

BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

RECEIVED-DOCKETING DIV
2011 JUL -6 PM 2:56

PUCO

In the Matter of the Application of)	
Duke Energy Ohio, Inc. for Authority)	
to Establish a Standard Service Offer)	
Pursuant to § 4928.143, Ohio Rev.)	
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)	Case No. 11-3550-EL-ATA
Amend its Certified Supplier Tariff,)	
P.U.C.O. No. 20.)	

In the Matter of the Application of)	
Duke Energy Ohio for Authority to)	Case No. 11-3551-EL-UNC
Amend its Corporate Separation Plan.)	

**AMERICAN MUNICIPAL POWER, INC.'S MOTION TO INTERVENE
AND MEMORANDUM IN SUPPORT**

Pursuant to O.R.C. § 4903.221 and O.A.C. 4901-1-11, American Municipal Power, Inc. ("AMP") moves to intervene in the above captioned proceeding, in which Duke Energy Ohio, Inc. ("Duke Ohio") seeks approval of its proposed electric security plan ("ESP").


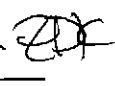
As set forth in the attached Memorandum in Support, AMP submits that it has a direct, real, and substantial interest in the issues and matters involved in the above-captioned proceeding, and that it is so situated that the disposition of this proceeding without AMP's participation may, as a practical matter, impair or impede AMP's ability to protect that interest. AMP further submits that its participation in this proceeding will not

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 RE Date Processed 7/6/2011

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,

 *per Telephone authorization* 

John W. Bentine (0016388)

Email: jbentine@cwsllaw.com

Direct: (614) 334-6121

CHESTER WILLCOX & SAXBE, LLP

65 East State Street, Suite 1000

Columbus, Ohio 43215

Telephone: (614) 221-4000

Facsimile: (614) 221-4012

**Attorney for
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.


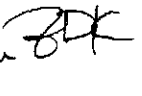
AMP Ohio member municipalities of Hamilton, Lebanon and Blanchester are interconnected with Duke Ohio and serve customers in and around Duke's Ohio service territory. Duke Ohio's proposed ESP includes a plan to impose a nonbypassable capacity charge on customers. If the Commission approves Duke Ohio's 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 authorization* 

John W. Bentine (0016388)
Email: jbentine@cwsllaw.com
Direct: (614) 334-6121
CHESTER WILLCOX & SAXBE, LLP
65 East State Street, Suite 1000
Columbus, Ohio 43215
Telephone: (614) 221-4000
Facsimile: (614) 221-4012

***Attorney for
American Municipal Power, Inc.***

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:

Amy B. Spiller
Elizabeth H. Watts
Duke Energy Ohio
155 E. Broad Street, 21st Floor
Columbus, Ohio 43215
Email: amy.spiller@duke-energy.com
Email: elizabeth.watts@duke-energy.com

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

John Jones
Steven Beeler
Ohio Attorney General's Office
Public Utilities Section
180 E. Broad Street, 9th Floor
Columbus, Ohio 43215-3793
Email: John.Jones@puc.state.oh.us
Email: Steven.Beeler@puc.state.oh.us

Christine M.T. Pirik
Katie Stenman
Attorney Examiners
The Public Utilities Commission of Ohio
180 E. Broad Street
Columbus, Ohio 43215
Email: Christine.Pirik@puc.state.oh.us
Email: Katie.Stenman@puc.state.oh.us

Samuel C. Randazzo
Frank P. Darr
Joseph E. Olier
McNees Wallace & Nurick
21 E. State Street, 17th Floor
Columbus, Ohio 43215
Email: sam@mwncmh.com
Email: fdarr@mwncmh.com
Email: jolier@mwncmh.com

Jeffrey L. Small
Joseph P. Serio
Melissa R. Yost
Office of Ohio Consumer's Counsel
10 West Broad Street, Suite 1800
Columbus, Ohio 43215
Email: small@occ.state.oh.us
Email: serio@occ.state.oh.us
Email: yost@occ.state.oh.us

Thomas J. O'Brien
Bricker & Eckler
100 South Third Street
Columbus, Ohio 43215
Email: tobrien@bricker.com

Colleen L. Mooney
Ohio Partners for Affordable Energy
231 W. Lima Street
Findlay, Ohio 45840
Email: cmooney2@columbus.rr.com

Trent A. Dougherty
Nolan Moser
E. Camille Yancey
Ohio Environmental Council
1207 Grandview Avenue, Suite 201
Columbus, Ohio 43212-3449
Email: trent@theoec.org
Email: Nolan@theoec.org
Email: Camille@theoec.org

Allison E. Haedt
Jones Day
325 John H. McConnell Boulevard
Suite 600
Columbus, Ohio 43215
Email: aehaedt@jonesday.com

James F. Lang
Laura C. McBride
N. Trevor Alexander
Calfee, Halter & Griswold, LLP
1400 KeyBank Center
800 Superior Avenue
Cleveland, Ohio 44114
Email: jlang@calfee.com
Email: lmcbride@calfee.com
Email: talexander@calfee.com

Lisa G. McAlister
Matthew W. Warnock
Bricker & Eckler LLP
100 South Third Street
Columbus, Ohio 43215
Email: lmcaster@bricker.com
Email: mwarnock@bricker.com

Tara C. Santarelli
Environmental Law & Policy Center
1207 Grandview Avenue, Suite 201
Columbus, Ohio 43212
Email: tsantarelli@elpc.org

Mary W. Christensen
Christensen & Christensen LLP
8760 Orion Place, Suite 300
Columbus, Ohio 43240
Email: mchristensen@columbuslaw.org

Mark A. Hayden
FirstEnergy Service Company
76 South Main Street
Akron, Ohio 44308
Email: haydenm@firstenergycorp.com

David A. Kutik
Jones Day
North Point
901 Lakeside Avenue
Cleveland, Ohio 44114
Email: dakutik@jonesday.com

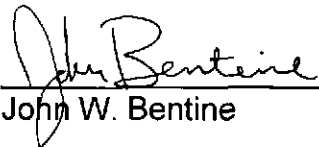
Joseph M. Clark
Director of Regulatory Affairs and
Corporate Counsel
Vectren Retail, LLC d/b/a Vectren Source
6641 North High Street, Suite 200
Worthington, Ohio 43085
Email: jmclark@vectren.com

Douglas E. Hart
441 Vine Street
Suite 4192
Cincinnati, Ohio 45202
Email: dhart@douglasehart.com

M. Howard Petricoff
Michael J. Settineri
Stephen M. Howard
Vorys, Sater, Seymour & Pease LLP
52 East Gay Street
Columbus, Ohio 43216
Email: mhpetricoff@vorys.com
Email: mjsettineri@vorys.com
Email: smhoward@vorys.com

Gregory J. Poulos
EnerNOC, Inc.
101 Federal Street, Suite 1100
Boston, MA 02110
Email: gpoulos@enernoc.com

Matthew J. Satterwhite
Eric C. Miller
Anne M. Vogel
American Electric Power Service Corporation
1 Riverside Plaza, 29th Floor
Columbus, Ohio 43215
Email: mjsatterwhite@aep.com
Email: ecmiller1@aep.com
Email: amvogel@aep.com


John W. Bentine

per telephone
authorization DK