

FILE

BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of Application of Duke)	
Energy Ohio, Inc. for Authority to)	EL
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.)	

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**REPLY OF THE SIERRA CLUB TO MEMORANDUM CONTRA SIERRA CLUB'S
MOTION TO INTERVENE AND
REQUEST FOR LEAVE TO FILE MOTION TO INTERVENE OUT OF TIME**

The Sierra Club ("Sierra Club") filed its' Motion To Intervene and Request for Leave To File Motion To Intervene Out Of Time with the Public Utilities Commission of Ohio ("Commission") on September 20, 2011. Duke Energy Ohio, Inc. ("Duke") filed its' Memorandum Contra the Sierra Club Motion to Intervene And Request For Leave To File Motion Out of Time on September 26, 2011.

The Sierra Club believes that it should be granted its' Request For Leave To file its' Motion Out of Time and that its' Motion to Intervene should also be granted, for the following reasons:

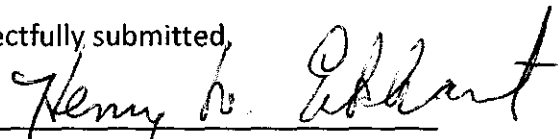
1. There are already approximately 30 parties which have been granted leave to intervene and the one additional party of the Sierra Club will not unduly prolong or delay the proceedings.
2. The current procedural schedule for the proceedings, as set out in the Entry of August 26 2011, does not even require the testimony of intervenors to be filed before October 5, 2011. The discovery requests, except for notices of depositions may be served by October 7, 2011. Testimony of the Commission Staff should be filed by October 13, 2011. And the evidentiary hearing shall only commence on October 20, 2011.
3. Duke was still issuing Amended notices to take depositions of numerous parties on September 12, 2011. The depositions being noticed are not even scheduled to take place until October 12-14, 2011
4. The Commission has always advocated a liberal policy on granting intervention.
5. The Sierra Club has already been granted Leave to Intervene in a companion Duke Case No. 11-4393-EL-RDR.
6. The Docket in these cases demonstrates that there is still a significant amount of discovery taking place among a number of the parties.
7. The Commission, in these very cases, previously granted Motions for Leave To File Motion to Intervene Out of Time on July 22, 2011 to Cincinnati Bell, Inc. and to Dominion Retail, Inc. The Commission has also granted a Motion for Leave to Intervene Out of Time to the Council of Smaller Enterprises by Entry dated July 29, 2011

8. The primary interest of the Sierra Club is in supporting Duke's enhanced cost recovery issue, and to participate in any settlement issues which may arise.
9. There will be no prejudice to any party by the Commission granting the Request For Leave To File Motion to Intervene Out of Time and by granting the Motion To Intervene.

SUMMARY

The Sierra Club therefore renews also its' request that the Commission entertain its Motion to intervene, notwithstanding that it is being filed after the specified due and grant the Motion to Intervene itself. If the motion to intervene is granted the Sierra Club will accept the record as it exists at that time.

Respectfully submitted,



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CERTIFICATE OF SERVICE

The undersigned hereby certifies that he has served a copy of the foregoing Reply upon the following listed parties by ordinary first class mail, postage prepaid or by electronic service this 28th day of September, 2011.

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