

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of Duke	:	
Energy Ohio, Inc. for an Increase in Electric	:	
Distribution Rates.	:	Case No. 17-32-EL-AIR
	:	
In the Matter of Application of Duke Energy	:	
Ohio, Inc. for Tariff Approval.	:	Case No. 17-33-EL-ATA
	:	
In the Matter of the Application of Duke Energy	:	
Ohio, Inc. for Approval to Change Accounting	:	Case No. 17-34-EL-AAM
Methods.	:	

CALPINE ENERGY SOLUTIONS LLC'S MOTION TO INTERVENE

Calpine Energy Solutions, LLC respectfully moves the Public Utilities Commission of Ohio to grant it leave to intervene in the above-styled cases pursuant to Ohio Revised Code Section 4903.221 and Ohio Administrative Code Rule 4901-1-11. The reasons supporting this Motion are set out in the attached Memorandum in Support.

Respectfully submitted,

/s/ Michael D. Dortch

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MEMORANDUM IN SUPPORT

I. FACTS

On January 31, 2017, Duke Energy Ohio, Inc. (“Duke”) filed its notice of intent to file an application for an increase in its electric distribution rates. On February 23, 2017, the Public Utilities Commission of Ohio (“Commission” or “PUCO”) issued an Order (“February Order”) that: (1) set Duke’s test period to begin April 1, 2016 and end March 31, 2017; (2) set June 30, 2016 as the date certain; and (3) granted Duke’s request to waive certain filing requirement applicable to Duke’s generation and fuel related information. On March 2, 2017, Duke filed its application for an increase in electric distribution rates (“Application”). For the following reasons, Calpine Energy Solutions, LLC (“Calpine Solutions”) should be permitted to intervene in the above-styled cases.

I. LAW AND ARGUMENT

For purposes of considering requests for leave to intervene in a Commission proceeding, the Ohio Administrative Code provides that:

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.

Ohio Admin. Code § 4901-1-11(A).

Further, Ohio Rev. Code § 4903.221(B) and Ohio Admin. Code § 4901-1-11(B) provide that the Commission, in ruling upon applications to intervene in its proceedings, shall consider the following criteria:

(1) The nature and extent of the prospective intervener’s interest; (2) The legal position advanced by the prospective intervener 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.

R.C. § 4903.221(B). Further, the Ohio Supreme Court has stated that “intervention ought to be liberally allowed so that the positions of all persons with a real and substantial interest in the proceedings can be considered by the PUCO.” *Ohio Consumers’ Counsel v. Pub. Util. Comm.*, 111 Ohio St.3d 384, 388 (2006).

First, Calpine Solutions has a real and substantial interest in the proceeding and may experience negative economic impacts if Duke’s Application is approved. Calpine Solutions currently sells competitive retail electric services (“CRES”) to mercantile customers in Ohio. As a CRES provider, Calpine Solutions is committed to participate in and promote competitive energy markets. In its Application, Duke has asked the Commission for several items that could impact the competitive energy market. Some of these items in Duke’s Application include: the substantial changes to Duke’s distribution rates, and elements of Duke’s distribution operations. The disposition of this proceeding could impair Calpine Solutions’ ability to protect its interest in maintaining and growing the competitive electric service markets in Ohio.

Second, Calpine Solutions’ perspective is not represented by the current parties to this matter. There is currently only one other CRES provider participating in this proceeding, Interstate Gas Supply, Inc. (“IGS”). IGS and Calpine Solutions have different business and marketing strategies and therefore do not share the same perspective. Furthermore, should other CRES providers seek intervention, their business and marketing strategies are also likely to diverge widely from that of Calpine Solutions, and from those of each other. Accordingly, it would be appropriate for this Commission to grant intervention to all CRES entities that seek intervention.

Third, Calpine Solutions' intervention will not unduly prolong or delay the proceedings as this motion is being filed before a deadline has been set for intervention by the Commission. Calpine Solutions will duly allow for the efficient processing of the case by adhering to any case schedule set by the Commission.

Finally, Calpine Solutions will significantly contribute to the development, and ultimate resolution, of the facts issues in this case by providing the perspective of a CRES provider that exclusively markets to mercantile customers.

For the reasons set forth above, Calpine Solutions respectfully requests the Commission grant its Motion to Intervene.

Respectfully submitted,

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CERTIFICATE OF SERVICE

In accordance with Rule §4901-1-05 of the Ohio Administrative Code, the PUCO's e-filing system will electronically service notice of this filing upon the following parties:

/s/ Michael D. Dortch
Michael D. Dortch

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Case No(s). 17-0032-EL-AIR

Summary: Motion Calpine Energy Solutions, LLC's Motion to Intervene. electronically filed by Mr. Justin M Dortch on behalf of Calpine Energy Solutions LLC