

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of)	
Columbus Southern Power Company)	
and Ohio Power Company for Authority)	Case No. 11-346-EL-SSO
to Establish a Standard Service Offer)	Case No. 11-348-EL-SSO
Pursuant to §4928.143, Ohio Rev. Code,)	
in the Form of an Electric Security Plan.)	
In the Matter of the Application of)	
Columbus Southern Power Company)	Case No. 11-349-EL-AAM
and Ohio Power Company for Approval)	Case No. 11-350-EL-AAM
of Certain Accounting Authority.)	

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MOTION TO INTERVENE

BY

DUKE ENERGY RETAIL SALES, LLC

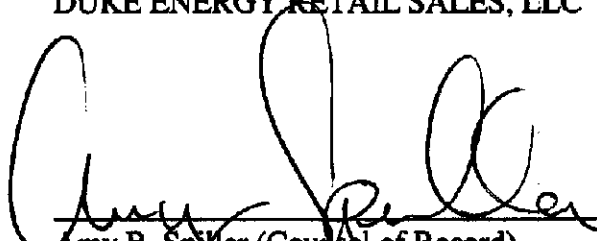
Now comes Duke Energy Retail Sales, LLC, (Duke Energy Retail) and moves to intervene, as a full party of record, in the above-captioned proceedings, pursuant to R.C. 4903.221 and O.A.C. 4901-1-11. The issues in this proceeding relate to the Commission's review of a proposed standard service offer by Ohio Power Company and Columbus Southern Power Company (jointly, AEP). The resolution of issues in this proceeding will directly impact the ability of suppliers to compete in the retail market. Duke Energy Retail, as a certified retail electric supplier, therefore has a real and substantial interest in this proceeding that is not adequately represented by existing parties.

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Wherefore, for the reasons more fully set forth in the attached memorandum in support,
Duke Energy Retail respectfully requests that the Commission grant this motion to intervene.

Respectfully submitted,

DUKE ENERGY RETAIL SALES, LLC

A handwritten signature in black ink, appearing to read 'Amy B. Spiller', is written over a horizontal line.

Amy B. Spiller (Counsel of Record)
Deputy General Counsel
Dorothy K. Corbett
Associate General Counsel
139 East Fourth Street
1303-Main
Cincinnati, Ohio 45202
(513) 287-4359 (telephone)
Amy.Spiller@duke-energy.com

Memorandum in Support

R.C. 4928.141 requires each electric utility, such as AEP, to provide a standard service offer (SSO) “of all competitive retail electric services necessary to maintain essential electric service to consumers, including a firm supply of electric generation service.” AEP currently provides that SSO in the form of an electric security plan (ESP), approved under R.C. 4928.143. The ESP currently in place for each of its electric distribution utilities will terminate on December 31, 2011.¹ On January 27, 2011, AEP filed its application for a new ESP, to become effective on January 1, 2011.

R.C. 4903.221(B) sets forth several criteria that the Commission is required to consider in ruling on applications to intervene. Those criteria are listed as follows:

- (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.

The Commission has, itself, added additional detail to the intervention requirements through the promulgation of O.A.C. 4901-1-11. That rule, in section (A), requires that the Commission allow intervention by a person who has a “real and substantial interest in the proceeding” and who “is so situated that the disposition of the proceeding may . . . impair or impede [its] ability to protect that interest, unless the person’s interest is adequately represented by existing parties.” The rule goes on to list several factors that the Commission is required to consider in determining whether a potential intervenor meets that standard:

¹ *In the Matter of the Application of Columbus Southern Power Company for Approval of an Electric Security Plan; an Amendment to its Corporate Separation Plan; and the Sale or Transfer of Certain Generating Assets*, Case No. 08-917-EL-SSO, *et al.*, (Opinion and Order, March 18, 2009).

- (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.

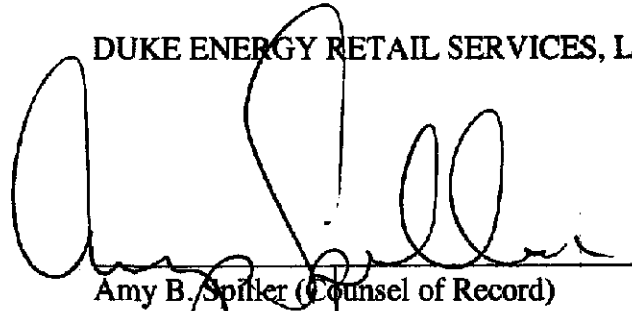
Duke Energy Retail is a competitive retail electric services provider, certified to provide retail services in the territories of AEP. Indeed, Duke Energy Retail is providing both nonresidential and residential services in the certified territories of AEP's electric distribution companies at this time. It is critical to the ongoing business of Duke Energy Retail that it be able to compete successfully for business in these areas. Thus, intervention is important to its ability to protect its business interests.

As no deadline for intervention has yet been determined in this case, intervention by Duke Energy Retail will not unduly prolong or delay this proceeding. Duke Energy Retail would also respectfully suggest that its intervention will significantly contribute to the full development and equitable resolution of the factual issues, based on its experience in the marketplace and understanding of competitive needs in general. Its interests are not represented by existing parties.

Duke Energy Retail therefore respectfully requests that the Commission grant its motion to intervene and that it be made a full party of record.

Respectfully submitted,

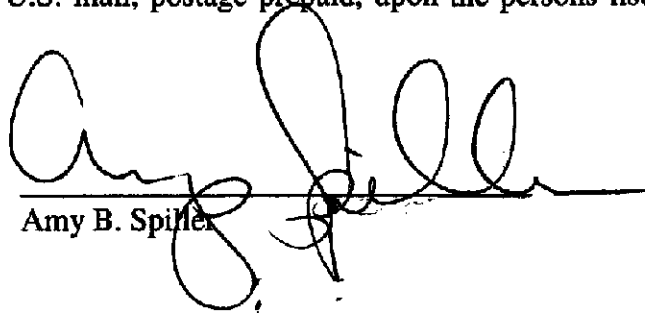
DUKE ENERGY RETAIL SERVICES, LLC

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Amy B. Spiller (Counsel of Record)
Deputy General Counsel
Dorothy K. Corbett
Associate General Counsel
139 East Fourth Street
1303-Main
Cincinnati, Ohio 45202
(513) 287-4359 (telephone)
Amy.Spiller@duke-energy.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing document was served this 2nd day of February, 2011, by U.S. mail, postage prepaid, upon the persons listed below.



Amy B. Spiller

Steven T. Nourse
Matthew J. Satterwhite
American Electric Power Service Corporation
1 Riverside Plaza, 29th Floor
Columbus, OH 43215
stnourse@aep.com
mjsatterwhite@aep.com

Daniel R. Conway
Porter Wright Morris & Arthur
Huntington Center
41 South High Street
Columbus, Ohio 43215
dconway@porterwright.com

Samuel C. Randazzo
Joseph E. Oliker
Frank P. Darr
McNees Wallace & Nurick LLC
21 East State Street, 17th Floor
Columbus, OH 43215
sam@mwncmh.com
joliker@mwncmh.com
fdarr@mwncmh.com