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BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

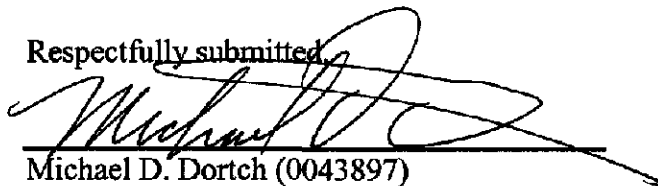
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In The Matter Of: :
The Application of Duke Energy Ohio : Case No. 06-986-EL-UNC
To Modify Its Market-Based :
Standard Service Offer :

DUKE ENERGY RETAIL SALES LLC'S
MOTION TO INTERVENE

Duke Energy Retail Sales, LLC, by and through its attorneys and pursuant to Ohio Revised Code Section 4903.221 and Ohio Administrative Code Section 4901-1-11, respectfully moves this Commission for leave to intervene in this proceeding. The bases for this motion are set forth in the attached memorandum in support, which is incorporated by reference herein.

Respectfully submitted,



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MEMORANDUM IN SUPPORT

I. INTRODUCTION

Duke Energy Retail Sales, LLC ("DERS") is a certified Competitive Retail Electric Service ("CRES") provider, having been issued Certificate No. 04-124 by this Commission. DERS is a wholly owned subsidiary of Cinergy Capital & Trading, Inc. ("CC&T"). Both DERS and CC&T are affiliates of Duke Energy, Ohio ("DE-Ohio") and DERS, CC&T and DE-Ohio are each members of the Duke Energy Corporation family of companies. DERS is currently authorized to conduct business within, and is in good standing within, the States of Ohio, Delaware, Illinois and New Jersey. DERS currently markets the services it provides to large commercial and industrial consumers of electric power within the State of Ohio. The terms, conditions, and rates of the market-based standard service offer ("MBSSO") of DE-Ohio will directly impact DERS, as a CRES provider that must compete with DE-Ohio and other CRES providers for the business of its target market.

II. LAW AND ARGUMENT

A. This Commission's Standard Regarding Intervention

Pursuant to O.A.C. Section 4901-1-11(A), upon timely motion, any person is permitted to intervene in a proceeding before this Commission upon a showing that:

(2) The person has a real and substantial interest in the proceeding, and the person is so situated that the disposition of the proceeding may, as a practical matter, impair or impede his or her ability to protect that interest, unless the person's interest is adequately represented by existing parties.

Further, O.A.C. 4901-1-11(B) provides that the following factors are to be considered in evaluating requests to intervene:

(1) The nature of the person's interest;

- (2) The extent to which the person's interest is represented by existing parties;
- (3) The person's potential contribution to a just and expeditious resolution of the issues involved in the proceeding; and
- (4) Whether granting the requested intervention would unduly delay the proceeding or unjustly prejudice any existing party.

See also, Ohio Revised Code Section 4903.221.

B. Duke Energy Retail Sales, LLC Should Be Permitted To intervene In This Proceeding.

DERS should be granted leave to intervene in this proceeding. "Any person" is permitted to intervene in a proceeding upon a showing that the person has a real and substantial interest in the proceeding and that the person is so situated that the disposition of the proceeding may impair or impede his or her ability to protect that interest. O.A.C. Section 4901-1-11(A)(2).

On August 2, 2006, DE-Ohio filed the within application with this Commission, seeking to modify its MBSSO. Ohio Revised Code section 4928.14 defines the MBSSO as an "offer of all competitive retail electric services necessary to maintain essential electric service to consumers, including a firm supply of electric generation service."

As a CRES provider, DERS offers retail electric services to Ohio consumers. DERS supplies many, if not quite all¹, the same services provided by its affiliate, DE-Ohio. DERS' position, however, is unique. It must compete against its regulated affiliate, DE-Ohio, as well as against other CRES providers for market share. DERS' interest therefore cannot be represented by existing parties. DERS therefore possesses a real and substantial interest in this proceeding that it is entitled to pursue and protect.

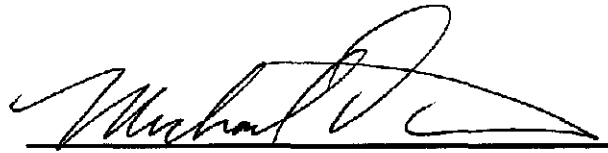
¹ As a CRES, DERS does not have an obligation to provide, and does not currently provide, Provider of Last Resort ("POLR") service to its customers.

Permitting DERS to intervene will not unduly delay the proceeding or unduly prejudice any existing party. Under these circumstances, DERS should be permitted to intervene in this proceeding.

IV. CONCLUSION

For the foregoing reasons, DERS respectfully asks that this Commission GRANT DERS' Motion to Intervene.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael D. Dortch", is written over a horizontal line.

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CERTIFICATE OF SERVICE

I hereby certify that true and accurate copies of the foregoing were served upon the following parties to this proceeding this 17th day of July, 2007, by depositing the same in the United States Mail, postage prepaid, addressed as follows:

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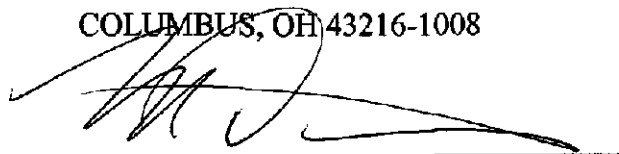
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