
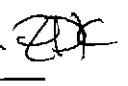


cause undue delay, will not unjustly prejudice any existing party, and will contribute to the just and expeditious resolution of the issues and concerns raised in this proceeding.

AMP's interests will not be adequately represented by other parties to the proceeding and therefore, AMP is entitled to intervene in this proceeding with the full powers and rights granted to intervening parties.

Respectfully submitted,

 ^{see Telephone authorization} 

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American Municipal Power, Inc.**

MEMORANDUM IN SUPPORT

AMP respectfully submits that it is entitled to intervene in these proceedings because AMP has a real and substantial interest in the proceedings, the disposition of which may impair or impede AMP's ability to protect that interest. For purposes of considering requests for leave to intervene in a Commission proceeding, the Ohio Administrative Code provides that:

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.

OAC 4901-1-11(A).

Further, RC § 4903.221(B) and OAC 4901-1-11(B) provide that the Commission, in ruling upon applications to intervene in its proceedings, shall consider the following criteria:

(1) The nature and extent of the prospective intervener's interest; (2) The legal position advanced by the prospective intervener and its probable relation to the merits of the case; (3) Whether the intervention by the prospective intervener will unduly prolong or delay the proceedings; (4) Whether the prospective intervener will significantly contribute to full development and equitable resolution of the factual issues.

In the above-captioned proceeding, Duke Energy Ohio, Inc. is seeking authority from the Commission to establish a standard service offer ("SSO") in the form an electric security plan ("ESP"). AMP is a nonprofit association representing municipal electric systems of over 125 member communities throughout Ohio, West Virginia, Pennsylvania, Virginia, Michigan and Kentucky for the purpose of owning and operating electric facilities or otherwise providing for the generation, transmission and distribution

of electric power and energy to its members. AMP is owned and governed by its member communities and provides member assistance and low-cost power supply to municipal electric systems since its inception in 1971. AMP provides expertise and assistance to AMP member municipal communities relative to electric and natural gas aggregation programs. AMP also negotiates energy supply and services arrangements for these communities. AMP furthers and promotes actions and policies to assure that consumers may benefit from municipal aggregation and competition in general in Ohio's deregulated energy marketplace.


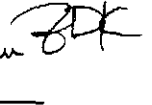
AMP Ohio member municipalities of Hamilton, Lebanon and Blanchester are interconnected with Duke Ohio and serve customers in and around Duke's Ohio service territory. Duke Ohio's proposed ESP includes a plan to impose a nonbypassable capacity charge on customers. If the Commission approves Duke Ohio's application, the rights of AMP members to serve Customers in and adjacent to their corporate limits could be affected. Other provisions of its plan may affect the wholesale and retail electric markets; accordingly, AMP has direct, real, and substantial interests in this proceeding.

AMP's intervention will not unduly delay this proceeding and is filed in accordance with this Commission's procedural Order in this case dated June 21, 2011. Further, AMP is so situated that without AMP's ability to fully participate in this proceeding, AMP's substantial interest will be prejudiced. Others participating in this proceeding do not represent AMP's interests. Inasmuch as others participating in this proceeding cannot adequately protect AMP's interests, it would be inappropriate to determine this proceeding without AMP's participation.

CONCLUSION

For the reasons set forth above, AMP respectfully requests the Commission grant this Motion to Intervene.

Respectfully submitted,

 *per telephone authentication* 

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing *American Municipal Power, Inc.'s Motion to Intervene and Memorandum in Support* was served this 6th day of July, 2011 via electronic mail and U.S. regular mail, postage prepaid upon the following:

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