

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

<b>In the Matter of the Application of Duke Energy Ohio, Inc. for the Establishment of a Charge Pursuant to Section 4909.18, Revised Code</b>	)	<b>Case No. 12-2400-EL-UNC</b>
	)	
	)	
<b>In the Matter of the Application of Duke Energy Ohio, Inc. for Approval to Change Accounting Methods.</b>	)	<b>Case No. 12-2401-EL-AAM</b>
	)	
	)	
<b>In the Matter of the Application of Duke Energy Ohio, Inc. for the Approval of a Tariff for a New Service.</b>	)	<b>Case No. 12-2402-EL-ATA</b>
	)	

**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.

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<sup>1</sup> RESA's members include: Champion Energy Services, LLC; ConEdison Solutions; Constellation New Energy, 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 TryEagle 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.

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).

RESA is a broad and diverse group of energy retail 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. Further, RESA signed the Stipulation and Recommendation in Case No.

11-3549-EL-SSO.

On August 29, 2012, Duke Energy Ohio, Inc. (“Duke”) filed an application seeking to establish the amount of a cost-based charge, pursuant to a state compensation mechanism, for the provision of capacity services by Duke throughout its service territory. Duke also seeks authority to modify its accounting practices to establish a deferral to account for the difference between the amounts being recovered by Duke for the provision of capacity and Duke’s cost of providing capacity as such cost is established in an Order approving a new tariff for future recovery of those deferred amounts.

RESA’s members have existing and potential business interest in the State that will be affected by the outcome of this proceeding. RESA believes that the proposed application, if approved, would require the payment of additional revenues to Duke which would be in violation of the Stipulation and Recommendation that was signed by many parties and approved by the Commission in Case No. 11-3549-EL-SSO. Several of the RESA members are currently offering competitive electric service to customers in the Duke service area. This application would potentially affect the economics of those services both to the retail customer and to the RESA members. This includes residential as well as commercial and industrial customers.

This motion for intervention precedes the deadline established by the Attorney Examiner’s Entry of September 13, 2012 so it is timely. The motion is also being filed well before the January 2, 2013 deadline for the filing of comments by the Staff and Intervenors. Thus, the intervention is timely and should not unduly delay the instant proceedings.

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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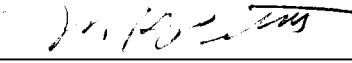
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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and accurate copy of the foregoing document was served this 15<sup>th</sup> day of October, 2012 by electronic mail upon the persons listed below.

  
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