

FILE

5

RECEIVED BOOKING DIV

2011 JUN 28 PM 3:58

PUCO

BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of Duke Energy	)	
Ohio for Authority to Establish a Standard	)	
Service Offer Pursuant to Section 4928.143,	)	
Revised Code, in the Form of an Electric	)	Case No. 11-3549-EL-SSO
Security Plan, Accounting Modifications and	)	
Tariffs for Generation Service.	)	
In the Matter of the Application of Duke Energy	)	
Ohio for Authority to Amend its Certified	)	
Supplier Tariff, P.U.C.O. No. 20.	)	Case No. 11-3550-EL-ATA
In the Matter of the Application of Duke Energy	)	
Ohio for Authority to Amend its Corporate	)	
Separation Plan.	)	Case No. 11-3551-EL-UNC

---

**MOTION TO INTERVENE OF THE OHIO MANUFACTURERS' ASSOCIATION**

---

Pursuant to Section 4903.221, Revised Code ("RC"), and Rule 4901-1-11, Ohio Administrative Code ("OAC"), the Ohio Manufacturers' Association ("OMA") hereby respectfully moves for leave to intervene in the above-captioned proceeding. The Public Utilities Commission of Ohio ("Commission") should grant the motion to intervene because the OMA has a real and substantial interest in this proceeding, and the Commission's disposition of this proceeding may impair or impede the OMA's ability to protect that interest. OMA believes that its participation will not unduly prolong or delay this proceeding and that OMA will significantly contribute to the full development and equitable resolution of the issues in this proceeding. Additionally, OMA's interests will not be adequately represented by other parties to

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business.  
Technician te Date Processed 6/28/2011

this proceeding. Accordingly, for these reasons and as set forth in the Memorandum in Support attached hereto and incorporated herein, OMA respectfully requests that the Commission grant this Motion to Intervene.

Respectfully submitted on behalf of  
THE OHIO MANUFACTURERS' ASSOCIATION

A handwritten signature in black ink, appearing to read "Lisa G. McAlister", is written over a horizontal line.

Lisa G. McAlister  
Matthew W. Warnock  
BRICKER & ECKLER LLP  
100 South Third Street  
Columbus, OH 43215-4291  
Telephone: (614) 227-2300  
Facsimile: (614) 227-2390  
E-mail: [lmcalister@bricker.com](mailto:lmcalister@bricker.com)  
[mwarnock@bricker.com](mailto:mwarnock@bricker.com)

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Duke Energy	)	
Ohio for Authority to Establish a Standard	)	
Service Offer Pursuant to Section 4928.143,	)	
Revised Code, in the Form of an Electric	)	Case No. 11-3549-EL-SSO
Security Plan, Accounting Modifications and	)	
Tariffs for Generation Service.	)	
In the Matter of the Application of Duke Energy	)	
Ohio for Authority to Amend its Certified	)	
Supplier Tariff, P.U.C.O. No. 20.	)	Case No. 11-3550-EL-ATA
In the Matter of the Application of Duke Energy	)	
Ohio for Authority to Amend its Corporate	)	
Separation Plan.	)	Case No. 11-3551-EL-UNC

---

**MEMORANDUM IN SUPPORT**

---

On June 20, 2011, Duke Energy Ohio, Inc. ("DEO") filed an Application for authority to establish a standard service offer in the form of an approximately ten year electric security plan ("ESP") along with approval of several tariff and accounting changes and approval of a new corporate separation plan. The ESP includes a competitive bid process ("CBP") for the procurement of energy with the first auction to be conducted no later than December 1, 2011, for delivery on January 1, 2012. The plan would impose a cost-based, nonbypassable capacity charge on customers. The applications filed by DEO, if granted by the Commission, will significantly impact the price and quality of electric services provided by DEO to the OMA and its members.

The OMA is the only statewide association exclusively serving manufacturers. It has more than 1,600 Ohio manufacturing companies as members. The OMA's

member companies consume significant amounts of electrical energy and must rely on DEO to deliver the electric power necessary in their operations. The OMA members purchase electric power services from DEO, and will be affected by the Commission's determination in this matter. Accordingly, the OMAEG should be permitted to intervene in the above-captioned proceeding.

Consistent with the requirements of Section 4903.221, RC, and Rule 4901-1-11, OAC, the OMA is a real party in interest herein, whose interest is not now represented, who can make a contribution to these proceedings and who will not unduly delay these proceedings or prejudice any existing party. The OMA submits that its interest is not represented by existing parties; that it will contribute to the just and expeditious resolution of the issues and concerns set forth in these proceedings; and that its participation in these proceedings will not cause undue delay or unjustly prejudice any existing party. The OMA's participation will enhance the effectiveness of the above proceeding, and ensure that the proceeding is fair to its membership.

WHEREFORE, the OMA respectfully requests that its motion to intervene in the above-captioned proceedings be granted.

Respectfully submitted on behalf of  
THE OHIO MANUFACTURERS' ASSOCIATION



Lisa G. McAlister  
Matthew W. Warnock  
BRICKER & ECKLER LLP  
100 South Third Street  
Columbus, OH 43215-4291  
Telephone: (614) 227-2300  
Facsimile: (614) 227-2390  
E-mail: lmcAlister@bricker.com  
mwarnock@bricker.com

## CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Motion to Intervene and Memorandum in Support was served upon the parties of record listed below this 28th day of June 2011 via first class mail.



Lisa G. McAlister

Amy B. Spiller  
Deputy General Counsel  
Elizabeth H. Watts  
Rocco O. D'Ascenzo  
Associate General Counsel  
Duke Energy Ohio, Inc.  
139 East Fourth Street, 1303-Main  
PO Box 961  
Cincinnati, OH 45201-0960

Samuel C. Randazzo  
Frank P. Darr  
Joseph E. Olikar  
McNees Wallace & Nurick LLC  
21 East State Street, 17th Floor  
Columbus, OH 43215

William Wright  
Assistant Attorney General  
Public Utilities Commission of Ohio  
180 East Broad Street, 6<sup>th</sup> Floor  
Columbus, Ohio 43215

Michael L. Kurtz  
David F. Boehm  
Boehm, Kurtz & Lowry  
36 East Seventh Street, Suite 1510  
Cincinnati, Ohio 45202  
mkurtz@BKLawfirm.com  
dboehm@BKLawfirm.com

Colleen L. Mooney  
231 West Lima Street  
Findlay, Ohio 45839  
cmooney2@columbus.rr.com

Jeffery T. Small  
10 W. Broad Street  
Suite 1800  
Columbus, OH 43215-3485  
small@occ.state.oh.us

Thomas J. O'Brien  
Bricker & Eckler LLP  
100 South Third Street  
Columbus, OH 43215-4291  
tobrien@bricker.com

Trent A. Dougherty  
Nolan Moser  
E. Camille Yancey  
1207 Grandview Avenue, Suite 201  
Columbus, Ohio 43212-3449  
(614) 487-7506 - Telephone  
(614) 487-7510-Fax  
trent@theoec.org  
nolan@theoec.org  
camille@theoec.org