

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of)	
Duke Energy Ohio, Inc., for an)	Case No. 16-542-GA-RDR
Adjustment to Rider MGP Rates.)	

In the Matter of the Application of)	Case No. 16-543-GA-ATA
Duke Energy Ohio, Inc., for Tariff)	
Approval.		

**OHIO PARTNERS FOR AFFORDABLE ENERGY'S
MOTION TO INTERVENE**

Ohio Partners for Affordable Energy ("OPAE") moves to intervene in these applications in which Duke Energy Ohio, Inc. ("Duke") seeks unlawfully to collect from customers environmental investigation and remediation costs at two manufactured gas plant ("MGP") sites that began service in the 1800's and that have not been used and useful in providing utility service in over 50 years. The Public Utilities Commission of Ohio ("Commission") should grant OPAE's Motion to Intervene for the reasons set forth in the attached Memorandum in Support.

Respectfully submitted,

/s/ Colleen Mooney
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MEMORANDUM IN SUPPORT

In these applications, Duke seeks to collect unlawfully from customers MGP-related investigation and remediation expenses for calendar year 2015. On February 19, 2014, the Commission issued an Entry which denied a joint motion to stay the Commission's November 13, 2013 Opinion and Order that authorized the unlawful collection of these expenses through Rider MGP. Case No. 12-1685-GA-AIR, et al. Ohio Partners for Affordable Energy ("OPAE") was an intervenor in Case No. 12-1685-GA-AIR, et al., now on appeal to the Ohio Supreme Court. Ohio Supreme Court Case No. 14-386. OPAE was also one of the joint movants for a stay of the Commission's November 13, 2013 Opinion and Order, which joint motion the Commission denied on February 19, 2014.

OPAE requests permission to intervene in these matters pursuant to Section 4903.22.1, Revised Code, and the Commission's Rules contained in Section 4901-1-11 of the Ohio Administrative Code. The Commission, in ruling upon a motion to intervene in its proceedings, shall consider the following criteria:

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

Duke's applications request collection from customers through its Rider MGP MGP-related investigation and remediation expenses incurred in 2015. Given that the applications request recovery of these expenses, OPAE has an interest in these proceedings. OPAE has appealed the requested collection from ratepayers for MGP-related expenses to the Ohio Supreme Court. OPAE also moved for a stay of the Commission's orders on MGP collections at both the Commission and the Ohio Supreme Court.

OPAE is an Ohio non-profit corporation with a stated purpose of advocating for affordable energy policies for low and moderate income Ohioans. Moreover, the membership of OPAE includes a number of non-profit organizations with facilities receiving service from Duke.¹ Residential customers, including OPAE's low-income bill payment assistance and weatherization clients, will be adversely affected by Duke's applications. Non-residential customers, such as non-profit organizations, will also be adversely affected. Therefore, OPAE has an interest in these proceedings.

OPAE's participation in these matters will not cause undue delay, will not unjustly prejudice any existing party, and will contribute to the just and expeditious resolution of the issues and concerns raised in these proceedings.

¹ OPAE's membership list can be found at: www.ohiopartners.org.

Furthermore, other parties to the proceedings will not adequately represent the interests of OPAGE. The extensive background of OPAGE and its membership provides a unique and important viewpoint on matters at issue in these applications.

Therefore, OPAGE is entitled to intervene in these proceedings with the full powers and rights granted specifically by statute and by the provisions of the Commission's Code of Rules and Regulations to intervening parties.

Respectfully submitted,

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CERTIFICATE OF SERVICE

A copy of this Motion to Intervene and Memorandum in Support will be served by the Commission's Docketing Division on the electronically-subscribed persons listed below *via* electronic transmission this 9th day of May 2016.

/s/Colleen L. Mooney

Colleen L. Mooney
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Case No(s). 16-0542-GA-RDR, 16-0543-GA-ATA

Summary: Motion to Intervene and Memorandum in Support electronically filed by Colleen L Mooney on behalf of Ohio Partners for Affordable Energy