

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Duke	)	
Energy Ohio, Inc., for Authority to	)	
Establish a Standard Service Offer	)	Case No. 14-841-EL-SSO
Pursuant to R.C. 4928.143,	)	
in the Form of an Electric Security Plan,	)	
Accounting Modifications, and Tariffs for		
Generation Service		

In the Matter of the Application of Duke	)	
Energy Ohio, Inc., for Authority to	)	Case No. 14-842-EL-ATA
Amend its Certified Supplier Tariff,	)	
PUCO no. 20		

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**MOTION TO INTERVENE BY  
THE ENVIRONMENTAL LAW & POLICY CENTER**

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Pursuant to Ohio Revised Code (“ORC”) § 4903.221 and Ohio Administrative Code (“OAC”) 4901-1-11, the Environmental Law & Policy Center (“ELPC”) respectfully moves to intervene in the above-captioned proceedings. As explained more thoroughly in the attached Memorandum in Support, ELPC has a real and substantial interest in this proceeding. Additionally, the interests of ELPC are not adequately represented by any other party to this matter, and its participation in this proceeding will contribute to a just and expeditious resolution of the issues and questions. Further, ELPC’s participation will not unduly delay the proceeding or prejudice any other party.

ELPC respectfully requests this Commission grant its motion to intervene for these reasons and those set forth in more detail in the attached Memorandum in Support.

Respectfully submitted,

/s/ Nicholas McDaniel

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**MEMORANDUM IN SUPPORT OF THE MOTION TO INTERVENE BY  
THE ENVIRONMENTAL LAW & POLICY CENTER**

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Ohio Revised Code (“ORC”) § 4903.221 states that “[a]ny other person who may be adversely affected by a public utilities commission proceeding may intervene in such proceeding” provided the Public Utilities Commission of Ohio (“PUCO” or “Commission”) makes certain determinations. The Environmental Law & Policy Center (“ELPC”) is a non-profit environmental advocacy organization whose mission is to improve the Midwest’s environmental quality and economic development. ELPC is an advocate for both environmental health and sustainable economic development. As a regional organization with a presence and members in Ohio, ELPC and its members may be adversely affected by the outcome of this proceeding, and its interests are not adequately represented by the other parties hereto.

ORC § 4903.221 requires the Commission to consider four factors when presented with a motion to intervene. In addition, the Commission’s procedural rules at Ohio Administrative Code (“OAC”) 4901-11-1 similarly provide that it shall consider five factors when weighing a motion to intervene. ELPC’s motion meets all of the factors required by statute and rule.

Pursuant to ORC § 4903.221, the Commission must consider:

- (1) The nature and extent of the prospective intervenor's interest;
- (2) The legal position advanced by the prospective intervenor and its probable relation to the merits of the case;
- (3) Whether the intervention by the prospective intervenor will unduly prolong or delay the proceedings; [and]
- (4) Whether the prospective intervenor will significantly contribute to full development and equitable resolution of the factual issues.

ORC § 4903.221(B). As to the first factor, ELPC's interest in the case is to ensure that Duke Energy Ohio's Application adequately protects and promotes cost-effective clean and efficient energy in the state. ELPC is also interested in the effective and thorough implementation of Am. Sub. SB No. 221 ("SB 221"), which sets out energy efficiency and alternative energy requirements for electric distribution utilities. Because Duke Energy Ohio's Application may address some issues regarding Duke Energy Ohio's responsibilities under SB 221, ELPC's interest in this proceeding is to ensure that the environment and consumers are adequately protected through the implementation of the energy efficiency and alternative energy standards. Further, ELPC has members in Ohio and its work focuses on Ohio energy and environmental issues, both subjects of Duke Energy Ohio's Application.

As to the second factor, because of the potential impacts on ELPC and its Ohio members, ELPC wants to ensure Duke Energy Ohio's Application meets the applicable legal requirements and adequately protects the environment. Under the third factor, ELPC's inclusion will not unduly delay or prolong the proceeding. The procedural schedule allows for parties to intervene any time before July 8, 2014, and ELPC is meeting that deadline. Moreover, ELPC is committed to working within the schedule set by this Commission to achieve the efficient and orderly disposition of the questions presented. Finally, ELPC will significantly contribute to the full development and resolution of the proceeding by bringing its unique perspective to bear. ELPC

has expertise and experience regarding clean energy subjects that will contribute to resolving the pending issues.

Similarly, ELPC meets the requirements set forth in OAC § 4901-11-1:

- (1) The nature and extent of the prospective intervenor's interest;
- (2) The legal position advanced by the prospective intervenor and its probable relation to the merits of the case;
- (3) Whether the intervention by the prospective intervenor will unduly prolong or delay the proceedings;
- (4) Whether the prospective intervenor will significantly contribute to full development and equitable resolution of the factual issues;
- [and]
- (5) The extent to which the person's interest is represented by existing parties.

OAC § 4901-11-1(B). The first four factors mirror those in ORC § 4903.221 and for the same reasons as stated above, ELPC meets those factors. As to the fifth, ELPC maintains that no other party can adequately represent its interests as a regional environmental advocacy organization that also focuses on “green” economic development, including new manufacturing and job creation. ELPC is interested in how the programs will affect Ohio and the Midwest. No other party focuses its efforts on regional environmental health or economic development. ELPC is interested in both the environmental health of Ohio and in ensuring that clean energy development is used as an economic development tool. Ohio is positioned to be a leader in the region for economic gain through efficiency and renewable energy technologies. Because no other party advocates at the intersection of Ohio's and the Midwest's environmental health and economic development, no other party represents ELPC's interests.

Finally, this Commission's policy is to “encourage the broadest possible participation in its proceedings (*see e.g., Cleveland Elec. Illum. Co.*, Case No. 85-675-EL-AIR, Entry dated January 14, 1986, at 2). ELPC's inclusion will contribute to this goal of broad participation in PUCO proceedings.

Because ELPC meets the criteria set forth in both ORC § 4903.221 and OAC § 4901-11-1, it asks this Commission to grant its motion to intervene in the above-captioned proceedings.

Respectfully submitted,

/s/ Nicholas McDaniel

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## CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing *Motion to Intervene and Memorandum in Support*, submitted on behalf of the Environmental Law & Policy Center, was served by electronic mail, upon the following Parties of Record, this 8<sup>th</sup> day of July, 2014.

/s/ Nicholas McDaniel

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Summary: Motion to Intervene electronically filed by Mr. Nicholas A. McDaniel on behalf of Environmental Law and Policy Center