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BEFORE THE
PUBLIC UTILITIES COMMISSION OF OHIO

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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 Security Plan, Accounting Modifications and Tariffs for Generation Service.)

Case No. 11-3549-EL-SSO

In the Mater 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)

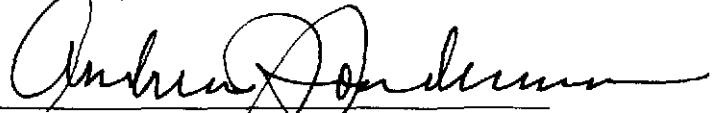
Case No. 11-3551-EL-UNC

MOTION TO INTERVENE AND MEMORANDUM IN SUPPORT
OF DUKE ENERGY RETAIL SALES, LLC

Duke Energy Retail Sales, LLC, by and through counsel, respectfully moves pursuant to Section 4903.221, Ohio Revised Code and Rule 4901-1-11, Ohio Administrative Code for leave to intervene in the above-captioned proceeding. Good cause to permit this intervention is stated in the Memorandum in Support attached to this Motion.

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Respectfully submitted,



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MEMORANDUM IN SUPPORT

In support of the foregoing Motion to Intervene, Duke Energy Retail Sales, LLC (“Duke Retail”) states that it is a Competitive Retail Electric Supply (“CRES”) provider, certified by the Public Utilities Commission of Ohio (“Commission”) to provide generation, transmission and energy-related services in the service territory of Duke Energy Ohio (Certificate No. 04-124E(4), renewed on December 3, 2010 in Case No. 04-1323-EL-CRS). Pursuant to that certification, Duke Retail is currently providing competitive services in Duke Energy Ohio’s service territory.

Pursuant to Ohio Admin. Code (“O.A.C.”) Rule 4901-1-11(A), upon timely motion, any person is permitted to intervene in a proceeding before this Commission 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.

Further, O.A.C. Rule 4901-1-11(B) provides that the following factors are to be considered in evaluating request to intervene:

- (1) The nature of the person's interest;
- (2) The extent to which the person's interest is represented by existing parties;
- (3) The person's potential contribution to a just and expeditious resolution of the issues involved in the proceeding; and
- (4) Whether granting the requested intervention would unduly delay the proceeding or unjustly prejudice any existing party.

See also Ohio Revised Code §4903.221.

Duke Retail is an active market participant, has substantial experience in supplying competitive products in the retail market and will be able to assist the Commission in developing a complete record in this proceeding.

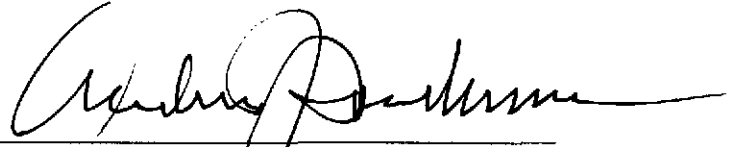
Duke Energy Ohio's Application filed on June 20, 2011 for approval of a standard service offer ("SSO") in the form of an electric security plan ("ESP") submitted pursuant to Ohio Revised Code §4928.143 proposes changes in its current ESP structure to be effective on or before January 1, 2012. One such change is its proposal to employ an auction mechanism to procure default generation service to customers who have not chosen a CRES provider for their generation needs. Duke Retail has a real and substantial interest in the outcome of this proceeding in that it may directly or indirectly affect Duke Retail's ability to market to retail electric consumers in Duke Energy Ohio's service territory.

Consistent with the requirements of Ohio Revised Code §4903.221 and Rule 4901-1-11(B), Ohio Administrative Code, Duke Retail is a real party in interest herein, whose interest is

not now represented, who can make a contribution to the proceeding and will not unduly delay the proceeding or prejudice any existing party. While Duke Energy Ohio is an affiliate of Duke Retail, Duke Energy Ohio cannot and does not represent Duke Retail's interests in this proceeding. Nor does any other intervenor represent its unique interests. This motion is timely, precedes the commencement of discovery and other procedural deadlines, and has been filed more than five days before the hearing deadline established in the Attorney Examiner's Entry dated June 21, 2011.

For the foregoing reasons, Duke Energy Retail Sales, LLC submits that good cause has been demonstrated to grant it leave to intervene in these proceedings with the full powers and rights granted intervenors by the Commission pursuant to statute and rule

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion for Leave to Intervene and Memorandum in Support was served by U.S. Mail upon counsel for the parties identified below this 6th day of July, 2011:

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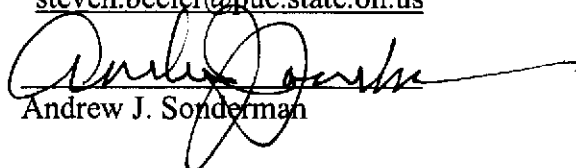
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