

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of)
Columbus Southern Power Company)
and Ohio Power Company for Authority) Case No. 11-346-EL-SSO
to Establish a Standard Service Offer) Case No. 11-348-EL-SSO
Pursuant to §4928.143, Ohio Rev. Code,)
in the Form of an Electric Security Plan.)

In the Matter of the Application of)
Columbus Southern Power Company) Case No. 11-349-EL-AAM
and Ohio Power Company for Approval) Case No. 11-350-EL-AAM
of Certain Accounting Authority.)

MOTION TO INTERVENE

BY

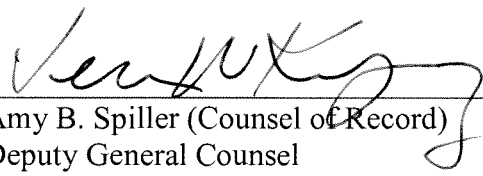
DUKE ENERGY COMMERCIAL ASSET MANAGEMENT, INC.

Now comes Duke Energy Commercial Asset Management, Inc., (DECAM) and moves to intervene, as a full party of record, in the above-captioned proceedings, 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 a proposed standard service offer by Ohio Power Company (AEP Ohio). The resolution of issues in this proceeding will directly impact the ability of suppliers to compete in the wholesale market. DECAM, as an active participant in auctions to supply power to standard service offer customers or Ohio utilities, therefore has a real and substantial interest in this proceeding that is not adequately represented by existing parties.

Wherefore, for the reasons more fully set forth in the attached memorandum in support, DECAM respectfully requests that the Commission grant this motion to intervene.

Respectfully submitted,

DUKE ENERGY COMMERCIAL ASSET
MANAGEMENT, INC.



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Memorandum in Support

R.C. 4928.141 requires each electric utility, such as AEP Ohio, to provide a standard service offer (SSO) “of all competitive retail electric services necessary to maintain essential electric service to consumers, including a firm supply of electric generation service.” AEP Ohio currently provides that SSO in the form of an electric security plan (ESP), approved under R.C. 4928.143.

R.C. 4903.221(B) sets forth several criteria that the Commission is required to consider in ruling on applications to intervene. Those criteria are listed as follows:

- (1) The nature and extent of the prospective intervenor’s interest;
- (2) The legal position advanced by the prospective intervenor and its probable relation to the merits of the case;
- (3) Whether the intervention by the prospective intervenor will unduly prolong or delay the proceedings;
- (4) Whether the prospective intervenor will significantly contribute to full development and equitable resolution of the factual issues.

The Commission has, itself, added additional detail to the intervention requirements through the promulgation of O.A.C. 4901-1-11. That rule, in paragraph (A), requires that the Commission allow intervention by a person who has a “real and substantial interest in the proceeding” and who “is so situated that the disposition of the proceeding may . . . impair or impede [its] ability to protect that interest, unless the person’s interest is adequately represented by existing parties.” The rule goes on to list several factors that the Commission is required to consider in determining whether a potential intervenor meets that standard:

- (1) The nature and extent of the prospective intervenor’s interest.
- (2) The legal position advanced by the prospective intervenor and its probable relation to the merits of the case.
- (3) Whether the intervention by the prospective intervenor will unduly prolong or delay the proceedings.

- (4) Whether the prospective intervenor will significantly contribute to full development and equitable resolution of the factual issues.
- (5) The extent to which the person's interest is represented by existing parties.

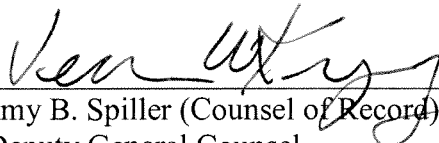
DECAM is the owner and operator of approximately 3,000 MW of gas-fired generation assets, located predominantly in the PJM-market footprint. DECAM is authorized by the Federal Energy Regulatory Commission to sell energy, capacity, and related products at wholesale. DECAM is also a wholesale auction participant, competing to provide full-service requirements and other products in response to wholesale auction solicitations. DECAM's business will be impacted by the determination of the terms of AEP Ohio's SSO. 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.

As the deadline for intervention has not passed, intervention by DECAM will not unduly prolong or delay this proceeding. DECAM would also respectfully suggest that its intervention will significantly contribute to the full development and equitable resolution of the factual issues, based on its experience in the marketplace and understanding of competitive needs in general.

DECAM therefore respectfully requests that the Commission grant its motion to intervene and that it be made a full party of record.

Respectfully submitted,

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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 10th day of April, 2012, to the following:


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