

**FILE**

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Duke	)	
Energy Ohio for Approval of a Market Rate	)	
Offer to Conduct a Competitive Bidding	)	Case No. 10-2586-EL-SSO
Process for Standard Service Offer Electric	)	
Generation Supply, Accounting Modifications,	)	
and Tariffs for Generation Service.	)	

**MOTION TO INTERVENE AND MEMORANDUM IN SUPPORT  
OF INDUSTRIAL ENERGY USERS-OHIO**

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Samuel C. Randazzo (Counsel of Record)  
 Joseph E. Olikier  
 MCNEES WALLACE & NURICK LLC  
 21 East State Street, 17<sup>TH</sup> Floor  
 Columbus, OH 43215  
 Telephone: (614) 469-8000  
 Telecopier: (614) 469-4653  
 sam@mwncmh.com  
 joliker@mwncmh.com

**November 15, 2010**

**Attorneys for Industrial Energy Users-Ohio**

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**MOTION TO INTERVENE OF INDUSTRIAL ENERGY USERS-OHIO**

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Industrial Energy Users-Ohio ("IEU-Ohio") hereby respectfully moves the Public Utilities Commission of Ohio ("Commission"), pursuant to Section 4903.221, Revised Code, and Rule 4901-1-11, Ohio Administrative Code, for leave to intervene in the above-captioned proceeding with the full powers and rights granted by the Commission, specifically by statute or by the provisions of the Ohio Administrative Code ("O.A.C"), to intervening parties.

On November 15, 2010 Duke Energy Ohio filed an application for approval of a market rate offer to conduct a competitive bidding process for standard service offer electric generation supply and to resolve additional matters addressed in its application.

As demonstrated further in the Memorandum in Support attached hereto and incorporated herein, IEU-Ohio has a direct, real, and substantial interest in the issues and matters involved in the above-captioned proceeding, and is so situated that the disposition of this proceeding may, as a practical matter, impair or impede its ability to protect that interest. IEU-Ohio believes that its participation will not unduly prolong or delay this proceeding and that it will significantly contribute to the full development and equitable resolution of the factual and other issues in the proceeding. The interests of

IEU-Ohio will not be adequately represented by other parties to the proceeding and, as such, IEU-Ohio is entitled to intervene with the full powers and rights granted by the Commission, specifically by statute and by the provisions of the Ohio Administrative Code, to intervening parties.

Respectfully submitted,



Samuel C. Randazzo (Counsel of Record)

Joseph E. Olikier

MCNEES WALLACE & NURICK LLC

21 East State Street, 17<sup>TH</sup> Floor

Columbus, OH 43215

Telephone: (614) 469-8000

Telecopier: (614) 469-4653

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**MEMORANDUM IN SUPPORT**

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In support of this Motion to Intervene, IEU-Ohio states that it is an association of ultimate customers. A current listing of IEU-Ohio member companies is available on IEU-Ohio's website at [http://www.ieu-ohio.org/member\\_list.aspx](http://www.ieu-ohio.org/member_list.aspx). IEU-Ohio members purchase electricity from Duke Energy Ohio, which is a public utility subject to the jurisdiction of the Commission.

IEU-Ohio members work together to address matters that affect the availability and price of utility services. Additionally, IEU-Ohio seeks to promote customer-driven policies that will assure an adequate, reliable, and efficient supply of energy for all consumers at competitive prices. To this end, IEU-Ohio has worked, and will continue to work, to produce legislative, regulatory, and market outcomes that are consistent with the state policy contained in Section 4928.02, Revised Code. IEU-Ohio members have been, and continue to be, active participants in state and federal regulatory proceedings concerning Ohio's electric utilities, including Duke Energy Ohio's electric security plan ("ESP") case and rider update proceedings.

IEU-Ohio member companies are served by Duke Energy Ohio and may be affected by the Commission's decisions related to the proposed application. IEU-Ohio has a real and substantial interest inasmuch as this proceeding may directly or indirectly

impact the provision of electric service to IEU-Ohio members' manufacturing facilities. Specifically, IEU-Ohio's direct interest in this proceeding is the result of the effect that this proceeding shall have upon the price, adequacy, and reliability of the electric supply and related services within Ohio, including the areas presently served by Duke Energy Ohio.

For the aforementioned reasons, IEU-Ohio has a direct, real, and substantial interest in the issues and matters involved in the above-captioned proceeding that will only be protected by its participation in this proceeding. Therefore, IEU-Ohio hereby requests that the Commission grant its intervention with the full powers and rights granted by the Commission, specifically by statute and by the provisions of the O.A.C., to intervening parties.

Respectfully submitted,



Samuel C. Randazzo (Counsel of Record)

Joseph E. Olikier

MCNEES WALLACE & NURICK LLC

Fifth Third Center

21 East State Street, 17<sup>th</sup> Floor

Columbus, OH 43215-4228

Telephone: (614) 469-8000

Telecopier: (614) 469-4653


sam@mwncmh.com

joliker@mwncmh.com

**Attorneys for Industrial Energy Users-Ohio**

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing *Motion to Intervene and Memorandum in Support* was served upon the following parties of record this 15th day of November, 2010 via first class mail, postage prepaid.

  
\_\_\_\_\_  
Joseph E. Oiker

Amy B. Spiller  
Elizabeth H. Watts  
Rocco D. Ascenzo  
Duke Energy Inc.  
2500 Atrium II  
P.O. Box 961  
Cincinnati, OH 45201-0960

**ON BEHALF OF DUKE ENERGY OHIO**