

BEFORE

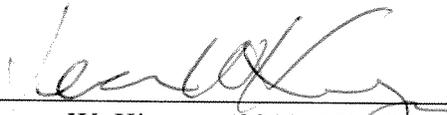
THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Commission Review)
of the Capacity Charges of Ohio Power) Case No. 10-2929-EL-UNC
Company and Columbus Southern)
Power Company.)

**MOTION TO INTERVENE
BY
DUKE ENERGY COMMERCIAL ASSET MANAGEMENT, INC.**

Comes now Duke Energy Commercial Asset Management, Inc. (DECAM), by and through counsel, and moves to intervene, as a full party of record, in the above-captioned proceeding, pursuant to R.C. 4903.221 and O.A.C. 4901-1-11. The issues in this proceeding relate to the Commission's review of proposed changes to the capacity charges by Ohio Power Company (AEP Ohio). DECAM offers the following memorandum in support of its request.

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MANAGEMENT, INC.



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MEMORANDUM IN SUPPORT

On December 8, 2010, the Commission initiated a proceeding to review the impact of the of the proposed changes to AEP Ohio's capacity charges, as a result of AEP Ohio's filing at the Federal Energy Regulatory Commission (FERC) of an application to change the basis for compensation for capacity costs to a cost-based mechanism. Duke Energy Commercial Asset Management, Inc., (DECAM) is an active participant in auctions to supply power to standard service offer customers or Ohio utilities and will, therefore, potentially be affected by the Commission's determination with regard to AEP Ohio's application to change the basis for compensation for capacity costs to a cost-based mechanism.

Ohio law allows for intervention in a Commission proceeding based on the Commission's consideration of the nature and extent of the prospective intervenor's interest, the legal position advanced and its probable relation to the merits of the case, whether intervention will unduly prolong or delay the proceeding, and whether the prospective intervenor will significantly contribute to full development and equitable resolution of the factual issues.¹

¹ R.C. 4903.221(B).

According to the Commission's rules, a person is to be permitted to intervene if that person has a real and substantial interest in the proceeding and the person is so situated that disposition may impair or impeded the person's ability to protect that interest, unless adequately represented by existing parties. Therefore, the Commission is to consider, in addition to those factors spelled out in statute, the extent to which the person's interest is represented by existing parties.²

DECAM is the owner and operator of approximately 3,000 MW of gas-fired generation assets, located predominantly in the PJM-market footprint. DECAM is authorized by the FERC to sell energy, capacity, and related products at wholesale. DECAM is also a wholesale auction participant, competing to provide full-service requirements and other products in response to wholesale auction solicitations. DECAM could be harmed by the change in capacity pricing that was proposed by AEP Ohio, which may have a deleterious impact on the competitive market, in violation of both the spirit of S.B. 221 and S.B. 3 and the specifics of state policy, as set forth in R.C. 4928.02. This issue is directly related to the issues being considered by the Commission in this proceeding.

Thus, DECAM has a real and substantial interest in the proceeding that is directly related to the merits of the case. No existing party represents DECAM's interests. Further, DECAM's participation will contribute to the development of the issues and an equitable resolution. Intervention by DECAM will not unduly prolong or delay this proceeding, as the deadline for intervention currently set by the procedural schedule in the case is March 30, 2012.

WHEREFORE, for the reasons set forth herein, DECAM respectfully requests that the Commission grant its motion for intervention in the above-captioned proceeding.

² O.A.C. 4901-1-11

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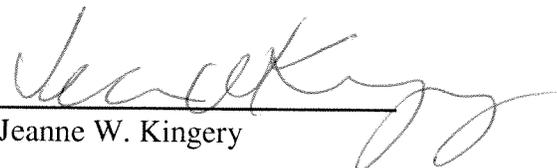
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CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing was delivered via U.S. mail (postage prepaid), personal, or electronic mail delivery on this the 28th day of March, 2012, to the following:



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Case No(s). 10-2929-EL-UNC

Summary: Motion Motion to Intervene by Duke Energy Commercial Asset Management, Inc. electronically filed by Carys Cochern on behalf of Kingery, Jeanne W Ms.