

FILE

BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO

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In the Matter of the Application of Duke Energy Ohio for Authority to Establish a Standard Service Offer Pursuant to R.C. § 4928.143 in the Form of an Electric Security Plan	)	Case No. 08-0920-EL-SSO
	)	
In the Matter of the application of Duke Energy Ohio for Authority to Amend Accounting Methods	)	Case No. 08-0921-EL-AAM
	)	
In the Matter of the Application of Duke Energy Ohio for Authority of a Certificate of Public Convenience and Necessity to Establish an Unavoidable Capacity Charge(s)	)	Case No. 08-0922-EL-UNC
	)	
In the Matter of the Application of Duke Energy Ohio for Authority to Amend its Tariff	)	Case No. 08-0923-EL-ATA
	)	

**MOTION FOR LEAVE TO INTERVENE OF  
UNIVERSITY OF CINCINNATI**

Now comes the University of Cincinnati ("UC"), 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 proceedings as a limited party of record. The reasons supporting the intervention are contained in the accompanying Memorandum in Support.

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

Respectfully submitted,



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**MEMORANDUM IN SUPPORT OF  
THE MOTION TO INTERVENE OF  
THE UNIVERSITY OF CINCINNATI**

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 Section 4903.221(B) upon which the above rule is authorized). A review of these factors in light of following facts supports granting UC's request for a limited intervention.

UC is an institution of higher learning and a member of the State's tax funded university system. More than 35,000 graduate and undergraduate students attend class on UC's campus several thousand of which reside in University housing. The electric energy to light, cool, and ventilate buildings as well as run the computers, kitchens, libraries and dormitories on UC's campus is delivered via a large University owned and maintained distribution network. The distribution network in turn is connected to a main 48 MW generation facility supplemented by

smaller diesel generators. UC also purchases stand by power, supplemental power and maintenance power from Duke Energy of Ohio ("Duke").


In the above styled proceeding, Duke filed an application (the "Application") for authority to establish a Standard Service Offer in the form of an Electric Security Plan pursuant to Section 4928.143, Revised Code to be effective on January 1, 2009. The Application also appears to address transmission and distribution costs, renewable energy programs, smart meter grid, and demand side management programs as well as conservation.

Given the physical interconnection between Duke and UC's generation and distribution systems, UC's has a direct interest in the outcome of the matter at bar that is not represented by any other party or intervenor. Because UC is not a standard service customer it takes no position on the rates and charges for standard service. UC does however have an interest in how the Application will affect distributive and co-generation in general, and specifically renewable generation. UC has the potential for the generation of renewable energy which may be of assistance to Duke in meeting its state mandates. Further, UC has an interest in conservation both on and off its campus.

In sum, UC has a real and substantial interest in the part of the matter at bar and requests the Commission grant it limited intervention to review and participate in the portion of the proceeding addressing co-generation, distributive generation, demand side management, conservation, and renewable generation. No other party can adequately represent these interests. Further, UC's participation will not unduly delay or unjustly prejudice any existing party. Finally, the intervention is being offered in advance of any intervention deadline and thus is timely.

WHEREFORE, UC respectfully requests that the Commission grant its motion for leave to intervene as a limited 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 documents was served this 4<sup>th</sup> day of September, 2008 by regular U.S. mail, postage prepaid, or by electronic mail, upon the persons listed below.



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