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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, Ohio Rev. Code, )  
In the Form of an Electric Security Plan, )  
Accounting Modifications, and Tariffs For )  
Generation Service. )

Case No. 11-3549-EL-SSO, et al.

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MOTION TO INTERVENE  
BY  
THE PJM POWER PROVIDERS GROUP

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The PJM Power Providers Group ("P3") moves the Public Utilities Commission of Ohio ("Commission") to intervene, as a full party of record, in the above-captioned proceedings, pursuant to Section 4903.221 of the Revised Code and Rule 4901-1-11 of the Ohio Administrative Code, as further explained in the attached Memorandum in Support.

WHEREFORE, P3 respectfully moves that the Public Utilities Commission of Ohio grant its motion to intervene as a full party of record.

Respectfully submitted,

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Dated: July 5, 2011

Attorneys for The PJM Power Providers Group

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**MEMORANDUM IN SUPPORT OF  
THE MOTION TO INTERVENE OF  
THE PJM POWER PROVIDERS GROUP**

**I. MOTION TO INTERVENE**

P3 is a non-profit organization dedicated to advancing federal, state and regional policies that promote properly designed and well-functioning electricity markets in the PJM region. Combined, P3's twelve member companies own over 80,000 megawatts of power and over 51,000 miles of transmission lines in the PJM region, serve nearly 12.2 million customers and employ over 55,000 people in the 13-state and District of Columbia PJM region.<sup>1</sup>

On June 20, 2011, Duke Energy Ohio, Inc. ("Duke Ohio") filed an application for a standard service offer ("SSO") in the form of an electric security plan ("ESP") pursuant to Sections 4928.141, and 4928.143 Revised Code. The ESP, in part, proposes to establish "generation service through a bifurcated structure, with capacity supplied by the Company to all customers and energy procured via competitive auctions to serve the needs of those customers who choose to purchase energy from the Company."<sup>2</sup> The ESP has a proposed term of nine years and five months, beginning on January 1, 2012, during which Duke Ohio, among other rate structures, would supply capacity to Ohio customers via a non-bypassable charge.<sup>3</sup>

On June 21, 2011, the Commission set forth a procedural schedule for this proceeding, requiring, in part, that motions to intervene should be filed by July 6, 2011.

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<sup>1</sup> The content of this memorandum in support represents the position of P3 as an organization, but not necessarily the views of any particular member with respect to any issue. For more information on P3, please visit [www.p3powergroup.com](http://www.p3powergroup.com).

<sup>2</sup> Duke Energy Ohio, Inc. Application for Standard Service Offer Pursuant to Section 4928.143, Revised Code, in the Form of an Electric Security Plan, Accounting Modifications and Tariffs for Generation Service ("App"), filed June 20, 2011, p8.

<sup>3</sup> App, supra, at p10.

4903.221(B) of the Revised Code, sets forth the four criteria that the Commission must consider in ruling on applications to intervene, 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.

In addition, the Commission has ruled, in part, that it will 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." O.A.C. 4901-1-11.

P3 is uniquely situated, in that its interests cannot be adequately and properly represented by any other party, including existing parties. P3's intervention and participation will promote the public interest in viable and competitive wholesale markets, and will not unduly delay this proceeding or prejudice any existing party. As such, P3 and its twelve member companies have a unique interest in this proceeding that cannot be represented by additional or existing parties.

## **II. REQUESTED RELIEF**

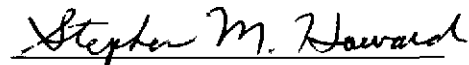
P3 respectfully submits that it meets the criteria set forth in Section 4903.221, Revised Code and Rule 4901-1-11 of the Ohio Administrative Code for intervention, and more specifically, has shown good cause why its intervention should be granted. The Commission should therefore grant P3's motion to intervene. For purposes of receiving service in the proceeding, in addition to the undersigned, P3 requests that the following individuals be placed on the official service list:

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WHEREFORE, The PJM Power Providers Group respectfully moves that the Commission grant its motion to intervene as a full party of record.

Respectfully Submitted,




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Attorneys for PJM Power Providers Group

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and accurate copy of the foregoing documents was served this 5<sup>th</sup> day of July, 2011 by regular U.S. mail, postage prepaid, or by electronic mail, upon the persons listed below.

  
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