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**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 FOR LEAVE TO INTERVENE OF
THE RETAIL ENERGY SUPPLY ASSOCIATION**

Now comes the Retail Energy Supply Association (RESA)¹, who, pursuant to Section 4903.221, Revised Code and Rule 4901-1-11 of the Ohio Administrative Code, moves for intervention in the above styled proceeding as a full party of record. The reasons supporting the intervention are contained in the accompanying Memorandum in Support.

WHEREFORE, RESA respectfully requests that the Commission grant this motion for leave to intervene and that RESA be made a full party of record.

Respectfully Submitted,

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¹ RESA's members include ConEdison Solutions; Constellation NewEnergy, Inc.; Direct Energy Services, LLC; Energy Plus Holdings, LLC; Exelon Energy Company; GDF SUEZ Energy Resources NA, Inc.; Green Mountain Energy Company; Hess Corporation; Integrys Energy Services, Inc.; Just Energy; Liberty Power; NextEra Energy Services; Noble Americas Energy Solutions LLC; PPL EnergyPlus; Reliant Energy Northeast LLC. The comments expressed in this filing represent the position of RESA as an organization but may not represent the views of any particular member of RESA.

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**MEMORANDUM IN SUPPORT OF
THE MOTION TO INTERVENE OF
THE RETAIL ENERGY SUPPLY ASSOCIATION**

Section 4903.221, Revised Code and Rule 4901-1-11 of the Ohio Administrative Code, establish the standard for intervention in the above-styled proceeding as a full party of record.

Rule 4901-1-11 of the Ohio Administrative Code states in part:

Upon timely motion, any person shall be permitted to intervene in a proceeding 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.

In addition to establishment of a direct interest, the factors that the Public Utilities Commission of Ohio (the "Commission") considers in implementing the above rule are the nature of the intervenor's interest, the extent that interest is represented by existing parties, the intervenor's potential contribution to a just and expeditious resolution of the issues involved, and whether intervention would result in an undue delay of the proceeding. (See also R.C. 4903.221(B) upon which the above rule is authorized). A review of these factors in light of following facts supports granting RESA's intervention.

RESA is a broad and diverse group of retail energy suppliers who share the common vision that competitive retail energy markets deliver a more efficient, customer-oriented outcome than regulated utility structure. Several RESA members are certificated as competitive retail electric service providers and active in the Ohio retail market. Specifically, some of RESA's members currently provide CRES service to both residential and commercial retail customers in

Duke Energy Ohio's service area. Any testimony filed in this matter may represent the position of RESA as an organization but may not represent the views of any particular member of RESA.

In its first application filed in Case No. 08-920-EL-SSO pursuant to S.B. 221, Duke Energy Ohio, Inc. ("Duke") sought – and received – approval from the Public Utilities Commission of Ohio ("the Commission") to implement an electric security plan ("ESP"). The term of that ESP expires on December 31, 2011, and Duke now seeks approval of its next standard service offer (SSO), which will take the form of a market rate offer (MRO). Specifically, pursuant to Sections 4928.141 and 4928.142, Revised Code and Chapter 4901:1-35 of the Ohio Administrative Code, Duke is requesting that the Commission approve its proposed MRO. Duke asks that its application should be approved on or before February 14, 2011.

RESA's members have existing and potential business interests in the State that will be affected by the outcome of the proceeding. The Commission's decision in this matter will affect the viability of the competitive retail electric market in Duke Energy Ohio's service territory, in which some of the RESA members provide electric power and other products and services to retail service customers.

This motion to intervene meets the deadline established by the Attorney Examiner's Entry of November 16, 2010.

WHEREFORE, the Retail Energy Supply Association respectfully requests that the Commission grant this motion for leave to intervene and that RESA be made a full party of record.

Respectfully Submitted,

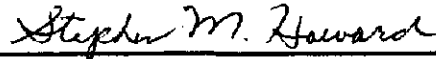


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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing documents was served this 7th day of December, 2010 by regular U.S. mail, postage prepaid, or by electronic mail, upon the persons listed below.



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