

FILE

BOEHM, KURTZ & LOWRY

ATTORNEYS AT LAW
36 EAST SEVENTH STREET
SUITE 1510
CINCINNATI, OHIO 45202
TELEPHONE (513) 421-2255
TELECOPIER (513) 421-2764

5

RECEIVED-DOCKETING DIV
2011 AUG -4 AM 11:05
PUCO

Via Telefax Transmission and
Overnight Mail

August 3, 2011

Public Utilities Commission of Ohio
PUCO Docketing
180 E. Broad Street, 10th Floor
Columbus, Ohio 43215

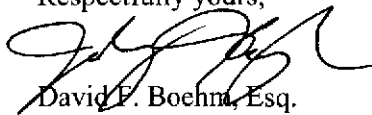
In re: Case No. 11-4393-EL-RDR

Dear Sir/Madam:

Please find enclosed an original and twenty (20) copies of the OHIO ENERGY GROUP MOTION FOR LEAVE TO INTERVENE AND MEMORANDUM IN SUPPORT fax-filed today in the above-referenced matter.

Copies have been served on all parties on the attached certificate of service. Please place this document of file.

Respectfully yours,



David F. Boehm, Esq.
Michael L. Kurtz, Esq.
Jody M. Kyler, Esq.

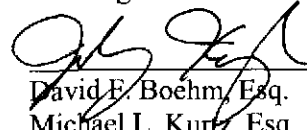
BOEHM, KURTZ & LOWRY

DFBkew
Encl.
Cc: Certificate of Service

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 DM Date Processed AUG 04 2011

CERTIFICATE OF SERVICE

I hereby certify that true copy of the foregoing was served by electronic mail (when available) or ordinary mail, unless otherwise noted, this 3rd day of August, 2011 to the following:



David E. Boehm, Esq.
Michael L. Kurtz, Esq.
Jody M. Kyler, Esq.

DUKE ENERGY BUSINESS SERVICES
139 E. FOURTH STREET EAO25
CINCINNATI OH 45201

OHIO PARTNERS FOR AFFORDABLE ENERGY
MOONEY COLLEEN L
1431 MULFORD RD
COLUMBUS OH 43212

CHRISTENSEN, MARY W
8760 ORION PLACE SUITE 300
COLUMBUS OH 43240

OHIO PARTNERS FOR AFFORDABLE ENERGY
MOONEY COLLEEN L
1431 MULFORD RD
COLUMBUS OH 43212

WATTS, ELIZABETH ASSOCIATE GENERAL COUNSEL
DUKE ENERGY OHIO, INC
139 E FOURTH STREET, 1303-MAIN P.O. BOX 961
CINCINNATI OH 45201-0960

MOONEY, COLLEEN
231 WEST LIMA STREET
FINDLAY OH 45840

OHIO CONSUMERS COUNSEL
JEFFREY SMALL
10 WEST BROAD STREET, SUITE 1800

MOONEY, COLLEEN
231 WEST LIMA STREET
FINDLAY OH 45840

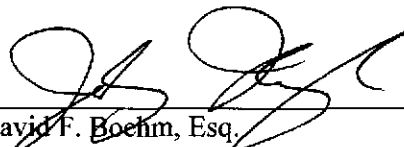
**BEFORE THE
PUBLIC UTILITY COMMISSION OF OHIO**

**In The Matter Of The Application Of Duke Energy Ohio For :
An Energy Efficiency Cost Recovery Mechanism And For : Case No. 11-4393-EL-RDR
Approval Of Additional Programs For Inclusion In Its :
Existing Portfolio :**

**THE OHIO ENERGY GROUP'S
MOTION FOR LEAVE TO INTERVENE**

Pursuant to the Ohio Rev. Code §4903.221 and Ohio Admin. Code §4901-1-11, the Ohio Energy Group. ("OEG") moves for leave to intervene in this proceeding. The Public Utility Commission of Ohio ("Commission") should grant OEG leave to intervene because OEG has a real and substantial interest in the proceeding, and the Commission's disposition of this proceeding may impair or impede OEG's ability to protect that interest.

Respectfully submitted,



David F. Boehm, Esq.

Michael L. Kurtz, Esq.

Jody M. Kyler, Esq.

BOEHM, KURTZ & LOWRY

36 East Seventh Street, Suite 1510

Cincinnati, Ohio 45202

Ph: (513) 421-2255 Fax: (513) 421-2764

E-Mail: dboehm@BKLawfirm.com

mkurtz@BKLawfirm.com

jkyler@BKLawfirm.com

August 3, 2011

COUNSEL FOR OHIO ENERGY GROUP

**BEFORE THE
PUBLIC UTILITY COMMISSION OF OHIO**

**In The Matter Of The Application Of Duke Energy Ohio For :
An Energy Efficiency Cost Recovery Mechanism And For : Case No. 11-4393-EL-RDR
Approval Of Additional Programs For Inclusion In Its :
Existing Portfolio :**

**MEMORANDUM IN SUPPORT OF
THE OHIO ENERGY GROUP'S
MOTION TO INTERVENE**


Pursuant to Ohio Rev. Code §4903.221 and Ohio Admin. Code §4901-01-11, the Public Utility Commission of Ohio should grant OEG leave to intervene in this proceeding.

OEG is a non-profit entity organized to represent the interests of large industrial customers in electric and gas regulatory proceedings before the Public Utility Commission of Ohio ("Commission"). OEG's members who are participating in this intervention are: AK Steel Corporation, Air Products & Chemicals, Inc., BP-Husky Refining, LLC, E.I. DuPont de Nemours & Co., Ford Motor Company, GE Aviation, General Motors LLC, The Procter & Gamble Co., and Worthington Industries. These companies purchase electric distribution services from Duke Energy Ohio, Inc. Therefore, the interests of OEG's members may be directly affected by the outcome of this proceeding. OEG intends to play a constructive role in this case and provide information which will assist the Commission.

No other party to this proceeding can adequately represent OEG's interest. Intervention would not unduly delay the proceeding nor unjustly prejudice any existing party.

Accordingly, OEG has a real and substantial interest and is entitled to intervene in this action under Ohio Rev. Code §4903.221 and Ohio Admin. Code §4901-1-11.

Respectfully submitted,



David F. Boehm, Esq.

Michael L. Kurtz, Esq.

Jody M. Kyler, Esq.

BOEHM, KURTZ & LOWRY

36 East Seventh Street, Suite 1510

Cincinnati, Ohio 45202

Ph: (513) 421-2255 Fax: (513) 421-2764

E-Mail: dboehm@BKLawfirm.com

mkurtz@BKLawfirm.com

jkyler@BKLawfirm.com

COUNSEL FOR THE OHIO ENERGY GROUP

August 3, 2011