

BEFORE

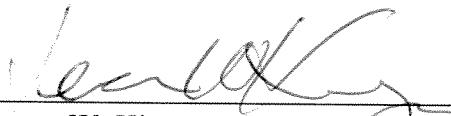
THE PUBLIC UTILITIES COMMISSION OF OHIO

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.

DUKE ENERGY COMMERCIAL ASSET
MANAGEMENT, INC.



Jeanne W. Kingery (0012172) (Counsel of Record)
Associate General Counsel
Amy B. Spiller (0047277)
Deputy General Counsel
139 E. Fourth Street, 1303-Main
P.O. Box 961
Cincinnati, Ohio 45201-0960
(614) 222-1334 (telephone)
(614) 222-1337 (facsimile)
Jeanne.Kingery@duke-energy.com
Amy.Spiller@duke-energy.com

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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

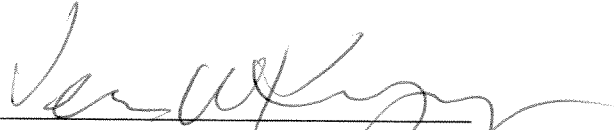
DECAM is the owner and operator of approximately 3,000 MW of gas-fired generation assets, located predominantly in the PJM-market footprint. DECAM is authorized by the FERCTo sell energy, capacity, and related products at wholesale. DECAM is also a wholesale auction participant, competing to provide 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

DUKE ENERGY COMMERCIAL ASSET
MANAGEMENT, INC.



Jeanne W. Kingery (0012172) (Counsel of Record)
Associate General Counsel

Amy B. Spiller (0047277)

Deputy General Counsel

139 E. Fourth Street, 1303-Main

P.O. Box 961

Cincinnati, Ohio 45201-0960

(614) 222-1334 (telephone)

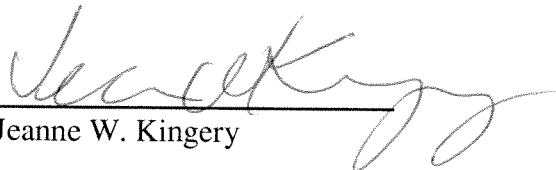
(614) 222-1337 (facsimile)

Jeanne.Kingery@duke-energy.com

Amy.Spiller@duke-energy.com

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:



Jeanne W. Kingery

Matthew Satterwhite
Steven T. Nourse
Anne M. Vogel
American Electric Power Service Corporation
1 Riverside Plaza, 29th Floor
Columbus OH 43215
mjsatterwhite@aep.com
stnourse@aep.com
amvogel@aep.com

On Behalf of Ohio Power Company

Lisa McAlister
Bricker & Eckler LLP
100 South Third Street
Columbus, Ohio 43215
lmcalister@bricker.com

On Behalf of The Ohio Manufacturers'
Association

Colleen L. Mooney
Ohio Partners for Affordable Energy
231 West Lima Street
Findlay, OH 45839-1793
cmooney2@columbus.rr.com

On Behalf of Ohio Partners for
Affordable Energy

Thomas Lindgren
Assistant Attorney General
Public Utilities Commission of Ohio
180 East Broad Street
Columbus, Ohio 43215
Thomas.Lindgren@puc.state.oh.us

On Behalf of the Staff of the Public Utilities
Commission of Ohio

David F. Boehm
Michael L. Kurtz
Boehm, Kurtz & Lowry
36 East Seventh Street, Suite 1510
Cincinnati, Ohio 45202
dboehm@bkllawfirm.com
mkurtz@bkllawfirm.com

On Behalf of The Ohio Energy Group
Thomas J. O'Brien
Bricker & Eckler LLP
100 South Third Street
Columbus, Ohio 43215
tobrien@bricker.com

On Behalf of The Ohio Hospital Association

Daniel R. Conway
Porter Wright Morris & Arthur
41 South High Street
Columbus, Ohio
dconway@porterwright.com

On Behalf of Ohio Power Company

Mark A. Whitt
Melissa L. Thompson
Whitt Sturtevant LLP
PNC Plaza, Suite 2020
155 E. Broad Street
Columbus, Ohio 43215

Whitt@whitt-sturtevant.com
Thompson@whitt-sturtevant.com

On Behalf of Interstate Gas Supply, Inc.

Richard L. Sites
Ohio Hospital Council
155 East Broad Street. 15th Floor
Columbus, Ohio 43215-3620
ricks@ohanet.org

On Behalf of Ohio Hospital Association

Samuel C. Randazzo
Joseph E. Olikier
McNees Wallace & Nurick LLC
21 E. State Street, 17th Floor
Columbus, Ohio 43215
sam@mwncmh.com
joliker@mwncmh.com

On Behalf of Industrial Energy Users -
Ohio

Jeffrey L. Small
Assistant Consumers' Counsel
Office of the Ohio Consumers' Counsel
10 West Broad Street, Suite 1800
Columbus, Ohio 43215-3485
small@occ.state.oh.us

On Behalf of Office of the Ohio Consumers' Counsel

Mark A. Hayden
FirstEnergy Service Company
76 South Main Street
Akron, OH 44308
haydenm@firstenergycorp.com

On Behalf of FirstEnergy Solutions Corp.

John N. Estes III
Paul F. Wight
Skadden, Arps, Slate, Meagher & Flom LLP
1440 New York Ave., N.W.
Washington, DC 20005
jestes@skadden.com
paul.wight@skadden.com

On Behalf of FirstEnergy Solutions Corp.

James F. Lang
Laura C. McBride
N. Trevor Alexander
Calfee, Halter & Griswold LLP
1400 KeyBank Center
800 Superior Ave.
Cleveland, OH 44114
jlang@calfee.com
lmcbride@calfee.com
talexander@calfee.com

On Behalf of FirstEnergy Solutions Corp.

M. Howard Petricoff
Stephen M. Howard
Michael J. Settineri
Lija Kaleps-Clark
Benita Khan
Vorys, Sater, Seymour, and Pease, LLP
52 East Gay Street
P.O. Box 1008
Columbus, Ohio 43216-1008
mhpetricoff@vorys.com
smhoward@vorys.com
mjsettineri@vorys.com
lkalepsclark@vorys.com
bakahn@vorys.com

On Behalf of Constellation Energy
Commodities Group, Inc., and
Constellation NewEnergy, Inc., on behalf
of Direct Energy Services, LLC, and
Direct Energy Business, LLC and Retail
Electric Supply Association

Sandy I-ru Grace
Exelon Business Services Company
101 Constitution Ave NW
Washington DC 20001
Sandy.grace@exeloncorp.com

On Behalf of Exelon Generation
Company, LLC

Dane Stinson
Bailey Cavalieri LLC
10 West Broad Street, Suite 2100
Columbus, Ohio 43215

Dane.Stinson@BaileyCavalieri.com

On Behalf of The Ohio Association of
School Business Officials, The Ohio
School Boards Association, The Ohio
Schools Council and The Buckeye
Association of School Administrators

Jesse A. Rodriguez
Public Policy & Affairs Manager
Exelon Generation Company, LLC
300 Exelon Way
Kennett Square, PA 19348
Jesse.rodriguez@exeloncorp.com

On Behalf of Exelon Generation Company, LLC

Vincent Parisi
Matthew White
6100 Emerald Parkway
Dublin, Ohio 43016
vparisi@igsenergy.com
mwhite@igsenergy.com

On Behalf of Interstate Gas Supply, Inc.