

**FILE**

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Via Overnight Mail

November 21, 2008

Public Utilities Commission of Ohio  
PUCO Docketing  
180 E. Broad Street, 10th Floor  
Columbus, Ohio 43215

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PUCO

In re: Case Nos. 08-1228-EL-UNC

Dear Sir/Madam:

Please find enclosed an original and ten (10) copies of the OHIO ENERGY GROUP'S MOTION FOR LEAVE TO INTERVENE filed in the above-referenced matter.

Copies have been served on all parties on the attached certificate of service. Please place this document of file.

Respectfully yours,



David F. Boehm, Esq.  
Michael L. Kurtz, Esq.  
**BOEHM, KURTZ & LOWRY**

MLKkew  
Encl.  
Cc: Certificate of Service

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**CERTIFICATE OF SERVICE**

I hereby certify that true copy of the foregoing was served by ordinary mail, unless otherwise noted, this 21<sup>st</sup> day of November, 2008.

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David F. Boehm, Esq.  
Michael L. Kurtz, Esq.

**BEFORE THE  
PUBLIC UTILITY COMMISSION OF OHIO**

**In The Matter Of The Application For Recovery Of Costs, : Case No. 08-1228-EL-UNC  
Lost Margin, And Performance Incentive Associated With :  
The Implementation Of Electric Non-Residential Demand :  
Side Management Programs By Duke Energy Ohio :**

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**THE OHIO ENERGY GROUP'S  
MOTION FOR LEAVE TO INTERVENE**

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Pursuant to the Ohio Rev. Code §4903.22.1 and Ohio Admin. Code §4901-1-11, the Ohio Energy Group ("OEG") moves for leave to intervene in this proceeding. The Public Utility Commission of Ohio ("Commission") should grant OEG leave to intervene because OEG has a real and substantial interest in the proceeding, and the Commission's disposition of this proceeding may impair or impede OEG's ability to protect that interest.

Respectfully submitted,



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David F. Boehm, Esq.  
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November 21, 2008

**COUNSEL FOR OHIO ENERGY GROUP**

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**BEFORE THE**  
**PUBLIC UTILITY COMMISSION OF Ohio**

<b>In The Matter Of The Application For Recovery Of Costs,</b>	<b>:</b>	<b>Case No. 08-1228-EL-UNC</b>
<b>Lost Margin, And Performance Incentive Associated With</b>	<b>:</b>	
<b>The Implementation Of Electric Non-Residential Demand</b>	<b>:</b>	
<b>Side Management Programs By Duke Energy Ohio</b>	<b>:</b>	

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**MEMORANDUM IN SUPPORT OF**  
**THE OHIO ENERGY GROUP'S MOTION TO INTERVENE**

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Pursuant to Ohio Rev. Code §4903.22.1 and Ohio Admin. Code §4901-01-11, the Public Utility Commission of Ohio should grant OEG leave to intervene in this proceeding.

OEG is a non-profit entity organized to represent the interests of large industrial customers in electric and gas regulatory proceedings before the Public Utility Commission of Ohio ("Commission"). OEG's members who are participating in this intervention are: AK Steel Corporation, Air Products & Chemicals, Inc., BP-Huskey, Ford Motor Company, General Electric – Aircraft Engines, The Procter and Gamble Co., and Worthington Industries. These companies purchase electric distribution services from Duke Energy Ohio, Inc. Therefore, the interests of OEG's members may be directly affected by the outcome of this proceeding. OEG intends to play a constructive role in this case and provide information which will assist the Commission.

No other party to this proceeding can adequately represent OEG's interest. Intervention would not unduly delay the proceeding nor unjustly prejudice any existing party.

Accordingly, OEG has a real and substantial interest and is entitled to intervene in this action under Ohio Rev. Code §4903.22.1 and Ohio Admin. Code §4901-1-11.

Respectfully submitted,



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David F. Boehm, Esq.

Michael L. Kurtz, Esq.

**BOEHM, KURTZ & LOWRY**

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**COUNSEL FOR THE OHIO ENERGY GROUP**

November 20, 2008