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

**MOTION FOR LEAVE TO INTERVENE OF THE RETAIL ENERGY SUPPLY ASSOCIATION**

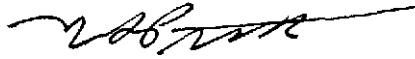
Now comes the Retail Energy Supply Association (RESA)<sup>1</sup>, who, pursuant to Section 4903.221, Revised Code and Rule 4901-1-11 of the Ohio Administrative Code, moves for intervention in the above styled proceeding as a full party of record. The reasons supporting the intervention are contained in the accompanying Memorandum in Support.

WHEREFORE, RESA respectfully requests that the Commission grant this motion for leave to intervene and that RESA be made a full party of record.

<sup>1</sup> RESA's members include: Champion Energy Services, LLC; ConEdison Solutions; Constellation NewEnergy, Inc.; Direct Energy Services, LLC; Energy Plus Holdings, LLC; Exelon Energy Company; GDF SUEZ Energy Resources NA, Inc.; Green Mountain Energy Company; Hess Corporation; Integrys Energy Services, Inc.; Just Energy; Liberty Power; MXenergy; NextEra Energy Services; Noble Americas Energy Solutions LLC; PPL EnergyPlus; Reliant Energy Northeast LLC and TriEagle Energy, L.P.. The comments expressed in this filing represent the position of RESA as an organization but may not represent the views of any particular member of RESA.

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Respectfully Submitted,



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**MEMORANDUM IN SUPPORT OF  
THE MOTION TO INTERVENE OF  
THE RETAIL ENERGY SUPPLY ASSOCIATION**

Section 4903.221, Revised Code and Rule 4901-1-11 of the Ohio Administrative Code, establish the standard for intervention in the above-styled proceeding as a full party of record.

Rule 4901-1-11 of the Ohio Administrative Code states in part:

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.

In addition to establishment of a direct interest, the factors that the Public Utilities Commission of Ohio (the "Commission") considers in implementing the above rule are 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. (See also R.C. 4903.221(B) upon which the above rule is authorized). A review of these factors in light of following facts supports granting RESA's intervention.

RESA is a broad and diverse group of retail energy suppliers who share the common vision that competitive retail energy markets deliver a more efficient, customer-oriented outcome than regulated utility structure. Several RESA members are certificated as competitive retail electric service providers and active in the Ohio retail electric and natural gas markets providing service to residential, commercial, industrial and governmental customers. In addition, some of RESA's members currently provide CRES service to retail customers in Duke Energy Ohio's

service area.

On June 20, 2011, Duke Energy Ohio, Inc. (“Duke”) filed an application for a Standard Service Offer (“SSO”) pursuant to Section 4928.141, Revised Code. Duke’s current Electric Security Plan will expire on December 31, 2011. Duke is proposing an Electric Security Plan that is intended to last over nine years.

RESA’s members have existing and potential business interests in the State that will be affected by the outcome of the proceeding. The Commission’s decision in this matter will affect the viability of the competitive retail electric market in Duke’s service territory, in which some of the RESA members provide electric power and other products and services to retail service customers. In fact, if not significantly modified, Duke’s application will eliminate the prospects for the development of retail competition in the Duke service territory to the detriment of RESA and to the detriment of retail customers.

This motion to intervene meets the July 6, 2011 deadline established by the Attorney Examiner’s Entry of June 21, 2011.

WHEREFORE, the Retail Energy Supply Association respectfully requests that the Commission grant this motion for leave to intervene and that RESA be made a full party of record.

Respectfully Submitted,



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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and accurate copy of the foregoing documents was served this 6<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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