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BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of Duke )  
Energy Ohio, Inc. for Energy Efficiency )  
Cost Recovery Mechanism and for Approval ) Case No. 11-4393-EL-RDR  
of Additional Programs for Inclusion in its )  
Existing Portfolio )

**MOTION TO INTERVENE  
AND  
REQUEST FO LEAVE TO FILE MOTION TO INTERVENE OUT OF TIME  
BY THE  
SIERRA CLUB**

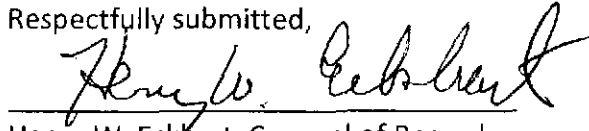
The Sierra Club ("Sierra Club") moves the Public Utilities Commission of Ohio ("Commission") for leave to Intervene in the above styled proceeding pursuant to Sec. 4903.221 revised Code of Ohio, and Rule 4901-1-11, of the Ohio Administrative Code, with full powers and rights granted by the Commission, specifically by statute or by the provisions of the Ohio Administrative Code, to intervening parties.

The Sierra Club recognizes that the procedural schedule set forth in the Entry issued in this proceeding on June 21,, 2011 provided that motions to intervene should be filed by July 6, 2011.

The Sierra Club therefore also respectfully requests that the Commission entertain its Motion to intervene, notwithstanding that it is being filed after the specified due date. Given the procedural posture of this proceeding the Sierra Club believes that no party will be prejudiced by granting this request. If the motion to intervene is granted the Sierra Club will accept the record as it exists at that time.

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Respectfully submitted,



Henry W. Eckhart, Counsel of Record  
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**MEMORANDUM IN SUPPORT OF MOTION TO INTERVENE**

In support of this Motion to Intervene, and the Request for Leave to File the Motion Out of Time, the Sierra Club states that it is the world's oldest and largest grassroots environmental organization. It has approximately 1.4 million members and supporters in 65 Chapters and over 400 local groups nationwide.

The very size and complexity of the organization sometimes works to cause administrative delays and that is part of the reason for the failure of the Ohio Chapter of the Sierra Club to timely obtain the necessary approval for this Intervention from the Sierra Club Headquarters in San Francisco, California.

The Sierra Club statement of purpose is "To explore, enjoy and protect the wild places of the Earth; to practice and promote the responsible use of the Earth's ecosystem and resources; to educate and enlist humanity to protect and restore the quality of the natural and human environment, and to use all lawful means to carry out these objectives." The Sierra Club has been involved in the promotion of responsible energy policy almost since its first year.

The Ohio Chapter has over 17,000 members throughout the State. Global Warming is the Sierra Club's highest priority issue. The Ohio Chapter has been actively promoting energy efficiency as the lowest cost, most environmentally accepted resource since 1984.

The Ohio Chapter has been involved in approximately 40 separate cases before the Commission since the 1990's to date involving all of the major electric IOU's in Ohio, including Duke Energy Ohio, Inc. The Sierra Club Ohio Chapter was a key proponent of the energy efficiency measures in Ohio Sub. S. B. 221.

Many of the Sierra Club's members are served by Duke Energy Ohio, Inc. that is the Applicant in this proceeding.

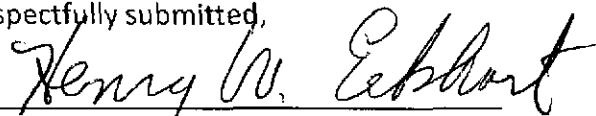
The Sierra Club has a real and substantial interest as these proceedings may directly impact the environment of the State of Ohio, and also other areas of the United States.

The Sierra Club is specifically interested in the Applicant's proposed recovery process for the efficiency programs, as well as numerous other issues in the proceeding.

The intervention of the Sierra Club will not unduly prolong or delay the proceeding. The intervention of the Sierra Club will significantly contribute to full development of the record in the proceeding. The particular interests of the Sierra Club will not be fully represented by other existing parties.

WHEREFORE, the Sierra Club requests that the Commission grant it Leave to File the Motion to Intervene, and grant the Request For Leave to File Motion to Intervene Out Of Time.

Respectfully submitted,



Henry E. Eckhart, Counsel of Record  
For the Sierra Club

CERTIFICATE OF SERVICE

The undersigned hereby certifies that he has served a copy of the foregoing Motion To Intervene And Request for Leave to File the Motion Out of Time upon the following listed parties by electronic service this 22<sup>nd</sup> day of August, 2011.

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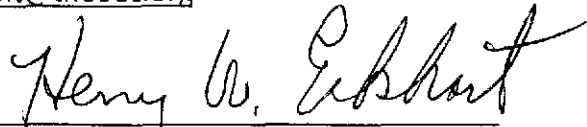
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