

Revised Code Title 49 The Public Utilities Commission of Ohio is, therefore, a state commission as defined in the Federal Power Act and in the Commission's Rules of Practice and Procedure. 18 C.F.R. Sec. 1.101(k)

3. The outcome of this case could have a significant impact on the ability of the Public Utilities Commission of Ohio's ability to carryout its statutory obligations in the State of Ohio. Therefore, the PUCO respectfully requests intervention herein.
4. The PUCO has not formulated a position as to the merits of the filing of the applicants at this time.
5. The PUCO is willing to take the record as it is and no party could be prejudiced by the grant of intervention.

Respectfully submitted,

/s/ Thomas W. McNamee

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing was served in accordance with 18 C.F.R. Sec. 385.2010 upon each person designated on the official service list compiled by the Secretary in this proceeding.

/s/ Thomas W. McNamee

Thomas W. McNamee
Assistant Attorney General

Dated at Columbus, Ohio this March 17, 2009