

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

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| In the Matter of the Application of Duke) | |
| Energy Ohio, Inc., for Approval of its Energy) | Case No. 13-431-EL-POR |
| Efficiency and Peak Demand Reduction) | |
| Portfolio of Programs.) | |

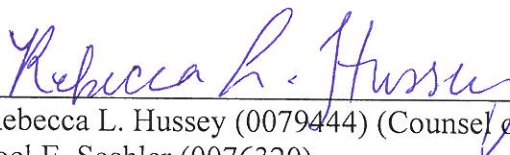
MOTION TO INTERVENE OF EMC DEVELOPMENT COMPANY, INC.

Pursuant to Section 4903.221, Revised Code, and Rule 4901-1-11, Ohio Administrative Code, EMC Development Company, Inc. (EMC) hereby respectfully moves the Public Utilities Commission of Ohio (Commission) for leave to intervene in the above-captioned matter with the full powers and rights granted to intervening parties.

As demonstrated further in the attached Memorandum in Support, EMC has a real and substantial interest in this proceeding, which may be adversely affected by the outcome of this proceeding and which cannot be adequately represented by any existing parties. Accordingly, EMC satisfies the standard for intervention set forth in the Commission's rules and by statute.

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

Respectfully submitted,



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Efficiency and Peak Demand Reduction)
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MEMORANDUM IN SUPPORT

On April 15, 2013, Duke Energy Ohio, Inc. (Duke Energy Ohio or the Company) filed an application for approval of its proposed portfolio of energy efficiency and demand reduction plans, which is required to assure that the Company is in compliance with the state's energy efficiency benchmarks. EMC, as well as its customers and contractor partners, will be impacted by the Commission's decision relating to Duke Energy Ohio's Portfolio of Programs, and EMC should be permitted to intervene in the above-captioned proceeding.

Section 4903.221, Revised Code, and Rule 4901-1-11, Ohio Administrative Code, establish the standard for intervention in the above-captioned proceeding. Section 4903.221, Revised Code, provides, in part, that any person "who may be adversely affected" by a Commission proceeding is entitled to seek intervention in that proceeding. Section 4903.221(B), Revised Code, further requires the Commission to consider the nature and extent of the prospective intervenor's interest, the legal position advanced by the prospective intervenor and its probable relation to the merits of the case, whether the intervention by the prospective intervenor will unduly prolong or delay the proceeding, and the prospective intervenor's potential contribution to a just and expeditious resolution of the issues involved.

Rule 4901-1-11, Ohio Administrative Code, permits intervention to a party who has a real and substantial interest in the proceeding and who is so situated that the disposition of the proceeding may impair or impede his ability to protect that interest and whose interest is not adequately represented by an existing party.

EMC is a privately-owned small business which develops and invests in clean energy projects. Over the past three years, EMC has specifically focused on the energy efficiency sector. During that time, EMC has partnered with building owners and energy efficiency contractors across Ohio to qualify energy efficiency projects as resources in the PJM capacity market.

EMC is a member of PJM Interconnection, LLC (PJM) and, as a member of PJM, has qualified approximately 6,000 energy efficiency (EE) projects completed by its contractor partners as EE resources in the PJM RPM capacity market (Capacity Auctions). Bidding capacity in the market is generally only available for large-scale projects; however, working with local Ohio partners, EMC aggregates smaller projects to qualify them for participation in Capacity Auctions. EMC has bid these projects into PJM Capacity Auctions, and provides a significant portion of the proceeds to participating building owners and EE contractor partners. EMC provides a cost-effective means for Ohio ratepayers who have completed energy efficiency projects to derive value in PJM's market. Many of these projects are located in Duke Energy Ohio's service territory for the Company's ratepayers.

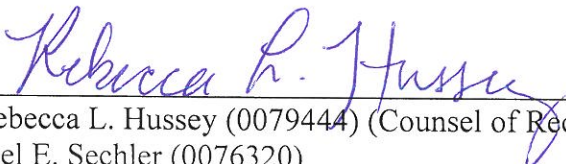
Consistent with the requirements of Section 4903.221, Revised Code, and Rule 4901-1-11(B), O.A.C., EMC submits the following: it is a real party in interest herein; its interests are neither presently represented nor adequately addressed by existing parties; its participation will contribute to the just and expeditious resolution of the issues and concerns set

forth in this proceeding; and its participation in this proceeding will not cause undue delay or unjustly prejudice any existing party. EMC's participation and unique perspective will enhance the effectiveness of the above proceeding, and ensure that the proceeding is fair to its membership.

EMC satisfies the criteria set forth in Section 4903.221, Revised Code, and Rule 4901-1-11, Ohio Administrative Code, and is, therefore, authorized to intervene with the full powers and rights granted by the Commission to intervening parties.

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

Respectfully submitted,

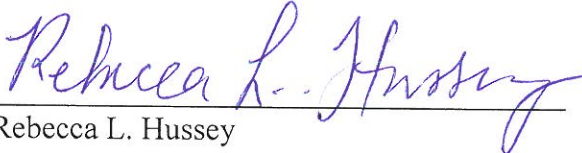


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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing was served this 27th day of June, 2013, by electronic mail if available or by regular U.S. mail, postage prepaid, upon the persons listed below.


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Summary: Motion Motion to Intervene and Memorandum in Support of EMC Development Co.
electronically filed by Ms. Rebecca L Hussey on behalf of EMC Development Co