

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of Application of Duke)
Energy Ohio, Inc. for Authority to)
Establish a Standard Service Offer)
Pursuant to Section 4928.143, Revised) Case No. 11-3549-EL-SSO
Code, in the Form of an Electric Security)
Plan, Accounting Modifications, and)
Tariffs for Generation Service.)

In the Matter of Application of Duke)
Energy Ohio, Inc. for Authority to)
Amend its Certified Supplier Tariff,) Case No. 11-3550-EL-ATA
P.U.C.O. No. 20.)

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

ENTRY

The attorney examiner finds:

- (1) Duke Energy Ohio, Inc. (Duke) is a public utility as defined in Section 4905.02, Revised Code, and, as such, is subject to the jurisdiction of this Commission.
- (2) On June 20, 2011, Duke filed an application for a standard service offer (SSO) pursuant to Section 4928.141, Revised Code. This application is for an electric security plan in accordance with Section 4928.143, Revised Code.
- (3) By entry dated June 21, 2011, the attorney examiner established July 6, 2011, as the deadline by which parties were required to file motions to intervene in these proceedings. On July 29, 2011, the Council of Smaller Enterprises (COSE) filed a motion to intervene and a motion for leave to file out of time. In support of its request for leave to file its motion to intervene out of time, COSE explains that it did not determine its interest in this proceeding until after the intervention deadline had passed. Moreover, COSE asserts that no party will be prejudiced by its late request for intervention. Upon consideration of COSE's request to file out of time, the

attorney examiner notes that no one filed memoranda contra COSE's request; therefore, the attorney examiner finds that the request is reasonable and should be granted.

- (4) In support of its motion to intervene, COSE states that it is one of Ohio's largest small business support organizations. Moreover, COSE explains that, as a certified competitive retail electric service provider, it started a group electric aggregation program for its members in 1999. COSE explains that its ability to provide its services in the Duke service territory in the future may be impacted by the outcome of the instant proceedings. No one filed memoranda contra COSE's motion to intervene. In considering COSE's motion to intervene, the attorney examiner finds that the motion is reasonable and should be granted.

It is, therefore,

ORDERED, That the request for leave to file out of time and motion to intervene filed by COSE be granted in accordance with findings (3) and (4). It is, further,

ORDERED, That a copy of this entry be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

Katie L. Stenman
 By: Katie L. Stenman
 Attorney Examiner

JRG
/dah

Entered in the Journal

SEP 08 2011

Betty McCauley
Betty McCauley
 Secretary