

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Regulation of the)
Purchased Gas Adjustment Clause) Case No. 09-218-GA-GCR
Contained Within the Rate Schedules of)
Duke Energy Ohio, Inc.)

ENTRY

The attorney examiner finds:

- (1) By entries issued on March 18, 2009, and July 29, 2009, the Commission, *inter alia*, initiated this case to review the gas cost recovery rates, the purchased gas adjustment clause, and related matters within the rate schedules of Duke Energy Ohio, Inc. (Duke). The entries require that the financial and management/performance audit reports for Duke be filed by November 19, 2009. The entries also scheduled this matter for hearing on January 19, 2010, and directed Duke to file any direct testimony by January 4, 2010.
- (2) Section 4903.221, Revised Code, provides that any person who may be adversely affected by a Commission proceeding may seek to intervene. Rule 4901-1-11, Ohio Administrative Code (O.A.C.), requires that the person demonstrate, among other things, a real and substantial interest in the proceeding.
- (3) On November 24, 2009, the Office of the Ohio Consumers' Council (OCC) filed a motion to intervene in this case. In support of its motion, OCC states that it represents Duke's residential consumers and, therefore, it has an interest to ensure that Duke is acting reasonably and prudently both when purchasing its natural gas supplies and in passing on its gas supply costs to customers. OCC submits that its participation in this case will not unduly prolong or delay the proceedings and that it will significantly contribute to the full development and equitable resolution of the issues. No memorandum contra was filed in opposition to OCC's motion to intervene.
- (4) The attorney examiner finds that OCC's motion to intervene should be granted.


- (5) On November 24, 2009, Interstate Gas Supply, Inc. (IGS) also filed a motion for intervention in this case. In support of its motion, IGS states that it is a certificated competitive natural gas supplier that serves substantial end-user loads in Duke's service territory. IGS claims that its customers and the choice market could be adversely affected by the issues and the Commission's consideration and determination of the issues in this matter. IGS states that it has actively participated in recent gas cost recovery cases before the Commission, including *In the Matter of the Regulation of the Purchased Gas Adjustment Clauses Contained Within the Rate Schedules of Columbia Gas of Ohio, Inc. and Related Matters*, Case No. 07-221-GA-GCR. IGS argues that it is so situated that the disposition of these issues without its participation will impair and impede its ability to protect its interests. IGS also contends that its participation will contribute to the full, equitable, and expeditious resolution of this proceeding and will not unduly delay this proceeding. No memoranda contra was filed in opposition to the IGS's motion to intervene.
- (6) The attorney examiner finds that the motion by IGS for intervention should be granted.

It is, therefore,

ORDERED, That the motions for intervention filed by OCC and IGS be granted. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO


By: Henry H. Phillips-Gary
Attorney Examiner

grg/ct

Entered in the Journal

JAN 15 2010



Renee J. Jenkins
Secretary