

FILE

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Via Overnight Mail

July 7, 2009

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

In re: Case No. 09-495-EL-UNC

Dear Sir/Madam:

Please find enclosed an original and twenty (20) copies of THE OHIO ENERGY GROUP'S MOTION FOR LEAVE TO INTERVENE AND MEMORANDUM IN SUPPORT filed today 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 electronic mail (when available) or ordinary mail, unless otherwise noted, this 7th day of July, 2009 the following:



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**BEFORE THE
PUBLIC UTILITY COMMISSION OF OHIO**

In The Matter of the Application of Duke Energy : **Case No. 09-495-EL-UNC**
Ohio for Approval of the Second Amended :
Corporate Separation Plan Under Section 4928.17, :
Revised Code and 4901:1-37 Ohio Administrative :
Code :

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

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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July 7, 2009

COUNSEL FOR OHIO ENERGY GROUP

**BEFORE THE
PUBLIC UTILITY COMMISSION OF OHIO**

In The Matter of the Application of Duke Energy : **Case No. 09-495-EL-UNC**
Ohio for Approval of the Second Amended :
Corporate Separation Plan Under Section 4928.17, :
Revised Code and 4901:1-37 Ohio Administrative :
Code :

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

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., E.I. DuPont de Nemours & Co., 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,



David F. Boehm, Esq.

Michael L. Kurtz, Esq.

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July 7, 2009