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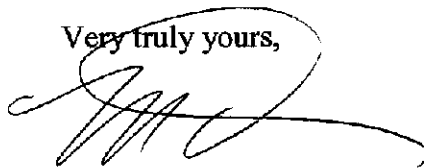
Subject: *In the Matter of The Commission Ordered Workshop Regarding Smart
Metering Deployment*
Case No. 07-646-EL-UNC

Dear Ms. Jenkins:

Please accept the original and fifteen copies of the enclosed Motion to Intervene
for Filing in the above-captioned matter.

Thank you for your attention to this matter. As always, please feel free to call me
directly if you have any questions regarding this filing.

Very truly yours,



Michael D. Dortch

cc: James Bolin, Esq.

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BEFORE

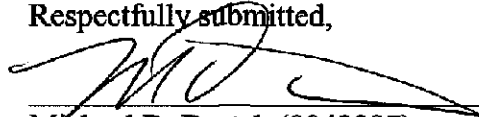
THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Commission-Ordered)	
Workshop Regarding Smart Metering)	Case No. 07-646-EL-UNC
Deployment)	

MOTION TO INTERVENE

CURRENT Group, 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 basis for this motion is 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

On March 28, 2007, the Public Utilities Commission of Ohio ("Commission") issued a Finding and Order in response to the Energy Policy Act of 2005 that adopted recommendations of the Commission's staff with regard to Smart Metering. On May 30, 2007, the Commission opened this docket to facilitate the Commission's initiation of a Commission-Ordered Workshop Regarding Smart Metering Deployment.

The Commission's March 28th Finding and Order recognized that Advanced Metering Infrastructure (AMI) "encompasses a wide variety of technologies and communications protocols." See Finding and Order, p. 6. CURRENT Group, LLC ("CURRENT") is a privately held company based in Maryland and with offices in Ohio.¹ CURRENT provides AMI as part of its Broadband over Powerline (BPL)-based "Smart Grid" solution. A *CURRENT*® Smart Grid not only can read meters as often as every 15-minutes or on demand, it also encompasses a network of advanced sensors capable of collecting and monitoring data from the substation through transformers, meters, and other electric distribution devices along power lines, all connected through a high-speed and low-latency communications system and a distributed computing system capable of real time analysis and event prediction.

To deploy a Smart Grid, CURRENT overlays its state-of-the-art technology at points throughout the existing electric distribution network. No retrofitting or conditioning of the distribution electric grid is required. Once a *CURRENT* Smart Grid is deployed, it can communicate with points anywhere along the distribution grid as well as virtually every electric outlet inside homes and businesses. A utility therefore can monitor and control capacitor banks, transformers, switches, substations and other critical infrastructure, as well as manage demand

¹ Further information about CURRENT is available at <http://www.currentgroup.com>.

response programs for end users and measure and coordinate available distributed and renewable energy sources. A Smart Grid not only increases the efficiency, reliability, safety, and security of the electric distribution network, but also greatly expands the capabilities and benefits of demand-side management (DSM) and other efficiency programs. For the first time, DSM programs can confirm, in real-time, the precise reductions in load occurring at an individual residential customer level. It also is possible to centrally monitor and manage literally millions of DSM devices through a single, centrally located “head-end” software system. The unprecedented scale and scope of such DSM programs means that residential users, including low-income customers, can be aggregated into substantial blocks of load reduction. A Smart Grid also permits utilities to conduct network monitoring that can detect problems before they cause power outages; and to provide power outage and restoration detection if outages do occur.

This workshop could affect CURRENT because the Commission’s determinations regarding the future of Smart Metering could change the regulatory environment and requirements for utilities’ implementation of AMI and Smart Grid solutions. The Commission should grant CURRENT’s Motion to Intervene in this proceeding so that CURRENT can fully protect its business interest in providing Smart Metering services and ensure that the Commission has the information necessary to evaluate Smart Grid-based AMI solutions.

II. LAW AND ARGUMENT

A. This Commission’s Standard Regarding Intervention

Ohio Revised Code Section 4903.221 provides, in part, that any person “who may be adversely affected” by a Commission proceeding is entitled to seek intervention in that proceeding. Additionally, pursuant to O.A.C. § 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.

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

- (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.

See also O.R.C. § 4903.221.

B. CURRENT Group, LLC Should Be Permitted To Intervene In This Proceeding

As described above, any person is permitted to intervene in a proceeding upon a showing that the person may be adversely affected by the proceeding, O.R.C. § 4903.221, and the person has a real and substantial interest in the proceeding and is so situated that the disposition of the proceeding may impair or impede his or her ability to protect that interest. O.A.C. § 4901-1-11(A)(2). As a competitive provider of Smart Metering services, CURRENT has a real and substantial interest in this proceeding. Currently, CURRENT provides broadband over power line services over the lines of Duke Energy, formerly known as Cinergy, in metropolitan Cincinnati, Ohio, representing the nation's largest commercial broadband over power-line (BPL) service deployment to-date, passing more than 50,000 homes. Thus, the real and substantial interests of CURRENT could be adversely affected, impaired and impeded if CURRENT is not permitted to intervene in the Commission's Smart Metering Deployment Workshop.

The Commission is required to consider the following criteria in ruling on motions to intervene:

- (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.

O.A.C. § 4901-1-11(B); *see also* O.R.C. § 4903.221.

First, the nature and extent of CURRENT's interest in intervening in this proceeding is to represent CURRENT's AMI technology and its Smart Grid solutions.

Second, CURRENT's legal position will promote the deployment of a Smart Grid in Ohio so that energy in Ohio flows more efficiently and reliably. CURRENT's position is that the deployment of a Smart Grid will save Ohio energy customers money. CURRENT also advances the position that a Smart Grid can save lives. The ability of a Smart Grid to detect power shortages and outages will ensure a quicker response to dangerous situations that occur when there is a power blackout, *i.e.* traffic lights turning off.

Third, CURRENT's intervention will not unduly prolong or delay the proceeding. CURRENT has ample experience in Commission proceedings and its expertise will allow for the efficient processing of the proceeding while ensuring consideration to public interest issues.

Fourth, CURRENT will significantly contribute to the full development and equitable resolution of the factual issues. CURRENT can provide the Commission with expert information about AMI and Smart Grid technologies. For example, CURRENT can provide information concerning its ongoing deployment of a Smart Grid to nearly 2 million homes in the Dallas,

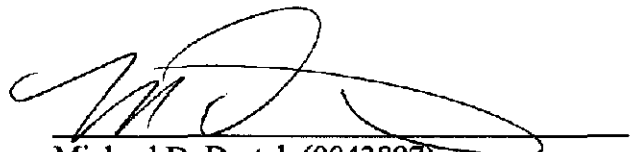
Texas area, which deployment is already being used to read meters, enable preventive maintenance, and provide other services.

Fifth, CURRENT is not represented by any other existing party at this proceeding.² CURRENT is a privately owned company and its interests can only be represented by its own representatives.

III. CONCLUSION

For the foregoing reasons, this Commission should grant CURRENT's Motion to Intervene.

Respectfully Submitted,

A handwritten signature in black ink, appearing to be 'MD', written over a horizontal line.

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² Affiliates of Duke Energy own, collectively, a minority interest in CURRENT. Duke Energy's interests and those of CURRENT are separate and distinct, as demonstrated by the fact that Duke Energy's interest is such that it has no seat on CURRENT's Board of Directors.

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing was served upon each individual identified in the Commission's service list for Case No. 07-646-EL-UNC by depositing the same in the U.S. Mail, postage prepaid, addressed as indicated on the attached service list, this 24th day of July, 2007.

A handwritten signature in black ink, appearing to read "MD", followed by a long horizontal stroke.

Michael D. Dortch

CASE NUMBER: 07-0646-EL-UNC

CASE DESCRIPTION: IN THE MATTER OF THE COMMISSION-ORDERED WORKSHOP REGARDING SM/
METERING DEPLOYMENT

DOCUMENT SIGNED ON: 7/24/2007

DATE OF SERVICE: _____

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*Indicates that filer has agreed to be automatically served via electronic mail.