

BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

00 SEP-5

PUCO (R)

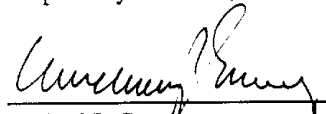
In the Matter of the Application of)
Ohio Valley Electric Corporation, for)
)
(1) Approval of May 24, 2000 Letter)
Supplement to a Power Agreement)
between Ohio Valley Electric)
Corporation and the United States of)
America, and)
)
(2) Permission to File Letter)
Supplement in the Commission's)
Tariff Files)

Case No. 00-940-EL-AEC

**MOTION TO ADMIT PARTICIPATION OF
ALLEN L. LEAR PRO HAC VICE**

Pursuant to Rule 4901-1-08(B), Michael P. Graney, an attorney in good standing with the Bar of the State of Ohio, moves to permit Allen L. Lear, an attorney in good standing with the Bar of the District of Columbia, to enter an appearance in the above-referenced proceeding.

Respectfully submitted,



Michael P. Graney
Simpson Thacher & Bartlett
1 Riverside Plaza
9th Floor
Columbus, OH 43215
Telephone (614) 461-7799
Facsimile (614) 461-0040

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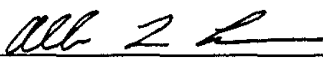
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**MOTION OF
UNITED STATES ENRICHMENT CORPORATION
TO INTERVENE**

Pursuant to Rule 4901-1-11 of the Ohio Administrative Code, United States Enrichment Corporation ("USEC") requests that it be granted leave to intervene in this matter.

The basis for this motion is set forth in the accompanying memorandum in support.

Respectfully submitted,



Allen L. Lear
Assistant General Counsel
United States Enrichment Corporation
6903 Rockledge Drive
Bethesda, MD 20817
Telephone (301) 564-3349
Facsimile (301) 564-3206

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**MEMORANDUM IN SUPPORT OF
MOTION OF
UNITED STATES ENRICHMENT CORPORATION
TO INTERVENE**

The application in this case requests approval of a May 24, 2000 Letter Supplement to a power purchase agreement between Ohio Valley Electric Corporation ("OVEC") and the United States Department of Energy ("DOE"). As the application indicates, United States Enrichment Corporation ("USEC") is the lessee and operator of the facility served under the agreement. Because USEC is the third party beneficiary of the agreement and the Letter Supplement, it has a real and substantial interest in seeing that the Letter Supplement is approved. That interest is distinct from OVEC's and is not represented by any other party to this proceeding.

USEC's intervention would not unduly delay the proceeding or unjustly prejudice any existing party. USEC is not asking that there be any delay in the proceeding as a result of its intervention. On the contrary, USEC requests that the Commission approve the Letter

Supplement as expeditiously as possible, and requests intervention only in response to the delay that has already occurred and the potential for additional delay as a result of the recent request made by Congressman Strickland for a hearing.

The Congressman's motion raises issues beyond the proper purview of this proceeding. Ohio Revised Code § 4905.31 empowers the Commission to approve "reasonable" arrangements between a utility and a customer, including those providing for "any ... financial device that may be practicable or advantageous to the parties interested." Here the only parties "interested" are OVEC, DOE and USEC. To the extent others are interested in this power arrangement, it can only be as consumers, who have already benefited from the capacity made available to OVEC for resale during this difficult summer period. In essence this is an amendment to a contract between a utility and a large industrial customer, who have voluntarily agreed to amend their arrangement for their mutual benefit. No other party, interested or not, can be harmed by the execution of the amendment, and thus, under the statutory standard it is "reasonable," and should be approved by the Commission. We note in this connection that the Letter Supplement was also submitted to Federal Energy Regulatory Commission and the State Corporation Commission of the Commonwealth of Virginia, each of which approved it.¹

USEC reserves the right to file supplemental comments in response to Congressman Strickland's intervention.

¹ See the August 4, 2000 decision of the Federal Energy Regulatory Commission in Docket No. ER000-2822-000, and the July 17, 2000 Orders Granting Approval issued by the State Corporation Commission in Case Nos. PUA 000051 and PUA 000055.

For these reasons, USEC respectfully requests that it be granted leave to intervene
in this proceeding.

Respectfully submitted,



Allen L. Lear
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Facsimile (301) 564-3206


CERTIFICATE OF SERVICE

I hereby certify that on this 5th day of September 2000 a copy of the foregoing Motion of United States Enrichment Corporation to Intervene and accompanying Motion In Support was served upon the following persons by first-class mail postage pre paid:

Mr. David L. Hart, President
Ohio Valley Electric Corp.
One Riverside Plaza
Columbus, OH 43215

The Honorable Ted Strickland
U.S. House of Representatives
336 Cannon House Office Building
Washington, DC 20515

John M. Haseley, Esq.
Counsel to The Honorable Ted Strickland
U.S. House of Representatives
336 Cannon House Office Building
Washington, DC 20515



Allen L. Lear