

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

**JOINT MOTION TO INTERVENE OF  
CONSTELLATION NEWENERGY, INC.  
AND EXELON GENERATION COMPANY, LLC**

Pursuant to Ohio Revised Code Section 4903.221 and Ohio Administrative Code Rule 4901-1-11, Constellation NewEnergy, Inc. and Exelon Generation Company, LLC jointly move to intervene in the above-styled proceedings as full parties of record. The reasons supporting their intervention are contained in the accompanying Memorandum in Support.

WHEREFORE, Constellation NewEnergy, Inc. and Exelon Generation Company, LLC,

respectfully request that the Commission grant this joint motion to intervene and that each be made a full party of record.

Respectfully Submitted,

/s/ Gretchen L. Petrucci

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**MEMORANDUM IN SUPPORT  
OF THE JOINT MOTION TO INTERVENE OF  
CONSTELLATION NEWENERGY, INC.  
AND EXELON GENERATION COMPANY, LLC**

Ohio Revised Code Section (R.C.) 4903.221 and Ohio Administrative Code Rule 4901-1-11 establish the standard for intervention in the above-styled proceedings. Ohio Administrative Code Rule 4901-1-11 states in part:

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 establishment of a direct interest, the factors that the Public Utilities Commission of Ohio ("Commission") considers in implementing the above rule are the nature of the intervenor's interest, the extent that interest is represented by existing parties, the intervenor's potential contribution to a just and expeditious resolution of the issues involved, and whether intervention would result in an undue delay of the proceeding. *See also* R.C. 4903.221(B) upon which the above rule is authorized.

Constellation NewEnergy, Inc. and Exelon Generation Company, LLC have substantial interests in these proceedings and should be granted intervention. Constellation NewEnergy, Inc. ("CNE") provides electricity and energy-related services to retail customers in Ohio, as well as in 15 other states, the District of Columbia and two Canadian provinces. CNE holds a certificate as a competitive retail electric service ("CRES") provider from the Commission to engage in the sale of CRES to retail customers in Ohio. CNE provides retail services to customers in Duke's service territory.

Exelon Generation Company, LLC (“Exelon Generation”) owns or controls approximately 30,000 megawatts of generation, including nuclear, fossil, hydroelectric, solar, landfill gas, and wind generation assets. Exelon Generation sells wholesale energy and capacity products to municipalities, cooperatives, investor-owned utilities, retail suppliers, retail energy aggregators, merchant participants, power marketers, and major commodity trading houses.

On June 1, 2017, Duke filed an application for approval of an electric security plan pursuant to R.C. 4928.143. Duke’s current electric security plan will expire on May 31, 2018. Duke is proposing an electric security plan that is intended to last until May 31, 2024, and Duke proposes changes to its services, including proposed modifications to existing non-bypassable riders and proposed new non-bypassable riders. Duke also proposes procurement processes for supplying its standard service offer and its percentage of income payment program customers.

Both CNE and Exelon Generation have existing and potential business interests that will be affected by the outcome of these proceedings. For instance, Exelon Generation has previously participated in numerous competitive bidding processes for Duke’s standard service offer load and CNE has participated in Duke’s competitive process for its percentage of income payment program load. Both CNE and Exelon seek to ensure nothing harms their interests during this proposed electric security plan, and both seek to ensure that Duke’s riders and tariffs changes are appropriately structured. Moreover, CNE and Exelon Generation were parties to many of Duke prior electric security plan proceedings, including the most recent proceedings (Case Nos. 14-841-EL-SSO et al.).

This motion for intervention complies with the intervention deadline established for these proceedings by the Attorney Examiner’s Entry issued July 21, 2017. Additionally, CNE’s and Exelon Generation’s interests are not represented by existing parties. CNE and Exelon

Generation can again contribute to a just and expeditious resolution of the issues involved in these proceedings. Thus, the joint intervention request is timely and should not unduly delay the instant proceedings.

WHEREFORE, CNE and Exelon Generation respectfully request that the Commission grant this joint motion to intervene and that each be made a full party of record.

Respectfully Submitted,

/s/ Gretchen L. Petrucci

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## **CERTIFICATE OF SERVICE**

The Public Utilities Commission of Ohio's e-filing system will electronically serve notice of the filing of this document on the parties referenced on the service list of the docket card who have electronically subscribed to the case. In addition, the undersigned hereby certifies that a copy of the foregoing document is also being served (via electronic mail) on the 11<sup>th</sup> day of September 2017 upon the persons listed below.

/s/ Gretchen L. Petrucci

Gretchen L. Petrucci

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Summary: Motion - Joint Motion to Intervene electronically filed by Mrs. Gretchen L. Petrucci on behalf of Constellation NewEnergy, Inc. and Exelon Generation Company LLC