

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Duke Energy Ohio, Inc. for an Increase in its Electric Distribution Rates.)	Case No. 12-1682-EL-AIR
)	
In the Matter of the Application of Duke Energy Ohio, Inc. for Tariff Approval.)	Case No. 12-1683-EL-ATA
)	
In the Matter of the Application of Duke Energy Ohio, Inc. for Approval to Change Accounting Methods.)	Case No. 12-1684-EL-AAM
)	

**INTERSTATE GAS SUPPLY, INC.’S
MOTION TO INTERVENE**

Pursuant to R.C. 4903.221 and Ohio Adm. Code 4901-1-11, Interstate Gas Supply, Inc. (“IGS”) respectfully requests issuance of an entry granting intervention in these proceedings.

IGS, as a certified retail electric supplier participating in Duke Energy Ohio, Inc.’s electric service territory, has a real and substantial interest in this proceeding that is not adequately represented by the existing parties. Intervention should be granted for the reasons set forth in the accompanying Memorandum in Support.

Dated: July 9, 2012

Respectfully submitted,

/s/ Mark A. Whitt

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SUPPLY, INC.

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**MEMORANDUM IN SUPPORT OF
INTERSTATE GAS SUPPLY, INC.'S
MOTION TO INTERVENE**

I. INTRODUCTION

Duke Energy Ohio, Inc. (“Duke”) filed a notice of intent to file an application for an increase in rates on June 7, 2012 pursuant to R.C. 4909.43(B). On July 2, 2012, the Commission approved a test year for Duke beginning January 1, 2012 to December 31, 2012, with a date certain of March 31, 2012. In the Entry, the Commission also approved certain waivers for Duke’s application in this proceeding. Duke’s application to increase rates in its service area will directly impact IGS’s ability to compete in Duke’s territory. As such, IGS should be permitted to intervene in this proceeding.

II. ARGUMENT

Ohio Adm. Code 4901-1-11(A) provides:

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 establishing a direct interest, the Commission considers the additional factors of the nature of the intervenor's interest, the extent that interest is represented by existing parties, the legal position advanced by the intervenor and its relation to the merits of the case, the intervenor's potential contribution to a just and expeditious resolution of the issues involved, and whether intervention would unduly prolong or delay the proceeding. *See* Ohio Adm. Code 4901-1-11(B); *See also* R.C. 4903.221(B).

IGS holds Certificate No. 11-403E(1) as a competitive retail electric service (“CRES”) supplier, authorizing it to engage in the competitive sale of retail electric service in Ohio.¹ IGS currently provides retail electric service to small commercial and residential customers in Duke’s service territory. As such, IGS has a real and substantial interest that will be affected by the outcome of this proceeding. IGS’s direct and unique interest cannot be represented by any other party in this proceeding.

IGS’s participation will not unduly prolong or delay these proceedings, as it has moved to intervene early in this proceeding. IGS also will significantly contribute to the full development and equitable resolution of the factual issues, based on its experience in the CRES marketplace, including its years participating in the competitive gas market, and its understanding of the competitive needs of Ohio local distribution companies. Denying intervention to IGS would also be inconsistent with recent Court precedent. *Ohio Consumers’ Counsel v. Pub. Util. Comm.*, 111 Ohio St.3d 384, 2006-Ohio-5853, ¶¶ 15-20.

¹ *See* Case No. 11-5326-EL-CRS for a copy of IGS's certificate.

III. CONCLUSION

Having demonstrated the criteria necessary to establish a right to intervene, IGS respectfully requests that the Commission grant this motion.

Dated: July 9, 2012

Respectfully submitted,

/s/ Mark A. Whitt

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the Motion to Intervene of Interstate Gas Supply, Inc. was served to the following parties by electronic mail this 9th day of July, 2012:

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Summary: Motion to Intervene of Interstate Gas Supply, Inc. electronically filed by Ms. Melissa L. Thompson on behalf of Interstate Gas Supply, Inc.