

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 Pursuant to Section	:	Case No. 17-1263-EL-SSO
4928.143, Revised Code, in the Form of an	:	
Electric Security Plan, Accounting Modifications	:	
And Tariffs for Generation Service.	:	
	:	
In the Matter of Application of Duke Energy	:	
Ohio, Inc. for Authority to Amend its Certified	:	Case No. 17-1264-EL-ATA
Supplier Tariff, P.U.C.O. No. 20.	:	
	:	
In the Matter of the Application of Duke Energy	:	
Ohio, Inc. for Authority to Defer Vegetation	:	Case No. 17-1265-EL-AAM
Management Costs.	:	

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

Michael D. Dortch (0043897)

Richard R. Parsons (0082270)

Justin M. Dortch (0090048)

Kravitz, Brown & Dortch, LLC

65 East State Street, Suite 200

Columbus, Ohio 43215

Tel: (614) 464-2000

Fax: (614) 464-2002

E-mail: mdortch@kravitzllc.com

Attorneys for

CALPINE ENERGY SOLUTIONS, LLC

MEMORANDUM IN SUPPORT

I. FACTS

Duke Energy Ohio, Inc. (“Duke”) is an electric distribution utility (“EDU”) As an EDU, Duke is required by Ohio Revised Code (“O.R.C.”) Chapter 4928, as amended by the Ohio General Assembly through Amended Substitute Senate Bill 221, to file a standard service offer (“SSO”). Duke can satisfy its requirement to file an SSO by filing either a market rate offer (“MRO”) or an electric security plan (“ESP”). On June 1, 2017, Duke filed its application (“Application”) for a proposed ESP. Duke’s Application was docketed as three (3) case numbers by the Public Utilities Commission of Ohio (“PUCO” or “Commission”). In reviewing Duke’s ESP, the Commission will examine and rule upon the proposed rates as well as new proposed products and services such as Duke’s proposed Power Forward Rider (“PFR”).

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 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.

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).

In this case, 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. The disposition of this proceeding could therefore 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 the September 11, 2017 deadline, set by the Entry dated July 21, 2017, for intervention by the Commission.

Finally, Calpine Solutions will significantly contribute to the development, and ultimate resolution, of the facts and 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,

/s/ Michael D. Dortch

Michael D. Dortch (0043897)

Richard R. Parsons (0082270)

Justin M. Dortch (0090048)

Kravitz, Brown & Dortch, LLC

65 East State Street, Suite 200

Columbus, Ohio 43215

Tel: (614) 464-2000

Fax: (614) 464-2002

E-mail: mdortch@kravitzllc.com

Attorneys for

CALPINE ENERGY SOLUTIONS, LLC

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 all parties.

/s/ Michael D. Dortch
Michael D. Dortch

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

8/31/2017 1:59:09 PM

in

Case No(s). 17-1263-EL-SSO, 17-1264-EL-ATA, 17-1265-EL-AAM

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