**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Duke )

Energy Ohio, Inc., for Authority to ) Case No. 14-0075-EL-POR

Establish an Energy Efficiency Pilot )

Program )

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# MOTION TO INTERVENE AND MEMORANDUM IN SUPPORT

# OF INDUSTRIAL ENERGY USERS-OHIO

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Frank P. Darr (Reg. No. 0025469)

(Counsel of Record)

Matthew R. Pritchard (Reg. No. 0088070)

McNees Wallace & Nurick LLC

21 East State Street, 17TH Floor

Columbus, OH 43215

Telephone: (614) 469-8000

Telecopier: (614) 469-4653

fdarr@mwncmh.com

(willing to accept service by e-mail)

mpritchard@mwncmh.com

(willing to accept service by e-mail)

**January 27, 2015 On Behalf of Industrial Energy Users-Ohio**

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# MOTION TO INTERVENE OF INDUSTRIAL ENERGY USERS-OHIO

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Industrial Energy Users-Ohio (“IEU-Ohio”) hereby respectfully moves the Public Utilities Commission of Ohio (“Commission”), pursuant to Section 4903.221, Revised Code, and Rule 4901-1-11, Ohio Administrative Code, for leave to intervene in the above-captioned matter with the full powers and rights granted by the Commission, specifically by statute or by the provisions of the Ohio Administrative Code, to intervening parties.

On January 13, 2014, Duke Energy Ohio, Inc. (“Duke”) filed an application requesting authority to establish an energy efficiency program and cost recovery that would allow Duke and the Greater Cincinnati Energy Alliance (“GCEA”) to coordinate efforts related to home energy improvements that deliver energy efficiency in Duke’s service territory.[[1]](#footnote-1) Duke represents that the program is a pilot designed to test the value of co-marketing financing in addition to Duke’s Smart$aver Residential Program, and it further requests that it be permitted to include 100% of the energy efficiency benefits achieved during the pilot for inclusion as benefits attained in its currently approved residential program.[[2]](#footnote-2)

As demonstrated further in the Memorandum in Support attached hereto and incorporated herein, IEU-Ohio has a direct, real, and substantial interest in the issues and matters involved in the above-captioned proceeding, and is so situated that the disposition of this proceeding may, as a practical matter, impair or impede its ability to protect that interest. IEU-Ohio believes that its participation will not unduly prolong or delay this proceeding and that it will significantly contribute to the full development and equitable resolution of the factual and other issues in the proceeding. The interests of IEU-Ohio will not be adequately represented by other parties to the proceeding and, as such, IEU-Ohio is entitled to intervene with the full powers and rights granted by the Commission, specifically by statute and by the provisions of the Ohio Administrative Code, to intervening parties.

Respectfully submitted,

*/s/ Frank P. Darr*

Frank P. Darr (Reg. No. 0025469)

(Counsel of Record)

Matthew R. Pritchard (Reg. No. 0088070)

McNees Wallace & Nurick LLC

21 East State Street, 17TH Floor

Columbus, OH 43215

Telephone: (614) 469-8000

Telecopier: (614) 469-4653

fdarr@mwncmh.com

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 **Attorneys for Industrial Energy Users-Ohio**

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# MEMORANDUM IN SUPPORT

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In support of this Motion to Intervene, Industrial Energy Users-Ohio (“IEU-Ohio”) states that it is an association of ultimate customers. A current listing of IEU-Ohio member companies is available on IEU-Ohio's website at http://www.ieu-ohio.org/member\_list.aspx. IEU-Ohio’s members purchase substantial amounts of electric and related services from Ohio’s Electric Distribution Utilities (“EDU”).

IEU-Ohio’s members work together to address matters that affect the availability and price of utility services. Additionally, IEU-Ohio seeks to promote customer-driven policies that will assure an adequate, reliable, and efficient supply of energy for all consumers at competitive prices. To this end, IEU-Ohio has worked, including actively participating in the legislative process related to Substitute Senate Bill 310, and will continue to work to produce legislative, regulatory, and market outcomes that are consistent with the state policy contained in Section 4928.02, Revised Code.

IEU-Ohio has a real and substantial interest inasmuch as this proceeding may directly or indirectly impact the provision of electric service to IEU-Ohio members’ manufacturing facilities. IEU-Ohio’s direct interest in this proceeding is the result of the effect that this proceeding shall have upon the price, adequacy, and reliability of the electric supply and related services within Ohio. More specifically, Duke is seeking to amend its current portfolio plan. Approval of this amendment would trigger the right of energy intensive customers to opt out of the amended portfolio plan prior to January 1, 2017. Contemporaneously, IEU-Ohio has filed comments regarding the Application that more fully sets out its concerns, and it hereby incorporates that filing by reference.

 Respectfully submitted,

*/s/ Frank P. Darr*

Frank P. Darr (Reg. No. 0025469)

(Counsel of Record)

Matthew R. Pritchard (Reg. No. 0088070)

McNees Wallace & Nurick LLC

21 East State Street, 17TH Floor

Columbus, OH 43215

Telephone: (614) 469-8000

Telecopier: (614) 469-4653

fdarr@mwncmh.com

mpritchard@mwncmh.com

 **Attorneys for Industrial Energy Users-Ohio**

**CERTIFICATE OF SERVICE**

In accordance with Rule 4901-1-05, Ohio Administrative Code, the PUCO's e-filing system will electronically serve notice of the filing of this document upon the following parties. In addition, I hereby certify that a service copy of the foregoing *Motion to Intervene of Industrial Energy Users-Ohio* was sent by, or on behalf of, the undersigned counsel for IEU-Ohio to the following parties of record this 27th day of January 2015, *via* electronic transmission.

 */s/ Frank P. Darr*

 Frank P. Darr

Amy B. Spiller (Reg. No. 0047277)

Deputy General Counsel

Elizabeth H. Watts (Reg. No. 0031092)

Counsel of Record

Associate General Counsel

Duke Energy Business Services LLC

139 East Fourth Street, 1303-Main

P.O. Box 960

Cincinnati, OH 45201-0960

Amy.Spiller@duke-energy.com

Elizabeth.watts@duke-energy.com

**Counsel for Duke Energy Ohio, Inc.**

BRUCE J. WESTON

OHIO CONSUMERS’ COUNSEL

Michael J. Schuler, Counsel of Record

Kyle L. Kern

Assistant Consumers’ Counsel

Office of the Ohio Consumers’ Counsel

10 West Broad Street, Suite 1800

Columbus, Ohio 43215-3485

Telephone: (614) 466-9547 (Schuler)

Telephone: (614) 466-9585 (Kern)

Facsimile: (614) 466-9475

michael.schuler@occ.ohio.gov

kyle.kern@occ.ohio.gov

**Counsel for the Office of the Ohio Consumers’ Counsel**

1. Application of Duke Energy Ohio, Inc., for Authority to Establish an Energy Efficiency Pilot Program (Jan. 13, 2014) (“Application”). [↑](#footnote-ref-1)
2. *Id*. at 2-3. [↑](#footnote-ref-2)