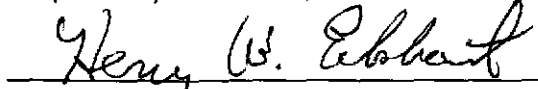
The Sierra Club is specifically interested in the Applicant’s proposed recovery process for the efficiency programs, as well as numerous other issues in the proceeding.

The intervention of the Sierra Club will not unduly prolong or delay the proceeding. The intervention of the Sierra Club will significantly contribute to full development of the record in

the proceeding. The particular interests of the Sierra Club will not be fully represented by other existing parties.

WHEREFORE, the Sierra Club requests that the Commission grant it Leave to File the Motion to Intervene, and grant the Request For Leave to File Motion to Intervene Out Of Time.

Respectfully submitted,


Henry E. Eckhart, Counsel of Record
For the Sierra Club

CERTIFICATE OF SERVICE

The undersigned hereby certifies that he has served a copy of the foregoing Motion To Intervene And Request for Leave to File the Motion Out of Time upon the following listed parties by ordinary first class mail, postage prepaid or by electronic service this 20th day of September, 2011.

Elizabeth A. Watts
Duke Energy Ohio, Inc.
139 4th Street, 1300 Main P. O. Box 961
Cincinnati OH 45201
Elizabeth.Watts@duke-energy.com

Colleen Mooney
Ohio Partners For Affordable Energy
231 West Lima Street
Findlay OH 45840
cmooney2@columbus.rr.com

Tara Santarelli
Environmental law and Policy Center
1207 Grandview Avenue
Columbus OH 43212
tsantarelli@elpc.org

Joseph M Clark
Vectren Source
6641 North High Street. Suite 200
Worthington OH 43085
jmclark@vectren.com

Mary Christiansen
8760 Orion Place, Suite 300
Columbus OH 43240
mchristiansen@columbuslaw.org

Christopher Allwein
1373 Grandview Avenue, Suite 212
Columbus OH 43212
callwein@williamsandmoser.com

Mary Yost & Joseph Serio
Ohio Consumers' Counsel
10 West Broad Street, #1800

David F. Boehm & Jody Kyler
Ohio Energy Group, Inc.
36 E. Seventh Street, Suite 1510

Columbus Oh 43215
small@occ.state.oh.us
serio@occ.state.oh.us
yost@occ.state.oh.us

Gregory J. Poulos
Enernoc, Inc.
101 Federal Street #1100
Boston MA 02110
gpoulos@eneroc.com

Rick D. Chamberlain
Behrens Wheeler & Chamberlain
6 N E 63rd Street Suite 400
Oklahoma City OK 73105

Erin C. Miller
AEP Power Service Corp
1 Riverside Plaza 29th Flr
Columbus OH 43215

Amy Spiler
Duke Energy Ohio
139 E Fourth St. 1303-Main PO Box 961
Cincinnati OH 45201-4359
Amy.spiller@Duke-Energy.com

Zachery Kravitz
Chester Wilcox & Saxbe
65 East State St. Suite 1000
Columbus OH 43215
skravitz@cwslaw.com

William L Massey
Covington & Burling
1201 Pennsylvania Ave, NW
Washington DC 20004-2401
wmassey@cov.com

Barth E Royer
Bell & Royer
33 South Grant Avenue
Columbus OH 43215-3927
broyer@aol.com

Cincinnati OH 45202
jkyler@bkllawfirm.com

Trent A. Daugherty
Ohio Environmental Council
1207 Grandview Avenue
Columbus OH 43212
trent@theoec.org

Douglas E Hart
441 Vine Street, Suite 4192
Cincinnati OH 45202
dhart@douglasshart.com

Jouett Brenzel
221 E Fourth St #103-1280
Cincinnati OH 45202
jouettbenzel@cinbell.com

Thomas O'Brien
Bricker & Eckler
100 South Third St
Columbus OH 43215-4291
tobrien@bricker.com

Dane Stinson
Bailey Cavalieri
10 West Broad Street #2100
Columbus OH 43215
Dane.simpson@baileycavalieri.com

Andrew J Sonderman
Kegler Brown Hill
65 East State Street #1800
Columbus OH 43215
asonderman@keglerbrown.com

M Howard Petricoff
Vorys Sater
52 E Gay Street P O Box 1008
Columbus Oh 43216-1008
mkpetricoff@vorys.com

Joseph E Olikier & Sam Randazzo
McNee Wallace
21 East State Street
Columbus OH 43215
sam@mwn@cmh.com

Lisa McAlister
Bricker & Eckler
100 South Third St.
Columbus OH 43215-4291
lmcalister@bricker.com

Mark S Yurik & John Bentine
65 East State St #1000
Columbus OH 43215-4213
myurik@cswlaw.com
jbentine@cswlaw.com

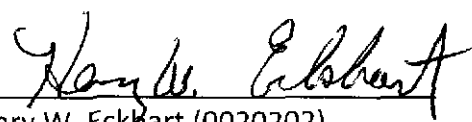
Allison E. Haedt
Jones Day
325 John H McConnell Blvd #600
Columbus OH 43215-2673
aheadt@jonesday.com

Matthew S White
IGS
6100 Emerald Parkway
Dublin OH 43015

Michael L Kurtz
36 East State St #1510
Cincinnati OH 45202
mkurtz@BKLfirm.com

Stephen M. Howard
Vorys Sater
52 East Gay St P O Box 1008
Columbus OH 43215-1008
smhoward@vorys.com

Kevin J Osterkamp
Roetzel & Andrews
155 East Broad Street 12th Flr
Columbus OH 43215


Henry W. Eckhart (0020202)
Counsel of Record for the Sierra Club
1200 Chambers Road, Suite 106
Phone: (614) 461-0984
Fax: (614) 485-9487
E-mail: henryeckhart@aol.com