

BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO RECEIVED-DOCKETING DIV

2011 JUL -6 AM 10:21

In the Matter of the Application of Duke Energy)
Ohio for Approval to Establish A 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)

Case No. 11-3549-EL-SSO

PUCO

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

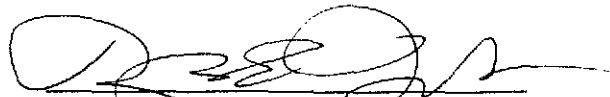
In the Matter of the Application of Duke Energy)
Ohio for Authority to Amend its Corporate)
Separation Plan)

Case No.11-3551-EL-UNC

**MOTION TO INTERVENE AND MEMORANDUM IN SUPPORT
OF EAGLE ENERGY, LLC**

Eagle Energy, LLC ("Eagle") hereby moves the Commission, pursuant to Revised Code § 4903.221 and Rule 4901-1-11, to intervene as a party to the above-captioned proceedings. As set forth in the Memorandum in Support, this motion is timely, Eagle has a real and substantial interest in these proceedings, is so situated that the disposition of these proceedings without its participation may impair or impede its ability to protect that interest, and its participation will contribute to a just result. No existing party represents Eagle's interest in these proceedings and its intervention will not unduly delay these proceedings or unjustly prejudice any existing party.

Respectfully submitted,



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MEMORANDUM IN SUPPORT

On June 20, 2011, Duke Energy Ohio filed an Application in the above captioned proceedings for approval of a standard service offer under Revised Code § 4928.143. Eagle is a Competitive Retail Electric Service Provider certificated by the Commission to provide aggregation, power marketer and power broker services within the State of Ohio. Eagle is active within the service area of Duke Energy Ohio. The application filed by Duke Energy Ohio could significantly impact competition for electric service.

The standard for intervention in Commission proceedings is governed by Revised Code § 4903.221, as further stated in Commission Rule 4901-1-11, Ohio Administrative Code:

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.

Factors that the Commission considers when applying the rule include 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.

In its June 21, 2001 Entry, the Commission has established a July 6, 2011 deadline for intervention. Therefore, this Motion to Intervene is timely.

Eagle has a real and substantial interest in this proceeding. Eagle provides alternative energy supply, electricity and natural gas consulting and aggregation services to commercial, industrial and governmental entities. Eagle is active in the energy market served by Duke Energy Ohio and many Eagle customers are customers of Duke Energy Ohio. Eagle was a party to Duke Energy Ohio's most recent SSO proceeding, Case No. 10-2586-EL-SSO. The

availability of robust competition in the business of electric supply is critical to Eagle's business. Eagle has substantial experience with procuring alternative energy supplies in a competitive market and with aggregation service and will assist in reaching a just resolution of this case. No other party is situated the same as Eagle or represents its interests. Eagle's participation in this case will not delay the proceeding as Eagle is aware of the existing procedural schedule and will comply with it.

Consistent with the requirements of Revised Code § 4903.221 and Commission Rule 4901-1-11, Eagle is a real party in interest herein; its interest is not represented by existing parties; it will contribute to the just and expeditious resolution of the issues and concerns raised in these proceedings; and its participation in these proceedings will not cause undue delay or unjustly prejudice any existing party. For these reasons, Eagle respectfully requests that this motion to intervene in the above-captioned proceedings be granted.

Respectfully submitted,

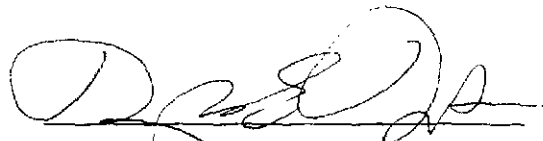


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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion to Intervene and Memorandum in Support was served upon the parties of record listed below this 5th day of July, 2011 by electronic service.



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